Congressional Record

PROCEEDINGS AND DEBATES

OF THE

FOURTH SESSION OF THE SIXTY-SEVENTH CONGRESS

· OF

THE UNITED STATES
OF AMERICA

VOLUME LXIV-PART 5

FEBRUARY 23 TO MARCH 2, 1923

(Pgaes 4343-5246)

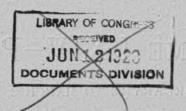


WASHINGTON GOVERNMENT PRINTING OFFICE 1923

Jil set

POURTH SESSION OF THE

ROTATA CROPAL TEL





SURPLUS - 1 LIBRARY OF CONGRESS DUPLICATE

Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-SEVENTH CONGRESS FOURTH SESSION.

SENATE.

FRIDAY, February 23, 1923.

(Legislative day of Monday, February 19, 1923.)

The Senate met at 11 o'clock a. m., on the expiration of the

EXECUTIVE SESSION.

The PRESIDENT pro tempore. Under the order previously entered, the Sergeant at Arms will clear the galleries and close the doors for the consideration of executive business.

The Senate thereupon proceeded to the consideration of executive business. After 20 minutes spent in executive session, the doors were reopened.

UNANIMOUS-CONSENT AGREEMENT.

While the doors were closed the following agreement was en-

It is agreed by manimous consent that at 6 o'clock p. m. to-day, the Senate adjourn until 11 o'clock a. m. to-morrow, and that immediately after the conclusion of the morning business the calendar, under Rule VIII, be called until 1 o'clock p. m. for the consideration of unobjected bills, beginning with Order of Business No. 1057, and that the motion to proceed to the consideration of the shipping bill (H. R. 12817) be considered as pending at the hour of 1 o'clock p. m. on to-morrow.

ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 462. An act for the relief of Max B. Baldenburg;

S. S.I. An act authorizing the Secretary of War to make set-tlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other pur-

S. 1829. An act for the relief of Walter Runke;

S. 2563. An act to provide for the completion of the bridge across the Little Colorado River near Leupp, Ariz.;

S. 3350. An act for the relief of Alice M. Gorman;

8.3611. An act authorizing and directing the Secretary of War to abrogate a contract lease of water power on the Muskingum River

S. 3614. An act relating to the official bond of the United States marshal for the southern judicial district of the State of

8.3690. An act for the relief of Lowe Hayden Bibby

S. 4061. An act authorizing the Secretary of the Interior to enter into an agreement with Toole County irrigation district of Shelby, Mont., and the Cut Bank Irrigation district of Cut Bank, Mont., for the settlement of the extent of the priority to the waters of Two Medicine, Cut Bank, and Badger Creeks of the Indians of the Blackfeet Indian Reservation;

S. 4113. An act for the relief of Helene M. Layton;

S. 4187. An act to extend the time for payment of charges due on reclamation projects, and for other purposes;

S. 4310. An act for the relief of the owners of the steamship

S. 4311. An act for the relief of the owners of the steam lighter Comport;

S. 4333. An act for the relief of Howard R. Gurney;

S. 4358. An act to authorize the American Niagara Railroad Corporation to build a bridge across the Niagara River between

the State of New York and the Dominion of Canada; S. 4411. An act granting the consent of Congress to the cities of Minneapolis and St. Paul, Minn., or either of them, to construct a bridge across the Mississippi River in section 17, township 28 north, range 23 west of the fourth principal meridian, in the State of Minnesota; S. 4468. An act to authorize the coinage of 50 cent size.

S. 4468. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the settling of New Netherland, the Middle States, in 1624, by Walloons, French and Belgian Huguenots, under the Dutch West India Co.; and

S. 4522. An act authorizing the Secretary of State to convey certain land owned by the United States in Santiago, Chile, to the municipality of that city, and to acquire or receive in exchange therefor other land located in the said city.

PETITIONS AND MEMORIALS.

Mr. WARREN presented the following joint memorial of the Legislature of Wyoming, which was referred to the Committee on Banking and Currency:

THE STATE OF WYOMING, Office of the Secretary of State.

United States of America, State of Wyoming, ss:

State of Wyoming, ss:

I, F. E. Lucas, secretary of state of the State of Wyoming, do hereby certify that the annexed copy of Enrolled Joint Memorial No. 1, House of Representatives of the Seventeenth Legislature of the State of Wyoming, being original House Joint Memorial No. 5, has been carefully compared with the original filed in this office, and is a full, true, and correct transcript of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming. Done at Cheyenne, the capital, this 20th day of February, A. D. 1923.

[SEAL]

[SEAL.]

F. E. LUCAS, Secretary of State. By H. M. SYMONS, Deputy.

Enrolled Joint Memorial No. 1, House of Representatives, Seventeenth Legislature of the State of Wyoming, memorializing Congress to hasten the enactment of the rural credits act and amend the farmer loan act.

Be it resolved by the House of Representatives of the State of Wyoming (the Senate concurring). That the Congress of the United States be memorialized as follows:

"Whereas there is a request from farmers and stockmen of Wyoming for a more adequate system of short-time credits and an increase of the Federal farm-loan limit among the farmers and stockmen of Wyoming; and

Federal farm-loan limit among the farmers and stockmen of wyoming and
"Whereas such adequate short-time credits and an increased loan limit of the Federal farm loan act would be of immense value to the farmers and stockmen of Wyoming: Therefore be it
"Resolved, That the Congress of the United States is hereby urged to secure the passage of laws providing adequate rural credits by providing short-term credits and by increasing the loan limit of the Federal farm loan act from \$10,000 to \$25,000.
"Resolved, That a certified copy of this joint memorial be forwarded at once to our United States Senators, Francis E. Warren and John B. Kendrick, and our Representative in Congress, Frank W. Mondell."
J. D. Noblitt, Speaker of the House of Representatives.
S. Skovgard, President of the Senate.

Approved 3.30 p. m., February 12, 1923. WILLIAM B. Ross, Governor.

Mr. WARREN presented the following joint memorials of the Legislature of Wyoming, which were referred to the Com-mittee on Irrigation and Reclamation:

THE STATE OF WYOMING, OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, State of Wyoming, 88:

I, F. E. Lucas, secretary of state of wyoming, ss.

I, F. E. Lucas, secretary of state of the State of Wyoming, do hereby certify that the annexed copy of enrolled senate joint memorial No. 2, of the Seventeenth Legislature of the State of Wyoming, being original senate joint memorial No. 2, has been carefully compared with the original filed in this office and is a full, true, and correct transcript of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 20th day of February, A. D. 1922.

F. E. LUCAS,

Secretary of State,
By H. M. SYMONS, Deputy.

By H. M. Symons, Deputy.

Enrolled joint memorial No. 2, senate, Seventeenth Legislature of the State of Wyoming (Senate joint memorial No. 2), memorializing Congress and the Secretary of the Interior to expedite the construction of the Guernsey, Wyo., storage and power dam.

Be it resolved by the Senate of the State of Wyoming (the House of Representatives concurring), That the Congress of the United States and the Secretary of the Interior be memorialized as follows:

"Whereas an appropriation amounting to \$1,420,000 has been made by the Congress of the United States for the carrying on of the work on the North Platte project in Wyoming and Nebraska, with allotments to be made by the Reclamation Service for the various works of this project, of which the Guernsey, Wyo., storage and power dam is a part; and

"Whereas this dam is deemed an important feature as a means of water storage and power which will greatly enhance development of the

State of Wyoming, furnish water for the further irrigation within Wyoming, and power to develop its natural resources; and "Whereas it is understood that an allotment of but \$5,000 has been made for the fiscal year from said appropriation for this unit, and it has been understood that assurances have heretofore been given that construction of said dam would proceed under said appropriation during the present year: Now, therefore, be it "Resolved, That in justice to the State of Wyoming a reasonable amount of this appropriation for the fiscal year be allotted to the Guerisey Dam and made available for immediate use in the matter of actual construction work; and be it further "Resolved, That the senate of the Seventeenth Legislature of the State of Wyoming (the house of representatives concurring), do hereby strongly urge that such allotment be made with a view of active construction of the said Guernsey Dam be commenced without further delay, and that a copy of these resolutions be submitted to the Interior Department of the United States, to the United States Reclamation Service, to Senator F. E. Warren, and to Senator John B. Kendrick, and to the Hon. Frank W. Mondell."

8. Skovgard,

S. Skovgard,
President of the Senate,
J. D. Noblitt,
Speaker of the House.

Approved, 9.12 a. m., February 6, 1923:

WILLIAM B. Ross, Governor.

THE STATE OF WYOMING, Office of the Secretary of State.

UNITED STATES OF AMERICA, State of Wyoming, 88:

UNITED STATES OF AMERICA, State of Wyoming, ss:

I, F. E. Lucas, secretary of state of the State of Wyoming, do hereby certify that the annexed copy of enrolled senate joint memorial No. 4, of the Seventeenth Legislature of the State of Wyoming, being original senate joint memorial No. 1, has been carefully compared with the original filed in this office, and is a full, true, and correct transcript of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 20th day of February, A. D. 1923.

[SEAL.]

F. E. LUCAS, Secretary of State, By H. M. SYMONS, Deputy.

Enrolled joint memorial No. 4, senate, Seventeenth Legislature of the State of Wyoming, memorializing Congress to liberalize repayment requirements under the Federal reclamation act.

requirements under the Federal reclamation act.

Whereas it appears conclusively that a considerable majority of unit holders on the Shoshone and North Platte United States reclamation projects in Wyoming are now and will continue to be unable to meet present statutory requirements for repayment of project costs; and Whereas, due largely to adverse agricultural and economic conditions, a majority of unit holders on these Wyoming projects are unavoidably delinquent in relation to payment of current operation and maintenance charges; and

Whereas the Federal reclamation act and acts amendatory thereof impose penalties ranging from 6 to 12 per cent per annum on such delinquent construction and operation and maintenance cost payments; and

whereas the French recumation and maintenance cost payments; and the construction and operation and maintenance cost payments; and whereas by reason of conditions herein set forth large numbers of unit holders have been obliged to dispose of their equities at great loss to themselves, and unless substantial and immediate relief is afforded an increasing number of unit holders on these Wyoming projects must inevitably be forced in the future to sacrifice the fruit of substantial investments and many years of hard labor; and whereas the entire scheme or policy of Frederal reclamation will be greatly advanced by proper treatment of unit holders already on Federal reclamation project lands: Now therefore be it Resolved by the Senate of the State of Wyoming (the House of Representatives concurring), That the Congress of the United States be memorialized to enact legislation the purpose of which shall be:

(a) To provide additional time for the repayment of construction and operation and maintenance charges to the United States,

(b) For the withdrawing of public-land notices announcing the dates and time for the commencement of payment of construction and operation and maintenance charges on reclamation projects; crediting construction charges already paid to delinquent operation and maintenance charges; reducing the penalty for delinquent repayments from 12 to 6 per cent per annum; providing that no public notices be reissued until the Secretary of the Interior by a commission determines through investigations held on the projects the financial and economic conditions of the farm units, and recommends the date on which public notices shall be issued.

(c) That the time of repayment of construction charges as provided for in the reclamation extension act be extended to not less than 40 years, that lands be classified as to producing value, and that the period of repayment be graduated and based upon said classification; be it further

Resolved, That a copy of this memorial be sent to Senator Francis E. Wanren, Senat

Approved 8.43 p. m., February 8, 1923: WILLIAM B. Ross, Governor.

Mr. WARREN presented a resolution adopted by the Government Club, of New York, N. Y., favoring the erection in the city of Washington of a national archives building, which was referred to the Committee on Public Buildings and Grounds.

Mr. KENDRICK presented a joint memorial of the Legis lature of Wyoming, memorializing Congress to hasten the en-

Interior to expedite the construction of the Guernsey (Wyo.) Storage and Power Dam, and also to liberalize repayment requirements under the Federal reclamation act, which were referred to the Committee on Irrigation and Reclamation.

[Note.—These memorials are identical with those previously

presented by Mr. WARREN, which are printed.]

Mr. TOWNSEND presented a petition of sundry members of the Friends in Council, a woman's club of Monroe, Mich, favoring an amendment to the Constitution governing the passage of legislation regulating child labor, which was referred to the Committee on the Judiciary.

Mr. WILLIS presented a resolution of Cincinnatus Council No. 31, Sons and Daughters of Liberty, of Cincinnati, Ohlo, favoring the more adequate restriction of immigration, which

was referred to the Committee on Immigration.

Mr. LADD presented a memorial of the Bismarck Trades & Labor Assembly, of Bismarck, N. Dak., remonstrating against the passage of the so-called ship subsidy bill, which was ordered to lie on the table.

He also presented a memorial, numerously signed, of members of the Powers Lake National Farm Loan Association, of Powers Lake, N. Dak., remonstrating against amending the Constitution so as to make the income of bonds issued by Federal and joint-stock land banks subject to State taxation, which was referred to the Committee on the Judiciary.

REPORT OF THE JOINT COMMISSION ON POSTAL SERVICE (S. DOC. NO. 306).

Mr. TOWNSEND, from the Joint Commission on the Postal Service, submitted, pursuant to law, a report relative to methods and systems of handling, dispatching, transporting, and delivering the mails (with an appendix), which was ordered to be printed.

ENROLLED BILLS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on February 23, 1923, they presented to the President of the United States the following enrolled bills: S. 462. An act for the relief of Max B. Baldenburg;

S. 851. An act authorizing the Secretary of War to make settlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other purposes;

S. 1829. An act for the relief of Walter Runke; S. 2563. An act to provide for the completion of the bridge across the Little Colorado River near Leupp, Ariz.;

S. 3350. An act for the relief of Alice M. Gorman; S. 3611. An act authorizing and directing the Secretary of War to abrogate a contract lease of water power on the Muskingum River;

S. 3614. An act relating to the official bond of the United States marshal for the southern judicial district of the State of

New York;

S. 3690. An act for the relief of Lowe Hayden Bibby;

S. 4061. An act authorizing the Secretary of the Interior to enter into an agreement with Toole County irrigation district, of Shelby, Mont., and the Cut Bank irrigation district, of Cut Bank, Mont., for the settlement of the extent of the priority to the waters of Two Medicine, Cut Bank, and Badger Creeks, of the Indians of the Blackfeet Indian Reservation;

S. 4113. An act for the relief of Helene M. Layton;

S. 4187. An act to extend the time for payment of charges due on reclamation projects, and for other purposes:

S. 4310. An act for the relief of the owners of the steamship

S. 4311. An act for the relief of the owners of the steam lighter Comport;

S. 4333. An act for the relief of Howard R. Gurney; S. 4358. An act to authorize the American Niagara Railroad Corporation to build a bridge across the Niagara River between

the State of New York and the Dominion of Canada;
S. 4411. An act granting the consent of Congress to the cities of Minneapolis and St. Paul, Minn., or either of them, to construct a bridge across the Mississippi River in section 17, township 28 north, range 23 west of the fourth principal me-

ridian, in the State of Minnesota; S. 4468. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the settling of New Netherland, the Middle States, in 1624, by Walloons, French and Belgian Huguenots, under the Dutch West

farm loan act, which was referred to the Committee on Banking and Currency.

He also presented two joint memorials of the Legislature of
Wyoming, memorializing Congress and the Secretary of the

Wyoming, memorializing Congress and the Secretary of the

Tools, French and Belgian Haguetos, under the Dutch West
India Co.; and
S. 4522. An act authorizing the Secretary of State to convey
certain land owned by the United States in Santiago, Chile,
to the municipality of that city, and to acquire or receive in
exchange therefor other land located in the said city.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. TOWNSEND submitted an amendment providing for salary increases to certain employees in the office of the Secretary of the Senate, intended to be proposed by him to the amendment heretofore submitted by Mr. Moses, proposing to increase the salaries of certain committee employees and clerks to Senators and intended to be proposed to House bill 14408, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

THE MERCHANT MARINE.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Washington [Mr. Jones] that the Senate proceed to the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for

Mr. FRELINGHUYSEN. Mr. President-

The PRESIDENT pro tempore. The Senator from New Jer-

Mr. FRELINGHUYSEN. Mr. President, I desire to state—
Mr. BROOKHART. Mr. President—
Mr. FRELINGHUYSEN. I yield to the Senator from Iowa,
Mr. FRELINGHUYSEN. I am ontitled to the floor at this tim Mr. BROOKHART. I am entitled to the floor at this time, but an arrangement has been made whereby I may yield to the Senator from New Jersey without losing the floor, and I am willing to do that.

Mr. FRELINGHUYSEN. Mr. President, understand-

The PRESIDENT pro tempore. By common understanding of the Senate, the Senator from Iowa will be recognized upon the conclusion of the remarks of the Senator from New Jersey.

Mr. FRELINGHUYSEN. I understand this to be the situation: Last night there was an understanding that the Senator from Iowa should continue his speech this morning. him if he would yield to me for a short time in order that I might make some remarks on the pending motion. me if I would speak to the chairman of the Committee on Commorce, the Senator from Washington [Mr. Jones], who is in charge of the ship subsidy bill, and ascertain if he would object to his assuming the floor immediately after the conclusion of my remarks. I understand that the Senator from Washington made no objection to that arrangement. I also understand that the Senator from Iowa will be allowed to continue his remarks after I shall have finished.

Mr. JONES of Washington. Mr. President, I think in view of the statement just made by the Senator from New Jersey, I ought to say that I knew nothing of any understanding to the effect that the Senator from Iowa [Mr. Brookhart] was to have the floor this morning. I understood that last night he had completed one speech; and then, after motions to adjourn and other motions, the Senate finally concluded its session. However, I have no objection whatever to the Senator from Iowa being considered as having the floor and yielding to the

Senator from New Jersey.

The PRESIDENT pro tempore. The Chair understands that the Senate has agreed to that order, and, therefore, it will be

Mr. FLETCHER. There might be a question, the Senate having taken a recess while a Senator was on the floor, whether he was entitled to resume where he was interrupted.

Mr. BROOKHART. I am entitled to the floor to conclude the speech which I was making on yesterday, for I did not

then conclude.

The PRESIDENT pro tempore. The Chair understands that the Senate has by unanimous consent agreed that the Senator from Iowa [Mr. Brookhart] may yield to the Senator from New Jersey, and that on the conclusion of the remarks by the latter the Senator from Iowa will be entitled to the floor.

Mr. FRELINGHUYSEN. Mr. President, I desire to address the Senate at this time on the pending motion of the Senator from Washington [Mr. Jones] to take up the ship subsidy I do not care to become a party in any manner whatsoever to the filibuster that is now going on to prevent the consideration of the bill. I am heartily in favor of the bill.

Mr. McKELLAR. Mr. President, may I interrupt the Sen-

ator from New Jersey?

Mr. FRELINGHUYSEN. Mr. President, in view of my statement that I do not wish to aid or assist those who are delaying the consideration of the ship subsidy bill, I must, for the time being, refuse to be interrupted except for questions.

My interest in the bill is due to the fact that my State is a maritime State and is deeply concerned in the maintenance of a merchant marine, which is most important, not alone to the shipping interests in the State but also for the maintenance of shipyards.

I do not think the bill is a bill to aid private shipping interests. as I shall try to show in the remarks which I shall make, but it is a bill to aid the many thousand workers in my State who are now employed in the dozen or more shipyards which are engaged in repairing ocean-going ships; shipyards that depend entirely not upon shipbuilding, for that industry has ceased, but upon the repair and reconstruction of ships which are now under the American flag

Notwithstanding the fact that I am termed a "lame duck," I still, until March 4 next, represent in part a sovereign State in the Senate, and I shall, therefore, speak for her interests, challenging the right of anyone to deny me that privilege.

Mr. President, we have heard a great deal of oratory on the subject of the merchant marine and the pending bill. With the exception of speeches by those closely in touch with the bill, little of it has been really informative. I purpose to take a very brief interval of the Senate's time to state to this body the actual situation, stripped of sectional or party considerations and reduced to cold businesslike facts, facts which can not be challenged by any Senator and which, I believe, the people of this country have not had brought home to them.

Senators on the other side of the Chamber have frequently reiterated that the present measure in ald of the American merchant marine has been repudiated by the people of the United States in the recent elections. It is impossible that the people of the United States can have passed intelligently upon a question in regard to which they were wholly dependent upon statements made to them by others, who themselves can hardly have imparted clear information because of their own

lack of understanding.

In the first place, we have certain statutes passed by recent Congresses with regard to our merchant marine. The most important of these, from the standpoint of the difficult conditions created thereby, is section 7 of the Jones Act of 1920. This section provides that the Shipping Board shall establish and maintain desirable trade routes to different parts of the world from different ports of the United States. The theory of this section is that after the routes have been built up by the Government, private capital will step in and buy the ships operating on such routes. In practice this has not so far been realized. The losses on these routes, due to the higher cost of operating American flag ships, are such as effectually to discourage private capital from taking them over. The Shipping Board, therefore, has had to continue at public expense the maintenance of these services.

Although every route is losing money, in spite of the great increase of efficiency since the present Shipping Board took office, I may call especial attention to the routes running out of southern ports. One of the arguments for section 7 of the Jones Act was that it would make possible the breaking up of the so-called monopoly alleged to be enjoyed by New York. idea was to build up the outports, to establish lines from the various harbors of the United States, so that there should be no "bottle neck" in our traffic.

Under section 7 the United States Government is obliged to bear the necessary losses involved in the building up of these southern ports. In other words, this section provides nothing more or less than a subsidy to ports of the United States, of which probably the South Atlantic and the Gulf ports will

benefit the most

The distinguished Senator from Louisiana [Mr. RANSDELL], who is so ably supporting this bill, clearly perceived years ago the need of diversifying our commercial outlets. His State, being not only a seaboard State but containing the mouth of a magnificent river system tapping the entire central basin of the United States, should naturally take the lead in recognizing its dependence upon shipping. But Louisiana is not alone in this regard. Other States have splendid harbors and large po-tential interests in shipping. It is amazing to see the Sena-tors on the other side of the Chamber, especially those coming from the seacoast States of the South, fighting so effectively against their own interests in opposing a measure that will make possible the continuance of the services out of their districts which have been established by the Shipping Board, and whose losses must be met from the Public Treasury.

If the Senators from States of the North Atlantic should oppose this measure, those of the country who were informed could, and doubtless would, raise the charge that the great seaports of that coast were jealous of building up possible rivals on the South Atlantic or the Gulf. But the opposition comes from those who are most directly benfited, and who, if they succeed in blocking the present measure, should in all justice go back to their constituents and assume full responsibility for making impossible the establishment of privately

owned steamship lines from the ports of their State.

Let me take a few minutes and read to you the services which the country is maintaining out of ports in the Democratic

strongholds:

From the South Atlantic there are maintained lines to Germany, to United Kingdom ports, and to Antwerp-Rotterdam range. These are direct services. In addition, these other lines, both northbound and southbound, call when occasion offers at South Atlantic ports. From the Gulf there are maintained four services to the United Kingdom, three to Antwerp-Rotterdam, three to Hamburg-Bremen, two to French Atlantic ports, two to the east coast of South America, two to western Mediterranean ports, one to Spanish Atlantic ports, one to eastern Mediterranean ports, one to the Orient, and one to the West Indies. In these services there are employed 139 steamers, aggregating 1,186,853 dead-weight tons.

South Carolina has allocated to the port of Charleston 15,680 tons of Shipping Board vessels; Florida has, based upon Tampa, 185,474 tons; Alabama has, operating out of Mobile, 195,642 tons; Texas, out of Galveston, has 507,433 tons; and New Orleans has 282,574 tons. This is some measure of the interest of southern ports in American shipping, and particularly in Government aid, because all these services are operated at a loss, and are impossible of maintenance except at

Government expense.

I am not entirely convinced that it is possible to deflect the natural channels of trade except at enormous cost. I am not convinced that the operation of many of these costly lines will lead to any permanent result; but I am heartily in accord with the experiment, and I should be willing to support any measure which will improve commercial facilities anywhere in the United States, and hence will increase the general prosperity of the country as a whole. Certainly I should not, even coming as I do from a region where there is no lack of shipping facilities, vote for anything which would tend to discontinue these laboriously built-up services; for, make no mistake, gentlemen of the opposition, you are voting to discontinue these services when you block Government aid to the merchant marine. If these routes are to be maintained, the Federal Treasury must bear the loss, for I assume that your local communities will not do so themselves. The only question is, What will be the most economical way to absorb this loss?

One of the criticisms by the opponents of the bill has been against any encouragement to the larger combined passenger-

cargo ships.

What increase in the rate of compensation for faster ships the bill as it is now written contains is practically limited to the needs of liquidating our Shipping Board fleet. This fleet contains, exclusive of the single mammoth Leviathan, a number of combination ships carrying passengers and a large amount of cargo at a higher speed than the ordinary freight ship. It is such ships, for example, that carry the extensive commerce in provisions and dairy produce that we enjoy with Europe. It is such ships that carry large quantities of grain to England and to Germany.

The board has approximately 350,000 tons of such ships, excluding the smaller ex-German vessels. The rate allowed them is only in proportion to their greatly increased differential in operating cost caused by the larger crews that they require. Such ships not only form the backbone of a merchant marine, but would be invaluable in time of war as naval auxiliaries to supplement the very inadequate cruiser strength of our

Navy or for transporting troops.

The administration has proposed, after long and careful consideration, a method which, it considers, offers the greatest return for the least expenditure of public funds. In proposing this measure, the President demanded that criticism of it should be constructive and not destructive, and that objectors should offer a workable substitute. So far, we have had a wealth of destructive criticism, but the only alternative that

has been offered is Government ownership.

It is in my mind that the United States during a recent administration embarked rather extensively upon Government ownership, and continued this ownership long after any war conditions which might possibly have justified it. We had Government ownership of railroads, of express companies, and of ocean cables, in addition to the enormous Government shipbuilding program and the Government-owned fleet, which is the problem before us. I do not know whether anyone will ever be able to tell us how much our brief experiment in Government ownership cost us, both in dollars and cents and in deterioration of services. I can say that the country was heartily sick of it. I believe I can say that if any opponent of the present measure had gone before his constituents and had told them that the choice lay between the present measure and permanent Government ownership, they would have unhesitatingly indorsed

any step which would get the Government out of private busi-

ness and keep it out.

During the war many nations adopted, or were forced into, a policy of partial Government ownership of shipping. Great Britain, the canniest and wisest of the maritime nations, adopted it with most hesitation and got out of it quickest and best. She placed her Government fleet in the hands of a shipping man—horrible thought!—and this man sold all the ships and realized good prices with an overhead expense amounting to one-eighth of 1 per cent of the amount realized, and with only one instance where a purchase was not completed. France followed suit in acquiring a Government merchant marine. Now they are selling their ships to private French shipowners upon a flexible price and deferred payment plan. Canada contracted the fever and built a fleet of 64 ships. All but about 30 of these ships are now laid up. Even so, Canada managed to lose last year approximately \$9,000,000 on this relatively insignificant fleet. Australia was another advocate of government ownership. Her fleet was even smaller than Canada's, but her losses have been staggering in proportion to the tonnage.

One of the pathetically false beliefs of the country is that the war gave us a merchant marine. It is true that after 50 years of utter neglect we suddenly threw ourselves into the work of building, overnight, a stupendous fleet. Faced with a disastrous world situation, we entered into war on the side of the right. We found that without the shlps we had so long scorned to provide for we were as helpless as infants. We could not transport our troops nor feed them after they were transported.

With money lavishly expended—more than \$3,000,000,000 of the bonds we now are paying interest on—with the full power of the Government and the people entering into the task, none of the ships contracted for by the board was completed in time to be of use in the war. The fleet we finally achieved included too many of one type, and many of them, due to the haste with

which they were built, were of little value.

After the ships were put on the sea there were no records to show the financial relationship between the operators and the Government. Many thousands of voyages were made without the slightest accounting. It was not until the Sixty-sixth Congress had come into power and expressed a vigorous intention of opening the books that an accounting drive was instituted. As a result, 29,500 accounts were found bringing in a revenue of \$472,000,000.

Vessels were allocated by the previous Shipping Board to organizations incapable and unfitted to handle them. Ships were operated to meet political and sectional demands, instead of the channels of trade. We never will know what this period of government in business cost us. No adequate records were ever kept. We only know that we paid enough for our lack of a merchant marine to have subsidized an American fleet, at the maximum rate provided in this bill, for a century.

I will take the time here to mention the experience we had during the Spanish-American War, when ships were needed in order to transport our troops to Cuba, Porto Rico, and the Philippines. We had no ships under the American flag efficiently equipped for transport service. We had no ships to carry supplies to Cuba. We went in the open market and bought ships flying the British and the Scandinavian flags, and paid for them five times what they were worth.

We all lauded the heroism of Commander Hobson when he sunk the Merrimac in the Santiago Channel. We all boasted of his heroism, and he was praised from one end of this great country to the other for his heroic exploit, but we failed to call attention to the fact that the Merrimac which he sunk in the channel of Santiago had been an old wreck off the Virginia coast, sold by private interests to the Government of the United States for \$350,000, and that all that wreck cost the ship owners was \$70,000, plus a paltry sum of about \$50,000 to put her in condition. We did not learn the lesson in the Spanish-American War of the need of a merchant marine as an auxiliary to our Navy for national defense.

Mr. CARAWAY. May I interrupt the Senator? Mr. FRELINGHUYSEN. I yield for a question.

Mr. CARAWAY. If the shipping bill had not been filibustered to death in 1915, we would have had some ships, would we not?

Mr. FRELINGHUYSEN. Mr. President, I am not indulging in a partisan discussion. This question is not a partisan question. I am pointing out the impotency of our policy as a nation in not providing a merchant marine, even at that time.

I care not the source of the opposition, whether it comes from this side of the Chamber or the other; I have nothing but condemnation for any American statesman who opposes Government aid or assistance in order that we might have that essential arm for national defense, a proper merchant marine, and

that our commerce should not hereafter stop at the water's edge. Continuing the subject I was discussing, worst of all the ships we possess will form, unless aid is extended to make their purchase and private operation possible, a liability rather than an asset. We have reduced the Government fleet to the minimum necessary to maintain our trade routes. Yet we are losing \$50,000,000 a year on this skeleton fleet. Every year these losses will increase as the ships get older. Eventually the fleet will be worn out and America will be again supine at sea.

When the emergency of the Spanish War came our Government was at its wit's end to provide ships. We paid 50 per cent more than their value for some we had to get from the British. I recollect that one of these was a vessel upon which I went with my military unit to Porto Rico. It was not in very excellent condition. It was the transport Massachusetts, bought from under the American flag, and we loaded 1,000 American troops on that vessel with 1,000 horses. It was not in fit condition. It was turned over hastily after carrying its cattle trade to Europe. The converted cruiser St. Paul was supposed to protect us, but did not convoy us any farther than outside the harbor at Newport News. Cervera's squadron was in the vicinity. little more Spanish vigilance and the Senate would now be without the able services of the distinguished Senator from New York [Mr. WADSWORTH], who was also on his way to help crumple the Empire of Spain, as well as those of the senior Sen-

ator from New Jersey.

When the World War was thrust upon us and found us totally unprepared for such an emergency the nations that had carried our cargoes, principally Great Britain, were engaged elsewhere, and while we remained neutral we saw the vessels of those nations sunk by the hundreds by the submarines. We found our selves helpless because we had no self-reliant, independent, aggressive national merchant marine. Our condition was such as to remind us bitterly of the absence of a national pride which had permitted the greatest marine in the world to fall to the weakest. Then, when the desperate need of ourselves and our allies was upon us, after the war we pile billion upon billion in an effort to build merchant fleets which would be capable of serving our military necessities and our commerce. We built ships until we had 16,040,000 dead-weight tons.

That was at the close of the greatest conflict in history. We were enthusiastic about our marine. High wages were paid. Materials were rushed to the shipyards on priority orders. Competition was keen for the reputation of turning out the largest tonnage. We had the mighty purpose of defeating the Germans. and beat them we did, but after we had chased them beyond the Rhine and the armistice had been signed we forgot all about our marine. Great strings of merchantmen, built at enormous cost during the war, still lie off the coast and up the Hudson River. There they slowly deteriorate and help to run up a maintenance bill of \$50,000,000 a year for the Government of the United

In view of the attitude of the Democratic Party in this debate to the bill now under consideration, I can not refrain from quoting its declaration in its last national platform of 1920. It says:

We desire to congratulate the American people upon the rebirth of our national marine, which once more maintains its former place in the world. It was under a Democratic administration that this was accomplished after 70 years of indifference and neglect, 13,000,000 tons having been constructed since the act was passed in 1916. We pledge the policy of our party to the continued growth of our merchant marine under proper legislation, so that American products will be carried to all parts of the world by vessels, built in American yards, flying the American flag.

I ask you Senators across the aisle whether this promise was mere buncombe such as the promise of 1912 to reduce the cost of living and the promise of 1916 to keep us out of war, or whether this was some nobler impulse which passed away long before this present opportunity to fulfill the promise presented itself. Your great commoner of sainted memory, William Jennings Bryan, has stated that—

the Representative who secures office on a platform and then betrays the people who elected him is a criminal worse than he who embezzles

If you hesitate at the establishment of a subsidy, stop and think of the subsidy of two and a half billions which was exacted of the taxpayers of the country for the construction of the merchant fleets of which you beast in your platform above the billion of real value in them; not the billion of real value; the \$750,000,000 of real value, because they have depreciated to that extent. Think of the fact that that subsidy was exacted in time of stress because we had failed to provide such fleets reasonable encouragement before the emergency arose. Think of the subsidies of \$238,000,000 we have voted to pay in the last 10 years for river and harbor improvements. Think of the subsidies of \$300,000,000 we have voted to pay for good roads for the benefit of the farmers. Think of the subsidy of fight out with her in a friendly way the issue of which is to

the development of 200,000,000 acres of the public domain for the benefit of the prosperous farmers who now occupy them. Think of the \$30,000,000 appropriated annually as a subsidy to the farmers for eradicating plant and cattle diseases. Think of the subsidies contained in the rural free delivery and the weather and crop reports sent out by radio. Think of the subsidies contained in the land grants to railroads, which helped to build up our country to its present opulence. Think of the \$30,000,000 a year paid in mail subsidy every year for the benefit of magazines and farm publications in order that they may spread practical information and publish high ideals to our tillers of the soil.

Without such a subsidy of four to thirty millions of dollars a year what will you do with our ships? How will you explain to the American people your failure to vote to take advantage of the possibilities for the development of our commerce and our prosperity?

There is another consideration, too, which ought to have much weight, and that is the need of national economy. If we now spend fifty millions each year of the money of the people to maintain in idleness a vast array of merchantmen, should we not, in all common sense, reduce the amount to from four to thirty millions per year in an effort to extend and make active those fleets in order to stimulate and carry our ocean-going commerce? Surely they are quite as necessary as battle-ships in the upbuilding of American commerce and prosperity.

Mr. President, I think the past history of our merchant marine fleet shows we made a great effort, but we can not fail to recall the mistakes when we realize the controversy between Mr. Denman and Colonel Goethals as to whether we should build wooden ships or not. I am not criticizing the final policy decided upon, that we should build wooden ships, but I point to the fact that we were unprepared at that time, that we did not know, and that we invested \$300,000,000 of the taxpayers' money in worthless wooden ships, which were a total loss, and which had to be sold for \$750,000. That is a reflection upon American statesmanship and American vision. If, during this history of failure, we had taken \$10,000,000 and applied it to an annual subsidy, we would have entered the war with Germany with a greater fleet of merchantmen than any other country had.

Turn your eyes across the sea and observe how our great trade rivals conduct this vital business.

METHODS OF BRITISH COMPETITION.

The British Board of Trade, similar to our Department of Commerce, with the head of it sitting in the cabinet of the prime minister, appoints assistants who have all to do with shipping. This is a bureau with sufficient authority to shift to changing conditions. It comprises the functions which in this country are widely and unsatisfactorily distributed over the Bureau of Navigation, the Steamboat Inspection Service, the Treasury Department, the Bureau of Foreign and Domestic Commerce, the Immigration Service, the Department of Justice, the Interstate Commerce Commission, the Federal Trade Commission, and the Tariff Commission, few of which have any correlation to the others. Besides this, the British Board of Trade frequently enacts what is known as an order in council, and as a matter of fact it functions legislatively. reality an arbitrary ruling sanctioned by law. It is a sort of cracker on the whip of English jurisprudence. Just as the first-class mule skinner in our western country will be able to take his whip and fleck a fly from off his leaders with great detriment to the fly and none to the leaders, so the British trade official with his order in council is able to destroy competition without injury to British interests anywhere, while apparently actually conforming to law.

With some of these orders in council which we considered a little too arbitrary for our national patience to bear we had something to do about the year 1812. Measures were introduced in our Congress in 1916 for the protection of our fishing interests in the Northwest from absorption by Canada through the operation of Canadian orders in council and their interpretation, which were brought into question. A repre-sentative of the American fishing industry discussed the subject with the supervising Canadian officer and told him that the orders were unfair in that they were interpreted differently for Americans than for British subjects. The American pro-tested. The Canadian's reply was, "Well, you must remember that these orders in council are made for the protection of Canadian and British subjects. If you want any protection you will have to go to your own country and have a law passed."

ENGLAND OUR RIVAL

gain the greater portion of the commerce of the world. the calendar year 1920 her imports amounted to \$9,425,154,536, as compared to \$5,279,398,211 for the United States. exports totaled \$7,581,874,259, as against \$8,228,759,748 for us. These figures tell a remarkable story of the resuscitation of British commerce, which the peoples around the earth had gained the impression had been practically eliminated by the German submarines. The British do not sleep. Commerce is life and prosperity to a nation, and England never forgets that the chief safeguards of its maintenance are a superior merchant marine and the greatest of navies.

While we have been blowing our horn and wasting money England has silently, but none the less surely, been rehabilitating her merchant marine, which she considers vital to her future. We read all through the war of British ships being sunk by submarines day by day. We read that her total had descended to something like 8,000,000 tons. We said to ourselves, "It will be a long time before England regains her place in merchant ships on the sea." The Germans were delighted at the prospect of the ultimate success of their hellish work. United States then stepped in and saved the cause of civilization, and incidentally of the British Empire. And the day the armistice was signed our English cousins across the sea hardly waited for the formalities of the peace before they turned to the great task of regaining her maritime supremacy. They had a national policy-that England must be supreme on the sea. They maintained a merchant marine in peace and did not have to squander money in an emergency to obtain one. ships they built to replace their losses were built without waste and extravagance; their builders and their labor people got together; the Government put all of its strength into the task. And what is the stupendous result? The total tonnage of Great Britain is now 20,582,000, as compared to 20,523,000 in 1914. It is now 20,582,000, as compared to 16,049,000 for the United States, of which figure nearly half is composed of the Shipping Board tonnage whose problem we are facing now.

I do not believe in having the Government engage in commercial business; I believe in restricting the Government to its proper field, that of governing. But, of all businesses, it is difficult to imagine one in which a government is less fitted to engage than that of ocean shipping. This is an occupation which requires sound judgment, instant decision, splendid imagination, and great initiative. It is a semispeculative industry which can be governed by no set of rules or procedure. To attempt to operate a fleet of our ships in competition with foreign fleets while hampered by the red tape and the system of checks with which we very properly surround our govern-mental administration is an utter impossibility.

I have pointed out that the present policy of the Shipping Board in carrying out the provisions of section 7 of the Jones Act is a subsidy to the various seaports from which Govern-

ment lines are maintained. I do not need to point out that by maintaining these Government services at a huge annual loss the exporter and the importer are assured reasonable rates and adequate carriage. In other words, the maintenance of this

fleet is, in effect, a subsidy to our foreign trade.

My friends from the interior districts feel that the farmer is not interested in a merchant marine. I do not believe for one moment that an American farmer, if he is given facts, will take any such view. The farmer knows that he must export approximately 30 per cent of his production or his local prices will be broken by the unmarketable surplus. The farmer knows that his return from his crop is intimately dependent upon adequate and reasonable transportation to his markets. tinguished senior Senator from Idaho stated on this floor less than two months ago:

Our markets in Europe are indispensable to the prosperity of the American producer. We sell from 23 to 25 per cent of our wheat abroad. Unless that amount finds a market, it is impossible for the American farmer to realize a price which will justify his raising the wheat. (CONGRESSIONAL RECORD, December 27.)

Mr. HITCHCOCK. Mr. President— Mr. FRELINGHUYSEN. I yield for a question.

Mr. HITCHCOCK. If the Senator will permit me, I think I ought to correct his impression of the western farmer. The western farmer is highly pleased with the success of a mer-chant marine built by the Government, which has resulted in giving him very much lower freight rates on the ocean at the same time that freight rates on land by private ownership have greatly increased. The one thing of which the American farmer is now getting the benefit is very low ocean freight, and that

would not be possible if the Government had not built the ships.

Mr. FRELINGHUYSEN. The Senator does not see the other side of the picture, the fact that the shipping operations were carried on during the previous administration at a cost of about \$360,000,000 a year, which is uneconomic. The only way in

which we can have ocean freight rates is to continue the industry by governmental assistance to private owners and have sufficient ships so that competition will be keen and the low rates will be maintained and avoid the tremendous taxation involved through Government ownership, which the farmer inevitably pays

Mr. HITCHCOCK. The Senator does not question the fact that everything now is costing the farmer more than it did be-

fore the war except ocean freight?

Mr. FRELINGHUYSEN. I question the fact that the American farmer in any district of the United States wants Government ownership at a high cost to the taxpayer, of which he himself is one.

The Budget of the United States provides for \$100,000,000 a year in Federal aid to highways, so that, among other things, farm products may be trucked easily to points of shipment or consumption. The regulation of the railroads themselves has been the subject for heated debate and occupies many pages of the RECORD. The farmer is interested in highways and in railroads because they are tangible and he sees them. Ships and the oceans are not under his eye. They are miles away from him. But he is keenly conscious of the importance of the whole chain of transportation to his markets, and when he realizes that sea transportation is a vital link in this chain no farmer will question for a moment his deep and immediate interest in shipping. Here again the farmer has not been given the facts.

During the war the shipper to Russia, France, and England was compelled to pay excessive freight rates, or his efforts to find a market met with failure by reason of the lack of ocean

tonnage facilities.

Thus the cotton shipper was compelled to submit to the absolute control of England, who allocated all tonnage facilities for the shipment of cotton, and thereby not only controlled its

shipment but its distribution as well.

We are proposing a measure which we believe will create an American merchant marine, even more vital to the farmer than are the railroads. The latter are wholly within the country and easily subject to governmental regulation, but no branch of the Government of the United States can regulate rates charged by foreign-flag vessels, nor insist that they maintain services adequate to meet the needs of American shippers. Regulation of ocean commerce comes through competition, and then only in normal times.

We have provided in this measure that compensated ships must operate out of American ports and serve directly American commerce. In normal times they will be in competition with ships of foreign nations, and this competition will insure reasonable rates, as is demonstrated by the low rates obtaining to-day due to the competition by Shipping Board ships.

But the real value of an American fleet will be shown in those abnormal times which inescapably will come some day. There will be a demand for shipping on the other side of the world, due to a war, let us say, or any other combination of exceptional circumstances. Immediately the ocean link in our transportation chain is threatened. The foreign ships, on which we have been blindly dependent, will be requisitioned by their government or will withdraw to seek greater profits elsewhere. Where, then, would our farmer be without his American merchant fleet? He either must bid against the rest of the world for space on an insufficient amount of tonnage or he must see his surplus production remain on his hands and demoralize his local market. It is to meet this situation that we provided in the measure that in return for the slight amount of aid which American ships receive during normal times they be subject in time of emergency to requisition and control by the United States.

As an example of how other nations have carried out such a procedure let me quote you from a report from our consul general in Hongkong, written in 1915.

During the acute tonnage shortage of the past spring the Japanese Government ordered the Japanese lines, all of which enjoy substantial, not to say large, subsidies from the Japanese Government, to take freight during certain months from Japanese ports only, thus serving Japanese industries and Japanese shippers in preference to other shippers in the Far East, and, of course, without any reference to American interests in the premises.

This is what we purpose to do with our compensated ships Where the emergency warrants if it ever becomes necessary. it, the ships can be operated to serve the trade of the United States and that trade alone.

This measure is a subsidy or, perhaps, it would be better to say, an insurance policy for the American exporter, and two-thirds of our exports are still agricultural products. The counthirds of our exports are still agricultural products. try will pay an almost imperceptible tax in normal times to provide this aid. This is its insurance premium. In abnormal times, by virtue of this premium, it is guaranteed the continuance of reasonable and adequate transportation, without which the commercial fabric and the prosperity of the United States would be shaken to its foundations.

It is true that in normal times the country might save these premiums, just as a householder might let his house go uninsured or save the price of a lightning rod on his barn, but it is false economy. In one or two years of emergency or disruption he will pay in losses manyfold the slight cost of adequate The cotton growers of the South experienced this in 1915, the farmers in the Northwest learned it in the Boer war, and the fruit growers of the far West suffered in the recent railroad strike for lack of adequate water transport. The farmer knows the principle of insurance and he believes in it, and if the Senators who represent agricultural constituencies tell their farmers that this is an insurance policy, I believe those farmers will be for it, and if the Senators do not so inform their constituents, then they have failed to place before them vital facts on which to base their opinions.

However, strong as are my views on the farmer, they may be somewhat academic. There are other interests in the country besides the farmer. The manufacturing and allied indus-The manufacturing and allied industries are probably fully as important. These industries employ millions of skilled workers, and there are hundreds of thousands of them in my own State. I am directly interested in these workers, and I am interested in this bill because, while its results will benefit everyone in the country, the actual money paid out by the Government will be distributed among

these workers.

It is both usual and characteristic on the part of the opposition to refer to this measure as a payment from the Treasury to the great shipowner, a graft on the part of the shipping trust, a payment of the taxpayers' money into the pockets of a favored few. Nothing is farther from the truth than this.

There are certain differences in the cost of construction and operation of American ships as compared with those of foreign nations. Each of these higher costs is directly attributable to a requirement imposed by Congress upon the American shipowner for the benefit not of the shipowner but of the people of the I will try to explain this in a simple and easily understandable manner.

Until the World War no ship built in other than United States yards could fly the American flag. Then, as now, ships built in this country cost 25 per cent more than ships built, say, in Great Britain. We built good ships, but so did British yards. There was no difference in value, yet for the privilege of flying the American flag an American shipowner was obliged to pay a tax of 25 per cent of the cost of his ship. Why? Simply to develop the American shipbuilding industry. It did not fully do it, because the ships were built abroad and kept under foreign flags; but that was the intent of the law. Under this bill none but American-built ships can in the future receive

Then it may doubtless be claimed that this higher cost is due to extortion on the part of the great shipbuilding corporations of the country. Let us look into that. Roughly, half the cost of a ship is labor and half is material. Before the war and to-day American shipyard labor received practically twice the wages that was paid to workers in British yards. In other words, the British yards had a 50 per cent advantage in labor cost. As labor makes half the cost of the ship, a 50 per cent advantage on half the cost makes a 25 per cent difference in the entire cost, which is just what existed. In other words, all the higher cost that American shipbuilders charged wasis-passed right on to the labor employed in their yards.

So it is in the case of repairs. In order to give work to American labor, to the skilled artificers of the metal trades, and in order to maintain our desperately reduced shipbuilding industry this Congress wrote into the tariff bill a provision that all except emergency repairs made to American ships in foreign ports should be dutiable at 50 per cent. This is a financial handicap to the shipowner; he can get his repairs done more cheaply in foreign ports than in the United States, but he must take his choice between paying a 50 per cent premium on those repairs or of having them undertaken in American yards at a higher cost. Here again the owner of American ships is being taxed for the benefit of labor of the country. In this bill we provide that subsidized ships must be repaired and reconditioned in the United States.

By our laws-and no one can question the wisdom of this provision—the officers of American ships must be citizens. The ordinary cargo ship carries four engineer officers and four deck For a medium-sized ship the difference between the pay of these eight American officers and eight similar British officers amounts to approximately \$0.000 a year. Only as to officers is there to-day a citizenship requirement; but in this

bill we have imposed a citizenship requirement for the unlicensed men, and there is no question but that this will make a still greater wage differential.

There is no benefit to the shipowner in this. perfectly competent British officers or German officers or Norwegian officers for half the wage he pays to Americans. We require that he hire Americans, merely that in time of war we may have a trained and loyal force of seagoing officers and men who will carry our vital cargoes through dangerous waters and who can form a naval reserve to reinforce our regular establishment. But again we are taxing or trying to tax the American shipowner for a benefit which really accrues to the country as a whole. We want him to employ high-priced American labor in a business where he can earn no more revenue

than is earned by his cheaper-run competitors.

I hope I have made it clear to the other side of the Chamber and to any on this side who have not had opportunity to study the facts that the proposed subsidy is not a subsidy to shipowners. It is made necessary by requirements that we ourselves impose for the general good of the country; it does not exceed in amount the financial handicap which those requirements create; the payments are passed on directly to the ultimate recipient, American labor afloat and ashore, and the fleet that results is of benefit to every person in the country, but especially to producers dependent on foreign markets. shipowner is nothing but a mouthpiece, an agent to achieve the result. In effect we are saying to the steamship men of the country: "We have imposed expensive requirements on American-flag ships and the traffic will not bear their cost. As a result you can not buy American ships. We can not let down our requirements, which are in the interest of American labor and of the country as a whole, but we will make up to you the higher cost which these requirements impose." is there graft in that? There is nothing which prevents an American shipping man from owning foreign-flag ships. Before 1914 most of our American-owned fleets were under foreign registry. If we do not want our fleets to revert to this condition, if we want to sell the Shipping Board fleet and end the Government losses, we must either remove the restrictions imposed on American-flag ships or offset them. We can not make water run up hill, nor attract capital to a losing business.

This measure offsets these restrictions. It has been modified to meet every reasonable objection. For those who exaggerated the amount involved, a maximum limit of \$30,000,000 has been inserted. Those who claimed that it was perpetual are answered by the time limit provision. Size and speed maxima have been lowered to answer the alleged fears that the bill would encourage "floating palaces" for the very rich. Aid has been denied the Standard Oil and the United States Steel Co., so that even though their fleets, the greatest private flotillas we have, go under foreign flag, our hands are clean of the imaginary stain of having helped "the corporations."

We have provided that the subsidy shall not be payable unless the board disposed of at least half of its high-grade tonnage, and we have provided against discrimination and unfairness by requiring public hearings and allowing appeal to the courts. Nothing reasonable has been left undone to answer objections to this measure. If it should fail to pass, it will remain as a measure of our effort and our willingness, and I tell Senators who are opposing the pending bill that when the people who depend upon them for their information find out what a sound and safeguarded measure they have spurned, and when they realize the consequences of failure to pass this bill, I think they are going to ask some very embarrassing questions.

I now yield to the Senator from Iowa, under the unanimousconsent agreement.

Mr. BROOKHART. Mr. President, I am very grateful. indeed, to the Senator from New Jersey for his handsome contribution to the filibuster. He has consumed a whole hour of time and driven several more large nails into the coffin of the shipping bill. The only chance the shipping bill had was time, and the Senator has taken that away from it.

The Senator has seen fit to condemn all of us who are opposed to the shipping bill, and I am glad that wisdom has reached him even at this late day, because through all his term of office he has not before found out the necessity for this great benefit to the American farmer. I note the subsidies which he has handed out to the American farmer, according to his statement-the subsidies for roads, he says, so that his Rolls-Royce might roll over those roads while the farmers work to pay for them; the rural free delivery, which also opens up the channels for the middlemen who take their profits from the farmer; and the subsidies to destroy diseases in live

stock and in crops, so that the farmers might produce more crops at less cost for greater profits for big middlemen. Yes, there is something in the argument, and I wish to call the attention of Senators to how it is affecting the American farmer. I have a little account here of how all of these governmental subsidies work out for the American farmer:

FARMER GETS \$1.30 FOR CAR OF POTATOES.

According to the Fargo (N. Dak.) Forum, N. P. Nelson, a farmer living near Leal, N. Dak., received exactly \$1.30 as his returns on a carlead of potatoes sold at Minneapolis for \$336 through the Minnesota potato exchange.

The Forum, to sustain its story, prints a photographic reproduction of the check with the attached bill of expenses.

According to these exhibits, the railroads got \$180.60 out of the \$324.70, and the various middlemen got the remainder, minus the \$1.30 which went to the farmer who produced the potatoes.

The sacks alone cost Mr. Nelson between \$30 and \$40. It is said that a number of farmers in the vicinity of Leal have had the same experience.

That may be an extreme case, but the general average of the farming business is standing upon that basis to-day; and while that is going on, the men who reap the profits are crying out: business, and give us a subsidy for doing it."

The farmer has been read for doing it."

about the Government in business, and he is beginning to see that if the railroads had a deficit under Government operation he could pay that deficit by levying an excess-profits tax upon the excess profiteers, and he could collect that tax by making it 100 per cent on the upper brackets, so that it could not be added in and passed on to the consumer in the end. No; the farmer is beginning to think this proposition out for himself in some of its details, and the statesmen of this generation will have to answer to that thinking. They can no longer crawl in behind this specious theory that the subsidy goes for the benefit of the worker who never sees it; and for the farmer who never does anything but pay it. They can no longer get away with that and pass it off upon the "prosperity" of the farmer which does not exist.

In this connection, while the farmers are thus treated and thus crippled under the present situation, we find, in reference to the railroad companies, about which I talked last night, that there is an unusual situation in reference to the salaries of big railroad managers; and I want to review that. I did not have my documents with me last night, and I was in a good deal of a hurry anyhow, but I have found them this morning; and I want to call attention to the salary of Mr. L. F. Loree, president of the Delaware & Hudson, \$25,000, and then it was increased on March 1, 1920, by \$12,500 more. That is not all the salary that Mr. Loree received. As president of the Kansas City Southern, his salary was raised from \$30,000 to \$35,000 a year. In addition to that, he was president or chairman of the board of 34 corporations, and in addition to all of that he was a director in 24 other corporations. I have not his salary in all of those institutions, but I do know his method of charging up profits to the American farmer, and these salaries are largely paid by the American farmer:

There is President A. H. Smith, of the New York Central, who draws a poor little salary of \$53,550 a year from that road, and at the same time we find him with another salary of \$14,060 from the Big Four Railroad. Then, on the Michigan Central he picks up a salary of \$13,890, and on the Boston & Albany another salary of \$5,430, and on the Pittsburgh & Lake Erie another salary of \$5,650; altogether, \$92,580 salary as president of those different roads. Then, in addition to that, we find him connected with 87 corporations as against only 58 for Mr. Of course, we do not know what his salaries are in those 87 altogether; but, judging from what has happened in the others, they are a princely tax upon the American farmer:

The biggest single salary received by any of the railroad executives is the \$100,000 of Julius Kruttschnitt, chairman of the board of the Southern Pacific. This is the same Mr. Kruttschnitt who has used up many square miles of perfectly good white paper in newspapers and magazines telling the American people about the outrageous wage demands of the railroad employees. If one had the time, it would be interesting to find out how much time he has spent in the last few years in this kind of propaganda, and how much he had left for the very serious business of looking after the vast empire controlled by the Southern Pacific.

Taking the salaries as a whole, we are struck by the great disproportion that exists between the salaries of these supreme executive officers, who appear to spend so much of their time giving newspaper interviews, attending banquets, and addressing rotary clubs, and the subordinate officials, from general manager down, who see that the traffic gets over the line. If the president gets \$50,000, the general manager is likely to get

only \$10,000 or \$15,000; while the division superintendents, who have to sweat blood when anything goes wrong, are lucky if they get over \$5,000. These operating officials of the railroads are, as a matter of fact, among the lowest-paid workers in the country when their experience, duties, and responsibilities are taken into account.

Mr. President, I have specially mentioned those few cases, but I want to give a more complete list of these gentlemen. I wish to give their names and the salaries so that the farmers of the United States and the laboring men of the United States can have some idea of the benevolent surroundings of these men who levy these taxes of railroad rates and of excess profits upon the common people of the country.

Salaries of railroad presidents.					
		Salary rate January- July, 1921.	Amount of increase or decrease between Mar. 1, 1920, and July 1, 1921.		
L. A. Jónes	Alabama & Vicksburg	\$20,000,00	Difficulty (ALE		
Newman Erb W. B. Storey	Ann Arbor	12,000,00 50,000.00	1 \$4, 500: 00		
B. L. Bugg *	Atchison, Topeka & Santa Fe Atlanta, Birmingham & Atlantic.	18,000.00	# 6,000.00		
J. R. Kenly,	Atlantic Coast	20,000.00	{ 1 2,000.00 2 1,200.00 3 7,500.00		
Daniel Willard	Baltimore & Ohio	75,000.00	17,500.00		
Percy R. Todd H. G. Hitzler	Belt Ry, of Chicago	7, 500. 00			
J. H. Reed	Bessemer & Lake Erie Boston & Maine	44, 500, 00	1 5,000.00 2 10,000.00		
W. T. Noonan E. R. Darlow	Buffalo, Rochester & Pittsburgh Buffalo & Susquehanna	60,000.00 14,700.00	1 10, 000. 00		
N. S. Meldrum	Carolina Clinchfield & Ohio	10,000.00			
W. A. Winburn E. C. Smith	Central of Georgia	30, 000. 00			
F. B. Grier	Charleston & Western Carolina	10,000.00	1 400. 00		
W. G. Bierd W. J. Jackson ²	Chicago & Alton	36, 000. 00	2 4, 800.00		
Marvin Hughitt, sr.4	Chicago & North Western	50, 000. 00			
W. H. Tinley B. A. Worthington	Cincinnati, Indianapolis & West-	20,000.00			
Marvin Hughitt	ern. Chicago, St. Paul, Minneapolis & Omaha.	5,000.00	of defendant		
J. T. Clark	do	25,000.00	1 10 000 0		
S. M. Felton H. R. Kurrie	Chicago Great Western	50, 000. 00 25, 000. 00	1 10,000.00		
Hale Holden	Chicago, Burlington & Quincy Cleveland, Cincinnati, Chicago &	50, 000, 00 14, 060, 00	1 10,000.00		
Hale Holden	St. Louis. Colorado & Southern	10, 000. 00			
H. E. Byram J. E. Gorman	Chicago, Milwaukee & St. Paul Chicago, Rock Island & Pacific	50,000.00			
L. F. Loree W. J. Harahan	Delaware & Hudson	37, 500.00	1 12, 500. 0		
W. J. Harahan A. R. Baldwin ³ W. R. Freeman ³	Chesapeake & Ohio: Denver & Rio Grande Western: Denver & Salt Lake	30, 000. 00 15, 000. 00 12, 000. 00			
T. M. Schumacher	El Paso & Southwestern	66, 666. 00	{ 1 10,000.00		
W. H. Beardsley	Florida East Coast	14, 400.00	(- 10,000.0		
Hale Holden	Georgia, Florida & Alabama	5, 000. 00 5, 666. 00	*1,000.0		
Mrs. C. B. Williams H. E. Whittenberger	Georgia, Florida & Alabama Grand Trunk System	14,000.00	1 2,000.0		
L. W. Hill	Great Northern	25,000.00 30,000.00	**********		
J. S. Pyeatt	Gulf Coast Lines Gulf, Mobile & Northern	25, 000. 00 12, 000. 00	2 975. 0		
W. J. Harahan	Hocking Valley	6,000.00	*********		
L. F. Lores	Kansas City Southern	75,000.00 35,000.00	1 5,000.0		
J. A. Edson S. D. Warriner	Lehigh & New England	35, 000. 00 32, 000. 00 6, 000. 00	1 5,000.0 1 7,000.0 1 7,000.0		
Ralph Peters	Long Island	30,000.00			
H. Walters 1	Louisville & Nashville	15, 000. 00 23, 333. 00	2 62.50 1 416.60		
W. L. Mapother	do	21 St/103 Little	1 5,000.0		
Morris McDonald	Maine Central	30,000.00	1 5,000.00 2 10,000.00		
W. H. Breinner	Michigan Central	13, 890, 00 26, 000, 00	17,000.0		
C. E. Schaff 3 B. F. Bush	Missouri, Kansas & Texas	50,000,00	25,000.0		
W. R. Cole	(Nashville, Chattanooga & St.	18,000.00	1 16,000.0		
C. M. Depew	New York Central	25, 000.00	1 2 900.0		
A. H. Smith	do	53, 550, 00	**********		
H. M. Biscoe *	Boston & Albany	5, 430. 00 22, 500. 00	1 2,500.0		
A. H. Smith. J. M. Schoonmaker *	Pittsburgh & Lake Eriedo	5, 650. 00 25, 000. 00 20, 000. 00			
J. D. 1 OHB	New York, Chicago & St. Lonis	20, 000. 00 16, 000. 00	1 5,000.0		
O. P. Van Sweringen 4. J. J. Bernet E. J. Pearson	New York, New Haven & Hart-	35, 833. 00 50, 000. 00	15,000.00		
	ford	20, 000. 00	*1,000.00		
J. B. Kerr	New York, Ontario & Western Norfolk & Western	60,000.00	1 10, 000. 0		
Howard Elliott 4	Norfolk & Southern	25, 000. 00 40, 000. 00			

¹ Increase. 2 Decrease.

Beceiver.
Chairman board of directors.

Vice president:

Salaries of railroad presidents-Continued.

		Salary rate January- July, 1921.	Amount of increase or decrease between Mar. 1, 1920, and July 1, 1921.
Chas. Donnelly	Northern Pacific Northern Pacific (land department).	\$35,000.00 7,500.00	
Samuel Rea. E. N. Brown 1. F. H. Alfred Agnew T. Dice. Eppa Hunton, jr.	Pennsylvania Pere Marquette do Philadelphia & Reading Richmond, Fredericksburg & Potomac.	56, 822, 00 24, 000, 00 36, 000, 00 25, 000, 00 15, 000, 00	² \$4,000.00 ² 6,000.00
E. N. Brown 1	St. Louis & San Francisco	33, 000, 00 44, 000, 00	\$ 6,000.00 \$ 6,000.00 \$ 28,000.00
Wm. Sproule. J. M. Herbert. W. L. Ross 4 C. W. Huntington. W. H. Williams 1 J. E. Taussig. Chas. M. Levey.	Southern Pacific do. St. Louis Southwestern Toledo, St. Louis & Western Virginian Wabash do Western Pacific	100,000.00 75,000.00 35,200.00 25,000.00 25,000.00 25,000.00 30,000.00	(*8,000.00

1 Chairman board of directors. 2 Increase.

3 Decrease. · Receiver.

S. M. Felton, of the Chicago Great Western, who is mentioned in this table, is my own particular friend, you remember. I mentioned him several times last night. He dra \$50,000, and got an increase in these hard times of \$10,000. He draws

The C. H. Markham mentioned in the table as drawing \$75,000 as president of the Illinois Central is another one of those

presidents who earns his \$75,000 in the newspapers.

Mr. President, my time is cut off this afternoon, and as I have several other important matters I desire to present before this discussion ends, at this point I will yield the floor, this being the end of my first speech.

ADMISSION OF ARMENIAN REFUGEES.

Mr. ROBINSON. Mr. President, so many are the subjects of legislation which, under present-day conditions, come before the Congress, that it is often difficult to secure action on measures concerning which there is a consensus of opinion. bill which the Senator from Washington [Mr. Jones] has moved to consider actually does not have the support of a majority of the Senate. Some Senators who have voted with the proponents of the bill feel that the measure is of such doubtful value that no public interest would be seriously injured if the bill should fail of passage. As a matter of fact, there is no probability, there is scarcely a possibility, that the ship subsidy bill in any form, however it may be modified by the present Congress, will become a law.

I said in the beginning of the consideration of that measure, when the bill was first brought before the Senate, that it should not be disposed of by the present Congress, reason that a large majority of the American people are not in favor of its provisions; that their opposition to the bill was reflected in the result of the last national election; that it was unwise, to a degree approaching political immorality, to attempt to force the passage of a measure by the votes of Senators and Representatives who have been defeated, in part, at least, because of their support of the measure, and that it was unjust to impose for a period of 15 years the obligations carried in this bill on the American people, when they do not want it, and when the next Congress, elected, in part, upon this issue, admittedly would not approve of the measure.

It is now quite generally recognized, here and elsewhere, among those familiar with the course of the debate on the shipping bill, that the measure stands defeated, and that future efforts to secure its enactment can only result in the prevention of legislation which, if permitted to come before the Congress, would meet with approval and be enacted.

There is a measure which passed the Senate some weeks ago, and which has been amended by a committee of the body at the other end of the Capitol in such a way as to endanger its enactment. That measure passed the Senate of the United States without a single vote in opposition. On February 6 Senate bill 4092, providing for the admission into the United States of certain refugees from near eastern countries, after being discussed briefly by the Senate, was passed without a dissenting vote. The senior Senator from Massachusetts [Mr. Lodge], the leader of the majority, and, I believe, the senior Senator from Alabama [Mr. Underwood], the leader of the minority, and a num-

ber of other Senators, realizing the emergent character of the bill, cooperated to secure its speedy disposition by the Senate, with the very gratifying result that the bill passed the Senate unanimously.

Age-long oppression has culminated in unspeakable cruelties recently inflicted by the Turkish military authorities upon the Armenians. Many families have had their property seized or destroyed and after prolonged torture have suffered death.

The Senate bill above referred to will afford relief to a limited number only, but its passage is very much desired by the Christian population not only of this country but of other civilized countries as well. It will permit fathers, mothers, brothers, and sisters of American citizens to enter the United States under proper bond and restrictions.

There is serious danger that the bill will fail to pass, House Committee on Immigration and Naturalization on February 15 reported the measure with an amendment in the nature of a substitute, and it is expected that a special rule for the consideration of the bill may be reported and passed early next

The House amendment is a general immigration bill. It is a carefully worked-out method for simplifying and making practicable the principle of limiting immigration by quota. It classifles immigrants into two general groups-quota and nonquotaand provides for the issuance of certificates of immigration intended to prevent confusion resulting almost every year in exceeding the quota and in hardship to many aliens who are anxious to be admitted to the United States.

While the provisions in the House amendment relating to nonquota immigrants would permit the admission of some refugees provided for in the Senate bill, the terms of the amendment are believed to be so restrictive as to exclude many Armenians who would be permitted to enter under the Senate

With the end of the session near at hand, with business in both Houses of Congress greatly congested, and with the ship subsidy bill before the Senate under conditions known to exist, it is likely that if the House persists in its amendment all legislation will fail. This would be a calamity.

The correct course would seem to be to pass the Senate bill with amendments relevant to its provisions, and they relate to the relief of refugees. In all probability they can be disposed of without objection in either House, if the subject can only be brought before the House for action. The general subject of immigration is of importance. It does require consideration and action, but there are such conflicting views respecting it that little probability exists that a general immigration bill can be passed prior to March 4. It would be pitiable, almost criminal, in view of the conditions in Smyrna, to fail to take some action for the protection or relief of these unfortunate

There has been brought to my attention by Mr. Theodore Bortoli, formerly of Smyrna, the details of incidents affecting himself and coming within his personal observation that are

horrifying beyond expression.

Mr. Bortoli six months ago was one of two brothers operating the largest business in Smyrna, engaged in the manufacture of the famous Smyrna rugs. Their investment was the equivalent of \$25,000,000. Their property was seized and destroyed, their mother brutally slain in the presence of Theodore Bortoli, his brother beaten until he became insane and died. His two sisters, 17 and 19 years of age, committed suicide to save their persons from forcible defilement. The sole survivor of their family, his fortune gone, his relatives needlessly and ruthlessly murdered, Bortoli came to the United States November 20, 1922, for safety and in the hope that he could render some service to the cause of humanity and alleviate the suffering which curses the Christian population of Smyrna.

Let me read the simple tragic story as told by Theodore Bortoli himself:

STATEMENT PREPARED BY MR. THEODORE BORTOLI, FORMERLY OF SMYRNA. PREFACE AND PERSONAL NOTE.

The statements herewith submitted will have weight only to the extent, of course, that I personally am known and am responsible. Therefore I beg leave to say that I am of Italian birth, my father and mother both being Italians. I am 27 years of age. I was born in Smyrna, but under the conventions my Italian citizenship is recognized by all Governments. I was admitted into the United States upon bond, being my own recognizance, on the 20th of November, 1922. My father was engaged in the manufacture of the famous Smyrna rugs. My brother and myself were conducting this business up to six months ago under the name of the Smyrna Carpet (Ltd.), Bortoli Bros., with factories located at Smyrna. Our capital investment represented 5,800,000 Turkish pounds.

This, as I have already said, is the equivalent of approximately \$25,000,000 of American money.

We were the largest manufacturers and exporters of Smyrna rugs. My property is destroyed. My mother was murdered, being shot through the head in my presence. My brother was beaten and bruised to such an extent that subsequently he became insane and died, and my two sisters, 17 and 19 years of age, after barricading themselves in their villa, died by their own hands for fear of outrage and to protect their honor. I am the sole survivor of that family, and I came to America in the hope that I could do something to prevent a recurrence of so terrible a disaster as I have experienced and lived through. The former American consul, Mr. George Horton, who lived at Smyrna, knows me personally, and will vouch for the fact that I am one of the firm of Bortoil Bros., formerly located at Smyrna. Immediately upon coming to this country I took out my first papers and hope to become a citizen of the United States. The following is a statement of the facts as I know them:

and will vonch for the fact that I am one of the firm of Bortoll Bros, formerly located at Sinyraa. Immediately upon coming to this court py frost papers and hope to become a citizen of the them. It is the state of the state o

number probably 1,200,000. Their condition is terrible. They had to leave without any property. Families have been separated. They have no means of support. They are herded together under conditions that are horrible to describe.

I am a member of the committee of the Near East refugees. My sole purpose in this situation is to try to help the poor people who have suffered as I have suffered.

There are many citizens in the United States who among these refugees have a father, mother, brother, or sister, whom they would like to help. It would be a humanitarian thing if the United States could permit, through its immigration law, these poor people to come to be taken care of and to be started in life again by their relatives in this country.

The Senate has passed a bill looking to permitting Armenian refugees to enter this country beyond the quota allowed by law. When this bill went to the House it was considered by the committee, and the House Committee on immigration has held extensive hearings and have substituted a complete immigration measure in lieu of the bill as passed by the Senate.

While this bill does not give all of the relief that we had hoped to get, still it does permit fathers, mothers, brothers, and sisters of American citizens, under proper bond and under proper restrictions, to enter the United States.

There is a substantial prospect that the Rules Committee will permit this bill to be voted upon and passed by the House early next week.

The only hope of passing this legislation is that the report of the conferees will approve of the House substitute.

Unless permission is given by this Congress for the entry into the United States of fathers, mothers, sisters, and brothers of American citizens who are refugees in this horrible situation many thousands of them will die. The relief needed is now. If we have to wait until the next session of Congress relief will be too late.

Here is a copy of a telegram received from Dr. Esther Lovejoy, who is chalrman of the American women's hospitals, which

I will read the telegram later.

In the name of humanity, my dear Senator. I hope that you and your distinguished conferees in the Senate can do something to bring about this relief before it is too late.

THEO. BORTOLI.

This and other equally amazing facts, which I do not at this time publish, brought to my attention by Mr. Bortoli and others have prompted me to appeal to the Congress for action in behalf of these oppressed people. We can pass the Senate bill, and I hope that no one will insist upon a course which will defer action upon relief legislation until the next Congress.

In the hope that the emergency feature of this legislation may be cleared of confusion and every obstruction to its passage removed, it is suggested that paragraphs A and B of section 4 of the House amendment be modified so as to liberalize the provisions in important features, and section 8 of the House amendment which relates to the manner of carrying out the relief features of the act be adopted, if it appears that general immigration legislation can not be enacted, which seems highly probable. Otherwise the bill, as it passed the Senate, should be passed with relevant amendments. I will publish at the conclusion of my remarks the measure as it would read if this proposal should be enacted. (See Appendix.)

If relief for the refugees can be passed during the present Congress and the general immigration law revised, as proposed in the House amendment, I have no objection. It would seem calamitous, however, to permit a condition to arise resulting in no legislation, thus dooming the hopes of a people whose present condition is expressed in a telegram from Dr. Esther Lovejoy, of the American Hospitals Association, dated February 14, 1923, and referred to in the statement which I have read submitted by Mr. Bortoli:

[Copy of telegram received February 14, 1923, by Mr. Theodore Bortoli from Dr. Esther Lovejoy.]

Refugee conditions indescribable. People, mostly women and children, without a country. Rejected of all the world. Unable to speak Greek language. Herded and driven like animals from place to place. Crowded into damp holes and hovels. Wet, cold, hungry, sick; suffering very great. Mercy of immediate death withheld. Greece willing, but utterly unable to cope with conditions. Outlook here hopeless. Wretched people anxious to return to Anatolia any terms. Death by violence preferable to death from cold, hunger, or disease. Help from America only hope.

In addition to this the Senate Committee on Foreign Relations should ascertain the status of affairs in Smyrna, particularly as they affect Americans there. The former American consul, Mr. George Horton, whom I am told was compelled to leave the consulate, can be summoned before the committee and directed to tell what he knows of conditions and incidents in Smyrna as they relate to helpless Armenian men, women, and children, and particularly as they affect citizens of the United States. It is possible that some plan may be adopted which will save Christian civilization from the disgrace of seeming to withhold helpful sympathy from the victims of Turkish cruelty.

Is the Committee on Foreign Relations informed as to events, comparatively recent, in Turkey affecting the Government of the

United States?

What is the condition of the building in Smyrna formerly occupied by the American consular staff? If it has been de-

stroyed, when was that done, by whom, and what were the circumstances?

Has cruelty been inflicted on American sailors or marines;

and if so, when, by whom, and to what extent?
What action has been taken by the Executive to protect American citizens from injury and death, and what action has been

taken to protect the American flag from insult? The delicacy as well as the vital importance of these questions is apparent. There is no disposition to provoke rash action or to inflame public feeling. Certainly, everyone must realize the necessity for caution, both in discussing and in dealing with international conditions admittedly tense and irri-

Whatever may be the details, the world knows that all forms of violence, both to persons and property—arson, robbery, torture, rape, and murder-have converted Smyrna and its vicinity into a realm where brutal barbarism is supreme. that the United States can do is to afford refuge for the op-pressed, and to act quickly. To delay the consideration and passage of the Armenian refugee bill to consider measures like the ship subsidy or general immigration legislation seems to me unjustifiable; not to say unpardonable. The sentiment of a Christian Nation revolts at the thought that the Congress of the United States should pursue a policy of indifference and hesitation respecting such a subject. The people are hopeful now that we will act promptly and effectively. They will be righteously indignant if we fail and leave Armenian Christians to a fate pitiable beyond the power of the imagination to conceive or the tongue to describe.

APPENDIX.

A bill (H. R. 14273) to limit the immigration of aliens into the United States.

A bill (H. R. 14273) to limit the immigration of aliens into the United States.

Be it enacted, etc., That this act may be cited as the "relief immigration act of 1923"

(1) "Refuge" shall mean any person who has fled from his home since the 1st of October, 1921, and was resident prior to fleeing from his home in (a) the territory belonging to Turkey as defined by the treaty of Sevres, or (b) other territory occupied by Turkish military or civil authorities since October, 1920.

(2) "Relative" shall mean a husband, wife, parent, grandparent, brother or sister, child, grandchild orphan niece or nephew, aunt or uncle by blood.

(3) The singular shall include the plural, and the masculine shall include the feminine.

SEC. 2. That any person resident within the United States who is either a citizen of the United States or who has made application for citizenship may petition the Commissioner General of Immigration for the admission into the United States of any relative who is a refugee.

SEC. 3. (1) That the petition for admission must contain: (a) The name and address of the pathip and number of declaration; (c) the name and address of the pathip and number of declaration; (c) the name and address of his employer or the address of his place of business or occupation if he is not an employee; (d) the degree of relationship of the person for whom the application is made and the name of the place where such person for whose admission the application is made and the name of the place where such person for whose admission the application is made, so that he shall not become a public charge; (f) a statement that the person for whose admission the application is made, so that he shall not become a public charge; (f) a statement that the person for whose admission the application is made in homeless at the time of making the power to administer oaths and must be supported by any documentary evidence required by regulations issued under this act.

(3) Application may be made in the same petition for any ordication applica

purpose.

SEC. 7. That if the Commissioner General of Immigration shall find the facts stated in the petition to be true, the refugees named in the petition shall be admitted to the United States; except that in case of an uncle or aunt by blood the commissioner general may, in his

discretion, refuse admission if he believes that the refugee can be provided for elsewhere than in the United States.

SEC. 8. That any refugee who has been permitted by the immigration authorities of the United States to land temporarily shall be finally admitted if a petition be filed and approved as provided herein in respect to such alien.

SEC. 9. That refugees whose admission is authorized under this act shall be admitted, subject to the immigration laws of the United States, except that the act approved May 19, 1921, entitled "An act to limit the immigration of aliens into the United States," shall not be applied to them, and they shall not be included in estimating the quota established under such act of alien immigrants of the nationality to which they belong who may be admitted to the United States.

States.

SEC. 10. That the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall prescribe rules and regulations necessary to carry this act into effect.

SEC. 11. That any person who knowingly and fraudulently aids in any way to secure the admission under this act of a refugee not properly admissible under it shall be punished by a fine not exceeding \$1,000 or by imprisonment for a term of not exceeding one year, or both

\$1,000 or by imprisonment for a term of not exceeding one year, or both.

SEC. 12. That this act shall take effect upon its enactment and shall continue in force till June 30, 1924, but no refuges shall be admitted under its terms after June 30, 1924, except those for whose admission petition has been filed previous to that date.

SEC. 13. That this act may be cited as the Near East refugee act of 1922.

Mr. LODGE. Mr. President, I have listened to what has been said by the Senator from Arkansas, and I agree entirely with him that the Senate bill for the relief of the Armenians and, perhaps, the additional liberalization of the law proposed by the other House, if it could be added to it, should be passed; but certainly the resolution we passed ought to go through. We must have a revision of the immigration laws, which is, however, a wholly different question but a very important one. I have for many years labored for the proper regulation and restriction of immigration. A bill for that purpose must come before us, if not now then in the next Congress, and be dealt with; but the bill looking to that end now pending in the House is a long and important measure which will require debate. We have only a little more than a week ahead of us, and if such a bill be attached to the Armenian resolution that resolution will fail because there will be no time in which to consider and pass it.

I feel very strongly on the matter, and I very earnestly hope that the House of Representatives may be willing to send us the bill which has been described by the Senator from Arkansas, certainly that they will send us the Armenian bill which we have passed in this body, and if possible the other measure. It ought not be encumbered, however, with general immigration legislation at this time. If we are to perform an act of humanity, as I hope we are, to these poor hunted people, it should be done freely and quickly. "The quality of mercy is not strain'd." We ought not to do anything that will impede a noble purpose, as I think this to be.

So far as the condition of Americans in Smyrna is concerned, I know Mr. Horton, the consul, though I have not seen him recently, but I have known him quite well in past years. I know he is a very competent man. I think, however, that Americans and American rights have been fully protected there. We have had destroyers in those waters-I think 12 were sent from this country, and some are near Smyrna-but it will not be difficult for the committee to make an inquiry, and it will do so: the meanwhile, however, the practical thing to do is to pass the Armenian bill that passed the Senate, if possible, with the provisions which the Senator has described added by the House, as I understand, simply liberalizing the laws a little. In any event, the Armenian bill ought to go through, and go through now, unencumbered by a great general measure which must pass, of course, in the future, which, I think, could not be dealt with in the week that remains.

FEDERAL USURPATION.

Mr. STANLEY. Mr. President, nearly two years ago there was pending in this body a bill purporting to interdict the use of brewed beverages for medicinal purposes. The importance to the public generally of either permitting or prohibiting the use of alcohol produced in that form for medicinal purposes was, in my humble opinion, less vital, infinitely less vital, than the preservation of rights and privileges hoary with the prescription of centuries. It was practically admitted, and that which was not admitted was left to plain inference, that in enforcing laws materially affecting the domestic and personal relations and habits of the citizen no constitutional safeguard, no common-law right, no privilege, however sacred or however sacredly maintained, was to be permitted to interfere with or to delay or prevent the enforcement of this particular act.

I called the attention of the Senate then to the fact that this was not an act to secure or prevent the use of brewed beverages as a stimulant or as a beverage, but as a medicine. I at some length at that time explained to the Senate the fact that the execution of the law as drawn-inadvertently, I hope, but certainly carelessly drawn-overlooked those safeguards which had hitherto been thrown about legislation of that character. I proposed an amendment very similar to the amendments to acts passed during the war authorizing searches and seizures This amendment was heartily indorsed for certain purposes. by Senators whose devotion to the cause of temperance and to the cause of prohibition could not be questioned, by men who, in season and out of season, during their whole public lives have never failed to vote for any measure designed to regulate or to prohibit the use of alcoholic beverages.

That amendment passed the Senate by unanimous vote, and later the question came up of supporting the conferees of the Senate in their disagreement with the conferees of the House. Again it passed without a dissenting voice. For some reason which I am not disposed at this time to discuss, and which it is not necessary that I should discuss at any great length, that amendment was defeated; and the effect of the whole argument justified the inference, and the effect of the attitude of the opponents of that amendment was to notify the country, that any power, any authority necessary to the enforcement of the act would be assumed, whether it was in accord with or in derogation of the solemn provisions of the Constitution of the United States.

Mr. President, without regard to the merits of that act, I can not without serious and painful apprehension view the attempt on the part of officers of the law to disregard these solemn injunctions. I can not without the gloomiest forebodings for the safety and happiness of my country behold a deliberate usurpation and a deliberate exercise of tyrannical power solemnly interdicted by the Constitution of my country, the invasion of rights hoary with the proscription of centuries, maintained by our heroic fathers, by Continental heroes who fought for those rights 15 years before they raised the standard of rebellion to the mother country.

On the 22d of this month the Senate solemnly listened to the golden words of wisdom of its greatest citizen, its loftiest patriot, its sage adviser, to the most solemn words and the last solemn words uttered by him who was, "First in war, first in peace, first in the hearts of his countrymen"; and I felt deep in my heart an earnest wish that he might return from the abodes of rest to the scenes in which he was once an inspiring figure, and in person utter again the solemn admonitions of his Farewell Address.

I recall these words:

This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence m its measures are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacreedly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

And again:

And again:

If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation, for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Since the death of George Washington no man has more powerfully appealed to the hearts and affections of the American people than that rugged, gentle, patient figure, Abraham Lincoln; and I say it as a southern man. This sentiment of reverend regard for the Constitution, this abhor-rence of the usurpation by Federal officers or Federal powers not warranted by that Constitution, or interdicted by it, re-tained its place in the hearts of wise patriots from the day Washington was inaugurated until the hour Abraham Lincoln reaffirmed the solemn adjuration. In his first inaugural Lincoln said:

It is my duty and my oath to maintain inviolate the right of the States to order and control under the Constitution their own affairs by their own judgments exclusively. Such maintenance is essential for the preservation of that balance of power on which our institu-

Until the last decade, until a few short years ago, any Congressman, any Senator, any judge, who for any purpose, to attain any end, however desirable; to enforce any law, how-ever vital to the life or happiness of his country, had proposed a bold act of naked, indefensible usurpation, would have met the fixed finger of scorn in this body, and that sentiment but a few years ago was reflected by the leader of the majority, the senior Senator from Massachusetts [Mr. Lodge]. Said Mr. Lodge in a recent utterance:

Our forefathers founded a limited Government. The movement of to-day and the various measures of a socialistic kind extending governmental activities are breaking down those constitutional limitations and are intended to do so. It is well for us to stop and consider whether it is wise to destroy the Government which Washington founded and which Lincoln saved.

While my warning of two years ago fell upon deaf ears in the Senate, while it invoked scorn, and a sarcastic innunendo that I was camouflaging behind the Constitution in order to aid a nefarious business; while it met the sneer that "Such talk might be welcome to moonshiners and bootleggers, but as far as we, the self-constituted keepers of the consciences of the American people, are concerned we will do as we please with the Constitution; we will override the right of immunity from search and seizure, the writ of habeas corpus, and the right of trial by jury, or any other safeguard, even the sanctity of the home; no person shall stand in the way of any bailiff we may commission, and we refuse to impose any penalty for a violation of any part of the Constitution except the eighteenth amendment." That was the challenge; that was the statement; amendment." That was the challenge; that was the statement; that was the bold, brazen position of those who denounced me for a simple proposal that a reasonable penalty be imposed upon officers who, in the enforcement of one law, violated one or more of the solemn provisions of the Constitution of the United States.

I am gratified to know that while my words were vain here they have found an echo_elsewhere. I am delighted to know that that echo is not partisan, that it is not confined to North or South, or East or West, to Democrat or to Republican. The great first governor of Oklahoma, who in 1908 broke temporarily with the nominee of the national Democratic convention because he desired to put a stronger expression into the Democratic platform against the liquor traffic than even the nominee would accept, a champion not only of temperance but of prohibition, on more than one occasion has lent his powerful and eloquent voice to the cause of liberty, and has demanded that in the enforcement of any law every officer should respect the Constitution of his country, has denounced in unmeasured terms the wanton extravagance of paternalism gone mad and the centralization of power bursting headlong through every limitation

erected by a hundred years of free government.

The speeches of Charles N. Haskell ring like a clarion call to the lovers of constitutional liberty all over America. Not less emphatic are similar statements by Gov. Frank O. Lowden. who as the governor of a great State has deserved the commendation of his country and who many thought would be the nominee of this party for the Presidency of the United States.

This protest, this apprehension which aroused so much opposition and invited so many sneers, sarcasm, and diatribes in the Senate of the United States has, thank God, found an echo. But yesterday a notable utterance was made in the State of Ohio by the president of the greatest university on the reeling earth, with its 30,000 matriculates, a man whose advocacy of the cause of temperance no temperance man can question; who wrote into a party platform the first dry resolution ever passed in New Jersey; who led gallantly the fight against the saloon as long as there was a saloon in his State; whose private life and whose Christian character are above question. At the head of that great institution no political office can tempt him and calumny will not charge, because calumny does not even dream, that Nicholas Murray Butler is the superserviceable tool of the liquor interests. Yet he, in a great address on law and lawlessness, has given additional weight to this timely warning to get back to the Constitution and to respect the rights of the citizen.

Yea, more, Mr. President, here in the city of Washington last Sunday, on a great and historic occasion, the leading bishop of the Episcopal Church in the South, an orator without a superior in the pulpit of America in any church, in the presence of the President of the United States, foreign diplomats, and one of the most notable assemblies that ever gathered, on one of the most notable occasions in the history of this Capital, repeated the solemn warning which two years ago invited the contempt and the sarcasm of Senators.

I quote from the Washington Post of February 19. If I had said these things I would be burned in effigy. The article reads:

REFORMERS WEAKEN LAW, BISHOP AVERS—FOSTER DISRESPECT FOR IT
BY CURBING LIBERTY—PRESIDENT IN AUDIENCE—HIGH OFFICIALS
HEAR THE RIGHT REVEREND GAILOR EXTOL WASHINGTON—WARNS OF
RISING DISCONTENT—NATION DAILY SEES NEW ONSLAUGHTS ON
PERSONAL FREEDOM, LAWS PROPPORTIONATELY LOSE RESPECT, AND
COURTS FALL INTO DISREPUTE, HE ASSETTS—POINTS TO LEGACIES
FROM WASHINGTON IN A PLEA FOR RELIGION IN EDUCATION—SAYS
THAT WARS HAVE BEEN BENEFICIAL.

THAT WARS HAVE BEEN BENEFICIAL.

Reformers and lawbreakers seem to be in a conspiracy to bring the law into disrespect and the courts into disrepute, the Right Rev. Thomas F. Gailor, bishop of Tennessee, declared yesterday in the course of a sermon at the services of the Sons of the Revolution in commemoration of the birth of George Washington.

Read the Farewell Address of Washington, and, oh, how appropriate was the utterance of this great man of God, who loves the liberties of his country better than the success of a faction or a propaganda. I continue reading from the Post

High Government officials, including President Harding and members of the diplomatic corps, thronged St. Johns Church to hear the bishop. Not only is there a widespread disrespect for the law, but this condition is to be blamed alike on the criminals and "those who gather into groups to advance special legislation favorable to them," the speaker declared.

PERSONAL LIBERTY INVADED. "The supremacy of law and the preservation of the individual liberties of our citizens are parts of America's old traditions which we do not seem to have realized," said Bishop Gallor. "Not only has discontent with the laws become more or less general, but daily we see the individual liberties of our citizens further curtailed and restricted.

"The formation of certain small groups to favor certain laws which they themselves may believe to be right has exaggerated this disrespect for the law rather than promoted in the minds of our citizens the sanctity of the law and the proper respect for our governmental institutions.

MUST SEEK UNITED OPINION.

"We are losing sight of the importance of the bedrock upon which our Government is founded," the bishop declared. "Public opinion is being so molded by a few." he continued, "that it is persistently interfering with personal liberty.

"Any measure which tends in any way to reduce individual liberty should be very carefully considered before it is put into effect."

I did not ask for a careful consideration of the bill. I simply asked that a measure restricting personal liberty, a measure authorizing an officer to enter the home, should require that officer to regard the Constitution when he entered it, and they said I was an incendiary and an advocate of intemperance.

Such measures should be based not on the opinion of a group but on the whole united opinion of the public.

Patriotic impulses and loyalty to the State do not interfere with the Christian idea of the brotherhood of man, the bishop said. The church has no desire to curtail the patriotism of its members, but on the contrary encourage that patriotism.

AMENDMENT OF WAR BISK INSURANCE ACT (S. DOC. NO. 308) CONFERENCE REPORT.

Mr. McCUMBER. Mr. President, I ask unanimous consent to submit a conference report on House bill 10003, and ask

to submit a conterence report on house but 1000s, and ask for its immediate consideration and adoption. The PRESIDING OFFICER (Mr. Whils in the chair). Is there objection to the request of the Senator from North Da-kota? The Chair hears none, and the report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10003) to further amend and modify the war risk insurance act, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows

That the House recede from its disagreement to the amendment of the Senate to the bill (H. R. 10003) to further amend and modify the war risk insurance act, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the Senate insert the following:

Sec. 23. (1) That, except as provided in subdivision (2) of this section, when by the terms of the war risk insurance act and any amendments thereto, any payment is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent or under other legal disability adjudged by a court of competent jurisdiction, such payment shall be made to the person who is constituted guardian, curator, or conservator by the laws of the State or residence of claimant, or is otherwise legally vested with responsibility or care of the claimant or his estate: Provided, That prior to receipt of notice by the United States Veterans' Bureau that any such person is under such other legal disability adjudged by some court of competent jurisdiction, payment may be made to such person direct: Provided further, That for the purpose of payments of benefits under article 3 of the war risk insurance act, as amended, where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State or residence of the claimant, the director shall determine the person who is otherwise legally vested with responsibility or care of the claimant or his estate.

"(2) If any person entitled to receive payments under this act shall be an inmate of any asylum or hospital for the in-sane maintained by the United States, or by any of the several States or Territories of the United States, or any political subdivision thereof, and no guardian, curator, or conservator of the property of such person shall have been appointed by competent legal authority, the director, if satisfied after due inves-

tigation that any such person is mentally incompetent, may order that all moneys payable to him or her under this act shall be held in the Treasury of the United States to the credit of such person. All funds so held shall be disbursed under the order of the director and subject to his discretion either to the chief executive officer of the asylum or hospital in which such person is an inmate, to be used by such officer for the maintenance and comfort of such inmate, subject to the duty to account to the United States Veterans' Bureau and to repay any surplus at any time remaining in his hands in accordance with regulations to be prescribed by the director; or to the wife (or dependent husband if the inmate is a woman), minor children, and dependent parents of such inmate, in such amounts as the director shall find necessary for their support and maintenance in the order named; or, if at any time such inmate shall be found to be mentally competent, or shall die, or a guardian, curator, or conservator of his or her estate be appointed, any balance remaining to the credit of such inmate shall be paid to such inmate, if mentally competent, and otherwise to his or her guardian, curator, conservator, or personal represenatives.

And the Senate agree to the same.

P. J. McCumber, REED SMOOT, JOHN SHARP WILLIAMS, Managers on the part of the Senate. BURTON E. SWEET. W. J. GRAHAM,

SAM RAYBURN, Managers on the part of the House.

Mr. ROBINSON. What is the proposal, Mr. President? The PRESIDING OFFICER. The reading clerk has just read the report

Mr. McCUMBER. It is a conference report on the amendment of the war risk insurance act.

Mr. ROBINSON. But what is the request?
The PRESIDING OFFICER. A request has been made for unanimous consent for the immediate consideration of the conference report.

Mr. ROBINSON. Let it go over. Mr. McCUMBER. Very well. Then I simply present the

The PRESIDING OFFICER. The report will be printed, and lie on the table.

MESSAGE FROM THE HOUSE,

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the following bills of the Senate:

S. 726. An act for the relief of George Emerson; S. 1516. An act for the relief of Lewis W. Flaunlacher;

S. 1670. An act for the relief of Buffkin and Girvin;

S. 2168. An act for the relief of Jesse C. Dennis and William Rhett Eleazer;

S. 2323. An act for the relief of Anna M. Tobin, independent

executrix of the estate of Frank R. Tobin, deceased; S. 2746. An act for the relief of William Howard May, ex-marshal of the Canal Zone; William K. Jackson, ex-district attorney of the Canal Zone; and John H. McLean, ex-paymaster of the Panama Canal, now deceased;
S. 2934. An act to provide for the issuance to John W. Stan-

ton by the Secretary of the Interior of patent to certain land upon payment therefor at the rate of \$1.25 per acre;

S. 3154. An act for the relief of C. M. Rieves; and S. 4028. An act for the relief of John N. Halladay.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1405. An act for the relief of William Collie Nabors

S. 2984. An act for the relief of Thurston W. True; and S. 3594. An act for the relief of Anton Rospotnik and the exchange of certain lands owned by the Northern Pacific Rail-

The message further announced that the House had passed the bill (S. 2632) to correct the military record of Martin Cletner, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 1252. An act for the relief of John A. Douglas:

H. R. 6601. An act for the relief of the Great Lakes Engineering Works;

H. R. 7267. An act granting permission to Mrs. R. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the bust of Bolivar.

H. R. 8051. An act for the relief of the Commonwealth & Dominion Line (Ltd.), owner of the British steamship Port Phillip.

H. R. 2291. An act for the relief of Trygve Kristian Lode; H. R. 10177. An act for the relief of Sherman Miles;

H. R. 10825. An act for the relief of the heirs, assigns, and

legal representatives of Thomas Johnson:

H. R. 12751. An act to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots), in the State of Arkansas;

H. R. 13004. An act authorizing the Secretary of War to lease to the Kansas Electric Power Co., its successors and assigns, a certain tract of land in the military reservation at Fort Leaven-

H. R. 13024. An act for the relief of August Nelson:

H. R. 13612. An act authorizing the issuance of patent to the legal representatives of Miles J. Davis, deceased;

H. R. 13614. An act for the relief of Wyatt A. Marshall;

H. R. 13617. An act to dissolve the Colored Union Benevolent Association, and for other purposes;

H. R. 13724. An act for the relief of Hugh Marshall Mont-

H. R. 13751. An act authorizing the Secretary of the Interior to sell and patent certain lands to Robert E. Wyche, a resident of Caddo Parish, La.;

H. R. 13903. An act for the relief of the New York State Fair

Commission:

H. R. 14028. An act for the relief of Joseph H. Lokken:

H. R. 14082. An act to authorize the Valley Transfer Railway Co., a corporation, to construct and operate a line of railway in and upon the Fort Snelling Military Reservation in the State Minnesota:

H. R. 14089. An act granting six months' pay to Harriet B.

H. R. 14183. An act to authorize the Secretary of the Treasary to sell a portion of the Federal building site in the city of

H. R. 14249. An act for the relief of the owners of the Ameri-

can schooner Mount Hope;

H. R. 14317. An act granting permission to Capt. Norman Randolph, United States Army, to accept the decoration of the Spanish Order of Military Merit of Alfonso XIII; and

H. J. Res. 222. Joint resolution for the relief of Ramon B.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills and joint resolution were severally read twice by title and referred as indicated below:

H. R. 13617. An act to dissolve the Colored Union Benevolent Association, and for other purposes; to the Committee on the District of Columbia.

H. R. 14089. An act granting six months' pay to Harriet B.

Castle; to the Committee on Naval Affairs.

H. R. 14183. An act to authorize the Secretary of the Treasury to sell a portion of the Federal building site in the city of Duquoin, Ill.; to the Committee on Public Buildings and

H. R. 7267. An act granting permission to Mrs. R. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the

bust of Bolivar; and

H. R. 14817. An act granting permission to Capt. Norman Randolph, United States Army, to accept the decoration of the Spanish Order of Military Merit of Alfonso XIII; to the Committee on Foreign Relations.

H. R. 6601. An act for the relief of the Great Lakes Engi-

neering Works;

H. R. 8051. An act for the relief of the Commonwealth & Domonion Line (Ltd.), owner of the British steamship Port Phillip;

H. R. 13903. An act for the relief of the New York State Fair Commission; and

H. R. 14249. An act for the relief of the owners of the American schooner Mount Hope; to the Committee on Claims. H. R. 8291. An act for the relief of Trygve Kristian Lode;

H. R. 10825. An act for the relief of the heirs, assigns, and legal representatives of Thomas Johnson;

H. R. 13024. An act for the relief of August Nelson;

H. R. 13612. An act authorizing the issuance of patent to the legal representatives of Miles J. Davis, deceased;
H. R. 13614. An act for the relief of Wyatt A. Marshall;
H. R. 13751. An act authorizing the Secretary of the Interior to sell and patent certain lands to Robert E. Wyche, a resident of Caddo Parish, La.; and

H. R. 14028. An act for the relief of Joseph H. Lokken; to the Committee on Public Lands and Surveys.

H. R. 1252. An act for the relief of John A. Douglas;

H. R. 10177. An act for the relief of Sherman Miles; H. R. 13004. An act authorizing the Secretary of War to lease to the Kansas Electric Power Co., its successors and assigns, a certain tract of land in the military reservation at Fort Leavenworth:

H. R. 14082. An act to authorize the Valley Transfer Railway Co., a corporation, to construct and operate a line of railway in and upon the Fort Snelling Military Reservation in the State

of Minnesota; and H. J. Res. 222. Joint resolution for the relief of Ramon B. Harrison; to the Committee on Military Affairs.

PUEBLO INDIAN LANDS.

Mr. LENROOT. Mr. President, I ask unanimous consent out of order to report favorably from the Committee on Public Lands and Surveys the bill (S. 3855) to ascertain and settle land claims of persons not Indian within the Pueblo Indian land, land grants, and reservations in the State of New Mexico.

Mr. ROBINSON. Mr. President, I am compelled to object. Mr. LENROOT. Will the Senator withhold his objection for

a moment while I make a statement?

Mr. ROBINSON. I object, The Senator will have ample

opportunity to submit the report to-morrow

Mr. LENROOT. But I want to get the bill on the calendar. It has been agreed upon. It is a measure of national interest, and we have come to a full agreement. I would not ask it if were not a very exceptional case.

The PRESIDING OFFICER. Is there objection?

Mr. ROBINSON. I reserve the right to object. The Senator

can make his statement.

Mr. LENROOT. Every Senator is aware of the conference that went on for several weeks concerning the Bursum bill, which was once passed by the Senate, recalled, and referred to the Committee on Public Lands and Surveys. The Committee on Public Lands and Surveys, through a subcommittee on Public Lands and Surveys, through a subcommittee, held extensive hearings, running over, I think, three weeks. Parties came in from all over the country, made their full presentation to the committee, and finally a bill has been agreed upon that is satisfactory to all interested, and unanimously ordered to be reported.

Mr. ROBINSON. I do not wish to interrupt the Senator's statement further than to say that he can submit the report during the morning of to-morrow. An arrangement is already in contemplation to consider the calendar further on Monday.

Mr. LENROOT. Will the Senator withhold just a moment

more?

Mr. ROBINSON. I withhold it.
Mr. LENROOT. The reason why I ask leave to submit the report now is that the bill is one which has attracted such widespread interest that I think Senators ought to have an opportunity to examine it before it is called up on Monday; and they will not have that full opportunity unless the report can be made to-day.

Mr. ROBINSON. I am compelled to object.
Mr. LENROOT. Very well.
Mr. ROBINSON. I will state now that there will be no unanimous consent granted this afternoon, and there need not be requests submitted, unless it is something of a peculiarly emergent nature. I do not want to discriminate between Senators. and I think under the present condition of business in the Senate no unanimous consent should be granted.

Mr. LENROOT. I simply want to say to the Senator that every day lost means that there will be no legislation at the present session of Congress on this very important subject.

Mr. ROBINSON. The session has been in progress a great

while and the Senator can not convince me that this is a matter of such emergent importance that 10 hours will determine the fate of the measure. He can report the measure to-morrow.

Mr. LENROOT. It is a Senate bill and it is desired to get

the bill through the House.

Mr. ROBINSON. I understand.

The PRESIDING OFFICER. The Senator from Arkansas objects.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On February 9, 1923: S. 4029. An act to amend and supplement the act entitled "An act to incorporate the Texas & Pacific Railroad Co., and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and acts supplemental thereto, approved, respectively, May 2, 1872, March 3, 1873, and June 22, 1874; and

S. J. Res. 12. Joint resolution authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the

Argentine Republic.
On February 10, 1923:
S. J. Res. 248. Joint resolution to provide for the payment of salaries of Senators appointed to fill vacancies, and for other purposes.

On February 12, 1923:

S. J. Res. 259. Joint resolution authorizing the President to abrogate the international agreement embodied in certain Executive orders relating to the Panama Canal.

On February 13, 1923:

S. 1016. An act to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States"; and

S. J. Res. 226. Joint resolution authorizing the acceptance of title to certain land within the Shasta National Forest, Calif.

On February 14, 1923:

S. 1878. An act to permit the State of Montana to exchange cut-over timberlands granted for educational purposes for other lands of like character and approximate value;

S. 1926. An act to extend the provisions of the act of February 8, 1887, as amended, to lands purchased for Indians; and

S. 3702. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State.

On February 15, 1923:

S. 4169. An act granting the consent of Congress to the city of Aurora, Kane County, Ill., a municipal corporation, to construct, maintain, and operate a bridge across the Fox River;

S. 4260. An act to extend the time for the construction of a bridge over the Columbia River, between the States of Oregon and Washington, at a point approximately 5 miles upstream from Dalles City, Wasco County, in the State of Oregon; S. 4288. An act to grant the consent of Congress for the

special commission constituted by an act of the Legislature of Massachusetts to construct a bridge across the Merrimack

River;

S. 4341. An act granting the consent of Congress to the Oregon-Washington Bridge Co., and its successors, to construct a bridge across the Columbia River at or near the city of Hood River, Oreg.;

S. 4346. An act granting the consent of Congress to the Delaware State Highway Department to construct a bridge across

the Nanticoke River:

S. 4353. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River; and

S. 4439. An act to revive and to reenact an act entitled "An act granting the consent of Congress for the construction of a bridge and approaches thereto across the Arkansas River between the cities of Little Rock and Argenta," approved October 6, 1917.

On February 17, 1923: S. 2531. An act to create a board of accountancy for the District of Columbia, and for other purposes; and

S. 3169. An act to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes.

On February 20, 1923:

S. 3721. An act providing for the erection of additional suitable and necessary buildings for the National Leper Home. On February 21, 1923:

S. 1066. An act to authorize the Commissioners of the District of Columbia to close Piney Branch Road between Seven-teenth and Taylor Streets and Sixteenth and Allison Streets NW., rendered useless or unnecessary by reason of the opening and extension of streets called for in the permanent highway plan of the District of Columbia; and

S. 3808. An act authorizing the Secretary of the Interior to investigate the feasibility of reclamation projects on the Columbia River and various other irrigation projects.

REPORT OF THE GOVERNOR OF PORTO RICO (H. DOC. NO. 602).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers and documents, ordered to be printed and referred to the Committee on Territories and Insular Possessions:

To the Congress:

As required by section 12 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith, for the information of the Congress the Twenty-second Annual Report of the Governor of Porto Rico, together with the reports of the heads of the several departments of the Porto Rican Government for the fiscal year ended June 30, 1922

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

WARREN G. HARDING.

THE WHITE HOUSE, February 23, 1923.

REPORT ON RUSSIAN RELIEF (S. DOC. NO. 307).

The Vice President laid before the Senate the following message from the President of the United States, which was read and ordered to be printed, and, with the accompanying papers and documents, referred to the Committee on Appropriations: To the Congress of the United States:

I transmit herewith, for the information of the Congress, a report by the American Relief Administration of the disposition made of certain medicines, medical, surgical, and hospital supplies, which were transferred to said American Relief Administration by virtue of the provisions of the act of Congress approved January 16, 1922, for the relief of the distressed and famine-stricken people of Russia.

WARREN G. HARDING.

THE WHITE HOUSE, February 23, 1923.

A SHIP SUBSIDY-WILL IT BE ONE OF OUR NATIONAL BLUNDERS, AND WHY?

Mr. LADD. Lir. President, I desire to discuss at this time at considerable length the question of a ship subsidy and to show why the measure as presented to Congress will be one of our national blunders, a natural outcome of a policy which has been permitted to lead us astray. I shall endeavor to show that the germ which made possible this unfortunate condition was planted with the founding of our Government and has continued to develop ever since, until to-day in this country we are witnessing its full fruition for the benefit of a privileged few and at the expense of the masses.

At the outset I wish to call attention to the blunder that has been made in the private operation of our railroads, our banks, and other great industries and how interlocked has become nearly all lines of so-called big business; how a few men actually control the policy of these industries and institutions; and how they have been enabled to thwart the Government's efforts to have them render a real service to all the people through the instrumentalities that have been intrusted in the hands of individuals and corporations until they have ceased to function in the interests of the people and have become at times even a dangerous weapon in the hands of special privilege. This policy, if continued, will crush our people and drag down the splendid civilization which our forefathers so laboriously built up that we might ever continue a free and independent people, where poverty and suffering should almost be unknown and every man should receive a full share of the fruits of his labor, but which independence is now fast becoming a hollow mockery to many of the best blood of our land. Fortunately, the ballot promises to be a means to save this fair land through evolution, so that the common people shall have their fair share of responsibility in its affairs and shall enjoy the rights to the fruits of their toil.

In passing, Mr. President, I may say, however, that I am just as anxious for a practical and prosperous merchant marine as any other loyal citizen, but I am not convinced that the proposition as presented is sound or in the interest of all the people, but that it will bring great profits to a few privileged financiers and international bankers at the expense of the producers of the I am not convinced either that it would benefit agriculture or tend to promote foreign trade, as its proponents claim. Where there is much smoke there is fire; where there is much

propaganda stop, think, beware!
Mr. President, with the illimitable, inexhaustible resources of this country, with her prodigious increase of wealth-producing power, her marvelous mechanical achievements, and the unprecedented genius of her people for industrial cooperation and efficiency, it is a perplexing enigma that there should be a single person able and willing to work that can not find remunerative employment sufficient to maintain his family in comfort and contentment. Nevertheless, it is painfully and pitifully evident from every-day experience and common knowledge, substantiated by the reports of investigations made by the Federal, State, and municipal governments, that a very large proportion of our industrial population is as a result of low wages and disemploy-ment, living in a condition that is detrimental to physical health and moral purity, and which deprives the American home of every element of happiness and contentment. How large this proportion is is not susceptible of precise determination, but it is evident from governmental statistics that at least one-third, perhaps one-half, of the families of wage earners employed in mining and manufacturing, receive much less in the course of a year flan enough to support them in anything resembling decency and comfort. It is into this helpless, hopeless poverty that destroys manhood, blights womanhood, that robs even childhood of its innocence and happiness, that the working classes are being driven by an invisible power which acts upon them like a resistless and pitiless pressure.

ON THE WAY TO BECOME PAUPERS.

Two-thirds of these families-64 per cent-have incomes of less than \$750 a year, and almost one-third have incomes of less than \$500, the total average being \$720. The average size of these families is over five members. That the average American wage earner does not receive sufficient wages to keep his family in anything like a condition of moral decency and physical comfort is shown by the fact that 30 per cent of the families keep boarders and lodgers. Furthermore, in 77 per cent of the families, two or more persons occupy a single sleeping room; in 37 per cent three or more persons, and in 15 per cent four or more persons. Two persons out of every three in the large cities and industrial centers of England die either in a workhouse, a madhouse, or a public charity hospital and are buried in pauper's graves. The abhorrence of all classes of wealth producers to a pauper's burial is so appalling that everything will be sacrificed and grievous debts incurred rather than permit the remains of a member of the family to lie in the potter's field. Nevertheless and notw'thstanding this natural abhorrence, in the wealthy city of New York 1 person out of 12 is buried in a pauper's grave or turned over to the medical fraternity for dissection.

FARMERS APPROACHING BANKRUPTCY.

The most eminous fact in our agricultural conditions is the rapid growth of farm tenants. In 1920, 37 tenants operated farms in every 100, as compared with 28 in 1910, an increase of 33 per cent in 10 years. Wherever this notoriously inefficient and outrageously unjust system is established, human slavery in its worst and most degarding form follows as a natural and necessary result.

In 1920 part-owner tenancy involved 89,000,000 acres and nearly \$4,000,000,000 worth of land and buildings. On the same date full tenants claimed 265,000,000 acres and nearly 000,000 worth of land and buildings. Altogether, 354,000,000 acres and nearly \$28,000,000,000 of land and buildings were operated by lessees. Without exclusive property in farms operated by managers, the percentage of acreage operated by lessees in 1920 was 37, and the lessee percentage of farms and buildings, measured by value, was 42. Omitting real estate operated by managers, lessees operated 39 per cent of the farm land as measured by acreage and 44 per cent of the total valuation of farm lands and buildings. On this basis, in 1920 lessees operated 44 per cent of the improved acreage and 46 per cent of the value of the land alone. The rapid growth of farm tenancy and farming by hard labor under managers is alarming and portends disastrous consequences to the Nation if it be permitted to continue at the present ratio. In 1880 about 25 per cent of our farms were operated under the tenant To-day in many States it has passed the half-way tenancy mark, and in some of the States has reached the highwater mark of from 59 to 60 per cent.

TENANT FARMING APPALLING.

It appears that lessee farming has become characteristic of vast areas. How vast these areas are may be understood by the following comparisons:

The tenants of the United States operate an area of unimproved land larger than the entire surface of the Republic of France, or the former Empire of Germany. In addition to this they operate an improved acreage six times the area of Illinois, Arizona, or Iowa. The combined area of unimproved and improved acreage farmed by tenants in the United States exceeds in area by 25,000 square miles the following countries: England, Ireland, Scotland, Wales, Belgium, Denmark, Italy, Poland, Switzerland, Austria, Greece, and Portugal. The value of the farm property they operate exceeds the amount of America's direct expense in the World War.

In connection with the question of the rapid increase of farm tenancy, the number of farmers who are paying rent in the shape of interest, though nominally owning their own land, would, if the figures could be ascertained, stagger the whole country. For it should be remembered that the most common form of agricultural tenancy in the country is not that of money or share rent, but of mortgage. What percentage of American farms occupied by their nominal owners are under mortgage we can only surmise, but it can be safely estimated at 50 per

cent. The total farm mortgage indebtedness in this country to-day is over \$8,500,000,000. And this appalling debt is borne by the 6,500,000 farm families of the country, whose annual net income is \$184 each, out of which sum the children are to be educated, doctor's bills, life and fire insurance paid buildings repaired and church and fraternal organizations supported. But this distressing condition is not confined to the farm industry. Over 60 per cent of those who work in the manufacturing and mining industries and auxiliary business activities are living in rented houses. Seventy-five per cent of the homes of America are mortgaged. Out of a population approximately 110,000,000, only 4,181,878 own homes free from encumbrance.

OUR EARNING POWER WILL NOT PAY THE INTEREST.

The estimated wealth of the United States is 175 billions, and the estimated indebtedness, which includes all interest and dividend-bearing securities, is \$140,000,000,000. One thing is certain and that is that these figures show that we are on the verge of national bankruptcy. The earning power of all the people after a bare subsistence is deducted is not sufficient to pay the interest upon this gigantic sum, to say nothing of payment of the principal. The most disgraceful and indefensible feature of this intolerable condition is the incontrovertible fact that over 90 per cent of this prodigious indebtedness is wholly fictitious, not representing one dollar of actual investment, but is the result of dexterous manipulation of financial schemes concocted for the sole purpose of robbing the actual wealth producers of the country. Little by little and bit by bit we have built up a banking and currency system solely for the benefit of stock gamblers, speculators, money sharks, and all sorts of financial bandits and wholly against the real business interests and productive industries of the people. The industrial slavery established under this money system may be more refined than chattel slavery, but it is far more merciless, cruel, and inhuman. When we remember that the interest on this indebtedness is paid by the people through increased prices we see at once that here is an ignored factor, an overlooked element in the rapidly increasing prices of the necessaries of life.

JEFFERSON ON AGRICULTURE.

In the light of these observations the drift of the agricultural population to the large cities and industrial centers is no longer a mystery. We see here the relation of cause and effect and realize the significance of Thomas Jefferson's statement in this connection:

The people will remain virtuous for many centuries, as long as they are chiefly agricultural, and this will be as long as there are vacant lands in any part of America. When they get piled one upon another in large cities, as in Europe, they will become corrupt, as in Europe.

What Jefferson said in his day was prophecy. In our day it is history. In 1790, at the time of the first census, the cities contained 3.3 per cent of the whole population. In 1880 they contained 22.5 per cent of the population, and in 1920 it had increased to the alarming extent of 51 per cent.

Ill fares the land, to hastening ills a prey, Where wealth accumulates and men decay.

· And how can this indefensible and intolerable condition of the wealth producers of the Nation be accounted for? We know that in the sequence of human events there are no accidents. Every fact has a cause and every fact implies a preceding fact, which in its turn becomes the basis for another fact, and thus is established an interminable connection of all social phenomena. It should not be difficult to discover the fundamental causes of this indefensible and intolerable disparity in the condition of the privileged and the nonprivileged

That there is a combination of causes no one who has given careful consideration to existing conditions can doubt. And yet when we consider the course of legislation in this country for the past 60 years, there is nothing unnatural in the abnormal situation that confronts us. He who in the midst of abundance suffers the pangs of hunger; who in the presence of inexhaustible natural resources stands in enforced idleness; who, clothed with political power, is a political nonentity; to whose unremitting drudgery labor-saving inventions have brought no relief but rather seem to make his condition worse, instinctively realizes that there is something wrong with our system of distributing the wealth which his labor produces. He knows that the vice and misery, the ignorance and brutishness that arise from degrading poverty on the one hand and vast accumulations of unearned wealth on the other can not be attributed to the will of his Creator. He inherently feels that the Infinite Power that planned and contrived the world before He created it, made ample provision for those He intended to send into it. His own personal experience has satisfied him that natural laws which are the ordinances of God are not tainted with injustice at which even the mind of the most

hardened criminal revolts. The distressing situation of affairs is not the natural and necessary result of industrial coopera-tion and social development. It accompanies industrial cooperation and social development because our legislation for over half a century has contravened natural law and ignored the demands of justice. It is the direct and necessary result of granting to a corrupt and favored few predatory privileges

which involve supreme functions of government.

It must be remembered that the industrial, economic, and financial difficulties that now confront us are but peculiar manifestations, following the perversion of functions of government to serve purposes for which they are not adapted and for which they were never intended. For the industrial unrest, the widespread discontent, which darken the future with ominous clouds, which perplex the politician, appall the statesman, no President and no Congress have as yet presented a solution which accounts for all the phenomena and points to any clear and simple remedy. This is obvious from the essence and nature of the bill before us. Its primary purpose and ultimate object is not to promote the welfare of the people by removing the cause of our difficulties, but to aggravate present evils by extending existing privileges and granting new

DEMOCRATS AND PLUTOCRATS.

It is the delusion born of unearned wealth that recognizes in the popular unrest with which the Nation is feverishly pulsing only the transitory effect of ephemeral causes. Between democratic aspirations and plutocratic arrogance and greed there is an irreconcilable conflict. The new wine of industrial prog-ress is fermenting in the old bottles of plutocratic conservatism, and elemental forces gather for the strife. But if, while there is yet time, we restore to government her exclusive functions, the dangers that now threaten must subside, the blind forces that now menace will be transmitted to agencies of elevation.

The history of civil government amply justifies the assertion that political corruption may be engendered and public mis-fortunes induced by failure of the government to exercise functions which legitimately belong to it, as well as from its interference with the individuals in their legitimate sphere of action. A government is neither necessary nor practicable to men living in an isolated state. But with the growth of population and the resulting cooperation of individuals in the production of things essential for the satisfaction of individual wants, public needs arise which necesitate the organization of the community under some form of civil government. There are those who, when it suits their selfish ends, contend that there are no natural rights, but that all rights emanate from the State or grant of the sovereign political power.

This is, of course, pious political piffle served up for those who they think do not know any better. There are some facts so obvious and universal that their mere statement carries conviction, and one of these is that there are rights between man and man which naturally existed before the formation of government and which continue to exist in spite of espionage laws. All rational men believe that this earth is the creation of God and that the people who occupy it during the brief period of their earthly existence are sent here by His direction. Each person born into this world is a distinct, separate, independent, coherent entity which alone justifies individual ownership and proclaims his equal rights with all his fellows.

NATURE'S LAWS DO NOT DISCRIMINATE.

The laws and forces of nature, which are simply the decrees of the Creator, make no discriminations among men but are to all absolutely impartial. All persons stand upon the same level and have equal rights. There is no distinction between farmer and banker, skipper and carrier, laborer and capitalist. when governments are instituted they do not create new rights but are intended to secure the old ones. Let us never forget that there is a law higher than any human enactment, the law of the Creator inherent in the human consciousness and which is above and beyond man-made laws and upon conformity to which all human laws must depend for their To deny this is to assert that man is destitute of a moral faculty and that there is no standard whatever by which the justice or injustice of human laws and institutions can be determined; to assert that no actions are in themselves right and none in themselves wrong, but only become so by legis-lative enactment. The history of mankind everywhere shows that the very reverse of this is the fact. The truth of the matter is that to make an action a crime by human law which is not a crime by God's law is inevitably to destroy respect for all law; to require men to take an oath before God with a view to preventing them from doing what they feel they have a natural right to do is to weaken the sanctity of oaths and tends

to defeat the purpose they are intended to serve. Government ought not to interfere with the personal activity of individuals further than to secure the equal right of each from aggressions on the part of others, and the moment governmental interferences extend beyond this they are liable to defeat the very ends they were established to secure.

What is the natural law of human progress in its entirety but the recognition of the moral law in human relations? Just as human laws promote the law of equal freedom, just as they acknowledge the equality of right between man and man, just as they insure to each the perfect liberty which is limited only by the perfect liberty of every other, must mankind advance. Just as they ignore or contravene all this must the progress of mankind come to a halt and eventually turn backward. The science of government can not teach any lessons not embodied in the decalogue and the golden rule.

As the primary purpose and chief object of government is to secure the natural rights and equal liberty of each, all undertakings which involve monopoly come within the necessary sphere of governmental regulation and undertakings that are in their nature complete monopolies are legitimate functions of the Government. As the cooperation of individuals for the gratification of all their desires becomes closer and wider, the Government must assume functions that in a lower stage of

cooperation were neither necessary nor expedient.

DEMANDS OF PREDATORY INTERESTS.

The annals of every nation since the beginning of recorded history show the encroachments of a sordidly selfish class upon the natural rights of their fellows. Even in our Federal Constitutional Convention there was a strong, dominating coterie of predatory privileged interests that were strenuously opposed to the principles of republicanism for which the Revolutionary War was fought, who pressed for a monarchial form of government, and when they realized that the great body of the delegates were strong for republicanism, but for giving due strength to the Federal Government under that form, they then directed their efforts to the construction of a Government that would leave but the shadow of power with the people. They pressed forward their schemes of strengthening all the branches of the Government which conformed to a monarchy, and the creation of a money power by means of a funding system, not calculated to pay the national debt but to make it perpetual and to make it an engine of tyranny and extortion in the hands of the executive branch of the Government, which, in addition to the powerful patronage it possessed in the disposal of public offices, might enable it to gradually assume autocratic power. Although our banking and currency system ought to be as clear and simple as the rule of three, so that every person of ordinary intelligence ought to be able to comprehend it, the privileged banking interests from the very beginning of our Federal Government succeeded in grafting on our monetary system of government an arbitrary schemewhich can not, save by a great abuse of language, be called a system-so complicated and tortuous that neither Congress nor the President seemed able to understand it. In the first instance, in funding the national debt they formulated the most arbitrary, intricate, and mysterious system that could possibly be devised. They then succeeded in inducing a complacent Secretary of the Treasury to make his appropriations consist of a number of scraps and remnants, many of them mere phantoms, and then applied them to objects in reversion and remainder, until the finances of the Nation were involved in an impenetrable fog of ambiguity and confusion.

Thomas Jefferson said to President Washington:

Thomas Jefferson said to President Washington:

"I told him," says Jefferson, "that, in my opinion, there was only a single source of these discontents. Though they had indeed appeared to spread themselves over the War Department also, yet I considered that as an overflowing only from the real channel which would never have taken place if they had not first been generated in another department, to wit, that of the Treasury. That a system there had been contrived for deluging the States with paper money instead of gold and silver, for withdrawing our citizens from the pursuits of commerce, manufacture, and other branches of useful industry, to occupy themselves and their capitals in a species of gambling, destructive of morality, and which had introduced its poison into the Government itself. That it was a fact, as certainly known as that he and I were conversing, that particular members of the legislature while those laws were on the carpet had feathered their nests with paper and then voted for the laws, and constantly since lent all their talents and instrumentality of their offices to the establishment and enlargement of this system; that they had chained it about our necks for a great length of time, and in order to keep the game in their hands had from time to time aided in making such legislative constructions of the Constitution as made it a very different thing from what the people thought they had submitted to; that they had now brought forward a proposition far beyond any one ever yet advanced, and to which the eyes of many were turned, as the decision was to let us know whether we lived under a limited or an unlimited Government. He asked me to what proposition I alluded; I answered, to that in the report on manufactures which under color of giving bounties to manufactures meant to establish the doctrine that the power given by the Constitu-

tion to collect taxes to provide for the general welfare of the United States permitted Congress to take everything under their management which they should deem for the public welfare, and which is susceptible of the application of money; consequently, that the subsequent enumeration of their powers was not the description to which resort must be had and did not at all constitute the limits of their authority; that this was a very different question from that of the bank, which was thought an incident to an enumerated power."

A MONEY MONOPOLY.

The bank to which Jefferson refers was the Bank of the United States, a grinding, extortionate, money monopoly, rob-bing the producers of wealth by usurious rates of interest, inflating and contracting the volume of money to aid their gambling and speculative enterprises, ruining the State banks, and practically dominating the business interests of the country. In 1832, three years before the expiration of their charter, the incorporators of the bank succeeded in jamming through Congress a new charter conferring new and extortionate privileges. It granted additional gratuities of over \$7,000,000 to the stockholders. It was generally admitted that it provided for an increase of the market price of their stock at least 30 per cent. More than eight millions of the stock of the bank was held by foreigners. For these gratuities to foreigners and unscrupulous Americans the people were to receive nothing in return. The many millions which this charter proposed to bestow upon favored individuals were to come out of the hard earnings of the American people.

The new charter contained provisions precisely similar to our present Federal reserve system; that is, it secured to certain State banks legal privileges which it denied to private citizens. For instance, if a State bank in Philadelphia owed the Bank of the United States and had notes issued by the St. Louis branch, it could pay the debt with those notes; but if a farmer, a merchant, a mechanic, or other private citizen was in like circumstances he could not legally pay his debt with those notes but must sell them at a discount. This privilege granted to the State bank was for the purpose of creating a bond of union among the moneyed interests, erecting them into a separate and distinct interest apart from the people, and its necessary and inevitable tendency was to unite the Bank of the United States and the State banks in any financial measure which they considered to their special interest. Furthermore, it contained a provision that exempted from taxation the for-

eign stockholders who owned over 8,000,000 of the bank's stock. However, President Jackson returned this infamous measure to the Congress without his signature, stating in one of the ablest State papers that ever emanated from the White

House his reasons for withholding his approval.

TOO RAW FOR PRESIDENT JACKSON OR CARL SCHURZ.

In his message to the Senate, returning the bill to recharter the United States bank, President Jackson said:

The present corporate body, denominated the president, directors, and company of the Bank of the United States, will have existed at the time this act is intended to take effect 22 years. It enjoys an exclusive privilege of banking under the authority of the general Government, a monopoly of its favor and support, and, as a necessary consequence, almost a monopoly of the foreign and domestic exchange. The powers, privileges, and favors bestowed upon it in its original charter, by increasing the value of the stock far above par value, operated as a gratuity of many millions to the stockholders.

Carl Schurz, commenting on the insidious and brazen efforts of the Bank of the United States to secure for its own aggrandizement a paramount function of government, in his interesting and instructive biography of Henry Clay, says:

grandizement a paramount function of government, in his interesting and instructive biography of Henry Clay, says:

It would have been well for Clay and his party had they recognized the fact that not only this Bank of the United States could not be saved, but that no other great central bank, as the fiscal agent of the Government, could be put in its place with benefit to the country.

An institution whose interests depend upon the favor of the Government is always apt to be driven into politics, be it by the exactions of its political friends or by the attacks of its political enemies. Its capacity for mischief will then be proportioned to the greatness of its power, and the power of a central bank, acting as the fiscal agent of the Government, disposing of a harge capital, and controlling branch banks all over the country, must necessarily be very large. Being able to encourage or embarrass business by expanding or curtailing bank accommodations and to favor this and punish that locality by transferring its facilities, it may benefit or injure the interests of large masses of men and thereby exercise an influence upon their political conduct, not to speak of its opportunities for propitiating men in public position, as well as the press, by its substantial favors. So it was in the case of the Bank of the United States. Although Jackson's denunciations of its corrupt practices went far beyond the truth—which is extremely doubtful, as even the great statesman, Daniel Webster, was on its secret pay roll—there can be no doubt that, when it last fought for the renewal of its charter and against the removal of the deposits, it did use its power for political effect.

John Fiske, our scientific and philosophic historian, saw

John Fiske, our scientific and philosophic historian, saw clearly the deep-rooted and widespread evils that must necessarily accompany the delegation to private interests of the power to issue money, which is an exclusive function of the Government. He says:

It was Jackson whose sound instincts prompted him to a course of action quite in harmony with the highest political philosophy. During the administration of John Quincy Adams, there was fast growing up

a tendency toward the mollycoddling, old granny theory of government, according to which the ruling powers are to take care of the people, do their banking for them, rob Peter to pay Paul for carrying on a losing business—just as the pending bill proposes—and tinker (?) and bemuddle things generally. It was, of course, beyond the power of any man to override a tendency of this sort, but Jackson did much to check it; and still more would have come from his initiative if the question of slavery and secession had not so soon come to absorb men's minds and divert attention from everything else. His destruction of the bank was brought about in a way that one can not wish to see often repeated; but there can be little doubt that it has saved us from a great deal of trouble and danger. By this time the bank, if it had lasted, would probably have become a most formidable engine of corruption.

PANIC OF 1837 FOR THE BANKERS.

The bank precipitated the panic of 1837 by refusing credit and extension of loans to farmers, merchants, and business men in general, foreclosing mortgages, and, by the abuse of its power, dislocating and paralyzing the entire industrial organization. But when the effects of these evil operations subsided, a period of general prosperity ensued-a prosperity so genuine and allpervading that it is regarded by impartial historians as the happlest and most prosperous period of our history. It offered conclusive proof of the beneficial effect, if not perhaps of a sound scientific currency system, of one that was at least free from favoritism and extortion.

The farming and small business interests were no longer at the mercy of financial bandits and unscrupulous money gamblers. Commerce made marvelous advances and our carrying trade grew so rapidly that within 10 years after the panic of 1837 had spent itself, our tonnage exceeded that of England. There was a constant, continuous development of all our productive industries, under financial freedom. Trusts and monopolies were not granted predatory privileges to rob and oppress the people. Agriculture, the indispensable basis of all production, was never more prosperous. The farmers and planters at no other period of our Nation's history were in receipt of such good prices, steadily paid to them in real genuine money for their surplus products, which they could ship to the home market on the railroads at reasonable rates, and to foreign markets in American ships maintained without subsidies.

The breaking out of the Civil War presented a splendid opportunity for the banking interests to again get control of the Nation's finances. The unselfish devotion of a people ready to make any sacrifice to preserve the Union of the States was taken advantage of by the moneyed interests to induce Congress to create two kinds of money, one for the bondholder, consisting of the precious metals, and the other for the people, consisting of a partial legal tender, a depreciated money; and to establish a national banking system which enabled the bankers to draw

interest on both their debts and credits.

On July 17, 1861, an act was passed authorizing the Secretary of the Treasury to borrow \$250,000,000, and to issue coupon bonds, registered bonds, or Treasury notes at his discretion. The bonds were to bear interest at 7 per cent, and run for 20 years. The Treasury notes were to bear 7.3 per cent, and were

convertible into 20-year 6 per cent bonds.

On August 5, 1861, an act supplementary to the act of July 17 was passed authorizing the Secretary of the Treasury to issue bonds bearing interest at 6 per cent payable at the expiration of 20 years, which could be exchanged for Treasury notes bearing 7.3 per cent interest. It is manifestly evident that these bonds and notes were lame and impotent substitutes for money, and were issued at the dictates of the money power to prevent the Government from exercising its sovereign right to create a full legal tender money in the interest of the people.

THE PEOPLE DEMANDED REAL MONEY.

The people were demanding that Congress exercise its power and furnish the people in this national exigency with an efficient and sufficient medium of exchange. The enactments of July 17, 1861, and February 12, 1862, authorized the issue of \$60,000,000 of Treasury notes, full legal tender for the payment of all debts, public and private, without exception. This was the first and only attempt of our Government to establish a genuine and efficient monetary system free from the control of private selfish interests.

The money power realized that if this bill became a law it would deprive them of the power to dominate the circulating medium of the country. A formidable lobby appeared at once in Washington, consisting of the leading bankers of the country, and insisted that the Committee on Ways and Means and the Finance Committee of the Senate should meet them in the office

of the Secretary of the Treasury on a certain date.

The New York Tribune, then under the honest and patriotic management of Horace Greeley, commenting on this meeting,

The Subcommittee on Ways and Means objected to any and every form of "shinning" by the Government through Wall or State Streets and the knocking down of Government stocks to 75 or 60 cents on the dollar, the inevitable results of throwing a new and large loan on the

market without limitation as to price, and finished by firmly refusing to assent to a scheme that should permit a speculation by brokers and bankers and others in the Government securities, and particularly any scheme which should double the public debt of the country and double the expenses by damaging the credit of the Government.

Here we have the hypocritical patriotic pretenses of the money power exposed to public view. Their real purpose was to sandbag the Government in her hour of peril by knocking down her securities to 60 or 75 cents on the dollar, permit speculating by bankers and brokers in her securities, to double her public debt and double her expenditures by damaging her credit. Nevertheless and notwithstanding all this base treachery to the Nation in the greatest crisis in her history, the bankers and brokers won a complete victory. The bill was passed by the Senate, inserting the words-

except duties for interest on bonds and notes, which shall be paid in coin-

And-

that duties on imported goods and proceeds of the sale of public lands should be set apart to pay coin interest on the debt of the United

A PERNICIOUS MEASURE, SAYS STEVENS.

As he reported the bill to the House as amended by the Senate, Thaddeus Stevens, chairman of the subcommittee of the Committee on Ways and Means, said:

I hope the gentlemen of the House will read the amendments. They are very important and, in my judgment, very pernicious, but I hope the House will examine them.

When the bill as amended was under consideration, he said:

When the bill as amended was under consideration, he said:

I have a melancholy foreboding that we are about to consummate a cunningly devised scheme which will carry great injury and loss to all classes of the people throughout this Union except one. With my colleague, I believe that no act of legislation of this Government was ever hailed with as much delight throughout the whole length and breadth of the Union, by every class without exception. It is true that there was a doleful sound came up from the caverns of bullion brokers and from the saloons of the associated banks.

Their cashiers and agents were soon on the ground and persuaded the Senate with but little deliberation to mangle and destroy what it had cost the House months to digest, consider, and pass. They fell upon the bill in hot haste and so disfigured and deformed it that its very father would not know it. Instead of being a beneficent measure, it is now positively mischievous. It has all the bad qualities which its enemies charged on the original bill and none of its benefits. It now creates money and by its very terms declares it a depreciated currency. It makes two classes of money—one for the bankers and brokers and another for the people. It discriminates between the rights of different classes of creditors, allowing the rich capitalists to demand gold and compelling the ordinary lender of money on individual security to receive notes which the Government had purposely discredited.

Representative Spaulding said:

Representative Spaulding said:

Representative Spaulding said:

I desire especially to oppose the amendment of the Senate which requires the interest on bonds to be paid in coin semiannually, and which authorizes the Secretary of the Treasury to sell 6 per cent bonds at the market prices for coin to pay the interest. The passage of this measure, the legal tender bill, in this House was hailed with satisfaction by the great mass of the people all over the country. It received the hearty indorsement of such bodies as the chambers of commerce, New York, Cincinnati, St. Louis, Chicago, Binfalo, Milwaukee, and other places. I have never known any measure to receive a more hearty approval from the people * * Why make these discriminations? Who asks to have one class of creditors placed on a better footing than another class? Do the people of New England, the Middle States, or the people of the West or Northwest or anywhere else in the rural districts have such discrimination made in their favor? Does the soldier, the farmer, the mechanic, or the merchant ask to have any such discrimination made in his favor? No, sir; no such unjust preference is asked for by this class of men. They ask for a legal-tender note bill, pure and simple. They ask for a national currency which shall be of equal value in all parts of the country. They want a currency that shall pass from hand to hand among all the people in every State, county, city, town, and village in the United States.

A DARK CHAPTER IN OUR HISTORY.

An able writer, considering this base and treacherous betrayal of the people's interest, says:

Here begins one of the darkest chapters in American history. It will be found that every step taken by Congress from this on in matters pertaining to the finances of the Nation has been dictated by the money power. Foreign capitalists, such as the Rothschilds, became deeply interested in the scheme of robbery inaugurated by the passage of this act; and through their agents, such as August Belmont, banker and whilom chairman of the Democratic National Committee, have aided the money power here materially in controlling the policy of both political parties.

The amount stolen from the people by the financial policy then adopted and which now encumbers the Nation in the shape of a bonded debt, payable principal and interest in gold, is estimated by such writers upon the subject of finance as J. S. Gibbons (contributor to Johnson's Universal Cyclopedia) at over one thousand million dollars, to say nothing of which the people have been robbed indirectly by means of the pernicious monetary system foisted upon the country.

EXPLOITING THE FARMERS AND LABORERS. This infamous scheme of exploiting the producing classes through the possession of an exclusive function of the Government was supplemented by the passage of the national bank act. When the Senate inserted the words "excepting the payment of interest on the public debt," or "be received in payment of customs duties" in the legal tender bill, they purposely depre-

clated their own currency by making it a partial legal tender, good enough for the people but not good enough for the financial bandits who secured its insertion. Hence, in 1864, \$35,000 in gold could buy \$100,000 in partial legal-tender notes. ernment received these notes at their face value, funded them into a bond drawing 6 per cent interest in coin, and upon the bond issued \$90,000 national-bank notes, which the bankers loaned to the people at 8 and 10 per cent. So by this financial legerdemain the banks were drawing interest on \$190,000, for which they actually paid only \$35,000.

THE FAMOUS HAZZARD CIRCULAR.

In order to prove conclusively that this whole financial scheme was the work of international investment bankers, I will read what is known as the Hazzard Circular, issued in the fall of 1862, a copy of which came into the possession of Hon. Isaac Sharp, a student of law under Thaddeus Stevens, and subsequently acting Governor of Kansas. The circular says:

Slavery is likely to be abolished by the war power and chattel slavery destroyed. This I and my European friends are in favor of, for slavery is but the owning of labor and carries with it the care of the laborer, while the European plan, led on by England, is capital's control of labor by controlling wages. This can be done by controlling the money. The great debt that capitalists will see to that is made out of the war must be used as a measure to control the volume of money. To accomplish this the bonds must be used as a banking basis. We are now waiting to get the Secretary of the Treasury to make this recommendation to Congress.

Mr. Hazzard, the author of these atroclously inhuman propositions, was solicitor of the English Bankers' Association. One of the many contemptible tricks of the money power is to make the currency question so complicated that the ordinary citizen can not understand it, and make it appear to him as one of the abstruse sciences. With this object in view they had the Treasury Department issue 15 different forms of Government obligations.

WHO DEMONETIZED SILVER, AND WHY?

Silver was demonetized by an act of Congress that for treachery, perfidy, and deception has no precedent nor a parallel in the annals of representative government. President Grant, who signed the bill, said that he did not know that the act of 1873 demonetized silver. Senator Morgan, of New York, said:

It can not even be fairly said that Congress did it. It was done at the instigation of the bondholders and other money kings, who now, with upturned eyes, deplore the wickedness we exhibit in asking the question, even, Whe did this great wrong against the toiling millions of our people?

Senator Beck, of Kentucky, said:

The bill demonetizing silver never was understood by either House of

The demonetization of silver was to make the national debt and interest thereon payable in gold.

Then we had the silver purchase act, which, in its last analysis, meant no more than taking silver out of a hole in the ground in the West and putting it in a hole in Washington and issuing certificates against it. President Cleveland, who was elected in 1892 on a tariff-reform platform, showed his sub-serviency to the money power by calling Congress in extra session to repeal the purchasing clause of the silver act.

The tariff-reform cry upon which the people elected him was not passed until 18 months after his induction into office, and finally was a miserable abortion, in which his promise to the people was shamelessly violated, and the privilege of the predatory interests firmly intrenched and buttressed.

Mr. President, the Manufacturers' Record, issue of February 22, 1923, contains a most important and interesting article, centioned "An american source of the production of the production

captioned "An amazing revelation of secret financial meeting." This gives us some light warmen ing." This gives us some light upon the development of the policy of drastic deflation. This strikes me as of great importance in the financial history of our country, and it should go into a permanent record.

Also, in the Issue of the Manufacturers' Record for October 21, 1920, appeared an interesting and illuminating article captioned "An amazing situation of world importance." In the issue of the same publication for November 3, 1921, appeared another article, captioned "A strange financial admission." These last two articles tend to show that drastic deflation was a world-wide policy, designed by the international bankers, to be carried on through the central banking institutions throughout the world. They strike me as evidence of an immoral and conscienceless conspiracy against the people of the nations of the earth, and such a conspiracy as almost borders upon treason.

In order that these articles may be preserved for the future, so that historians may have them at hand for their considera-tion, I ask unanimous consent to insert the three mentioned articles in the RECORD in the usual 8-point type. The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Manufacturers Record, October 21, 1920.] AN AMAZING SITUATION OF WORLD INPORTANCE.

Bulletin No. 2, issued September 27 by the First Federal Foreign Banking Association, which is controlled by the leading banking institutions of New York, states that the League of Nations is carrying on a world campaign "for drastic credit restrictions through existing central banking institutions." also says that measures have been taken in the United States "to restrict the granting of credits and put up the cost of borrowing," and that "our restriction of credit shows far-reaching influences, bringing about reduced production and liquidation of commodities.

> [From the Manufacturers Record, November 3, 1921.] A STRANGE FINANCIAL ADMISSION.

The First Federal Foreign Banking Association of New York in its Bulletin No. 13, issued on September 30, in reviewing the question of money and credit, says: "The strangle hold that gold has comes from the fact that it has the monopoly of

world-wide command of purchase at unquestioned parity."

The Century Dictionary defines "strangle" as "to draw tight, squeeze, to choke by compression of the windpipe, kill by choking, throttle." Who would ever have imagined that a great banking institution of New York would thus refer to gold as having a strangle hold?

Further on in the same financial circular it is said "there is not gold enough in the world to make current settlements with. If the realization that something must be done promptly is not vivid now, it certainly will be very soon."

We have tried for several years to warn the financiers of the world that with a steadily decreasing gold output and a larger consumption of gold for the arts the world is facing a gold shortage, which unless there is a change by some better system of financing, will ultimately lead to world-wide panic and world-wide repudiation of debts and bonds, national and corpo-Gold as it now stands limited to an output with a steadily decreasing supply indeed has, as stated by the First Federal Foreign Banking Association, of New York, "a stranand this strangle hold unless it is released will ultimately produce the very things defined by the Century Dictionary, "to draw tight, squeeze, to choke by compression of the windpipe, kill by choking, throttle."

[From the Manufacturers Record, February 22, 1923.]

AMAZING REVELATION OF SECRET FINANCIAL MEETING—ON MAY 18, 1920, FEDERAL RESERVE MEETING IN WASHINGTON DISCUSSED DEFLATION, RESTRICTION OF CREDIT, BREAKING DOWN OF PRICES, AND HIGHER FREIGHT RATES, BUT GOVERNOR HARDING WARNED THOSE PRESENT NOT TO DIVULOR THE DISCUSSIONS OF THE DAY—THE INSIDE STORY REVEALED BY A STENOGRAPHIC REPORT OBTAINED BY THE MANUFACTURERS RECORD.

"After one of the most fateful meetings in the financial history of the world, a meeting which no other organization, including the Interstate Commerce Commission or the Supreme Court of the United States, would ever have dared to hold in secret and reach its conclusions in secret and withhold its conclusions from the public, Governor Harding, of the Federal Reserve Board, in closing that meeting of the Federal Reserve Board, the Federal Advisory Council, and the class A directors of Federal reserve banks, said: 'I would suggest, gentlemen, that you be careful not to give out anything about any discussion of discount rates. That is one thing there ought not to be any previous discussion about, because it dis-turbs everybody, and if people think rates are going to be advanced there will be an immediate rush to get into the banks before the rates are put up, and the policy of the reserve board is that that is one thing we never discuss with a newspaper man. If he comes in and wants to know if the board has considered any rates or is likely to do anything about rates, some remark is made about the weather or something else and we tell him we can not discuss rates at all. And I think we are all agreed it would be very ill advised to give out any impression that any general overhauling of rates was discussed at this conference. We have discussed the general credit situation and your committee, which has been appointed with plenary powers, will prepare a statement which will be given out to the press to-morrow morning and we will all see what it is. You can go back to your banks and of course tell your fellow directors as frankly as you choose what has happened here to-day, but caution them to avoid any premature discussion of rates as such. We have had an exceedingly interesting day, gentlemen. The suggestions which have been made have been valuable and we have profited by your views. I wish to express on behalf of the board our appreciation of your coming here and to thank you for the unselfish and loyal interest you l

have taken in the Federal bank situation throughout the country in giving this matter the careful thought and consideration that you have. And I am sure that the spirit which has manifested itself at this meeting here to-day will spread throughout all the country, to the member and nonmember banks, and if it does we can look the future in the face with

courage and confidence.'

"These closing words of a fateful conference, it can be conservatively said, are the most damning indictment of the management of the Federal reserve system which could be penned by the worst enemies of that organization. The Manufacturers Record has shown since shortly after that meeting was held some of its decisions, but it has never until within the last few days been able to get hold of a stenographic copy of the minutes. But with this stenographic report we are now able to give to our readers some details regarding that meeting which strengthened and confirmed the work of deflation which had already been inaugurated. After a long conference and full discussion, covering 37 pages of foolscap, closely typewritten, the statement that Governor Harding closed the meeting with was emphatic warning to those in attendance that the deliberations of that meeting should be held as strictly confidential except to fellow directors and that the public should not be allowed to know what had taken place and the newspapers should know only so much of the meeting as the carefully prepared statement would present.

"As far back as July 3, 1919, the Manufacturers Record warned the Federal Reserve Board against some of the actions

that were then being taken, and said:

"'Not for a moment would we suggest that the members of the Federal Reserve Board were in any way financially interested in the stock market, but we can readily understand the limitless power of stock speculation and the manipulation of the stock market which would be available to anyone who knew a few hours in advance of such proposed action by the Reserve Board. It is entirely within the power of that board to break the stock or the cotton market or to bring about a big boom movement in cotton or stocks. The power is too great to rest in the hands of any seven men, even if they were angelic in character, for they might be succeeded by those who were not so angelic.'

"That editorial emphasized the control which big financial interests had held over the stock market to break it when it suited their convenience to buy in stock or to boom it when it suited their convenience to unload stocks, and we added: 'It was hoped that the organization of the Federal Reserve Board would make this impossible; but the recent action of the board resulted in a very rapid break in the stock market, and it is within the power of the board to bring about a rapid ad-vance whenever there is a change of policy and prevent the

calling of loans or the sharp advance in money.

"In that editorial we quoted from the Boston News Bureau a very sharp arraignment of some of the methods of the Federal Reserve Board and closed with the statement from the

news bureau:
"'Before the Federal reserve system a money squeeze was one of the tricks of the trade to frighten the public out of their stocks. Are the administrators of the Federal reserve system going to countenance the same old game by allowing the people who have the control of money to play with values on a discount

basis, arresting advancement and prosperity?

"When two years ago the Manufacturers Record urged that every important meeting of the Federal Reserve Board should be held in the open, with the right of the public to know what was taking place, so that no secret acts should be passed giving to the insiders limitless possibilities for money-making, we knew that we had thrown a bombshell into the camp of secrecy, but we did not at that time know that Governor Harding had so specifically and emphatically urged that that conference should regard its whole discussion as secret and to be withheld from the newspapers and from the public at large. The human mind is somewhat staggered as it tries to outline the limitless possibilities for money-making on the part of every man who, having this secret information, knew exactly what would happen in the business world long in advance of what the general business public could even suspect, even if no man ever used this information to his own individual no man ever used this information to his own individual profit. This conference, the closing statement of which we have quoted, was held on May 18, 1920. Those in attendance were as follows

"Hon. Adolph C. Miller, member of the Federal Reserve Board.

"Hon. Henry A. Mohlenpah, member of the Federal Reserve Board.

"Hon. John Skelton Williams, Comptroller of the Currency and member ex officio of the Federal Reserve Board.

- "Hon, David F. Houston, Secretary of the Treasury and member ex officio of the Federal Reserve Board.
 - George L. Harrison, counsel, Federal Reserve Board.
 - Also the members of the Federal advisory council: "Philip Stockton, Federal reserve district No. 1.
 - "A. B. Hepburn, Federal reserve district No. 2.
 - "L. L. Rue, Federal reserve district No. 3.

 - "W. S. Rowe, Federal reserve board No. 4.
 "J. G. Brown, Federal reserve district No. 5.
- "Oscar Wells, Federal reserve district No. 6.
- "James B. Forgan, Federal reserve district No. 7. "F. O. Watts, Federal reserve district No. 8.
- "E. F. Swinney, Federal reserve district No. 10. "R. L. Ball, Federal reserve district No. 11. "A. L. Mills, Federal reserve district No. 12.
- "J. H. Puelicher, Marshall & Ilsley Bank, Milwaukee, Wis.
 "John Perrin, chairman of the board and Federal reserve
- agent, Federal Reserve Bank of San Francisco.
- "Hon, Edmund Platt, chairman of the Banking and Currency Committee, House of Representatives.
- "Also the following class A directors of the Federal reserve
- banks: "Boston: Thomas Beal, Edward S. Kennard, and Frederick
- S. Chamberlain. "New York: James A. Alexander, R. H. Treman, Charles
- Smith, and J. H. Sisson. "Philadelphia: Joseph Wayne, jr., M. J. Murphy, and Francis
- "Cleveland: O. N. Sams, Robert Wardrop, and Chess Lam-
- "Richmond: John F. Bruton, Charles E. Rieman, and Edwin
- "Atlanta: J. K. Ottley, Oscar Newton, P. R. Kittles, and W. H. Kettig.
- "Chicago: George M. Reynolds, Charles H. McNider, and E. L. Johnson.
 - St. Louis: J. C. Utterback and Sam A. Ziegler.
- "Minneapolis: Wesley C. McDowell and E. W. Decker.
 "Kansas City: J. C. Mitchell, C. E. Burham, and W. J.
- "Dallas: John T. Scott, E. K. Smith, and B. A. McKinney.
 "San Francisco: C. K. McIntosh, J. E. Fishburn, and M. A.
- Buchan.
- DOOM OF COUNTRY'S BUSINESS INTERESTS SOUNDED AT CONFERENCE COMPOSED EXCLUSIVELY OF BANKERS.
- "It will be noted that those in attendance were preeminently bankers and that business men as such were not there, though the business men and not the bankers are the ones who create the business of the country, whether in agriculture, manufacture, or other lines of industry. Their doom was being settled in a conference composed exclusively of bankers.
- "In opening the proceedings Governor Harding, referring to those in attendance, said:
- "The class A directors are the banker members of the boards of directors of the Federal reserve banks. not only directors, and as a rule very influential directors, of
- Federal reserve banks but they are officials of member banks, and thus they see both sides of the picture. So it seems to be peculiarly appropriate at a time when there is a banking situation to discuss to have bankers here to discuss it.'
- "It is true that it might have been important to have bankers there to discuss the subjects up for consideration that day, but is it not also true that the manufacturers, the merchants, the farmers, and all others representing the ducing and transportation interests of the country were just as vitally interested in a conference of this kind as those who were exclusively engaged in banking? In a rather lengthy opening speech Governor Harding said:
- "'Every effort should be made to stimulate necessary pro duction, especially of food products, and to avoid waste.
- "And having encouraged the farmers to the utmost extent during the spring of 1920 to carry forward their farming operations despite the high wages that were being paid labor drastic deflation was put into effect, breaking down the prices of farm products to an extent that literally bankrupted hundreds of thousands of farmers.
- "'We can,' said Governor Harding, 'restrict credit and expand production, letting the expansion of production proceed at a greater rate than the restriction of credit, and we are then working along in the right direction.'
- "No human being has yet found a way to restrict the credit facilities essential for increasing production and at the same time bring about increased production. That statement is so rankly absurd on its face that it is an amazing thing that any man professing to be either a banker or a political economist

- could presume to suggest that restriction of credit and expansion of production could go hand in hand.
 "It is in striking contrast with the statement quoted from
- Hon. Reginald McKenna, formerly Chancellor of the Exchequer of Great Britain and one of the world's great banking authorities, given elsewhere in this issue, in which Mr. Mc-Kenna said: 'The continuance of a high rate or the adoption of any other method for the purpose of forcing down prices is bound to strangle trade and reduce output. interfere with the natural flow of trade by any restriction of existing producing power but must seek a general increase of wealth through a more abundant output.'
- "And as that day's meeting was devoted to a discussion of how to increase interest rates in order to lessen the volume of business, it is interesting to quote from a statement made by Comptroller Crissinger, recently nominated as governor of the Federal Reserve Board, in which he said: 'Falling prices and high interest rates are never twin sisters of prosperity. I can not too emphatically say that I do not believe deflation in currency and credits can go hand in hand with a régime of high interest rates without imposing great and dangerous hardships upon the people.'
- "'It is very clear,' said Governor Harding, 'that if we find it impossible under the present circumstances to increase the volume of production of the most essential articles, the only thing for us to do is to reduce consumption of those articles. In other words, here was a definite plan to break down business and lessen consumption at a time when the American people and the world at large were buying freely of everything that could be produced.
- "This plan of forcing down prices and breaking down business had been secretly inaugurated long before the meeting whose records we now have before us and from which we have been quoting, for on February 12, 1920, the Manufacturers Record published an extract from a letter from one of the foremost bankers of the country, in the course of which, criticising this paper because we had denounced the efforts of banks through the pressure of the Federal reserve system to call all loans on Government bonds, he said:
- "'You can further see that if by any pressure these bonds can be turned out of the Federal reserve banks and passed over to the strong boxes of great institutions-savings banks. life-insurance companies, large estates, benevolent and philanthropic institutions-just to that extent the 12 banks would be in a position to extend additional facilities to merchants and business men generally. Of course it seems hard that anyone who for patriotic purposes should have invested in Government bonds should be practically called upon to part with say a loss of from 8 to 9 per cent, but facts are stubborn things and conditions more important than theories.
- "That same banker wrote us that he would not lend money any collateral of any kind, it mattered not how good it might be, and that there was too much business in the country and it should be brought down to normal conditions
- "That was the spirit which was being inculcated by the then management of the Federal reserve system. Stripped of all its useless verbiage, the meeting of May 18 was largely devoted to the discussion of how to lessen the activity which was prevailing throughout the country and bring on deflation of business and of credits. Governor Harding said: 'We should be careful, however, not to overde this matter of liquidation, because too drastic a policy of deflation, which might result in crowding to the wall and throwing into bankruptcy legitimate enterprises, however unessential their operations may be, would have a tremendously bad effect and would defeat the purpose of the very policy which we are trying to have established.' He added 'A sensible and gradual liquidation will result in permanent improvement, as we all know, but any attempt at radical or drastic deflation, merely for the sake of deflation, will result in very serious consequences, and such a policy should be avoided.'
- "But drastic deflation is exactly what took place. Some of the men who went from that meeting went with the impression, and said so, that a policy of deflation and the breaking down of prices could be put into effect and that the Federal reserve management would have the power to stop this deflation and price breaking at any point when it might decide that it had gone far enough, not having financial ability sufficient to comprehend the fact that when they started business on the toboggan slide they would not be able to stop it until it collapsed at the bottom. Every man of ordinary intelligence ought to have been able to see the inevitable result of the policies dis-
- cussed and outlined in that campaign.

 "Over and over again during the process of deflation it was stated by Governor Harding and others that the banks of the

country were guilty of misleading, even to the extent of practically lying to their customers by declining to make loans, alleging the opposition of the Federal Reserve Board, but in Governor Harding's speech he said: 'The directors of the Federal reserve banks are clearly within their rights when they say to any member bank, "You have gone far enough; we are familiar with your condition; you have got more than your share and we want you to reduce. We can not let you have any more." They must exercise their discretion as to the proper course to pursue but they have the power and there are many cases where the rule ought to be laid down and a member bank ought to be made to understand that it can not use the resources of the Federal reserve banks for its own private advantage for profit."

"At the close of his address Mr. Hepburn asked if any arrangement had been made to place Governor Harding's opening remarks before the public and to this Governor Harding said: 'I have a synopsis prepared which was given to the press on yesterday for release to-morrow morning. It is rather more abridged than the statement I made this morning, but it is the

substance of it.'

It is interesting to take this statement in connection with Governor Harding's closing remark at the end of the convention which we have already quoted and in which he insisted that the discussion of the meeting should not be given to the press or to the people and the only thing which should be given to the press would be a summary prepared by the committee.
"Thus neither the press nor the public ever had any real in-

formation on what took place at that meeting.

TRIFLING DISCUSSION BY FIRST DISTRICT OFFICIALS.

"After closing his address the meeting was opened by Governor Harding with an invitation to those in attendance to make reports as to conditions in their communities and in the Federal reserve banks with which they were connected. Mr. Thomas Beal, of the Federal Reserve Bank of Boston, said: 'We seem to have been able to have had some liquidation in

And the public knew only too well that there has been a great deal of liquidation due to drastic deflation, not only in

"Mr. Chamberlain, of the Boston bank, had nothing to say, but added, 'I am the baby director on the board and Mr. Beal

is our spokesman.'
"Mr. Kennard, of the same bank, said: 'I am a group 3 director of the first Federal district, and I want to say that we

have a very healthy looking baby.'

"But whether he was referring to the bank as a healthy looking baby or to Mr. Chamberlain as the baby director we have no means of knowing, but the public can probably gain some light from the trifling discussion of the healthy looking baby and baby director from men who were facing one of the greatest financial problems that the world has ever had to meet. It was a time which called for real men, men who could think and who could say and did not plead the baby act or newness. However, Mr. Kennard, continuing, said, 'I also think that the rates for money should continue on a high level, with the hope of causing liquidation in commodities. Of course, liquidation would result in low prices and the easing up of business. I do not think this body should encourage any drastice measures of readjustment. I think the deflation should be gradual, and I think we should give more care to the commercial paper that is rediscounted at the Federal reserve banks.

That Mr. Kennard or anyone else has found out how high rates of money shall be forced upon a country without producing drastic liquidation in place of gradual deflation he will have discovered something that no other human being has yet been able to discover. Mr. Kennard emphasized the congestion of the transportation facilities and the fact that the warehouses were congested because they did not have the shipping facilities, and this thought runs through a great many of the discussions of that day, and yet without shipping facilities merchants and manufacturers were told that they must ship

their stuff in order to liquidate their accounts.

NEW YORK BANKERS FAVORED CURTAILMENT OF EXPANSION WHEREVER POSSIBLE.

"Mr. James A. Alexander, of New York, said, 'We find today, I think, a hesitation in business. Large users of credit are inquiring as to what the future has in store for them. I think now is the logical time to deal with this question, perhaps the best time that has occurred up to now, to bring this credit situation home to the users of credit. Although while this hesitation is on they will get some loans, prices are being reduced, but nevertheless, unless there is a very substantial contraction and a very definite and positive announcement made in some way, the users of credit in the country may become more hopeful again that the situation is not one to be feared, and they will

feel justified in going ahead and making very substantial and

large commitments for the future.

Following this, Mr. Alexander suggested that the discount rate should be raised, 'not to 61 or 61 per cent but to 7 per cent on commercial paper.' In reply to a question from Governor Harding as to whether the raise in rate would penalize anybody who could not liquidate on account of transportation facilities, Mr. Alexander said: 'I am afraid somebody is bound to be penalized in order to bring about "production." A percentage of 1 per cent is not a very heavy penalty in the way of an interest charge, but it is a very positive announcement that the credit situation is such that further expansion must be presented and that curtailment should be had wherever possible.' When asked as to the transportation situation in his district Mr. Alexander said: 'There is almost no such thing there now'; and he added: 'There is one thing, I think, to be feared, and that is that if the transportation facilities are improved and commodities moved freely and credits are thereby released it may make a temporary ease in the money market, and may encourage people to go ahead and expand. I believe now is the time to put the rates up and to keep them up.

From this one might interpret Mr. Alexander's statement as indicating that he did not desire to see transportation facilities improved and commodities moved freely, because that would release credits and encourage the business people to go May Heaven save this Nation from a policy so narrow

visioned and so amazing as that!

"Mr. Treman, also of the New York district, said: 'I think Mr. Alexander has well expressed the general sentiment of the directors in our district, that there is a spirit of hesitation and uncertainty prevailing throughout the country, and that the business interests are looking to the Federal Reserve Board and the Federal reserve banks to indicate what is to be done. We have felt in New York that it was advisable to advance the rate further than at present, because we got good results from the action which was taken in the winter. We believe the time is coming when there should be a further warning by the advancement of the rate throughout the country. Not that it would curtail business—that is, the advancement of a point or a half point in the commercial rate-but it would be a warning to a great many banks that will not be affected by the graduated or progressive rate that in dealing with their customers they should recognize what many of them apparently do not recognize yet, and that is that the credit situation is a very strained one and should be dealt with now before the conflagration becomes too severe. As to the particular method to be employed, Mr. Alexander, I think, has correctly stated the position of the directors of the Federal Reserve Bank of New York-that is, that there should be an immediate raise in rate; second, that the position outlined by Governor Harding with regard to the process and methods of education should be car-* I am in very close touch with certain of the distributing interests-jobbers in hardware and jewelry and other lines-and I am sure that they are disturbed and they are looking to the Federal Reserve Board and the Federal reserve banks to outline a remedy which will deal with the situation in a sound and sane way at the present time without causing undue alarm. We can do that if we begin and restrict within reason the granting of credit through individual banks. You must do something more than send them requests not to do it. The way to do it is to bring them face to face with the officials of the Federal reserve banks in each district and have them understand the situation and have them in turn go back and deal with the commercial and business interests. in addition to reaching the business organizations through their officials reach the agricultural societies and organizations though their officials, so that if there should be an effort to get in touch with the large interests in each district and merely point out the necessity for a reasonable curtailment of credit, the same as we curtailed sugar and coal when there was a real need for it, it seems to me that by the raising of rates now, by the education of bankers individually and by these group meetings and by going on further and extending our suggestions to the business interests of the country, I believe that we can forestall any very serious disturbance in the fall.'

"Mr. Alexander was asked by Mr. Ottley, referring to the suggested raise in rates to 7 per cent: 'In view of the basic line that is under consideration by the Federal reserve bank, would it be your idea, Mr. Alexander, to just make a flat rate of 7 per cent or start off the basic line at 6 per cent with a rising scale?' And to this Mr. Alexander replied: 'Make the basic rate 7 per cent. I am in hopes that there will be no plan of progressive rates put in effect in New York. Make the rate 7 per cent. I am speaking of commercial paper. Commercial paper is the thing that is being created in volume

right now and we want to limit it as much as we possibly can limit the creation of commercial paper.'

"Mr. Charles Smith, of New York, said: 'The entire board of our bank is in hearty accord with the advancement of rates as expresed by both Mr. Alexander and Mr. Treman.'

"Mr. John Skelton Williams said: 'Before we leave this question, Mr. Alexander, as you suggest a 7 per cent rate do you not think that one of the effects of a 7 per cent rate as a minimum rate for all banks would be to discharge essential industries? Six per cent is the maximum rate in New York except on bonds and certain other things. A small bank might have an application from an essential industry and it would realize that if it were to lend to that industry the accommodation that it needed it could only reimburse itself at the higher rate or at a loss. It would have to charge that essential industry 6 per cent and would have to pay 7 per cent and there would therefore be no inclination to extend the accommodation at a loss even to an essential industry. On the other hand, if you put the rate at 7 per cent, that would not deter the profiteers who are making 70 per cent profit, 20 per cent, or 50 per cent. My apprehension and wonder is whether a higher rate of interest would not in the long run discourage the essential producers and at the same time have no effect at all upon the profiteers, upon the men

who are making exorbitant and extortionate profits."
"Mr. Alexander replied: 'In the case of a corporation there can be a contract rate, whatever is agreed upon.' But to this statement Mr. Williams replied: 'The farmers, for example, are not corporations and a great many of the smaller transac-tions are not carried on with corporations.' And to this Mr. Alexander replied: 'No, I am coming to that point. Between corporations there is a contract rate, but in smaller transaccorporations there is a contract take, but in smarter transactions, where you are dealing with individuals and with farmers, 6 per cent is the legal rate. I do not think it makes a particle of difference to any of these borrowers, certainly to none of those with whom we come in contact, whether they pay 5 per cent, 6 per cent, or 7 per cent. The question is, 'Can we get the money? That is the question to-day. 'You lend us the money and we will pay the rate.' They say, 'You lend us the money and we will pay the rate.' Now, there is the objection as stated by you of charging 7 per cent to the member banks when they can only collect 6 per cent. that is a feature of the situation that must be met. In other words, I think the purpose to be served is so great and of such prime importance that these other matters must be considered of smaller importance. I think the bank would have to stand in between the users of credit for essential purif necessary, or they can have balances which will jus-

poses, if necessary, or they can have balances which will justify them in making a loan at 6 per cent, although they have to pay 7 per cent for the money.'

"Continuing the discussion, Mr. Alexander said: 'That is exactly what you would acomplish by making a profiteer understand that credit is a luxury and difficult to get,' and so a great New York banker, holding the purse strings over hundreds of milions, we believe, wants to make it out that credit is a luxury and it is difficult to get. In this particular case he was referring to the profiteer, but that spirit that 'credit is a luxury, and is difficult to get,' in this particular, prevailed in too many bapking rooms where a man was entitled to credit and should not have been made to feel that credit was a luxury.

have been made to feel that credit was a luxury

"Mr. Williams suggested that in dealing with a profiteer the purpose could be better accomplished by saying to him: 'We won't let you have the money,' than by letting him have the

money, even at 10 per cent.

"Mr. Alexander agreed to this statement as true and added: 'We could say that they could not have the money and we should see to it that the profiteer is cut out and that the essential industry is carried, even at the expense of the bank." Referring to those who had engaged in what was called profiteering during the period of rising prices, Mr. Alexander said: 'People of that kind will disappear rapidly, I think, under present conditions, because they will be forced out.'

THIRD DISTRICT COOPERATED IN DEFLATION OF CREDIT.

"Mr. Joseph Wayne, of Philadelphia, said that he did not think the third district was unduly alarmed over the credit situation, but that they 'felt for some time that it required rationing and the green signal had been out."

"When the Government sold its bonds the Treasury Department and the banks of the country pledged to 20,000,000 buyers of these bonds that they could be carried through the banks until they could be paid for out of earnings. On the subject of liquidating these Government bonds, Mr. Wayne said:

We may have been subject to criticism for not liquidating more promptly the obligations secured by Government bonds, but we more or less acted along the suggestion of the previous Secretary of the Treasury and the Federal Reserve Board at the time these loans were taken, and it now looks to us to be a pretty bad time to force these bonds on the market. They

are being more or less liquidated. We have been endeavoring in our own bank in the last month to force Liberty bonds on the market, but they do not go on very comfortably. who have to part with them and lose 13 points do not part with

their money very gracefully.'

"When asked by Governor Harding if a 7 per cent rate in New York had forced the Philadelphia bank to put on a 7 per cent rate, Mr. Wayne said: 'No; but you know the general custom is that when one bank raises its rate we usually suggestion from the Federal Reserve Board that they will approve a raising of rate for our district, and that usually goes through.' When asked as to transportation facilities, Mr. Wayne reported them as very poor and the freight blockade as serious, and that during the past few weeks the transportation situation had not shown any improvement.

"Mr. Francis Douglas, of the Philadelphia Reserve Bank, reported that some banks were not cooperating to the fullest extent with the Federal reserve bank, and he suggested that a letter stating the actual conditions should be sent to the various letter stating the actual conditions should be sent to banks, throughbanks, not only member banks but nonmember banks. be very beneficial and would help a great deal in the deflation

of credit.'

FOURTH DISTRICT OFFICIAL FAVORED BREAKING DOWN BUSINESS AND BUILD-ING UP FROM BOTTOM,

"Mr. Robert Wardrop, of the Cleveland Reserve Bank, said: 'I think a reasonable depression in business will be a good thing for the country,' and he added, 'I really think we would do better if we could get down to a lower basis, a different basis, and then from that we can work up again.'

"In other words, it would be a good thing, according to Mr. Wardrop, which was the view of a leading banker we have already quoted, that business should be broken down and then take a fresh start from the bottom. . Millions of people who lost

by that kind of teaching naturally question its wisdom.
"Mr. Chess Lamberton, of the Cleveland bank, one whom we have already quoted, also classes himself as a 'baby director,' and declined to express any opinion on any of the subjects

discussed.

NECESSITY FOR RAISING DISCOUNT RATE DOUBTED BY FIFTH DISTRICT REPRESENTATIVES.

"Notwithstanding the fact that the Richmond Federal Reserve Bank sent out a circular letter in August, 1920, that it had been urging its member banks for more than 12 months to restrict credit, Mr. John F. Bruton, of the Richmond bank, referring to the heavy demands of agricultural loans, said: 'I hope it will not be necessary to increase the rate of interest. for fear that it might be construed as a reflection upon this great industry, which in the final analysis is doing the work of the country. Probably I am a little old-fashioned, but I have the impression that some positive relief could be had at the discount table of the Federal reserve bank by the discounting committee in drawing in on certain few banks in the district and limiting their borrowings, which would give to their banks the opportunity to make essential arrangements.' When referring to some banks that he thought had been borrowing too heavily, Mr. Bruton said: 'Some of them have two feet in the trough already and it might be advisable to reduce on some of them."

"The suggestion that any bankers trying to take care of their customers were hoggishly inserting two feet in the credit trough seems a little rough, and perhaps Mr. Bruton spoke unadvisedly.

Mr. Charles E. Rieman, of Baltimore, a director of the Richmond bank, said: 'I hardly see the necessity of increasing the rate at this time. * * * With regard to the retail business, I have made a pretty close examination of it, and I do not think the shelves are overloaded.'

"Mr. Rieman was entirely correct in his position that there was no necessity of increasing the rate and that the country was not overstocked with goods.

PENALTIES IN SIXTH DISTRICT CERTAINLY BECAME STRONG.

"Mr. J. K. Ottley, of the Atlanta Federal Reserve Bank, said: 'The condition of the farmers, merchants, and manufacturers in the sixth district, in large majority, is good.

"Contrast this good condition of farmers, merchants, and manufacturers in the latter part of May, 1920, as reported by Mr. Ottley, with the chaotic condition of business in that district when, by higher rates and curtailment of credit, business chaos was produced, not only in that immediate district but throughout the country generally. In further discussion of the matter, Mr. Ottley said: 'I would not feel at this time, from an independent standpoint, that a raise in the rate was necessary other than to put in this basic line and make the penalties

very strong as they progressed.'
"In view of the fact that penalty for higher rates were inflicted by the Atlanta bank on one Alabama bank, which was trying to protect its farmer customers, up to 871 per cent, the Atlanta bank evidently carried out the suggestion of making the penalty very strong."

EMINENT CHICAGO BANKER SOUNDED WARNING NOTE.

"Mr. George M. Reynolds, of Chicago, was evidently not in favor of breaking down business so as to get a new basis from which to start again, for he said: 'If we pass through this crisis successfully and maintain prosperity at anything like its present level, I think the first requisite necessary is the maintenance of confidence. Believing, furthermore, that confidence is to a considerable extent a state of mind, it seems to me that we people who are from the outside points here could do more for the state of mind along the line of trying to enable the members of the Federal Reserve Board to look through our glasses and get the focus of things as we see them at the other end of the line."

What a daggerlike thrust that was on the part of Mr. Reynolds against some members of the Federal Reserve Board when he, as one of the greatest bankers of America, suggested that one of the most important things was to get the Federal Reserve Board to look at the situation from his standpoint. What an infinite pity Mr. Reynolds was not able to bring about such a desirable change of vision! Further discussing the subject, Mr. Reynolds said: 'I would not be honest with myself if I did not express my own frank opinion on some of the questions that have been raised here. I have not lost my belief in the theory that the yardstick is the interest rate, which is after all the best means of controlling the demand for money. I hope the Federal Reserve Board and the other people interested in this problem will not overlook this one principle.

'As I understand it, reserves are kept and enmassed and impounded for the purpose of loans in times of emergency. Take the central reserve cities, and there are deposited in those banks, as you know, secondary reserve deposits, which since the organization of the system have been lying there dormant. In times like this when there is an emergency there is a shrinking first in deposits, and then many of these institutions come back to us for credit requirements which are not borrowed ordinarily. We have that situation in this crisis. In every institution in this country there is a large amount of paper which is not eligible for rediscount at the Federal reserve bank, but at the same time it represents the very cream of paper in so far as the question of safety is con-cerned. * * It may seem to you people have the It may seem to you people here that under conditions which arise whereby there should be deflation rather than inflation the banks should stop loaning money. That is just as impossible without trouble as it is for us to fly out of this room. * * * I have not one particle of fear about of this room. * * * I have not one particle of fear about the outcome. It is just a question of using what we might call horse sense and not getting stampeded or excited or doing something under stress of excitement or going off, as we somemes say in the country, half cocked.'
"Mr. Charles H. McNider said: 'We feel there must be rea-

son, there must be sanity, that the essentials must be taken care of, that there can not be an extraordinary cutting down of credits at this time because that would create disaster.

We ought to deflate in a sane and reasonable manner."
"Unfortunately, Mr. McNider's suggestions were not taken, for we deflated in an insane and extraordinary manner, and the

result was world disaster.

"Mr. E. L. Johnson, of the Chicago Reserve Bank, said: 'I believe that education and propaganda must be carried on, with authority and with strength, carried on from this board and from these gentlemen here down to all the nonmember banks on to the small business man in the small factory.'

"Evidently the propaganda was carried on and carried on with authority and with strength, for bankers everywhere were warned to curtail credits, and naturally any man who was not a fool from the top of his head to the bottom of his feet knew that that meant the breakdown of prices, the breakdown of business, and the increase of unemployment; and therefore every man stopped buying raw materials or finished products of every kind. Mr. Johnson added that Governor Harding's speech should be 'properly disseminated among them with the show of authority, even if you do not have it.'

"What an amazing statement for one of the directors of the Federal Reserve Bank of Chicago to make to the effect that Governor Harding's speech should be broadly disseminated among the banks with a show of authority, even if Governor Harding did not have such authority!

MINNEAPOLIS BANKER WANTED TO STOP HIGH FINANCE IN POLITICS AND BUSINESS.

Mr. Wesley C. McDowell, of the Minneapolis Reserve Bank, said: 'I do not like this increase in rates. Out in our part of the country we have been going a little bit wrong on our thinking, so that we have established a bank of our own, called the

State Bank of North Dakota. * * * I think that any method that would raise the rate arbitrarily when the farmer has had four or five years of poor crops * * it looks to me like the institution they told us of when we started the Federal reserve system that was going to take care of us and prevent panies was now going to fall down and penalize them. It seems to me that now is a poor time to penalize the little fellow. * * * The Federal Reserve Bank of Minneapolis is making \$10,000 a day. Is that profiteering, when they have been using our money without any interest ever since it started? Is the Federal Reserve Board going to be put in the same class with the sugar profiteer and the manufacturer who has been making big money? * * * So I say again, it does not sto me that now is the proper time to increase our rate. * So I say again, it does not seem want to cure that unrest out there more than we do anything else. We want stop some of this high finance in politics, in business.'

DEASTIC REMEDIES OF TENTH DISTRICT MANAGERS PROVED FATAL TO VICTIMS.

"Mr. J. C. Mitchell, of Denver, director of the Kansas City Federal Reserve Bank, referring to the condition in his district, 'In my opinion we corrected the trouble there by putting in the progressive interest rate; we felt we had to do some-thing. We considered it a little bit drastic, but we thought we would try it, and we did try it.'

"It looks like the directors of that bank were trying an experiment the end of which they could not see. Mr. Mitchell thought it was a success. We venture to cay that a million people in that territory thought it was a dismal failure. It looks very much like the quack doctor called in to attend an ill child. The quack admitted that he could not diagnose the case, but, said he: 'I am hell on fits, and I will throw the child into fits and cure the fits.' Unfortunately, the child died, and many a farmer and many a business man in the Southwest died financially because of the action of the Kansas City bank.

Mr. W. J. Bailey, of the Kansas City Reserve Bank, said: 'I am well convinced, gentlemen, that you will bring the Federal reserve system back to a reserve system rather than a commercial system if you will make it unprofitable for certain great banks to use the funds of other banks.'

"What a pity that Mr. Balley did not mention by name the great banks against which he aimed this dart! Then he added: I think the real remedy is in a graduated rate. Of course, make the basic line whatever you want and let us say you would raise the rate to 7 per cent. Now, the only complaint we have among our banks is that there ought to be a maximum rate. I do not believe that, gentlemen. I would put a danger signal here and another there and another up therethat is, death; and he will never go against the death signal. You have made the Kansas City Federal Reserve Bank a broker's shop; you have changed it from a reserve bank to a commercial bank and I want to get it back, and that is the reason I am in favor of the graduated rate.'

"Mr. Forgan offered a resolution that a committee of five be appointed 'to prepare a resolution in regard to the effect the transportation situation is having on the expanded condition of credit in the country, with a view to placing such a resolution before the Interstate Commerce Commission, requesting them to do what in their power they can to relieve the

situation by increased freight rates or otherwise."

It has been reported that one of the thoughts expressed by some at that meeting was that one way to break down busines in addition to restricting credit was to secure increased freight rates and thus lessen the volume of business, bringing business down to a point where the railroads and the banks without trouble could transport and finance the business then it operation. That does not, however, appear in the resolution nor in the report of the meeting, but that was a current report in Washington at the time of the meeting as the intention of those who sought to persuade the Interstate Commerce Commission to raise rates.

GRADUAL DEFLATION FAVORED BY ELEVENTH DISTRICT MANAGER, WHO DOUBTED WISDOM OF PROPOSED RAISE IN RATES—WITH 100 PER CENT PROFIT. FEDERAL RESERVE BANKS WERE ALREADY CHARGED WITH PROF-

"Mr. John T. Scott, of the Dallas bank, said: 'Speaking of the increased rates proposed by some of the districts, I can not find myself in agreement on that proposition. We have already increased the rate, and the increase of the rate is not going to correct the evil unless the member banks all cooperate.

"'We might increase the rate from 7 to 8, 9, and 10, and the situation would still be uncorrected. I believe we ought to continue our efforts with our member banks throughout the country and induce them to curtail their loans as far as possible to only the legitimate needs of legitimate business, and by that means we can bring about in a normal way the deflation of credit. We must remember that this inflation has not taken place over night; it has been going on from three to four years, and it is going to take some time to correct it. We can not hope to correct the situation in a day or a month or in six months. We have got to go at it in a sensible way, to bring it about in a gradual way rather than attempt to correct it within a short period of time. The Federal reserve banks have been charged with profiteering by reason of the rates they are now charging. We are making in the neighborhood of 100 per cent on our capital. * * * The Federal Reserve Bank of Dallas has already adopted the progressive rate proposed to be put in wherever the executive committee finds it necessary to do so. have sent out two letters within the last three months to the member banks. The last one was sent out at our last directors' meeting, under the order of the directors, to be sent under personal cover to the president of each member bank and by registered mail, so the letter would receive attention, and they were requested to read these letters at the next meeting of their

"With a registered letter to the president of each member bank and requirement that he read this letter at the next meeting of his board of directors the Dallas bank was evidently following the suggestion of Mr. Johnson, of the Chicago bank, who suggested that the governor's speech should be disseminated among the bankers with a show of authority, even though the governor did not have the authority. The Dallas bank either had the authority or it took it, and at any rate the member banks that received that registered letter well knew they taking their life in their hands if they failed to obey it.

"Mr. B. A. McKinney, of the Dallas bank, said: 'From a study of the condition of those banks I can say that throughout all the districts they are in stronger condition to-day than they were a year ago.'

"That favorable condition, however, hardly held good after drastic deflation was put into effect.

WIELDING A CLUB ON FRIEND AND FOR ALIKE NOT APPROVED BY TWELFTH DISTRICT DIRECTOR.

"Mr. C. K. McIntosh, of San Francisco, said: 'We are thoroughly in accord with the resolution adopted and with the of Governor Harding outlining the methods that are desirable for us to proceed on. We can see the problem and we know fairly well some of the causes. We know that there is a demand that exceeds the supply of credit; we know there must be discrimination, and we are ready to join in any proposition. * * * I can hardly conceive that it is wise, in the endeavor to keep out the undesirable feature, to permit it to be rocked, even though the rocker is willing to pay 7 per cent for the privilege. I find it hard to convince myself that it is the most intelligent restraint to wield a club on the heads of friends and foes alike. A rate which applies beyond a certain arbitrary and colculated line has its effect, but without regard to what the man on the other end of the line is doing it is something like running into a melee with a club in one's hand to assist in quelling it and making up your mind you are going to strike every fellow on the other side of the fence, whether he has his coat off helping to reduce the melee or whether he is one of the main instigators. It seems to me the character and not the amount of opposition should be the prevailing factor in penal-We must have the assurance, or should have the assurance, that we may have the unqualified support of the Federal reserve banks in our district, because that is their job; also the reserves are not sacrosanct; they are not to be framed and hung on the wall. That given the purpose, given the fact that the real purpose is being served by the advance, the Federal reserve bank must help us, must help those who are doing that thing, and must decline when discrimination is practiced against those not doing that thing. * * * If we can go to against those not doing that thing. * * * If we can go to our people with the assurance that there is credit available for the production of essential and quickly assimilable things and that as compensation for that use we must ask to refrain from the demand for credit for those things not essential or for those which in our minds are not essential, we shall have gone a long way toward solving the difficulty as far as it is within our power to do so.'

"Unfortunately for the good of the country the reserves were regarded as sacrosanct and were not called upon to help out in the emergency-the very thing for which they were established-and the banks did not, with the cooperation of Federal reserve system, guarantee to their customers credit for essential things.

CALLING LOANS AGGREGATING \$2,000,000,000 PROPOSED AS DESIRABLE WAY
TO PREPARE FOR FALL BUSINESS.

"Mr. John Perrin, of the Federal Reserve Bank of Chicago, said: 'The way to meet that problem is to bring about in the next three or four months a definite amount of contraction which would permit us to expand correspondingly in the fall.

If it were possible for every bank in the country to reduce its loans during the next three or four months to the extent, say, of 10 per cent, there would be a total expansion in the fall possible of approximately \$2,000,000,000.

"Here is a definite suggestion as to calling loans amounting

to \$2,000,000,000 in order that they might be reloaned in the fall, or, in other words, break down business in order to give

it a fresh start a few months later!
"Mr. Forgan said that the calling of the convention 'has stirred up sentiment throughout the country and there has been some thought, I think, of a good deal of misapprehension of what we were going to do when we got here. The fear got out that we were going to meet here and in some way were going to classify loans into essentials and nones-sentials and with that even send an order through the country

that there were to be no loans on what we term nonessentials." Mr. Forgan then presented some documents from the American Bankers' Association committee and other organizations which had been disturbed by the unrest already created throughout the country by the campaign of deflation which had been for some time under way by Federal reserve banks and by the fear that this convention would make still more drastic rulings. Letters were presented also from some leading business concerns along the same line. If any of these big business interests were tipped off in advance as to what was to be done prior to this information leaking out to the public they would have had an opportunity to make many millions of dollars. If, for instance, some corporation through some member of this meeting learned that deflation was to be continued it would have had a chance to unload before the break in prices came. It is hardly possible that, as 100 copies of the report from which we are quoting were printed for confidential circulation, so we are advised, and the type then destroyed, some people did not have an opportunity of learning what the public had not learned and thus of having the opportunity of utilizing this information in a way which

might have made millions or saved millions.
"Mr. F. O. Watts, of Federal Reserve District No. 8, chairman of the committee on transportation, made a report for the committee reviewing the inadequate transportation facilities of the country, which were hampering business, and in the course of which it was said: 'A striking necessity exists which can only be relieved through the upbuilding of the credit of the railroads. This must come through adequate and prompt increase in freight rates. and prompt increase in freight rates. Every delay means the paying of greater cost, directly or indirectly, and places a burden on the credit system which in the approaching time for seasonal expansion may cause abnormal strain. Even under the light of war inflation, high price level, and extravagances the bank reserves would probably be sufficient if quick trans-portation could be assured during the time of the greatest

strain.'

were increased freight rates suggested as means of lessening volume of business?

Watts offered the following resolution, which was adminimously adopted:

"Resolved, That this conference urge as the most important remedies that the Interstate Commerce Commission and the United States Shipping Board give increased rates and adequate facilities such immediate effect as may be warranted under their authority, and that a committee of five be appointed by the chair to present this resolution to the Interstate Commerce Commission and the United States Shipping Board with such verbal presentation as may seem appropriate to the committee.'

"What was the verbal presentation made by the committee to the Interstate Commerce Commission in behalf of increased Was it, as some have surmised, a suggestion that it would be better temporarily to lessen the volume of business of the country in order to enable the railroads and the banks to handle it? Some rumors to that effect were circulated at the time. Were they correct?

circulated at the time. Were they correct?
"Mr. Wayne raised the question of graduated rates on borrowings or rediscounts and said: 'I would like to know whether in the districts that have adopted this procedure there has been eliminated the question of borrowing on Government securities from calculations as to the line of credit granted to

a bank?'

"Governor Harding replied: 'In the Kansas City district and the Dallas district, in their tentative plans they have eliminated entirely borrowing on Treasury certificates of in-debtedness and on Liberty bonds actually owned on the 1st

of April, 1920.'
"Mr. Wayne then asked: 'Have they made any reference to collateral notes of customers that have been by the banks as a result of Liberty loan subscriptions?

"Mr. Bailey replied: 'They have to belong to the bank on the first day of April. We have made that rule.' "Mr. Scott said: 'It is the same way in the Atlanta dis-

"Mr. Wells said: 'He wants to know if customers' notes

secured by Liberty bonds are exempt from the application of it'; and Mr. Bailey said: 'They are not.'
"When the Federal reserve system undertook to violate every promise made by the Government and by the banks in persuading people to buy Liberty bonds, promising to carry them and then calling loans on them in order to force them out of the banks, breaking them down from 12 to 15 points or more, the honor of the Government and the good faith of banks was trampled in the mire and millions of bonds bought in good faith by patriotic people to help the banks and heip the Government were forced to be sold at a loss, and the National Government bought in \$2,000,000,000 of its own dishonest promises to pay and the Secretary of the Treasury boasted of the money that had been saved in doing so! And at these low prices hundreds of millions of bonds were bought in by big estates and big institutions, with heavy losses to innocent original purchasers.

"At the afternoon session it was proposed to appoint a committee of five, as that number 'would be more impressive,' to prepare some kind of a statement or memorandum to be submitted back to the conference, which we can use as a basis of a press statement and which you can all use as a basis of a statement to your own banks when you get back home touching the situation as you see it, and forestalling any more remarks such as were made in the Senate yesterday as to all kinds of trouble coming, and yet being careful not

to stir up another bomb.'

PRESS DENIED OPPORTUNITY OF GETTING FACTS OF MEETING.

"When the press is denied the right to learn for itself what is going on and must accept as law and gospel any prepared report, the public may rest assured that it is not getting the real facts, and yet such a prepared report was all that the press has heretofore ever been able to secure as to the discussions which

took place in that meeting.

"Mr. John Skelton Williams, discussing in the afternoon some of the things that had been said during the morning, said: 'I do not think myself that there is any ground for expecting a commercial cataclysm or crisis such as some people are predict-I see nothing in the situation to justify the fear of such a commercial crisis or financial catastrophe as we had either in 1873 or in 1890 or in 1907. If anything of that kind comes it will be our fault, the fault of those who are in charge of the banking and commercial interests of the country, and I do not believe they are going to bungle it.'

Unfortunately those in charge of the banking interests of the country did bungle it and bungled it badly, as Mr. Williams has repeatedly said that they did, and proved by the figures which he has published showing how badly it was bungled.

"Mr. Henry A. Mohlenpah, member of the Federal Reserve Board, and who, it is generally thought, joined Mr. Williams from time to time in vigorous opposition to the drastic deflation campaign carried out by Governor Harding and other members of the board, in following Mr. Williams's address said: 'I think it to be right to say that there is no member of the board at this time that has been related to your problem so directly as perhaps I have been, because I have just come from the desk and I have during the past six months visualized the proposition you are up against, and I want to say right here, gentlemen, that I refuse to be a pessimist. I quite agree with the comptroller. That does not mean to say that I am an expansionist or an inflationist, but I do believe in the broad general proposition that we have just as much right to take stock of our assets and of our privileges and of our opportunities as we have of the darker phases of the question. * * * I believe out of this question will come a stronger, higher morale on the part of the bankers themselves.' And referring further to the situation he said: 'It is just exactly to my mind what this situation needs; not a contraction that is going to hurt; it needs the steady nerve of the bankers, just as they faced their problems in 1903 and 1907,

"The situation did need, just as Mr. Mohlenpah said, the kind of handling that would not produce a contraction to hurt business, but in place of that it got a contraction that well nigh destroyed business. Mr. Mohlenpah and Mr. Williams thought that the management of the Federal reserve system would not bungle the job, but the most disastrous commodity panic in the world's history and the most disastrous agricultural condition which this country has faced in its whole life proved that the job was badly bungled, unpardonably bungled. As one of the speakers said, it had taken three or four years of inflation to

carry us to the top, and it should have been evident to every man that the only way to come down safely was to take as long in coming down from inflation as we had taken in climbing up. This, however, was made impossible by the urgent efforts of Federal reserve banks to cause member banks to restrict credit and with the Federal Reserve Board carrying out its constant efforts to impress upon all banks the need of restricting credit and curtailing business operations chaos was inevitable.

\$32,000,000,000 LOSSES AS RESULT OF RESERVE HOARD'S DEFLATION PROGRAM.

"As the Manufacturers Record showed a few weeks ago, the decline in the value of farm lands in 1920 and 1921 under deflation amounted to about \$18,000,000,000, and the decline in the value of farm products of these two years as compared with 1919 prices showed a decrease of over \$14,000,000,000, making a total loss to the farmers of upward of \$32,000,000,000. If to this we add the decrease in securities, stocks, and bonds of railroads and industrial corporations and the losses in the decline of output in manufacturing and mineral industries, it will be found that under the system pursued of erroneous financing and financing directly contrary to the teachings of such bankers as Reginald McKenna and others of his standing we wiped out about \$50,000,000,000 of values, a staggering loss which well nigh shocked the very life out of the country. Mr. Wayne, referring to the proposed progressive discount rate, said, 'It does not appeal to me as a director of the Federal reserve bank at all, at least for operation in our district. am afraid it will do just the opposite for which the Federal reserve act was enacted. In other words, the act was proposed to enable the banks to cater to commercial business. I know in the operation of our bank we were very often called upon to borrow quite heavily and we cut it down as fast as we could, but if we are going to accumulate a batch of commercial paper, either by direct transactions for customers or by purchase on the market, because our borrowings at the Federal reserve banks happen to go beyond a certain limit we are going to be heavily penalized, we are going to stop buying the paper, and we are going to invest our money in call loans on Wall Street, which is exactly what the Federal Reserve Board does not want the member banks to do. * * * I think that you are going to defeat the very purpose of the act, which was to enable commercial banks of the country to do a safe commercial business. We will simply be driven into call leans on Wall Street for our surplus money if they are going to penalize us.'
"Mr. Scott, in discussing the matter, said, 'We find that

about 80 per cent of our members are small country banks, with a small capital and small deposits. * * the ones that we really need to help out in the farming com-We had a complete list made up of every borrowing bank, showing what its rate would be if they were under the Kansas City plan, and we found that some of them ran up as high as 18 and 19 per cent. If that plan were applied it would mean the ruination of the agricultural districts.

"That plan was put into effect and the agricultural districts

were ruined, exactly as Mr. Scott had predicted.

"After considerable discussion in regard to the progressive rate and vigorous opposition on the part of a number, Mr. Mohlenpah said, 'Is it absolutely necessary in every transaction made in a Federal reserve bank that it has got to be made on a basis of profit to the Federal reserve bank, or is it not that these reserve banks will have to forego their profit in this overplus of borrowing when the country banks have to move crops or other commodities?'

"Judging by the 100 per cent profit that the Dallas bank was making, as one of its officers said, and the \$10,000 a day that the Minneapolis bank was making, it looks as though every Federal reserve bank did business only on the basis of a profit on each transaction, regardless of its effect upon the country at

UNHEEDED WARNINGS OF COMPTROLLER OF THE CURRENCY JOHN SKELTON WILLIAMS.

"As shown by letters from John Skelton Williams, then Comptroller of the Currency and a member of the Federal Reserve Board, Mr. Williams repeatedly warned the board of the danger that faced the country from its deflation campaign. In a speech before the Maine Bankers' Association at Bangor June 26, 1920, Comptroller Williams called attention to the fact that the Federal reserve banks had an unused lending power at that time of about \$700,000,000 and that if the reserve requirements should be temporarily reduced by only 10 per cent the total unused lending power of the reserve system could be increased to two thousand million dollars.

"Nevertheless the financial situation, under the reserve board influence, grew worse, and on July 31, 1920, Comptroller Williams gave a statement to the press showing that the unused lending power of the reserve banks was still \$750,000,000. Mr. Williams added in that statement: 'Such figures as these ought to be sufficient to allay fears of pessimists as to the financial condition of the country at this time.'

"Mr. Williams's statement was resented by the chairman of the Federal Reserve Bank of New York, who promptly wrote a letter to the reserve board complaining that Mr. Williams's public statement was interfering with the plans for deflation.

"On August 9, 1920, Mr. Williams called attention of the reserve board to the fact that certain banks in New York were using the funds of the reserve system for speculative ventures and were extorting grossly excessive interest rates from customers, so that business men and merchants needing funds for legitimate business were being required to pay exorbitant rates.

"August 26, 1920, Comptroller Williams filed a memorandum with the board urging a reduction in rates which the reserve banks were exacting on Liberty bonds and for legitimate business transactions, and he also warned the board at that time that the drastic liquidation which had already taken place in leading commodities, including cotton, corn, wheat, rice, silk, wool, leather, etc., had brought about a shrinkage in some cases amounting to over 50 per cent. He also showed the board that the pressure had been so great that the prices of Government bonds and other high-class investment securities had been broken down to the lowest level they had touched in half a century. At that time he told the board: 'Such additional liquidation as is needed could be brought about without the exaction of interest rates as high as those which have prevailed.'

"On October 26, 1920, in a letter to the Secretary of the Treasury, remonstrating against the reserve board's policies and urging a revival of the War Finance Corporation, he said: 'The shrinkage in our leading commodities throughout the current year has ranged from 25 to 75 per cent from prices of less than a year ago. This shrinkage amounts not to millions or hundreds of millions but to billions of dellars. The strain upon the business fabric of the country is in some respects unparalleled, and I do feel that the time has come for the exercise of such salutary and constructive powers as may be at our command.'

"The reserve board's answer to Mr. Williams's protestation and remonstrances was to tighten the screws still further and to force a contraction or deflation in leans held by the reserve banks which amounted to one thousand million dollars in the succeeding 12 months, every month showing an actual contrac-

tion from the preceding month.

"When Comptroller Williams a few weeks later offered a resolution in the beard to require the banks which had been exacting extortionate interest rates from member banks—as high as 50, 60, 70, and 85 per cent—to limit interest charged member banks to 6 per cent, the board voted down his resolution, and when in February, 1921, he offered another resolution to limit the interest rates charged member banks to 10 per cent they also voted that down.

"At the close of the meeting, in which only one day was given to this general discussion of the most tremendous financial problem that this country had every faced, when days and days might well have been spent in a careful analysis of the situation, the meeting was closed with the statement by Governor Harding, which we have quoted in the opening paragraph, insisting that nothing should be given out by those in attendance in regard to the discussions that had taken place; and thus the public was to be kept in dense ignorance, knowing nothing except the official statement issued by the committee, and from which the public and the press could get no information worth having as to what was being done or would be done by Federal reserve banks.

by Federal reserve banks.

"We do not know what has become of the 100 copies of this stenographic report of the day's proceedings which were printed for confidential distribution, but the Manufacturers Record feels that in having secured one copy and in giving this summary of it to its readers it is rendering a service of inestimable value to the Nation."

PERILOUS CONDITION OF THE BANKS AND GREAT INDUSTRIAL TRUSTS.

Mr. LADD. Mr. President, previous to the World War the larger banks of the United States, especially those owned and controlled by international bankers, were overloaded with debts that they owed and held as collateral security against the great industrial trusts, manufacturing corporations, and business enterprises of the people of the United States. Fully 90 per cent of these debts had been created by the banks loaning a false and fictitious substitute for money knewn as "bank credits"—that is, money having no existence and represented only by credit and debit figures upon the books of banks.

As a logical result, when the demand for these debts was made, calling for payment in money, business depression set in, and as an illustration of its effect, the common stock of the United States Steel Corporation dropped to 30 cents on the dollar, as it had skipped its dividend payment and was heading for a receivership. If this had occurred the other great trust combinations would have been likewise affected, producing financial chaos among the banks of the country, as it would have been impossible for their debtors to pay their debts in money.

International bankers, anticipating this situation, formulated and put through Congress in 1914 their fraudulent gold basis Federal reserve act, granting banking corporations organized for private gain, first, the power to rediscount the debts of borrowers and receive the proceeds in Federal reserve notes from the Government, thus giving banks the power to convert debts into money; second, the astounding privilege of rediscounting the debts of borrowers and having the amount credited to their "reserve," and upon this reserve, so created, loan from eight to ten times the amount, thus putting the people deeper and deeper in debt. This afforded the banks the opportunity to make unheard-of profits.

In 1914, when the European war started, tremendous war orders from the Allies in Europe were placed with these great trusts and corporations, showing profits running as high as 500 per cent; as a result the stocks of these trusts and corporations advanced in value to unprecedented high levels, which enabled them to obtain additional loans from the banks to increase the capacity of their manufacturing plants to meet this growing demand.

This was their situation when the alarm started that the Allies had exhausted their means of making payments on their debts and could not purchase more in the United States unless they were given uncovered credits; in other words, they could put up no more collateral security for loans or pay the debts then due in the United States, amounting to billions of dollars. It was then forced upon the attention of these international bankers that if the Allies were defeated or Europe was bankrupt as a result of the war they would face a total loss.

The resourcefulness of the international bankers in high finance was put in operation and the plan put through to shift the obligations owed them by the Allies upon the taxpayers of the United States. This was done by getting Congress to authorize the exchange of United States bonds for the worthless promises to pay of the bankrupt countries of Europe which they, the bankers, would not accept, knowing that Europe, with a war debt of over \$200,000,000,000,000, would have to repudiate them.

Thus the bonds put upon the taxpayers of this country were used to pay the debts of the Allies to the banks, industrial trusts, and corporations in the United States.

This was another gigantic conspiracy of international bankers to rob the people, that will be more fully exposed in the near future. The people of the world have been financially ruined by a false banking and currency debt manufacturing scheme, built upon a fraudulent and dishonest gold basis, and the present move of international bankers for an economic council of experts to adjust German reparations and stabilize the mark is an international subterfuge to entangle the United States financially with the bankrupt countries of Europe, to reestablish the gold standard, or gold-basis banking and currency scheme, through which international bankers control the money and credit of the different countries of the world.

The people of the United States should resist at any cost this attempt to reestablish the fraudulent gold-basis money scheme, as it will inevitably rivet the chains of industrial slavery upon 90 per cent of our people or end in civil war.

THE WORLD'S CONDITION PROVES THE IGNOMINIOUS FAILURE OF THE BOASTED GOLD STANDARD.

There is no misrepresentation too erroneous, no falsehood too malicious, no assumption too baseless for the hired agents of the money power to resort to accomplish their insidious purposes. For instance, they hold up to the world the financial distress of the devastated and debt-burdened countries of Europe as horrid examples of countries that are hopelessly striving to establish a monetary system other than the one which they dominate and which they misname the gold-standard system, which never had an actual existence.

Let us go back to the financial condition which existed in these countries previous to the World War. For instance, Germany, the most powerful and progressive nation on the Continent, was on the gold standard or the gold basis and all other forms of money or currency was redeemable in gold. At the beginning of the European war Germany realized that her gold-based money system could not stand the strain of carrying on

the war and allowed banking corporations to issue and loan their nonlegal-tender notes as a substitute for legal-tender money. Upon this fraudulent gold basis billions of debts were created upon the German people by the loaning of "money of account," a false and fictitious money, having no existence and represented only by credit and debit figures upon the books of banks. These banking corporations were also granted the power to issue billions of marks in "bank notes" as a substitute for money. The gold-basis money system upon which this gigantic issue of currency—German marks—is based has been absolutely destroyed by the war. The validity and value of money depends upon, first, its being full legal tender; second, the solvency of the country issuing it; third, the sovereign power of its government to enforce its acceptance in payment of all debts, public and private; fourth, a proper regulation of its quantity.

The German mark has none of these essential requirements to protect its value. The German Government is now bankrupt and in the hands of receivers (the Reparation Commission) representing the Allies, holding a mountain of debts against the German people sufficient to keep them in debt slavery for over

a hundred years.

RESULTS OF FEDERAL RESERVE SYSTEM.

I am fully justified in stating that the peak of official perfidy and financial iniquity was reached when the Federal reserve system was imposed upon the American people by the world's investment bankers. For defeating the very purpose its sponsors publicly claimed for it, it can not be matched. It was an un-pardonable national crime. The few redeeming traits that it possesses are rendered nugatory by what its originator, Paul M. Warburg, styled "in an administrative way." notoriously dishonest manipulations of this infamous system, the purchasing power of the farmers of the country has been deflated \$18,000,000,000 in a single year. When we stop to consider that there are 6,500,000 farms in the United States employing 13,000,000 men, we at once realize that the farmer is the largest employer of labor in the country. He produces all our food and clothing and pays nearly 60 per cent of the freight charges, in the capacity of producer and consumer. Every farm is a producing and consuming plant. Just think of the prodigious amount of supplies that are consumed in the aggregate by the farmers of the United States: Threshing machines, reapers, rakes, binders, tractors, wire fencing, tiles, in short farming machinery and implements of all kinds, building material for homes, barns, and outhouses, fruit trees, fertilizers, plants, and the scores of things these will suggest. Now, it is as plain as a geometrical axiom, that just in proportion as you reduce the purchasing power of the farmer in the same proportion you diminish the prosperity of the Nation. In the face of these indisputable facts is it not a burning, blistering shame, tantamount to a national scandal that the time of the Congress should be wasted and frittered away considering such an iniquitous measure as the one under consideration while the working farmer is pushed into irredeemable bankruptcy by the force of unjust laws and the dishonest and inefficient administration of Can you imagine anything more cruel and merciless than the foreclosure of a farm mortgage that robs industrious, thrifty, peaceable, country-loving, law-abiding American citizens of years of weary toil, to turn it over to men who never performed a day's labor, produced a dollar's worth of wealth, rendered any useful service to society, who have done nothing, in fact, to aid the advancement of a true civilization or to furnish the slightest pretext for their own existence? To compare them to parasites that fatten on other organisms would be doing injustice to the parasite, as the latter do not intimidate, discriminate, or deceive their prey; they are vampires that with ruthless indifference extract the very lifeblood of their helpless

According to John Skelton Williams, former Comptroller of the Currency, the earnings of a lifetime vere turned over to these modern Shylocks through the unexpected and wholly unnecessary deflation of the currency by the faithless and merciless connivance of officials of the Federal reserve system. These public officials, although supported by the people and supposed to serve them in a public capacity, have no interest in the general welfare, no sympathy for the toiling masses, but are entirely devoted to the predatory privileged interests. Their insatiable rapacity, if allowed to continue, is bound to wreck our Government as they have already wrecked monetary and transportation systems and our most productive industries, and eventually retard and then turn back our civilization as other civilizations have been turned back in the past by the very same causes, for a civilization that concentrates enormous wealth in the hands of those who have not produced it and takes it from those who have must inevitably evolve dis-

order and bring disintegration. The dangers that menace us are the natural and inevitable result of the kind of legislation we are now considering. All our industrial progress and material achievements have not brought the benefits, advantages, and blessings which our Creator intended them to bring, because we have permitted the predatory privileged interests to impose upon us laws to enrich themselves at the expense of the real wealth producers of the Nation. The appalling decline of the purchasing power of the farmer resulting from the rapid and unwarranted decline in the prices of farm produce is evidently the chief cause of our industrial depression, which started with the basic industry, communicated itself to every other branch of the industrial organization, causing a dislocation of the various parts of the whole intricate network of pro-The rapid decline of prices of farm products, which duction. so diminished the purchasing power of the six and one-half million farmers, showed itself in the decline of effective demand for manufactured articles and other products of industry, resulting in the closing of mills and factories or their being operated at a small percentage of their capacity. Only the greatest and most powerful of the industrial organizations, like the Standard Oil and United States Steel, were able to maintain prices, and this was made possible by monopolistic privileges. Injustice to the farmer is the primary cause of the unemployment of millions of men able, willing, and anxious to work to produce the things essential for the gratification of their own desires and those of others. The conclusion is irresistible, and from this conclusion there is no escape, that peace and prosperity can not be reestablished until we do justice to the farmer who works the farm and prevent financial bandits from farming the farmer who works the farm. Never before in the history of this Nation was there such an urgent demand for honesty, intelligence, and courage on the part of the people's representatives as there is at this very moment. Their responsibility to the people in this great emergency is grave and serious.

SOME RAILROAD JUGGLING AND CORRUPTION.

Mr. President, the ship subsidy bill, if enacted into law, will take untold millions from the earnings of the people and hand them over to the very men who by the prostitution of governmental functions have brought us to our present low estate.

The operation of our railroads by private interests, if we may believe history and the record of the roads, is the blackest chapter in the history of civil government. It is a long, unbroken series of incredible stupidity, shameless dishonesty, flagrant inefficiency, disgraceful perfidy, and the rankest corruption and debauchery.

What I am about to read to you is not from a progressive, a nonpartisan leaguer, a Bolshevist, an anarchist, or a red. but from the records of our conservative Interstate Commerce Commission—Report No. 6569, in re financial transactions of the New York, New Haven & Hartford Railroad Co.:

The result of our research into the workings of the former management of the New Haven system has been to disclose one of the most glaring instances of maladministration revealed in all the history of American railroading. In the course of the investigation many instances were uncovered of violation of the laws of different States. * * *

States. * * *

The difficulties under which this railroad system has labored in the past are internal and wholly due to its own mismanagement. Its troubles have not arisen because of regulation by governmental authority. Its greatest losses and most costly blunders were made in attempting to circumvent governmental regulation and to extend its dominion beyond the limits fixed by law.

Here we have an emphatic denial of the railroads stcreotyped complaint that the inefficiency and insufficiency of the railroads to serve the people as common carriers was due to Government regulations and interferences. We are here told by the Interstate Commerce Commission after an important and exhaustive investigation that the difficulties with which the railroads have labored in the past are directly attributable to dishonesty, incompetency, and contemptuous disregard of the principles of justice and common decency by their financial managers. Their disastrous failures are not because of regulation by governmental authority, but in utter disregard of it. Their gigantic losses and criminal blunders were made in attempting to circumvent governmental regulation and to extend their dominion of plunder and exploitation beyond the limits fixed by law. Just think of it! The capitalization of this one system was increased \$324,000,000 in 10 years, a fictitious capitalization representing not a single dollar of actual investment, on which, under the provisions of the Esch-Cummins law, the people must pay a guaranteed interest of 6 per cent.

We hear a great deal these days from the seats of the mighty about compelling our alien population to respect the law and reverence our institutions, but what is their ignorant infringement of our laws compared with these atrocious robberies by our railroad magnates? Consider for a moment the criminal negotiation by which the enormous sum of \$36,400,000 was squandered on a road only 18 miles in extent, not at all essential to the system, and operated at an annual loss of \$1,250, 000; the payment of \$2,700,000 for the retention of a parasite, a transaction in which he rendered no service to the New Haven railroad; the inability of another to render any account of \$1,032,000 intrusted to him; the distribution of \$1,200,000 for corrupt purposes in securing amendments in the charters of the Westchester and Port Chester franchises. I quote further from the report of the Interstate Commerce Commission:

for corrupt purposes in securing amendments in the charters of the Westchester and Port Chester franchises. I quote further from the report of the Interstate Commerce Commission:

The subject matter of this inquiry relates to the financial operation of a protein which, on June 30, 1903, had a total capitalization of approximately \$98,900,000, of which \$79,000,000 was stock and \$14,000,000 bonds. In the 10 years from June 30, 1903, this capitalization was increased from \$93,000,000. Of this increase, approximately \$120,000,000 was devoted to its railroad property and was expended for betterments and equipment. This leaves the sum of \$294,000,000, which was expended for operations outside of its railroad practically monopolized the freight and passenger business in five of the States of the Union. It has acquired a monopoly of competing steamship lines and trolley systems in the section which it serves. The financial operations necessary for these acquisitions and the losses which they have entailed have been skillfully concealed by the jurgelings of money and securities from one subsidiary corporation to another.

Marked features and significant incidents in the loose, extravagant shown in the investigation are the Boston & Maine despolment; the iniquity of the Westchester acquisition; the double price paid for the Rhode Island trolleys; the recklessness in the purchase of Connecticut and Massachusetts trolleys at prices exorbitantly in excess of their market value; the unwarranted expenditure of large amounts in "educating public opinion": the disposition, without knowledge of the directors, of hundreds of thousands of dollars for influencing public and the subsidiaries, and consequent complication of accounts; the practice of financial legerdemain in issuing large blocks of New Haven stock for notes of the New England Navigation Co., and manipulating these securities back and forth; fictitious sales of New Haven stock to friendly parties with the design of boosting the stock and unloading on the public at the

was not in answer to any public necessity and paralleled its own existing line.

The sum of \$36,434,173.25 was expended for a road only 18.03 miles in extent, which is being operated at an annual loss of approximately \$1,250,000 and which will have to increase its earnings four and one-half fold before it can pay its operating expenses and first charges. It is inconceivable that this enterprise could have been entered into by the New Haven as result of the mandates of good judgment and proper railroading.

The Westchester acquisition was planned and executed by a special committee of the board consisting of Directors Morgan, Rockefeller, and Miller, with President Mellon as chairman. The vote appointing this committee "on proposed competition between the Connecticut State line and Harlem River, with power," does not disclose an intention to authorize the buying of charters and promotion securities and the building of a new railroad, much less one at a cost of \$36,000,000. It is ambiguous, and was evidently intended to conceal a secret purpose. The full board was not taken into the confidence of those directors who wanted these securities purchased, and no report was ever made by this committee placing the situation as they found it before the board.

The first information the board had concerning the extravagant acquisition of Westchester and Port Chester securities was on November 8, 1907, when this committee made its only report. It was then learned that \$11,155,000 had been expended in obtaining control of these two insolvent promotion schemes, and that this expenditure carried with it an obligation to construct two railroads, under the franchises of doubtful validity, paralleling the existing line of the New Haven.

ANOTHER RAILROAD SCANDAL

Mr. President, in report No. 6833, in re Pere Marquette Railroad Co. and Cincinnati, Hamilton & Dayton Railway Co., we have another disgraceful history of the dishonesty, inefficiency, perfidy, and corruption of these predatory interests that now come begging and bulldozing to compel this august body to permit their avaricious hands to be dipped deep into the pockets of the people and take whatever is left of their paltry earnings. The report says:

come begging and buildozing to compel this august body to permit their avaricious hands to be dipped deep into the pockets of the people and take whatever is left of their paitry earnings. The report says:

It may be well at the outset to marshal the outstanding facts arong the many disclosed of record, which have affected the ability of the property of their securities in the hands of the investing public.

The Pere Marquette came into being as a consolidation of three relatively successful michigan roads, and began operation on January-terests, headed by W. W. Crape and Nathaniel Tayser, and in the process outstanding capital stock in the hands of the public was infinited by \$1,501.250, and sook value of property by \$4,290,230.41.

In the pere sound in the main; realing stock and miles operating increased; a small surplus was accumulated and used for improvements; no common-stock dividends were paid, and physical condition was become and the stock of the public was increased; a small surplus was accumulated and used for improvements; no common-stock dividends were paid, and physical condition was become and the stock of the public was increased; a small surplus was accumulated and used for improvements; no common-stock dividends were paid, and physical condition was become and the succeeding management.

The first of these was the stock of the public was increased by almost at a maximum of \$85 per share. Its policy of expansion included acquisition of new equipment costing over \$6.000,000, and of stone 38 miles of main and branch lines most of which had a history of falliers, also of the public was increased the policy of their predecessors. * * * paid uncerned dividends on common stock, and in the 18 months of their management stitled on the public was a supplied to the public of their predecessors. * * paid uncerned the supplied of the public of their predecessors. * * * paid uncerned the public of their predecessors. * * * paid uncerned their common to the Cincinnati, Hamilton & Dayton at 125 per share com

MORE HIGH RAILROAD FINANCING.

Again, Mr. President, in another instructive and illuminating report to the Senate, No. 5933, in the matter of the receiver-ship of the St. Louis & San Francisco Railroad Co. and the Chicago & Eastern Illinois Railroad Co., the commission sets forth in forcible terms another disgraceful chapter in the private operation and management of our railroads. The commission says:

forth in forcible terms another disgraceful chapter in the private operation and management of our railroads. The commission says:

A receiver for the St. Louis & San Francisco Railroad Co., herein after referred to as the Frisco, was applied for on May 27, 1913, in a petition signed by James Campbell, vice president and director of that company, and president of the North American Co. of New York. The basis of the petition was default on a six months' 6 per cent note issued to the North American Co. by the Frisco, due April 21, 1913, for \$625,000, upon which a payment of \$225,000 was made subsequently to its due date and prior to May 27, 1913.

While this indebtedness was the nominal cause of the receivership, the true cause was the inability of the Frisco to meet the payment of the principal of its two-year 5 per cent notes, dated June 1, 1911, due June 1, 1913, amounting to \$2,250,000, which had been sold to F. S. Mosely & Co., of Boston. These notes were secured by \$2,500,000 parvalue of the Frisco-Chicago & Eastern Illinois Railroad Co. commonstock trust certificates, and \$1,490,000 Frisco-Kansas City, Fort Scott & Memphis preferred-stock trust certificates, which were pledged as collateral security therefor with the Old Colony Trust Co., of Boston. The collateral underlying the note upon which the default occurred was deemed insufficient by the holders thereof, and on May 20, 1913, on the demand of Campbell that the Frisco deposit additional collateral, \$5,000,000 of the capital stock of the New Mexico & Arizona Land Co. and \$200,000 in Frisco, New Orleans, Texas & Mexico division bonds were placed under the notes as additional security. The stock of the New Mexico & Arizona Land Co. and \$200,000 in Frisco, New Orleans, Texas & Mexico division bonds were placed under the notes as additional security. The stock of the New Mexico & Arizona Land Co. stood jointly in the names of W. F. Evans and F. H. Hamilton and Alexander Douglas, the latter being vice president in charge of the accounting department, as di

April 24, 1918 May 2, 1913 May 10, 1913 May 14, 1918	\$1,000,000 1,000,000 500,000 500,000
Total	3.000.000

way & Bridge Co.; and by the increase in interest on funded debt from \$1,994,488, for the year ended June 30, 1897, to \$10,684,788.55, as of June 30, 1913, an increase of \$8,690,300.55.

The gross earnings per mile of road operated increased from \$5,157 for the year ended June 30, 1897, to \$8,306 for the 11 months ended May 27, 1913, and the net earnings per mile increased during the same period from \$2,159 to \$2,733, an increase of \$574, while the funded debts, interest, per operated mile increased from \$1,716 for the year ended June 30, 1897, to \$2,253 for the year ended June 30, 1913, an increase of \$537.

Mr. President, where can there be found in American history a darker chapter of mismanagement, incompetency, and abuse of corporate power by individuals than is set forth in the pre-ceding? Can we find in Government control a greater disregard for the interests of the people than what has been depicted in these official reports, which none can contradict? Where has Government control or operation made more or greater criminal blunders against common decency and the interests of the masses? As great as were the abuses during the war by some of the alleged patriots, can we duplicate them? I believe not. As the years go by history will give us a better understanding of how our people have been robbed by so-called railroad magnates, little better in their methods than bandits. By overcapitalization and watered stock they have placed a burden for all time upon all the people for the benefit of a privileged few. By means of the proposed ship subsidy bill and its far-reaching effects, do we want to repeat the scandals of American railroads and so help to further reduce our producers to the condition of serfs and a life worse than slavery? It may be accomplished, but it is not the will of the people; and in the end we shall, in my humble opinion, pay dearly for our

THE BIG FIVE PACKERS.

Mr. President, I now turn from the railroad mismanagement and corruption to a still darker chapter of our national history, since it affects the welfare and prosperity of every individual in the United States, and at the same time has throttled our markets and helped to bring bankruptcy to thousands of our producers on American farms. They have likewise been one of the chief causes of the high cost of living in this country, as will attempt to show in the following presentation:

On February 7, 1917, President Wilson directed the Federal Trade Commission "to investigate and report facts relating to production, ownership, manufacture, storage, and distribution of foodstuffs and the products or by-products arising from or in connection with their preparation and manufacture; to ascertain the facts bearing on alleged violations of the antitrust acts, and particularly upon the question whether there are manipulations, controls, trusts, combinations, conspiracies, or manipulations, controls, trusts, combinations, conspiracies, or restraints of trade out of harmony with the law or the public interests," to the end that proper remedies, legislative or administrative, might be applied. On July 1, 1917, funds for carrying out the President's direction became available, and the commission proceeded with its inquiry. On July 3, 1918, just a year afterwards, the commission made its report, statistics that there had found conclusive or identicated.

Total 3,000,000

Total 3,000,000

The sale of securities to the investing public, through the bankers, it is easie of securities to the investing public, through the bankers, it is easie of securities to the investing public, through the bankers, it is easie of securities to the investing public, through the bankers, it is easie of securities to the investing public, through the bankers, it is easie of securities to the investing public, through the bankers, it is easiered or participated in guch sale. Speepe & Co. should have been aware of the poverty of the Frisco and of its difficulties in obtaining public, the liquid and the proceeds of the sale of \$1,000,000 of these bonds, on May 2, to the liquidation of these notes.

While the Frisco was compelled to borrow tunds from every available, some of the Brownsylle Street & Interurban Railroad and San Benito & Rio Grande Valley Railway. The sums advanced to him during the fiscal year 1913 to the date of the receivership amount to \$022,460,113.

Brownsylle & Mexico Railway.

The date of May 24, 1913, for \$1,493,088.83 and its per cent note dated May 1, 1913, for \$1,493,088.83 and its per cent note dated May 1, 1913, for \$1,493,088.83 and its per cent note dated May 1, 1913, for \$1,493,088.83 and its per cent note dated May 1, 1913, for \$1,493,088.83 and its per cent note dated May 1, 1913, for \$1,493,088.83 and its per cent note dated May 1, 1913, for \$1,493,088.83 and its per cent note dated May 1, 1913, for \$1,493,088.83 and its per cent note dated May 1, 1913, for \$1,493,088.83 and its per cent note dated May 1, 1913, for \$1,493,088.83 and its per cent note dated May 1, 1913, for \$1,493,088.83 and its per cent note dated May 1, 1913, for \$1,493,088.83 and its per cent note dated May 1, 1913, for \$1,493,088.83 and its per cent note dated May 1, 1913, for \$1,493,088.83 and its per cent note dated May 1, 1913, for \$1,493,089.83 and its per cent note dated May 1, 1913, for \$1,493,089.83 and its per cent note dated May 1, 1913, for \$1,493,089.83 and its per cent no

lumber, millwork, including sashes, doors, blinds, boxes, barrels, cement, lime, plaster, brick, sand, gravel, and roofing. It is humiliating, it is a public disgrace, that fertilizer, which is to the soil what food is to the individual, should be practically monopolized by the big five packers while Henry Ford is asking the Congress to permit him to supply the cultivator of the soil with the best and cheapest of fertilizers. It is manifestly obvious that much of the opposition to the Henry Ford project at Muscle Shoals might be traced to the officers of the Big Five. They control more than two-thirds of the offal produced; they are the most important factors in the manufacture of animal fertilizer ingredients and are attempting to obtain control of our mineral ingredients.

SOMETHING ABOUT FERTILIZERS.

Is there a nation in the world making any pretense of being honestly and truly representative and professing to be progressive that would starve its soil by permitting its nutriment to be controlled by such predatory privileged interests? Can the human mind conceive of anything more mulishly stupid, not to say criminally negligent, than such a governmental policy? Consider for a moment what such a policy involves. It means that the cultivator of the soil must either pay monopolistic prices for the fertilization of his land or he must let it starve, This is the incredibly preposterous policy of the profound statesmen who have joined forces with the packers in frustrating Henry Ford's attempt to supply cheap and abundant fertilizer for our impoverished agricultural lands. It is indeed strange and inexplicable that these professed champions of human rights and ardent friends of the farmer should so strenuously oppose every effort to give him immediate and practical relief.

I take the liberty of again inviting attention to paragraph

15 of the Ford proposition, which reads:

Since the manufacture, sale, and distribution of commercial fertilizers to farmers and other users thereof constitutes one of the principal considerations of this offer, the company expressly agrees that, continuously throughout the lease period, except as it may be prevented by reconstruction of the plant itself, or by war, strikes, accidents, fires, or other causes beyond its control, it will manufacture nitrogen and other commercial fertilizers, mixed at nitrate plant No. 2, or its equivalent, or at such other plant or plants adjacent or near thereto as it may construct, using the most economical source of power available. The annual production of these fertilizers shall have a nitrogen content of at least 40,000 tons of fixed nitrogen, which is the present annual capacity of nitrate plant No. 2. If during the lease period said nitrate plant No. 2 is destroyed or damaged from any cause, the company agrees to restore such plant within a reasonable time to its former capacity, and further agrees:

(a) To determine by research whether by means of electric-furnace methods and industrial chemistry there may be produced on a commercial scale fertilizer compounds of higher grade and at lower prices than farmers and other users of commercial fertilizers have in the past been able to obtain, and to determine whether in a broad way the application of electricity and industrial chemistry may accomplish for the agricultural industry of the country what they have economically accomplished for other industries, and if so found and determined, to reasonably employ such improved methods.

The annual production of fertilizers in this country is ap-The annual production of fertilizers in this country is approximately 6,543,435 tons. If Mr. Ford's offer is accepted, he guarantees to produce at the very outset at least one-fourth as much as the present output. But it should be remembered that this is the minimum and the project in its infancy. Under the terms of his offer fertilizers will be supplied to the working farmer at a greatly reduced price. It is impossible to determine at the present stage of development and under existing conditions just what reduction in the price of fertilizer Mr. Ford would be able to make, but it is conservatively estimated at about 40 per cent. But suppose he should only reduce the ar about 40 per cent. But suppose he should only reduce the price \$5 a ton, as previously pointed out; that would mean a net saving to the farmers of \$35,000,000 in a single year. This a consummation devoutly to be wished. Why should we hesitate to give this much-needed relief to the most useful and most neglected class of producers in the country? Why should we continue to starve our soil when an abundance of nutriment is so near at hand? Why should we permit this much-desired nutriment to be controlled by the most avaricious, privileged interest in the civilized world? It is a base and treacherous betrayal of the trust confided to us by the people to permit this to continue a day longer than we can apply the proper remedy. There is no excuse for our negligence. We have the remedy. There is no excuse for our negligence. power and the means to put a stop to this indefensible and intolerable condition of affairs, and it is our sworn duty to

SOME CHILDISH PRATTLE.

This talk about giving a public utility to a private corporation if we pass the Muscle Shoals act is childish prattle. It is not a public utility that we are granting to Mr. Ford, but the The use use of a natural resource that is now going to waste. of the water of the Tennessee River for the purpose of produc-

ing cheap and abundant fertilizers is no more the monopolization of a public utility than the use of a coal vein to produce cheap and abundant fuel. We might as well say that the utilization of the Mesabi Range by the Steel Trust is the monopolization of a public utility as to say that the utilization of the waters of the Tennessee River at Muscle Shoals is a monopoly of water power. Under present conditions it is the only possible way that this valuable natural resource may be utilized for the general welfare. Suppose the Government were to attempt to operate the Muscle Shoals plant; would it not be made a disastrous failure in order to discredit Government operation of public utilities? Would not some predatory favored interest do to Muscle Shoals what Lasker and his predecessors have succeeded in doing to American shipping and what McAdoo did to the Government operation of the railroads? Suppose that a quarter of a century ago the Potomac River at Great Falls had been utilized for the benefit of the people of Washington under the same guaranties as are embodied in the Ford proposition; who can estimate the money value, not to say the comfort, convenience, and health that would have ensued to the people of the District of Columbia? Is it not time that we should demonstrate our capacity for practical statesmanship? Let us meet the situation as it is. Let us make the best possible use of the tools and materials at hand. We are not faithful to the trust reposed in us if we fritter our time away on nonessential and utterly impracticable matters.

THE PACKERS COME BACK.

Referring again to the packers, they have a practical monopoly of hides, leather, and wool. They handle directly more than three-fourths of the hides and skins produced, and through their subsidiaries, leases, and contracts tan a large proportion of the leather produced in this country.

Their immense storage facilities and commanding financial

position enable them to manipulate the markets and dispose of

their products in utter disregard of supply or demand.

While the price of shoes and of leather goods is so exorbitant that poor children must go barefoot, it is said the packers are still hoarding enormous quantities of hides, with the view of further enhancing the prices. According to their own admis-

We are forced to pack them in our cellars and outside in the open, but have reached the point now where we have no place to go with any

These five predatory privileged corporations own 93 per cent of the total of all sorts of cars used in interstate commerce, consisting of refrigerator, stock, tank, box, flat, and gondolas. Our railroads, which are supposed to be our public highways, built upon land taken by the right of eminent domain and solemnly devoted by law to the service of all the people, have practically no equipment for the shipping of dressed meats and other perishable commodities. Our railroad managers have de-liberately wrecked the people's highways and turned the greatest labor-saving invention known to mankind into an instrument of extortion, oppression, and corruption. All the icing stations on the lines of our railroads are owned by the packers, and they use them not only as a means of extortion from independent shippers, but as a means of securing information of the shipments and customers of their competitors. The cars of the Big Five receive preferential treatment by railroad officials. They are carefully handled, are accorded through routes, utterly regardless of the rights of other shippers, are promptly returned, and are never used by the roads for the shipment of any other commodities save those of the packers. The small, nonprivileged packers are subject to indefensible, vexatious, and expensive delays. Six months for a trip from St. Louis to New York and return is not at all unusual, and there are a number of instances where it took nine months. It is said the ordinary freight car travels only 23 miles in 24 hours, according to the Interstate Commerce Commission, while packers' are known to travel over 600 miles. Not only that, but the railroads treat the small independent packer as if he had no legal right that the railroad was obliged to respect, hence the railroads frequently use the small packers' meat cars to ship onions and other commodities.

In this connection it may be interesting to state that packers have organized various companies to sell to the railroads equipment and supplies, such as bumping posts, metal bearings, waste, ice, and coal, from which they derive enormous profits. The use to which the packers have transformed the refrigerator cars and cold-storage facilities is but another evidence of the fact that what is potent for good is potent for evil—its utility depending upon its use. In the hands of the packers refrigerators and cold storage, instead of being a blessing to

mankind, are an unmixed curse,

MARKET CONSPIRACY.

Market control and excessive profiting in the handling of perishable products depend upon the ability to buy in the cheapest and sell in the dearest markets. Through a criminal conspiracy they fix the price they will pay the producer for his products, and by the use of their cold-storage plants they create an artificial scarcity and thus keep the supply below the demand.

The packers own over 1,000 branch houses, nearly 1,500 routes, and distribute their products in approximately 60,000 towns. This system of wholesale distribution through branch houses is the chief factor in their monopoly. With the development of their branch houses and car-route systems it is not longer necessary for the packers to go through the slow and costly process of establishing manufacturing plants.

The oldest and most strongly established houses are witnessing line after line of their merchandise absorbed by the packers' branch-house system. First, they saw the packers absorb butter, eggs, cheese; condensed milk, then various brands of "package goods," then sugar, coffee, rice, and other staple commodities. The combined sales of the packers each year approximate \$3,-000,000,000. At the present rate of expansion the packers will soon control and monopolize the distribution of the Nation's food supply.

BIG PACKERS, BIG BANKS, AND INTERNATIONAL BANKERS.

Through interlocking directors the real source of power lies in the great international investment bankers. In each of the banks shown in the following list the packers are represented

either directly or indirectly.

It is noteworthy to observe that behind the packers are the international investment bankers finacially interested in all their nefarious undertakings. The following list of banks shows the extent of their interests, although there are a number of banks not included in this list. In each of the banks shown in this list the packers are represented on the board of directors, or through officers; directors, or confidential employees of the packing companies:

BANKS, BANKERS, AND PACKERS,

BOSTON.

Commercial National Bank (Wilson). Broadway National Bank of Chelsea (Swift). Harvard Trust Co. (Swift).

NEW YORK CITY.

William Salomon & Co. (Wilson).
National City Bank (Armour).
Chase National Bank (Wilson).
International Banking Corporation (Armour).
Irving National Bank (Swift, Armour).
Guaranty Trust Co. (Wilson).
Irving Trust Co. (Armour).
New York County National Bank (Swift).
Hallgarten & Co. (Wilson).

CHICAGO.

CHICAGO,

Continental Commercial National Bank (Armour, Cudahy).

Hibernian Banking, Association (Armour).

Fort Dearborn Trust & Savings Bank (Swift).

Illinois Trust & Savings Bank (Swift).

First National Bank (Morris, Wilson).

First Trust & Savings Bank (Armour).

National Bank of the Republic (Swift, Cudahy).

Continental & Commercial Trust & Savings Bank (Armour).

National Bank (Swift).

Liberty Trust & Savings Bank (Morris).

Woodlawn Trust & Savings Bank (Morris).

Wostside Trust & Savings Bank (Morris).

Mid-City Trust & Savings Bank (Morris).

Mid-City Trust & Savings Bank (Morris).

Mid-City Trust & Savings Bank (Morris).

Stoney Island Trust & Savings Bank (Armour).

Kenwood Trust & Savings Bank (Wilson).

South Side State Bank (Armour, Swift).

Central Manufacturing District Bank (Armour).

Drovers Trust & Savings Bank (Swift).

Drovers Trust & Savings Bank (Morris, Armour).

Stockmen's Trust & Savings Bank (Armour, Wilson).

Livestock Exchange National Bank (Armour, Swift, Wilson).

Stockwards Savings Bank (Armour, Swift, Worris).

EAST ST. LOUIS, ILL. National Stockyards National Bank (Morris, Swift, Wilson). SOUTH ST. PAUL, MINN.

Stockyards Mortgage & Trust Co. (Swift). Stockyards National Bank (Swift, Armour). SIOUX CITY, IOWA.

Livestock National Bank (Swift).

OMAHA, NEBR.

Livestock National Bank (Swift, Morris). Stockyards National Bank (Armour, Cudahy). Omaha National Bank (Cudahy).

ST. JOSEPH, MO St. Joseph Stockyards Bank (Swift, Morris). American National Bank (Swift). Drovers and Merchants Bank (Swift). First National Bank (Swift). First Trust Co. (Swift).

KANSAS CITY, MO. Drovers National Bank (Morris, Swift). New England National Bank (Armour). Interstate National Bank (Armour).

WICHITA, KANS.

Guarantee Title & Trust Co. (Cudahy). Kansas National Bank (Cudahy). Union Stockyards National Bank (Cudahy). OKLAHOMA CITY, OKLA

Oklahoma Stockyards National Bank (Morris, Wilson).

FORT WORTH, TEX.

Stockyards National Bank (Swift, Armour).

DENVER, COLO. Denver Stockyards Bank (Swift, Armour, Morris).

PORTLAND, OREG. Livestock State Bank (Swift, Armour). SAN FRANCISCO, CALIF.

Anglo-California Trust Co. (Swift). Bank of South San Francisco (Swift).

Mr. President, in the near future I propose to deal more fully with the main features of the ship subsidy bill itself and with some, to my mind, of the iniquitous features of the proposed bill, at least as these provisions impress me. At this time I prefer to make a few observations on the evils which have come before in previous legislation making possible the serious consideration of a bill so generally obnoxious to farmers and workers, a bill which I am not able to defend before my constituents and which, in my humble opinion, if enacted into a law as the bill now reads should and will discredit any party sponsoring the measure. On another day, when I shall have completed the presentation of my views and observations, I shall be glad to consider the further and fuller interpretation of other and abler exponents of this particular measure.

The very fact that there has been for the past year or more such an extensive and persistent propaganda nation-wide, that advertising experts have been employed apparently at Government expense to specially prepare and shape public sentiment adverse to a sound governmental policy, has forced not a few of our good people throughout the entire country to question the real motives which have prompted them and as to whether there has been an honest effort to bring national success for Government ownership and operation any more than there was a sincere effort to have governmental operation of the

railroads succeed.

Some of these matters I shall discuss later much more fully than I have time for to-day. I repeat, many at this time are raising the question as to whether or not there has really been a sincere effort put forth to win success for the Government's operation of the merchant marine so necessary for the commercial development of our Nation and so vital and so essential to our national protection in time of enforced war. which we so devoutly hope may never come, but which under present world conditions may be forced upon this country at

a no distant date.

Before we proceed to build up subsidized privileged monopolles, let us have a sincere, sympathetic, honest attempt to properly carry out the spirit and provisions of the Jones Merchant Marine Act of 1920. Let the President, if need be, dismiss for the good of the cause every employee of the Shipping Board and get rid of the Emergency Fleet Corporation, a corporation not now responsible to or under the control of Congress, and put only men in charge who are sympathetic to the building up of a great national merchant marine as called for under the provisions of the Jones Act and then without hindrance reemploy only those who can and will make good in an honest, sincere effort to serve the best interests of the Government and get private business out of government-for private business, when mixed with government business, lives and grafts at the expense of the Government-and then we shall see prosperity come to the shipping interests until the American flag will be found on every sea and in every port of the world. If we do this we shall have taken a long step forward in the interests of all the people instead of further intrenching privilege to profiteer from the labors of the masses.

The war brought us no greater curse than the privileged groups and the greed that is sucking the very lifeblood out of this Republic itself. Listen to the prophetic words of that noble statesman and martyr, Abraham Lincoln, who said:

I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. As a result of the war, corporations have been enthroned and an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until all wealth is aggregated in a few hands and the Republic is destroyed. I feel at this moment more anxiety for the safety of my country than ever before, even in the midst of the war. God grant that my suspicions may prove groundless.

Lincoln's prophesy is now largely history in so far as the course privilege would follow to their own selfish ends.

us rally to the protection of the interests of the people and as one forward step defeat any further attempt to entwine about ourselves the tentacles of this monstrous octopus to flourish on the sweat of the toiling masses, who year by year are being forced to a condition of life little better than that of serfs.

> THE SHIP SUBSIDY BILL-WHAT IS IT? CONSIDER CAREFULLY THE FACTS

Mr President, "Fools rush in where angels fear to tread" is an old saying that may be exemplified in my case to-day, but at least an analytical mind leads me often to search for buried truths and for fallacious reasoning that so often leads us astray. I hope I may be given credit for an honest attempt to enlighten myself and in the kindliest spirit such criticisms as I may offer are not intended for the purpose of destroying or wounding, but rather that all phases of this great problem of vital national importance to further the reestablishment of our foregn commerce-yea, of our national development and policy itself-is represented in what is done with this proposed legislation

It is the welfare of all the people and of the country rather than of any individual or group which should be considered at Whether our policy shall be truly constructive or this time. destructive in its effects in the years to come or our place as a truely maritime nation will be determined by what we may do with this bill. Shall we build for all the people or shall we build for privilege and with little thought for the great

If my studies and research have led me into blind alleys it is far from my real purpose, for I am as anxious as any of my colleagues to see this Nation once more with its flag on every sea and in every harbor of the civilized world, To this end I would study carefully the rise and fall of American shipping in the earlier years of our country's phenomenal shipping industry. I am aware we should not live wholly in the past, but

its history may teach us some useful lessons.

Mr. President, an analysis of the shipping bill itself, the report of the Committee on Commerce accompanying it, the arguments of Albert D. Lasker, the head of the Shipping Board, who is evidently more interested than anyone else in its passage, does not convince me that this measure will accomplish the marvelous things claimed for it by its sponsors. In my judgment it will not establish, nor on the part of certain interests is it intended to establish, an economical and efficient American merchant marine. It will not stop the wanton waste of \$50,000,000 annually, but it will probably quadruple it in the years to come. It will be of no advantage or benefit to the American farmer, merchant, or mechanic, nor is it anparently designed to be. As it comes before the Senate, to my mind it has one sole aim, one sovereign purpose, to enrich beyond the dreams of avarice a few predatory privileged beneficiaries, who have already distinguished themselves by wrecking our railroads, as I shall attempt to show later, physically and financially killing our canals and river transportation, and dominating and controlling our banking and currency system in subordination to their notorious scheme of gambling and speculating. I have before me a pamphlet entitled:

"What are we to do with our Government-owned ships? Do we need a merchant marine for peace and war?" Statement by Albert D. Lasker, chairman United States Shipping Board, at the joint hearing before the Senate Committee on Commerce and the House Committee on Merchant Marine and Fisheries on the proposed bill providing aids for American shipping.

When, where, and by whom this pamphlet was printed and gratuitously distributed, who bore the expenses, is not disclosed. These peculiar circumstances, while trivial in themselves, are sufficient to arouse suspicion and prompts us to inquire, all this prudent precaution, all this dark secrecy? Who is back of Mr. Lasker? I can but wonder. Is it the international investment bankers, who will be the ultimate beneficiaries of the economic octobus?

In this connection, Mr. President, I desire to call the attention of the Senate to section 6 of chapter 6 of the United States Statutes at Large, volume 41, part 1, Sixty-sixth Congress,

which reads as follows:

which reads as follows:

Sec. 6. That hereafter no part of the money appropriated by this or any other act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device intended or designed to influence in any manner a Member of Congress to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers and employees of the United States from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Any officer or employee of the United States who, after notice and hearing by the superior officer vested with the power of removing him,

is found to have violated or attempted to violate this section, shall be removed by such superior officer from office or employment. Any officer or employee of the United States who violates or attempts to violate this section shall also be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than one year, or both.

Mr. President, I suggest an investigation along this line. I believe that some officials and employees of the Shipping Board have violated this statute.

Mr. Lasker's pamphlet is a curiosity in economic literature. For contradictory and self-contradictory statements, for irreconcilably, inconsistent assertions, for unwarranted assumptions and discordant predictions it is without a parallel or precedent,

according to my understanding and interpretation.

It commences with the ridiculous absurdity that "whether or no America is to be potent on the seas for the next several generations will be decided in the disposition of Congress of the legislation now proposed by the President for the aid and upbuilding of our merchant marine." As if it made a particle of difference to the useful classes whether or not America was potent on the seas through the instrumentality of a Government-fostered monopoly. And it is marked throughout the argumentative portions by passages which show the most ridiculous, illogical, and uneconomical thinking, as, for instance, that: "If John Smith, the individual, spends \$50 abroad and receives wares therefor, he is none the poorer, but if the national John Smith spends \$50,000,000 that he could retain at home, the Nation is a great portion of that \$50,000,000 poorer."

It would be difficult, perhaps impossible, to compress into a single passage more nonsense than the foregoing. How the

national John Smith could be poorer by buying abroad \$50,-000,000 worth of goods that he needed, while the individual John Smith would not be poorer if he bought \$50 worth of goods that he needed is beyond human comprehension. An individual buys abroad for the same reason that he buys at home, because 1: wants the things he buys more than he wants the money he gives in exchange. If money has any use except to buy things we want, some one ought to tell us what it is. This confusion This confusion of thought does not merely pop up here and there; it characterizes the whole pamphlet. In fact the main body of the pamphlet is taken up with what is in reality a refutation of the proposition which the pamphlet is supposed to strengthen and support. We are a luxury loving Nation, he declares, because we drink coffee several times a day!

WE HAD THE WORLD'S SHIPPING AND WHY?

The economic reasoning is only equaled by the lack of historical knowledge.

In our early days-

we were a seafaring Nation. Our clipper ships excelled the world.

Most assuredly. But our clipper ships were not fostered by Government subsidies. De Tocqueville, when he visited this country nearly a century ago, was struck with the fact that nine-tenths of the commerce between the United States and Europe and three-fourths of the commerce of the New World and Europe was carried in American ships; that these ships filled the docks of Havre and Liverpool, while but few English and French vessels were to be seen in New York. The only explanation that he could discover for this was upon the hypothesis that vessels of the United States can cross the seas at a cheaper rate than any other vessels in the world. And, he continues

continues—

It is difficult to say for what reason the Americans can trade at a lower rate than other nations; and one is at first led to attribute the circumstance to the physical or natural advantages which are within their reach; but this supposition is erroneous. The American vessels cost almost as much to build as our own. They are not better built, and they generally last for a shorter time. The pay of the American salior is more considerable than the pay on board European ships, which is proved by the great number of Europeans who are to be met with in the merchant vessels of the United States. But I am of opinion that the true cause of their superiority must not be sought for in physical advantages, but that it is wholly attributable to their moral and intellectual qualities. * * The European sailor navigates with prudence; he only sets sail when the weather is favorable; if an unforeseen accident befalls him, he puts into port; at night he turls a portion of his canvas, and when the whitening billows intimate the vicinity of land he checks his way and takes an observation of the sun. But the American neglects these precautions and braves these dangers. He weighs anchor in the midst of tempestuous gales; by night and by day he spreads his sheets to the wind; he repairs as he goes along such damage as his vessel may have sustained from the storm; and when he at last approaches the term of his voyage he darts onward to the shore as if he already descried a port. The Americans are often shipwrecked, but no trader crosses the seas so rapidly. And as they perform the same distance in a shorter time, they can perform it at a cheaper rate.

What this philosophical historian describes so graphically

What this philosophical historian describes so graphically and which he attributes to the moral and intellectual qualities of American seamen was an advantage that attached not merely to the sailing of ships but likewise to their designing, their building, and, in fact, to everything connected with them. This advantage resulted from the higher standard of wages, to which the proponents of ship subsidies are unalterably opposed, and the resulting higher standards of comfort which afforded the means and opportunity for the development of their moral and intellectual faculties.

Now, the question naturally obtrudes itself that, while nearly a hundred years ago we excelled the world in the shipping business without any aid or subsidies or subventions from the Government, to-day after unprecedented industrial progress we can not make any effort unless we permit a greedy horde of parasites who never sailed a ship and who apparently could not tell a mizzen mast from a smokestack, to help themselves at the public expense? I would like to have the proponents of this scheme to elte an instance in the annals of representative governments to match this.

THE DAYS OF AMERICAN SHIPPING.

In the glorious days of American shipping, when Donald McKay, of Boston, and William H. Webb, of New York, secured the materials for their ocean greyhounds from forests that were practically as far distant as they were from the Clyde, the Humber, or the Thames, they never dreamed of begging and bullying, and trying to get Congress to grant them Government subsidies.

Prior to the World War-

Declares the distinguished advertising agent-

America was content to have its cargoes carried in foreign bottoms. We were then a debtor Nation, and we could feel sure that those whom we owed, being the great maritime nations of the world, would furnish us the bottoms with which to carry the goods to liquidate our debts.

It is difficult to read such statements with complacency. It is too absurd for discussion. Just think of it! A debtor nation may feel sure that her goods will be carried safely by her creditors, but when the debtor nation becomes so foolish as to become a creditor nation, by giving thus the earnings of her people to her debtors to wage what Mr. Bryan designates as a causeless war, then the tables are turned and the nations she befriended will no longer carry her goods. According to this process of reasoning, instead of a creditor nation being placed in an advantageous position it is infinitely worse off. Is not that the limit of unreason? And this is the genius that assumes to tell the Congress of the United States as to their legislative duties.

With the keen penetration and broad vision that can only reach the pitch of perfection in the counting rooms of Lord & Thomas, Mr. Lasker illuminates a perplexing problem in statesmanship. Reflect on this profound exposition of the legislative intent of what he styles the very beneficent merchant marine act of 1920, known as the Jones Act:

The purpose of this legislation-

He savs-

was to provide for the temporary operation by the Government of such ships as were necessary to maintain and develop trade routes not covered by private enterprise and to enable the Government to dispose of its war-built tonnage to private owners.

Hence it appears that according to this advertising agent's method of reasoning an act is beneficial that provides for the operation of Government ships to maintain and develop trade routes unprofitable to private owners for the sole and sovereign purpose of selling the ships to private owners after the routes have been established. But in the very next sentence he tells us that in this very beneficial act—

wisely constructed with statesmanlike vision, has not achieved what was expected of it, because immediately after its passage world trading collapsed and has remained in a depressed state ever since.

HOW AND WHY IT FAILED.

Why an act "wisely constructed with statesmanlike vision" ignominiously failed to achieve the results expected is very significant. Whether the passage of the act caused the collapse of world trading and subsequent depression or the collapse of world trade caused the failure of the act this legislative adviser does not explain. The keystone of the arch of this beneficent legislative structure, he explains, was "preferential tariffs to inure to goods imported in American bottoms." It may be possible that if the contemplated advantages of the act had inured to the owners of the bottoms instead of to the goods imported in them the act might not have been such a colosal failure. Nevertheless, the head of the Shipping Board believes that the failure of the act is chiefly due to President Harding's declination to abrogate commercial treaties solemnly entered into with other nations.

Now, to even "a wayfaring man" it is manifestly obvious that an act, no matter how beneficent its purpose may be, could not have been constructed with statesmanlike vision which flagrantly violated treaties declared by the Constitution to be the law of the land. Surely the President should not be held responsible for the failure of an act, the success of which depended upon the violation of his oath to support the Constitution. If Mr. Lasker were as keen an observer of public affairs as he assumes to be, he would have easily discovered the primary cause of the collapse of the world trade in the economic stupidity of the allied and associated powers to trade with Russia and the Central Powers.

It seems to me that more responsibility rests on a national policy carried out by our Secretary of State in adopting a policy prohibiting in practice the American people from exchanging the surplus products of their labor for the surplus products of the labor of the people of Russia and central Europe.

WHO SET THE EXAMPLE?

The Russian people followed the example of our illustrious forefathers, and instituted a Government which to them seemed most likely to secure their safety, peace, prosperity, and happiness. Our Secretary of State declared the industrial Republic of Russia an "economic vacuum." If it were a vacuum, the embargo was purely an act of superogation. It must be remembered in passing that this policy did not prevent the Russian people from trading; it merely prevented the American people from trading with the Russian people. It is obvious to the most obtuse that if Americans did not want to exchange their surplus products for the surplus products of Russia there could be no trade; and the interference of the administration it would seem was a perversion of their delegated authority, and a disregard of the economic rights of those whom they seek to serve.

A moment's reflection will show that no effort, no matter how pressing, could enable the Russian people to sell their surplus goods to Americans if Americans were not desirous of exchanging their own surplus goods for them. It takes two to make a bargain; to every trade there must be two agreeing minds, two consenting parties, who mutually desire to trade and whose interests are reciprocal. No one can buy unless there is some one willing to sell. Conversely, no one can sell unless there be some one willing to buy. Unless the people of the United States, for exampe, wanted to sell their surplus goods to the people of Russia, there could be no sale. Hence it is obvious that the policy of the administration was a direct and positive injury to the American people in every line of business activity. So far as doing business with Russia and other European countries is concerned, the contention of predatory privilege that "Nations build navies to insure that their merchant ships may carry their wares to all portions of the world unmolested," is debilitated nonsense, mere pretense. International trade is not warfare unless premeditated; it is the great promoter of international peace and universal prosperity.

WHAT RUSSIA WANTED.

When the vast resources of Russia are considered and her dire need for all kinds of manufactured goods, which could be amply supplied by our millions of unemployed artisans, it seems little short of criminal conspiracy that prevented the conjunction of these desires and their mutual gratification. The Russians are in need of engines, cars, rails, and all sorts of railway equipment. They are also in dire need of farming implements, mechanics' tools, motor trucks, tractors, and all kinds of leather goods. At the lowest estimate they would have purchased 50 millions of foodstuffs and 30 millions of textile goods.

While our mills and factories were closing down for want of orders, throwing out of employment millions of persons able and willing to work, whose earnings would have been exchanged for the produce of the farmer, the administration shut the door in the face of a customer whose effective demand for the products of our farms, mines, mills, and factories would have set to work every unemployed person in the country. Trade with Russia and central Europe would have imbued our industries with fresh energy and given an impetus to trade that would have inspired confidence and courage in every line of human activity. Instead of helping to make the Government operation of Government-owned ships a success they did everything possible, it seems, to make it an ignominious failure.

GOVERNMENT OPERATIVES,

But, in spite of this unwarranted prohibition of international trade by our own accredited representatives, it appears from Mr. Lasker's own statements that Government operation of Government ships is a tremendous success and that the private operation of private ships is an absolute failure. In the first place, we are told that—

The purpose of Government operation as defined by law was to build up trade routes in order that the Government ships might thus be sold with established good will to private owners.

In other words, the purpose of Government operation was not primarily to establish an efficient water transportation service but to establish profitable trade routes, and then, after demonstrating the efficiency of Government operation, to sell out to private owners. But it seems that the scheme did not produce the desired result, for, as Mr. Lasker informs us-

The very method chosen has worked to defeat its own purpose, for in the upbuilding of those routes the Government has operated ships, and in the operation of ships has driven its potential customers largely off the seas.

Now, here we have a broad, unqualified admission that Government operation has been so superior to private operation that it has driven the private operator off the seas-put him out of business. It is natural to suppose that after it was amply demonstrated that Government operation was vastly superior to private operation the Shipping Board would favor the operation that had proved a success rather than the one that had proved a failure; that these public officials would have some national pride, some love of country, and that they would strive to make Government operation more and more efficient. No. Instead they seem destitute of national pride or love of country, as judged by the cold facts which they themselves present. Mr. Lasker, speaking for the board, says:

Thus we come to conclusions from which there is no escape—that since continued Government operation means finally the possible and likely elimination of private operation of American ships, a method must be devised whereby the Government shall end its operation and at the same time insure carriage of American goods under the American flag through private ownership, as contemplated by the Jones

Consider for a moment the shameless perfidy, the base treachery, the atrocious betrayal of a public trust, involved in such an indefensible proposition. It means that although Government operation is now and has been since its commencement a marked success, therefore and for that sole reason the conclusion is irresistible that it must be abandoned. Private operation is a failure; therefore it must be maintained at a cost of millions to the taxpayers of the country and exorbitant increase of freight charges to shippers.

DISCREDITING GOVERNMENT OWNERSHIP.

It would seem that Government operation having proved a success in spite of Mr. Lasker and his Shipping Board, a method must be devised whereby it shall be put out of the shipping business. The method devised is so simple and so easy of application that one marvels at its simplicity. It means that Government-owned ships shall be sold to private interests who have no capital at present to buy them, but in the event of the Government granting the subsidy the Federal reserve banks will furnish them the purchase price. The Committee on Commerce, in its report on the bill, makes this very plain and unmistakable. as it states:

One main object of the bill is to bring about the purchase by private parties of the ships owned by the Government. This will require capital, which must be secured from banks and those who are willing to invest in shipping securities. This can not be borrowed by proposed purchasers and operators of the ships if there be the least uncertainty of the payment of the compensation provided in the bill.

We are again reminded that the main object of the bill is to sell our ships to private parties. If this were the main object of the bill, why encumber it with other extraneous matters? The reason for this, according to the reasoning of the committee, is that the proposed purchasers have neither the necessary capital nor the credit to secure it. But if the Government guarantees the annual payment of from thirty millions to seventyfive or perhaps one hundred millions, the banks will lend them the money, but not otherwise. If there be the least uncertainty, the banks will not accommodate them. This exposes the scheme in its predatory purposes and objects. The Government must furnish a guaranty bond acceptable to the banks, and then they will furnish the money to the proposed purchasers and operators to buy the ships.

Compare this proposal with the simple request to aid the basic industry of agriculture. Under this prearranged scheme, it is manifestly evident that the Federal reserve bankers have already picked the proposed buyers and operators. We have heard a great deal about the Government keeping out of business and business keeping out of Government, but this proposed scheme inextricably involves the Government in private business and private business in Government, and to which there is

no possible termination.

But while this connection of private business with the Government is a violation of the pledges made to the people, it is discreditable to the sponsors of the bill that there is no provision to conserve and protect the interests of the people, but everything is done to secure the privileges of the private shipowners and operators. The following extract from Mr. Lasker's statement conclusively proves this contention:

Of the six millions of freighters the Government possesses, it is the hope of the Shipping Board that ultimately a great measure of the three million good tons will find itself in the hands of American owners should the legislation here proposed be adopted. It is doubtful if, under the happiest conditions, the American flag will need the three

million good tons in its entirety, and ways and means must be found to dispose of such good tonnage as remains, so that American interests will not be hurt. Under no circumstances must the surplus tonnage that America can not absorb be disposed of so as to bankrupt those who buy from the Government at current prices.

WHOM ARE WE HELPING?

The duplicity and evident intention to mislead is apparent by the substitution of such terms as "American owners" and the "American flag," for they really mean predatory privileged beneficiaries of this indefensible measure. Observe how this statement flatly contradicts the statement in the report of the committee on the bill itself. The report, as previously quoted, states that the main object of the bill is "to bring about the purchase by private parties of the ships owned by the Government." Mr. Lasker says that under no circumstances must the ships that remain after the parties picked by the Federal reserve banks have helped themselves to the choice of the best ships be disposed of so as to come in competition with the beneficiaries of this bill and endanger their monopoly of ocean transportation.

Not alone that, but, as Mr. Lasker puts it, the American flag will not need the 3,000,000 of good tonnage in its entirety, even under the happiest conditions. Therefore, to safeguard the predatory interests of these law-created monopolists, as to the millions of tonnage remaining in the possession of the Government, it is proposed that the hulls must be sold at low figures for conversion to types of freighters that we do not possess. As to why and to whom the Government must sell them at low figures, and the type of freighters to which they are to be converted, no explanation is offered. If 3,000,000 of good tonnage is more than is needed, and there is a surplus tonnage of several millions, why the necessity of creating new

types of freightage?

Continuing, Mr. Lasker says:

For if we permit a potential surplus to remain, with the possibility of its use in abnormally prosperous times when any tonnage can be profitably operated, the burden of less will fall on the good tonnage in times of adversity without full enjoyment of profit in times of prosperity, and thus we depress the price of all our tonnage, and so it will come to pass that we shall liquidate the whole for less than we could liquidate the good part.

A MONOPOLY ESTABLISHED.

Competition, which is virtually the life of honest and efficient trade, must be entirely eliminated and an absolute monopoly established. If a potential surplus remained in possession of the Government, there might lurk a possibility of competition in abnormally prosperous times which might interfere with the excessive rates that this gigantic monopoly will naturally impose upon ocean transportation. Therefore, the Shipping Board recognizes the necessity "to force the uneconomical 3,000,000 of freighters' disappearance from the market.' will be observed that every precaution is taken by the beneficiaries of the bill to establish an extortionate and oppressive monopoly which the people will be taxed to maintain. Is it possible for the human mind to conceive of anything as infamous as the iniquities embodied in this atrocious measure?

The Shipping Board is operating 421 steel ships out of a total of 1,442, leaving 1,021 tied up at an enormous expense to the Government. Mr. Lasker, on page 4 of his prepared statement, says that notwithstanding this serious handicap the Government-operated ships have driven their private competitors off the seas. On page 12, in a lame attempt to discredit Government operation, he says that the Government ships are operated at an annual loss of \$50,000,000. He immediately contradicts this statement by admitting that this sum includes the cost of maintaining 1,021 ships lying idle in our ports and the cost of repairs necessary to prevent entire de-

terioration.

THE SHIPS MAKE A GOOD SHOWING.

For the year 1921 Government-owned ships carried 51 per cent of our total foreign trade. This is certainly a satisfactory showing. Consider this refutation by Mr. Lasker of all that he has said in favor of private operation:

The vast sums we saved ourselves in freight rates alone, which through faulty Government bookkeeping was converted to construction charges, would have showed during that period that handsome freight returns foured to the Public Treasury. Private operation at that time would have been impossible,

It is surprising that an annual loss of \$50,000,000 is charged against Government operation, when it is publicly admitted that through governmental bookkeeping their earnings were converted to other purposes and entered as a loss and not a profit. If private operation is impossible immediately after a war, at what rate per annum does it become possible? If private operation was impossible in 1918, what has occurred to make it possible in 1923? If Government operation from that time to this has been the greatest insurance we have to our future over-seas prosperity, which involves our entire national prosperity,

why should we abandon it in favor of a system of operation that has failed and that can be maintained only at a prodigious cost to the American taxpayers through an indeterminable subsidy, and a still higher cost to the American consumer through monopolistic freight rates?

After stating several times with more or less emphasis that Government operation has driven competitors from the seas, the Shipping Board again flatly contradict themselves by the statement that "free competition with the privately owned shipping of the world through successful Government operation is an impossibility."

How, then, has Government operation succeeded in driving its competitors off the seas, notwithstanding the fact that the Government has been paying the highest salaries to the most inefficient aggregation of incompetent miscalled experts that I have any knowledge of, and at the same time maintaining 1,021 idle ships?

Fifty million dollars annually it is costing to keep the Shipping Board boats going-

Declares Mr. Lasker-

Fifty million dollars, not including, however, interest, full insurance, or depreciation on invested capital. For any private business to say that it was losing \$50,000,000, without considering interest on capital investment, full insurance, or depreciation, would mean that the managers of that private business were attempting to deceive their stock-

IS IT BAD PAITH?

This, Mr. President, would appear to be a misstatement of the situation, made for the purpose of misinforming American people—the stockholders of the Shipping Board—and to mislead their accredited representatives, the Congress of the United States. Let me present a strictly parallel case and one the farmers can understand. Suppose a man owns 1,442 horses, 421 of which are working, earning for him handsome profits; but the other 1,021 horses are standing idle in the stable, earning nothing, but consuming not only the profits that the working horses are earning, but costing an additional \$500 each year for Naturally the man would realize immeditheir maintenance. ately that the sensible and reasonable thing to do would be to sell his idle horses. He calls his managers, foremen, and superintendents before him and advises them to sell the 1,021 idle horses at public auction to the highest and best bidders. His trusted, well-paid employees strenuously protest against such an arrangement.

They earnestly contend that the proper thing to do and, in fact, the only thing to do is to sell the working horses to Smith, Brown, and Robinson. "But," says the owner of the horses, Brown, and Robinson. But, says the office for credit; "Smith, Brown, and Robinson have neither money nor credit; "box how is it possible for them to buy them?" "That is all very true," the trusted employees admit, "but we have made arrangements by which they can get the money. You must deposit with the Federal reserve bank a guaranty bond or sufficient collateral, and the bank will lend Smith, Brown, and Robinson the money to buy your horses. You must also put up additional collateral to insure a handsome profit to Smith. Brown, and Robinson, whether the horses earn anything or not. This will cost you a huge sum each year, but you will be compensated for your magnanimity, as Smith, Brown, and Robinson solemnly promise to fly the American flag from the top of their stable. Of course, it will not be the real national emblem, as it will not represent liberty, virtue, and independence, but slavery, graft, and extortion." "And what," asks the owner, "shall be done with the 1,021 idle horses that are still in my possession? Must I sell them also?" "Oh, Heavens, no! If you were to sell them, they would naturally and necessarily compete with the horses you have sold to Smith, Brown, and Robinson, and this would reduce their profits, and then you would have to pay them a bigger subsidy." Therefore the wise, patriotic thing to do is to shoot the idle horses. "So," thinks the owner, 'according to this brilliant arrangement, I must sell the horses that are earning me satisfactory profits and then furnish the Federal reserve bank with enough good collateral to secure them against any loss, or even risk, in order to furnish money to men who have neither capital nor credit to buy my profitearning horses. Not only that, but I must put up money every year to insure these men against anticipated losses in a business which I operated myself at a handsome profit, and then must shoot the balance of my horses, lest their competition might reduce the prodigious profits of Smith, Brown, and Rob-Inson." This, it seems to me, is precisely what the Shipping Board is proposing that the people of the United States do through their public organ, the Federal Government.

Mr. President, there is nothing in recorded history, nothing in the annals of civil government, so infamous as the proposi-tions embodied in this indefensible measure. In my place here in this imposing and dignified assemblage, the repository of the

direct authority of the American people, I declare that in my humble opinion never before has there been a measure considered here that can even approach the measure before us for

disregard of the rights and interests of the people.

Mr. President, a further consideration of the details of this bill indicates that it is of a dual character, one portion of it. being a proposed subsidy bill, and the other portion being an amendment to the income tax laws. Under the proposed changes to the income tax laws, special privileges are granted to ship owners, the nature of which, it would seem, are not understood by the proponents of the bill. These changes are so technical that it is doubtful whether they received the careful consideration they deserve of the Merchant Marine and Fisheries Committee of the House, or of the Senate Commerce Committee. An examination of the reports made in support of this bill by the Committee of the House and of the Senate falls to give adequate information concerning the operation of the proposed changes of our internal revenue law, and yet we are asked to blindly vote for such radical class legislation.

Taking up the subsidy portions of the bill for detailed con-sideration, we find, Mr. President, that the proponents of this measure assert that they are designed to build up an American merchant marine in the interest of American shipping. They have sought to induce the people to believe that any American citizen or corporation can receive assistance in the shape of a subsidy when carrying the products of American farm or fac-tory to markets, and that the producers will not be dependent upon foreign shipping for the marketing of their products. Upon these premises is sought the indorsement of American farmers and laborers for the measure. As a matter of fact, the bill proposes no such thing. What the bill says is:

The board shall not be required to enter into such contracts unless in the judgment of the board such person possesses such ability, experience, resources, and character as, in the opinion of the board, to justify a belief that the payment of the compensation will be reasonably calculated to carry out such policies and otherwise promote the general welfare of the United States. (Page 24, lines 7 to 14.)

This, in effect, is giving into the hands of a board appointed under political influences the power to enter into subsidy contracts to certain individuals or corporations, and refuse it to those who fail to measure up to their arbitrary standards. The board itself is to be the sole judge of what shall constitute ability, experience, resources, and character. There is nothing in the proposed bill which says that ability or experience shall be determined upon experience in seamanship or experience in ship operating, or, indeed, on knowledge of shipping matters whatsoever. It seems to me the great danger under these provisions is that the board can create a gigantic shipping trust owned by personal friends and subsidized out of the Treasury of the United States. I am unwilling to lend myself to any such proposition as will give limitless powers to a group of men who, in their appointments and administration, will be subjected to the influences of the political, predatory, and financial power which we have felt too much in this country. It is not necessary to be personal or cynical about these matters. There is no necessity for bartering words about the character of appointees who may be placed in positions of power. Our past experiences fully justify us in questioning the wisdom of such a policy or taking chances.

I earnestly hope that the time may come in this country when our people will be saved from the domination of perfectly respectable presidential appointees recommended with little regard save to pay political obligations. Mr. President, during the early discussion of this bill it was almost a daily occurrence for some eulogy of the present Shipping Board to be spread upon the pages of the Congressional Record. The Senate is necessarily placed in the position of agreeing that they are all respectable appointees; notwithstanding that fact, there has doubtless never been an agency of the Government in such disrepute as the Shipping Board and its predecessors.

IS THE SHIPPING BOARD COMPETENT?

There have been frequent accounts of mismanagement and actual suggestions of corruption; and yet, Mr. President, all through the subsidy provisions of this bill we find that the granting of a subsidy to American shipowners depends, not upon the right granted in the bill to such American shipowners, but upon the judgment or favor of the board, who can parcel out these financial subsidies which are to be paid by all the people of the United States. Other provisions in this bill are likewise misleading, particularly one familiarly known as the Madden amendment. The Senate committee in its report referred to it as follows:

6. Permanent appropriations: The objected to requirement has been changed in the bill as it finally passed the House, and the Shipping Board will have to appear before Congress and obtain appropriations. While it is questionable whether this will not in a large measure defeat the purpose of the bill, this change nullifies the minority's

So far as the payment of direct subsidies under the provisions of this bill are concerned, the report of the committee is accurate, and the provision found on pages 38 and 39 of the bill would seem to limit the payment of such subsidies from the merchant marine fund to appropriations made annually by Congress. This provision is as follows:

Provided, That no expenditures shall be made from the merchant marine fund because of any increased compensation granted under the terms of paragraph (c) of section 410 except out of the appropriations made annually therefrom by Congress,

But, Mr. President, this provision does not cover by far the greatest expenditures of money under this bill. Under the income-tax provisions relating to depreciation of vessels the door has been opened for the refunding of vast amounts of income taxes. The payments of these refunds is especially provided for on page 25, lines 15 to 19, inclusive, which says:

All moneys in the fund are hereby permanently appropriated for the purpose of making such payments and the refunds authorized by subdivision (j) of section 416, subject, however, to the proviso of paragraph (c) in section 410.

Mr. President, the proviso in section 410 has reference only to the payment of direct subsidy for increased compensation, for which an annual appropriation by Congress is required; but the secret refunds of taxes to large corporations are permanently appropriated for out of the Treasury, and the amount of such appropriation is indefinite, and may reach hundreds of millions of dollars.

The provisions of law which require the Commissioner of Internal Revenue to report to Congress the disbursements of money for refunds of taxes do not apply to this permanent appropriation; and, as a result, Congress will never know how much money will be required and to whom such refunds will be paid. More than that, as all matters relating to income tax are supposed to be secret under the provisions of the internal revenue law, Senators and Congressmen will not be able to obtain any information on this subject, and this in spite of the fact that the Constitution (sec. 9, Art. I) directs that "a regular statement and amount of the receipts and expenditures of all public moneys shall be published." The result will be that no one will know whether the total amount of such funds will be millions of dollars or hundreds of millions of dollars Why shipowners should not be required to come to Congress for appropriations to get their refunds, the same as every other claimant for refunds, is beyond comprehension. Why should special favors be shown them? On the other hand, a farmer who may have a few dollars due him for an erroneous overpayment of income taxes has to come to Congress for an appropriation. Why this favoritism?

ANOTHER BAD FEATURE.

Mr. President, there is another permanent appropriation in this bill which is not affected by the provisions of section 410. I refer to section 501, on page 47 of the bill, which gives the power to scrap the Government transports and for the making of contracts for the carrying of Government supplies and troops in privately owned vessels. Under this section a permanent and indefinite appropriation is made to make all payments upon contract entered into under its provisions. Here, again, is kept from Congress, the representatives of the people, a knowledge of how much of the people's money is being spent for the benefit of a favored few shipowners. Mr. President, I wonder if the members or the supporters of this bill on House and Senate committees realized to what extent they are opening the doors of the Treasury to an unrestricted, unsupervised expenditure of

THE REVENUE LAW AMENDED.

Let us, Mr. President, come to that portion of the bill which deals with the administration of the revenue law, found on pages 19 and 20. The bill proposes an amendment to the income tax law regarding the depreciation of vessels, which is an in-Under this section values novation in Federal tax matters. upon which internal taxes are levied are not determined by the Internal Revenue Bureau but are to be determined by the Shipping Board, which board has been given a free hand to exercise a degree of favoritism not in the interest of sound business. In paragraph (a) the proposed section says:

That the reasonable allowance for exhaustion, wear and tear, and absolescence, provided in paragraph (8) of subdivision (a) of section 214 and in paragraph (7) of subdivision (a) of section 234, shall be determined, and allocated to the years in which sustained, under rules and regulations prescribed by the United States Shipping Board.

Again, in paragraph (b) the Shipping Board is given the power to determine what the exceptional decrease in value of vessels has been, which decrease in value is to be deducted from any amount paid or to be paid in income tax. This presents great possibilities, but why worry? Privilege gets it.

Mr. President, we are treated to the spectacle of the Commissioner of Internal Revenue being bound by the findings of the Shipping Board, no matter what the actual facts in the case may be. The actual depreciation may only be 4 per cent, and yet if the Shipping Board certifies to the Commissioner of Internal Revenue that in their opinion a 10 per cent depreciation should be allowed the Commissioner of Internal Revenue is bound to order a refund of taxes based upon such a depreciation.

WHAT MAY WE EXPECT.

Judging from the past course of the Shipping Board, no one can estimate what the depreciation of these vessels will amount to. An examination of the hearings before the Committee on Appropriations in the House of Representatives in May, 1921, shows that the Shipping Board was allowing a 10 per cent. depreciation per voyage on new vessels. I understand that the rate of depreciation to-day allowed by the Shipping Board is between 44 and 5 per cent annually, which is more nearly that of the depreciation which commercial companies estimate upon their own vessels. We have no assurance that the present rate of depreciation adopted by the Shipping Board will be continued. The board may find in some cases the depreciation to be as high as 15 per cent per voyage or as low as 1 per cent; and where can the appeal be made should there be a charge of favoritism or even an error in judgment? Who is the judge?

The Shipping Board is the sole arbiter. From its decisions there is no appeal. Its finding are irrevocable. It may allow one shipper compensation for depreciation far beyond the demands of justice and refuse to allow to his competitor what

he is justly entitled to. But he has no redress

Mr. President, why should the Shipping Board determine these questions of depreciation and decrease in value for the Treasury Department and the Commissioner of Internal Revenue? If this principle of allowing a bureau of the Government having charge of a certain subject matter is to be followed here to estimate depreciation in values for the purposes of taxation, why not apply it to all the bureaus of the Government instead of to the Shipping Board alone?

GIVE THE FARMERS A SHOW,

Why not allow the Secretary of Agriculture to promulgate rules and regulations estimating the unusual and exceptional decrease in value of farms, live stock, and farm products and so certify to the Commissioner of Internal Revenue, and direct him to pay refunds of taxes in unlimited amounts to the suffering farmers in the West and South? This would savor too much of socialism, of paternalism, and government in business, but it would be all right-good business-for privileged ship-Oh, no, Mr. President, such a policy will never be owners. permitted by the people.

Again, why not direct that the head of the Forestry Bureau to estimate the deletion and depreciation in values in our vast forests and lumber industries which shall be binding upon the Commissioner of Internal Revenue in the estimation and assessment of taxes in our great lumber industries? Why should the vast corporations owning oil tankers and iron-orecarrying ships be allowed the privilege of having the Shipping Board estimate the values and depreciation upon which their income tax had been based while a similar privilege to the farmer, the miner, the manufacturer, and the lumberman is

If we are to have the values upon which income taxes are levied estimated by the favor of any one particular governmental board in the interest of a certain class of taxpayers, why not pass a general amendment to the income-tax laws and provide that all values shall be estimated by the particular branch of the Government having supervision over the class of industry in which the taxpayer is engaged? Why not let the Department of Labor estimate the depreciation in the earning capacity of the large body of laboring men in this country, some of whom are obliged to pay income taxes, and then certify that to the Commissioner of Internal Revenue as a basis for taxation? Mr. President, if I am wrong in my interpretations, the people have a right to know the facts and then act for themselves. tainly, we do not want to have any doubts about so important matters or any special advantages to any group of men or industries. All the farmer has asked is for a square deal, an chance with others, and he objects strongly to further favoritism in legislation, but he wants to see a creditable merchant marine in this country.

Mr. President, I think I have fully demonstrated the viciousness of this proposed fundamental change in our taxing law which seeks to grant special privileges to wealthy corporations. The best thing that can be done by those Senators who honestly believe that a direct subsidy to American shipping is necessary and right would be to strike from this bill all references to the internal revenue laws, for when one attempts to embark upon the unknown sea of class legislation in matters of taxation it is hard to determine the port at which the voyage will end.

THE BILL IS SPONSORED BY THE SHIPPING BOARD.

The best way to judge those who sponsor a measure of this kind is to consider their past performances. Let us notice just a few matters of administration and policy of the Shipping Board, matters which in themselves are almost inconsequential when considered in relation to that governmental agency, but matters, nevertheless, that will show us whether or not we should follow their lead.

Charges have been freely made in the press and on this floor that the Shipping Board was a mass of incompetency, which resulted in extravagance, waste, graft, and actual fraud; that the books and accounts of the Shipping Board and Emergency Fleet Cor-poration were so poorly kept that the financial affairs of the board were so hopelessly entangled that no one knew the actual financial standing of the board. One matter has come to my attention affecting the administration of the treasurer's office of the board which seems to substantiate these charges of mismanagement. So far as I can learn the treasurer of the Shipping Board, and, by the way, he is the treasurer also of the Emergency Fleet Corporation, has never submitted to Congress a list showing the financial concerns in which the moneys of the board were deposited, nor has a list showing the nature and amounts in detail of the securities owned by the board or held in trust by them ever been submitted.

WHO IS RESPONSIBLE!

During the early part of last year it was discovered that the treasurer's office of the Shipping Board had no record of the amounts of money on deposit to the credit of the Shipping Board in a great number of the depositaries, large and small, all over the country. As a matter of fact, it seems it did not have a list of such depositaries, and the files of the office had to be searched to find the names of the banks and other financial institutions which might have on deposit money of the Shipping Board or of some of its agencies.

WHO HAS UNCLE SAM'S MONEY!

Consequently a form letter was sent to every institution where it was suspected the Shipping Board had kept an account, and I understand some twelve or fifteen hundred of these letters were sent out. Of the aggregate of this, however, I have no detailed information. The following is a copy of one of these letters:

FEBRUARY 27, 1922. NATIONAL BANK

GENTLEMEN: It appears from the records in this office that the United States Shipping Board of the United States Shipping Board Emergency Fleet Corporation maintained an account with your bank in 1918.

In 1918.

The records are not in sufficient detail to afford complete reply to an inquiry from the financial vice president as to the status of the accounts maintained in the former depositaries. In order that this may be available you are requested to furnish the following infor-

may be available you are requested to mation:

If the account has not been finally closed please state the balance as of the date of your reply, and whether the balance includes current accrued interest.

accrued interest.

If the account has been closed will you please state the date and amount of the last payment and whether it includes the accrued interest on the account up to the date of withdrawal?

Your early reply will be appreciated.

T. L. CLEAR, Treasurer.

Be it said to the credit of our national banks and trust companies, I am informed answers were received from practically all of the letters sent out, and various sums of money were found to be in these banking institutions to the credit of either the Shipping Board or the Emergency Fleet Corporation or some of its agents. The following is a sample of one of these

THE -

THE — TRUST CO.,
— February 27, 1922.
UNITED STATES SHIPPING BOARD EMERGENCY FLEET CORPORATION,
Washington, D. C.

(Attention Mr. T. L. Clear.)

GENTLEMEN: Your letter of February 23 in reference to accounts in the name of United States Shipping Board Emergency Fleet Corporation received, and in reply to same we beg to advise you that upons examination of our books we find that we have an account with * * resident auditor, of \$15.48, and also contract * * of

Trusting this is the information you desire, we are, Very truly yours,

TRUST Co.,
-, Assistant Treasurer. THE -

THE BOARD FINDS SOME MONEY.

An answer was sent to this letter of the trust company in the following terms and checks for the amount were duly received by the treasurer's office:

MARCH 15, 1922.

The - TRUST COMPANY,

GENTLEMEN: With reference to your letter of February 27, 1922, relative to the accounts of the United States Shipping Board Emergency Fleet Corporation, will you please remit by cashler's checks payable to the United States Shipping Board Emergency Fleet Cor-

poration the amount of \$15.48 carried on the former account of resident auditor, and \$123.84 carried in the former account of Housatonic Shipbuilding Co.
Yours truly,

(Signed) T. L. CLEAR, Treasurer.

Mr. President, this correspondence discloses an administration of Government business which is intolerable and this condition of affairs exists under Mr. Lasker's administration of the Shipping Board, the man who presumes to advise the Congress as to the legislation that is necessary to secure national prosperity. Is it not time that a thorough and exhaustive investigation should be instituted?

Mr. President, Congress should order an investigation of the office of the treasury of the Shipping Board and Emergency Fleet Corporation in order to ascertain how much has been lost, if any, to the Government in this careless method of book-There is, however, another phase of the situation in the Shipping Board which these letters I have cited developed. How was it possible for the Shipping Board to audit the accounts of its branch offices and of its contracts with the various shipbuilding companies when it did not know how much money remained unexpended and had no record of the accounts or expenditures or even where the money was on deposit? Was the expensive audit conducted under contract with Lybrandt, Ross Bros. & Montgomery, at an expenditure of over \$500,000, an actual audit, or was it based upon guesswork, for surely these accounts referred to in the letters of Mr. Clear, the treasurer, do not appear to be a part of that audit? This audit, itself, it is alleged, was conducted by the Shipping Board through an evasion of the law, and Mr. Lasker in his testimony before the Senate Committee on Appropriations in August, 1921, may have misled the committee or have been uninformed himself as to the cost and extent of such an audit. On pages 5 and 6 Mr. Lasker stated that the cost of this so-called Montgomery contract would be in the neighborhood of \$50,000, and when Senator Smoor intimated that the contract might extend to \$200,000 Mr. Lasker impressed the committee with the idea that it would not amount to that sum.

HOW THE LAW IS EVADED.

In order that outside auditing firms might not be employed by the Shipping Board, Congress included in the deficiency apby the Shipping Board, Congress included in the denciency appropriation bill of that year at the instance of Senator La Follette and with the approval of Senator Smoot and Senator Warren a provision which provided that hereafter all accounting of every nature should not be done by outside firms, but should be under the supervision of the Bureau of Efficiency. It would seem this provision of law was evaded by transferring all of the accounting of the Shipping Board to the Emergency Fleet Corporation, which being a private corporation, under the law continued the Montgomery contract in effect until over \$500,000 have been expended. Even now, it is asserted, experts consider the Montgomery audit as lacking and the system of accounting approved by this firm as an inefficient method for handling the vast amount of claims in which the Government is interested. The Perley and Morse audit previously conducted by the Shipping Board, it appears, was likewise a failure, al-though the Government in this venture, through the Shipping Board, paid this firm of accountants approximately \$600,000. Since the inception of the Shipping Board the tendency has been to place the operations of the Emergency Fleet Corporation beyond the control of Congress, and it appears there was no supervision of accounting by the auditors of State and other departments or of the Comptroller of the Treasury. One can not fail to wonder why these things should be. Who can enlighten the people? In harmony with past policies the provisions of the present bill in providing that Congress is to have no supervision of the expenditures of the subsidy for the period of 10 years is in strict accord with the conduct of the highpriced officials of the Shipping Board, who are constantly seek-ing unlimited appropriations where the Government can not act as guardian of the vast expenditures of the people's money. Why should we invite scandal through such legislation?

QUESTIONABLE TRANSACTIONS.

Story after story of individual questionable transactions involving, to say the least, gross mismanagement have been brought to the attention of Senators by men formerly connected with the Shipping Board or by those transacting business with the board. I call attention to two of these as samples, the truth of which can easily be established through an investigation. The first one impugns the accuracy of the so-called Montgomery audit above referred to, and is as follows: "The Baltic Steamship Co. purchased under contract in 1920 from the United States Shipping Board a passenger steamer named the *New Rochelle*. They were required to pay \$27,500 in cash as the first payment on the vessel, which was purchased 'as is, where is.' Their contract required that the purchaser would pay for reconditioning the vessel.

Several months after the initial payment a second payment amounting to \$22,500 was made, making a total payment by the purchaser of \$50,000. No subsequent payments were made by the purchaser.

The vessel was reconditioned and completed one or more trips under the direction of the purchaser. Recently, by reason of libels attached to the vessel, the Shipping Board, exercising its rights as mortgagor, took back the vessel. The Shipping Board was then confronted and forced to pay the bill for reconditioning which was not paid by the purchaser in accordance with its contract, and which bill amounted to over a million dollars. The Shipping Board was also required to pay royage expenses which were not paid by the purchaser, which amounted to between \$300,000 and \$400,000.

The remarkable and unexplainable act on the part of the Shipping Board, approved by Mr. Montgomery, who has full authority under the chairman and final powers with respect to approval of vouchers for payment occurred in this act, to wit: A claim was made by the purchaser that the consumable stores on board this vessel when she was taken over by the Shipping Board. Their contention was accepted, and a voucher was approved by Mr. Montgomery on July 8, 1921, for the payment to the said Baltic Steamship Co. of the sum of thirty-three thousand eight hundred and odd dollars as representing the value of said consumable stores. This payment disregarded the fact that these stores were purchased and placed aboard by the steamship company who falled to pay, requiring the Shipping Board to pay bills therefor, which appeared under unpaid voyage account bills. This action on the part of the Shipping Board is unparalleled in the history of sound business, and is so openly notorlous as to suggest an intentional irregularity.

Mr. President, it does not seem possible that the Government

Mr. President, it does not seem possible that the Government should be required to pay twice for the same goods, but if this story, as it came to me, be true, that is exactly what the Government has done.

WAS ALL PROPER AND HONEST?

The other story is an account of an original contract and the names are all given. It is as follows:

Memorandum.

(Original contract, dated May 27, 1917. Samuel L. Moore & Sons Corporation and L. C. Gillespie & Sons.)

COST.

Actual cost of material.
 Actual cost of labor.
 Overhead 65 per cent of direct labor.
 Profit 30 per cent on sum of items 1, 2, and 3.

HISTORY.

Hull was commandeered by Executive order in August, 1917.

* * Shipbuilding Corporation (Ltd.) was organized and assumed control of the Samuel L. Moore & Sons Corporation as of November 1, 1917. No new contract was entered into between the Bethelem Co. and the E. F. C. The E. F. C. assumed the position of the former

owner.
The original contract called for a combination oil and general cargo

The original contract called for a combination oil and general cargo steamer.

The motive power of this vessel was to be a coal-burning apparatus. This was later changed by the E. F. C. to an oil-burning apparatus, which, of course, necessitated many expensive alterations in the buil and machinery. When work under that change was in progress the E. F. C. made a further change by placing the machinery from the fore to the aft. In addition to the aforementioned changes there were many other expensive alterations, each requiring the abandonment of material originally fabricated. This vessel was on the ways from the early part of 1917 to August, 1919.

COST.

The approximate cost of the vessel, as shown by the books of the contractor, was \$2,000,000, to which should be added the profit of 30 per cent on the cost, amounting to \$600,000, making a total cost of \$2,600,000. The dead-weight tonnage of this vessel was 5,100 tons. The approximate cost per dead-weight ton was \$500, which, when compared to other vessels built by the contractor, appears very

The net steel charged to item 12 was approximately_____
The amount of steel required in the construction of the hull
as delivered (certified to by naval architects) was_____ 6, 800, 000

At an average cost of 5 cents per pound, the additional burden on cost due to the excess charges for steel amounted to \$130,000 (including the 30 per cent profit). No effort was made to ascertain the additional cost of machinery material required due to the changes summarized above.

GENERAL.

The Emergency Fieet Corporation made no change in this contract similar to those of other former-owner contracts. Other former-owner contracts were changed from lump sum to cost plus 10 per cent or cost plus \$10 per dead-weight ton. If the contract had been changed to a cost plus 10 per cent, the saving to the Government would have been about \$400,000, or if the contract had been changed to a cost plus \$10 per dead-weight ton the saving in profit would have been \$550,000. Approved audited overhead at the yard should not be 63 per cent, and had contract provided for actual instead of 65 per cent overhead a further saving to the Government would have been effected. It is difficult to believe, it is hard to realize, that American citizens could descend to such depths as to be guilty of such iniquities against their own Government. There is a Nemesis that follows such perfidy with pitiless arm and tireless feet that never rests and never sleeps until the wrong is atoned for.

BAD RECORDS AND FILES.

BAD RECORDS AND FILES.

It is charged:
"The records and files of the Shipping Board themselves and of the Emergency Fleet Corporation are in a most deplorable condition, and daily important papers are lost which materially affect the standing of claimants before the board."

This statement was made to me by a gentleman thoroughly familiar with the workings of the Shipping Board; and to illustrate the delays and embarrassments caused by the loss of papers, he handed me the following memoranda, which illustrates this condition. It is as follows:

"JUNE 25, 1921.

"Office memorandum.

"Office memorandum.

"The files of correspondence belonging to the Auditor for the State and Other Departments relating to the claim of the Shawmut Steamship Co. against the United States Grain Corporation, amounting to \$77,840.20, for the unpaid balance on freight revenues for cargo shipped on the steamship Mystic has been missing for some time. When last seen the correspondence was in a manila folder, and was checked through the mail room to the chairman's office on April 15, 1921, but the latter office has no record of its receipt.

"As it is essential for the Auditor for the State and Other Departments to have these papers in order to settle the claim, it is requested that each official of the Shipping Board and Emergency Fleet Corporation cause a thorough search to be made of the desks and files in their respective offices and advise the Secretary of the result. The file, if found, should be immediately transmitted to this office.

"(Signed) ———, Secretary."

THE STEEL TRUSTS HAVE A HAND.

am informed that the corridors of prominent hotels in Washington have been thronged with men who were discussing the possibilities of purchasing vessels owned by the Government should this bill become a law, and among the statements made among these men. who are supposed to know what is going on in the "holy of holies" of the Shipping Board, is a state-ment to the effect that in all contracts of purchase of vessels ment to the effect that in an contracts of purchase of vessels from the board will be a provision requiring the purchaser to equip the vessel purchased with oil-burning machinery of a certain type whenever required by the board to do so. It seems, according to these gentlemen, that the patents for this seems, according to these gentlemen, that the patents for this particular type of oil-burning machinery are owned exclusively by the Bethlehem Steel Corporation, and the result of this provision in a contract would be to put the purchasers of vessels from the United States at the mercy of this glgantic trust, whom many people believe were guilty of profiteering during the war. The truth or falsity of these allegations can not be ascertained by me, yet I think they are serious enough in their nature to require a committee of this body to inquire into. Surely it is no part of the policy of Congress to give to the manufacture of any one particular type of marine engine an exclusive monopoly.

WHY THIS DANGEROUS POLICY?

There is another provision in this bill which does not meet with my approval, and that is placing in the hands of the Shipping Board jurisdiction over the joint water and rail rates. The skirts of the Shipping Board do not appear to be clean when it comes to the question of rate-making power. as June, 1920, the board postponed putting in operation those provisions of the Jones Act which would prevent the making of exclusive contracts between the railroads of the United States and foreign steamship companies. As a result of such postponement the railroads of this country, it is rumored, entered into contracts with foreign steamship companies which discriminated against American shipping. It is said that these contracts are all on file in the Inferstate Commerce Commission. The Shipping Board, perhaps unintentionally, is responsible for the contracts having been entered into. Here they undoubtedly acted against the interests of American shipping.

Mr. President, is it safe, therefore, to leave the approval or disapproval of these contracts exclusively in the hands of the Shipping Board as provided for by this bill? In my opinion, it is not, because the board might, it seems, decide to leave in force contracts between a particular railroad and a particular foreign steamship company which the individual members of the Shipping Board might feel inclined to favor. The enforcement or nonenforcement of the provisions relating to the joint rate contracts are not obligatory; they are merely discretionary with the board, and there is nothing in the law to prevent the board from exercising this discretionary power either for political advantage or for a more sinister advantage. The law on this Subject should be obligatory, not discretionary.

Mr. President, in saying this I am condemning a system and

not the individuals of the system, many or all of whom may be sincere and honestly endeavoring to do their duty.

CHEAP OCEAN RATES, PERHAPS.

Mr. President, the Senators who favored the passage of the pending bill have stated again and again that the result of its operations will be cheaper ocean freight rates for the products of the farm and the factory. This bill leaves the rate-making power in the hands of the board, and if the future actions of the board are to be judged by its actions in the past instead of having lower freight rates for farm products, the farmers and shippers of this county will have to pay higher freight rates. Even after the war was over, I find that the Shipping Board, on August 24, 1920, increased the freight rates 20 to 40 per cent above what they had been during the war, and these increases took effect not later than January 1, 1921. What assurance has

the American public that the Shipping Board, with its top-heavy personnel and apparent disregard for public opinion, will be interested in the reduction of freight rates and costs to the shipper, when its every performance in the past has been against the producers and the public and for the granting of special favors to favorite shipowners and ship operators?

FARM ORGANIZATIONS ARE OPPOSED TO A SHIP SUBSIDE,

Mr. President, nearly every large farm organization in this country has come out openly in opposition to the ship subsidy bill. The American Farm Bureau Federation, at their annual meeting at Chicago, December 11-14, 1922, passed resolutions in opposition, as follows:

Inasmuch as it has been the general policy of this country to subsidize railroads by land grants, bonds, and granting special privileges; manufacturers by a protective tariff, and it is now proposed by those in charge of our general policy to subsidize our shipping interests by the payment to them of a bonus, for all of which the consuming public must foot the bill; we emphatically protest against the continuance of a policy that has become confiscatory instead of protective.

There is not much cheer in that for friends of the ship

subsidy.

Mr. President, here we have one of the largest farm organizations and the most widely distributed in this country con-demning in unmistakable terms the policy of a ship subsidy. The farmers do not see wherein great benefits would come to them, such as have been claimed by proponents of the measure. On the other hand, the farmers feel that they, in a large measure, will be called upon to foot the bills should the ship subsidy bill pass with its continuing appropriations, probably running into billions, and they do not hesitate to go on record

in opposition to any measure of this kind.

Let me say, also, that should the proposed ship subsidy be forced through Congress at this session, it will prove, in my judgment, disastrous to the party pushing it, and especially so in a large part of the West and Northwest country. Furthermore, upon an examination of the reasoning by which Mr. Lasker and his confrères reach the conclusion that Government ownership, which has proved successful, although managed by men hostile to it, should be abandoned for private operation, which they say has proved a failure, we see at once that it is not an induction from undisputed facts, but a deduction from a previously assumed doctrine, viz, that the insatiable greed of predatory privileged interests is paramount to the rights and interests of the producing classes. The spirit of the American people revolts against such an interpretation of our institutions, and they are sure to repudiate it whenever the opportunity present itself.

SHALL THERE BE A NEW BOARD?

The report of the committee, and Mr. Lasker's carefully prepared statement, conclusively prove that if the present Shipping Board are removed because of their hostility to Government operation of Government ships and a board substituted in full sympathy with Government operation and free from the sordid and sinister influences of the predatory privileged interests, there can be no doubt that Government operation will be a tremendous success.

The experience of mankind has amply demonstrated that governmental interests and private interests can not be combined without producing public misfortunes and the corruption of public officials. Private interests, whenever involved in governmental affairs, are forever encroaching upon public rights and securing new and extending old predatory privileges. Therefore they must be kept distinct and separate if we are to have a pure and honest government and clean and decent politics. This is a political truth that we have ignored. politics.

Mr. President, in justice to the people of this great land, we can not grant such powers as provided in this bill. Instead of this bill giving the people of this land a great shipping industry and a great fleet that will sail the seven seas, its provisions are such as will result in the building up of a gigantic shipping trust that will throttle the efforts of all independent shippers, and will eventuate in extortionate rates and the elimination of competition. Let us bend our energies, Mr. President, to some method that will perpetuate the American flag upon the seas in honor and respect, and will not simply mean that particularly favored ones shall be given the exclusive right to flaunt Old Glory in the commercial intrigues of the

Mr. McKellar resumed and concluded the speech begun by

him yesterday, as follows:

Mr. McKellar. Mr. President, on yesterday I gave notice that I would conclude my speech to-day or at some later time. I want to conclude it now by asking unanimous consent to print in the Record as a part of my remarks the substitute I have offered for the subsidy bill.

There being no objection, the bill was ordered to be printed in

the RECORD, as follows:

IN THE SENATE OF THE UNITED STATES, January 16 (calendar day, January 19), 1923.

Amendment (in the nature of a substitute) intended to be proposed by Mr. McKelear to the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes, viz: Strike out all after the enacting clause and insert the following:

That section 5 of the merchant marine act of 1920 is amended to read as follows:

"SEC. 5. (a) That in order to accomplish the purposes of this act, and more effectively to build up an American merchant marine, the board is authorized to sell, whenever a demand for vessels makes it to the interest of the Government to sell and consistent with good business methods and the objects and purposes to be obtained by this act, at public competitive sale, after appraisement and due advertisement, to persons who are citizens of the United States, except as provided in section 6 of this act, any vessels that five-sevenths of the board may conclude are undesirable as a part of the American merchant marine, and where such vessels have not been in use and have been tied up for a period of at least one year.

"(b) Any sale under this section shall be made at such prices and on such terms and conditions, including the use and disposition of the vessel by the purchaser, as the board may prescribe; except that (1) the completion of the payment of the purchase price and interest shall not be deferred more than 15 years after the making of the contract of sale; (2) interest on the unpaid purchase price shall be payable at least annually at a rate of not less than 41 per cent per annum; and (3) the payments of principal shall be so arranged that the amounts due and paid under the contract of sale as principal, up to any moment of time, shall be sufficient to cover depreciations of the vessel up to such moment, unless the board waives this requirement upon the giving of adequate security: Provided, however, That no officer, agent, representative, or employee of the Shipping Board or of the Government, or anyone who has been in the last three years, shall in any way be interested as a vendee in any purchase made from the Shipping Board within a period of 10 years after such officer, agent, employee, or representative has left the service of the Shipping Board or the Government.

"(e) All sales made under the authority of this act shall be subject to the limitations and restrictions of section 9 of the shipping act of 1916 as amended: Provided, however, That the ship known as the Leviathan, now being reconditioned, shall not be sold for a price less than the cost of reconditioning the vessel nor at all without the approval of Congress first

had and obtained."

Sec. 2. (a) Section 7 of the merchant marine act, 1920, is amended by inserting after the first previse thereof the following: "Provided further, That domestic communities primarily interested in such lines shall be understood to mean the geographical divisions of the coast lines of the United States known as the North Atlantic, South Atlantic, Gulf, and Pacific coasts, together with the particular ports from which such lines may run or be intended to run and the territorial regions and zones naturally tributary to such ports and coastal divisions: Provided further. That the board shall not for the period of two years after the enactment of the merchant marine act, 1922, sell vessels operating on routes established by the board prior to the enactment of this act to persons other than those who in the judgment of the board have the support, financial and otherwise, of the domestic communities primarily interested in such lines": Provided further, That the board shall not establish any discriminatory rates or permit and discriminatory rates or permit any discriminatory rates or permit and discriminatory rates or permit any discriminatory rates or permit and discriminatory rates or permit any discriminatory rates or permit and discriminatory rates or permit and discriminatory rates or permit and discrim natory rates as between ports along the Atlantic seaboard; all rates from such ports to be on a parity.

(b) Such section is further amended by adding at the end

thereof a new paragraph to read as follows:

"It is hereby declared to be the policy of Congress to discourage monopoly in the American merchant marine, and in pursuance of this policy the board is directed, in the development of its sales and its assignment policy, to continue as far as possible and practicable, subject to the provisions of this section, all existing steamship routes and regular services, and to endeavor in every way to bring about the permanent establishment of such routes and services, and their retention, as far as possible, in the hands of persons having the support, financial and otherwise, of the domestic communities primarily interested in such routes and services. In carrying out the provisions of this section the board is directed to investigate fully all matters in connection therewith, and to conduct hearings at which the persons interested in such communities may have the opportunity to express their views as to the course to be pursued by the board and the methods to be adopted in carrying out the policy herein prescribed."

SEC. 3. Section 9 of the merchant marine act, 1920, is amended to read as follows:

SEC. 9. That if the terms and conditions of any sale of a vessel made under the provisions of this act include deferred payments of the purchase price, the board shall require, as a part of such terms and conditions, in order to protect and secure the equity of the United States for such unpaid purchase money, that the purchaser of the vessel and his successor in title shall keep the same insured (a) against loss or damage by fire, and against marine risks and disasters, and war and other risks if the board so specifies, with such insurance companies, associations, or underwriters, or with the separate insurance fund to the extent authorized by section 10 of this act, and under such forms of policies and to such an amount as the board may prescribe or approve; and (b) by protection and indemnity insurance, if the board so specifies, with such insurance companies, associations, or underwriters, or with the separate insurance fund to the extent authorized by section 10 of this act, and under such forms of policies and to such an amount as the board may prescribe or approve. The in-surance required to be carried under this section shall be made payable to the board and/or to the parties as interest may The board is authorized to enter into any agreement that it deems wise in respect to the payment and/or the guaranty of premiums of insurance."

SEC. 4. Section 10 of the merchant marine act, 1920, is

amended to read as follows:

"SEC. 10. That the board may create out of revenue from operations and sales, and maintain and administer, a separate insurance fund, which it may use to insure in whole or in part, for the account of whom it may concern, against all hazards covered by insurance in such cases, for an amount not exceeding any interest or equity of the United States therein (a) any vessel either constructed or in process of construction, and any obligation or liability in connection therewith; except that whenever the obligation rests upon any person, other than the United States, to place any such insurance or to pay the premium therefor, such insurance may be placed in the insurance fund only in case the rates obtainable for such insurance from foreign insurance companies are lower than those obtainable from American insurance com-panies, and (b) any plants or materials heretofore or hereafter acquired by the board or hereby transferred to the board."
SEC. 5. Section 11 of the merchant marine act, 1920, is

amended to read as follows:

SEC. 11. (a) That there is hereby established in the Treasury a revolving fund to be known as the 'United States Shipping Board construction loan fund' (hereinafter in this section called the 'loan fund'). There shall be covered into the loan fund all moneys which at the time of the enactment of the merchant marine act, 1922, are in the fund created by this section as in force before its amendment by such act; and the board may set aside and cover into the loan fund all receipts of the board, except appropriations made by law and profits of the board from the operation of vessels; but the total amount of moneys covered into the loan fund (other than payments upon the principal and interest upon loans made there-from) shall not exceed \$125,000,000.

"(b) The board may use the loan fund, to such extent as it deems necessary, for making loans to aid persons, citizens of the United States, (1) in the construction by them in the private shipyards of the United States of vessels of the best and most efficient type equipped with the most efficient and the most economical machinery and commercial appliances, or (2) in the equipping by them of vessels already built with such machinery and commercial appliances: Provided, That this section shall not apply to the construction or equipment of vessels by corporations or individuals primarily for the purpose of transporting their own products, and no loan shall be made unless it has the sanction of at least five out of the seven members of the board, the names of those voting for the loans to be

spread upon the minutes of the board.

(c) No loan shall be made for a longer time than 15 years. All loans shall bear interest, payable at least annually, upon the unpaid principal at a rate not less than 5 per cent per annum. No loan shall be made (1) in the case of a loan for construction purposes for a greater sum than one-half of the cost of the vessel to be constructed, nor (2) in the case of a loan for equipment purposes for a greater sum than one-half of the cost of the equipment or one-half of the value of the vessel when thus reequipped, whichever is the lesser. The board shall require such security for the loan, including a first lien upon the entire interest in the vessel with reference to which the loan

is made, as it deems necessary in order to insure the repayment of the loan with interest. In case of a loan under this section made after the enactment of the merchant marine act, 1922, all payments upon the principal and interest of the loan shall be covered into the loan fund."

SEC. 6. (a) Section 24 of the merchant marine act, 1920, is

amended to read as follows:

"Sec. 24. That all mails of the United States shipped or carried on vessels shall, if practicable, be shipped or carried on vessels documented under the laws of the United States which are not ineligible under subdivision (c) of section 406 of the merchant marine act, 1922, to receive compensation under Title IV of such act (hereinafter in this section referred to as qualifled vessel). No contract hereafter made with the Postmaster General for carrying mails on qualified vessels shall be assigned or sublet, and no mails covered by such contract shall be carried on any vessel not so qualified. No money shall be paid out of the Treasury of the United States on or in relation to any such contract for carrying mails on qualified vessels when such contract has been assigned or sublet or when mails covered by such contract are in violation of the terms thereof carried on any vessel not so qualified."

(b) Section 7 of the merchant marine act, 1920, is amended by striking out so much thereof as reads as follows: "The Postmaster General is authorized, notwithstanding the act entitled 'An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce, approved March 3, 1891, to contract for the carrying of the mails over such lines at such price as may be agreed upon by the

board and the Postmaster General.'

(c) The act entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," approved March 3, 1891, is repealed.

TONNAGE DUTIES.

Sec. 7. After 30 days from the enactment of this act all amounts required to be levied, collected, and paid as tonnage duties, tonnage taxes, or light money, except such amounts as are required to be paid into the Treasury of the Philippine Islands, shall be double the amounts which would be required to be levied, collected, and paid if this act had not been enacted. This section shall not apply in the case of a sailing vessel (as defined in sec. 405) of less than 1,000 gross tons, or in the case of any other kind of vessel of less than 1,500 gross tons.

TITLE II .- TRANSPORTATION OF IMMIGRANTS BY WATER,

Sec. 8. As nearly as practicable three-fourths of the total number of immigrants admitted to the United States in any fiscal year shall be transported in vessels registered or enrolled and licensed under the laws of the United States.

The Commissioner General of Immigration, with the approval of the Secretary of Labor, shall make regulations necessary for the enforcement of section 301. All such regulations, in so far as they relate to the administration of such section by diplomatic or consular officers of the United States, shall be

subject to the approval of the Secretary of State.

Section 301 shall not take effect as to immigrants transported in a vessel documented under the laws of any foreign country until a time fixed by proclamation of the President. ident is authorized and directed, whenever in his opinion the provisions of this title or of regulations made thereunder, are or may be in conflict with treaties or conventions with a foreign country, to take such steps as may, in his opinion, be necessary to remove such conflict. Whenever, in his opinion, no such conflict exists in the case of any country he shall so proclaim, and the provisions of this title and regulations made thereunder shall take effect in the case of immigrants transported in vessels documented under the laws of such country at the time

specified in his proclamation therefor.

The term "United States" as used in this title in a geographical sense means the several States, the Territories of Alaska and Hawaii, the District of Columbia, Porto Rico, and the Vir-

gin Islands.

TITLE III .- ARMY AND NAVY TRANSPORTS.

SEC. 9. Whenever in the judgment of the President adequate transportation facilities to meet any or all of the needs of the Army, Navy, or Marine Corps are afforded by vessels registered, or enrolled and licensed, under the laws of the United States, he may direct the discontinuance in whole or in part of the transport service of either the Army or the Navy and transfer to the board or place out of commission any of the vessels now or hereafter engaged in either of such services. Whenever such disposition is made, the Secretary of War and the Secretary of the Navy, respectively, are authorized and directed to enter into contracts with owners of vessels registered, or enrolled and

licensed, under the laws of the United States, for such transportation as may be required by the Army, the Navy, or the Marine Corps, respectively. Such contracts may be for a term The board shall furnish whatever assistance may of 10 years. be necessary in the making of such contracts. There is hereby authorized to be appropriated such sums as are necessary to meet the payments required under such contracts.

TITLE IV .- PROVISIONS RELATING TO RAIL AND WATER TRANSPORTATION. DEFINITIONS.

SEC. 10. As used in this title the term "commission" means the Interstate Commerce Commission.

INTERRELATIONS OF RAIL AND WATER TRAFFIC.

(a) It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation, and the board and the commission are hereby severally authorized, empowered, and directed to cooperate to that end.

(b) The board and the commission are authorized and directed to create a joint board, selected from among their members, officers, and employees, to study the conditions and interrelations of rail and water traffic, questions relative to the control, improvement, and extension of ocean freight terminals, and the principles and methods essential to accomplishing the policy declared in subdivision (a).

(c) The joint board shall appoint a secretary who shall keep minutes of its meetings, which minutes shall be furnished to the members of the board and of the commission. The joint board shall hold regular semimonthly and such additional meetings as may be necessary to transact properly its business.

(d) The joint board shall formulate and make such recommendations to the board and the commission, not inconsistent with law, pertaining to the interrelations of rail and water traffic, as it deems necessary to accomplish the policy declared in subdivision (a). The board shall make effective, by such means as are granted it by law, any such recommendation upon any matter within its jurisdiction, if such recommendation is approved by the board. The commission shall have a like duty as to any such recommendation upon any matter within its jurisdiction.

(e) None of the provisions of this section shall be construed to affect the power or jurisdiction of the commission, or to confer upon the board concurrent power or jurisdiction over any matter within the power or jurisdiction of the commission.

EXPORT BILLS OF LADING.

Sec. 603. Paragraph (4) of section 25 of the interstate commerce act, as amended, is amended by adding at the end thereof a new section, to read as follows: "In making rules and regulations prescribing the form of such through bills of lading, the commission shall adopt as the portion thereof governing the carriage of goods by water in foreign commerce such form as may be certified to the commission by the United States Shipping Board for such purpose."

RAIL-OWNED WATER LINES.

Sec. 604. Paragraph (9) of section 5 of the interstate commerce act, as amended, is amended by striking out the period at the end thereof and inserting in lien thereof a colon and the following: "Provided, That the foregoing provisions of this paragraph shall not apply in any case where such common carrier by water or such vessel is engaged exclusively (a) in trade (other than with foreign contiguous territory) not included in the coastwise trade, or (b) in trade between ports in the United States and ports in the Philippine Islands, but this proviso shall not apply in any case where such common carrier by water or such vessel is engaged exclusively in trade upon any of the rivers or canals of the United States."

AGREEMENTS BETWEEN CARRIERS AFFECTING WATER TRANSPORTATION. SEC. 605. Section 15 of the shipping act, 1916, is amended to read as follows:

"SEC. 15. (a) That every common carrier by water, or other person subject to this act, shall file immediately with the board a true copy, or, if oral, a true and complete memorandum of every agreement with another such carrier or other person subject to this act, or modification or cancellation thereof, to which it may be a party or conform in whole or in part, fixing or regulating transportation rates or fares; giving or receiving special rates, accommodations, or other special privileges or advantages; controlling, regulating, preventing, or destroying competition; pooling or apportioning earnings, los or traffic; allotting ports or restricting or otherwise regulating the number and character of sailings between ports; limiting

or passenger traffic to be carried; providing warehousing, docking, or other terminal facilities; providing that the one carrier shall act in any manner as agent or representative of the other carrier; or in any manner providing for an exclusive, preferential, or cooperative working arrangement.

"(b) Every common carrier by water shall file immediately with the board a true copy, or, if oral, a true and complete memorandum, of every agreement with a common carrier by railroad subject to the provisions of the interstate commerce act, as amended, or modification or cancellation thereof, to which it may be a party or conform in whole or in part, relating to the interchange of freight or passengers, or the making of joint or through rates, or providing warehousing, docking, or other terminal facilities, or providing that the one carrier shall act in any manner as agent or representative of the other carrier, or in any manner providing for a cooperative working arrangement between the two carriers. In all such cases the common carrier by railroad shall also have a like duty. The provisions of this subdivision shall apply only to agreements relating to passengers or property transported or to be transported to or from a foreign country or the Philippine Islands from or to a port or other place in the United States.

"(c) The term 'agreement' as used in this section includes

understandings, conferences, and other arrangements.

"(d) The board may by order disapprove, cancel, or modify any agreement, or any modification or cancellation thereof, whether or not previously approved by it, that it finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be in violation of law, or to be otherwise detrimental to the interest and welfare of the United States, and shall approve all other agreements, modifications, or cancellations.

"(e) Agreements existing at the time of the enactment of the merchant marine act, 1922, shall be lawful until disapproved by the board. It shall be unlawful to carry out any agreement or

any portion thereof disapproved by the board.

"(1) All agreements, modifications, or cancellations made after the enactment of the merchant marine act, 1922, shall be lawful only when and as long as approved by the board, and before approval or after disapproval it shall be unlawful to carry out in whole or in part, directly or indirectly, any such agreement, modification, or cancellation.

"(g) Every agreement, modification, or cancellation lawful under this section shall be excepted from the provisions of the act entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890, and amendments thereof and acts supplementary thereto, and the provisions of sections 73 to 77, both inclusive, of the act entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' approved August 27, 1894, and amendments thereof and acts supplementary thereto.

"(h) Whoever violates any provision of this section shall be liable to a penalty of \$1,000 for each day such violation continues, to be recovered by the United States in a civil

SEC. 606. Paragraph (d) of paragraph (13) of section 6 of the interstate commerce act, as amended, is amended to read as follows:

"(d) If any carrier by railroad subject to this act enters into arrangements lawful under section 15 of the shipping act, 1916, as amended, with any carrier by water operating from a port in the United States to a foreign country, for the handling of through business between interior points of the United States and such foreign country, the commission may require such carrier by railroad to enter into similar arrangements with any or all other carriers by water operating from such port to the same foreign country, but such arrangements shall be subject to the provisions of section 15 of the shipping act, 1916, as amended."

JOINT OR PROPORTIONAL RATES.

SEC. 807. Section 28 of the merchant marine act, 1920, is amended to read as follows:

"SEC. 28. (a) That no common carrier shall charge, collect, or receive, for transportation subject to the interstate commerce act, as amended, of passengers or property, under any joint rate, fare, or charge, or under any export, import, or other proportional rate, fare, or charge, which is based in whole or in part on the fact that the passengers or property affected thereby are to be transported to, or have been transported from, any port in a possession or dependency of the United States, or in a foreign country, by a carrier by water or regulating in any way the volume or character of freight in foreign commerce, any lower rate, fare, or charge than that

charged, collected, or received by it for the transportation of passengers, or of a like kind of property, for the same distance, in the same direction, and over the same route, in connection with commerce wholly within the United States, unless the vessel so transporting such passengers or property is, or unless it was at the time of such transportation by water, documented under the laws of the United States.

"(b) Whenever the board is of the opinion, however, that adequate shipping facilities to or from any port in a possession or dependency of the United States or a foreign country are not afforded by vessels so documented, it shall certify this fact to the Interstate Commerce Commission, and the commission shall, by order, suspend temporarily the operation of the provisions of this section with respect to the rates, fares, and charges for the transportation by rail of passengers and property transported from, or to be transported to, such ports.

"(c) Such suspension of operation of the provisions of this section shall be terminated upon 30 days' notice, given in accordance with the requirements of section 6 of the interstate commerce act, as amended, by order of the commission whenever the board is of the opinion that adequate shipping facilities by such vessels to or from such ports are afforded and so

certifies to the commission.

"(d) Whenever the board and the commission are both of opinion, and certify, that putting into effect or keeping in effect the provisions of this section will result in unjust discrimination between ports of the United States or commerce accustomed to move through such ports, or in materially changing the channels of transportation within the United States, or in unduly congesting one or more of the ports of the United States, the commission shall, by order, suspend the operation of said provisions until such time as it and the board reach a contrary conclusion in the premises, whereupon such suspension shall, by order, be terminated by the commission upon 30 days' notice as hereinbefore provided for the termination of other suspensions."

TITLE VII.—MISCELLANEOUS PROVISIONS.

SEC. 11. Any officer, employee, or agent of the United States, including legislative, judicial, diplomatic, and consular officers, and officers serving in the military or naval forces of the United States, traveling by water, when the expense of such passage is chargeable directly or indirectly to the United States, shall when practicable travel in a public vessel of the United States or a vessel registered, or emolled and licensed, under the laws of the United States. When passage in such a vessel is not practicable, the voyage may be made in a vessel under a foreign flag only when specifically ordered by the head of the department or other Government establishment concerned, or upon order specifically approved by such head of department or other Government establishment, who shall as promptly as possible report each such voyage made in a vessel under a foreign flag, together with the reasons showing necessity therefor to the board.

(b) Any person subject to the provisions of subdivision (a) who fails to comply therewith in respect to the passage taken shall not be reimbursed for such passage money, or shall be surcharged in his accounts with the United States with the

amount thereof, as the case may require.

TRANSPORTATION OF GOVERNMENT SUPPLIES.

SEC. 12. All goods, wares, merchandise, and material of every nature (including supplies for the military or naval forces of the United States) belonging to or intended for the United States, transported by water, shall when practicable be shipped in a public vessel of the United States or a vessel registered, or enrolled and licensed, under the laws of the United States. When shipment in such a vessel is not practicable and the shipment is made in a vessel under a foreign flag, it shall be the duty of the officer, employee, or agent of the United States authorizing or making the shipment, within one month thereafter, to mail a written notice to the board, stating the ports of departure and destination, the date, the name of the vessel, and the reason why the shipment was not made in a public vessel or a vessel registered, or enrolled and licensed, under the laws of the United States.

Sec. 13. Whereas in section 34 of the merchant marine act passed by the Congress and approved June 5, 1920, the President was "authorized and directed within 90 days after this act becomes law to give notice to the several governments, respectively, parties to such treaties or conventions, that so much thereof as imposes any such restrictions on the United States will terminate on the expiration of such periods for the giving of such notice by the provisions of such treaties or conventions"; and

Whereas the President of the United States refused and failed to give notice as required by said act of Congress to the nations affected by said section; and

Whereas treaties with the following countries, together with the dates of conclusion of such treaties, are within the intent of section 34 of said merchant marine act of 1920: Argentine Republic, July 27, 1853; Belgium, March 8, 1875; Bolivia, May 13, 1858; Borneo, June 23, 1850; China, November 17, 1880, and October 8, 1903; Colombia, December 12, 1846; Costa Rica, July 10, 1851; Denmark, April 26, 1826; Ethiopia, June 27, 1914; Honduras, July 4, 1864; Italy, February 25, 1871; Liberia, October 21, 1862; Muscat, September 21, 1833; Netherlands, August 26, 1852; Norway, July 4, 1827; Ottoman Empire, May 7, 1830; Paraguay, February 4, 1859; Persia, December 13, 1856; Serbia, October 14, 1881; and Spain, July 3, 1902; and the treaty of commerce and navigation, concluded with France on June 24, 1822; and

Whereas the said conventions are no longer responsive in various respects to the commercial needs of the several countries:

Therefore be it enacted that the Secretary of the Senate and the Clerk of the House of Representatives shall, within 90 days after the passage of this act, give notice to each of said nations as required in said conventions by leaving a copy of this act with the diplomatic representatives of each of said countries in Washington, or by mailing to the officer conducting the foreign affairs of each of said countries, a copy each of this act.

Be it enacted further, that within the time limit mentioned in each convention after said notice is received by the diplomatic representatives at Washington of each of said countries, or after said notice has been received by the officer conducting the foreign affairs of each of said nations, the said conventions and each of them between the United States and each of said countries of dates mentioned herein are hereby entirely abrogated and annulled, as provided for in said conventions.

Be it enacted further, that the President is hereby requested, upon the abrogation of the said treaties, or any of them, to negotiate with the diplomatic representatives of said countries, in lieu of said conventions hereby abrogated, a new convention more in consonance between the United States and the

said several countries.

Sec. 14. Whereas the convention between the United States and Great Britain, concluded on the 22d day of December, 1815, and extended by amendatory commercial convention ratified April 2, 1828, between said countries, provides in Article II of the amended convention, "Either of the contracting parties, in case either should think fit, at any time after the expiration of the said 10 years—that is, after the 20th of October, 1828—on giving due notice of 12 months to the other contracting party to annul and abrogate this convention, and it shall, in such case, be accordingly annulled and abrogated after the expiration of the said term of notice"; and

Whereas in section 34 of the merchant marine act passed by the Congress and approved June 5, 1920, the President was "authorized and directed within 90 days after this act becomes law to give notice to the several Governments, respectively, parties to such treaties or conventions, that so much thereof as imposes any such restrictions on the United States will terminate on the expiration of such periods for the giving of such notice by the provisions of such treaties or conventions"; and

Whereas the President of the United States refused and failed to give notice as required by said act of Congress; and

Whereas in the opinion of the Congress the convention aforesaid discriminates against the trade and commerce of the United States; and

Whereas in any event said convention is no longer responsive in various respects to the commercial needs of the two countries:

Therefore be it enacted that the Secretary of the Senate and the Clerk of the House of Representatives shall, within 90 days after the passage of this act, give notice to Great Britain, as required in said conventions as amended, by leaving a copy of this act with the British Ambassador to the United States, or by mailing to the Secretary of State for Foreign Affairs of Great Britain, London, England, a like copy of this act;

Be it enacted, that 12 months after said notice is received by the British Ambassador, or by the Secretary of State for Foreign Affairs of Great Britain, the said convention between the United States and Great Britain, of date December 22, 1815, as amended by the said convention of date of April 2, 1828, is hereby entirely abrogated and annulled, as provided in Article II of said amended convention ratified April 2, 1828;

Be it further enacted, that the President is hereby requested upon the abrogation of the said treaty as amended to negotiate with Great Britain in lieu of the convention hereby abrogated a convention more in consonance with modern conditions of trade and commerce between the two countries.

TITLE VI

SEC. 15. The Secretary of the Treasury is hereby authorized and directed to set aside upon receipt of 5 per cent of the amount of all custom duties paid under law in force at the time of the enactment of this act or under laws subsequently enacted on all goods, wares, and merchandise imported in ships of the United States, and to pay out the same to the importers of goods, wares, and merchandise which shall be imported in such vessels of the United States, said sums to be paid in proportion to the duty collected on the goods thus imported by each importer: Provided, That these payments shall not be made prior to a day 15 months after the passage of this act, at which time the treaties mentioned in sections 13 and 14 of this act shall have been abrogated and annulled by this act, unless it shall be determined finally by the courts that this section is not affected by said treaties: Provided further, That no such sums shall be paid to any importer who imports any goods now on the free list, or which may hereafter by law be put upon the free list, in vessels other than in those of the United States, and the Shipping Board shall establish rules and regulations by which the fact of importation of goods on the free list shall be determined: And provided further, That persons traveling and returning to the United States bringing goods, wares, or merchandise with them, shall likewise be entitled to 5 per cent of the duties paid by them: And provided further, That this section shall not apply to importers transporting their own products in their own vessels.

REPORTS BY SHIPPING BOARD.

Sec. 16. The second paragraph of section 12 of the shipping

act, 1916, is amended to read as follows:

"It shall, on or before the 1st day of December in each year, make a report to the Congress, which shall include its recommendations and the results of its investigations, a summary of its transactions, a statement of all expenditures and receipts (including the merchant marine fund and the construction loan fund), and of the operations of the Emergency Fleet Corporation and of any corporation which is managed or controlled by the board, and the names and compensation of all persons employed by the board."

HOME PORT OF VESSEL OF UNITED STATES.

SEC. 704. (a) The Secretary of Commerce is authorized to designate such ports of entry as he deems advisable as ports of

documentation for vessels.

(b) For the purposes of section 30 of the merchant marine act. 1920, and of the navigation laws, the home port of a vessel shall be that port of documentation at or nearest to, and in the same customs district as, the place at which there is conducted the greater part of the vessel business of the owner of the vessel. except that the Secretary of Commerce shall by regulation pre-scribe the home port in cases where he finds that the above rule is not applicable, including among other cases the case of vessels owned by the United States or any governmental agency thereof, the case of vessels not engaged in trade, and the case where there is no port of documentation in the same customs district as the place at which the greater part of the vessel business of the owner is conducted. The decision of the Secretary of Commerce as to the home port of a vessel shall be final. Nothing in this section shall be held to repeal section 4178 of the Revised Statutes, as supplemented.

Sec. 705. Subsection B of section 30 of the merchant marine

act, 1920, is amended to read as follows:
"Subsection B. When used in this section—
"(1) The term 'document' means certificate of registry or enrollment and license, whether permanent or temporary, but does not include a provisional certificate of registry;

"(2) The term 'port of documentation' when applied to any vessel means the home port of that vessel as shown in its docu-

ments:

"(3) The term 'vessel of the United States' means a vessel having a document issued under the laws of the United States, and for the purposes of this section such vessel shall be held to continue to be a vessel of the United States until the document is surrendered with the approval of the board; and

"(4) The term 'mortgagee' in case of a mortgage involving a trust deed and a bond issue thereunder means the trustee designated under the deed."

Sec. 706. Section 4141 of the Revised Statutes is amended to read as follows:

"Sec. 4141. Every vessel, except as otherwise provided by law, shall be registered by the collector of customs at the home port of the vessel."

Sec. 707. Subdivision (a) of subsection O of section 30 of the merchant marine act, 1920, is amended to read as follows

Subsection O (a). The documents of a vessel covered by a preferred mortgage may not be surrendered without the approval of the board, except (1) in the case of forfeiture of the vessel or its sale by order of any court of the United States or any foreign country, or (2) in case of the renewal of the documents without change in ownership of the vessel, or (3) in case of change of documents incident to change of trade but without change in ownership of the vessel. The board shall refuse its approval unless the mortgagee consents to the surrender."

SURRENDER OF DOCUMENTS.

SEC. 708. Section 42 of the shipping act, 1916, is amended to

read as follows:
"Sec. 42. That any vessel registered, enrolled, or licensed under the laws of the United States shall be deemed to continue to be documented under the laws of the United States within the meaning of section 9 and of subdivision (b) of section 37 until such registry, enrollment, or license is surrendered, with the approval of the board, the provisions of any other act-of Congress to the contrary notwithstanding."

REGULATIONS.

Sec. 709. Except where otherwise specifically provided in this act, the board may make such regulations in respect to matters placed under its jurisdiction by this act as it deems necessary in order to make effective the intent and purposes of this act.

SEPARABILITY.

Sec. 710. If any provision of this act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application thereof to other persons and circumstances shall not be affected thereby.

SHORT TITLE.

SEC. 711. This act may be cited as the "merchant marine act, 1922."

Sec. 17. It is hereby declared the policy of the Congress that all the ships now owned by the Government under the direction of the Shipping Board shall be operated for a period of 10 years, either directly by the Shipping Board or by leasing to independent operators under such terms as the board shall prescribe, to the end that the American merchant marine may be established upon a firm and enduring foundation, provided that no ship shall be leased at a loss to the Government.

And the Shipping Board is hereby directed to establish trade routes and trade connections as rapidly as possible and wherever in its judgment paying routes can be maintained and to utilize every ship that it can utilize without loss to the Govern-The Shipping Board is further directed to make a list of such ships as it does not believe can be profitably utilized by the Government or its lessees and make its recommendation in reference to the disposition thereof to the Congress at its December, 1923, session, giving full data as to each ship recommended to be sold to others than American citizens.

ORDER OF BUSINESS.

Mr. NORRIS. Mr. President, I ask unanimous consent, out of order, to make a report from the Committee on Agriculture and Forestry

The VICE PRESIDENT. Without objection, it will be re-

The READING CLERK. From the Committee on Agriculture and Forestry, the Senator from Nebraska reports back favorably House bill 10819, relating to the Department of Agriculture.

Mr. ROBINSON. What is the request? The VICE PRESIDENT. The bill will be placed on the

Mr. WILLIS obtained the floor.

Mr. ROBINSON. Mr. President, I announced earlier in the day that under the arrangement under which we were doing business here, unanimous consent would not be granted this evening for the consideration of other business than the pending bill, and I shall be compelled to persist in that attitude. If the report has already been received, of course I will not ask the Senate to rescind its action; but further requests for unanimous consent can not be granted.

The VICE PRESIDENT. The Chair perhaps did not make adequate announcement. The Chair will rule that if the Senator objects, the report can not be received.

Mr. ROBINSON. I object. Mr. WILLIS. Mr. President-

Mr. NORRIS. Mr. President, will the Senator permit me? Was there objection to the reception of the report?

The VICE PRESIDENT. There was.

Mr. ROBINSON. Mr. President, I announce now, to save Senators inconvenience, that having pursued throughout the day the policy of objecting to unanimous-consent requests, no unanimous consent will be granted this evening. Senators can, of course, take the floor and submit their requests, but I shall object. Ample opportunity will be afforded, under the arrangement that has already been effected, to take up these matters during the morning hour to-morrow.

A number of Senators who were assured that this arrangement would be executed have left the Chamber, and in good faith I shall be compelled to object to the transaction of any

business this evening by unanimous consent.

Mr. McNARY. Mr. President, a parliamentary inquiry. The VICE PRESIDENT. The Senator from Oregon will

state his inquiry.

Mr. McNARY. I have a very important bill on the calendar to standardize hampers and fruit baskets. I desire to know if a motion to take up that bill would be in order at this time?

Mr. FLETCHER. It would not, of course.

Mr. NORRIS. Why would it not?

Mr. FLETCHER. There is a motion pending now.

Mr. CURTIS. There is a motion pending.

Mr. McNARY. Mr. President, would such a motion be in order?

The VICE PRESIDENT. There is a motion pending. PROHIBITION ENFORCEMENT.

Mr. WILLIS. Mr. President, I think I have the floor, if I have not lost it.

The VICE PRESIDENT. The Senator from Ohio is entitled to the floor.

Mr. WILLIS. I do not desire to submit any request. desire to discuss a matter that has been discussed before the

Senate this afternoon.

A short time ago the distingushed and able Senator from Kentucky [Mr. Stanley] made some remarks in which he referred to an address that was made by Dr. Nicholas Murray Butler in Columbus, Ohio. That address is already in the RECORD, having been placed in the RECORD at the request of the junior Senator from Louisiana [Mr. Broussard]. I have no request to make touching that. That address speaks for itself; but, just so that there can not be any doubt as to the attitude of the Bar Association of Ohlo or the impression that was made by the address of Doctor Butler, I desire to read in my own time the resolution that was adopted there. It was a reiteration of the resolution previously adopted by the American Bar Association touching the matter of law enforcement.

Doctor Butler has made remarks indicating that the law could not be enforced. He quotes with approval such language

as this:

Suppose that the State has exceeded its rights by prohibiting some harmless act, such as the consumption of alcohol. Is smuggling in such a case morally justifiable? I should say yes; the interference of the State in such matters is a mere impertinence.

And so on. He expresses that idea at different points in the address; and I suppose from that the Senator from Kentucky gains the impression, which he states, that Doctor Butler is one of the bright, shining lights of the dry cause. However that may be, after he got through with this address, in which an effort was made to make it appear that the law not only was not enforced but could not be enforced and ought not to be enforced, even though it was a part of the Constitution, this resolution was reiterated and readopted by the association which he addressed:

Reverence for law and enforcement of law depend mainly upon the ideals and customs of those who occupy the vantage ground of life in business and society. The people of the United States by solemn constitutional and statutory enactment have undertaken to suppress the age-long evil of the liquor traffic. When for the gratification of their appetites or the promotion of their interests, lawyers, bankers, great merchants, and manufacturers and social leaders, both men and women, disobey and sooff at this law or any other law, they are aiding the cause of anarchy and promoting mob violence, robbery, and homicide; they are sowing dragon's teeth and they need not be surprised when they find that no judicial or police authority can save our country or humanity from reaping the harvest.

That resolution was readopted and reaffirmed and reiterated and this resolution added:

Now, therefore, we

And this was adopted after the great address by Doctor Butler, showing the impression that was made thereby—

Now, therefore, we, the State bar association, hereby reaffirm the above declaration and place ourselves unreservedly in favor of enforcement of law and opposed to anarchy and organized disobedience to law in any form and recognize our duties as officers of the courts of the State to use our influence in favor of the enforcement of the law and the encouragement of respect therefor.

I submit, therefore, Mr. President, that whatever impression the address may have made on my friend from Kentucky, it certainly did not impress the members of the bar association of my State, as evidenced by the fact that they immediately proceeded to adopt a resolution calling in question the attitude of Doctor Butler upon the matter.

Mr. STANLEY. Mr. President, I can not see the relevancy of the resolution adopted by the Ohio Bar Association to the address delivered before it. If the learned Senator from Ohio has read into the great address of the president of Columbia University any encouragement to law violation or any disregard for the Constitution of his country, he has found in the address something which I have failed to see.

Mr. WILLIS. Mr. President, will the Senator permit an

interruption at that point?

Mr. STANLEY. Certainly.
Mr. WILLIS. I want the Senator's opinion upon this language. I think he was not on the floor of the Senate when I read it. Doctor Butler quoted with approval this language:

Suppose that the State has exceeded its rights by prohibiting some harmless act, such as the consumption of alcohol. Is smuggling in such a case morally justifiable? I should say yes; the interference of the State in such matters is a mere impertinence.

The question I propound to the Senator is this: This having been written into the Constitution, when a great leader of educational thought in the country like Doctor Butler quotes with approval language that says that it is not wrong to smuggle, to violate that law, does he not regard that as a pretty strong suggestion to the people that they can violate the laws with impunity?

Mr. STANLEY. I will answer that question by asking one. The Senator implies that in the present act interdicting the use of medicinal alcohol when brewed the State has interdicted a perfectly harmless thing. Of course, if the Senator believes that the use of alcohol is a perfectly harmless thing, then he has a perfect right to complain of the language of Doctor Butler.

Mr. WILLIS. That is not my language.

Mr. STANLEY. But if it is not a perfectly harmless thing. there is no analogy between the statement of Doctor Butler and

the conclusions of the Senator from Ohio.

Mr. WILLIS. Mr. President, I did not desire at this late hour in the evening to engage in a discussion with my friend. What I am getting at is this: Without going into the merits of whether or not this should be the law, it is the law and it is the Constitution, and Doctor Butler made a speech the evident purpose of which was to create the impression that if you do not like the law you are justified in disobeying it. That did not make a hit with the bar association of my State, as evidenced by the resolution which I have just read.

Mr. CALDER. Mr. President, does the Senator from Ohio

say that Doctor Butler urged that the law be violated?

Mr. WILLIS. I read to the Senate-I think the Senator was here—a sentence or two from the speech of Doctor Butler. All of his speech is in the RECORD. I have read it all. It is in the RECORD at page 3857 and following. That is the impression that I get from it. Let me read a sentence to the Senator. If the Senator from Kentucky will permit me, in talking about the majority that was given for the constitutional amendment, he says:

The majority is not always right, nor is its verdict final.

Of course, there is no objection to that.

The Old Testament records a leading case in which 450 prophets of Baal were worsted single handed by the prophet Elijah, who had God and right on his side.

Mr. STANLEY. Is there any objection to that?
Mr. WILLIS. The objection I make to it is the evident intent

of Doctor Butler, and the only purpose he could have had in view, to say to the people he was addressing, and the people of the country generally, that God and the Prophet Elijah were on the side of the wets. That is what he intended to say, and I do Does the Senator? not believe it.

Mr. STANLEY. I never heard anything about Elijah's atti-

tude on prohibition.

Mr. WILLIS. I never did, either, until I read it in Doctor

Butler's speech.

Mr. STANLEY. I know this. Suppose a man should come into this community, into this Senate, into this town, and attend a wedding feast and turn water into wine; you would send him to jail. There was a fair-haired Nazarene who did that. I do not mean by that to intimate that the Savior was on the side of the wets. I mean to intimate that a man is sneered at if he rises here and says that no petty officer, no constable, no sleuth, shall be allowed to disregard the writ of habeas corpus, to disregard the fourth amendment to the Constitution of the United States, to disregard that right which is as instinctive as the love

of life and liberty in every scion of the Saxon race, outside of a few blinded by their own misguided zeal, for there are few in this country who do not believe that a man's home is his castle and that its sanctity should not be invaded by any except an officer of the law armed and authorized by the due processes

What I am urging is not an objection to the eighteenth amendment, not an objection to any law calculated to enforce it. I believe that the Constitution of the United States should be enforced from alpha to omega. No officer of the law, no one in Congress or on the bench, from the highest to the lowest, can call God to witness that he will obey that law, that he will preserve, protect, and defend it, and then fail to do it without

blackening his soul with perjury.

I go further, and I say that you swear allegiance not to 1 amendment, but to 19 amendments; not to the amendments only, but to the organic law itself, which is the ark of the covenant, and I say that when men rise, as Nicholas Murray Butler has risen, as sacred ministers of God have risen, with their white vestments upon their shoulders, in the only temple that is more sacred than a temple of justice-a temple of the most high God-and abjure their countrymen to preserve the rights for which men have fought and bled and died in battle, for which saints have prayed upon bended knees, for which sages have thought and labored, then you rise with a cynical sneer and "If you are in favor of any part of the Constitution interfering with any of our little enforcement officers, or deputies, or subdeputies, or sleuths, then you are a wet; and if you quote the Bible, it is a sin. If you talk about Elijah or Christ, you are a pagan. Away with you, and away with the Constitution, and away with everything that does not suit our propaganda and our determination to do as we please with the people of this country, without regard to constitutional rights."

Judges upon the bench have been denounced for their findings as a "horde of scoundrels" by men obsessed with this idea. Nobody can escape. Ministers of the Gospel, judges upon the bench, great heads of papers, anybody who stands in the way of this propaganda must be damned and denounced, or, if not,

must be the subject of cynical sneers and cheap wit.

I am as much in favor of enforcing the Constitution, yea, more so, than the Senator from Ohio. I have never talked about a cheap constitutional right as being a little thing to protect boot-I have never stood in this Chamber and stepped upon the Constitution of my country, and sneered at things for which men have endured martyrdom. This right to protect the home, this right not to be put twice in jeopardy, this right not to be forced to testify against yourself, this immunity of person and property are sacred, not because they are in the Constitution, they were put in the Constitution because they were sacred.

Men have perished in lonely and loathsome dungeons, in a felon's cell "the fittest type of hell," because they denied to crown as God's anointed kings the right you would put in the hands of a petty sleuth. Men have gone undaunted to their bloody deaths at the hands of the headsman for the maintenance of rights the Senator from Ohio thinks are petty and con-

temptible things.

I am not fighting the eighteenth amendment or any law enforcing it. I am simply saying that you shall not, while I have a voice that I can raise, or a hand I can lift, or a syllable that I can utter, destroy the Constitution of the United States in order better to enforce a sumptuary regulation. Upon that rock I stand, and I thank God that the cry for constitutional liberty and constitutional rights, that that reaffirmance of the thing which Washington urged in the last great utterance of his life, those principles that were cardinal and that were the very confession of political faith to Jefferson and to Jackson and to Madison and to Lincoln, and which lately were re-iterated by men like LODGE and BORAH, upon the other side of the Chamber-that those great principles shall not be abrogated, forgotten, or despised by anyone. I have never proposed to obliterate the eighteenth amendment. I have never said one word in favor of or against light wines and beers.

I do not care the rap of my finger whether you pass a law saying that alcohol brewed is not medicine but that alcohol fermented is medicine. I can not see the great importance of such finical distinctions as that. But if you write a law saying that a man shall go to jall because he takes brewed alcohol as a medicine instead of fermented alcohol as a medicine, I say enforce the law and leave to the common sense of

the people to say whether they will amend it or not.

It is not a crime to ask for the repeal of any law. The protection and preservation of the institution of chattel slavery was once a part of the Constitution of the United States. Will the Senator say they were traitors who asked for an amendment to the Constitution in that regard? It is perfectly legiti-

mate to seek the amendment, the betterment, of any law: but I have never said, and I never shall say, on the floor of the Senate or elsewhere, one word which can by the most strained construction imply the slightest disrespect for the law or the slightest encouragement to those who would fail to enforce it.

Mr. WILLIS. Mr. President, my friend from Kentucky has totally misconceived my purpose. I have made no assault upon his views or upon anything he has said. I have indulged in no sneers, nor have I indulged in any cynical smile, so far as he

is concerned.

I rose in my place to say that in my judgment an address by a great university president, the evident purpose and the inevitable meaning of which was to bring to the people of the United States the suggestion that if they did not like a law or did not like a part of the Constitution they were morally justified in breaking it, was unworthy of the great president who uttered it, and that it was immediately repudiated by the bar association to which he uttered it.

But since my friend has gone a little further into the question, I want to say that the matter to which I referred in Doctor Butler's address had no reference whatever to sleuths, about whom the Senator talks; that it had no reference whatever to any statute, but was quoting, in effect, the Constitution of the United States, the eighteenth amendment, which the Senator himself has said-and I knew it, of course, without his saying it-he stands by. However, in his address Doctor Butler, with the inevitable meaning that you must draw from it, if you read it and study it, leaves the impression that it is not immoral to break the eighteenth amendment, even though it was adopted by a good majority, since it is regarded by some people as tyrannical and unjust; and I take issue with that proposition. When it is written into the law or into the Constitution of the country there is no room for a difference of opinion any longer. So far as it is the law, it is the duty of every patriotic citizen to obey it. That is my position upon the question.

PRINTING OF FOREIGN POSTAGE AND REVENUE STAMPS (S. DOC. NO. 305).

Mr. CUMMINS. Mr. President, I present a conference report upon Senate bill 2703. I do not ask for the consideration of the report at this time.

The VICE PRESIDENT. The report will be printed and lie

on the table.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 2703) to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as fol-

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment, as follows: In line 13, page 1, after the word "alstrike out the semicolon and insert a period, and in bums." lieu of the matter proposed insert the following: "Nothing in said sections shall be construed to forbid or prevent similar illustrations, in black and white only, in philatelic or historical articles, books, journals, albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, albums, or circulars, of such portion of the border of a stamp of the United States as may be necessary to show minor differences in the stamp so illustrated, but all such illustrations shall be at least four times as large as the portion of the original United States stamp so illustrated."; and the House agree to the same.

W. P. DILLINGHAM, ALBERT B. CUMMINS, JNO. K. SHIELDS, Managers on the part of the Senate. ANDREW J. VOLSTEAD, W. D. Boies, Hatton W. Sumners, Managers on the part of the House.

Mr. HARRISON. Mr. President, only a few moments ago the Senator from Arkansas [Mr. Robinson] served notice on all Senators that he would object to the presentation of a conference report or any other report from a committee.

The VICE PRESIDENT. No objection can be interposed to

the presentation of a conference report.

Mr. CURTIS. I understand the Senator from Iowa does not ask for the consideration of the report, but it is simply the presentation of a privileged report. That can be done at any

Mr. HARRISON. I was merely calling attention to the

Mr. ROBINSON. There is no request for the consideration

Mr. CUMMINS. Not at all. In fact, the report can not be considered before it is adopted by the House. It must first be acted upon there.

ORDER OF BUSINESS.

Mr. JONES of Washington. Mr. President, I take it there is nothing further to do, and under the unanimous-consent agree-

Mr. JONES of New Mexico. Will the Senator from Washington yield for the presentation of a couple of reports from the Finance Committee?

Mr. JONES of Washington. I understand the Senator from Arkansas objects to the presentation of reports or bills, or any-

thing of that kind. I myself have no objection.

Mr. FLETCHER. That can be done to-morrow morning. Mr. JONES of Washington. I have no objection myself.

Mr. NORRIS. I will object unless the same privilege is ac-

corded to me to make a report.

Mr. ROBINSON. Having objected earlier to-day and announced repeatedly that unanimous consent would not be granted, and having effected an arrangement to take up this character of business during the morning hour on to-morrow, in good faith I do not think Senators should present any requests, and I shall object. If it is necessary to stand here and object over and over, I shall be compelled to do so. I do not want to discriminate between Senators.

The VICE PRESIDENT. There is objection to the request

of the Senator from New Mexico.

Mr. JONES of New Mexico. Mr. President, I ask unanimous consent to present and have inserted in the Record some petitions which I have received. They are not bills or reports of committees, but merely petitions, and I merely want to get something printed in the RECORD which, it seems to me, is a matter of public interest.

Mr. ROBINSON. I think the practice has been to permit matters to be printed in the RECORD, and I shall not make an

objection to the request.

The VICE PRESIDENT. Without objection, the matter will

be printed in the RECORD.

Mr. JONES of New Mexico. I would just like to define in a very brief way what I would like to have put into the Record. We all have been familiar with the occurrences regarding the strike of last August, and I have received petitions from the State of New Mexico signed by probably a thousand people.

ADJOURNMENT.

The VICE PRESIDENT. Under the unanimous-consent agreement, the hour of 6 o'clock having arrived, the Chair declares the Senate stands adjourned until 11 o'clock to-morrow.

Thereupon (at 6 o'clock p. m.) the Senate, in accordance with the unanimous-consent agreement, adjourned until to-morrow, Saturday, February 24, 1923, at 11 o'clock a.m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 23 (legislative day of February 19), 1923.

COAST AND GEODETIC SURVEY.

James Francis Downey, jr., to be ald (with relative rank of ensign in the Navy).

POSTMASTERS.

MISSOURI.

David W. Puthuff, Bollvar. Everett Drysdale, Butler. George L. Pemberton, Charleston, John R. Edwards, Dawn.

MONTANA.

Roy W. Broman, Ismay. Joseph Brooks, Livingston. Clyde C. Richey, Richey.

OHIO.

Charles F. Decker, Vermilion. OKLAHOMA.

Elmer D. Rook, Sayre.

PENNSYLVANIA.

Whitfield Pritchard, Bangor.

SOUTH CAROLINA.

Benjamin F. Foreman, Allendale.

John F. Hunter, Helper.

WEST VIRGINIA.

Fred A. Smith, Northfork.

WISCONSIN.

Henry J. S. Hanson, Bayfield. George C. Dobbs, Conover. Frederick N. Lochemes, St. Francis.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 23, 1923.

The House met at 12 o'clock noon and was called to order by

Mr. Campbell of Kansas as Speaker pro tempore. The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Lord and our God, apart from Thee life is a weary search. All our deficiencies are met in Thee, for Thou art our wisdom, our righteousness, and our redemption. Conscious of our dependence, O may a childlike humility clothe us as with a garment. This is the way by which comes the great inflow of Thy cleansing love. So inspire us that we shall be the lovers of Thy word, the interpreters of Thy truth, and the messengers of Thy wisdom. Guard Thou our lips, keep Thou our hearts, and bless us with Thy abiding peace as we travel on our homeward way. In the holy name of Jesus we pray.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. LAYTON. Mr. Speaker-

The SPEAKER pro tempore. For what purpose does the

gentleman from Delaware rise?

Mr. LAYTON. I rise for the purpose of asking unanimous consent to have printed in the back part of the Record a speech I have prepared on the subject of bureaucracy, the same to be printed in 8-point type.

The SPEAKER pro tempore. The gentleman from Delaware asks unanimous consent to extend his remarks in the RECORD on bureaucracy. Is there objection? [After a pause.]

Chair hears none.

DISCHARGE OF A COMMITTEE.

Mr. ROUSE. Mr. Speaker-

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. ROUSE. Mr. Speaker, I move to discharge the Committee on Post Offices and Post Roads from the further consideration of House Resolution 492, a copy of which I will send to the Clerk's desk.

Mr. MONDELL. Mr. Speaker, that motion is not in order.
Mr. ROUSE. It is a privileged motion.
The SPEAKER pro tempore. Upon what question of privilege does the gentleman from Kentucky call the resolution up? Mr. ROUSE. It asks information from the Postmaster General relative to the filling of vacancies in post offices.

Mr. MONDELL. Mr. Speaker, I withdraw my point of order. It is, I think, a privileged resolution.

The SPEAKER pro tempore. The gentleman from Kentucky moves to discharge the committee from the consideration of the resolution, which the Clerk will report.

The Clerk began the reading of the resolution.

Mr. STAFFORD. Mr. Speaker, I wish to reserve a point of order. I have not heard it to see whether it is privileged or

Mr. BLANTON. I make the point of order that the reservation comes too late.

The SPEAKER pro tempore. The Clerk will read.

Mr. SANDERS of Indiana. It has not been read yet, and the gentleman can not make the point of order until it is reported. The Clerk read as follows:

House Resolution 492.

Resolved, That the Postmaster General be, and he is hereby, directed to inform the House of Representatives—
(1) Of the post offices in which a vacancy in the postmastership thereof has occurred since May 10, 1921, for which no certified eligible or list of eligibles for appointment as regular postmaster therein, ob-

tained at the time the vacancy arose; of the name of each such office, the date on which the vacancy arose, the date of the request of the Civil Service Commission for a certified eligible or list of eligibles for regular appointment thereto, the date of the receipt from the Civil Service Commission of a certified eligible or list of eligibles therefor, and the date on which appointment of a regular postmaster was made; and

(2) Of the post offices in which a vacancy in the postmastership thereof has occurred since May 10, 1921, for which a certified eligible or list of eligibles for appointment as regular postmaster therein obtained at the time the vacancy arose; of the name of each such office, the date on which the vacancy arose, and the date on which appointment of a regular postmaster therefor was made; and

(3) Of the appointments of temporary postmasters since May 10, 1921, if any, of the offices for which such temporary appointments were made, of the date on which such temporary appointments were made, and of the date on which such temporary appointments were made, and of the date on which the appointment of a regular postmaster was made.

Mr. MONDELLI, Mr. Speaker, the information caked for is

Mr. MONDELL. Mr. Speaker, the information asked for is not important. I move to lay the resolution to discharge the committee on the table.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Wyoming.

The question was taken, and the Speaker pro tempore an-

nounced that the ayes seemed to have it.

Mr. ROUSE and Mr. GARRETT of Tennessee. Division, Mr. Speaker.

The House again divided; and there were—ayes 111, noes 33. Mr. ROUSE. Mr. Speaker, I object to the vote because there is no quorum present and make the point there is no quorum present.

The SPEAKER pro tempore. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the

The question was taken; and there were-yeas 216, nays 101, not voting 110, as follows:

	YEA	S-216.	
Ackerman	Evans	Корр	Reed, W. Va.
Anderson	Fairchild	Kraus	Ricketts
Andrew, Mass.	Fairfield	Larson, Minn.	Riddick
Andrews, Nebr.	Faust	Larson, Minn.	Roach
Appleby	Fenn	Lawrence	Robertson
Atkeson	Fess	Layton	Robsion
Barbour	Fish	Leatherwood	Rogers
Beck	Fordney	Lehlbach	Sanders, Ind.
Begg	Foster	Little	Scott, Tenn.
Benham	Frear	Longworth	Scott, Tenn.
Bixler	Free	Luce	Shelton
	French		Shreve
Blakeney		Luhring	Sinclair
Bland, Ind.	Frothingham	McArthur	Sinnott
Boles	Fuller	McFadden	Smith, Idaho
Brooks, Pa.	Funk	McKenzie	Snyder
Brown, Tenn.	Gahn	McLaughlin, Mich.	Speaks
Browne, Wis.	Gensman	McLaughlin, Nebr.	Sproul
Burdick	Gernerd	McPherson	Stafford
Burtness	Gifford	MacGregor	Stephens
Burton	Glynn	MacLafferty	Strong, Kans.
Butler	Goodykoontz	Madden	Strong, Pa.
Cable	Graham, Ill.	Magee	Summers, Wash.
Campbell, Kans.	Green, Iowa	Maloney	Sweet
Campbell, Pa.	Greene, Mass.	Mapes	Swing
Cannon	Greene, Vt.	Merritt	Taylor, N. J.
Chalmers	Griest	Michener	Taylor, Tenn.
Chandler, Okla.	Hadley	Miller	Temple
Chindblom	Hardy, Colo.	Mondell	Thompson
Christopherson	Hawley	Moere, Ohio	Therpe
Clague	Hays	Moores, Ind.	Tilson
Clarke, N. Y.	Henry	Morgan	IDisch and the
Clouse	Herrick	Murphy	Timberlake
			Tincher
Cole, Iowa	Hersey	Nelson, Me.	Tinkham
Cole, Ohio	Hickey	Nelson, A. P. Nelson, J. M.	Towner
Colton	Hicks	Nelson, J. M.	Underhill
Cooper, Ohio	Hill	Newton, Minn.	Vaile
Cooper, Wis.	Himes	Newton, Mo.	Vestal
Copley	Hoch	Norton	Voigt
Coughlin	Hogan	Ogden	Volstead
Crago	Hukriede	Olpp	Walters
Cramton	Hull	Paige	Ward, N. Y.
Dallinger	Humphrey, Nebr.	Parker, N. J.	Wason
Darrow	Husted	Parker, N. Y.	Webster
Davis, Minn.	Ireland	Patterson, Mo.	White, Kans.
Dempsey	James	Paul	Williams, Ill.
Denison	Johnson, S. Dak.	Perkins	Williamson
Dickinson	Kearns	Perlman	Winslow
Dowell	Kelly, Pa.	Porter	Wood, Ind.
Dunbar	Kendall	Purnell	Woodruff
Dunn	Ketcham	Radcliffe	Woodyard
Echols	Kirkpatrick	Ramseyer	Wurzbach
Edmonds	Kissel		Wyant
Elliott	Kline, N. Y.	Reece	Yates
Ellis	Kline, Pa.	Reed, N. Y.	Young
		S—101.	
Manual San			Trade
Abernethy	Byrns, Tenn.	Favrot	Huddleston
Almon	Cantrill	Fields	Hudspeth

Fields
Fisher
Fulmer
Gallivan
Garrett, Tenn.
Garrett, Tex.

Gilbert Goldsborough

Goldsboroug Griffin Hammer Hardy, Tex. Hayden Hooker

Clark, Fla.
Cockran
Collier
Connally, Tex.
Crisp
Cullen
Davis Tenn

Cullen Davis, Tenn. Deal Doughton Drewry Driver Dupré

Aswell Bankhead Bell

Bell Black Bland, Va. Blanton Bowling

Box Brand Briggs Buchanan Bulwinkle

Huddleston Huddleston
Hudspeth
Humphreys, Miss,
Jacoway
Jeffers, Ala,
Johnson, Ky,
Jones, Tex,
Kincheloe
Lanham
Lankford Lankam Lankford Larsen, Ga. Lazaro Lea, Calif. Lee, Ga.

Linthicum Oldfield Sandlin Turner Oliver Parks, Ark, Sears Sisson Steagall Stedman Legan Londen Tyson Upshaw Vinson Londen Lowrey Lyon McClintic McDuffie McSwain Mansfield Mead Montague Pou Quin Rainey, Ill. Weaver Wilson Stevenson Sumners, Tex. Swank Wingo Wise Wright Raker Rankin Rayburn Rouse Sabath Taylor, Colo. Ten Evck O'Connor Sanders, Tex. Tillman NOT VOTING-110 Lee, N. Y.
Lineberger
McCormick
McLaughlin, Pa.
Martin
Michaelson
Mills
Moore, Ill. Focht Ryan Sanders, N. Y. Schall Scott, Mich. Freeman Garner Gorman Gould Anthony Arentz Bacharach Barkley Scott, Mich.
Shaw
Siegel
Slemp
Smith, Mich.
Smithwick
Snell
Steenerson Graham, Pa. Beedy Haugen Hawes Bird Bond Bowers Moore, III.
Moore, Va.
Morin
Mott
Mudd
Nolan
O'Brien
Overstreet Huck Huck Hutchinson Jefferis, Nebr. Johnson, Miss. Johnson, Wash. Brennan Britten Brooks, Ill. Steenerson Stiness Stoll Sullivan Burke Jones, Pa. Kahn Byrnes, S. C. Taylor, Ark. Thomas Treadway arew Park, Ga. Patterson, N. J. Carter Keller Kelley, Mich. Kennedy Chandler, N. Y. Classon Tucker Petersen Codd Collins Connolly, Pa. Kiess Kindred Pringey Rainey, Ala. Ward, N. C. Ward, N. C. Watson Wheeler White, Me. Williams, Tex. Woods, Va. Zihlman Reber Rhodes Riordan Rodenberg King Kitchin Crewther Kleczka Knight Dale Dominick Drane Kuutson Kreider Kuuz Lampert Rose Rosenbloom Dyer Fitzgerald Rossdale Rucker

So the motion was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Graham of Pennsylvania (for) with Mr. Barkley (against)

Mr. Morin (for) with Mr. Tucker (against). Mr. Snell (for) with Mr. Garner (against).

Mr. Snell (for) with Mr. Garner (against).
Mr. Curry (for) with Mr. Woods of Virginia (against),
Mr. Rhodes (for) with Mr. Carter (against).
Mr. Beedy (for) with Mr. O'Brien (against).
Mr. Kiess (for) with Mr. Riordan (against).
Mr. Crowther (for) with Mr. Williams of Texas (against).
Mr. Dale (for) with Mr. Byrnes of South Carelina (against).
Mr. Lampert (for) with Mr. Hawes (against).
Mr. Stiness (for) with Mr. Smithwick (against).
Mr. Watson (for) with Mr. Thomas (against).
Mr. Freeman (for) with Mr. Ward of North Carolina

(against).

Mr. Anthony (for) with Mr. Carew (against).

Mr. Keller (for) with Mr. Martin (against).
Mr. Fitzgerald (for) with Mr. Park of Georgia (against).

Mr. Mudd (for) with Mr. Drane (against).
Mr. Treadway (for) with Mr. Collins (against).
Mr. Scott of Michigan (for) with Mr. Kunz (against). Mr. Connolly of Pennsylvania (for) with Mr. Dominick

Mr. Bacharach (for) with Mr. Kindred (against). Mr. Shaw (for) with Mr. Sullivan (against).

Mr. King (for) with Mr. Kitchin (against)

Mr. Patterson of New Jersey (for) with Mr. Moore of Virginia (against)

Mr. White of Maine (for) with Mr. Johnson of Mississippl

(against).

Mr. Lineberger (for) with Mr. Overstreet (against).

Mr. Rosenbloom (for) with Mr. Rucker (against).

Mr. Michaelson (for) with Mr. Sisson (against).

Mr. Kahn (for) with Mr. Taylor of Arkansas (against).

Mr. Moore of Illinois (for) with Mr. Rainey of Alabama

Mr. Johnson of Washington (for) with Mr. Stoll (against).

The result of the vote was announced as above recorded. The SPEAKER pro tempore. A quorum is present. The

Doorkeeper will open the doors.

Mr. STEENERSON. Mr. Speaker, I present a privileged resolution of inquiry.

PENSIONS.

Mr. FULLER. Mr. Speaker, I call up the bill (H. R. 14288), a private pension bill, in order under the rules for to-day, and I ask unanimous consent—

The SPEAKER pro tempore. The Clerk will report the bill

by title.

The Clerk read as follows:

A bill (H. R. 14288) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. FULLER, Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House.

Mr. STEENERSON. Mr. Speaker, I rise to a question of

the highest privilege.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to consider this bill in the House as in Committee of the Whole House. The Chair will state to the gentleman from Minnesota that this bill is in order and comes up, as to-day is set apart for the consideration of that class of legislation.

Mr. STEENERSON. I made my request for consideration of

this resolution at the same time Mr. ROUSE made his. Why should one resolution of inquiry be preferred over another?

The SPEAKER pro tempore. The question is one of recognition. The Chair will recognize the gentleman from Minnesota later. The gentleman from Illinois asks unanimous con-sent that the bill just reported be considered in the House as in the Committee of the Whole House. Is there objection?

Mr. GARRETT of Tennessee. It is a privileged bill? The SPEAKER pro tempore. Yes. The Chair hear The Chair hears no objection and the Clerk will report the bill.

The Clerk read as follows:

The Speakers pro tempore. 188. The Chair hears no objection and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Rodia A. Dunifer, widow of Edward R. Dunifer, late of Company H, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margaret L. Fardette, widow of Joseph Fardette, alias William Taylor, late of Company E, First Regiment Pennsylvania Rifles, and pay her a pension at the rate of \$30 per month.

The name of Elma L. Holton, widow of Charles C. Holton, alias Charles W. Harris, late landsman, United States Navy, and pay her a pension at the rate of \$30 per month.

The name of Anna W. Nixon, widow of William H. Nixon, late deckhand, United States ram Queen of the West, and pay her a pension at the rate of \$30 per month.

The name of Margaret B. Blunt, former widow of Washington Bird, late of Company H, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Delliah J. Sprinkle, widow of Michael J. Sprinkle, late of Company A. Second Regiment, and Company C, Third Regiment, North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary Reynolds, widow of Edward W. Reynolds, late of Company A. Second Regiment Thompson, widow of Peter Thompson, late of Company M. First Regiment Thompson, widow of Peter Thompson, late of Company A. Skixteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary H. Tosh, widow of William M. Tosh, late of Company F. Twenty-fourth Regiment Missouri Volunteer State Militia Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Tosh, widow of Jacob Stealey, late of Company E, Furthen Regiment Milinois Vo

Company F. Fourteenth Regiment Illinois Volunteer Cavairy, and pay her a pension at the rate of \$30 per month through duly appointed guardian.

The name of Jane Platner, widow of Albert A. Platner, late of Company A, Forty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ruth V. Hutchens, widow of Joseph Harris, late of Company H, Fifty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Martha A. Thompson, widow of Justin G. Thompson, late of Seventy-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lavina H. Etnire, widow of Daniel Etnire, late of Company F, Seventy-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ella Knowlton, widow of Benjamin Knowlton, late of Company F, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Bertha Mann, widow of Ervin F. Mann, late of Companies E and A, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Carrie M. Allison, widow of Leander J. Allison, late of Company F, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the vidow of Menly White, late of Companies K and G, Sixty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Catharine Crawford, widow of Lewis S. Crawford, late of Company F, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Frances E. Griffin, widow of James P. Griffin, late of Company K Third Regiment and Company H, Fourth Regiment, Tennessee Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary Spencer, widow of Samuel R. Spencer, late of Company A, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Jennie Boyd, widow of William Boyd, late of Company G, One hundred and skty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margaret Blackman, widow of John W. Blackman, late of Company I, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Lida O'Neal, widow of William O'Neal, late of Company B, Fifty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of \$30 per month.

The name of Carrle Tissue, widow of Newton Tissue, late of Company K, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Martha E. Butler, widow of Norton Butler, late of Company E, Twenty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Uraula Levisee, widow of Oren Levisee, late of Company D, Seventy-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

receiving.

The name of Lula Reeder, widow of Elias Reeder, late of Company D, Seventy-minth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: Provided, That in the event of the death of Warren C. Reeder, helpless and dependent son of Lula and Elias Reeder, the additional pension herein granted shall cease and determine: And provided further. That in the event of the death of Lula Reeder, the name of said Warren C. Reeder shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Lula Reeder, paid through duly appointed guardian.

The name of Catharine Boardman, widow of Samuel H. Boardman, late of Company C, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary C. Cole, widow of Ira B, Cole, late of Company I, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan Brunaugh, widow of William M. Brunaugh, late

The name of Susan Brunaugh, widow of William M. Brunaugh, late of Company A. Thirty-fourth Regiment Ohlo Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Amelia S. Scott, widow of William N. Scott, late of Company D. One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Blanchard, widow of Asa Blanchard, late of Company F, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Barsha Story, widow of Oliver Story.

now receiving.

The name of Barsha Story, widow of Oliver Story, late of Company II, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Millie Rex, widow of Martin L. Rex, late of Company I, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Company I, Third Regiment Pennsylvania Volunteer Provisional Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary J. Robinette, widow of Jasper C. Robinette, alias Jasper Robinette, late of Company D, Second Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

month.

month.

The name of Melissa J. Thompson, widow of Rankin Thompson, late of Company D, One hundred and seventy-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary H. Pennypacker, widow of Jacob Pennypacker, late of Company C, One hundred and seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nathan E. Hopkins, late landsman and ordinary seaman, United States Navy, and Company C, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$50

United States Navy, and Company C, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Eugene S. Nash, late of Company C, Second Regiment Connecticut Volunteer Infantry, and Captain Peale's Company F, Thirteeath Regimen: Connecticut Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Mattie Dunn, widow of William W. Dunn, late of Company A, Sixth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Ruth E. Vann, widow of James G. Vann, late of Company K, Sixth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Samira E. Cooprider, widow of Wesley Cooprider, late of Company G, Fifty-Inith Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lizzie E. Miller, widow of George A. Miller, late of Company A, Twenty-second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Joseph D, Emerson, late of Company I, First Regiment Michigan Volunteer Infantry, and company K, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Mary A. Harper, former widow of Alfred Lanstrum, late of Company B, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Susan V. Payne, widow of Samuel J. Payne, late of Company B, Fifty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Anna R. Twaddle, widow of William Twaddle, late of Company F, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Anna R. Twaddle, widow of William Twaddle, late of Company F, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Touhy, former widow of Owen Coburn, late of Company A, Twentieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Charles F. Kuntz, helpless and dependent son of Robert D. Kuntz, late of Company I, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month, through duly appointed guardian.

The name of Liberty E. Frank, helpless and dependent daughter of David R. Frank, late of Company D, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month, through duly appointed guardian.

The name of William L. Delow, helpless and dependent son of Charles Delow, late of Company K, Righth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$20 per month.

Charles Delow, late of Company K, Eighth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$20 per month.

The name of Midlan Mercer, late of Company C, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Joseph Ham, late of Company A, Twenty-second Regiment New York Volunteer Cavalry, and Company D, One hundred and ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Edward Powell, late of Company F, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Julia M. Fletcher, widow of Henry W. Fletcher, late of Company B, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah A. Wellman, widow of Richard N. Wellman, late of Company F, Fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: Provided, That in the event of the death of John Wellman, helpless and dependent son of said Richard N. Wellman, the additional pension herein granted shall cease and determine. Provided further, That in the event of the death of Sarah A. Wellman, the name of said John Wellman shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Sarah A. Wellman, through duly appointed guardian.

The name of Lulu Moore, widow of Perry R. Moore, late of Company C, Twentieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Martha A. Demaris, widow of Jacob B, Demaris, late of Company K, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha A. Pitzer, widow of Samuel Reed, late of Company H, Seventieth Reed, widow of David Quim

The name of Elizabeth Reed, widow of Samuel Reed, late of Company H, Seventieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nellie Quimby, widow of David Quimby, alias Thomas Stevens, late of Company G. Seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Victoria M. Ray, widow of James A. Ray, late of Company B, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah J. McCullon, widow of George W. McCullon, late of Company C. Eighteenth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Samuel E. Blades, afflicted son of Wesley Blades, late of Company A. Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$20 per month.

The name of Kate Caldwell, widow of Marshall Caldwell, late of Company F, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Agnes Green, helpless and dependent daughter of Isalah L. Green, late of Company E, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Harmon, widow of Thomas Harmon, late of Company K, Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Angeline Insley, widow of Isalah A. Insley, late of Company I, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Angeline Insley, widow of Isalah A. Insley, late of Company I, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Margaret C. Miller, widow of John W. Miller, late of Company I, Jeseventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of John D. Hadley, helpless and dependent son of John Hadley, late of Company H, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month through duly appointed guardian.

The name of Isabella W. Williams, widow of John D. Williams, late of Company G, Second Regiment District of Columbia Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Josephine Hoffman, helpless and dependent daughter of Lafayette Hoffman, late of Company I, One hundred and seventy-nintin Regiment, and Company F, Eighteenth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Anna E. Best, former widow of Josiah Best, late of Company H, Thirty-eighth Regiment, and Company D, One hundred and forty-second Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Amanda Wishard, widow of Samuel G. Wishard, late of Company F, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lena Castor, widow of James Castor, late of Company G, Ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Temple Dyer, widow of John F. Dyer, late of Company B, Twelfth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie Alexander, widow of Thomas B. Alexander, inte of Company B, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Amos E. Albritton, helpless and dependent son of Amos A. Albritton, late of Company B, Fifteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Susan A. Thompson, widow of Philip A. Thompson, late lieutenant colonel, Fifth Regiment Missouri Volunteer State Millita Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of George D. Jones, late unassigned, Eleventh Regiment, and Company G, Fifty-first Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Mary E. Saner, widow of Abram Saner, late of Company B, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month.

The name of Mary E. Saner, widow of George M. Meece, late of Company I, Forty-ninth Regiment Fennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Catherine Meece, widow of George M. Meece, late of Company I, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Catherine Meece, widow of John Gordon, late first-c

a pension at the rate of \$20 per month.

The name of Anna M Fay, widow of Andrew J. Fay, late of Company E. Third Regiment Pensiyvania Volunteer Infantry, and pay her a Ther name of Nancy A. Gerdon, widow of John Gordon, late first-class boy, United States Navy, and pay her a pension at the rate of \$30 per month.

The name of Minerva Lane, widow of John Lane, late of Company G. One hundred and sixteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Caroline K. Nester, widow of George Nester, late of First Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Cathacine Anderson, widow of William Anderson, late of Captain Harrah's company, One hundred and first Regiment Penser month in lieu of that ahe is now receiving.

The name of Wilhelmina S. Brand, widow of Senecer H. Brand, late of Company H. One hundred and thirty-eightin Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lillian Ensminger, helpless and dependent daughter of Henry C. Ensminger, late of Company B, Sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth E. Laman, widow of Joseph H. Laman, late of Company B, One hundred and diffyshath Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month through duly appointed quardian.

The name of Elizabeth E. Laman, widow of Joseph H. Laman, late of Company B, Necond Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of \$20 per month.

The name of Elizabeth M. Griffith, widow of James R. Griffith, late of Company B, Second Regiment Wissouri Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of William F. Rancy, helpless and dependent daughter of Nebemiah Rancy, late of Company I, Ninth Regiment Gantry, and pay

Company I, Forty-seventh Regiment lows Volunteer intentry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy J. Cooper, widow of Samuel Cooper, late of Company I, Tenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Fitzgerald, former widow of William H. Cox, late of Company I, Fifty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah J. Moody, widow of Martin P. Moody, late of Company A. Tenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Limes, window of Henry S. Limes, late of Company A, First Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary M. Lilley, helpless and dependent daughter of Matthias Lilley, late of Company F, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$20 per month.

The name of John Bywater, alias John Tallman, late of Company H, Eighth Regiment Michigan Volunteer Infantry, and Company E, Tenth Regiment Michigan Volunteer Infantry, and Company E, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$50 per month.

The name of Oscar Okes, helpless and dependent son of William Okes, late of Company F, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month through duly appointed guardian.

The name of Mary M. Singer, widow of Francis A. Singer, late of Company D, Second Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucy Jane McGrayel, widow of James McGrayel, late of Company G, Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

she is now receiving.

The name of Susan Laugherty, widow of Thomas J. Laugherty, late of Company H. Sixth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving through duly appointed guardian.

The name of Agatha M. Miller, widow of John Miller, late of Company D, One hundred and first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Clara A. Ricknell, widow of William M. Bicknell, late of Company A, Fifth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Hannah K. Hallowell, widow of Daniel Hallowell, late of Company I, Sixth Regiment, and Company C, Seventh Regiment, Maine Volunteer Infantry, and Company C, First Regiment Maine Volunteer Veteran Infantry, and pay her a pension at the rate of \$30 per month.

of Company I, Sixth Regiment, and Company C, Seventh Regiment, Maine Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth A. Morrow, widow of Robert Morrow, late of Company A, Sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: Provided, That in the event of the death of Nancy A. Morrow, helpless and dependent daughter of said Elizabeth A. and Robert Morrow, the additional pension herein granted shall cease and determine: Provided further. That in the event of the death of Elizabeth A. Morrow the name of said Nancy A. Morrow shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Elizabeth A. Morrow, through duly appointed guardian.

The name of Mary Sowle, widow of Elvirus Sowle, late of Company D, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan Ritter, widow of Frank Ritter, alias Frank Hilb, late of Company E, Fourth Regiment Wisconsin Volunteer Cavairy, and Company D, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Martha Crawford, widow of William Crawford, late of Company B, Eighth Regiment Tennessee Volunteer Cavairy, and pay her a pension at the rate of \$30 per month.

The name of Ruth E. Daniels, widow of Frank Daniels, late of Twelfth Independent Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

of Company B, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ruth E. Daniels, widow of Frank Daniels, late of Twelfth Independent Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Jane Oliver, widow of Aaron P. Oliver, late of Company C. Second Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth Grover, widow of William Grover, late of Company I, Second Regiment Minnesota Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Harriet Wicks, widow of James Wicks, late of Company H, Eighty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Euphamia Smith, widow of Charles Smith, late of Company K, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen Thompson, widow of Joseph Thompson, late of Company A, Twenty-fourth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of William E. Robinson, helpless and dependent son of William C. Robinson, late of Company H, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$20 per month through duly appointed guardian.

The name of L. Anna Mavity, widow of William K. Mavity, late of Company F, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennle Darling, helpless and dependent daughter of Charles H. Darling, late of Company M, First Regiment Massachusetts

receiving.

The name of Jennie Darling, helpless and dependent daughter of Charles H. Darling, late of Company M. First Regiment Massachusetts Volunteer Cavalry, known as Company D. First Battalion Massachusetts Volunteer Cavalry, and Company M. Fourth Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of \$20 per month through duly appointed guardian.

The name of Margaret F. Freeman, former widow of George C. Carson, late of Company B. Eleventh Regiment, and Company M, Ninth Regiment, Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Zula A. Springer, widow of William R. Springer, late of Company G, Seventh Regiment Kansas Volunteer Cavalry, and pay

her a pension at the rate of \$50 per month in lieu of that she is now receiving: Provided, That in the event of the death of Claud B. Springer, helpless and dependent son of said Zula A. and William R. Springer, the additional pension herein granted shall cease and determine: Provided further, That in the event of the death of Zula A. Springer the name of said Claud B. Springer shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Zula A. Springer through duly appointed guardian.

The name of Mary Savanack, widow of John R. Savanack, late of Company G, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Pernina A. Morrison, widow of Theodore Morrison, late of Company A. Ninety-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Charles J. Bice, late of Company A, Thirty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Herrietta Richmond, widow of Jason H. Richmond, late of Company G, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of John W. Genung, late of Captain Graham's company, attached to Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$50 per month.

This bill is a substitute for the following House bills referred

to the Committee on Invalid Pensions:			
H. R. 1023. Rodia A. Dunifer, H. R. 7347. Margaret L. Fardette,	H. R. 13747. Alice Luth.		
H P 8282 Films f Halton	H. R. 13762. Angeline Insley. H. R. 13787. Mary J. McLaughlin, H. R. 13788. Margaret C. Miller.		
H R S671 Anna W Nivon	H. R. 13787. Mary J. McLaughlin,		
H. R. 11222 Margaret R Riunt	H. R. 13788. Margaret C. Miller.		
H. R. 8383. Elma L. Holton. H. R. 8671. Anna W. Nixon. H. R. 11222. Margaret B. Blunt. H. R. 11638. Delilah J. Sprinkle. H. R. 12123. Mary Reynoids. H. R. 12242. Katharine Thompson. H. R. 12332. Mary J. Tosh. H. R. 12337. Sallie B. Stoll.	H. R. 13786. John D. Hadley. H. R. 13795. Isabella W. Williams. H. R. 13798. Josephine Hoffman. H. R. 13803. Anna E. Best. H. R. 13813. Amanda Wishard. H. R. 13818. Lena Castor. H. R. 13818. Temple Dyer.		
H. R. 12123. Mary Reynolds. H. R. 12242. Katharine Thompson. H. R. 12332. Mary J. Tosh. H. R. 12337. Sallie B. Stoll.	H. R. 13798, Josephine Hoffman.		
H. R. 12242. Katharine Thompson.	H. R. 13803. Anna E. Best.		
H. R. 12832. Mary J. Tosh.	H. R. 13813. Amanda Wishard.		
H. R. 12397. Sallie B. Stoll.	H. R. 13818. Lena Castor.		
H. R. 12393. Leona Stealey. H. R. 12447. Eliza H. Lockwood, H. R. 12533. Minerva Douglas.	H. R. 13818. Lena Castor. H. R. 13821. Temple Dyer. H. R. 13822. Jennie Alexander. H. R. 13823. Amos E. Albritton. H. R. 13841. Susan A. Thompson		
H. R. 12441. EHZa H, Lockwood,	H. R. 13822. Jennie Alexander.		
H R 19537 Mary A Car	H. R. 18823. Amos E. Albritton. H. R. 13841. Susan A. Thompson.		
H. R. 12537. Mary A. Guy. H. R. 12553. Jane Platner.	H. R. 13843. George D. Jones.		
H. R. 12613. Ruth V. Hutchens. H. R. 12711. Martha A. Thompson. H. R. 12851. Lavina H. Etnire.	H. R. 13841. Susan A. Thompson. H. R. 13843. George D. Jones. H. R. 13844. John H. Smith, allas Henry H. Smith. H. R. 13845. Mary E. Saner.		
H. R. 12711. Martha A. Thompson.	Henry H. Smith.		
H. R. 12851. Lavina H. Etnire.	H. R. 13845. Mary E. Saner.		
H. R. 12879, Ella Knowiton.			
H. R. 12883. Bertha Mann. H. R. 12907. Carrie M. Allison, H. B. 12910. Martha White.	H. R. 13849. Irene S. Slagle. H. R. 13896. Anna M. Fay. H. R. 13897. Nancy A. Gordon. H. R. 13898. Minerva Lane. H. R. 13900. Caroline K. Nester. H. R. 13905. Catharine Anderson. H. R. 13906. Willelmine Anderson.		
H. R. 12910. Martha White.	H. R. 13890. Anna M. Fay.		
H. R. 12915. Catharine Crawford.	H. R. 13898. Minerva Lane.		
H R 19922 Francos E Calffin	H. R. 13900. Caroline K. Nester.		
H. R. 12968. Mary Spencer, H. R. 12969. Jennie Boyd.	H. R. 13905. Catharine Anderson.		
H. R. 12969. Jennie Boyd.	the rest of the state of the st		
M. A. 12010. Margaret Discaming.	H. K. 18912, Lillian Ensminger		
H. R. 12972. Lida O'Neal.			
H. R. 12986. Carrie Tissue.	H. R. 13924. Elizabeth M. Griffith.		
H. R. 12992. Martha E. Butler. H. R. 12994. Urzula Levisee.	H. R. 13925. Jennie E. Moore. H. R. 13946. Nancy B. Raney. H. R. 13947. William P. Raney.		
H. R. 12994, Urzula Levisee,	H P 19047 William P P.		
H. R. 13010. Lula Reeder. H. R. 13011. Catharine Boardman. H. R. 13013. Mary C. Cole.	H. R. 18954 John M. Roggick		
H. R. 13013, Mary C. Cole.	H. R. 13958. William F. Graham		
H. R. 13020. Susan Brunaugh	H. R. 13924. Elizabeth E. Lanam. H. R. 13924. Elizabeth M. Griffith. H. R. 13946. Nancy B. Raney. H. R. 13947. William P. Raney. H. R. 13954. John M. Barrick. H. R. 13958. William F. Graham. H. R. 13965. Sarah E. Gliespie. H. R. 13967. Sarah E. Stephens.		
H. R. 13040. Amelia S. Scott.	H. R. 13967. Sarah E. Stephens.		
H. R. 13040. Amelia S. Scott. H. R. 13041. Mary E. Blanchard.			
H. R. 13055. Barsha Story.	H. R. 13970. Rosetta Alloway. H. R. 13973. Sarah E. Knight.		
H. R. 13060. Millie Rex.	H. R. 13973. Sarah E. Knight.		
H. R. 13061. Mary J. Robinette. H. R. 13084. Melissa J. Thompson.	H. R. 13983. Nancy J. Cooper. H. R. 13984. Sarah A. Fitzgerald. H. R. 13985. Sarah J. Moody.		
H. R. 13084. Mellssa J. Thompson. H. R. 13089. Mary H. Pennypacker. H. R. 13099. Nathan E. Hopkins. H. R. 131099. Nathan E. Hopkins. H. R. 131102. Mattle Dunn. H. R. 13122. Mattle Dunn. H. R. 13179. Samira E. Cooprider. H. R. 13204. Lizzie E. Miller. H. R. 13204. Lizzie E. Miller. H. R. 13308. Mary A. Hatper. H. R. 13357. Susan V. Payne. H. R. 13372. Lizzie Leasure. H. R. 13372. Lizzie Leasure. H. R. 13398. Anna R. Twaddle.	H. R. 13985. Sarah J. Moody.		
H. R. 13099. Nathan E. Hopkins.	H. K. 13990 Elizabeth A Times		
H. R. 13100. Eugene S. Nash.	H. R. 14007. Mary M. Lilley. H. R. 14008. John Bywater, alias John Tallman.		
H. R. 13122. Mattie Dunn.	H. R. 14008. John Bywater, alias		
H. R. 18144. Ruth E. Vann.	John Tallman.		
H. R. 15179. Samira E. Cooprider.	H. R. 14012. Oscar Okes. H. R. 14022. Mary M. Singer. H. R. 14023. Lucy Jane McGrayel. H. R. 14029. Susan Laugherty. H. R. 14030. Agatha M. Miller. H. R. 14042. Clara A. Bicknell. H. R. 14044. Hannah K. Hallowell. H. R. 14049. Elizabeth A. Morrow. H. R. 14051. Mary Sowle.		
H R 18280 Joseph D Emerson	H P 14022 Lucy Tano McCrowel		
H.R. 13308, Mary A. Harner	H. R. 14029. Susan Laugherty.		
H. R. 13357. Susan V. Pavne.	H. R. 14030. Agatha M. Miller.		
H. R. 13372. Lizzie Leasure.	H. R. 14042. Clara A. Bicknell.		
H. R. 13398, Anna R. Twaddle.	H. R. 14044. Hannah K. Hallowell.		
H. R. 13426. Addle Sour.	H. R. 14049. Elizabeth A. Morrow.		
H. R. 15440, Mary E. Touny,	H. R. 14051. Mary Sowle. H. R. 14054. Susan Ritter.		
H. R. 13598. Anna R. Twaddle. H. R. 13426. Addie Sour. H. R. 13440. Mary E. Touhy. H. R. 13473. Charles F. Kuntz. H. R. 13527. Liberty E. Frank. H. R. 13599. William L. Delow. H. R. 13699. Midlan Mercer. H. R. 13640. Edward Powell.			
H. R. 13569, William L. Delow.	H. R. 14060. Martha Crawford. H. R. 14072. Ruth E. Daniels		
H. R. 13599. Midian Mercer.	H. R. 14072. Ruth E. Daniels. H. R. 14075. Jane Oliver. H. R. 14088. Elizabeth Grover. H. R. 14090. Harriet Wicks. H. R. 14090. Elen Thompson. H. R. 14102. William E. Robinson.		
H. R. 13623, Joseph Ham,	H. R. 14088. Elizabeth Grover.		
	H. R. 14090. Harriet Wicks.		
H. R. 13665, Julia M. Fletcher,	H. R. 14096. Euphamia Smith.		
H. R. 13666. Sarah A. Wellman.	H. R. 14100. Ellen Thompson.		
H. R. 18685. Jacob Shoup.	H. R. 14102. William E. Robinson. H. R. 14109. L. Anna Mavity.		
H. R. 13000. Sarah A. Wellman. H. R. 13684. Lulu Moore. H. R. 13684. Jacob Shoup. H. R. 13700. Martha A. Demaris. H. R. 13703. Martha A. Pitzer. H. R. 13703. Elizabeth Reed. H. R. 13705. Nellie Quimby. H. R. 13707. Victoria M. Ray. H. R. 13707. Victoria M. Ray.	H. R. 14102. William E. Robinson. H. R. 14102. William E. Robinson. H. R. 14109. L. Anna Mavity. H. R. 14150. Amanda J. Alford. H. R. 14153. Jennie Darling. H. R. 14158. Margaret F. Freeman. H. R. 14159. Zula A. Springer. H. R. 14187. Mary Savanack. H. R. 14210. Pernina A. Morrison.		
H. R. 13703. Martha A. Pitzer.	H. R. 14153. Jennie Darling.		
H. R. 13700. Martha A. Demaris, H. R. 13703. Martha A. Pitzer, H. R. 13703. Elizabeth Reed.	H. R. 14158. Margaret F. Freeman.		
H. R. 13705. Nellie Quimby.	H. R. 14159. Zula A. Springer.		
H. R. 13707. Victoria M. Ray.	H. R. 14187. Mary Savanack.		
H. R. 13707. Victoria M. Ray. H. R. 13710. Sarah J. McCulloh. H. R. 13731. Samuel E. Blades.	H P 14220 Charles I Ples		
H. R. 13741. Kate Caldwell.	H. R. 14158. Margaret F. Freeman. H. R. 14159. Zula A. Springer. H. R. 14187. Mary Savanack. H. R. 14210. Pernina A. Morrison. H. R. 14220. Charles J. Bice. H. R. 14228. Henrietta Richmond. H. R. 14276. John W. Genner.		
H. R. 13743. Agnes Green.	H. R. 14276. John W. Genung.		
H. R. 13744, Mary A. Harmon.	durants.		
	T		

Mr. FULLER. Mr. Speaker, I wish to offer an amendment. On page 27, line 6, at the end of the line strike out the capital letter "R" and insert the capital letter "B."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, line 6, at the end of the line, strike out the capital letter R" and insert the capital letter "B."

The question was taken, and the amendment was agreed to. The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FULLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ROBSION. Mr. Speaker, I call up the bill H. R. 14200

on report from Committee on Pensions of the House.

The SPEAKER pro tempore. The gentleman from Kentucky calls up the bill H. R. 14200, which the Clerk will report by

The Clerk read as follows:

A bill (H. R. 14200) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. ROBSION. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole House.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to consider this bill in the House as in Committee of the Whole House. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws—
The name of Joseph Bauer, late of Company K, Second Regiment United States Infantry, Indian wars, and pay him a pension at the rate of \$20 per month.

The name of Joseph Bauer, late of Company K, Second Regiment United States Infantry, Indian wars, and pay him a pension at the rate of \$20 per month.

The name of Isabelle Barnett, widow of Theophllus Barnett, late of Troop H. Nineteenth Regiment Kansas Cavairy, Indian wars, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Fred Stanley, late of Troop M, Eleventh Regiment United States Volunteer Cavairy, war with Spain, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Watson S. Coburn, late of Company I, First Kansas State Militia Cavairy, Indian wars, and pay him a pension at the rate of \$20 per month.

The name of George D. Smith, late of Captain D. B. Randall's Company B, Second Regiment Idaho Volunteers, Nez Perce Indian War, and pay him a pension at the rate of \$20 per month.

The name of Fred Schwarz, late of the United States Navy, Philippine insurrection, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William C. Knuckles, late of Company K, Twenty-eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Barbara Oglesby, widow of George W. Oglesby, late of Captain Martin Williams's company, Lewiston Scouts, Idaho Volunteers, Indian wars, and pay her a pension at the rate of \$12 per month.

teers, month.

captain Martin Williams's company, Lewiston Scouts, Idaho Volunteers, Indian wars, and pay her a pension at the rate of \$12 per month.

The name of Sherwood H. Williams, late of United States Marine Corps, Regular Establishment, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jerome B. Butler, late of Company C, Thirty-second Regiment United States Infantry, Indian wars, and pay him a pension at the rate of \$20 per month.

The name of Lina Real, widow of Adolphus Real, late of Captain Owen Shaw's company. Texas Mounted Volunteers, Indian wars, and pay her a pension at the rate of \$12 per month.

The name of C. M. Middleton, late of Captain L. H. McNelly's company, special State Troops, Frontier Battalion, Texas Rangers, and pay him a pension at the rate of \$20 per month.

The name of Samuel E. Acuff, alias Samuel E. Harris, late of Companies D and G. Eighteenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Sarah E. Fortier, widow of Joseph Fortier, late of the Renville Rangers, Minnesota Militia, Indian wars, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Ben C. Robinson, late of Company D, Comanche County Texas Minute Men, Indian wars, and pay him a pension at the rate of \$20 per month.

The name of Richard Burns, late of Company D, Fourteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Andrew McLaughlin, late of Company M, Sixty-fifth Regiment, United States Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Andrew McLaughlin, late of Company M, Sixty-fifth Regiment, United States Infantry, war with Spain, and pay him a pension at the rate of \$18 per month.

The name of Peter Lacher, late of Troop D, Fourth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of \$20 per month.

States Cavalry. Indian wars, and pay him a pension at the rate of \$20 per month.

The name of Rebecca Melvina Elliff, widow of Captain Hardy Crier Elliff, late of Captain Hardy Elliff's independent company. Mounted Oregon Volunteers, Indian wars, and pay her a pension at the rate of \$12 per month.

The name of Rose G. Bingman, widow of John I. Bingman, late of Captain Randall's Company B, Second Idaho Volunteers, Indian wars, and pay her a pension at the rate of \$12 per month.

The name of Lizzie Johnson, widow of Thomas W. Johnson, late of Company A, Gray's Battallon, Arkansas Volunteers, Mexican War, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Ferdinand Heinen, late of Lieut, Henry Schwethelm's company, Kerr County Texas Minute Men, Indian wars, and pay him a pension at the rate of \$20 per month.

The name of Annie Veuve, widow of Ernest Veuve, late of Company H, Third Regiment United States Infantry, Indian wars, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Etta W. Cass, widow of Jesse Lee Cass, late hospital steward, Fourth Regiment Texas Infantry, war with Spain, and pay

her a pension at the rate of \$30 per month in lieu of that she is new receiving.

The name of Levi T. Miller, late of Captain Randall's Company B, Second Regiment Idaho Volunteers, Indian wars, and pay him a pension at the rate of \$20 per month.

The name of Mark Y. Judd, late of Captain Warren Wallace's company, Nueces and Rio Grande Counties, Texas Frontier Men, and pay him a pension at the rate of \$20 per month.

The name of Rachel J. Smith, widow of William C. Smith, late colonel First Regiment Tennessee Infantry, Spanish-American War, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma Grace Ridgely, widow of Howard B. Ridgely, late of Capt. Martin Williams's company, Lewiston Scouts, Idaho Volunteers, Indian wars, and pay her a pension at the rate of \$12 per month.

month.

The name of Robert Longstaff, late of Troop F, Fifth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Henry Bush, late of Troop C, Ninth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of \$20 per month.

The name of Louise W. Noyes, widow of Henry E. Noyes, late captain, Second Regiment United States Cavalry, and brigadier general, retired, United States Army, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Albert C. Roach, late of Company G, Fourteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Rhoda A, Savage, widow of James Savage, late of Com-

The name of Rhoda A. Savage, widow of James Savage, late of Company K, Third Regiment Missouri Mounted Volunteers, Mexican War, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Alva C. Cooper, late of Company D, Twenty-second Regiment United States Infantry, Indian wars, and pay him a pension at the rate of \$20 per month.

The name of William E. Johnson, late of Company K, Second Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of \$20 per month.

The name of James Donnelly, late of Company A, Third Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of \$20 per month.

The name of James Donnelly, late of Company A, Third Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of \$20 per month.

United States Cavalry, Indian wars, and pay him a pension at the rate of \$20 per month.

The name of Alice Z. Sherwin, widow of Charles L. C. Sherwin, late of Troop K, Eighth Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of \$12 per month.

The name of Mary E. Tritten, widow of John G. Tritten, late of Troop A, Seventh Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Robert M. Daniels, late of Troop E, Eighth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of \$20 per month.

The name of Paul Henricksen, late of Company D, Eighth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Clarence J, Johnson, alias Franklin J. Green, late of Troop C. Seventh Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James McDonough, late of Company E, Second Regiment Illinois Infantry, war with Spain, and pay him a pension at the rate of \$24 per month.

The name of Howard Hines, late of Company B, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$18 per month in lieu of that he is now receiving.

pension at the rate of \$18 per month in lieu of that he is now receiving.

The name of George Peyton Chambers, late of Company B, First Regiment Alabama Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Tracey M. Halley, late of Company A, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$30 per month. Pension to be paid to a legally appointed guardian.

The name of John F. Kilbride, late of Sanitary Detachment, First New York Cavalry, National Guard, and pay him a pension at the rate of \$20 per month.

The name of John T. Hyder, late of Company E, Tenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of David C. Preston, late private, Company F, Eighth Regiment California Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Martin G. Lyons, late of Company E, Ninth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William S. Arnold, late of Company G, Eighteenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Thomas M. Benton, late of Company A, Twenty-ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$14 per month in lieu of that he is now receiving.

pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Thomas M. Benton, late of Company A, Twenty-ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$14 per month in lieu of that he is now receiving.

The name of William S. Whitley, late of Company B, Tenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Coleman, late of Troop F, Seventh Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of \$20 per month.

The name of William Dotson, late of Company I, Eighth Regiment Illinois Infantry, war with Spain, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Sarah A. Fisher, widow of Stanton G. Fisher, late chief of Indian Scouts, Indian wars, and pay her a pension at the rate of \$12 per month.

The name of Werner Snow, late of Company E, Thirty-second Regiment United States Infantry, Indian wars, and pay him a pension at the rate of \$20 per month.

The name of John Johnson, late of Company F, Thirteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Charles B. Winton, late of United States Navy, second-class fireman, Regular Establishment, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of George W. Camp, late of Company A. Seventh Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Blaine Campbell, late of Troop L. Fifteenth Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Blaine Campbell, late of Company I. Kinth Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Banner Chandley, late of Company I. Ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The name of Harry Elkins, late of Company F, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John W. Thomas, late of Company D, Seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John W. Thomas, late of Company D, Seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of James A Carver, late of Company I, Twelfth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of James A Carver, late of Company J, Twelfth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James A Carver, late of Company L, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate

ment, and Company L. Twenty-third Regiment, United States Infantry, Regular Establishment, and pay him a pension at the rate of \$17 per month.

The name of Leo Forst, late of Company D, Fifth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Mournin Scott, dependent mother of Joseph Scott, late of the Ninety-seventh Company, United States Coast Artillery Corps, Regular Establishment, and pay her a pension at the rate of \$12 per month.

The name of Henry T. Bishop, late of Company E, Seventh Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Horace G. Butterfield, late of Company F, Eleventh Regiment United States Infantry, Indian wars, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Phillip S, Jackson, late of Company B, First Regiment Wyoming Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of James Mitchell, late of Company B, Third Regiment Kentucky Infantry, war with Spain, and pay him a pension at the rate of \$15 per month in lieu of that he is now receiving.

The name of James C. Woodward, late of Battery H, Ohio Volunteer Light Artifllery, war with Spain, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of James A. G. Cox, late of the Seventy-first Company United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of \$35 per month in lieu of that he is now receiving.

The name of James Phelps, late of Company D, Fourteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of James Phelps, late of Company F, Twenty-fifth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Gorge W. Laird, late of Company

The name of Martin E. McMichael, late of Company F, Ninth Regiment Illinois Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Marie F. Manns, widow of William A. Manns, late of Companies K and C, Twenty-third Regiment United States Infantry, Indian wars, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Willie A. Mankin, late of Company F, Third Regiment Tennessee Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Viola Butler, permanently helpless and dependent child of Henry C. Butler, late of Captain Lamar's company, Bell's regiment, Texas Mounted Volunteers, Mexican War, and pay her a pension at the rate of \$20 per month.

The name of William P. Johnston, late of the One hundred and fifth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of \$17 per month.

This bill is a substitute for the following bills referred to the Committee on Pensions:

This bill is a substitute for the following bills referred to the Committee on Pensions:

H. R. 3026. Joseph Bauer.
H. R. 4389. Isabelle Barnett.
H. R. 13026. William S. Arnold.
H. R. 5409. Fred Stanley.
H. R. 5409. Fred Stanley.
H. R. 1528. George D. Smith.
H. R. 7528. George D. Smith.
H. R. 7725. Fred Schwarz.
H. R. 7828. William C. Knuckles.
H. R. 7828. William C. Knuckles.
H. R. 8587. Barbara Oglesby.
H. R. 8830. Sherwood H. Williams.
H. R. 8835. Jerome B. Butler.
H. R. 9035. C. M. Middleton.
H. R. 9035. C. M. Middleton.
H. R. 9035. G. M. Middleton.
H. R. 9044. Lina Real.
H. R. 9131. Sarah E. Fortier.
H. R. 9359. Ben C. Robinson.
H. R. 9377. Peter Lacher.
H. R. 9378. Peter Lacher.
H. R. 9986. Rebecca Melvina Elliff.
H. R. 10502. Lizzie Johnson.
H. R. 10502. Lizzie Johnson.
H. R. 10504. Fridmand Helmen.
H. R. 10755. Annie Veuve.
H. R. 11313. William Mapier.
H. R. 11270. Rachel J. Smith.
H. R. 11270. Rachel J. Smith.
H. R. 11270. Emma Grace Ridgely.
H. R. 11311. Robert Longstaff.
H. R. 11373. William Henry Bush.
H. R. 11374. Milliam B. Wolliam S. Arnold.
H. R. 11375. Alone C. Cooper.
H. R. 11375. James M. Chonough.
H. R. 11376. James M. Persin.
H. R. 13774. Robod A. Savage.
H. R. 113650. William B. William S. Arnold.
H. R. 11373. William H. Thompson.
H. R. 1373. William H. Thompson.
H. R. 1374. Hohod A. Savage.
H. R. 1375. James M. Carver.
H. R. 1376. James Mitchell.
H. R. 13774. Hohod A. Savage.
H. R. 1366. James Phelps.
H. R. 13675. James Mitchell.
H. R. 12247. Mary E. Tritten.
H. R. 12248. Goorge Peyton Chamber.
H. R. 12249. Robert M. Daniels.
H. R. 12248. Goorge Peyton Chamber.
H. R. 12249. Forbert M. Parker.
H. R. 13880. Marie F. Manns.
H. R. 12249. Robert M. Daniels.
H. R. 12249. Whilliam B. Johnson.
H. R. 13289. John F. Kilbride.
H. R. 13290. Willia M. H. R. 13390. Willia M. Johnson.
H. R. 12248. Goorge Peyton Chamber.
H. R. 12249. Whilliam B. Johnson.
H. R. 13289. William P. Johnston.
H. R. 1328

Mr. ROBSION. Mr. Speaker, I offer an amendment to strike out the name of Martin G. Lyons, on page 9, lines 1 to 4, inclusive.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Page 9, beginning with line 1, strike out the paragraph, including lines 1 to 4, inclusive.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time. as read the third time, and passed.

On motion of Mr. Robston, a motion to reconsider the vote whereby the vote was passed was laid on the table.

REREFERENCE-YAZOO RIVER.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, the letter of the Secretary of War, which is printed as House Document 597 in a report on a further investigation of the Yazoo River was erroneously referred to the Committee on Rivers and Harbors. I ask that it be referred to the Committee on Flood Control.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent that a rereference be made of the letter of the Secretary of War in reference to the Yazoo River project. If there is no objection, the letter will be referred to the Committee on Flood Control.

There was no objection.

Mr. NEWTON of Minnesota. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14222) to amend the trading with the enemy act.

The SPEAKER pro tempore. Will the gentleman from Minnesota withhold that?

Mr. NEWTON of Minnesota. I withhold it.

FREIGHT RATES ON DAIRY SUPPLIES AND AGRICULTURAL IMPLEMENTS.

Mr. STEENERSON. Mr. Speaker, I offer a privileged motion to discharge the Committee on Interstate and Foreign Commerce

from the further consideration of House Resolution 266.

The SPEAKER pro tempore. The gentleman from Minnesota offers a privileged motion to discharge the Committee on Inter-state and Foreign Commerce from the further consideration of House Resolution 266, which the Clerk will report.
The Clerk read as follows:

House Resolution 266.

House Resolution 266.

Resoluted, That the President be, and he is hereby, requested to transmit to the House of Representatives all information in his possession or in the possession of the Interstate Commerce Commission relative to the alleged practice of charging freight on butter tubs made and shipped from Duluth and other points in Minnesota to Red River Vailey points in Minnesota, plus freight from Eigin, III.; and also relative to the practice of charging freight upon agricultural machinery shipped from points west of Pittsburgh to points in Minnesota, plus freight from Pittsburgh, Pa.; and also all information in his possession or in possession of said commission as to what statutory authority or other legal authority exists or is claimed to exist to justify or authorize such discriminatory and unjust practices.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

Mr. STAFFORD. Mr. Speaker, I make a point of order on the resolution

Mr. BLANTON. Mr. Speaker, I make a point of order

against it.

Mr. MAPES. Mr. Speaker, I have not seen the resolution and only just heard it read, but it calls for information about certain "alleged" practices which clearly takes

privileged status which it might otherwise have.

Mr. BLANTON. I make the point of order, Mr. Speaker, that this is not a privileged resolution. It asks for information peculiarly within the knowledge of this department. It asks the department to cite to this Congress certain laws, and the gentleman from Minnesota [Mr. Steenerson] could get that information elsewhere. It calls for a citation to certain laws. That is wholly out of order on a resolution of inquiry.

Mr. MAPES. It calls for information in regard to an alleged practice, which, it seems to me, brings it clearly outside

Mr. STAFFORD. Mr. Speaker, I direct the express attention

of the Chair to the last clause:

And also all information in his possession or in possession of said commission as to what statutory or other legal authority exists or is claimed to exist to justify or authorize such discriminatory and unjust

That is calling for an opinion in the guise of information.

The SPEAKER pro tempore. The Chair is ready to rule.

Clearly the resolution calls for something more than a mere statement of fact. The Chair sustains the point of order.

Mr. STEENERSON. Mr. Speaker, I appeal from the decision

of the Chair.

Mr. NEWTON of Minnesota. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14222) to amend the trading with the enemy act.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. Steenerson] appeals from the decision of the Chair.
Mr. STAFFORD. Mr. Speaker, I move to lay the appeal on

the table

Mr. ANDERSON. Mr. Speaker, I move to lay the appeal on the table

The SPEAKER pro tempore. The gentleman from Wisconsin and the gentleman from Minnesota move to lay the appeal on the table. The question is on agreeing to that motion.

The question was taken, and the Speaker pro tempore announced that the "ayes" appeared to have it.

Mr. STEENERSON. Mr. Speaker, a division.

The SPEAKER pro tempore. The gentleman from Minnesota calls for a division on the question of laying on the table the appeal from the decision of the Chair. As many as favor the motion to lay on the table the appeal from the decision of the Chair will rise and stand until they are counted.

The House divided; and there were—ayes 121, noes 6.

So the motion to lay on the table the appeal from the decision of the Chair was agreed to.

AMENDMENT OF THE TRADING WITH THE ENEMY ACT.

Mr. NEWTON of Minnesota. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14222) to amend the trading with the enemy act.

The SPEAKER pro tempore. The gentleman from Minnesota moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14222) to amend the trading with the enemy act. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Minnesota

[Mr. Anderson] will please resume the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14222) to amend the trading with the enemy act, with Mr. Anderson in the chair.

The CHAIRMAN. The Clerk will report the first committee

amendment.

The Clerk read as follows:

Page 2, line 17, strike out the word "application" with a comma and insert the word "application" without a corma.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, line 1, strike out the word "Custodian" with a comma and insert the word "Custodian" without a comma.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, line 2, strike out the word "him" with a comma and insert e word "him" without a comma.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 5, line 8, strike out "Austria-Hungary" and insert "Austria-Hungary" with a comma; and on page 5, line 9, strike out the word "who" with a comma and insert the word "who" without a comma.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 5, line 9, strike out the word "Statutes" and insert the word "Statutes" with a comma. The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee

amendment.

The Clerk read as follows:

Page 10, line 13, strike out the word "otherwise" and insert the word "otherwise" with a comma.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 10, line 17, at the beginning of the line insert the word "as."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 10, line 24, strike out the word "States" with a comma and sert the word "States" with a semicolon.

The amendment was agreed to.
Mr. RAYBURN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RAYBURN: Page 1, lines 5 and 6, after the word "person," strike out the words "not an enemy or ally of enemy."

Mr. RAYBURN. Mr. Chairman, several Members and I have consulted with the majority. This is the amendment that provides for the return of all the property. It is the one important amendment that will be offered. Several gentlemen have suggested that we try to agree upon time on this amendment. If the amendment is voted down there is only one more important amendment on this side that will be offered to the bill, and that is for the return of the Austrian property. Many Members want to be heard upon this amendment who did not get time in general debate. Therefore I feel that the gentleman from Minnesota [Mr. Newron] or the gentleman from Massachusetts [Mr. Winslow] should ask for

very liberal time for debate on this amendment.

Mr. NEWTON of Minnesota. Does the gentleman's suggestion apply to his particular amendment, or does it apply to the section itself?

Mr. RAYBURN. It applies to this particular amendment.

Mr. NEWTON of Minnesota. Would it not be better if we are to go into a limitation to apply it to the section itself

rather than to this particular amendment?

Mr. BLANTON. Oh, no; do not do that.

Mr. RAYBURN. If the amendment I have just offered is adopted, several amendments will have to be adopted to the first section of the bill. Therefore it seems to me that it would be impracticable to agree upon time as to all of the section.

Mr. NEWTON of Minnesota. What suggestion has the gentleman to offer in reference to limitation of debate on this one section?

Mr. RAYBURN. I should like very much to control an

hour on this amendment.

Mr. NEWTON of Minnesota. I have no desire whatever to curb debate unduly, but the gentleman from Texas must realize, as we all realize, that we are near the end of the session and that if we take up time here we are just simply preventing some other measures from being considered. seem to me that upon this particular amendment half an hour on a side is all that the gentleman should ask for.

Mr. RAYBURN. There are a dozen men on this side who did not get to say anything yesterday. I think there are many on that side who did not, and this is the crux of this whole

situation.

Mr. MONDELL. Will the gentleman from Minnesota allow me?

Mr. NEWTON of Minnesota. I yield to the gentleman from Wyoming

Mr. MONDELL. We debated this very question four hours Now, all gentlemen want is to discuss the very yesterday. Now, all gentlemen want is to discuss the question which was discussed most of the time yesterday.

There are at least half a dozen gentlemen Mr. RAYBURN. on this side who did not get even five minutes yesterday.

Mr. TILSON. Will the gentleman from Texas yield for a suggestion?

Mr. RAYBURN. Yes. Mr. TILSON. Why not let the debate run for a little while, with the explicit understanding that no extensions will be made beyond five minutes, and then later close the debate? Let the chairman determine as to those for and against, but no one to speak longer than five minutes, and let it run, to see how much debate is really desired.

Mr. GRAHAM of Illinois. Let me suggest the impracticability of doing that, because we are standing in the road of an urgent deficiency bill which it is very necessary to pass. we give an hour to this amendment, there will be another amendment on the Austrian property upon which liberal time will be wanted, and then there is an amendment to be offered on this side upon the declaration of future policy, upon which time will be wanted. If we are not careful we shall occupy the whole afternoon here. It seems to me that we had better agree in advance, so that we shall have no feeling about it among the membership when the time ends. For that reason we ought to limit it now on this amendment.

Mr. RAYBURN. What does the gentleman say to an hour

and a half on this amendment?

Mr. NEWTON of Minnesota. If the gentleman is going to insist on its being limited to this amendment, it seem to me

we can not go beyond one hour.

Mr. RAYBURN. I think the gentleman ought to grant us an hour and a half for this amendment. We will get through with it by 3 o'clock. We will not take up much time on the Austrian amendment.

Mr. NEWTON of Minnesota. If it is to be limited to this

particular amendment we can not go beyond the hour.

Mr. RAYBURN. Let us take both amendments and make it an hour on a side then, on the return of all the property and on the return of the Austrian property.

Mr. NEWTON of Minnesota. I do not think we can do that.

Mr. RAYBURN. I ask for recognition, Mr. Chairman. The CHAIRMAN. The gentleman from Texas [Mr. Ray-

BURN] is recognized for five minutes.

Mr. RAYBURN. Mr. Chairman and gentlemen of the committee, I do not have much to add to what I said yesterday in reference to this proposition. The amendment I have offered offers to the House a clear-cut proposition and a square opportunity to pass upon the proposition of whether or not we will do what we concede the only thing that this Govern-ment, speaking through this Congress should do, and that is to return all this property at an early date. If this amendment is voted down it means that we by this method only tantalize the situation. It seems to me that as a policy for this Gov-ernment to-day we would be less likely to be misunderstood if we returned none of this property than if we returned only a

partial amount of it, and for this reason. If we do not act upon this question, if we do not return any of this property, there is no congressional action on it at all at this time, the world will believe that the United States of America will in the future, as it has in the past, be guided by the decisions of its courts, by its traditions, and follow the rules of international law built up in these modern days of civilization.

But if we return \$10,000 of this property we imply the threat that we are going to retain the remainder as security for the payment of private claims by American citizens against the German Government, and the world will have the right and will believe that we intend to do what some gentlemen have been frank enough to assert, confiscate this property.

The gentleman from Pennsylvania, Doctor Temple, yesterday, although disclaiming any intent on the part of the Gov-ernment of the United States for the confiscation of this prop-

erty, driven to the ultimate conclusion, said this:

What is the German Government to do about privately owned property of its citizens which it has turned over to this Government under the terms I read from the treaty a few minutes ago? If the time should come when we would have to sell the property to make good the claims of our people against Germany, then the German owners would hold the claim against their own Government.

If we are going to sell the property and devote the proceeds to paving private claims of American citizens, in God's name, what is that but confiscation?

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. PARKER of New Jersey. Is not the real crux of this whole matter that after the armistice the Alien Property Custodian under the last administration did sell most of the prop-

Mr. RAYBURN. Some of it.

Mr. PARKER of New Jersey. He did it, and after the armistice, and gave notice that no one but pure American citizens

should bid on it.

Mr. RAYBURN. I say that we will be misunderstood the world over because if this House adopts the recommendation of this committee and, in the light of the speeches made here, sustains this committee, they can come to no conclusion but that the property will be confiscated ultimately for certain objects.

Mr. PARKER of New Jersey. The gentleman will acknowledge that this House is not answerable for the policy of con-

fiscation and seizure?

Mr. RAYBURN. That does not enter into what we are doing now. If somebody violated the law in the last administration it is no reason why this Congress or this administration should hold us up to the world in a light that we never have been placed in, in the light to make us misunderstood the world over, when America stands alone in a world of turmoil to-day, If the world is to come to settled conditions, if civilization's battle for freedom and the enlightenment of the world is to stand and to mean anything, the United States must hold forth the beacon light of law. order, humanity, and decency to the whole world.

hole world. [Applause.] Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent that debate on the amendment of the gentleman from Texas and all amendments thereto close in 55 minutes: the time to be divided 30 minutes to those opposing the amendment and 25 minutes to those favoring the amendment.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that debate on this amendment and all amendments thereto close at the end of 55 minutes, 25 minutes to be controlled by the gentleman from Texas and 30 minutes by himself. Is there objection?

Mr. BLANTON. Reserving the right to object, I want five minutes. I understood there was to be liberal debate. Does that include five minutes for me?

Mr. NEWTON of Minnesota. The gentleman will have to

look to his colleague. Is there objection? The CHAIRMAN.

There was no objection.

Mr. NEWTON of Minnesota. Mr. Chairman, I yield five min-

utes to the gentleman from Indiana [Mr. SANDERS.]

Mr. SANDERS of Indiana. I want to say at the outset that I am opposed to the application of the property in the hands of the Alien Property Custodian to the payment of American claims. I am also in favor of the passage of this measure as claims. it is. The fact that such position may seem anomalous leads me to explain in just as brief form as I can why I think this measure should be passed without amendment with reference to the amount we return, and why those who entertain the views which I entertain can not only support the measure on final passage but can urge that the measure be passed in its present form rather than in the form of returning all the property at the present time. We are confronted with this practical proposition.

There are many gentlemen in the House who entertain the views so ably expressed by the distinguished gentleman from Texas [Mr. RAYBURN], who is not only one of the able members of our committee but one of the ablest Members of this House. I am among those who entertain such views, but there are many gentlemen in the House who entertain the view that this property ought not to be returned but ought to be applied to the payment of American claims. We have before us legislation which proposes to return to the German nationals 92 per cent in number of all of these trusts. The legislation before us does not commit you or me or any Member of this Congress to any policy of the application of this property to the payment of American claims. If the legislation contained one single section or paragraph or phrase which committed our Government to the policy of taking the property of these enemy nationals, brought here during peace times, builded up by their toll, I would vote against the measure and oppose it; but there is not anything in the bill to that effect.

Personally I should be glad if the Senate and the House could agree to-day to return all of the property to those to whom it belongs, but it can not be done. The distinguished gentleman from Alabama [Mr. BANKHEAD] made an able argument to that effect, but over in another body the distinguished Democratic leader who represents the great State of Alabama has a bill now before that body, proposing to apply this property now to the payment of these American claims; and there are others

there sharing the same opinion.

The question is, shall those of us who believe so firmly in the sacred rights of property here, regardless of whether it belongs to our own people or others, amend this bill and propose to give it all back, send the measure to the other body to die, thus losing the opportunity of turning back 92 per cent in number of these trusts, or shall we support the bill in its present form and embrace that opportunity? I say it is a practical proposition, and that the men who belong to the majority, who have the responsibility of legislation, must face the situation as it is, and those of us who believe that it all ought to be returned, with the opportunity confronting us to turn 92 per cent in numbers back, must take advantage of that opportunity.

We have a proposition here which can go through without violating the principles of any gentleman, whether he believes it all ought to be returned or not, for if one believes that all this property ought to be returned, then he believes 92 per

cent in number ought to be returned.

Those of us who entertain the view that it all ought to be returned get practically everything we asked for in this measure. We return all of 92 per cent of those trusts, and the bill in its present form has been so amended that we give the in-come of all the remaining trusts. Thus, not much will be lost to the owners if it goes on for another year or two while they are adjusting these claims. They lose nothing, and we get substantially what we ask for. Therefore, regardless of our views, we can join in this proposition of doing substantial justice and returning what is provided for in this measure. [Applause.]

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.
Mr. TILSON. Does not the gentleman think that the precedent we are setting by turning back a part of it can be taken as a pledge that all of the rest of it will be disposed of in the

same manner?

SANDERS of Indiana. I do not know, but the matter is in the hands of the American Congress. This property can not be confiscated without the assent of Congress, and the American Congress can never under the sun consent to such a policy as confiscating private property of enemy nationals to pay American claims. [Applause.]

I desire to discuss the provisions of this bill and this question of whether we shall apply this property to the payment of

American claims.

The Alien Property Custodian, appointed by virtue of the trading with the enemy act, now holds 30,368 trusts of the value of approximately \$347,000,000. These trusts embrace almost every species of property, including private debts and United States Government obligations. Some of these Government obligations are investments made by the custodian, but others are Government obligations owned by alien enemies at the time they were taken over. The Winslow bill, H. R. 13496, would return 28,144 trusts, each of which is less than \$10,000 In value, and would return \$10,000 in value to some of the beneficiaries of the remaining 2,224 trusts. According to the estimate of Mr. Miller, Alien Property Custodian, this would amount in all to \$44,362,000, or less than one-seventh of the property in value. (Hearings before House committee, p. 6.) —AS BETWEEN THE UNITED STATES AND THE ENEMY GOVERNMENT WE HAVE THE RIGHT TO CONFISCATE THE PROPERTY OF THESE ENEMY NATIONALS.

Under strict international law all questions as to the rights of the nationals of the respective governments are foreclosed when the treaty is signed.

I apprehend that the treaty of peace abolishes the subject of the war, and that after peace is concluded neither the matter in dispute nor the conduct of either party during the war can ever be revived or brought into contest again. * * * * the restitution of, or compensation for, British property confiscated or extinguished during the war by any of the United States, could only be provided for by the treaty of peace. (Ware v. Hylton, 3 Dall. 229.)

Germany not only failed to make provision for the return of the property held by our Alien Property Custodian but specifically agreed in the treaty of Versailles-

The property rights and interests, and the cash assets, of German nationals-

Including that held by our custodianshall be subject to the disposal of such power-

America-

in accordance with its laws and regulations.

Versailles treaty, section 4, article 297 (h) (2), with the further provision that-

Germany undertakes to compensate her nationals in respect of the sale or retention of their property, rights, or interests. (Ibid, art. 297 (i).)

This right in the Versailles treaty and the rights reserved in the Knox-Porter resolution were preserved to us in the treaty of Berlin.

II .- OUR COURTS AND ENGLISH COURTS, WHILE RECOGNIZING THE NAKED RIGHT OF CONFISCATION, CONDEMN ITS EXERCISE.

A. DECISIONS OF THE UNITED STATES.

A. DECISIONS OF THE UNITED STATES.

(1) In former times the right to confiscate debts was admitted as an acknowledged doctrine of the law of nations, and in strictness it may be said to exist, but it may well be considered as a naked and impolitic right, condemned by the enlightened conscience and judgment of modern times. * * There is no exigency in war which requires that belligerents should confiscate or annul the debts due by citizens of the other contending party. Grant that the law of nations is that debts due from individuals to the enemy may by the rigorous application of the rights of war be confiscated, still it is a right which is seldom or never exercised in modern warfare. (Hanger v. Abbott (1867), 6 Wall. 532.)

the rights of war be confiscated, still it is a right which is seldom or never exercised in modern warfare. (Hanger v. Abbott (1867), 6 Wall. 532.)

(2) Between debts contracted under the faith of laws and property acquired in the course of trade on the faith of the same laws reason draws no distinction and although in practice vessels with their cargoes, found in port at the declaration of war, may have been seized it is not believed that modern usage would sanction the seizure of the goods of an enemy on land which were acquired in peace in the course of trade. Such a proceeding is rare and would be deemed a harsh exercise of the rights of war. (Chief Justice Marshall in Brown v. U. S., 8 Cr. 110.)

(3) There is no exigency in war which requires that belligerents should confiscate or annul the debts due by the citizens of the other contending party. (Hanger v. Abbott (1867), 6 Wall. 532.)

(4) Confiscation of debts is considered a disreputable thing among civilized nations of the present day; and indeed nothing is more strongly evincive of this truth than that it has gone into general desuctude, and whenever put into practice provision is made by the freaty which terminates the war for the mutual and complete restoration of contracts and payment of debts. (Justice Patterson in Ware v. Hylton, 3 Dall. 199 at 255; and see also Judge Wilson, ibid. p. 281; and Judge Cushing, ibid. 283.)

(5) It may not be unworthy of remark that it is very unusual, even in cases of conquest, for the conqueror to do more than to displace the sovereign and assume dominion over the country. The modern usage of nations which has become law would be violated; that sense of justice and of right which is acknowledged and felt by the whole civilized world would be outraged if private property should be generally confiscated and private rights annulled. * * If this be the modern rule, even in cases of conquest, who can doubt its application to the case of an amicable cession of territory? (Chief Justice Marshall, U. S. v. Percheman, 7 Pet

(B) DECISIONS OF ENGLISH COURTS.

Many English authorities are collected and reviewed in the case of ex-Czar of Bulgaria's property (July 30, 1920), 123 In this case the Crown had undertaken to for-Law Times, 661. feit property belonging to the ex-Czar of Bulgaria in Great Britain. It was held that the right did not exist because of the British "trading with the enemy act," which was inconsistent. The court, however, said that except for the act the Crown would have had the right of forfeiture.

I quote, however, certain parts of the decision to show how the court condemned confiscation:

The right to forfeiture and the trading with the enemy legislation are concerned with all enemy property, and it must be remembered that the right to forfeit, although its existence is recognized, has been criticized and its exercise deprecated by practically all writers an international law in modern times. (Lord Sterndale, p. 665.)

* * * Lastly, for more than 100 years it has not been exercised, so far as any record produced to us shows, in the case of private property of enemies, the only form of property with which we are concerned, and the tendency of writers on international law has been, while admitting the existence of the right, to deprecate on grounds of humanity and from economical considerations the assertion of it in the times in which we live, with the intimate relations between the

inhabitants of different countries brought about by improved facilities of communications, etc. (Lord Sterndale, pp. 667-668.)

But, apart from such judicial views, the propriety of the exercise of any arbitrary right of forfeiture has been increasingly made the subject of disapproval by writers on international law, while the unwisdom of its exercise in the general case, because such exercise was calculated to expose British subjects to like measure on the part of their enemies, and in many cases to put them in the position of being obliged to pay their debts twice over, was generally insisted upon. (Lord Younger, L. J., pp. 669-670.)

* * * It will be noticed that while under the act every purpose of forfeiture under the prerogative not merely penal is attained in that, while its procedure when adopted is effective to deprive an enemy owner of property within the realm of any beneficial interest therein while the war lasts, its provisions also permit complete justice to be done to him on the conclusion of peace in respect of his property preserved and administered during the war. (Lord Younger, L. J., p. 670.)

It will be noted on reading this case carefully that the court does not follow the case of Wolff v. Oxholm (6 M. & S. 92), which has been cited with approval by our courts.

That case involved the confiscation by Denmark of a debt of a British subject. The British court was there deciding a clear question of international law, took a strong stand against confiscation of debts of enemy nationals, and denied the right under international law to confiscate.

In cases where the Crown seeks to forfeit, the British courts hold themselves bound by the policy determined by the Crown, unless the power has been taken away by act of Parliament.

The views of Great Britain when her own subjects are involved is shown by the Wolff case and the British protest against the confiscatory acts of the Confederate States hereinafter quoted. Great Britain is for the enlightened policy of nonconfiscation when the property belongs to British subjects.

(C) INTERNATIONAL LAW TEXTS.

Finally, with unnecessarily multiplying authorities on a point which is undisputed, we may quote from Hall the following passage:

"Property belonging to an enemy which is found by a belligerent within his own jurisdiction, except property entering territorial waters after the commencement of war, may be said to enjoy a practical immunity from confiscation." (John Bassett Moore, vol. 7, p. 308, Digest of International Law.)

III.—THE QUESTION OF CONFISCATION IS ONE OF POLICY TO BE DETERMINED BY THE CONGRESS OF THE UNITED STATES, AND WHEN INVOLVED IN TREATY, OF COURSE, THE EXECUTIVE ALSO.

Involved in Treaty, of course, the Executive Also.

(1) The question, What shall be done with enemy property in our country * * o is proper consideration of the legislature, not the executive or judiciary. (Brown v. U. S. (1814), 8 Cr. 110; 3 Law Ed. 504; Huberich, p. 232.)

(2) If Virginia as a sovereign State violated the ancient or modern law of nations in making the law of the 20th of October, 1777, "confiscating debts," she was answerable in her political capacity to the British nation, whose subjects have been injured in consequence of that law. Suppose a general right to confiscate British property is admitted to be in Congress, and Congress had confiscated all British property within the United States, including private debts, would it be permitted to contend in any court of the United States that Congress had no power to confiscate such debts by the modern law of nations? If the right is conceded to be in Congress, it necessarily follows that she is the judge of the exercise of the right as to the extent, mode, and manner. (Ware v. Hylton, 3 Dall. 199, at 224.)

IV .- THE ESTABLISHED AMERICAN POLICY IS OPPOSED TO CONFISCATION.

a. Now, since our courts, British courts, and authorities on international law had condemned confiscation of the private property of enemy nationals, although recognizing it as a naked right, and since it has been expressly held to be a matter of policy, it becomes important to determine what is the established American policy.

(1) THE REVOLUTIONARY WAR.

This was at a time when the Nation was in a formative stage, Congress itself passed no confiscatory measures. The individual States under the Articles of Confederation had sequestered and confiscated property, particularly British debts. Nevertheless, in our treaty of 1782, we provided:

ART. IV. It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts heretofore contracted.

ART. V. It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective States to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to real British subjects, * * *

ART. VI. That there shall be no future confiscations made * * *.

Then in the Jay treaty (1794), to make more certain our fulfillment of the obligations we provided for a commission to fix the amount of loss or damages on account of failure to restore or compensate for confiscated property; and later in the treaty of 1802 we provided for the payment of \$2,664,000 in settlement of these claims.

And the same arguments of self-interest were made then as now. Alexander Hamilton answered them so conclusively in his articles signed "Camillus" that what he said has almost become the American textbook on rights of private property of belligerents on land, and is quoted by most authorities on

international law as the statement of the modern doctrine upon the subject.

I quote briefly:

the subject.

I quote briefly:

Letter XVIII. No powers of language at my command can express the abborrence I feel at the idea of violating the property of individuals, which in an authorized intercourse, in time of peace, has been troversies between nation and nation. In my view, every moral and every political sentiment unite to consign it to execration. (Hamilton's Works, p. 60, vol. 5, Lodge.)

LETTER XIX. The right of holding or having property in a country always implies a duty on the part of its government to protect that property and to secure to the owner the full enjoyment of it. Whenever, therefore, a government grants permission to foreigners to acquire property within its territories or to bring and deposit it there, it tacitly promises protection and security. It must be understood to engage that the foreign proprietor, as to what he shall have acquired or deposited, shall enjoy the rights, privileges, and immunities of a native proprietor without any other exceptions than those which the established laws may have previously declared. How can anything else be understood? Every State, when it has entered into no contrary engagement, is free to permit or not to permit foreigners to acquire or bring property within its jurisdiction; but if it grant the right, what is there to make the tenure of the foreigner different from that of the native, if antecedent laws have not pronounced a difference? Property, as it exists in civilized society, if not a creature of, is, at least, regulated and defined by the laws. They prescribe the manner in which it shall be used, alienated, or transmitted; the conditions on which it may be held, preserved, or forfeited. It is to them we are to look for its rights, limitations, and conditions. No condition of enjoyment, no cause of forfeiture, which they have not specified, can be presumed to exist. An extraordinary discretion to resume or take away the thing, without any personal fault of the proprietor, is inconsistent with the notion of property. This seems always to

Congress did not confiscate private property and carefully preserved the rights of individual owners in the ceded lands. Article 8 of the treaty of 1848 provided:

Article 8 of the treaty of 1848 provided:

Mexicans now established in Territories previously belonging to Mexico, and which remain for the future within the limits of the United States as defined by the present treaty, shall be free to continue where they now reside or to remove at any time to the Mexican Republic, retaining the property which they possess in the said Territories or disposing thereof and removing the proceeds wherever they please, without their being subjected on this account to any contribution, tax, or charge whatever.

In the said Territories property of every kind now belonging to Mexicans not established there shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract shall enjoy with respect to it guaranties equally ample as if the same belonged to citizens of the United States.

(3) THE CIVIL WAR.

(3) THE CIVIL WAR,

The action of the Congress during the Civil War resembled confiscation. In reality, however, it was merely confiscation of

property used and employed in promoting insurrection.

Charles Cheney Hyde (1922) volume 2, on page 238, analyzes our action:

Our action:

In the course of the Civil War, the United States, in its endeavor to suppress the insurrection, and by way of punishment for disloyalty and treason on the part of the owners, undertook by an act of Congress of July 17, 1862, to confiscate property found within the Union lines. The principle acted upon differed essentially from that involved in confiscating property of alien enemies, and gives no support by way of precedent to such procedure. On August 6, 1861, the Congress enacted a law for the confiscation of property purchased or acquired, sold or given with intent to aid or abet or promote the insurrection or resistance to the laws, or in case the owner of property should knowingly use or employ it, or consent to the use of employment of it, for such purpose. It was thus the nature or the use of property rather than the character of the owner which was made the ground of confiscation. It is not believed that this law, in view of the nature of the confiscation in a foreign war of the property of alien enemies within the national domain. As careful an observer as Hall declared that this act of Congress was the only instance of belligerent confiscation of private property from the close of the Napoleonic wars until the time when he wrote; yet he expressed doubt as to whether the usage was old and broad enough to establish a rule applicable to all forms of private property.

The Confederate Congress passed an act of confiscation which

The Confederate Congress passed an act of confiscation which applied as such laws usually do, to all persons living in the enemy country

Great Britain protested against this act in the language:

Her Majesty's Government have received urgent representations from parties in this country connected in business with, and having establishments in, the Northern States of America, of the hardship

and injustice which this act of the Confederate States, if applied to British subjects domiciled in the United States, can not fall to inflict upon them.

Now, whatever may have been the abstract rule of the law of nations on this point in former times, the instances of its application in the manner contemplated by the act of the Confederate Congress in modern and more civilized times are so rare and have been so generally condemned that it may almost be said to have become obsolete. The conclusion expressed by Wheaton on this subject (Elements, 6th ed., p. 369) is as follows:

"It appears, then, to be the modern rule of international usage that property of the enemy found within the territory of the belligerent State, or debts due to his subjects by the Government or individuals at the commencement of hostilities, are not liable to be seized and confiscated as prize of war.

(4) THE SPANISH-AMERICAN WAR.

(4) THE SPANISH-AMERICAN WAR.

There was no confiscation by Congress. In the treaty there was a mutual relinquishment of claims, each Government agreeing to take care of the claims of its own nationals, and this has been erroneously cited as a precedent for taking this property. It clearly is not. The doctrine of nonconfiscation of private property on land belonging to enemy nationals rests upon the theory that the property was brought here in reliance upon our hospitality and justice. A mere vague, unliquidated claim growing out of some alleged wrong to a Spanish citizen, only enforceable through diplomatic correspondence, stands upon an entirely different footing.

(5) THE WORLD WAR.

The very enactment of the sections of the "trading with the enemy act," providing for taking over enemy property, was the announcement of a policy of respecting the property of enemy nationals.

A. THE LANGUAGE OF THE ACT.

The "trading with the enemy act" provides that the property shall be held in trust and that-

after the end of the war any claim of any enemy or ally of enemy to any money or other property received and held by the Allen Property Custodian or deposited in the United States Treasury shall be settled as Congress shall direct.

B .- IN THE REPORTS OF COMMITTEES.

1. HOUSE.

Moreover, the preservation of enemy property by governmental agencies is to the best interest of the enemy subject himself. The fortune of trade in time of war renders precarious the solvency of debtors or holders of property, and the assumption of the debt or custody of the property by the Government gives the enemy or ally of enemy the best possible protection. (H. Rept. No. S5, 65th Cong., 1st sess.)

2. SENATE.

Under the old rule warring nations did not respect the property rights of their enemies, but a more enlightened opinion prevails at the present time, and it is now thought to be entirely proper to use the property of enemies without confiscating it. * * In other words, we fight the enemy with his own property during the war but we do not permanently confiscate it. This temperary conscription of enemy property is also conservation of enemy property, for it takes the property from the hands of debtors or agents, as to whose solvency the enemy would otherwise be obliged to assume the risk, and it invests the property in the safest security in the world—bonds of the United States—or deposits it in Government depositories. (8. Rept. No. 113, 65th Cong., 1st sess.)

C. DEBATES.

Mr. Hill. Then, as I understand it, it is practical confiscation now, but subject to the courtesy and kindness of Congress after the war is over, so far as actual money is concerned, but giving a legal right to recover in case of patents.

Mr. MONTAGUE. Not confiscation at all. The Government will act. if I may use the legal term, as bailee. It will take this property and invest it in the best security in the world. It will take property which does not belong to debtors in this country, and who may not be solvent at the end of the war, and hold it for final disposition after the war. In other words, the Government undertakes to do by these enemy creditors better than the resident debtors or such emeny creditors could do for themselves.

Mr. HILL. * * Why not permit it to be placed in the bill and not say, as this bill does, that we will invest it for our own benefit, and perhaps by and by, after five years from now, after the war is over, Congress may take some action for their relief?

Mr. MONTAGUE. My individual views are that by impounding this property it is made to serve the interests of America in this great struggle, and at the same time its final and honest payment to the creditor is made more secure. (Vol. 55, Part V, Cong. Recerd, 65th Cong., 1st sess., pp. 4844 and 4845.)

D. STATEMENT OF ALIEN PROPERTY CUSTODIAN.

Cong., 1st sess., pp. 4844 and 4845.)

D. STATEMENT OF ALLEN PROPERTY CUSTODIAN.

Having in mind these two provisions, this office has recommended in a public hearing before the proper congressional committee that legislation be enacted as indicated above, which is a preliminary step in the altimate return of all of this property, bearing in mind the time-honored principle that private property of citizens is not to be utilized for the payment of national debts. If the legislation suggested is enacted into law, there will be ample property left to properly guarantee the settlement of American claims in accordance with the terms of the peace resolution. (Annual report of the Alien Property Custodian for the year 1922, p. 8.)

Mr. Lea. Mr. Miller, suppose that Congress should now definitely determine that it will not take private property for the satisfaction of claims. Would you then know of any reason why Congress should any longer hold this property?

Mr. Miller, No; if that policy is arrived at there would not be any further reason why we should. (Hearings before the House Committee on Interstate and Foreign Commerce, 67th Cong., 4th sess., p. 17.)

E. STATEMENT OF DEPARTMENT OF STATE.

(a) THE SECRETARY.

Up to this time, Congress has not committed itself to a confiscatory policy. (Letter, Secretary Hughes to Senator Nelson, July 29, 1922, House Hearings, p. 301.)

(b) MR. CARR.

Mr. Sanders. Thank you very much, Mr. Chairman. I lay that foundation about the State Department and the Congress, Mr. Carr, so that it may be clearly understood what I am driving at. If there is any policy up to date with reference to a confiscation, or any partial confiscation, it is to be found in the resolution of the Congress.

Mr. Carr. That is true.

Mr. Sanders. And at most that can be regarded only as a reservation of the rights to confiscate.

Mr. Carr. To the extent of these claims?

Mr. Carr. To the extent of these claims.

Mr. Carr. I do not understand that there is any policy whatsoever of confiscation. Certainly I do not understand that the Secretary of State would favor a policy of confiscation. The Secretary of State has been merely carrying out what Congress itself required should be done looking to the early settlement of the matter and the protection of the interests of the American claimants.

Y.—The American Policy of Inviolability of Private Property on Land Belonging to Enemy Nationals Should be Continued.

From an economic standpoint. American interest dictates

From an economic standpoint, American interest dictates that course. American investments in foreign countries amount to approximately five and one-half billions of dollars, according to a letter written to me on January 20, 1923, by the Bureau of Foreign and Domestic Commerce. Our foreign trade touches every country in the world. We need foreign invest-ments here in order to furnish facilities for our great export trade. It would pay many times over to pursue the course that would inspire the greatest confidence in those whose investments we seek.

But from the standpoint of national morality and self-respect we must not retain the property. While the Government has very properly retained the funds and property for such reasonable time as was necessary for legislation to be passed to turn it back in an orderly way, nevertheless an indefinite retention of the property for the purpose of security or pledge in favor of claims of our own nationals against Germany, or as a supposed means of pressure to accomplish the satisfaction of such claims, would amount to partial confiscation and would be repugnant to the most enlightened principles of international law.

The bill introduced in the Senate by Senator Underwood (S. 3852) must never be agreed to by this body. My interpretation of the trading with the enemy act, its various amendments, the Knox-Porter resolution, the Versailles treaty, and the Berlin treaty, which confirms the Knox-Porter resolution and preserves the rights accruing to us by the terms of the Versailles treaty, leads me to the conclusion that we have merely preserved the right, if we should see fit to exercise it, to confiscate the property held by the Alien Property Cus-todian and have left the determination of the American policy in that regard to the Congress of the United States.

The establishment of the general principle of the inviolability of the right of private property under international law is as important to international trade as was the inviolability of private property secured by the Constitution of the United States to domestic trade.

This Government is basing its refusal to recognize Russia and Mexico upon the failure of these Governments to respect the rights of property. It is therefore extremely important, in respect to property situated in the United States which may not perchance be under the protection of our Constitution, that we scrupulously give it the protection which by our assertions it ought to have.

We declared war because other nations destroyed the lives and property of American citizens in violation of international law. In the prosecution of that war we poured out our treasure and the lifeblood of our sons. It was not in vain. The world in the centuries to come will remember we were not too proud to fight and will know that we shall not count the cost when confronted with like violations of our sacred rights.

Our cost to date in treasure is above \$30,000,000,000, and our cost in life is over 75,000 souls.

Shall we, in the aftermath and as a part of that great world tragedy, for a few paltry millions pursue a course which is inconsistent with our national honor and self-respect?

Our duty seems so clear that we ought not to hesitate. fact that by our violation of duty we may enhance the interest of certain claimants who are American citizens ought not to affect the performance of the duty. It is easy to do right when we are not tempted to do wrong, but our fidelity to justice ought not to be shaken by temptation. By refusing to yield to that temptation we shall give stronger evidence of our national courage. The world is now threatened with Bolshevism, whose

very sands of foundation are disregard of property rights. If America speaks out in ringing tones for the rights of property, so sacred to the progress of society, the whole civilized world will hear, and what America says will then be indelibly written into international law for the guidance of civilization in the centuries that are to come.

Mr. Chairman, in voting for this measure returning a portion of this property and even in voting against amendments providing for complete return I do so with the firm conviction that this property should all be now returned, and that the passage of the measure in its present form is the nearest approach to that result possible with only seven days of Congress remaining.

America must never apply this property to the payment of American claims, but must see that the just claims are paid

in some other way. [Applause.]
Mr. RAYBURN. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. HARDX].

Mr. HARDY of Texas. Mr. Chairman, if this were a proposition depending upon the inability of our Government because of its financial strength to pay in full what we owe, I should favor a proposition by which we might pay 10 per cent new, postponing the final payment to a future date; but we owe this property to certain people who were in our midst as residents here, or who invested money in property here under our laws and under our invitation, as well as under the specific terms of our treaty with Germany at the time they came here. They invested their money here—and there was a guaranty for them under that treaty, and under our law and international law, that in ease of war with Germany we would protect their property. Suppose it is true that Germany guaranteed to our citizens the same thing; and that is true. Suppose it is also true that we recognize now that Germany is bankrupt and can not or will not keep her promise, will not pay what she owes to American citizens; still I assert that that does not give us the right to repudiate our obligation to individuals or to deny or to refuse to pay what we, as a people, owe to the German citizen under our guaranty and under our laws. It is the same thing as if A owes a debt to B and D owed a debt to C. When it comes time for A to settle his debt to B he says, am responsible, I have got the money, but C, a friend of mine, has a debt against D and D is bankrupt, and I am going to cancel my debt to you by setting it off against the debt that D owes to C." We propose here to pay the obligation that our Government owes to German nationals who came here under our laws by setting that debt off against what Germany, a bankrupt, owes to some of our citizens. The proposition is immoral, it is a clear repudiation of an admitted obligation. And for Members to declare that they do not intend to confiscate property while they are in the very act of confiscating it seems to me simple hypocrisy and false pretense. They say they may hold this property 50 years until its owners are dead, and yet they say they will not confiscate it.

Suppose we assume that Germany never can or never will pay what she may owe to some of our citizens. Then the principle embodied in this law is that we will hold thereafter the property of Germans here as security, and it can not be security to be realized out of unless it be sold.

Mr. MONDELL. Will the gentleman yield?

Mr. HARDY of Texas. I will yield.
Mr. MONDELLI Just who is it that proposes what the gentleman has just stated? Just who is it that proposes that we shall confiscate these properties?

Mr. HARDY of Texas. Why, if the gentleman does not know that when you hold property as security you can only make it security by the sale of it in case of default in payment. If he does not know that the very assertion of the right to hold it as security is an assertion of the right of appropriation.

Mr. MONDELL. Then, when the Democratic administration took this property over, by taking it over the Democratic administration said that they proposed its confiscation?

Mr. HARDY of Texas. I am glad the gentleman made that statement, because it was asserted here yesterday on that side that we had declared the original taking over was wrong. Never so. But when our Nation got at war with Germany it was right; it was our duty to do two things to protect our people in the stress of war, so we took over these properties to keep them from being used for the benefit of the German Government during the war and also to protect it while the war

Mr. SNYDER. Will the gentleman yield? Mr. HARDY of Texas. The declaration on this side was Mr. HARDY of Texas. we took the property for these two purposes-that is, to prevent it being used against us and to preserve and protect it for its owners. I will yield to the gentleman, Mr. SNYDER.

Mr. SNYDER. The fact that we are paying back 92 per cent of these claims under this legislation-that is, 92 per cent in number of the claims—is not that a very fair indication that we intend to pay all of them?

Mr. HARDY of Texas. If you intend to do it, why do not

you pay them; you are able to do it.

Mr. SNYDER. The gentleman knows as well as every other

gentleman it can not be done at this time.

Mr. HARDY of Texas. Ah, I know no such thing. I know the Government of the United States proposes now by a bill to pay hundreds of millions of dollars out to help certain interests. I know we have got money enough to pay our just debts. We took this property to protect it and prevent its hostile use, and now the war is ended. We are obligated to return the property, we acknowledge it, but we say we will not return it yet.

Mr. SNYDER. But we are paying 92 per cent of the claims

so held.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY of Texas. May I have one minute additional? want to answer the last suggestion.

Mr. RAYBURN. I yield the gentleman one additional minute. Mr. HARDY of Texas. We are paying 92 per cent in number, and politically that may be wise, because you may thereby get 92 per cent of the German vote affected.

Mr. SNYDER. I hope that is so, but I doubt it.

Mr. HARDY of Texas. I do not know whether it will or not, but that is the reason, or one of the reasons, why you pay these little claims and refuse to pay the big ones. If you are honest you will pay both. For this Government to repudiate its obligations in whole or in part-repudiation is as dark, as damnable when perpetrated by a government as it is when perpetrated by an individual under any excuse whatsoever.

Mr. LINTHICUM. Would it not be better to pay a certain

percentage of these claims rather than not to pay any?

Mr. HARDY of Texas. Yes.

The CHAIRMAN. The time of the gentleman has expired. Mr. NEWTON of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, as one of those who have always held, and have frequently stated, that whatever our rights may be under international law we never shall confiscate the property of allens taken during the war, I am a good deal surprised at the sudden interest evinced by the gentleman from Texas [Mr. RAYBURN], who up to this good hour has been entirely indifferent to the whole matter but who now insists that we return, without regard to existing conditions, all of this property. If anybody in authority under the American flag has by direct action or inference held or suggested that America will confiscate such property, it was the Democratic administration and Democratic Members who, not protesting the attitude of the administration, agreed to it. It was a Democratic administration that took the property, and it was right that they should, although they went far afield in doing so. It was under a Democratic administration that the questionable practices occurred which have reflected on the fair name of America in our handling of this property. It was a Democratic administration that negotiated the treaty under which this property might be confiscated. Now, I am not charging my Democratic colleagues with being favorable to or in approval of such action, but up to the end of their administration, that lasted more than two years and a half after the signing of the armistice, no voice on that side of the aisle was raised for the return of a dollar of this property and no word came from the administration proposing it.

Mr. RAYBURN. The Democrats did not have the House of

Representatives until immediately after the signing of the

Mr. MONDELL. The gentlemen were not necessarily speech-less because they did not have a majority, but they did not speak. But now, when we are proposing to do the fair, the just, and the reasonable thing, gentlemen insist we return all You want us to do this, notwithstanding the the property. effect it might have on the mixed commission now sitting or on the European situation.

With Europe on the verge of an explosion and conditions existing under which everything done here is magnified in the minds of those people over there, the gentleman proposes action which would be interpreted in Germany as an entire reversal of American opinion and approval in toto of the present German attitude.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield? Mr. MONDELL. I have only a brief time.

I am glad that all the gentlemen on that side are not trying to play politics with this tremendously important question. I am glad that some of the gentlemen on that side-a considerable number, I hope-will join with us in doing this thing which should have been done long ago, and in doing it in a reasonable way, returning the property of three-quarters of those who have property with our Government; relieving those of limited means, doing as much as can be crystallized into action by the Alien Property Custodian's office between now and the meeting of the Congress in December.

Mr. HAWES. Mr. Chairman, will the gentleman yield? Mr. MONDELL. I am glad there are a few gentlemen on that side who are willing to take the same patriotic attitude toward this problem that we on our side assumed toward all the problems of the war. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming

has expired.

RAYBURN. Mr. Chairman, I yield to the gentleman

from Tennessee [Mr. Garrett] five minutes.

The CHAIRMAN. The gentleman from Tennessee is recog-

nized for five minutes.

Mr. GARRETT of Tennessee. Mr. Chairman, it has remained for the gentleman from Wyoming to utter the first partisan words that I have heard in the course of this discussion.

Mr. SNYDER. Mr. Chairman, will the gentleman yield? Mr. GARRETT of Tennessee. Yes, Mr. SNYDER. The gentleman could not have been listening when the gentleman from Texas [Mr. Hardy] made his speech just a moment ago.

Mr. GARRETT of Tennesse. Oh, I believe the gentleman from New York did ask a question, which caused the gentleman from Texas [Mr. HARDY] to answer. I am sorry I had forgotten the question of the gentleman from New York.

Mr. SNYDER. I am sure the gentleman overlooked that.
Mr. GARRETT of Tennessee. The test of the pudding is in
the chewing of the string. The gentleman from Wyoming. speaking, I assume, for his party-because he made party references throughout-undertook to leave the impression that that side of the House would stand for a return of this property and against confiscation. In a few moments the amendment of the gentleman from Texas [Mr. RAYBURN] will be voted upon, and gentlemen on that side of the House will have the oppor-

tunity of letting the country know how they stand upon that matter.

Why is it, since this is a question of principle, that we should not return all if we return any? The gentleman speaks of the fact that the Democratic administration was in power at the time the property was seized. Quite so. But would any gentle-man on that side have had the Democratic administration act differently? Oh, but the gentleman from Wyoming said that during the first Congress after the armistice had been signed no Democratic voice was raised upon this subject. There could be no Democratic voice raised here in any authoritative way

Mr. MONDELL. A Democratic President was

Mr. GARRETT of Tennessee. Because the Republicans controlled the Congress, and by reason of the machinations of those who wrote round robins and who were willing to destroy the peace of the world in order to defeat the Democratic Party, the efforts of the Democratic President were nullified by the Republican Senate.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes, Mr. MONDELL. Was the Democratic President without voice, or simply without inclination in regard to this matter?

Mr. GARRETT of Tennessee. The Democratic President had wrought out a great treaty looking to the settlement upon terms of justice of all these questions, and that treaty was held up in the treaty-ratifying body by a power that was willing to send the world to damnation if that would hold the Republican Party in power

Mr. MONDELL. Mr. Chairman, will the gentleman yield

right there?

Mr. MONDELL. The gentleman said that the Democratic President negotiated a treaty on terms of justice. The gentleman knows that one of the provisions of that treaty contem-

plated the confiscation of this property? [Applause.]

Mr. GARRETT of Tennessee. The gentleman does not know anything of the sort. It did not contemplate the confiscation of property. No administration of this country at any time, any where, ever committed itself to a principle of confiscation of property. [Applause.] That which was done in the treaty, as the gentleman from Wyoming well knows, was that it should be held, not for the purpose of the payment of private claims or of Government claims

The CHAIRMAN. The time of the gentleman from Ten-

nessee has expired.

Mr. RAYBURN. Mr. Chairman, I yield to the gentleman two additional minutes.

The CHAIRMAN. The gentleman from Tennessee is recog-

nized for two additional minutes.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question? Everybody except the gentleman from Wyoming knows that for four years the Republicans have been in charge of the Speaker, of all committees, of the organization in the House, and of all legislation, and have not made any attempt to return this property.

Mr. GARRETT of Tennessee. No; not until just now.

Mr. BLANTON. Not until just now. Mr. GARRETT of Tennessee. And then return small amounts, about 93 per cent of the number but a small per cent

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman

Mr. GARRETT of Tennessee. Yes.

Mr. GRAHAM of Illinois. It has taken about four years to find out where it was hid. [Laughter.]

Mr. GARRETT of Tennessee. I do not understand what the

gentleman means by that.

Mr. GRAHAM of Illinois. It has taken four years for the present administration to find out where the last administration had put that question.

Mr. GARRETT of Tennessee. What does the gentleman

mean by that?

Mr. GRAHAM of Illinois. I mean that all kinds of sales and contracts had been entered into by the Alien Property Cus-todian for the disposal of this property. It was almost impossible to find out where it was and to whom it belonged,

Mr. GARRETT of Tennessee. You have found out, as I understand it now, where it is up to \$10,000. Have you not found out anything about the other? [Laughter.]

Mr. GRAHAM of Illinois. It has taken a good deal of time

and effort to do it.

Mr. GARRETT of Tennesee. What is the difference in principle between \$10,000 and about \$10,000?

Mr. DENISON. The gentleman from Tennessee [Mr. Gar-RETT made a statement which I think he did not intend to make. He said the treaty of Versailles did not give the allied Governments the power to use the property of German nationals for the payment of private claims. Let me read this and see if he does not think he is wrong.

Mr. GARRETT of Tennessee. Oh, no. The gentleman is mistaken. I did not say that. The gentleman from Wyoming [Mr. MONDELL] stated that it gave the power of confiscation. I stated that there was never any intention in the treaty of Versailles

of confiscating this property. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. Longworth having. taken the chair as Speaker pro tempore, a message in writing from the President of the United States was presented by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On February 13, 1923: H. R. 18696. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1924. and for other purposes;

On February 14, 1923:

H. R. 855. An act for the relief of Fred G. Leith, United

States Navy

H. R. 10211. An act authorizing an appropriation to meet proportionate expenses of providing a drainage system for Plute Indian lands in the State of Nevada within the Newlands reclamation project of the Reclamation Service;

H. R. 10817. An act to amend section 100 of the judicial

code of the United States;

H. R. 11389. An act for the relief of Robert Guy Robinson; and

H. R. 13593. An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes.

On February 15, 1923:

H. R. 6204. An act to grant the military target range of Lincoln County, Okla., to the city of Chandler, Okla., and re-serving the right to use for military and aviation purposes, and

H. R. 12887. An act granting a pension to Jacob F. Rosen-

berger.

On February 16, 1923:

H. R. 5224. An act to authorize the Secretary of the Navy to certify to the Secretary of the Interior, for restoration to the public domain, lands in the State of Louisiana not needed for naval purposes

On February 17, 1923: H. R. 12007. An act providing for the conveyance of certain land to the city of Boise, Idaho, and from the city of Boise, Idaho, to the United States, and

H. R. 13046. An act authorizing the Secretary of the Treasury to convey to the city of Wilmington, N. C., marine hospital

reservation.

On February 19, 1923:

H. R. 13760. An act to amend an act entitled "An act to authorize the construction of drawless bridges across a certain portion of the Charles River, in the State of Massachusetts," approved November 14, 1921.

On February 20, 1923: H. J. Res. 440. Joint resolution to satisfy the award rendered against the United States by the arbitral tribunal established under the special agreement concluded June 30, 1921, between the United States of America and the Kingdom of Norway, and

H. R. 13926. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30,

1924, and for other purposes.

On February 21, 1923:

H. R. 369. An act for the relief of the owner of Old Dominion

Pier A; H. R. 7583. An act for the relief of Henry Peters; and H. R. 13351. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the Daughters of the American Revolution of the State of South Carolina the silver service which was used upon the battleship South Carolina.

TRADING WITH THE ENEMY ACT.

The committee resumed its session.

Mr. NEWTON of Minnesota. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman and gentlemen, in the interest of accuracy I want to read a paragraph of the treaty of Versailles. The gentleman from Tennessee [Mr. Garrert] did make the statement, although he may not remember it, that the treaty of Versailles did not authorize the allied Governments to apply the property of German nationals seized by the allied Governments to the payment of the claims of nationals of the allied Governments. The section I have reference to and which I wish now to read to the gentleman from Tennessee is as follows:

Tennessee is as follows:

All property, rights, and interests of German nationals, within the territory of any allied or associated power and the net proceeds of their sale, liquidation, or other dealing therewith may be charged by that allied or associated power in the first place with payment of amounts due in respect of claims by the nationals of that allied or associated power with regard to their property rights and interests, including companies and associations in which they are interested, in German territory, or debts owing to them by German nationals, and with payment of claims growling out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that allied or associated power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by Mr. Gustave Ador, if he is willing, or if no such appointment is made by him, by an arbitrator appointed by the mired arbitral tribunal provided for in section 6. They may be charged in the second place with payment of the amounts due in respect of claims by the nationals of such allied or associated power with regard to their property, rights, and interests in the territory of other enemy powers, in so far as those claims are otherwise unsatisfied.

This treaty provided in positive, direct, and unmistakable

This treaty provided in positive, direct, and unmistakable terms that the property of German citizens in the allied countries might be applied by the allied Governments to the payment of the claims of their nationals against the German Government. The gentleman from Tennessee [Mr. GARRETT] said that the President signed a treaty whose provisions were just. Now, I may say that my own view is that that is not confiscation. I differ with the gentleman from Indiana and with a number of others on this side, and I think that a study of international law on this subject will show that it is not confiscation within

the proper meaning of that term.

Mr. COCKRAN. What is it—appropriation?

Mr. DENISON. It is an appropriation of the property by the German Government.

Mr. COCKRAN. By the German Government? Mr. DENISON. An appropriation by the German Government of the property of her nationals in this country for the payment of the German debt to the nationals of this country, and the German constitution gives that Government the right to do that

Mr. RAYBURN. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAYBURN. I yield five minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman and gentlemen of the committee, this is the most astounding proposition that has been presented by any committee since I have been a Member of the House. The committee expects and desires us in a few hours of debate to violate a well-established principle of international law that has been built up for a thousand years.

Ever since the Crusades, step by step, this principle of protecting enemy property has been developed, and in the last century the United States Government has led the way. We have been the foremost champions of this very principle that the committee is asking Congress to vitiate at least in part. Why, what is this property? It is the property of German citizens taken over in accordance with international law during the war so that it could not be used against this country, and to be held in trust until the end of the war. But in accordance with every principle of international law that property should have been returned within a reasonable time after the armistice, and it certainly should have been returned after the signing of the Porter-Knox peace resolution. This property belonged to private citizens of Germany who invested in our industries or to those who came over here and accumulated wealth under the protection of our laws. Suppose, for instance, this property had been seized in Germany. Suppose German valuables, gold and silver, had been seized by the army of occupation. What would the world have said if our army of occupation had taken that wealth and kept it until the claims of our citizens against the German Government had been settled? Where is there any distinction? This property was taken over from peaceful citizens, and that would have been taken over from a conquered country. Imagine what a howl there would have been if we had done such a thing as that.

Mr. DENISON. Will the gentleman yield?

Mr. FISH. No; I do not yield. Why, the United States of America have gone much further than this. They instructed their delegates to the first Hague Conference and to the second Hague Conference to support the proposition that enemy property should not be seized on neutral boats upon the high seas. I myself believe that such a policy is un-tenable, because a government at war should be permitted to bring pressure upon an enemy government and not permit an enemy government to use these goods for its own advantage. But here we have a clean-cut issue whether Congress will uphold a long-established and recognized principle of international law or whether it will emasculate or ignore the principle. I resent the speech of the majority leader trying to inject partisan politics into this proposition, because it is one of principle and nothing else. Either you believe that we should give back this property in accordance with international law or you do not believe in the principle that has been built up through a thousand years and adopted by every civilized country. A vote against this amendment is a vote against the hopes and aspirations of civilization itself. [Applause.]

The CHAIRMAN. The time of the gentleman from New

York has expired.

Mr. NEWTON of Minnesota. I yield five minutes to the gen-

tleman from New York [Mr. Dempsey].

Mr. DEMPSEY. Mr. Chairman and gentlemen of the committee, much learning, much research, much eloquence have been displayed in the course of this debate upon questions of international law, and we have harked back also to an ancient treaty with Prussia. The real question here does not involve international law, and for a very obvious and simple reason. Parties have the right to take their case out of the binding effect of a particular law if they desire to do so, and this country, acting through its Secretary of State, negotiated a treaty with Germany in August, 1921. In that treaty Germany represented all those for whom these eloquent pleas have been We did not have the right to go back of the returns and ask Germany whether she in fact represented her nationals. When she said, "We represent them and act for them," as a matter of international law we were bound to accept her say-We did accept it, and we negotiated a treaty with her by which she waived any right to the return of this property until her debts to us were paid. Now, will the gentleman say that the Secretary of State was not performing a great public service when he negotiated that treaty? We had piled up a debt of \$42,000,000,000 during the war. We were not asking a cent by way of reparations.

All of the other allies were receiving island possessions, were receiving pay in property and in money. France to-day is occupying the Ruhr to collect Germany's indebtedness to her. Our expenses were greater than any of our allies, and we did not ask a cent. Why should not we say, having all that in mind, "You at least ought to pay to our citizens the small sum you

owe them before we return this property." Was it not natural and proper for Germany, seeing the generous course we were taking, to make the reply and the contract which she did? When she made that contract it superseded all other contracts, it superseded international law, it took the place of it. That was the agreement between the parties, and it superseded all else. These debts which Germany owes us or our citizens amount to a small sum; they will not exceed \$15,000,000. We have \$350,000,000 in money and property, besides \$200,000,000 in ships, perhaps \$550,000,000 in all, and they speak of that as if it was a reason why we should return all of it. Why, it is going to be easy for Germany to live up to the terms of that contract. We have \$550,000,000 and we can return a great part of it, and Germany can without difficulty of any kind pay our nationals the trifling sum of \$15,000,000 which they owe us. We could in good conscience compel Germany to live up to the terms of the treaty that she made with us, a treaty made in times of peace, when Germany was a free agent, three years after the end of the war; but we say by this bill that we are not going to exact the full terms of the treaty, we are going to return 92 per cent in number of all the claims you have, we are going to return to you \$45,000,000 in value, we will give your nationals the net income of all their property in our hands, and we do that despite the fact that we have Germany's agreement to the contrary. [Applause.] This is kindness, not simply justice. It is a long step toward the complete adjustment of all the claims of German citizens who had their property seized. It affords complete relief to all those of small means, to those in most need of relief, and it gives their net incomes to those of larger means. The claims of our own citizens against Germany will no doubt soon be adjusted, being small in amount, and we will be in position to close this whole matter.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RAYBURN. Mr. Chairman, I yield the remainder of my time to the gentleman from New York [Mr. COCKBAN].

Mr. COCKRAN. Mr. Chairman, I hesitate to take the floor at this moment, it being quite impossible in seven minutes to explain with any degree of clearness the reasons which impel me with all the energy at my command to support the amendment offered by the gentleman from Texas [Mr. RAYBURN]. But in these few minutes I may be able to state the issue before us, as I understand it, even though I am denied sufficient time to make clear the momentous consequences which in my

opinion will follow our action on it.

This debate, it seems to me, has run into the domain of attorneyship rather than that of statesmanship. venture to remind gentlemen, considering a dispute between individual citizens about ownership of property, but a great question of public and international policy. We are to determine whether, in disposing of certain property taken from enemy aliens by this Government, we will obey the humane principles by which this civilization has mitigated in some degree the worst horrors of war, or follow the immeasurably harsher methods which all other civilizations have sanctioned and maintained. Obviously this matter of universal importance and capital gravity should not be decided according to legalistic methods of interpreting written documents but in the high spirit of statesmanship which should govern a great nation in the exercise of its sovereignty.

But even on the basis of attorneyship, I doubt very much whether any gentleman who is a lawyer would in his own conscience attempt to justify an invasion or disturbance of individual property rights by anything contained in that so-called treaty with Germany. Sir, that was not a treaty. It called treaty with Germany. Sir, that was not a treaty. It was a capitulation. Everybody knows that when she executed it Germany was in no condition to refuse any demand made upon her by this country. She was in no sense free to decide her own course concerning the different stipulations she was required to make. She could but do whatever we prescribed. And surely I could appeal to my good friend from New York, Judge Dempsey, with his large experience on the bench, to tell us if an agreement affecting property between private parties extorted under such conditions came before him in a court of law whether he would not interpose the equitable powers of

the court to forbid enforcement of it.

Mr. DEMPSEY. Will the gentleman yield?

Mr. COCKRAN. I can not yield; I have only a few minutes. I want to say now that if anybody wants to ask me a question in his own time I will gladly answer. But I must insist on occupying the brief time allotted to me in placing my own views

Mr. Chairman, the task before us, I repeat, is to determine the course which the American Nation, in the exercise of its

sovereignty, will pursue with respect to property taken from nationals of an enemy conquered in battle, prostrate and helpless at our feet.

What disposition will we make of it? Our conclusion, whatever it may be, there is none to question or dispute, at least none who can question it to any effect. We have Germany by the throat; in a grasp so firm that she is utterly incapable of resistance.

But there is one force that has always controlled America in the exercise of its sovereignty; and that is justice-justice as

the Christian revelation has established it.

A condition has now arisen in which we must be governed either by these American principles and traditions of justice or revert to the ruthless methods which governed war under all other civilizations; the methods of væ victis—" woe to the vanquished.'

Few Members of this body, I believe, would openly profess willingness to disregard or nullify the rules and limitations which our civilization has imposed on methods of waging war. But there are several gentlemen-I must confess I have little patience with them-who tell us that while they abhor confiscation of private property seized in war, yet as a matter of prudence they will not vote at the present time to return more than about 10 per cent of this particular property. Why this limitation on their capacity for virtuous conduct? Because they say it is not feasible to secure legislation directing return

of the whole.

Mr. Chairman, I have never heard drop from the lips of an American citizen a confession so painful. Why is the return of all this property not feasible? Because, forsooth, these gentlemen believe that the Representatives in Congress of the American people—the depositaries of American sovereignty—can not be induced to do full justice, while they may be persuaded or cajoled into declaring a 10 per cent dividend on justice. Surely it must be obvious that if Congress or the American people have the right to hold this property even for a week after the estab-lishment of peace they can hold it for a century. Holding it for any purpose, for any length of time beyond which regard for the public security requires, is an exercise of ownership over it. And that is confiscation, even though the confiscator may choose afterwards to return a part of it.

Mr. Chairman, I am invoking now no particular provision of any treaty. I am discussing the duty which a great Christian State—the greatest of all Christian States—owes to Christian civilization.

But even if we are to dispose of this matter in the light of specific international agreements, I would remind the committee of the treaty made nearly 100 years ago between Prussia and this country, which the gentleman from Alabama [Mr. HUDDLESTON] read yesterday. In the light of its stipulations, immunity of this property from confiscation is not a question of general international law. It is not even a question of Christian usage. It is an absolute right, specifically granted and recognized by this country in a solemn treaty negotiated in a time of peace, when each party to it was absolutely free to accept or reject its conditions. And a treaty made under such conditions can not be annulled or displaced by the terms of a capitulation, a submission, or a surrender by a vanquished country to its conqueror, especially when that conqueror was itself one of the parties to it.

But, Mr. Chairman, above and beyond all questions of specific agreements or treaties is the overshadowing importance of guarding and preserving what Christian civilization has accomplished in mollifying the horrors of war. Among the most important of these is the immunity of private property from seizure or destruction. This, together with immunity of noncombatants from enslavement or death, are the two most important features of the contributions made by Christianity to the civilization of mankind. Under all ancient civilizations the rule governing war was væ victis. The vanquished was entitled to no consideration of any kind. Not merely was all his property seized but he himself was killed or made captive and sold into slavery. By making universal the law of chivalry which held noncombatants immune from injury to their property, their liberty, or their lives, and which not merely forbade taking the life of a man captured in battle but made protection of his captive from injury of any kind the first duty of the captor, Christianity worked a profound revolution in the methods of warfare which proved to be of incalculable value to the civilization of mankind. And these humane principles, broadened and confirmed by the experience of mankind, became, mainly under the leadership of America, the international law of Christian civilization, that law which has for one of its cardinal features the principle that private property must never be destroyed or confiscated. [Applause.]

Immunity of private property in war will be endangered, if not destroyed, should this property be withheld from its owners. under any prefense or for any length of time, now that peace is

The late war has wiped away much of the progress which civilization has made in robbing conflict of its worst bar-Let us at least hold fast that which remains. Let us not suffer anything to impair the full measure of security which every private individual should enjoy in the possession of his property. The American people have always struggled to extend these principles of humanity. Let us not suffer anything to be done here which will not merely impede the course of that beneficent tide but stop it, and even reverse it.

Before this war the American people contended strenuously in many international conferences and congresses to make private property at sea as immune from seizure as private prop-If the amendment of the gentleman from Texas be defeated, it will be a proclamation to the world that not merely has America ceased to contend for extension to merchant ships at sea of immunity from seizure but has actually endangered if not destroyed the immunity now enjoyed by private property on land in time of war. And this surely would be not merely a grave discredit to ourselves but a calamity of measureless proportions to the whole human race.

Mr. Chairman, I am not speaking now through regard for the German nationals who are the legitimate owners of this property. I speak only and solely for the credit and welfare, aye, for the future safety, of the American Nation. She can not directly or indirectly seize or countenance seizure of this private property and maintain unsolled the glorious record of successful efforts for the humanizing of war, which she has established for over a century. America has longed passionately to make war infrequent, if she can not wholly end it. Some of our prominent citizens have been heard to urge that That, indeed, is an extravagant conception. we outlaw war. War is itself outlawry; and you can not outlaw outlawry any more than it is outlawed already. But we can hope to hold secure the advances which have been made in removing from war many features of its savagery. And one step, a most important step, in that direction we can take here and now by guarding and preserving the rights of these German nationals to this property seized in the last war. At least we can see to it that these rights are not impaired or destroyed by anything this House will do. [Applause.]
Mr. NEWTON of Minnesota. Mr. Chairman, I yield four and

a half minutes to the gentleman from New York [Mr. HUSTED].

Mr. Chairman, the Berlin treaty was entered into three years after the war was over. It was not entered into under duress or coercion. America under such circumstances never has and America never will exercise duress or coercion, The provisions of the treaty of Berlin were thoroughly understood by both parties to the treaty and were freely and willingly accepted by both parties to the treaty. One of the provisions contained in section 5 was that the property of German nationals taken in America during the war should be held by us until some arrangement had been made for the payment of the claims of American nationals. I believe that we are doing exactly what we ought to do in the premises, exactly what we are under moral obligation to do in the premises. We are returning to the Germans all of the money that we can spare, without prejudice and peril to the rights of American nationals. We are giving every one of these German claimants an amount up to at least \$10,000 in full satisfaction or on account of the principal of his claim. In addition to that, we are giving the full amount of the net income derived from these trusts to them, and we are holding the balance until some adjustment has been made for the payment of the American claims. If that is not justice, if that is not right, if that is not a fair settlement under all of the circumstances, especially considering the shocking circumstances under which some of these claims arose, then I do not know what a fair settlement is. I do not yield to any man in my wish to have America in the future, in the present case, as she always has in the past, adhere with the greatest scrupulosity to international practice of high moral authority, but here we have put these provisions in a treaty, and that treaty must not be disregarded. It must be carried out in justice to American claimants. When it comes to a question of protecting American claimants I think we would be remiss in our duty if we did not use the means which the treaty between the nations has provided.

The CHAIRMAN. The time of the gentleman from New York

has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, if the motion of the gentleman from Texas prevails, we agree to turn back all of the property now in the possession of the Alien Prop-

erty Custodian. If we vote down his amendment we permit the return of a substantial amount to each and every claimant but retain a sufficient amount whereby the payment of the claims of American citizens will be secured. In drawing up this bill we have only sought to carry out terms and provisions set forth first in the treaty of Versailles and, secondly, in the treaty of Berlin. As was said yesterday, and has been repeated here to-day, those treaties made specific provision for the retention of this property here in the United States until the claims of American citizens had either been satisfied or that Congress had directed the return of the property. If we adopt the gentleman's amendment we tell these American claimants that, so far as we are concerned, they shall not have their day in court; that their Government will not permit them to satisfy any judgment that they may obtain for the payment of these claims. I want to see these American claims paid, and paid in full; and if you leave this bill the way it was drawn, eventually our countrymen who have been victims of the perfidy of Germany will be able to recover that which is justly due them.

Mr. BRITTEN. Will the gentleman yield? Mr. NEWTON of Minnesota. I am sorry, but I can not yield at the present time. Here is the situation: These American claimants have claims aggregating millions upon millions of dollars. It has always been my idea that the first duty of a government is to protect the lives and the property of its citi-

zens. [Applause.]
As far back as 1785 we negotiated a treaty with Germany wherein Germany agreed, in the event that she became engaged in war with another power, to treat our citizens fairly and in accordance with well-recognized principles of international law. The debate yesterday showed that that treaty was still in full force and effect when the World War broke out in 1914. Germany proceeded to violate its obligations and destroyed the lives and property of our citizens. The damages run into the millions. Are we now to tell them that the Government has abandoned them? Are we going to tell them that we had the means of securing the payments of these claims but relinquished them before they were satisfied? Mr. Chairman, it is unthinkable; it is surprising that any such proposal should be submitted.

I am astounded at the statement of the gentleman from New York [Mr. COCKRAN]. He says that we obtained the signature of Germany to the treaty of Versailles and the treaty of Berlin by duress. In other words, he says that we forced Germany to agree to the provisions of these treaties which hold this property for the securing of the payment of American claims. Of course the vanquished in a war are subdued by force, but is that any reason why agreements therein entered into should be repudiated?

Let us look at this proposition. When we met Germany at Versailles she knew that she had destroyed the lives and the property of our citizens in violation of her own agreement voluntarily entered into. Our commissioners must have told her that. In any event, they participated in securing benefits of these provisions. When the guilt was brought home to Germany in this manner she then agreed to make restitution, in so far as restitution could be made, for having violated a contract that had been in force and effect for years and which contract she had voluntarily entered into. This is the first time that I have ever heard the defense of duress invoked seriously in a situation of this kind. If this is to be carried out, then some objection can be raised against every treaty that is entered into by the vanquished party following a war.

Now, then, if we agree that it is the business of a govern-ment to look after the lives and the property of its own citizens, let me ask, who is going to pay the claims of these American citizens if we relinquish this security? In the treaty of Versailles Germany obligated herself to pay millions upon millions of dollars in reparation for wrongs committed by her. The Reparations Commission provided for in the treaty of Versailles have a first lien, so to speak, upon the assets of Germany. We all know the present condition of Germany. If we relinquish this security it will be decades and decades before American claimants get what is coming to them, even if Germany in the best of faith seeks to pay them. arations Commission will get everything that Germany can possibly spare for years to come.

This being the case, if we return this property now, and all of it, as the gentleman from Texas desires to do, we place the Government in a position where it must itself, in honor, pay the claims of its citizens. Do you want the Government to do this? Do you want to let Germany go free and draw out of Uncle Sam's Treasury the necessary moneys with which to pay these claims? [Applause.]

Again let me refer to these earlier German treaties-treaties of amity and commerce, as they were designated. They provided, in the event that either of the contracting parties should be engaged in war with another power, for the free intercourse and commerce of the citizens of the party remaining neutral with the belligerent powers. Free vessels were to make free That same freedom was to be accorded to the persons on board those vessels. No sinkings were to be allowed, and damages were to be properly assessed to the owners of cargoes for losses produced by unwarranted searches and seizures. "Women and children" were to be unmolested in their persons and property. This treaty was in effect for decades, and during that time was kept by both parties. Germany commenced breaking it shortly following her entry into the war by violating almost every part and portion of the specific articles that have been referred to in this debate.

Let me remind you of what happened to an American vessel in 1915 off the coast of Ireland. The Lusitania was torpedoed by a German submarine and sent down with 112 American citizens on board. Most of these were women and children. Among them was an American mother with four Americanborn children, who were going over to join their father, whose business had theretofore carried him abroad. They were all drowned. It was all in gross violation of these earlier treatiestreaties wherein Germany obligated herself not to molest the lives of any of our citizens upon the high seas. These treaties Germany treated as mere scraps of paper as she systematically proceeded to drown our men, women, and children. It was by sinking the Lusitania, the Sussex, the Gulflight, and numerous other American ships that Germany made a dead letter of the treaty.

Gentlemen, it is unthinkable as we view the past that anyone can advocate the present returning of all of this property. [Applause.] The motion of the gentleman from Texas should be voted down.

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

Mr. LONDON. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. LONDON. Is it in order for me to ask unanimous consent to speak for five minutes?

The CHAIRMAN. The Chair thinks, the time having been limited by unanimous consent, the Chair ought not to put that

Mr. LONDON. But is it in order to ask unanimous consent to speak for five minutes?

The CHAIRMAN. The Chair thinks he ought not to entertain that request. The question is—
Mr. LONDON. Well, I do make that request.

The CHAIRMAN. The Chair will not submit it.

Mr. BLANTON. Mr. Chairman, a point of order. The time
was not limited in the House, but it was limited in the committee. I remind the Chair of that distinction. Would not the same right prevail for unanimous consent to be changed?

The CHAIRMAN. The Chair is a Member of the House, and the Chair can object. The Chair will not consider the question of extending the time which has been fixed by action of the committee. The question is on the amendment offered by the committee. The questi gentleman from Texas.

The question was taken; and the Chair announced the "noes" appeared to have it.

Mr. RAYBURN. Mr. Chairman, I ask for a division.

The House again divided; and there were—ayes 65, noes 95. So the amendment was rejected.

Mr. HOCH. Mr. Chairman, I offer the following amendment. The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amendment offered by Mr. Hoch: Page 13, after line 7, insert a new paragraph, as follows:

"(1) With respect to such allen property held by the Alien Property Custodian, the return of which is not herein provided for, it is hereby declared that the United States has no purpose of confiscating the same, but that such property is to be held in trust for the owners thereof until its return shall be provided for by Congress: Provided, That in the return of patents, trade-marks, and copyrights this declaration is not intended to preclude any conditions or reservations that may be necessary in order to protect the interests of the United States."

Mr. GRAHAM of Illinois. Mr. Chairman, I make the point of order against the amendment that it is not germane to the section of the bill.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GRAHAM of Illinois. The amendment, as I have gathered it from hearing it read—I have not seen it heretofore—is an expression of public policy, being to the effect that it shall be the policy of the Government to return all other property not specifically mentioned in this bill. Now, that is not germane to the purposes of this bill.

The bill consists of certain amendments to the trading with the enemy act and provides, in brief, for the return of certain specific property to certain claimants. It provides, for instance, as to German nationals who have not been able heretofore to obtain any return of their property, that this property may be paid back to them, up to \$10,000. It also provides that of the trusts now in the hands of the Alien Property Custodian the net income or profit shall be paid to the cestui que trust from now on. There are other provisions, but they are all for certain specific purposes, namely, the payment of certain sums of money to certain claimants. Nowhere within the limits of this bill can be found any expression of any legislative intent; nowhere in the bill, as I read it, is there anything from which the Chair might gather or from which anyone else might gather what the ultimate purpose of the United States Government is as to the disposal of this property. It has been discussed here on the floor in the presence of the Chair as to what the meaning of this bill was, whether the return of \$10,000 was an expression of the idea that we intended to give back the rest of it or, in fact, whether it was an expression that we intended to confiscate the rest of it. As to that matter the bill is entirely silent.

The gentleman from Kansas [Mr. Hoch] offers an amendment, and in his amendment he proposes, as a policy, to express the opinion of Congress that we shall ultimately turn back all of this property and for the first time injects into the bill an expression of the policy of the United States Government.

Now, there was nothing in the original trading with the enemy act and there has been nothing up to this time in the way of an expression of sentiment on that subject, and particularly there is nothing in this particular section on that subject.

I think it is not necessary for me perhaps to go in particular length into this matter, except to call the attention of the Chair to the general rule on the subject, and that is that where specific subject matters are mentioned in a bill, amendments which are general in their nature have been held on repeated occasions to be out of order. I think that is the rule here, inasmuch as the bill is confined to specific purposes. I do not believe that a general expression of policy is at all germane to the original object to be accomplished by the bill.

Mr. BLANTON. Mr. Chairman, I wish to be heard on the point of order.

Mr. HOCH rose.

The CHAIRMAN. The Chair will recognize the gentleman from Kansas [Mr. Hoch.]

Mr. HOCH. Mr. Chairman, the whole question before the Chair is the question of the germaneness of this amendment. The object of the bill is to amend the trading with the enemy-

The gentleman from Illinois [Mr. Graham] urged the fact that this bill is silent as to any policy as to the property not to be returned. But the fact that the bill is silent on that certainly does not prove that a declaration on that subject would not be germane.

What is the purpose of the bill before us? It is not simply for the purpose of returning a certain amount of property, but the bill deals in a general way with the provisions of the trading with the enemy act. In numerous places in this bill there are references to all of the alien property. Can it be said that we can bring in here a bill having to do with turning back a certain part of the alien property, and referring to all the alien property, and yet it is not permissible to make a declaration about the alien property which is not to be returned under the provisions of the bill?

I would call the attention of the Chair to the expression on page 3, line 18, in respect to all money and other property. All through this bill we find references to the total amount of property held by the Alien Property Custodian. It also deals with the income of all the remaining part of the property, and specifically turns it back to the owners.

Now, it seems to me on the question of germaneness there can not be any question that on a bill dealing in a general way with a whole subject like this it is in order to make a general declaration of policy with reference to that part of the property which is not turned back to the owner.

The CHAIRMAN. The Chair is ready to rule. The trading with the enemy act deals with the seizure, holding, maintenance, operation, and disposal of the property of alien enemies and others. This amendment is to section 9 of the bill, which deals directly with the disposal of property so seized and held by the Government.

If this bill provided only for the consideration of claims of \$10,000 and under, the Chair might be inclined to think that the point of order made by the gentleman from Illinois [Mr. Graham] should be sustained. But this bill deals with a part,

at least, of all the property held by the Alien Property Custodian. It undertakes to dispose of the income of all of the property held by the Alien Property Custodian. It deals with

claims other than those of \$10,000 and under.

The Chair thinks that when a bill undertakes to deal with all of the property in the hands of the Alien Property todian in a particular way it is then in order to deal with that property in any other way, and the Chair therefore overrules the point of order.

Mr. HOCH. Mr. Chairman, I ask unanimous consent to pro-

ceed for 10 minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. MONDELL. Mr. Chairman, I feel that we must expedite the consideration of this measure. I think the gentleman from Kansas ought to be able to present his case in five minutes.

Mr. HOCH. I hope the gentleman will yield. This is a very fundamental proposition. I am a member of the committee. I was not able to be here yesterday, and had no opportunity to express myself. Of course, if the gentleman insists I shall not press my request.

Mr. MONDELL. I must say, Mr. Chairman, that I shall have to insist on keeping the debate within reasonable bounds.

I shall not object.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOCH. Mr. Chairman and gentlemen of the committee, we are dealing here in this proposition not only with a matter of property interests, but we are touching upon a fundamental of government, and indeed I think we may say even a larger question, a fundamental upon which civilization itself in a measure has been established. It is true that I have just voted against the motion of the gentleman from Texas [Mr. Ray-BURN], and yet I believe that my reasons are entirely good, and not out of harmony with the amendment which I have offered liere.

It must not be forgotten that the committee was dealing not merely with theories, but was dealing with a very practical situation which confronted it, and a situation, I may remind gentlemen, which had its inception in the preceding administra-tion. Undoubtedly the treaty of Versailles did revive in a measure the principle of confiscation, long repudiated by en-lightened peoples, and as a result of that revival there has arisen a practical difficulty which has presented itself with reference

to this property.

Now, my amendment simply seeks to place in this bill a statement of policy with reference to the property which is not returned by the provisions of this bill. The gentleman from Wyoming [Mr. MONDELL] said a few moments ago that no one is proposing a policy of confiscation. If the gentleman had attended the hearings I am inclined to think he would not have been quite so certain about that. Some gentlemen do propose confiscation, and some very influential gentlemen. And they do not want anything said in this bill which will condemn the policy of confiscation. It is true that the official spokesmen for the administration do not argue for confiscation, but on the other hand deny that a policy of confiscation is contemplated. Mr. Carr, of the State Department, speaking before the committee as the one representative of the department to be heard on the subject, over and over again said that the State Department certainly was not advocating any policy of confiscation. I wish I had time to read his statement about that from the hearings. Then, I ask, if all are agreed that there is to be no confiscation, why not now write that conviction into the statute?

Mr. BEGG. Will the gentleman yield? Mr. HOCH. Yes; for a brief question.

Yes; for a brief question.
If the gentleman's amendment were adopted, Mr. BEGG. would that bind another Congress if they wanted to do other

Mr. HOCH. It might not bind a future Congress, but I think it would be a tremendously wholesome thing in connection with this legislation, in order that there might be no misunderstanding as to our attitude on so important a matter of principle not only in this country but throughout the world. [Applause.] In order that it might be understood that the United States does not propose to take any backward step, but that the United States proposes to maintain a moral leader-ship in the world and to take its stand upon the highest plane of international ethics and international probity. Why, gentlement, this is a fundamental proposition. It has been a long pathway of civilization leading up to the establishment of the inviolability of private property, and it seems to me that any man is blind who does not see that there are still abroad in the world influences that would deny the right of private property. The right of a man to the fruits of his honest effort, subject only to the limitations which the public interest may impose,

is one of the priceless heritages made possible by long and bloody struggle. I do not speak for any claimant for any of this property. If I may say this personal word, as far as I know, not a person in my district is personally interested in a dollar's worth of this property. But I am jealous for the good name of my country—that by no act, official or otherwise, it add to those forces that would turn the world away from the principle of inviolability of private property. I am anxious that there may be no misunderstanding about America's attitude. We have not only permitted citizens of foreign countries to make investments here, but we have openly encouraged it. We have to-day all over the world representatives of the Department of Commerce who are inviting investments in American industries and the purchase of American securities. we now give the world to understand that in case those investments are made they may be subject to confiscation in case of war? And what shall be said of the safety of the investment of American citizens in every corner of the world if a policy of confiscation should find lodgment in the practice of the nations? Surely America will never adopt such a policy. Then why not now write it in the bond?

As to the claims against Germany-and I yield to no Member in the desire to see every honest claim adjusted and I yield to no Member in condemnation of the infamous acts which gave occasion to some of those claims—the proper pressure will bring adjustment. Our Nation is not helpless, and has never found it necessary to violate sacred rights of third parties in order to protect the interests of its citizens. Let America have no part in any "scrap of paper" policy.

Mr. McPHERSON. Does the gentleman question the right

of Germany to pledge this property to America?

Mr. HOCH. I say to the gentleman that in my judgment any citizen of any country has a right under international law to make investments in any other civilized country under the assurance that those investments will be held inviolate, in peace and in war, save only as they may be sequestered in protection of the vital interests of that country in time of war. plause.] And I say that if we should abandon that principle we would take a backward step in the history of the world.

Mr. McPHERSON. Does the gentleman mean to deny or to

admit that the German Government in the treaty of Berlin had the power and the right, if it saw fit to do so, to pledge this

property?

Mr. HOCH. I say that neither the German Government nor any other government has the right to say to this country, "You need not protect the inviolability of private property. [Applause.]

Mr. FAIRCHILD. In answer to the question just asked, I attended every meeting of the Committee on Foreign Affairs when this very provision of the treaty was under discussion, and at no time was there any such interpretation of that clause as has been given by the proponents of this legislation.

Mr. HOCH. Gentlemen, let us not allow this legislation to

go out to the world silent upon this proposition.

Mr. McPHERSON. One further question. Mr. HOCH. I can not yield further. If we do permit this legislation to go out without any statement of policy, gentlemen will not only fondle the hope that we intend to confis-cate the property but they will foster that hideous doctrine throughout the world. [Applause.] Let us say to the world now that we propose, in harmony with all those things which have made us glorious as a Republic, to stay true to the principles enunciated by Franklin, to the principles enunciated by Hamilton, by Jefferson, by Marshall, to the principles enunciated by the great founders of the Republic and enunciated at the time the trading with the enemy act was passed, when we deliberately said again and again that we had no purpose of confiscation.

With this amendment adopted there will still be retained for the present, for such purpose of delay as may expedite adjustment of American claims, a vast amount of this property. But while returning a part of this property, let us make it clear that the agent of the Government who administers these remaining trusts is to continue to be what his name implies, a custodian and not a confiscator of private property.

[Applause.]

Mr. HAWES. Mr. Chairman, we have at last got to the heart of this matter, so that every man in this House who is opposed to the ultimate confiscation of this property will have an opportunity to say so. I am not concerned whether we return \$10,000 of this money, or whether we return 50 per cent, or whether we return all of it. The big question is the preserva-tion of an old American principle and again asserting our opposition to the confiscation of private property to pay a public debt. The gentleman from Wyoming [Mr. Mondell] asserted that he was opposed to confiscation; that there was no intention to confiscate. My distinguished colleague on this committee [Mr. Sanders of Indiana] made a most effective appeal, but the basis and strength of that appeal was founded on his own opposition to confiscation. When this matter came up in our committee this same question was presented clearly and a vote was taken.

The Republican leader says there will be no confiscation; the Democratic leader says there will be no confiscation; with two exceptions, every Member who has spoken on this subject denies that there will be confiscation. Then, why not write it into the

The State Department stands for security which, under certain conditions, means confiscation, but it seems to stand almost alone.

No other branch of the Government has taken that position, and only two Members of the House have indorsed it.

We will have no trouble collecting our just claims against Germany if the State Department has the old-time courage and ability.

Our State Department in the past has not been driven to the program of seizing the property of private citizens to pay public debt, and the present department will not be supported by the American people or either branch of Congress if it drags American diplomacy back to the dark ages of brute force in dealing with the property of noncombatant civilians who entrusted their property to our keeping.

We should not be concerned with what Germany wants us to do; our concern is standing for the right kind of civilized adjustment.

Insurance claims should not drive us from the fundamentals

of property rights and national honor. The lawful claims of the Lusitania sufferers will be paid, and they must be paid as all proper claims for loss or damage suf-

fered by Americans should be. But the payment must be made by Germany, not by the guests

of America. When the gentleman from Kansas wanted to incorporate in this bill a statement that it did not mean confiscation, his motion was defeated by a vote of 10 to 7. Do not let any man fool himself; do not let any man be deceived here to-day; this is the critical vote. It is not the return of all the property; it is not a return of part of the property; but it is a clear question which each man will take home to his own constituents sooner or later: Does he believe in violating all American traditions; does he want to return to the medieval doctrine of savagery; does he want to inaugurate a new doctrine in America of seizing the private property of individual citizens to pay a public debt? I am not concerned with Germany's position. Germany might ask us to take this property and pay our bills. She might say, "Take our nationals in this country, put them in the workshops, put them in the mines, and then take their wages and pay our public debts." Germany can not tell the American Congress what our duty is. [Applause.] It can not tell us what to do; it is for us to decide this question in accordance with American traditions and American honor. [Applause.]

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen of the committee, this is a very important amendment. The House has just now voted by a vote of 95 to 65 that in its judgment it ought not to make a declaration that all of this property be returned at this time. The reasons that animated the member-ship of the committee in deciding that way were doubtless good ones. If they were good-and we must assume that they were the same method of reasoning would lead any reasonable man to conclude that it would be unwise at this time to adopt this amendment. Let me read it to you:

With respect to such alien property held by the Alien Property Custedian, the return of which is not herein provided for, it is hereby declared that the United States has no purpose to confiscate the same, but that such property is to be held in trust for the owners thereof until its return shall be provided for by Congress: Provided, That in the return of patents, trade-marks, and copyrights this declaration is not intended to preclude any conditions or reservations that may be necessary in order to protect the interests of the United States.

Will the gentleman yield?

Mr. GRAHAM of Illinois. I would like to, but I can not. Now, what is first in this amendment? It is in effect a declara-tion that we do not intend, under any circumstances, to hold this property, but that we propose to turn it back, every cent of it, in spite of anything that may occur in our international relations and irrespective of American claims. In the second place, the reservation is made, curiously enough, that as to patents involved in the worst mess our Government has to deal withnamely, the Chemical Foundation—as to these patents they shall not be turned back without first looking after American Why the discrimination? Does any reasonable man interests.

conclude that it is advisable for us, at the same time we are holding this property as a pledge, to announce in this public manner that we do not intend to hold it under any circumstances or keep it for any purposes except to hand it back? What good could it do? Can anyone see any sense in it? If we adopt that policy the thing to do is to turn it all back now.

Mr. HUSTED. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Does the gentleman think it necessary, or Mr. HUSTED. desirable, or dignified for the Congress of the United States to declare in a statute that our Government does not intend to violate the well-established principles of international law?

Mr. GRAHAM of Illinois. It is a ridiculous proposition and makes the condition much worse; it puts us in the light of people trying to do something and not doing it.

Mr. HOCH. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. HOCH. Does the gentleman agree with the gentleman from Wyoming and others who have announced that no one intention of ever confiscating this property?

Mr. GRAHAM of Illinois. I have said repeatedly, and if the gentleman had been here yesterday he would have heard me state at length, that that question is not involved in this We are only carrying out the provisions of the proposition. resolution that Congress passed and the treaty concluded between our country and the German Republic, a treaty justified by the Constitution and the decisions of the supreme court of the Republic of Germany, as I showed yesterday. [Applause.] That is what we are doing, and you would have it announced to the world by this amendment that we do not propose to do anything with it except to hold it for somebody. Why hold it? What is the object, what is the sense or reason of the committee voting in one breath that it will not turn it all back and then turn around and say something else? [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois

has expired.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask unanimous

consent to proceed for five more minutes.

Mr. BLANTON. Mr. Chairman, reserving the right to object, the gentleman has spoken on this question several times. There are a number of us who would like to speak upon it for a minute or two, but we have not been given an opportunity. We would like to know what liberality of debate there is going to be in the discussion of this question. If some few gentlemen are going to take up all of the time, then some of us will get none.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes. Mr. COOPER of Ohio. I do not think the gentleman from Texas [Mr. Blanton] ought to complain about taking up time.

Mr. GRAHAM of Illinois. Mr. Chairman, I shall finish in a couple of minutes. Let me tell you what this amendment will mean. I know the gentleman from Kansas [Mr. Hoch] is moved by high idealism and by the finest of sentiments. I know the man and I know how his heart and conscience operate, but I want to tell you as a practical proposition, and that is what we are dealing with here, what the effect of this thing will be. It will be to take away from American claimants all right or hope of ever recovering what is coming to them, because the very moment we make this announcement the German Gov-ernment will then know that there is no longer any pressure that can be applied. Suppose there were not this fund in our hands. By virtue of these two treaties—the treaty of Versailles and the treaty of Berlin—what opportunity would you have to get our American claims from Germany at this time? Do you suppose that France and Great Britain would permit us to draw a cent from the German treasury? If we now give up this pledged property and then go to the Reparation Commission and say that we want this money out of the German treasury to pay the American claims, not a cent would be forthcoming. because we would be met with the objection that, having given up the pledged property in our hands, we had voluntarily re-linquished it, and therefore had no further standing in the court of nations

Mr. HARDY of Texas. Does the gentleman think that the German Government has the right to pledge the property of German citizens in America?

Mr. GRAHAM of Illinois. Absolutely, and if the gentleman will read my remarks of yesterday he will see that I quoted sections of the German constitution, decisions of the Supreme Court of Germany, in which they held that they did have that

It is written into article 153 of the German constitution right. that the Government has the right of expropriation of the property of German nationals anywhere in the world.

Mr. LONDON. On the subject of expropriation I would say that the word expropriation when used in Germany means nothing more than the right of eminent domain, when that

phrase is used in Anglo-Saxon law.

Mr. GRAHAM of Illinois. That is all that expropriation means anywhere. It means the right of eminent domain to be exercised by the Government for the common good as to any property within its boundary or jurisdiction. Do not do anything foolish, gentlemen. This amendment ought to be defeated. To do otherwise will be to defeat every American claimant of any hope of getting his claim allowed.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amend-

ments thereto close in 10 minutes.

Mr. BLANTON. Mr. Chairman, I reserve the right to object. Mr. BEGG. Mr. Chairman, I reserve the right to object. The CHAIRMAN. The gentleman from Minnesota asks

unanimous consent that all debate upon this amendment and all amendments thereto close in 10 minutes. Is there objection? Mr. BLANTON. I object. The gentleman will save time if

he gives us some time for debate now.

Mr. NEWTON of Minnesota. Mr. Chairman, I move that all debate upon this amendment and all amendments thereto close in 10 minutes.

Mr. BLANTON. Oh, make that more than 10 minutes.

Mr. GARRETT of Tennessee. Mr. Chairman, if the gentleman will yield, it seems to me that an accommodation of this

matter might be had which would result in the saving of time.

Mr. NEWTON of Minnesota. There has been considerable debate and as I understand it there will be an amendment offered on the Austrian proposition.

Mr. BLANTON. But I want mine on this amendment. The gentleman will save time this evening by granting some time

Mr. GARRETT of Tennessee. Fifteen minutes are desired on this side for this particular amendment.

Mr. NEWTON of Minnesota. Let us say 20 minutes then, 10 minutes on a side.

Mr. BLANTON. Three of us want to speak on this side.

Mr. HICKS. I demand the regular order

Mr. BLANTON. I move to amend by making it 15 minutes on a side. The gentleman will save time not only this evening but next week. I will hold you up next week.

The CHAIRMAN. The gentleman from Texas will have to state a specific amount of time.

Mr. BLANTON. Thirty minutes.
The CHAIRMAN. The question is on the amendment of the gentleman from Texas that debate close in 30 minutes

Mr. BLANTON. You gentlemen will save time. I will hold up matters next week.

The question was taken; and on a division (demanded by Mr. Blanton) there were—ayes 45, noes 95.

Mr. GARRETT of Tennessee. Mr. Chairman, I demand

Tellers were ordered, and the Chair appointed Mr. Newton of Minnesota and Mr. Blanton to act as tellers.

The committee again divided, and the tellers reported-ayes 51, noes 96.

So the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Minnesota that debate close in 20 minutes. The motion was agreed to.

Mr. BLANTON. Mr. Chairman, when the President of this great Nation called the War Congress together in special session on April 6, 1917, in his message to us he then said:

We have no quarrel with the German people. We have no feeling toward them but one of sympathy and friendship. It was not upon their impulse that the Government acted in entering into this war. It was not with their previous knowledge or approval. It was a war determined upon as wars used to be determined upon in the old, unhappy days when the people were nowhere consulted by their rulers.

Upon that message the Congress declared a state of war to exist against a cruel, autocratic German Government. It was the Kaiser's Government that violated our rights and forced

us upon the battle fields to protect them.

We then had a good reason for taking into our custody the property of all people who were subjects of that Imperial Government. War was the reason. It was the only reason. The reason was that we were engaged in deadly conflict with a Government, whose subjects in this country might use their property and finances in helping our enemy. We had the right to take their money and property and hold it in custody

until the war ended. We never at any time intended to hold the property of individuals longer than the end of the war.

Remember that this \$350,000,000 is not the property of our enemy, the German Government. It is the property of individuals, many of whom lived in this country for years, who had never become citizens of the United States, hence were subjects of our enemy. If it were the property of the German Government I would be in favor of holding it all until Germany settled all of the just claims of our citizens whose lives and property were wrongfully destroyed. But as before stated, it is the property of individuals and not the property of the Government.

Our reason for taking over the property has long since ceased to exist. It is now four years and three months since the armistice. We are now presumed to be at peace with the German Government. If during the war President Wilson was correct when he said:

We have no quarrel with the German people, toward them but one of sympathy and friendship-We have no feeling

then certainly we should now have no quarrel with these German people in the United States four and one-fourth years after the war was over. What has become of the said feeling of

sympathy and friendship?

The time has come, Mr. Chairman, when we can do but two things, either we must turn this property back to them, or we must confiscate it. If we do not turn it back, it ipso facto becomes confiscation. When you have the custody of another's property, and you no longer have any just right to hold it, then whenever you decide to hold it, your act of holding it becomes confiscation.

The question now is, What are we going to do, hold it or confiscate it? Our Republican friends on the other side of the aisle in one breath assert that they do not intend to confiscate this property, yet in the next breath they vote to hold it, which in fact confiscates it. Thus they speak one way and act another.

The amendment of the gentleman from Kansas [Mr. Hoch] is the product of a lashed conscience. He realizes just what import our retaining 90 per cent of this property will carry to the civilized peoples of the world. He realizes that such action must be explained if we are to retain our standing and integrity. He is trying to absolve his country from wrong intentions when he realizes that his party is now doing something for which it has no reasonable excuse whatever. He is trying to hide your wrongdoing with a declaration of good purpose and intent. For he realizes that you have no excuse whatever for

holding 90 per cent of this property.

What excuse have you for holding this property longer? Why do you still want to retain the custody of this \$300,000,000 of property that belongs to other people for two more years when you know that eventually our Government is going to have to return it? I do not know. But I saw in the Washington Times the other day a statement that may throw some light on the subject. I do not know how authentic it is, but it comes from one of the leading newspapers here in the Nation's Capital. Here is what the Washington Times says:

Congressman Frank Mondell, Republican floor leader of the House, who retires from Congress on March 4, after 25 years of service, may succeed Miller, the Alien Property Custodian, it was reported to-day.

If the Times knows what it is talking about it seems to be a proposition of retaining a good berth for a lame duck. All politicians believe in taking care of lame ducks, but do you want to continue this office and all of its great force and incidental expenses for two more years just to take care of somebody? Why, there are to-day 138 employees in this Alien Property Custodian's office. We fixed his salary at \$5,000, but we neglected to fix the other salaries, and he is now paying his chief lawyer \$8,000 per year, more than a Senator or Congressman gets, and he is paying his director general \$7,000 per annum. He has quite a number of lawyers employed and they, with the chiefs of divisions, all draw good salaries, and their positions are all good patronage plums for the party in power.

There are 23 good positions there under the custodian that are not under the civil service, but are appointive offices. eventually we must return this property—and we must—then why continue this office and its host of highly paid employees for two more years? That is the question you must answer by your vote this evening. You Republicans are going to have to answer to the American people for it. For four years you Republicans have been in charge of this House of Representatives and Senate. For four years you have had your Speaker, you have had control of every organization and committee of this House, you have been in control of every piece of legislation that has been passed here for four years, and you are to account to the people of this country on this question. You

are the ones the people should and will look to, because you have been in power here for four years and will be in power for two more years. I want to answer the question of the gentleman from Kansas [Mr. Hoch]. What excuse have you for holding it? If you have a good excuse, what reason have you for not telling the world that your policy is not to confiscate it? That is the question you have to decide here.

The CHAIRMAN. The time of the gentleman has expired.

The CHAIRMAN. The time of the gentleman has expired. Mr. BEGG. Mr. Chairman and members of the committee. There seems to be a lot of anxiety about some property belonging to some nationals of another country. I am not one-halfand I can not understand the men of this House-I am not onehalf as much interested in what becomes of the property of some nationals that must have been seized honestly and for a purpose because they were doing something to handicap the prosecution of the war, as I am interested in seeing to it that the property of the American citizen and his life is properly indemnified by a people who wrongfully took that property and life. I want to ask men on that side and on this side, I do not question your patriotism or loyalty, but is it possible that time has dulled the insult to the American Government when American property, when American manhood and womanhood were destroyed without justification? The seizure of this property which you are to-day for ulterior purposes, for selfish motives, for private gain, willing to forget was to compensate the sorrows of the dead-property loss to the living. hereby make a solemn declaration to surrender back that which we have rightfully come in possession of, as my good friend from Pennsylvania [Mr. Temple] so clearly outlined to you My good friends, the treaty had been held up to you which gives the absolute right to the control of this property until the satisfaction of all the claims against the German Government has been had. Some of my colleagues on this side, and my good friend from Kansas, seem alarmed that unless we make a declaration, a renewal of our pledge of faith to the policies on which we have builded and from which we started-unless we make a new declaration of the principles for which that flag stands, the world will misunderstand and misinterpret our motives. My God, my good colleagues, I would rather have the world misunderstand my motives in protecting the dead who sacrificed their lives than to have the American citizen believe I was more interested in the restoration of a little property to an enemy than I was in protecting the rights of those principles for which they died. [Applause.]

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. BEGG.

Mr. SUMNERS of Texas. Does the gentleman favor or not the appropriation of this money to the payment of claims against the German Government?

Mr. BEGG. If that is the only way that Germany can compensate the loss of life unlawfully, illegally, and wrongfully taken by Germany of American citizens, yes [applause], with-

Mr. SUMNERS of Texas. Will the gentleman yield further? Mr. BEGG. I would take the last red cent of it if I could not get justice for the American citizen who was wronged when we were a peaceful neutral, not during the war time, but when we were living under a solemn declaration of Germany as well as this country. I will not barter away those privileges and those principals which were purchased by the blood of American manhood four or five times. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on the amendment

offered by the gentleman from Kansas.

Mr. RAYBURN. I ask that the amendment be again reported.

The CHAIRMAN. The gentleman from Texas asks that the amendment be again reported. Without objection, the Clerk will again report the amendment.

Mr. BLANTON. Mr. Chairman, I make the point of order that the motion of the gentleman from Minnesota was that

debate should close in 20 minutes; 10 minutes to a side.

The CHAIRMAN. The gentleman from Texas is in error. The gentleman from Minnesota moved that all debate on this amendment and all amendments thereto close in 10 minutes. There was an effort made to arrive at 20 minutes, offered by the gentleman from Texas.

Mr. BLANTON. I understood it was 20 minutes, and there-

fore I moved to make it 30 minutes.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas [Mr. Hoch].

The question was taken, and the Chairman announced that the appeared to have it.

Mr. WOODRUFF. I ask for a division, Mr. Chairman. The CHAIRMAN. A division is demanded.

The committee divided, and there were—ayes 58, noes 84.

So the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I think we ought to have tellers on that vote. It is close enough. I ask for tellers.

The CHAIRMAN. The gentleman from Texas asks for tellers.

As many as favor taking this vote by tellers will rise and stand until they are counted. [After counting.] Nine gentlemen have risen-not a sufficient number.

Tellers were refused.

Mr. MACLAFFERTY. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MacLafferty: Page 3, line 17, after the word "terminated" strike out the period and insert a colon and the following language: "Provided further, That no statute of limitations shall be pleaded or be a defense to any claim made under this section against any enemy fire insurance company and the surplus funds of such enemy fire insurance company and the surplus funds of such enemy fire insurance company and the surplus funds of such enemy fire insurance company for debts, claims, or demands remaining unpaid by such enemy fire insurance company for losses; and any number of claimants of demands or claims arising under contract or collateral thereto, whether based upon fraud or otherwise, against the same enemy or ally of enemy may join in the same action provided that the aggregate amount sought to be recovered therein by such claimants equals or exceeds the sum of \$3.000."

Mr. NEWTON of Minnesota. Mr. Chairman, I reserve a point of order on the amendment.

Mr. HUDDLESTON. Mr. Chairman, I make the point of order on the amendment.

Mr. MACLAFFERTY. Will not the gentleman reserve it?

Mr. HUDDLESTON. Mr. MacLAFFERTY. No; I make it.

If gentlemen on that side of the House or on this side knew the meaning of the amendment, they would not make the point of order.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. MacLAFFERTY. No, sir; I do not.

Mr. BLANTON. Mr. Chairman, I desire to be heard on it if

the gentleman from California does not.

Mr. Chairman, I am not speaking of the merits of the gentleman's amendment, but the amendment is certainly germane. This bill deals with the specific property of the insurance companies which are involved in the gentleman's amendment. certainly is a proper limitation on a germane subject, and this Congress has a right to properly indicate what it wants to do with these particular nationals property. I think the gentleman's amendment is clearly in order, regardless of its merits.

The CHAIRMAN. The Chair is ready to rule.

Mr. MacLAFFERTY. Mr. Chairman, may I be heard?

The CHAIRMAN. Yes; the Chair will be very glad to hear the gentleman.

Mr. MacLAFFERTY. Mr. Chairman, I simply wish to say this, that in my opinion the amendment is germane to the bill because it deals with certain funds of certain specific people in this country whom I can name, whose funds are now in the custody of the Alien Property Custodian.

This amendment refers to certain claims of certain people in the city of San Francisco which they have against these fire insurance companies, who, when the great San Francisco fire occurred, walked out of the State and said, "If you want to sue us, come to Germany and sue." They represented that they did not have funds in this country to properly pay their claims, and the war came along and developed the fact that they had over \$4,000,000. Therefore that settlement was made by fraud. and such of the claimants as accepted 50 cents or 75 cents on the dollar did so because of fraud and they were deceived.

I want to call attention to this fact: This amendment does not deal with taking money that belongs to certain nationals of Germany and paying the debts of the German Government with that money, but it refers to those people with whom these fire insurance companies had contracts, the insured or assured, who were mostly poor people; people whose insurance policies were almost all they had left in the world. These German insurance companies fraudulently, after collecting the premiums for 50 years in the city of San Francisco, regarded those policies as mere "scraps of paper," and walked out of the country. We have those funds in charge now, and I ask that they be used in this way. I believe there is not a m who will not stand with me on that. I believe there is not a man on the Democratic side

Mr. SANDERS of Indiana. Mr. Chairman, I want to speak on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.
Mr. SANDERS of Indiana. This is the suggestion I have
to make to the Chair: This bill deals with certain rights of other people with reference to property held by the Alien Property Custodian. The proposed amendment deals solely with the question of establishing some claim against some possible claimant and not against the alien property.

Mr. MacLAFFERTY. I disagree with that.

The CHAIRMAN. The Chair is ready to rule. The pending portion of the bill deals with the rights of persons who are not enemy aliens against the United States, while the amendment of the gentleman from California deals with claims of American nationals against enemy aliens. The Chair thinks that fact alone would be sufficient to justify him in sustaining the point of order at this particular place. However, in addition, while the bill under consideration provides for the payment of claims against the Government of the United States, the amendment proposed by the gentleman from California apparently deals with another class of claims not included within the purview of the pending bill, namely, claims against nationals of Germany. The Chair therefore sustains the point of order.

Mr. MacLAFFERTY. I thank you. You heard my speech

anyhow. [Laughter and applause.]
Mr. HAWES. Mr. Chairman, I offer an amendment.
The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. Hawes: Page 4. paragraph 1, lines 4 and 5, strike out the words "or Austria or Hungary or Austria-Hungary," so that said paragraph 1 will read as follows:

"(1) A citizen or subject of any nation or State or free city other than Germany, and is at the time of the return of such money or other property hereunder a citizen or subject of any such nation or State

Mr. HAWES. Mr. Chairman, we have many red-blooded representatives of this Government, and amongst others is the present Alien Property Custodian. He is an ex-Member of Congress. He is a soldier who served on the other side. He is a man of fine capacity, who has investigated most carefully, most conscientiously, the whole subject of allen prop-When we came to the question of the restoration of the Austrian property he unqualifiedly recommended to our committee the return of that property. I will read part of his statement before the committee:

statement before the committee:

Mr. Hawes. So the status of the Austria-Hungary portion of this bill is this; In the first place, they did not seize the property of Americans during the war; and, in the second place, what was Austria-Hungary is now six different republics or monarchies; and we are trying to hold the Austrian Government responsible, in an indirect way, for the conduct of five other governments over which they have no control.

Mr. Miller, Yes, sir. That is the situation, and I have recommended to the chairman, in response to his letters to me, as chairman, action on the Austrian-Hungarian property as I have outlined.

Mr. Hawes. And you would recommend an amendment in this bill which would release all property of the former Empire of Austria-Hungary that is held?

Mr. Miller, I do; and a number of those cases are pathetic cases. We hold hundreds of death benefits which we have collected on account of their nationals who were killed out in the steel mills and in the mines of the West, and we would like to give that back to them.

Mr. Hawes. So we are violating the traditions of international law, the opinion of Marshall, and the dictates of humanity and all spirit of equity in holding these claims?

Mr. Miller, May I put in there so anyone reading this testimony will understand my position? I am willing to recommend this; but, on the other hand, if the State Department comes to the hearings and through their representatives say that there are claims against Austria, I do not want to be criticized for suggesting this, but I have done it personally.

Mr. HAWES. As to the character of those claims against the Austrian Government, are not nearly all of these made by insurance com-

panies?
Mr. MILLER, I think they are, sir; but I am not certain.

Now, there was a time when the people in that territory made war, and when they went into the nation of a neighbor they took back with them the persons and property of their enemies. They were sold as slaves. But gradually we drew away from that ancient and brutal custom. The treaties of The Hague, and great conventions of enlightened American men and women have tried to put some humanity into the brutal doctrine of war. When this Nation went into war some of the citizens of Austria-Hungary had invested their money in the United States. Since that time all of the citizens of Czechoslovakia, Poland, Rumania, Serbia, and Italy have had their money returned to them. Originally Mr. Miller had \$30,000,000. He has given back \$20,000,000 to the citizens of the countries which you see in red on the map, and he is holding \$10,000,000, representing, if you please, security for the acts of 52,000,000 people.

The CHAIRMAN. The time of the gentleman from Missouri

has expired.

Mr. RAYBURN. Ioask that the gentleman may have five minutes additional.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Missouri [Mr. HAWES] be extended five minutes. Is there objection? There was no objection.

Mr. HAWES. Two minutes will do. Now, we have as security, if you want to take that position, \$350,000,000 and \$200,000,000 more in ships. We are returning only \$44,000,000. That leaves us—those of you who are interested in the question of security—over \$590,000,000. To restore to Austria all of her property which we hold—and she never held any of ours at any time during the war-would be increasing this amount only \$10,000,000.

There is nothing left of Austria. Her capital city of Vienna has 2,000,000 people and is surrounded by mountains. All of the alluvial country which formed her hinterland is cut off. She is embarrassed in every way. She has the sympathy of everybody in the world. Why can we not be generous and in releasing this \$44,000,000 add the other \$10,000,000 to it and preserve American tradition at least to that extent?

Mr. MONTAGUE. Will the gentleman yield?

Mr. HAWES. Yes. Mr. MONTAGUE. Will the gentleman permit me to suggest that Austria now has a population of less than 7,000,000 all

Only six and one-half million people.

Mr. MONTAGUE. She does not raise within her present boundaries enough foodstuffs to last her two months out of the twelve

Mr. HAWES. And she has no coal.
Mr. MONTAGUE. No coal and no forests to any amount.
Mr. REED of West Virginia. Will the gentleman yield?
Mr. HAWES. I yield to the gentleman from West Virginia.
Mr. REED of West Virginia. Will the provision for the return of the \$10,000 be sufficient to satisfy in large measure the small compensation claims in this territory?

Mr. HAWES. The gentleman can figure it for himself, when the total we are holding is \$350,000,000 and the total amount we

are holding from Austria is only \$10,000.

Mr. REED of West Virginia. The gentleman did not get my question. Are there any large amounts held back from the citizens of Austria and Hungary?

Mr. HAWES. I do not know that. Mr. REED of West Virginia. Would not the \$10,000 provision largely relieve all those claims?

Mr. HAWES. It is only a small percentage-a large number

of claims but a small percentage of the whole.

Mr. LONDON. Mr. Chairman, I hope it is not too late to take up the bigger issues involved in the controversy. A great deal of confusion has been artificially created here by the legal The trouble with some lawyers is that their minds are so stuffed with legal precedents that they resemble a crowded warehouse with the index lost or with the catalogue missing. [Laughter.] They can not get down to fundamentals. During the last World War no nation which felt strong enough to do so failed to disregard the tenets of international law, and in no case was the flouting of all principles of international justice more flagrant than in the treatment accorded to the persons and property of the individual nationals of the belligerent

The Magna Charta 700 years ago proclaimed the principle which some would evade now, more than 4 years after the armistice.

In its forty-first paragraph, the Magna Charta provides as

All merchants shall have safe and secure exit from England and entry to England, with the right to tarry there and to move about as well by land as by water, for buying and selling by the ancient and right customs, quit from all evil toils, except (in time of war) such merchants as are of the land at war with us. And if such are found in our land at the beginning of the war, they shall be detained, without injury to their bodies or goods, until information be received by us, or by our chief justiciar, how the merchants of our land found in the land at war with us are treated; and if our men are safe there, the others shall be safe in our land.

That the noncombatant is to be protected both in his life and in his property is a principle as old as civilization itself.

Professing to adhere to the principle in theory, those who would withhold the greater part of the property of German

and Austrian nationals are violating the principle in practice.

The situation is simple. Germany has returned to American nationals all their property. We are asked to withhold the bulk of the property of German nationals. We have no right to hold the property of the individual German to satisfy a claim against his Government. It is a most absurd thing to

take the property of a German servant girl, take her savings, in order to satisfy some claim that the Americans have against Germany. Only a few weeks ago we voted to the powerful and one of the greatest nations in the world billions of dollars when we voted for the liquidation of the debt that England owes us. I voted for it. I was glad to vote for it as a measure calculated to promote peace, amity, and concord among nations. [Applause.]

But here men have the courage to assert that the property of German individuals should be retained by the American Government. For what? To satisfy claims against the German people or against the German Government. Gentlemen, the 60,000,000 Germans will not disappear. Do not believe that they are doomed forever. Germany has a glorious past and it The forces of democracy are at work there. has a future. The Germans have made invaluable contributions to science, literature, and philosophy, and if they have produced a Wilhelm, they have given to the world such men as Goethe, Schiller, and Heine, champions of liberty, progress, and of truth. [Ap-The dollars that you are worrying about are historically safe, financially safe, legally safe. Let me say that to the lawyers who have a lot of legal knowledge but no principle left. [Applause.]

Mr. DENISON. Mr. Chairman——
Mr. LONDON. Oh, I am not through yet. I do not know
why the gentleman from Illinois should have taken it as a

why the gentleman from Finness personal reference. [Laughter.]
Mr. DENISON. Mr. Chairman, I rose to ask for the floor.
Mr. LONDON. I understand the situation. Now, let us not make any mistake about the meaning of the treaty of Berlin.

That Gerwhich you rely—what does it say? That Ger-The treaty upon which you rely—what does it say? That German property shall be held subject to the action of Congress. Now, Congress acts upon it. It is its duty to act. Shall our

action be honorable, broad-minded, and humane, or shall it be the contrary?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONDON. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman asks for two minutes more. Is there objection?

There was no objection.

Mr. LONDON. If we are to act, let us act honorably; if we are to release the property, let us release all of it, or at least have the courage to say that we are determined to return every piece of property at the earliest possible moment. Because the danger is if you pass the bill allowing only the smaller claims to be paid you assert by the very same act that you intend to confiscate the rest.

If for technical reasons you are unable to return all the property at once, say so.

Let there be no doubt left as to the intentions of this Gov-

Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent that all debate upon this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENISON. Mr. Chairman, there is a great deal about the situation of Austria that excites our sympathy. Austria-Hungary began the war, but she came out of it in the worst fix of any of the European nations. The Austrian Government is no doubt in a serious situation to-day; but that does not change her status in international law and does not change her status as a nation in dealing with the United States as a nation. The fact is that the claims of Austrian citizens for property in the hands of the custodian amount to about \$11,000,000, and the further fact remains that a large part of those claims come within the \$10,000,000 that we are returning; so that the bill that is now before you will dispose of nearly all of the Austrian claims. Those that are left represent a few wealthy Austrian citizens, living in Austria, who had property invested in this country in large amounts; so that the legislation that we are now considering will result in no serious hardship to any large number of Austrian citizens.

I want to read to you a letter that the Secretary of State addressed to the committee that considered and reported this bill. There seems to have been a mistaken opinion passing about that there were no considerable claims against Austria by citizens of the United States. Here is a part of the letter, which appears in the hearings, from the Secretary of State:

In so far as shown by the records of the department, 61 claims have been filed by American citizens against the Imperial and Royal Austro-Hungarian Government for compensation for losses resulting from the torpedoing of vessels by submarines of that Government, for military

requisitions made by that Government, and for damage or injury to persons and property. The total amount of these claims is approximately \$13,043,913.

In addition to the foregoing claims filed with the department against the Imperial and Royal Austro-Hungarian Government, it is not unlikely that many of the claims of American citizens filed with the department against the Government of Germany may, upon investigation, be found to be claims for losses for which the Imperial and Royal Austro-Hungarian Government should be responsible. This possibility arises from the fact that claims for losses resulting from submarine warfare have been filed against Germany in cases where the Government responsible for the act has not been determined.

The State Department thinks that a great many of the claims that have been filed against Germany are really against the Austro-Hungarian Government, and will be found to be so when

fully investigated.

The claims of American citizens against Austria will amount to many million dollars. We can not tell how far they will be reduced by the investigation of the commission, but it will not be safe to do more than we are doing by this bill; and it will not do for us as a government to make any distinctions as between nations. We can not treat one nation in one way and another nation in another way. There is no difference in dignity and sovereignty as between nations. A small nation is entitled to the same consideration and has the same dignity as a large nation. The strength of their armies or the amount of their resources makes no difference in their standing in international law. We must, above all things, make no distinction or discrimination in our actions toward nations with whom we are on friendly terms.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FESS. Mr. Chairman and gentlemen of the committee, during the discussion of the peace resolution in both the last and the present Congress, all of which is a matter of record, the question of protecting American rights was under consideration and became the chief subject of debate. Our Democratic friends bitterly assaulted us upon the charge that we were forfeiting these rights against Germany. These charges were answered by our providing for protection of these rights in the resolution. During the discussion of the anticipated treaty the same question was discussed here in the House. The gentleman from Texas [Mr. Hardy], who spoke so seriously awhile ago, was very eloquent against the resolution back in 1921, and equally so to-day, but speaking from different view-points. Then he charged us with wanton willingness to forfeit the claims against Germany. At the time to which I refer, June 13, 1921, in his objection to the resolution ending the war, this is what he said (Congressional Record, Sixty-seventh Congress, first session, page 2504):

It is said that in the prospect of this resolution passing, lawyers have been retained already to bring suits for the recovery of the property of many German citizens seized by the United States. In like manner our citizens whose property was seized in Germany must go to Germany for relief—a beautiful prospect for thousands of lawsuits and rich pickings for hundreds of lawyers.

And so on. That was the strong argument of the gentleman from Texas [Mr. HARDY] in his discussion of the peace resolution which ended the war and preserved all our rights by specific stipulation. He argued that it should not be passed. because, among other reasons, we had no protection of the right of American citizens as against Germany. This, mark you, in the face of the specific provision guaranteeing protection, still he argues that if we passed the resolution we would lose all protection over the alien property, which we had rightfully seized and should hold until our claims were adjusted, and, as I recall, it was a rather strong position at that time.

One of the best, if not the best, speech that was made on the floor of the House at the time was made by our friend Mr. Con-NALLY of Texas, representing the Foreign Affairs Committee. Speaking for the Democratic side of the Chamber, speaking with great emphasis and with powerful conviction, not only upon his part but with impressive results upon many of his hearers, for I was wonderfully persuaded by his argument.

He said:

Where is the man who doubts that German citizens will demand the return of their property? Are there not hundreds of claims for such return now pending with the Alien Property Custodian? If Germany hesitates to perform obligations which she has solemnly assumed, will she be timid in asserting claims that possess the color of lawful rights? So that by the treaty of 1828 as well as the law of nations the moment this country declares peace every German alien may go into court, and will have the right to go into court, and demand the return of his part of the \$400,000,000 of property held by the Alien Property Custodian. We have the right to retain that \$400,000,000 and say to Germany, "We hold it in pledge to offset your damages due to American citizens in the sum of \$221,000,000." Will you pass this resolution and run the risk of surrendering the position which the United States may occupy at the council table?

"Oh, but," they say, "we can attend to that later." Who doubts, gentlemen, but that after this resolution passes the United States will deal with Germany not as a victor, but as an equal? When she goes to the council table I want my country to be in a position to absolutely

dictate the terms of peace. [Applause on the Democratic side.] I want to give your and my President the power to settle these matters in the interest of the people of the United States. I do not want him to be humiliated in dealing with an enemy over whom we have triumphed. America should be able to exact as a victor in war into which she was forced, what she was unable to exact while she was yet at peace. I shall never vote to make my country an humble mendicant, cringing and fawning before the enemy she has conquered, to secure unquestioned rights as a matter of grace. [Applause on the Democratic side.] cratic side 1

With peace formally declared may not Germany and her nationals demand: Give back my ships! Give back my property—my stocks and bonds—my moneys and my lands!

What will you say to American claimants to justify your course?

When it was urged that no such forfeiture was possible because of the terms of the resolution which assured protection, he replied:

"Oh," the gentlemen on the majority side say, "section 2 takes care of these things. Section 2 reserves all the rights we have." Let us see what that does.

of these things. Section 2 reserves all the rights we have. Let use what that does.

Here is section 2:

"SEC. 2. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefits; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of an act or acts of Congress; or otherwise."

Section 2 undertakes to reserve rights under the armistice. When

Section 2 undertakes to reserve rights under the armistice. When peace is declared the armistice is terminated because an armistice is merely a truce to allow diplomatic negotiation.

This Chamber resounded from the Democratic side with the charges that Republicans were jeopardizing American rights by a course designed to forfeit all of our protection which we now have to hold the property of the foreign nationals. Even the able and talented floor leader, Mr. GARRETT, who spoke with so much vigor to-day, spoke then as follows (Congressional Rec-ORD, 67th Cong., 1st sess., p. 2573):

ord, 67th Cong., 1st sess., p. 2573):

The passage of this resolution throws away every moral and physical advantage which we now possess; it places us alone among nations, with all our vital interests exposed to the constant menace of a selfish and irritated world.

Surely we do not need to pass it in order to insure that we shall ourselves be just in negotiating with Germany and her allies. Is there anything in German history or any evidence in the manifested spirit of present-day Germany which encourages the belief that she will be more likely to make a just and righteous treaty after we have thrown every advantage away? Surely not. By passing it we are but depriving ourselves and our posterity of all the advantages accruing from a victory of arms honorably won by our bravest and our best and surrendering, perhaps for all time, the opportunity which has been ours and which still is ours to advance civilization and to calm at least in measurable degree the awful apprehensions of the mothers of men.

As an American Congressman I must be excused from aiding in such a denouement. [Prolonged appliause on the Democratic side.]

It is a singular situation, with that provision determining the position then, charging us with turning all the property back by the peace resolution against which they rallied, rallied. now they come unitedly and demand that we do precisely what they united against us for doing. Then we were condemned because our resolution, they asserted, would turn back the property. Now we are condemned because this resolution does not turn back all the property.

Mr. COCKRAN. Mr. Chairman, will the gentleman yield? Mr. FESS. Oh, my friend from New York [Mr. COCKRAN] made a fine speech upon the right side of that question when it was under discussion, and voted right. I looked up his record at that time, because he spoke to-day. I am glad to announce that, unlike his party, he is consistent, and I compli-

ment him upon it.

The American Government will, of course, never confiscate property. We will ever respect the rights of private property inviolable. Everyone knows that, [Applause 1] That is related to the rights of private property inviolable. inviolable. Everyone knows that. [Applause.] That is why it is perfectly useless to adopt an amendment such as that of my friend from Kansas [Mr. Hoch], because it is merely a certificate that we are honest; and it is nothing else. I hope that the American Congress does not need to certify to the people of the country that it means to do the right thing, not only for its own citizens but all other nationals. necessary for Congress to declare our honor by resolution. It is an imputation that might lead to a doubt of the Nation's integrity in our foreign relations.

The war left us in a complicated situation, with many problems for attention. One by one they have been taken up. This one of alien property is serious and must be properly handled.

To protect all rights we entered into a treaty. This que was covered and agreed upon by both parties to the treaty. This question

Section 5 gives us the right we are now exercising:

SEC. 5. All property of the Imperial German Government, or successor or successors, and of all German nationals which was, April 6, 1917, in or has since that date come into the possession under the control of, or has been the subject of a demand by

United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was, on December 7, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by law until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively made suitable provision for the satisfaction of all claims against said Governments, respectively, of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of the Imperial German Government or its agents, since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, Austro-Hungarian, American, or of other corporations, or in consequence of hostilities or of any operations of war, or otherwise, and also shall have granted to persons owing permanent allegiance to the United States of America most-favored-nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce, and industrial property rights, and until the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have, respectively, confirmed to the United States of America all fines, forfeitures, penalties, and seizures imposed or made by the United States of America during the war, whether United States of America or of any of its officers, agents, or employees,

It will not be overlooked that this treaty is signed by Germany, and our procedure under the terms is not a violation of international law nor the common law of nations. That treaty sets up an agency for adjusting the points in dispute. are many items involving controversies growing out of prewar contracts. That agency is now at work on these controverted items. To reverse the course and thus to nullify by turning everything back, even including what is now in dispute in the courts, as many cases are, would be a very unwise step at this juncture for all concerned—our own citizens as well as those of other countries. We are doing precisely what the treaty provides and what we ought to do in honor to ourselves and in respect for the nationals of other countries. [Applause.]

This bill when it becomes law will clean up 93 per cent of the In money it makes a small per cent of the totals. When these are out of the way the balance can be expedited under the provisions of the treaty, which is clear in its pro-cedure and which, so long as it is followed, is complete defense against the charge of confiscation. We are here endeavoring to do justice to nationals of other countries as provided in the treaty and at the same time protect all the rights of American citizens. I predict that the record will show quite unanimity of decision when the final vote is taken.

The CHAIRMAN. All time has expired, and the question is on the amendment offered by the gentleman from Missouri. The question was taken, and the Chair announced the noes

appeared to have it.

On a division (demanded by Mr. RAYBURN) there wereayes 55, noes 56.

So the amendment was rejected.

Mr. NEWTON of Minnesota. Mr. Chairman, I have an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. Newton of Minnesota: Page 7, lines 13 and 14, strike out the words "was at such time and."

Mr. NEWTON of Minnesota. Mr. Chairman, the amendment is a formal one that has been submitted to members of the committee on both sides of the alsle. It corrects the text by striking out certain words which were placed in there inadvertently because the phrase is to be found in the original act. As amended it will better express the purpose of the paragraph.

Mr. FISH. Mr. Chairman, I would like to be heard on the amendment.

The CHAIRMAN. The gentleman from New York.
Mr. FISH. Mr. Chairman, I would like to call attention

of the committee to the remarks made by the gentleman from Ohio [Mr. Begg], who questioned the motives of those of us who favored the return of all of this property, and I would like to avail myself of this opportunity to say that his statement was absolutely unjust and unfair, and further to say, using an old and fitting expression, "O, patriotism, what crimes are committed in thy name," and recommend to the gentleman that he go to a primary school and study international law.

Mr. BEGG. Will the gentleman Mr. FISH. When I get through. Will the gentleman yield?

18 19 19

Mr. BEGG. I want to correct the gentleman's statement.

Mr. FISH. I do not yield. Mr. BEGG. Well-

Mr. FISH. I do not yield.

Mr. BEGG. Does not the gentleman want to quote me correctly?

Mr. BLANTON. I make the point of order-

Mr. FISH. I heard the gentleman and heard him very cell. I do not yield. Now, Mr. Chairman and gentlemen of the committee, the greatest thing that was done by the United States in the World War, except that of turning the tide of defeat into victory, was the fact that we asked for no reparations, the fact that we asked for no indemnity, and the fact that we asked for no territory, and now, the first time that Congress has been put to the test, it has violated a funda-mental principle of international law by refusing to return property held in trust to its lawful owners. [Applause.]
Mr. TILSON. Will the gentleman yield? I want to know just when that first test came.

Mr. FISH. I do not yield. We have been found wanting to a sacred trust. We have been preaching for generations from the housetops the doctrine of inviolability of property

taken from an enemy, and when we are actually put to the test Congress denies that principle; it denies it in part, and only turns back a certain percentage of the property.

That is what the action of the House amounts to in continuing to hold this property over four years after the war. I do not question the spirit and motive that animates any Member of the House, but at least, gentlemen, I can not help but feel that we have repudiated our traditional policy, that we have literally kicked out of the window an established international principle that has been gradually built up during a

Let me quote what Alexander Hamilton, the great proponent of the Federal Constitution, had to say on the sacredness of private property seized in time of war (see Camillus letters, 18 to 22): "No powers of language at my command can express the abhorrence I feel at the idea of violating the property of individuals which in an authorized intercourse in time of peace has been confided to the faith of our Government and laws, on account of controversies between nation and nation." * * * "The right of holding or having property in a country always implies a duty on the part of its government to protect that property, and to secure to the owner the full enjoyment of it; whenever, therefore, a government grants permission to foreigners to acquire property within its territories, or to bring and deposit it there, it tacitly promises protection and security."

Again let me call your attention to section 38 of Instructions for the Government of the Armies of the United States, issued on April 24, 1863: "Private property, unless forfeited by crimes or by offenses of the owner, can be seized only by way of military necessity for the support or other benefit of the Army, or of the United States. If the owner has not fled, the commanding officer will cause receipts to be given which may serve the spoliated owner to obtain indennity."

Practically all authorities on international law from the time of Grotius and Vattel to Hall and Wheaton agree that private property of enemy nationals should not be confiscated when found in a State on the outbreak of war. Modern international custom and usage is emphatically opposed to the idea of confiscation or reprisal. We have not confiscated private enemy investments in any of our wars from the Revolution to the present.

It is the business of civilization to create such conditions as will render victory less brutal and defeat more bearable. It is within the power of Congress to set a glorious example to the world by restoring all the private property of German and Austrian nationals, excepting ships in which the German Imperial Government had an interest, and of patents which are still in litigation. It is a wonderful opportunity to demonstrate the still in litigation of the still in litigation. strate our sincerity by upholding international law and American traditions, irrespective of any interest we may have to the contrary. We have a real duty to perform in behalf of established law and order. We must not shirk the responsi-bility and put our own selfish interests above those of the civilization of the world. What a glorious climax it would be to the part played by our country in the World War if we should in these days of passion and hatred by act of Congress comply with the established principles of international law and

help by our example to lead the way to peace.

Under the provisions of this bill only forty-four millions out of three hundred and fifty millions are to be returned. In addition we are holding two hundred millions in seized ships

and many millions of dollars worth of patents.

We have laid ourselves open to suspicion by the manufacturers, by the exporters, by the importers, by the merchants of Europe, who believed we went into the World War from the purest, the highest, and the most idealistic motives, when we say that this property, which should have been returned a long time ago, is not to be restored, but by an act of Congress it is to be held in reprisal for claims against the German Government. Why, the gentleman from Ohio got up here and said that he would like to see every cent of the property belonging to enemy aliens used to offset the claims of our citizens against the German Government, and he was applauded on this side-

Mr. BEGG. Will the gentleman yield?

Mr. FISH. I will yield.

Mr. BEGG. I only made this statement, that if Germany did not indemnify in any other way I would then take it.

Mr. FISH. I will say to the gentleman we are holding by this bill \$200,000,000 of shipping, we are holding four or five thousand patents, far more than is required to cover every single legitimate claim against the German Government even. single legitimate claim against the German Government even

if we restore all private property.

Mr. DENISON. Will the gentleman yield?

Mr. FISH. I can not yield. Why, it is said that the total legitimate claims amount to \$15,000,000, not insurance claims. I am in the insurance business, and a large part of them are not legitimate. They were paid for [laughter] by the 10 per cent war-risk insurance, but the total claims amount to from \$15,000,000 to \$30,000,000—less than the cost to the United States of one day of actual warfare—and now we propose to re-pudiate for this sum one of the greatest and most important principles in international law, and the principle that this Nation has always been foremost to champion. [Applause.]

Mr. NEWTON of Minnesota. Mr. Chairman, I move that the debate on this section and all amendments thereto be now

The CHAIRMAN. The gentleman from Minnesota moves that the debate on this section and all amendments thereto be now closed. The question is on agreeing to that motion.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. No; I can not.

Mr. SABATH. I have an amendment that I desire to be heard on. I want to be heard on that amendment for five

Mr. NEWTON of Minnesota. Then, Mr. Chairman, I make it

The CHAIRMAN. The gentleman from Minneseta modifies his motion. The gentleman from Minnesota moves that the debate on this section and all amendments thereto close in 10 minutes. The question is on agreeing to that motion.

The motion was agreed to.

Mr. SABATH. Mr. Chairman, I offer an amendment. Mr. NEWTON of Minnesota, Mr. Chairman, is it in order to have a vote now on the slight amendment I have offered, or will that go over until the debate is closed?

The CHAIRMAN. The question is on agreeing to the motion

of the gentleman from Minnesota.

The motion was agreed to.

Mr. SABATH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Sabath: Page 5, line 16, after the word "or," insert "an individual who was at that time a citizen or subject of Germany, Austro-Hungary, or who is not a citizen or subject of any nation, who prior to April 6, 1917, was and is now a permanent resident of the United States, or."

Mr. SABATH. Mr. Chairman and gentlemen, nearly every one on that side, as well as on our side, has positively stated that he is in favor of returning the property that is now being held by the Allen Property Custodian. It is true that one or two gentlemen have qualified their statements. But I venture to say that 95 per cent of the membership are in favor of returning and not confiscating this property of the alien enemy. Consequently, I am hopeful that all of the Members will be in favor of this amendment, which provides for the return of property of resident aliens, men who have lived in America from 10 to 40 years. The gentleman from Missouri has stated that no such property has been taken. He, of course, is mis-taken. Many an estate and many a man's property has been taken who has been and who is now a resident of the United

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield for a question?

Mr. SABATH. I regret I have not the time.

During the year 1914—yes; and for many years before—thousands of our citizens, and some who were not citizens, were in Germany when the war broke out-three years before we entered the war. These people, though residents of the United States, were unable to return to the United States. They were held in Germany against their will and against their protest, and notwithstanding the fact that they had not been guilty of any wrongdoing, but because of the fact that they were temporarily absent from the United States, their property has been taken by the Alien Property Custodian, and up to this day it has not been returned to them.

Now, I believe in all fairness that the least thing which we can do to-day, two years after peace has been declared between our country and Germany—the least thing we can do is to return the property belonging to those who have made their home in this country and who are permanent residents in the United States. In the act of 1920 we provided for the return of the property of those aliens who were sent to detention camps because of suspicion and acts of disloyalty. In view of that fact what excuse have we to retain the property of those who were not accused but found to be loyal and patriotic?

I do not know how many of these claimants there are, but I am of the opinion that there can not be more than 100 or 200. and that the sum total of all will not be great. In justice I plead with the committee that this amendment that I have offered be adopted. Of course, we must bear in mind, Mr. Chairman and gentlemen, that Germany four years ago by legislation ordered the return of property of American citizens, and in nearly every instance it has been returned, with the exception of cases where there was a question of the amount due. and this only as to before the war-money that was deposited with the banks. But all the private claims have been paid. Now when Germany has returned the property to all of our citizens I hope we will not continue to hold property belonging to people, formerly German subjects, who have made their homes here, many of whom have filed a declaration of their intention to become citizens; and the chances are that in a year or two they will become American citizens. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SABATH. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

SABATH. Mr. Speaker, during the general debate on the bill each and every Member who took the floor has gone on record in the strongest and most positive terms that the Government has no right, nor was it intended, to take over or confiscate the property of German nationals. They have set forth clearly that under the treaty of 1785, entered into between the United States and Germany, in the event of war between the two nations the rights and properties of German citizens were guaranteed. Of course, it is not my intention in any way to defend the cause of the Imperialistic German Government. I, with a great many other Members, enjoined and condemned that Government for violating and disregarding the treaty during the war, and I ask now, Should we in peace be guilty of that for which we so strongly condemned the former German Government? Surely, Mr. Speaker, no one will contend that two wrongs will make a right. Very early in the war President Wilson and A. Mitchell Palmer, Alien Property Custodian, gave expression in messages and announcements with regard to the conduct of the war in accordance with the principles of international law. President Wilson in one of his messages stated:

We shall conduct our operations as belligerents without passion and ourselves observe with proud punctilio the principles of right and of fair play that we profess to be fighting for.

In the Official Bulletin of November 14, 1917, appeared an announcement of the then Alien Property Custodian, A. Mitchell Palmer, stating:

The purposes of Congress are to preserve enemy-owned property in the United States from loss and to prevent every use of it which may be hostile and detrimental to the United States. The Alien Property Custodian exercises the authority of a common-law trustee; there is no thought of a confiscation or dissipation of property thus held in trust.

With such expression from the President of the United States and the Alien Property Custodian at that crucial stage of the war, it is undisputed that they were aware of the rights and immunities of holders of private property. It is one of the most settled rules of international law that private property is immune and inviolable in time of war, and even in cases of conquest. Why, then, Mr. Speaker, the continuous holding of properties taken over during the war? The time is long past for the return of the properties, so why delay longer? I hope this

great Nation of ours will not hesitate now in doing the proper, right, and honorable thing in returning the properties without further delay. It will demonstrate that we still adhere to old, honest traditions and will prove to the German citizenry that our fight was not against them but against the then German Imperialistic Government.

There are some who claim that section 5 of the treaty of January 5, 1921, gives us the right to hold the property for claims of our citizens. That might be so, but section 5 was embodied in the treaty in violation of the strict and positive provisions of the treaty of 1799, which provided:

ART. XXIV. * * And it is declared that neither the pretense that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article, but that on the contrary that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations.

Now, Mr. Speaker, in the taking over of the property by our Government and the placing of it in the hands of the Alien Custodian we need but to revert to the hearings and the speeches made on the floor of the House when we considered the legislation providing for it to determine what the true intent of Congress was. A perusal of the debate will satisfy the most doubtful person that the property was taken only to be held by the Alien Property Custodian so that it could not be used against our country during the war. The gentlemen who had charge of the bill on the floor of Congress, Mr. Montague, of Virginia, and the gentleman from Pennsylvania [Mr. Dewalt], both so positively stated. Therefore I ask, Mr. Speaker, what right have we to hold the properties any longer?

It is my opinion that a great injustice has been done; that all of the property has not been returned before this time; and, further, notwithstanding that all admit the property should be returned some day, why does this bill provide that but 10 per cent of it should be returned now; in other words, that we should do 10 per cent justice? Of course, I realize that even the return of 10 per cent of the properties will relieve about 30,000 people in starving and straitened circumstances, yet the lame justification is given that we should hold the balance as security for the claims of our own citizens. I am satisfied, Mr. Speaker, that we could return all of the property now in the hands of the Alien Property Custodian and that by retaining the German ships seized during the war we will find that the value of these ships alone will be more than sufficient to take care of every just claim of American citizens. It is a fact that we seized 126 ships during the war; 21 of them were turned over to the Army and Navy, and the balance, 105 in number, were held and used by our Government. The total tonnage of the 105 ships was over 700,000 tons. It is asserted that nearly a billion dollars' worth of claims will be filed with the Mixed Claims Commission against Germany and Austria. Precedents and statistics show the settlement of war claims in past wars have been adjudicated on an 8 per cent basis. Hence full settlement of all claims would be in the neighborhood of \$80,000,000 or \$100,000,000. Can it be denied that the value of a fleet of 105 vessels, whose tonnage is Letween 700,000 and 800,000 tons, will not serve as a guaranty for the payment of all claims allowed?

I am of the opinion that the people of this country are unwilling that our Government should hold this property to satisfy unreasonable and illegal claims filed by marine insurance companies. These companies charged tremendous premiums during the war, which premiums were added to the cost of transportation and merchandise shipments.

It is a source of regret that not even a provision was made in this bill for the return of the properties of Austrians and Hungarians, against whom, I understand, we have no claims, unless it be that of some fictitious claims of the marine insurance companies. The Government of Austria-Hungary has not seized or taken any property or business owned within its borders by the citizens of the United States. Of course, it was decreed that no such property or income therefrom could be taken or sent from Austria to the United States or its allies during the war.

The committee, Mr. Speaker, also failed to include a provision in the bill which would allow the return of property of persons permanently resident of the United States, Today, as before the war in 1914, we have hundreds of American citizens in every country of the world. When the war broke out there were thousands of American citizens in Germany and Austria-Hungary, there were also some who were not citizens but who were permanent residents of the United States, they having resided in our country upward of 10 years and longer. They were of that class of former subjects of Germany and Austria who had expatriated themselves

by reason of absence from their native country beyond the

period of 10 years

The German military law required that all reserves present themselves within 10 years after their regular service and a failure to so report would revoke their citizenship. There were many of this class who temporarily left the United States to sojourn in Germany and Austria, some on business, some for their health, others visiting their relatives, many of whom had return transportation to this country, who, when the war broke out, found it impossible to return to the United States, they being held there against their will by the German Government. Notwithstanding that they made many efforts to leave they were unable to do so, owing to the strict regulations governing the entry and departure of persons to and from the country. However, when opportunity did present itself they did leave and are again in the United States. Though we have authorized the return of the property of those who were suspected in the United States during the war, of those who were placed in detention camps, and those who were compelled to report to the offices of the Department of Justice throughout the war, we, at this late day, still refuse to return the property of these permanent residents of the United States who were not suspected and against whom no charges of disloyalty were What possible reason can there be that their property should not be returned to them immediately? Is there any possible justification for holding it longer? It is true that they not acquired American citizenship, but they have lost their German citizenship and are now, in the strictest legal interpretation, eltizens without a country but permanent residents of the United States. And yet they are denied the return of their property, and that, notwithstanding the fact the German Government nearly four years ago, by proper legislation, ordered the return of the property of American citizens which they seized.

Some gentlemen, Mr. Speaker, maintain that we are holding the property as security. Can anyone contend that international law or justice will permit the taking of property that we hold as custodians or bailees. It must and no doubt will be conceded by all familiar with the laws of our land that if any individual acting as custodian or bailee of any property taken by him as such who should fall to turn over property so taken and held by him when the action, cause, or time for which he received such property would no longer exist or would be terminated, could not only be prosecuted against civilly and in trover, but could be prosecuted criminally for wrongful conversion or larceny by bailee. The property held by the Alien Property Custodian was taken by him during the war for the purpose to preserve and, secondly, to prevent it from being used against our country during the duration of the war and for no other purpose. Therefore I feel that it is our duty—yes; justice demands—that the property shall be returned, and we can not justify in doing what our laws and what the inter-

national laws say is illegal and unlawful.

Mr. Speaker, if the Interstate and Foreign Commerce Committee had given any consideration to the evidence and to the law I feel that they would have, in addition, provided for the return of the property owned by the Austrian and Hungarian citizens and also by the resident aliens. In fact, I honestly believe that if the membership of this House could have considered the evidence and heard the legal arguments of some of the ablest international authorities and would be familiar with the precedents established by all the civilized nations, that the private property of enemies is inviolate, I feel that the amendment of the gentleman from Texas, or, at least, my amendment, would prevail. By continuing to hold 90 per cent of the property we are violating our precedents and the precedents established, as I said, by every civilized nation and are doing what no other civilized nation has ever been guilty of, namely, taking and holding property of individuals for liquidating claims of the Government.

Mr. Speaker, I again state that justice demands that we

without delay order the return of this property.

Mr. HAWES. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SANDERS of Indiana. Mr. Chairman, I make the same

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BLANTON. Mr. Chairman, I make the same request. The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GRAHAM of Illinois rose.

The CHAIRMAN. The gentleman from Illinois is recognized

Mr. GRAHAM of Illinois. Mr. Chairman, just a word about this amendment. It will hardly take me a minute to state it. If this amendment is agreed to it will return all property that belongs to Germans or Austrians. Notice the language of the amendment-

An individual who was at such timethat is, the time of the seizure a citizen of Germany, Austro-Hungary, or.

I imagine we do not want to do anything of that kind. This is the same question that was presented a while ago. It is unnecessary to talk about it. If this amendment is agreed it returns all property of every kind.

Mr. SABATH. The gentleman is in error.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. Sabath].

The question being taken, on a division (demanded by Mr. Sabath) there were—ayes 44, noes 84.

Accordingly the amendment was rejected.

The Clerk read as follows:

The Clerk read as follows:

SEC. 2. That the "trading with the enemy act," as amended, is amended by adding thereto the following sections:

"SEC. 20. That no money or other property shall be paid, conveyed, transferred, assigned, or delivered under this act to any agent, attorney, or representative of any person entitled thereto, unless satisfactory evidence is furnished the Alien Property Custodian or the court, as the case may be, that the fee of such agent, attorney, or representative for services in connection therewith does not exceed 10 per cent of the value of such money or other property; but nothing in this section shall be construed as fixing such fees at 10 per cent of the value of such money or other property; such 10 per cent being fixed only as the maximum fee that may be allowed or accepted for such services. Any person accepting any fee in excess of such 10 per cent shall, upon conviction thereof, be punished as provided in section 16 hereof.

"SEC. 21. That the claim of any naturalized American citizen under the provisions of this act shall not be denied on the ground of any presumption of expatriation which has arisen against him, under the second sentence of section 2 of the act entitled 'An act in reference to the expatriation of citizens and their protection abroad, approved March 2, 1907, if he shall give satisfactory evidence to the Alien Property Custodian of his uninterrupted loyalty to the United States during his absence, and that he has returned to the United States, or that he, although destring to return, has been prevented from so returning by circumstances beyond his con-

been prevented from so returning by circumstances beyond his control.

"SEC. 22. No person shall be entitled to the return of any property or money under the provisions of this act who is a fugitive from justice from the United States or any State or Territory thereof or the District of Columbia.

"SEC. 23. The Alien Property Custodian is directed to pay to the person entitled thereto, from and after the time this section takes effect, the net income dividend, interest, annuity, or other earnings, accruing and collected thereafter, on any property or money held in trust for such person by the Alien Property Custodian or by the Treasury of the United States for the account of the Alien Property Custodian, under such rules and regulations as the President may prescribe.

Custodian, under such rules and regulations as the President may prescribe.

"Sec. 24. The Alien Property Custodian is authorized to pay all taxes (including special assessments), herefore or hereafter lawfully assessed by any body politic against any money or other property held by him or by the Treasurer of the United States under this act, and to pay the necessary expenses incurred by him or by any depositary for him in securing the possession, collection, or control of any such money or other property, or in protecting or administering the same. Such taxes and expenses shall be paid out of the money or other property against which such taxes are assessed or in respect of which such expenses are incurred, or (if such money or other property is insufficient) out of any other money or property held for the same person, notwithstanding the fact that a claim may have been filed or suit instituted under this act."

Mr. GRAHAM of Illinois. Mr. Chairman, I offer an amend-

The CHAIRMAN. The gentleman from Illinois [Mr. GRAHAM] offers an amendment, which the Clerk will report. The Clerk read as follows:

Amendment offered by Mr. Graham of Illinois: Page 14, line 8, strike out the word "Custodian" and insert in lieu thereof the following: "Custodian or the court, as the case may be."

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen, this is simply to make this section conform to the preceding sections of the trading with the enemy act, by which a claimant can either go into court or go before the Alien Property Custodian.

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, if this bill becomes a law it will relieve all but about 7 per cent of those whose property is now held by the Alien Property Custodian. I sincerely hope that there will not be a single vote against the passage of this bill. The distress that is now prevalent among those whose property we are holding beggars all possible description. I trust this vote will be unanimous for the purpose of showing to these people who were our combatants only a short time ago that there is no animosity and no rancor in the hearts of Americans against the German people. We have many reasons to entertain a feeling of friendliness toward them. Sixty years ago, when this country was trembling in the balance and when it was not known from one day

to another whether this Union would survive, the German people came to our relief in a most magnanimous way. Ex-Secretary of the Treasury Robert J. Walker, a citizen of Mississippi, and who remained loyal to the Union, was sent by Abraham Lincoln to the German people for relief. He succeeded in borrowing \$250,000,000 from German citizens with which the North could prosecute the war. He succeeded in selling a billion dollars worth of bonds over there, the proceeds of which made it possible that our Government might survive. I know that war makes bitter enemies, but I do not believe that during the existence of the late war, with few exceptions, there was any hatred or feeling against German citizens. I do not believe there is any feeling of that character now, and there should not be; and if this bill is passed by the unanimous vote of this House, it will be the best possible assurance of this fact to these people who are so much in need of the friendly offices of this great Government

There is no need of our making a declaration that we will return the balance of this property. That goes without saying, for we have declared that we do not intend to confiscate portion of it. We have asked for no reparation. have asked for nothing except that which it is our duty to ask, that our nationals also receive the same treatment, which I believe they will receive at the hands of the German Government. I regret exceedingly that we have so long delayed the passage of this bill. But through the red tape that is ever present in transactions of this character it seems that it has been impossible to reach it sooner. But this Congress is drawing rapidly to a close, and we should be derelict in our duty, this Nation would be derelict in the duty it owes to these suffering people, if we should permit Congress not to pass this bill. I trust it will go through here at the earliest possible moment, so that there can be no excuse for its not passing at the other end of the Capitol. In so doing we will have performed a duty to humanity and a duty to our country. [Applause.]

Mr. BANKHEAD. Mr. Chairman, I move to strike out the

last word.

The CHAIRMAN. The gentleman from Alabama moves to strike out the last word.

Mr. NEWTON of Minnesota, Mr. Chairman-

The CHAIRMAN. The Chair has recognized the gentleman from Alabama on a motion to strike out the last word. Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. BANKHEAD. If it will not be taken out of my time. Mr. NEWTON of Minnesota. Not to be taken out of the gentleman's time, I should like to submit a request for unanimous consent, that all debate on this section and all amend-

ments thereto close in 10 minutes.

Mr. SUMNERS of Texas. Reserving the right to object, I

want five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate on this section and all amendments thereto close in 10 minutes. Is there objection?

Mr. RAYBURN. I object.
The CHAIRMAN. The gentleman from Texas objects. Mr. NEWTON of Minnesota. I should like to amend the

request by making it 20 minutes.

The CHAIRMAN. The gentleman asks unanimous consent that all debate on this section and all amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, upon yesterday the distinguished gentleman from Pennsylvania, Doctor Temple, in undertaking to assert that there was justification by well-recognized precedents for the position for which he was contending, asserted that during the Civil War the officials of the Confederacy confiscated private property belonging to citizens of the Northern States. I am not in a position to deny the accuracy of that statement, but rather assume that it is true, because Doctor TEMPLE asserted it. But I think, for the sake of the RECORD and for students of this question who may read this debate, it may be a contribution to the literature on the subject to insert in the RECORD a quotation on this subject from Charles Cheny Hyde's recent work on international law, on page 238, as follows:

In the course of the Civil War the United States

Not the Confederacy, mark you-

in its endeavor to suppress the insurrection, and by way of punishment for disloyalty and treason on the part of the owners, undertook by an act of Congress of July 17, 1862, to confiscate property found within the Union lines. The principle acted upon differed essentially from that involved in confiscating property of alien enemies, and gives no support by way of precedent to such procedure. On August 6, 1861, the Congress enacted a law for the confiscation of property purchased or acquired, sold, or given with intent to sid

or abet or promote the insurrection or resistance to the laws, or in case the owner of property should knowingly use or employ it, or consent to the use or employment of it, for such purpose. It was thus the nature of the use of the property rather than the character of the owner which was made the ground of confiscation. It is not believed that this law, in view of the nature of the conflict then existing, indicates legislative approval of the confiscation in a foreign war of the property of alien enemies within the national domain. As careful an observer as Hall declared that this act of Congress was the only instance of belligerent confiscation of private property from the close of the Napoleonic wars until the time when he wrote; yet he expressed doubt as to whether the usage was old and broad enough to establish a rule applicable to all forms of private property.

Mr SANDERS of Indians. Will the gentlemen yield?

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. BANKHEAD. I yield. Mr. SANDERS of Indiana. I would like to suggest to the gentleman along the same line that the Confederate Government passed a confiscatory act and Great Britain protested vigorously against it with reference to her nationals living in the North.

Mr. BANKHEAD. I thank the gentleman for his statement. Mr. SANDERS of Indiana. I was supporting the gentleman. Mr. TEMPLE. Mr. Chairman, the gentleman from Alabama. referred to some remarks that I made yesterday. Here is what I said yesterday:

T. J. Lawrence, the author of an exceedingly valuable discussion of international law, says that only one instance of such confiscation can be found in the history of warfare since Napoleonic times, and that was in the heat of a civil war which we in America would like to forget, and consisted of confiscation by the Confederate Government of the property of those living within its borders who remained loyal to the North.

In the fifth edition of Lawrence's Principles of International Law, page 424, I find this language:

Law, page 424, I find this language:

The growth of the practice of allowing enemy subjects resident in a country to continue there unmolested during the war carried with it permission for them to retain their property; and in modern times the real property of enemy subjects has not been interfered with by the belligerent States in whose territory it was situated, even when the owners resided in their own or neutral States; the one exception being an act of the Confederate Congress, passed in 1861, for the appropriation of all enemy property found within the Confederacy, except public stocks and securities. This proceeding was deemed unwarrantably severe; and contrary usage has been so uniform that we may safely regard the old right to confiscate or sequestrate as having become obsolete through disuse.

I have here the act of the Confederate Congress, approved. August 30, 1861, that is referred to by Lawrence. I do not care to print it in the RECORD. I have also in my mind the correspondence between Fred J. Cridland, the acting consul at Richmond, and Lord Lyons. Cridland reports the seizure of 2,500 hogsheads of tobacco that belonged to British subjects because this property was in some way connected with the firm of August Belmont & Co., of New York. Lord Lyons in a dispatch dated at the foreign office, December 6, 1861, replies and discusses at considerable length the principles involved, and closes with the following paragraph:

Under these circumstances. I have to instruct you to remonstrate strongly with the secretary of state of the so-called Confederate States on the hardship and injustice of confiscating the property of neutrals under the sequestration act of the Confederate Congress.

I only rose because what I stated yesterday was referred to, and I think I have shown that my statement on yesterday was absolutely accurate. Mr. Chairman, I yield back the balance of my time

Mr. SUMNERS of Texas. Mr. Chairman, I do not want to get into the discussion of the confiscation by the Confederate States and by the Federal Government of private property during the Civil War, but those of us who live in the South have understood that a good deal of cotton belonging to private citizens, animals, corn, and so forth, was taken, even the cover from the beds of the homes, and after the war the Federal Government confiscated millions of dollars under the guise of a cotton tax, which it has failed to pay back, though violative of every principle of right and justice operative in behalf of a defenseless people. I do not want to bring that into this controversy. But it does remind me that it was not what was taken for the maintenance of the Federal Army and the depredations during the war that has been so hard to forget, but what was done after the war. Things like this cotton tax, the period of carpet-bag rule, and so forth. When the war is on fight the best you can, and then when the war is over quit fighting. Either destroy utterly or leave the fellow you have been fighting in the best possible mental attitude to take his place in the world as a good neighbor. [Applause.] I think that is a sound proposition. I know it is. Now, I can not see the philosophy or reasoning for the procedure here contemplated.

Everybody says, you all say, that it is not contemplated that one single cent of this money being held by the Alien Property Custodian is to be confiscated. We proclaim that to the world in no uncertain terms. Then, in the name of common sense,

what coercion, what advantage can we expect to exercise by reason of the retention of property which we declare we intend eventually to turn over to the owners? I can not get the sense of this from any angle. We have claims, I understand, of about a billion dollars filed against Germany and its nationals. We have claims, I understand, of We do not have enough on hand now to pay these claims if we retain all we have. If we are going to retain part, as is proposed by this bill, why not retain all? If we are going to return a part, why not return it all? I do not see the common sense of it, nor any possible benefit from this piecemeal procedure. We say we are not going to confiscate a cent, and yet our procedure is enough to make the world doubt the honesty of our declaration. The only thing I can see in this procedure is that it will make it necessary to retain on the pay roll the custodians, clerks, lawyers, and others who are holding this property.

There are too many of that sort of people living off of the wreckage of the war. The more they absorb the less there will remain to pay the world's war debts and rebuild its devastated areas and revive its normal activities. If we are going to confiscate this property finally, do it now. If we are going to turn it back, do it now and let these people who have been living off

of this property for years find something else to do.

Somewhere, somehow in the economy of the world some one must pay the alien property custodians for their retention of this stuff. I say the world has enough debt and enough burden upon its back, without retaining those which can be gotten off. Turn back a part of what is not enough now to pay our claims, declaring at the same time we are going to turn the remainder back, but retain enough to justify hiring a lot of lawyers, clerks, and an Alien Property Custodian to fool around with this property, which we say we will eventually turn over, is a policy the wisdom of which I can not understand. That policy brings nothing to those who have suffered loss. It postpones the owners to whom we say we will eventually return it. It helps nobody except the custodians who are drawing their salaries from the earnings of the property, and possibly the banks in which money is deposited. I repeat, that the wise policy is to fight until the war is over. Then quit. Wind up as quickly as possible. Take what is to be taken. Give back what is to be given and get rid of the army of noncombatants who live off, as long as possible, that which is salvaged from the war. I hope the Senate will insist upon doing now the plain and common-sense thing, and that is to wind up the whole matter and let whatever of this property we say we are not going to confiscate, and we say we are not going to confiscate any of it, go back to the owners to whom we expect to give it in the next year or so.

Mr. SANDERS of Indiana. Mr. Chairman, the gentleman says that he hopes the Senate will do something. The gentleman is aware that the Democratic leader has a bill now before that body to take this property and with it pay American

Mr. SUMNERS of Texas. I do not care what the Democratic leader has done. I do not want the Republican side of the House when it occasionally gets half right to spoil its position by undertaking to follow the Democratic leader of another Chamber. What you ought to do when you are uncertain is to follow the Democratic leader on this side of the House. [Laughter and applause, l

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.
Mr. GRAHAM of Illinois. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 14, line 22, strike out the words "Property Custodian or by the Treasury" and insert "Property Custodian or by the Treasurer."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NEWTON of Minnesota. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House with the recommendation that the amendments

be agreed to and that the bill as amended do pass.

The motion was agreed to; accordingly the committee rose, and Mr. Campbell of Kansas having resumed the chair as Speaker pro tempore, Mr. Anderson, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14222, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended

Mr. NEWTON of Minnesota. Mr. Speaker, I move the previous question on the bill and amendments to final passage, The SPEAKER pro tempore. The previous question is ordered under the rule. Is a separate vote demanded on any amendment? If not, the Chair will put them en grosse. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. RAYBURN. Mr. Speaker, I offer the following motion to recommit.

The Clerk read as follows:

Mr. RAYBURN moves to recommit the bill H. R. 14222 to the Committee on Interstate and Foreign Commerce, with instructions to report the same back forthwith with the following amendment: On page 1, lines 5 and 6, strike out the words "not an enemy or ally of enemy."

Mr. NEWTON of Minnesota. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit

Mr. RAYBURN. Mr Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 125, nays 181, answering "present" 2, and not voting 119, as follows:

ernethy	Dunbar	Lee, Ga.	Sabath
non	Favrot	Linthicum	Sandlin
well	Fields	Logan	Sears
nkhead	Fish	London	Sinclair
ek	Fisher	Luce	Sisson
The state of the state of	Frear	Lyon ·	Smithwick
ick	Fulmer	McClintle	Speaks
inton	Funk	McDuffie	Sproul
wling	Garrett, Tenn.	MacGregor	Stafford
X	Garrett, Tex.	Maloney	Steagall
ggs	Hawes	Mansfield	Stedman
tten	Hayden	Martin	Stevenson
owne, Wis.	Herrick	Mead	Sumners, Ter
chanan	Hickey	Montague	Sweet
rnes, S. C.	Hogan	Moore, Va.	Tague
rns, Tenn.	Hooker	Morgan	Ten Eyek
ntrill	Huddleston	Nelson, J. M.	Tinkham
rew	Hudspeth	Norton	Turner
rter	Hukriede	O'Connor	Tyson
almers	Hull	Oldfield	Upshaw
gue	Humphreys, Miss.	Oliver	Vaile
rk, Fla.	Jacoway	Patterson, Mo.	Vinson
ekran	James	Perlman	Weaver
lier	Jeffers, Ala.	Quin	Wilson
per, Wis.	Johnson, Ky.	Rainey, Ill.	Wise
ighlin	Jones, Tex.	Raker	Woodruff
8p	Kissel	Ramseyer	Woodyard
llen	Kraus	Rankin	Wright
vis, Tenn.	Lanham	Rayburn	Wurzbach
al	Lankford	Riordan	
minick	Larsen, Ga.	Roach	
ughton	Lazaro	Rouse	

	NA	15-151.	
ckerman nderson ndrew, Mass. ndrews, Nebr. nthony ppleby rentz keson arbout gg xier and, Va. oles ond rooks, Pa. alwinkle artness utler uble urtness utler uble nindblom arke, N. Y. ole, Iowa ole, Ohio olton ooper, Ohio ppley ago	Drewry Driver Dupré Edmonds Elliott Ellis Evans Fairfield Faust Fenn Fess Focht Frothey Foster French Frothingham Fuller Gallivan Gensman Generd Gifford Gilbert Graham, Ill. Green, Iowa Greene, Wass. Greene, Vt. Griest Griffin Hadley Hammer	Humphrey, Nebr. Husted Ireland Jefferis, Nebr. Johnson, S. Dak. Kearns Kelley, Mich. Kelley, Mich. Ketly, Pa. Kendall Ketcham Kincheloe Kirkpatrick Kline, N. Y. Kline, Pa. Langley Larson, Minn. Lawrence Layton Lea, Calif. Leatherwood Lehlbach Lineberger Little Longworth Lowrey Luhring McArthur McCormick McFadden McKenzie	Michener Miller Mondell Moore, Ohio Moores, Ind. Mott Murphy Nelson, Me. Nelson, A. P. Newton, Min Newton, Mo. Nolan Ogden Paige Parker, N. J. Parker, N. Y. Parks, Ark. Paul Perkins Porter Pou Purnell Ransley Reed, W. Va. Reed, W. Va. Rhodes Riddlek Robertson
ramton	Hardy, Colo.	McLaughlin, Mich	Robsion
ale	Haugen Hawley	McLaughlin, Nebr McPherson	Rogers
allinger	Henry Hersey	MacLafferty Madden	Sanders, Ind. Shaw
empsey enison	Hicks Hill	Magee Mapes	Shelton Shreve
ickinson	Hoch	Merritt	Sinnott

Smith, Idaho			
	Temple	Underhill	Winslow
Snyder Stephens	Thompson Thorpe	Vestal Walters	Wood, Ind. Wyant
Strong, Kans.	Tillman	Ward, N. Y.	Yates
Summers, Wash,	Tilson	Wason	Young
wank wing	Timberlake Tincher	White, Kans. Williams, Ill.	
aylor, Tenn.	Towner	Williamson	
	ANSWERED	"PRESENT "-2.	
	Lee, N. Y.	Rucker	
	NOT VO	TING-119.	
nsorge	Dyer	Knight	Scott, Mich.
Bacharach Barkley	Echols	Knutson	Scott, Tenn. Siegel
leedy	Fairchild Fitzgerald	Kopp Kreider	Slemp
enham	Free	Kunz	Smith, Mich.
lird lakeney	Freeman Gahn	Lampert McLaughlin, Pa.	Snell Steenerson
land, Ind.	Garner	McLaughlin, Pa. McSwain	Stiness Stoll
rand	Glynn Geldsborough	Michaelson Mills	Strong, Pa.
rennan	Goodykoontz	Moore, Ill.	Sullivan
brooks, Ill. brown, Tenn.	Gorman Gould	Morin Mudd	Taylor, Ark. Taylor, Colo.
Burdick	Graham, Pa.	O'Brien	Taylor, Cole. Taylor, N. J.
urke turton	Hardy, Tex. Hays	Olpp Overstreet	Thomas Treadway
annen	Himes	Park, Ga.	Tucker
handler, N. Y. handler, Okla.	Huck Hutchinson	Patterson, N. J. Petersen	Volgt Volk
lasson	Johnson, Wash.	Pringey	Volstead
louse odd	Johnson, Wash. Jones, Pa.	Radeliffe Rainey, Ala.	Ward, N. C. Watson
ollins	Kahn	Reber	Webster
Connally, Tex.	Keller Kennedy	Rose Rosenbloom	Wheeler White, Me.
rowther	Kiess	Rossdale	Williams, Tex.
Davis, Minn. Dowell	Kindred King	Ryan Sanders, N. Y.	Wingo Woods, Va.
rane	Kitchin	Sanders, Tex.	Zihlman
)unn	Kleczka	Schall	
	on to recommit		A SAME THE AS
		llowing additions	il pairs:
On the vote:		mass days - (to the bart had been
		Treadway (agai	
Mr. Kindro	d (for) with	Mr. Pottoner	Jersey (against). of New Jersey
against).	a (101) WITH	mi. Patterson	of New Jersey
	(for) with Mr	. Crowther (aga	inst).
	way watti mat. Is	urdick (against)	A ST. Martinari Ly face
General pair	8:		· The Australia (6)
General pair Mr. Cannon	es: with Mr. Taylo		• Continue (6) 160 Continue (10) 20 Continue (10)
General pair Mr. Cannon Mr. Snell wi	es: with Mr. Taylo th Mr. Brand.		The continuent of the con
General pair Mr. Cannon Mr. Snell wi Mr. Morin w	es: with Mr. Taylo th Mr. Brand, with Mr. Kunz,	r of Arkansas,	
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller	es: with Mr. Taylo th Mr. Brand. ith Mr. Kunz. with Mr. O'Brie	r of Arkansas,	
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller w Mr. Connolly	with Mr. Tayle th Mr. Brand, oth Mr. Kunz, with Mr. O'Brie of Pennsylvan	r of Arkansas, en. ia with Mr. Woo	
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w	with Mr. Tayle th Mr. Brand. oith Mr. Kunz. with Mr. O'Brie of Pennsylvan ith Mr. Park of	r of Arkansas. n. ia with Mr. Woof Georgia.	
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell	with Mr. Taylo th Mr. Brand. ith Mr. Kunz. with Mr. O'Brie of Pennsylvan ith Mr. Park o with Mr. Garne	r of Arkansas. n. ia with Mr. Woof Georgia.	
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff	with Mr. Taylo th Mr. Brand. oth Mr. Kunz. with Mr. O'Brie of Pennsylvan ith Mr. Park of with Mr. Garne th Mr. Collins. e with Mr. Kit	en. ia with Mr. Woof Georgia. r.	ods of Virginia.
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham	with Mr. Taylo th Mr. Brand. oth Mr. Kunz. with Mr. O'Brie of Pennsylvan ith Mr. Park of with Mr. Garne th Mr. Collins. e with Mr. Kit of Pennsylvani	r of Arkansas. ia with Mr. Wood Georgia. r. chin. a with Mr. Sand	ods of Virginia.
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis oi	with Mr. Taylo th Mr. Brand. oith Mr. Kunz. with Mr. O'Brie of Pennsylvan ith Mr. Park or with Mr. Garne th Mr. Collins. e with Mr. Kito of Pennsylvani Minnesota wit Minnesota wit	r of Arkansas, in. ia with Mr. Woo f Georgia, r. chin. a with Mr. Sano h Mr. Tucker,	ods of Virginia.
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore of	with Mr. Taylo th Mr. Brand. oith Mr. Kunz. with Mr. O'Brie of Pennsylvan ith Mr. Park or with Mr. Garne th Mr. Collins. e with Mr. Kito of Pennsylvani Minnesota with fillineis with	r of Arkansas, in. ia with Mr. Woo f Georgia, r. chin. a with Mr. Sano h Mr. Tucker, Mr. Barkley,	ods of Virginia.
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller w Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore of Mr. Free wi	with Mr. Tayle th Mr. Brand. ith Mr. Kunz. with Mr. O'Brie of Pennsylvan ith Mr. Park of with Mr. Garne th Mr. Collins. e with Mr. Kit of Pennsylvani f Minnesota with ft Illinois with th Mr. Goldsbor	r of Arkansas, in with Mr. Woo f Georgia, r. chin. a with Mr. Sand h Mr. Tucker. Mr. Barkley. ough,	ods of Virginia.
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore of Mr. Free wi Mr. Burton	with Mr. Taylo th Mr. Brand. oth Mr. Kunz. with Mr. O'Brie of Pennsylvan ith Mr. Park of with Mr. Garne th Mr. Collins. e with Mr. Kito of Pennsylvani Minnesota with ff Illineis with th Mr. Goldsbor with Mr. Goldsbor with Mr. McSw:	r of Arkansas, in with Mr. Woo f Georgia, r. chin. a with Mr. Sand h Mr. Tucker. Mr. Barkley. ough,	ods of Virginia.
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore o Mr. Free wi Mr. Burton Mr. Dunn w	with Mr. Taylo th Mr. Brand, oith Mr. Kunz, with Mr. O'Brie of Pennsylvan ith Mr. Park of with Mr. Collins, e with Mr. Kito of Pennsylvan Minnesota with Mr. Hilmois with th Mr. Goldsbor with Mr. McSwith Mr. Stoll.	r of Arkansas. ia with Mr. Wood Georgia. r. chin. a with Mr. Sand Mr. Tucker. Mr. Barkley. ough.	ods of Virginia.
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore o Mr. Free wi Mr. Burton Mr. Dunn w Mr. Beedy w	with Mr. Taylo th Mr. Brand. oith Mr. Brand. oith Mr. G'Brie of Pennsylvan ith Mr. Park of with Mr. Garne th Mr. Collins. e with Mr. Kito of Pennsylvan Minnesota with ff Illnois with th Mr. Goldsbor with Mr. McSwi th Mr. Stoll. with Mr. Johnso	r of Arkansas, ia with Mr. Woo f Georgia, r. chin. a with Mr. San h Mr. Tucker, Mr. Barkley, ough, ain, n of Mississippi,	ods of Virginia.
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Graham Mr. Davis of Mr. Moore of Mr. Free wi Mr. Burton Mr. Dunn w Mr. Beedy w Mr. Fitzgera	with Mr. Taylo th Mr. Brand. oith Mr. Brand. oith Mr. G'Brie of Pennsylvan ith Mr. Park of with Mr. Garne th Mr. Collins. e with Mr. Kito of Pennsylvani Minnesota with fillinois with th Mr. Goldsbor with Mr. McSwi th Mr. McSwi th Mr. Stoll. with Mr. Johnso ld with Mr. Th	r of Arkansas, in with Mr. Woo f Georgia, r. chin. a with Mr. Sand h Mr. Tucker, Mr. Barkley, ough, ain. n of Mississippi, omas.	ods of Virginia.
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore o Mr. Free wi Mr. Burton Mr. Dunn w Mr. Beedy w Mr. Fitzgera Mr. Bachara	with Mr. Taylo th Mr. Brand. ith Mr. Kunz. with Mr. Co'Brie of Pennsylvan ith Mr. Park of with Mr. Garne th Mr. Collins. e with Mr. Kito of Pennsylvani ' Minnesota with ff Illinois with th Mr. Goldsbor with Mr. Stoll. with Mr. Johnso ld with Mr. Thech with Mr. We	en. ia with Mr. Wood f Georgia. r. chin. a with Mr. Sand h Mr. Tucker. Mr. Barkley. ough. ain. n of Mississippi. omas. 'ingo.	ods of Virginia, ders of Texas,
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore o Mr. Free wi Mr. Burton Mr. Dunn w Mr. Beedy v Mr. Fitzgera Mr. Bachara Mr. Bachara Mr. Freeman	with Mr. Taylo th Mr. Brand, with Mr. Brand, with Mr. G'Brie of Pennsylvan ith Mr. Callins, e with Mr. Collins, e with Mr. Kitz of Pennsylvani Minnesota with fillinois with th Mr. Goldsbor with Mr. Goldsbor with Mr. Stoll, with Mr. Johnso ld with Mr. Taylo th Wr. With Mr. We with Mr. We with Mr. We with Mr. Taylo	r of Arkansas, ia with Mr. Woo f Georgia, r. chin. a with Mr. San h Mr. Tucker. Mr. Barkley, ough, ain, n of Mississippi, omas. 'ingo, or of Colorado,	ods of Virginia.
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore o Mr. Free wi Mr. Burton Mr. Dunn w Mr. Beedy v Mr. Fitzgera Mr. Bachara Mr. Freeman Mr. Johnson	with Mr. Taylo th Mr. Brand, with Mr. Brand, with Mr. G'Brie of Pennsylvan ith Mr. Callins, e with Mr. Collins, e with Mr. Kitz of Pennsylvani Minnesota with fillinois with th Mr. Goldsbor with Mr. Goldsbor with Mr. Stoll, with Mr. Johnso ld with Mr. Taylo th Wr. With Mr. We with Mr. We with Mr. We with Mr. Taylo	r of Arkansas. ia with Mr. Wood Georgia. r. chin. a with Mr. Sand Mr. Tucker. Mr. Barkley. ough. ain. n of Mississippi. omas. ('ingo. or of Colorado. with Mr. Willia	ods of Virginia.
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore of Mr. Free wi Mr. Burton Mr. Dunn w Mr. Beedy v Mr. Fitzgera Mr. Bachara Mr. Johnson Mr. Johnson Mr. Michaele Mr. Brennar	with Mr. Taylo th Mr. Brand. with Mr. Kunz. with Mr. Co'Brie of Pennsylvan ith Mr. Park of with Mr. Garne th Mr. Collins. e with Mr. Kito of Pennsylvani ' Minnesota with ff Illinois with th Mr. Goldsbor with Mr. Holnso ld with Mr. Stoll. with Mr. Johnso ld with Mr. Tayl of Washington son with Mr. Ha with Mr. Dran	en. ia with Mr. Wood f Georgia. r. chin. a with Mr. Sand h Mr. Tucker. Mr. Barkley. ough. ain. n of Mississippi. omas. ingo. or of Colorado. with Mr. Willia ardy of Texas. be.	ods of Virginia. ders of Texas. ms of Texas.
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore of Mr. Free wi Mr. Burton Mr. Dunn w Mr. Fitzgera Mr. Fitzgera Mr. Freemar Mr. Johnson Mr. Michaels Mr. Brennar Mr. Kahn w	with Mr. Taylo th Mr. Brand. with Mr. Kunz. with Mr. O'Brie of Pennsylvan ith Mr. Collins. with Mr. Collins. e with Mr. Kito of Pennsylvani Minnesota with ff Illineis with th Mr. Goldsbor with Mr. Stoll. with Mr. Stoll. with Mr. Tayl of Washington son with Mr. Tayl of Washington son with Mr. Ha i with Mr. Dran ith Mr. Dran ith Mr. Dran ith Mr. Dran ith Mr. Ward of	r of Arkansas, ia with Mr. Woof Georgia. r. chia. a with Mr. Sanda Mr. Tucker. Mr. Barkley. ough. ain. n of Mississippi. omas. ingo. or of Colorado. with Mr. Willia ardy of Texas. ie.	ders of Texas.
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore o Mr. Free wi Mr. Burton Mr. Dunn w Mr. Beedy v Mr. Fitzgera Mr. Bachara Mr. Johnson Mr. Johnson Mr. Michaels Mr. Brennar Mr. Kahn w Mr. Brooks	with Mr. Taylo th Mr. Brand. with Mr. Brand. with Mr. Garne to of Pennsylvan ith Mr. Collins. with Mr. Collins. with Mr. Collins. with Mr. Glarne th Mr. Collins. with Mr. Kit. of Pennsylvani Minnesota with fillineis with th Mr. Goldsbor with Mr. Johnso ald with Mr. Tayl of Washington son with Mr. Tayl of Washington son with Mr. Dran ith Mr. Ward of of Illineis with	r of Arkansas, ia with Mr. Woof Georgia, r. chia. a with Mr. Sanch Mr. Tucker. Mr. Barkley, ough, ain. n of Mississippi, omas, 'ingo, or of Colorado, with Mr. Willia ardy of Texas, ie. f. North Carolina, Mr. Overstreet,	ders of Texas.
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore o Mr. Free wi Mr. Burton Mr. Burton Mr. Beedy v Mr. Fitzgera Mr. Freeman Mr. Johnson Mr. Michaels Mr. Brennar Mr. Kahn w Mr. Brooks Mr. Mudd w	with Mr. Taylo th Mr. Brand. oith Mr. Brand. oith Mr. Garne to of Pennsylvan ith Mr. Carne to Mr. Collins. e with Mr. Kito of Pennsylvan ith Mr. Goldsbor ith Mr. Goldsbor with Mr. Goldsbor with Mr. Goldsbor with Mr. Holmso ld with Mr. The ch with Mr. Tayl of Washington son with Mr. Ha with Mr. Drar ith Mr. Ward of of Illinois with ith Mr. Ward of of Illinois with ith Mr. Rainey	r of Arkansas. ia with Mr. Woof Georgia. r. chin. a with Mr. Sandh Mr. Tucker. Mr. Barkley. ough. ain. n of Mississippi. omas. ingo. or of Colorado. with Mr. Williamrdy of Texas. ie. in North Carolina. Mr. Overstreet. of Alsbama.	ods of Virginia. ders of Texas. ms of Texas.
General pair Mr. Cannon Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore of Mr. Free wi Mr. Burton Mr. Dunn w Mr. Beedy v Mr. Fitzgera Mr. Bachara Mr. Johnson Mr. Michaels Mr. Brennar Mr. Kahn w Mr. Brooks Mr. Mudd w The result of	with Mr. Taylo th Mr. Brand. with Mr. Kunz. with Mr. Co'Brie of Pennsylvan ith Mr. Carne th Mr. Collins. e with Mr. Kito of Pennsylvan i' Minnesota with ff Illinois with th Mr. Goldsbor with Mr. Goldsbor with Mr. Stoll. with Mr. Stoll. with Mr. Tayl of Washington son with Mr. Tayl of Washington son with Mr. Dran ith Mr. Ward of of Illinois with ith Mr. Rainey f the vote was	r of Arkansas, ia with Mr. Woof Georgia. r. chin. a with Mr. Sandh Mr. Tucker. Mr. Barkley. ough. ain. n of Mississippi. omas. lingo. or of Colorado. with Mr. Willia nrdy of Texas. ie. line. North Carolina. Mr. Overstreet. of Alabama. announced as al	ders of Texas. ms of Texas.
General pair Mr. Cannon Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore o Mr. Free wi Mr. Burton Mr. Dunn w Mr. Beedy v Mr. Fitzgera Mr. Bachara Mr. Freeman Mr. Johnson Mr. Heeman Mr. Brennan Mr. Brennan Mr. Brennan Mr. Kahn w Mr. Brooks Mr. Mudd w The SPEAK assage of the	with Mr. Taylo th Mr. Brand. with Mr. Kunz. with Mr. Co'Brie of Pennsylvan ith Mr. Collins. with Mr. Collins. with Mr. Collins. with Mr. Collins. with Mr. Kit. of Pennsylvani Minnesota with ff Illineis with th Mr. Goldsbor with Mr. Goldsbor with Mr. Goldsbor with Mr. Stoll. with Mr. Johnso ald with Mr. Tayl of Washington son with Mr. Tayl of Washington son with Mr. Dran ith Mr. Ward of of Illineis with ith Mr. Rainey f the vote was ER pro tempor bill.	r of Arkansas, ia with Mr. Woof Georgia. r. chia. a with Mr. Sanch Mr. Tucker. Mr. Barkley. ough. ain. n of Mississippi. omas. (ingo. or of Colorado. with Mr. Willia nrdy of Texas. ie. f North Carolina. Mr. Overstreet. of Alabama. announced as al	ders of Texas. ms of Texas. bove recorded. n now is on the
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore o Mr. Free wi Mr. Burton Mr. Burton Mr. Beedy v Mr. Fitzera Mr. Bachara Mr. Freeman Mr. Johnson Mr. Heeman Mr. Brennan Mr. Brennan Mr. Brennan Mr. Brennan Mr. Kahn w Mr. Brooks Mr. Mudd w The SPEAK assage of the	with Mr. Taylo th Mr. Brand. with Mr. Kunz. with Mr. Co'Brie of Pennsylvan ith Mr. Collins. with Mr. Collins. with Mr. Collins. with Mr. Collins. with Mr. Kit. of Pennsylvani Minnesota with ff Illineis with th Mr. Goldsbor with Mr. Goldsbor with Mr. Goldsbor with Mr. Stoll. with Mr. Johnso ald with Mr. Tayl of Washington son with Mr. Tayl of Washington son with Mr. Dran ith Mr. Ward of of Illineis with ith Mr. Rainey f the vote was ER pro tempor bill.	r of Arkansas, ia with Mr. Woof Georgia. r. chia. a with Mr. Sanch Mr. Tucker. Mr. Barkley. ough. ain. n of Mississippi. omas. (ingo. or of Colorado. with Mr. Willia nrdy of Texas. ie. f North Carolina. Mr. Overstreet. of Alabama. announced as al	ders of Texas. ms of Texas. bove recorded. n now is on the
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore of Mr. Free wi Mr. Burton Mr. Burton Mr. Beedy v Mr. Fitzgera Mr. Bachara Mr. Freemar Mr. Johnson Mr. Heemar Mr. Brennar Mr. Brennar Mr. Brennar Mr. Brennar Mr. Kahn w Mr. Brooks Mr. Mudd w The result of The SPEAK assage of the Mr. MONDE	with Mr. Taylo th Mr. Brand. with Mr. Kunz. with Mr. Co'Brie of Pennsylvan ith Mr. Collins. with Mr. Collins. with Mr. Collins. with Mr. Collins. with Mr. Kit. of Pennsylvani Minnesota with ff Illineis with th Mr. Goldsbor with Mr. Goldsbor with Mr. Goldsbor with Mr. Stoll. with Mr. Johnso ald with Mr. Tayl of Washington son with Mr. Tayl of Washington son with Mr. Dran ith Mr. Ward of of Illineis with ith Mr. Rainey f the vote was ER pro tempor bill.	r of Arkansas, ia with Mr. Woof Georgia. r. chia. a with Mr. Sanch Mr. Tucker. Mr. Barkley. ough. ain. n of Mississippi. omas. (ingo. or of Colorado. with Mr. Willia nrdy of Texas. ie. f North Carolina. Mr. Overstreet. of Alabama. announced as al	ders of Texas. ms of Texas.
General pair Mr. Cannon Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore of Mr. Free wi Mr. Burton Mr. Dunn w Mr. Beedy v Mr. Fitzgera Mr. Bachara Mr. Johnson Mr. Michaels Mr. Brennar Mr. Kahn w Mr. Breons Mr. Breons Mr. Mudd w The result o The SPEAK assage of the Mr. MONDE nd nays. The yeas and	with Mr. Taylo th Mr. Brand. with Mr. Kunz. with Mr. Co'Brie of Pennsylvan ith Mr. Park of with Mr. Garne th Mr. Collins. e with Mr. Kito of Pennsylvani ' Minnesota with of Illinois with th Mr. Goldsbor with Mr. Goldsbor with Mr. Hohnso ld with Mr. Tayl of Washington son with Mr. Tayl of Washington son with Mr. Dran ith Mr. Ward of of Illinois with ith Mr. Rainey of the vote was ER pro tempor bill. LLL. Mr. Speal	r of Arkansas, ia with Mr. Woof Georgia. r. chin. a with Mr. Sandh Mr. Tucker. Mr. Barkley. ough. ain. n of Mississippi. omas. lingo. or of Colorado. with Mr. Willia nrdy of Texas. ie. lingo. North Carolina. Mr. Overstreet. of Alabama. announced as all re. The question ker, on that I of	ods of Virginia. ders of Texas. ms of Texas. bove recorded. n now is on the demand the yeas
General pair Mr. Cannon Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore of Mr. Free wi Mr. Burton Mr. Dunn w Mr. Beedy v Mr. Fitzgera Mr. Fitzgera Mr. Fachara Mr. Freemar Mr. Johnson Mr. Michaels Mr. Brennar Mr. Kahn w Mr. Brooks Mr. Mudd w The result o The SPEAK assage of the Mr. MONDE nd nays. The yeas and The Clerk ca	with Mr. Taylo th Mr. Brand. with Mr. Kunz. with Mr. Co'Brie of Pennsylvan ith Mr. Park of with Mr. Garne th Mr. Collins. e with Mr. Kito of Pennsylvani ' Minnesota with ff Illinois with th Mr. Goldsbor with Mr. Goldsbor with Mr. Stoll. with Mr. Stoll. with Mr. Johnso ald with Mr. Tayl of Washington son with Mr. Ha in with Mr. Dran ith Mr. Ward of of Illinois with ith Mr. Rainey of the vote was ER pro tempor bill. LLL. Mr. Speal	r of Arkansas, ia with Mr. Woof Georgia. r. chia. a with Mr. Sanda Mr. Tucker. Mr. Barkley. ough. ain. n of Mississippi. omas. ingo. or of Colorado. with Mr. Willia ardy of Texas. ie. North Carolina. Mr. Overstreet. of Alabama. announced as all re. The question ker, on that I of	ders of Texas. ms of Texas. bove recorded. n now is on the demand the yeas
General pair Mr. Cannon Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore of Mr. Free wi Mr. Burton Mr. Dunn w Mr. Beedy v Mr. Fitzgera Mr. Bachara Mr. Freemar Mr. Johnson Mr. Michaels Mr. Brennar Mr. Kahn w Mr. Brooks Mr. Mudd w The result o The SPEAK assage of the Mr. MONDE nd nays. The yeas and The Clerk ca	with Mr. Taylo th Mr. Brand. with Mr. Kunz. with Mr. Co'Brie of Pennsylvan ith Mr. Park of with Mr. Garne th Mr. Collins. e with Mr. Kito of Pennsylvani ' Minnesota with ff Illinois with th Mr. Goldsbor with Mr. Goldsbor with Mr. Stoll. with Mr. Stoll. with Mr. Johnso ald with Mr. Tayl of Washington son with Mr. Ha in with Mr. Dran ith Mr. Ward of of Illinois with ith Mr. Rainey of the vote was ER pro tempor bill. LLL. Mr. Speal	r of Arkansas, ia with Mr. Woof Georgia. r. chin. a with Mr. Sandh Mr. Tucker. Mr. Barkley. ough. ain. n of Mississippi. omas. lingo. or of Colorado. with Mr. Willia nrdy of Texas. ie. lingo. North Carolina. Mr. Overstreet. of Alabama. announced as all re. The question ker, on that I of	ders of Texas. ms of Texas. bove recorded. n now is on the demand the yeas
General pair Mr. Cannon Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore of Mr. Free wi Mr. Burton Mr. Dunn w Mr. Beedy v Mr. Fitzgera Mr. Fitzgera Mr. Fachara Mr. Freemar Mr. Johnson Mr. Michaels Mr. Brennar Mr. Kahn w Mr. Brooks Mr. Mudd w The result o The SPEAK assage of the Mr. MONDE nd nays. The yeas and The Clerk ca	with Mr. Taylo th Mr. Brand. with Mr. Kunz. with Mr. Co'Brie of Pennsylvan ith Mr. Park of with Mr. Garne th Mr. Collins. e with Mr. Kito of Pennsylvani ' Minnesota with ff Illinois with th Mr. Goldsbor with Mr. Goldsbor with Mr. Holmsold with Mr. Stoll. with Mr. Tayl of Washington son with Mr. Tayl of Washington son with Mr. Dran ith Mr. Ward of of Illinois with ith Mr. Rainey f the vote was ER pro tempor bill. LLL. Mr. Speal I nays were ord uled the roll, an sent "1, not vot	r of Arkansas, ia with Mr. Woof Georgia. r. chia. a with Mr. Sanda Mr. Tucker. Mr. Barkley. ough. ain. n of Mississippi. omas. ingo. or of Colorado. with Mr. Willia ardy of Texas. ie. North Carolina. Mr. Overstreet. of Alabama. announced as all re. The question ker, on that I of	ders of Texas. ms of Texas. bove recorded. n now is on the demand the yeas
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Counolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore of Mr. Free wi Mr. Burton Mr. Dunn w Mr. Beedy v Mr. Fitzgera Mr. Bachara Mr. Freemar Mr. Johnson Mr. Michaels Mr. Brennar Mr. Brennar Mr. Brennar Mr. Kahn w Mr. Brooks Mr. Mudd w The result of The SPEAK assage of the Mr. MONDE nd nays. The yeas and The Clerk ca nswered "pre	with Mr. Taylo th Mr. Brand. with Mr. Kunz. with Mr. Kunz. with Mr. O'Brie of Pennsylvan ith Mr. Garne th Mr. Collins. e with Mr. Collins. e with Mr. Kito of Pennsylvani ' Minnesota with of Illinois with th Mr. Goldsbor with Mr. Goldsbor with Mr. Stoll. with Mr. Stoll. with Mr. Tayl of Washington son with Mr. Tayl of Washington son with Mr. Ha i with Mr. Dran ith Mr. Rainey of Illinois with ith Mr. Rainey of the vote was ER pro tempor bill. LLL. Mr. Speal d nays were ord ulled the roll, an sent " 1, not vot YEA	r of Arkansas, ia with Mr. Woof Georgia. r. chin. a with Mr. Sandh Mr. Tucker. Mr. Barkley. ough. ain. n of Mississippi. omas. ingo. or of Colorado. with Mr. Willia ardy of Texas. ie. North Carolina. Mr. Overstreet. of Alabama. announced as alire. The question ker, on that I of	ders of Texas. ms of Texas. bove recorded. n now is on the demand the yeas
General pair Mr. Cannon Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore o Mr. Free wi Mr. Burton Mr. Dunn w Mr. Burton Mr. Beedy w Mr. Fitzgera Mr. Bachara Mr. Johnson Mr. Michaels Mr. Brennar Mr. Kahn w Mr. Brooks Mr. Mudd w The result o The SPEAK assage of the Mr. MONDE nd nays. The yeas and The Clerk ca nswered "pre	with Mr. Taylo th Mr. Brand. with Mr. Kunz. with Mr. Co'Brie of Pennsylvan ith Mr. Carne th Mr. Carne th Mr. Collins. e with Mr. Kite of Pennsylvan if Minnesota with ff Illinois with th Mr. Goldsbor with Mr. HeSwi th Mr. Stoll. with Mr. Tayl of Washington son with Mr. Tayl of Washington son with Mr. Dran ith Mr. Ward of of Illinois with ith Mr. Rainey f the vote was ER pro tempor bill. LLL. Mr. Speni d nays were ord lled the roll, an sent " 1, not vot YEA Arentz Asweft	r of Arkansas. ia with Mr. Woof Georgia. r. chin. a with Mr. Sandh Mr. Tucker. Mr. Barkley. ough. ain. n of Mississippi. omas. (ingo. or of Colorado. with Mr. Williandy of Texas. ie. f North Carolina. Mr. Overstreet. of Alabama. announced as alle. The question ker, on that I of lered. dethere were—ying 115, as follor s—300. Benham Bixler	ders of Texas. mes of Texas. coverecorded. n now is on the demand the yeas reas 300, nays 11, ws: Box Brand
General pair Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Connolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Free wi Mr. Burton Mr. Burton Mr. Beedy v Mr. Fitzgera Mr. Freeman Mr. Johnson Mr. Heeday Mr. Brooks Mr. Brooks Mr. My. Brooks Mr. Mudd w The result o The SPEAK Massage of the Mr. MONDE	with Mr. Taylo th Mr. Brand. with Mr. Brand. with Mr. Brand. with Mr. O'Brie of Pennsylvan ith Mr. Callins. with Mr. Collins. with Mr. Collins. with Mr. Goldsbor of Pennsylvani Minnesota with fillinois with fillinois with Mr. Goldsbor with Mr. Hon with Mr. Tayl of Washington son with Mr. Ha with Mr. Dran ith Mr. Ward of of Illinois with ith Mr. Rainey f the vote was ER pro tempor bill. ELL. Mr. Speal Anays were ord and nays were ord and nays were ord led the roll, an sent "1, not vot YEA Arentz Aswell Atkeson Rankhead	r of Arkansas, ia with Mr. Woof Georgia. r. chin. a with Mr. Sanda Mr. Tucker. Mr. Barkley. ough. ain. n of Mississippi. omas. ingo. or of Colorado. with Mr. Willia nrdy of Texas. ie. North Carolina. Mr. Overstreet. of Alabama. announced as all re. The question ker, on that I of ered. d there were—ying 115, as follor S—300. Benham	ods of Virginia. ders of Texas. ms of Texas. bove recorded. n now is on the demand the yeas reas 300, nays 11, ws:
General pair Mr. Cannon Mr. Cannon Mr. Snell wi Mr. Morin w Mr. Keller v Mr. Counolly Mr. Kiess w Mr. Dowell Mr. Olpp wi Mr. Radcliff Mr. Graham Mr. Davis of Mr. Moore of Mr. Free wi Mr. Burton Mr. Dunn w Mr. Beedy v Mr. Fitzgera Mr. Bachara Mr. Freemar Mr. Johnson Mr. Michaels Mr. Brennar Mr. Kahn w Mr. Brooks Mr. Mudd w The result o The SPEAK Massage of the Mr. MONDE Ind nays. The yeas and The Clerk ca	with Mr. Taylo th Mr. Brand. with Mr. Kunz. with Mr. O'Brie of Pennsylvan ith Mr. Collins. with Mr. Garne th Mr. Collins. e with Mr. Kito of Pennsylvani Minnesota wit of Illinois with th Mr. Goldsbor with Mr. Stoll. with Mr. Stoll. with Mr. Stoll. with Mr. Tayl of Washington son with Mr. Tayl of Washington son with Mr. Ha in with Mr. Dran ith Mr. Ward of of Illinois with ith Mr. Rainey of the vote was ER pro tempor bill. LLL. Mr. Speal d nays were ord ulled the roll, an sent " 1, not vot YEA Arentz Asweh Atkeson	r of Arkansas, ia with Mr. Woof Georgia. r. chia. a with Mr. Sanda Mr. Tucker. Mr. Barkley. ough. ain. n of Mississippi. omas. ingo. or of Colorado. with Mr. Willia ardy of Texas. ie. North Carolina. Mr. Overstreet. of Alabama. announced as all re. The question ker, on that I of ered. dethere were—ying 115, as follor S—300. Benham Bixler Elack	ods of Virginia. ders of Texas. ms of Texas. cove recorded. n now is on the demand the yeas reas 300, nays 11, ws:

Burdick	Gifford	McArthur	Rodenberg
Burtness	Graham, Ill.	McClintic	Rogers
Butler Byrnes, S. C.	Green, Iowa Greene, Mass.	McCormick McDuffie	Rouse Rucker
Byrnes, S. C. Byrns, Tenn. Cable	Greene, Mass. Greene, Vt. Griest	McFadden McKenzie	Sabath Sanders, Ind.
Campbell, Kans. Campbell, Pa.	Griffin	McLaughlin, Mic McLaughlin, Neb	h.Sandlin
Campbell, Pa. Cantrill	Hadley Hardy, Cole.	McPherson	r.Sears Shelton
Carew	Hardy, Cole. Hardy, Tex.	MacGregor	Shreve
Carter Chalmers	Haugen Hawes	MacLafferty Madden	Sinclair Sinnott
Chindblom Christopherson	Hawley	Magee Maloney	Sisson
Clague	Hayden Henry	Mansfield	Smith, Idaho Smithwick
Clark, Fla. Clarke, N. Y.	Herrick Hersey	Mapes Martin	Speaks Sproul
Cockran	Hickey	Mead	Stafford
Cole, Iowa Cole, Ohio	Hicks Hill	Merritt Michener	Steagall Stedman
Collier	Hoch	Miller	Stephens
Colton Cooper, Obio	Hogan Huddleston	Mondell Montague	Stevenson Strong, Kans.
Cooper, Obio Cooper, Wis. Copley	Hudspeth	Moore, Ohio Moore, Va.	Strong, Pa.
Coughlin	Hukriede Hull	Moores, Ind.	Sumners, Tex. Swank
Crago Crisp	Humphreys, Miss.	Morgan	Sweet Swing
Cullen	Husted	Murphy	Tague
Curry	Ireland Jacoway	Nelson, Me. Nelson, A. P.	Taylor, Tenn. Temple
Dallinger	James	Nelson, J. M.	Ten Eyck
Darrow Davis, Tenn.	Jeffers, Ala. Johnson, Ky.	Newton, Minn. Newton, Mo.	Thompson Thorpe
Deal	Johnson, S. Dak.	Nolan	Tilson
Dempsey Denison	Kearns Kelley, Mich.	Norton O'Connor	Timberlake Tincher
Dickinson Dominick	Kelley, Mich. Kelley, Pa. Kendall	Oldfield	Tinkham Towner
Dowell	Ketcham	Oliver	Turner
Dunbar Echols	Kirkpatrick Kissel	Paige Parker N I	Tyson Underhill
Edmonds	Kline, N. Y. Kline, Pa.	Parker, N. J. Parker, N. Y. Patterson, Mo.	Upshaw
Elliott Evans	Kline, Pa. Kopp	Patterson, Mo. Paul	Vaile Vestal
Fairfield	Kraus	Perkins	Vinson
Faust Favrot	Langley Lanham	Perlman Porter	Veigt Volstead
Fenn Fess	Lankford	Pou	Walters
Fields	Larsen, Ga. Larson, Minn.	Purnell Quin	Ward, N. Y. Wason
Fish Fisher	Lawrence Lazaro	Rainey, III. Raker	Weaver
Focht	Lea, Calif.	Ramseyer	White, Kans. Williams, III.
Fordney Foster	Leatherwood Lee, Ga.	Rankin Ransley	Williamson Wilson
Frear	Lehibach	Rayburn	Wingo
French Frothingham	Lineberger Linthicum	Reece Reed, N. Y.	Winslow Wise
Fuller	Little	Reed, W. Va.	Wood, Ind.
Fulmer Funk	Logan London	Rhodes Ricketts	Woodruff Weedyard
Gallivan	Longworth	Riddick	Wright
Garrett, Tenn. Garrett, Tex.	Lowrey Luce	Riordan Roach	Wurzbach Wyant
Gensman	Luhring	Robertson	Yates
Gernerd	Lyon	Robsion	Zihlman
Diana Va	Dupré NAYS		There are
Bland, Va. Drewry	Gilbert	Hooker Jones, Tex.	Parks, Ark. Tillman
Driver	Hammer	Kincheloe	
		PRESENT "-1.	
		N. Y.	
A more than the least least		ING—115.	Court Tree
Ansorge Bacharach	Fairchild Fitzgerald	Knutson Kreider	Scott, Mich. Scott, Tenn.
Barkley	Free Freeman	Kunz	Shaw
Beedy Bird	Gahn	Lampert Layton	Siegel Slemp
Blakeney Bowers	Garner Glynn	McLaughlin, Pa. McSwain	Smith, Mich. Snell
Brennan	Goldshorough	Michaelson	Snyder
Brooks, Ill. Brown, Tenn.	Goodykoontz Gorman	Mills Moore, Ill.	Steenerson Stiness
Burke	Gould	Morin	Stoll
Burton Cannon	Graham, Pa. Hays	Mudd O'Brien	Suffivan Summers, Wash
Chandler, N. Y. Chandler, Okla.	Himes Huck	Olpp Overstreet	Taylor, Ark. Taylor, Colo.
Classon	Hutchinson	Park, Ga.	THEOR. N. J.
Clouse Codd	Jefferis, Nebr. Johnson, Miss. Johnson, Wash.	Patterson, N. J. Petersen	Thomas Treadway
Collins	Johnson, Wash,	Pringey	Lucker
Connally, Tex. Connelly, Pa.	Jones, Pa. Kahn	Radcliffe Rainey, Ala.	Ward, N. C.
Cramton Crowther	Keller Kennedy	Reber Rose	Watson
Davis, Minn.	Kiess	Rosenbloom	Webster Wheeler
Donghton Drane	Kindred	Rossdale Ryan	White, Me. Williams, Tex.
Dunn	Kitchin	Sanders, N. Y.	Woods, Va.
Dyer Ellis	Kleczka Knight	Sanders, Tex. Schall	Young
So the bill w	A STATE OF THE PARTY OF THE PAR		
	nonnead the fall	owing milition	ol material

The Clerk announced the following additional pairs:
Mr. Cramton with Mr. Garner.
Mr. Treadway with Mr. Doughton.

Mr. Snell with Mr. Kindred.

Mr. Lampert with Mr. Sullivan. Mr. Bacharach with Mr. McSwain.

Mr. Snyder with Mr. Kitchin.

Mr. Taylor of New Jersey with Mr. Drane.

The result of the vote was announced as above recorded. On motion of Mr. NEWTON of Minnesota, a motion to reconsider the vote by which the bill was passed was laid on the

HOUR OF MEETING TO-MORBOW.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. GARRETT of Tennessee, Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Tennessee.

see objects.

INCOME TAX OF NONRESIDENT ALIENS.

Mr. GREEN of Iowa. Mr. Speaker, I call up the bill (H. R. 14050) a bill unanimously reported by the Committee on Ways and Means, and ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union. It will only take a short time to dispose of it.

Mr. MADDEN. Is it a privileged bill?
The SPEAKER pro tempore. The gentleman from Iowa calls up a bill which the Clerk will report.

Mr. BLANTON. May I understand what it is that the gen-

The SPEAKER pro tempore. The gentleman presents a

privileged bill which the Clerk will report.

Mr. BLANTON. But I do not want the unanimous-consent privilege to pass

The SPEAKER pro tempore. It has not been put yet. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 14050) to amend the revenue act of 1921 in respect to income tax of nonresident aliens.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. Green] asks unanimous consent that the bill may be considered in the House as in Committee of the Whole.

Mr. BLANTON. Mr. Speaker, reserving the right to object, how long will it take to pass it?

Mr. GREEN of Iowa. About 10 minutes.

Mr. BLANTON. There will be debate on it. It is now half-past 5. Why not put it off until to-morrow?

Mr. GREEN of Iowa. I did not think there would be any debate on it. It has been unanimously reported by the Com-

mittee on Ways and Means.

Mr. CRISP. Mr. Speaker, this bill has had a unanimous report from the Committee on Ways and Means. I have discussed the matter with my two Democratic colleagues that I could get access to—the gentleman from Mississippi [Mr. Coller], and the gentleman from Arkansas [Mr. Oldfield] and they will have no objection, and I myself shall not object to the consideration of this bill in the House as in Committee of the Whole. I want to say that if that is done there will be no general debate at all. It will be considered under the five-minute rule, and I should not think it would take more than a very few minutes to dispose of it.

Mr. STAFFORD. Mr. Speaker, let the bill be reported be-fore the stage of the unanimous-consent privilege is passed.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That section 210 of the revenue act of 1921 is amended, to take effect January 1, 1922, to read as follows: " NORMAL TAX.

"SEC. 210. (a) That in lieu of the tax imposed by section 210 of the revenue act of 1918 there shall be levied, collected, and paid for each taxable year upon the net income of every individual (except as provided in subdivision (b) of this section) a normal tax of 8 per cent of the amount of the net income in excess of the credits provided in section 216, except that in the case of a citizen or resident of the United States the rate upon the first \$4,000 of such excess amount shall be 4 per cent.

Mr. GREEN of Iowa. It will be practically impossible for a person who is not familiar with the revenue act to understand the reading of the bill. Perhaps the gentleman would

be satisfied if I made a statement about it.

Mr. STAFFORD. If it is an important amendment we should have a statement of it. It seems to be an amendment of an important revenue act.

COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from Iowa, if I understood it correctly from the reading, if that is ex post

facto law, to take effect January 1, 1922, a year ago?

Mr. GREEN of Iowa. The bill would apply to taxes to be paid this year. This is simply a reciprocity bill with Canada, Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Texas ob-

AMENDMENT OF THE WAR RISK INSURANCE ACT-CONFERENCE REPORT (REPT. NO. 1697).

Mr. SWEET, from the Committee on Interstate and Foreign Commerce, submitted for printing under the rule the conference report and accompanying statement on the bill (H. R. 10003) to amend and modify the war risk insurance act.

RURAL CREDIT LEGISLATION.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent to print in the Record, in 8-point type, a letter from the Secretary of Commerce, and another letter from the Secretary of Agriculture, in regard to pending rural credit legislation.

The SPEAKER pro tempore. The gentleman from Minne-sota asks unanimous consent to extend his remarks in the RECORD on the subject indicated in 8-point type. Is there objection?

There was no objection.

Following are the letters referred to:

DEPARTMENT OF COMMERCE. OFFICE OF THE SECRETARY. Washington, February 23, 1923.

Hon. SYDNEY ANDERSON,

House of Representatives, Washington, D. C.

My Dear Congressman; I have your letter of to-day's date requesting my present views as to the Lenroot-Anderson rural credit bills. As you know, this department recommended the principles now incorporated in this bill over a year ago, and we would feel it would be a great disaster if it should fail to become law.

It is scarcely necessary to repeat that the principles of this bill were recommended by the Joint Commission of Agricultural Inquiry after consultation with responsible banking authorities. It was formally approved by the Federal Reserve Board on January 26, 1922; indorsed as sound by the Treasury Department on February 22, 1922; was again recommended by the credits committee of the Agricultural Conference, upon which the Federal Reserve Board, the War Finance Corporation, were represented, together with other responsible financial authorities. It has been earnestly recommended and supported by the President and has been passed unanimously by the Thus the bill has had most unusual consideration and Senate. the widest of support.

This bill extends the functions of the Farm Loan Board so as to adequately mobilize that part of needed farm credit "intermediate" between farm mortgages and commercial paper, the former being now organized under the Farm Loan Board, the latter under the Federal reserve system. It is no departure from the underlying principle of the public support to mobilization of private credit, as exemplified and in successful operation by the Farm Loan Board in farm mortgages. Its funds, except the temporary capital advanced by the Treasury, must be obtained from the investing public, and are thus under constant check of confidence of the investors. is my own opinion that this machinery should be set in motion at the earliest moment.

The diminished buying power of our farmers to a point below pre-war levels and the fact that they are in the middle and far West paying 8 to 12 per cent interest at the present moment on this type of credit should be ample evidence of necessity for constructive aid. The only way to secure a reduction of these rates is to erect the machinery by which the investment capital of the East may flow easily and safely into these areas.

There are many useful provisions in the Capper bill, but I do not believe that its author expected that its permissive character would replace the positive machinery and assurance to the farmer of immediate remedy through an existing and definite agency, as provided in the Lenroot-Anderson bill.

A very important reason for the provision of this credit ma-chinery is that much of the "intermediate" farmers' credit falls outside of the real field of the Federal reserve system. is just as important to the farmer as to the commercial public that the demand deposits of the country should be confined to very short term credits. And unless some organized institution is provided which can positively mobilize investment capital of the country to supply credit need which lies outside of the natural and economic purview of the demand deposits mobilized

under the Federal reserve system then the system itself will

be in constant danger of encroachment.

I am advised that even if it should come about that ade-"intermediate farm credits" were organized through the Federal reserve system there is danger that they would be secured in emergency through inflation of the currency. To expand the ability of the Farm Loan Board to mobilize the private investment capital of the country through a temporary advance of capital from the Treasury would not have this result.

Yours faithfully,

HERBERT HOOVER,

DEPARTMENT OF AGRICULTURE, Washington, February 23, 1923.

Hon. SYDNEY ANDERSON, House of Representatives.

Dear Mr. Anderson: I have your letter of February 22, in which you suggest that, in view of what has been said recently with regard to rural-credits legislation, it would be helpful if I would restate my position on this question. I am glad to comply with this suggestion.

A considerable part of the farmer's credit needs are to be classed neither with short-time credit, as thought of in commercial circles, nor long-term mortgage credit, but are represented by what we have come to call intermediate credit; that is, a term of credit which corresponds fairly well with the farmer's turnover period, which varies from six months to as long as three years in the case of breeding stock. The need for some such system of intermediate credit has been recognized for 30 years or more, and has been brought to public attention in a strikingly emphatic way during the past three years. The lack of it has caused hundreds of thousands to fall, has imposed great financial suffering upon millions, and has injuriously affected general business and industry. In my opinion, there is nothing that can be done through legislation that will be so helpful in reestablishing agriculture on a sound basis as the prompt enactment of a satisfactory rural credits bill; and the reestablishment of agriculture is now generally looked upon as a national need.

The two bills passed by the Senate and now in the House, while similar in some of their provisions, have little in common in their main features.

The Lenroot-Anderson bill is a true rural-credits measure as that term is generally understood.

The Capper bill is not a rural-credits measure in the usual meaning of the term, but is designed to encourage by Government authority the organization of private corporations organized and operated for the profit of their stockholders and supervised by the Comptroller of the Currency. These corporations are to have a capital stock in a minimum amount of \$250,000 and are authorized to issue debentures to an amount not exceeding ten times their paid-in capital and surplus, on the basis of live-stock paper and agricultural paper when secured by warehouse receipts. The debentures are further secured by certain deposits in a Federal reserve bank. Larger rediscount corporations with a capital stock of not less than \$1,000,000 may also be organized, and these, too, may issue debentures on a plan similar to the smaller corporation. Special provisions are made for the supervision of corporations organized under the act from the office of the Comptroller of the Currency, as well as for the examination of the institutions and inspection of the security back of the paper handled by them. The bill is carefully drawn and the credit facilities it authorizes may prove highly useful to ranching interests, if actually brought into ex-The plan does not, however, meet the farmer's needs for intermediate credit. It is not designed to meet the needs of the great surplus-producing States in which diversified farming is followed. It does not protect borrowers against excessive interest rates. It gives the color of Federal support to large money-making corporations organized for that especial purpose.

The Lenroot-Anderson bill, on the other hand, sets up definite intermediate-credit facilties, with powers and functions broad enough to serve agriculture in all its phases. The bill owes its origin to a plan devised about a year ago as a result of the thorough and exhaustive studies by the Joint Commission of Agricultural Inquiry. The plan has received the careful study of a large number of persons outside of Congress, as well as within, who know the credits needs of agriculture not only from the banker's standpoint but also from that of the farmer. As a result of this study the original plan has been amplified and amended in many particulars.

The Lenroot-Anderson bill as it passed the Senate has re-celved the cordial approval of the President and has been re-

ceived by the farmers of the country as a well-considered effort to meet their credit needs. The outstanding features of the bill are:

- 1. A farm-credits department is set up in each of the 12 Federal land banks, to be managed by the "district directors" appointed by the Federal Farm Loan Board for the various banks.
- 2. The Federal Government will subscribe to the capital stock of each farm-credits department, as called for by these departments, up to an amount of \$5,000,000. If in case of any department such capital should prove insufficient, it may, with the approval of the President of the United States, be increased. provided that the aggregate of such increase for all departments shall not exceed \$60,000,000.
- 3. The earnings of each department are to be applied in turn to expenses of operation, to a 4 per cent dividend on the stock, to the building up of a surplus until such fund reaches \$2,000,-000, after which 25 per cent of the earnings go to the retirement of the Government's capital stock until it is reduced to \$1,000,000.
- 4. The farm-credits departments are authorized to discount and to purchase agricultural and live-stock paper having a maturity of not less than six months nor more than three years, for and from banks, live-stock loan companies, and farmers' cooperative credit associations, and may also make loans direct to associations under specified conditions.

5. To provide additional loanable funds, collateral trust debentures may be issued by the departments in an amount not to exceed ten times their paid-in capital and surplus.

6. Rates of discount may not exceed by more than 1 per cent the rate paid on debentures, and paper discounted must not involve a rate to the farmer higher than 13 per cent above the discount rate.

The debentures issued by the farm-credits departments of the Federal land bank will be secured not only by specific collateral and the capital of the issuing department, but each of the 12 departments assumes a contingent liability on all debentures issued by any other department.

8. The assets and liabilities of the farm-credits departments will be separate and distinct from the assets and liabilities of the existing farm-mortgage departments in each Federal land bank, so that farm-loan bonds as at present issued will in no respect be affected by the establishment of the farm-credits departments.

9. The farm-credits departments will be under the general supervision of the Federal Farm Loan Board, and means are provided for the examination of institutions offering paper for discount and of the specific security back of such paper.

10. The Federal reserve act is amended by extending the term of discount on agricultural and live-stock paper from six months to nine months, by slightly increasing the permissible dividend rate to member banks in order more generally to induce State banks to enter the Federal reserve system, and by temporarily reducing the capital requirements for the admission of such banks.

Much of the comment and newspaper discussion on these bills would lead one to think that either one will meet the farmers' intermediate credit needs and that the problem is that of a choice between them. Such is by no means the ease. One is a rural credit bill. The other is not.

It is highly doubtful that corporations of the kind authorized in the Capper bill would be organized outside of the districts where considerable volumes of live-stock loans are needed, and even if such corporations were organized in other parts of the country, they would be absolutely ineffective in providing the farmer with better facilities for working or production credit in general agriculture.

The Lenroot-Anderson bill, on the other hand, embodying the original joint-commission plan in amplified and amended form, would provide a channel for all kinds of legitimate agricultural and live-stock credit paper drawn for a term of from six months to three years. In brief, the following significant merits may properly be claimed for this bill:

1. It utilizes existing credit machinery to the fullest possible extent.

2. It can be put into operation promptly and will reach every section of the United States.

3. Because it so largely utilizes existing machinery the necessary overhead expense can be held to a minimum.

4. It can be expanded to meet emergencies without requiring new legislation.

5. It will make available to the farmer credit for such term as synchronizes with his period of production and make unnecessary the present practice of agreeing to repay before the borrowed capital has yielded returns to the borrower and user. 6. It will reduce the cost of credit to the farmers, particularly for sections remote from centers of surplus capital

7. It will transform the farmers' intermediate credit paper into standardized investment securities which can be safely bought by investors anywhere without investigation of the

specific security back of them.

8. While subscription to capital by the Federal Government is called for by this plan, the amount required is moderate and adjusted to the actual needs of agriculture. It does not, like some of the other plans proposed, tie up \$300,000,000 to \$500,000,000 of the Government's funds. The use of the Govern ment's capital is for the most part temporary, and provision is made for a reasonable return to the Government on such capital.

I believe the Lenroot-Anderson bill as it passed the Senate offers a satisfactory basis for a real rural-credit system which would promote more stable farm production and more orderly marketing. It is a response in good faith to the repeated promises which have been made to the farmers.

I can see no strong objection to the enactment of the Capper bill also, but to offer the latter as a rural credits bill or a substitute for the Lenroot-Anderson bill would give the farmers of the Nation the best of reasons for feeling that in reply to their request for bread they had been offered a stone.

Very sincerely,

HENRY C. WALLACE, Secretary.

EXTENSION OF REMARKS.

Mr. LARSEN of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Near East

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to extend his remarks on the Near East question. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full

Mr. LARSEN of Georgia. Mr. Speaker, during recent years no subject relating to Europe perhaps has had a more sympathetic consideration of the people of this Nation than that which relates to the Near East. For hundreds of years the Turk in his relation to civilization, and especially to the inhabitants of western Europe, has been one of deep concern to Christian

An editorial appearing in the Macon (Ga.) Telegraph on February 16 is so elucidating that I believe it is worthy of the consideration of this House, and therefore desire to bring it to the attention of this body. It is entitled "Justice to the Turk," and follows:

[From the Macon Daily Telegraph.] JUSTICE TO THE TURK.

[From the Macon Daily Telegraph.]

JUSTICE TO THE TURK.

Editorial reference has already been made to Editor Julian Harris's astounding defense of the Turk. His charity would be admirable were it supported by any measure of facts and were it not an implied criticism of a long list of martyrs of which the world is not worthy, and even of fine girls who have been outraged by multiplicity of Turks in succession and then sent to Turkish harems. The Telegraph acknowledges its lack of first-hand information, but evidently our lack is no greater than that of Editor Harris.

To-day we wish to put on the witness stand Charles F. G. Masterman, who has had a long career in English public life, being several times member of Parliament, undersecretary of the State home department, and financial secretary to the treasury. Mr. Masterman is author of "The Heart of the Empire," "In Peril of Change," and "The Condition of England." His testimony appeared in the Atlantic Monthly for January under the caption "The return of the Turk." He quotes from official documents and eyewitnesses of the highest dependability. Here are some of his remarkable statements:

"The Turk has returned to Europe. His return will mean the despair of all those who are working for the return of permanent peace. " " The Turk never has had and never will have a homeland in Europe. He entered as a barbaric tribe, like a scourge or a plague. " " There seems to be in the Turk an unalterable and inexplicable element of blight after victory."

The Turk says Mr. Masterman, has never worked and produced; he has only lived upon the Christian populations over whom he has missuled, plundered, outraged, and massacred.

"The Turk has produced nothing in music, art, science, or any of the prominent elements of civilization. " " He is alien to everything that Europe regards as legitimate methods of treating people who have subject to another's sway. And he has now grown so tired of such interference in the future by the simple method of extermination of all the Christian

Mr. Masterman makes a terrific indictment of the governments of western Europe, especially his own government, for allowing the Turk to have continued his inhumanities, barbartites, and unnameable crimes against women and girls who prize their virtue as highly as our own mothers and sisters prize theirs.

While Mr. Masterman would not dare to criticize the American Government as he does his own Government, and recognizes that America has shown an enormous compassion in deeds as well as in words, he coalcesses his great surprise at "the comparative indifference of America, has shown an enormous compassion in deeds as well as in words, he coalcesses his great surprise at "the comparative indifference of America, has allowed the noble work being done for the Christian populations in Turkey to be almost obliterated.

"During the war," says Mr. Masterman, "the Turks wiped out the whole of American civilization (in Turkey) in pursuit of the policy of murder and torture, when it would have been better for the most part that their victims had been kilded outright."

Under Mr. Masterman's supervision was compiled a record of crimes of the Turk during the World War, with Professor Toynhee, the histomission of and correlating the evidence for over six months. This commission of and correlating the evidence for over six months. This commission of and correlating the evidence for over six months. This commission of and correlating the evidence for over six months. This commission of and correlating the evidence for over six months. This commission of and correlating the evidence for over six months. This commission of and correlating the evidence for over six months. This commission of and correlating the evidence for over six months. This commission of and over the second of the six of the content of t

Ill treatment."

If the Armenian Christians had gone all the way with the Master and always turned the other cheek, perhaps by this time the Turk would have been converted; but until we ourselves learn to turn the other cheek our tongues and pens and arms should be lifted in the defense of the martyrs and not in the defense of the monsters.

Mr. ROUSE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on House Resolution 492.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to extend his remarks in the Record on House Resolution 492. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, I want to ask the gentleman from Kentucky whether he would touch upon the action of the majority in laying this matter on the table?

Mr. ROUSE. That is the resolution.

Mr. STAFFORD. That was the one that was slaughtered. The SPEAKER pro tempore. Is there objection to the request

of the gentleman from Kentucky?

There was no objection. The extension of remarks referred to is here printed in full as follows

Mr. ROUSE. Mr. Speaker, the law relative to the appointment of postmasters, which was approved by the President April 24, 1920, states:

Whenever a vacancy occurs from any cause the appointment of a regular postmaster shall be made without unnecessary delay.

House Resolution, 492, which I introduced on the 23d day of January last, reads as follows:

Resolved, That the Postmaster General be, and he is hereby, directed to inform the House of Representatives—
(1) Of the post offices in which a vacancy in the postmastership thereof has occurred since May 10, 1921, for which no certified eligible or list of eligibles for appointment, as regular postmaster therein, obtained at the time the vacancy arose; of the name of each such office, the date on which the vacancy arose, the date of the request of the Civil Service Commission for a certified eligible or list of eligibles for regular appointment thereto, the date of the receipt from the Civil Service Commission of a certified eligible or list of eligibles

therefor, and the date on which appointment of a regular postmaster was made; and

(2) Of the post offices in which a vacancy in the postmastership thereof has occurred since May 10, 1921, for which a certified eligible or list of eligibles for appointment as regular postmaster therein obtained at the time the vacancy arose; of the name of each such office, the date on which the vacancy arose, and the date on which appointment of a regular postmaster therefor was made; and

(3) Of the appointments of temporary postmasters since May 10, 1921, if any, of the offices for which such temporary appointments were made, of the date on which the vacancies arose, of the date on which such temporary appointments were made, and of the date on which the appointment of a regular postmaster was made.

The House earlier in the day voted, by a strict party vote, to deny the membership of the House and the country the information relative to the appointment of postmasters. that the Postmaster General has violated the law by not complying with the law of April 24, 1920, and I also contend that the Civil Service Commission is a party to this violation. desire to cite one case, and there are many other cases which are similar.

About the middle of August, 1921, a civil-service examination was held for applicants for the post office at Bedford, Ky. In this examination five applicants contested, three applicants receiving a passing grade, namely, W. T. Bare, C. A. Bell, and B. B. Black, and two applicants failed to receive a passing grade, although one having been given credits allowed to exservice men. During the month of October, 1921, the Civil Service Commission certified the three eligibles to the Post Office Department to be considered for appointment of postmaster at Bedford, Ky. The three men certified are highly respected citizens of the county in which they live. The Post Office Department declined to appoint any one of the three. Some time during the early summer of 1922 charges were filed with the Post Office Department against one of the eligibles, by name, William T. Bare, because he had permitted some political literature to be posted in his place of business. Bare had, about 10 years previous to taking this examination, been elected clerk of the circuit court of his county. as clerk of the circuit court honorably and faithfully for six years; he had also been elected to various offices connected with the Order of Red Men in the State of Kentucky, and several months before he took the civil-service examination for postmaster at Bedford had been elected to the highest office of the Order of Red Men of the State of Kentucky. Notwithstanding these honors which had been bestowed upon Mr. Bare by the citizens of his county and by the Order of Red Men of the State of Kentucky, the Civil Service Commission decided that Mr. Bare was not a suitable person to be appointed postmaster, and his name was stricken from the eligible register. By this order of the Civil Service Commission the Post Office Department was enabled to appoint a temporary postmaster at Bedford, and appointed one of the applicants who failed to receive a passing grade in the examination, and who is serving as a temporary postmaster to this day.

After the facts relative to the charges which had been filed against Mr. Bare had been reported to me I immediately took the matter up with the Civil Service Commission and stated to the commission that if their action in removing Mr. Bare with notation opposite his name "that he was not a suitable person to be considered for postmaster at Bedford," was made permanent their action would be held to be absurd and ridiculous and would be disapproved and condemned by every person whose privilege it was to be acquainted with Mr. Bare and place the Civil Service Commission in rank disrepute. I also stated that the great Order of Red Men of the State of Kentucky should, and no doubt would, adopt suitable resolutions condemning the Civil Service Commission for removing Mr. Bare. The Civil Service Commission referred the papers to some agent of the commission, who after two or three months made a report which restored Mr. Bare's name to the eligible register for postmaster at Bedford. This eligible register has been maintained by the Civil Service Commission, and the Post Office Department has had the list of the three eligibles for more than 16 months, and no permanent appointment has been made. I contend that the Postmaster General is violating the law by not making a permanent appointment from this eligible register. I also contend that the Civil Service Commission is a party to this violation because they ordered the removal of one of the eligibles, thereby paving the way for the Postmaster General to appoint a temporary postmaster and evade the law, and those who permitted this violation of the law or those who are connected with the Civil Service Commission who are winking at the violation of the law should be removed from office.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks on the bill just passed. Is there objection?

There was no objection.

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the proposed admission of refugees from the Near East, on the inspection of immigration in foreign ports, and on the regulation of immigration.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks in the manner

indicated. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

REFUGEES FROM THE NEAR EAST.

Mr. BOX. Mr. Speaker, by this bill it is proposed to admit into the United States an indefinite number of refugees from Turkish territory. No good reason has been suggested for the selection of the unfortunate from Turkey and Greece as distinguished from the unhappy, the oppressed, the persecuted, the homeless, and the starving from many other lands. There are many such who want to come from Poland, from Russia, and many other places where people are in great distress. admit all who are thus distressed would be to repeal or disregard the system of restrictive immigration laws which the people have caused to be enacted during the last 40 years. It would subject the country to the peril against which the people and their Government have been trying to protect the country.

The causes of these wretched conditions among the people in other lands are in the people themselves, not in the climate or soil or atmosphere of the countries from which they come. In importing such people in great numbers we are introducing into America the forces which have created confusion and unhappiness in the foreign lands from which they come. It would be more accurate still to say that we would be greatly aug-menting those same forces of disorder and dissolution which already exist here to an alarming extent.

But it is claimed that the people from Greece and Turkish territories are especially desirable. They are not. Present keen distress is not limited to them. Their distressing condi-

tions are not new.

Some Members of this House and people outside speak of the distress in the Near East as if it were new, creating an unusual, present, but temporary, emergency. Such conditions have been recurring in that region for 3,000 years. The story would be even older if history extended back far enough to record it.

Witnesses have testified before your committee that these Greeks are pure Ionian Greeks who have not been mongrelized by race mixture. To refute that, I quote a few bits of history which I have gathered from a vast mass to the same effect:

In racial characteristics the Greeks belong to the Mediterranean race of are akin to the Iberian of Spain and the Ligurian of Italy.

In recent times education, intermixture with other races, and com-merce have to a great extent removed their distinctive peculiarities.

The life of the true Greece was obscured for several centuries, only appearing as the peninsula became the object of conquest or an arena of strife.

From the sixth to the eighth century Slavic peoples from the north crowded into the Balkan Peninsula. The invaders were merged to some extent with the ancient race and remained in occupancy of Illyria and Thrace, producing a mixture of nationalities which constitutes at the present day one of the chief elements of confusion in the puzzling problems of the Balkan Peninsula.

Of the present Greek Army it is said:

Fifteen per cent of the army recruits can only read, and 30 per cent are totally illiterate. (The New International Encyclopedia, volume 10, pages 292, 293, 297).

That emergencies similar to this have been arising for hundreds of years and that serious consequences may result to outside countries from dealing unwisely with them is shown by the following quotations from Gibbons's account of an occurence in the third century:

But the attention of the emperor was most seriously engaged by the important intelligence which he received from the civil and military officers who were intrusted with the defense of the Danube. He was informed that the north was agitated by a furious tempest, that the irruption of the Huns, an unknown and monstrous race of savages, had subverted the power of the Goths; and that the suppliant multitudes of that warlike nation, whose pride was now humbled in the dust, covered a space of many miles along the banks of the river. With outstretched arms and pathetic lamentations, they loudly deplored their past misfortunes and their present danger; acknowledged that their only hope of safety was in the clemency of the Roman government; and most solemnly protested that if the gracious liberality of the emperor would permit them to cultivate the waste lands of

Thrace, they would ever hold themselves bound, by the strongest obligations of duty and gratitude, to obey the laws and to guard the limits of the republic. These assurances were confirmed by the ambassadors of the Goths, who impatiently expected from the mouth of Valens an answer that must finally determine the fate of their unhappy countrymen. The emperor of the East was no longer guided by the wisdom and authority of his elder brother, whose death happened toward the end of the preceding year; and as the distressful situation of the Goths required an instant and peremptory decision, he was deprived of the favorite resource of feeble and timid minds, who consider the use of dilatory and ambiguous measures as the most admirable efforts of consummate prudence.

When that important proposition, so essentially connected with the public safety, was referred to the ministers of Valens, they were perplexed and divided; but they soon acquiesced in the flattering sentiment which seemed the most favorable to the pride, the indolence, and the avarice of their sovereign. The slaves, who were decorated with the titles of prefects and generals, dissembled or disregarded the terrors of this national emigration; so extremely different from the partial and accidental colonies, which had been received on the extreme limits of the empire. But they applauded the liberality of fortune, which had conducted, from the most distant countries of the globe, a numerous and invincible army of strangers to defend the throne of Valens; who might now add to the royal treasures the immense sums of gold supplied by the provincials to compensate their annual proportion of recruits. The prayers of the Goths were granted and their service was accepted by the imperial court, and orders were immediately dispatched to the civil and military governors of the Thracian diocese to make the necessary preparations for the passage and subsistence of a great people, till a proper and sufficient territory could be allotted for their future residence.

It was thought expedient that an accurate account should be taken of their numbers, but the persons who were employed soon desisted, with amazement and dismay, from the prosecution of the endless and impracticable task; and the principal historian of the age most seriously affirms that the prodigious armies of Darius and Xerxes, which had so long been considered as the fables of vain and credulous antiquity, were now justified, in the eyes of mankind, by the evidence of fact and experience. A probable testimony has fixed the number of the Gothic warriors at 200,000 men; and if we can venture to add the just proportion of women, of children, and of slaves, the whole mass of people which composed this formidable emigration must have amounted to near a million of persons, of both sexes and all ages. (Gibbon's Decline and Fall of the Roman Empire, Vol. II, pp. 499-501.)

These immigrants soon became restless and lawless and arose

These immigrants soon became restless and lawless and arose in rebellion. They defeated the imperial army, slew the emperor, who had admitted them, and, being joined by masses of their kinspeople from the homeland, for a long time overran the country. They were never expelled. But they and other invading immigrants like them finally completely subverted the national life and almost destroyed the civilization of Rome and ushered in the long, dismal period of human history known as

The record of that transaction and of the period to which it belongs is found in Gibbon's Decline and Fall of the Roman Empire, in Myers Ancient History, West's Ancient World, and other authentic histories covering the period from A. D. 200 to 800.

That region was invaded and subjugated 1,300 years before Christ.

Christ.

We know that at a very early date there was a vigorous race dwelling in central Europe, with the beginnings of a civilization and with some knowledge of the use of iron. Presumably about 1300 B. C., bands of these fair-haired, blue-eyed, ox-eating warriors from the north, drawn by the splendor and riches of the Mycenaean south, broke into Greece, as men of the north so many times since have broken into southern Europe. These mighty-limbed strangers, armed with long from swords, easily established themselves among the short, dark, bronze-weaponed native, dwelt in their cities, became their chiefs, married their women, and possessed their wealth. (Ancient World, West, p. 86.)

What took place here in the Greek Peninsula a thousand years before our era has been likened to what took place in the Italian Peninsula in the fifth century after Christ, when the invading German tribes overwhelmed the civilization of Rome. (Myers Ancient History, p. 120.)

When the Turks captured Constantinople in 1453 there was

When the Turks captured Constantinople in 1453 there was a massacre of Greek people in which thousands were slain, thousands of women outraged, and tens of thousands of both sexes enslaved. The woeful story extends down to now. Practically every witness before your committee who answered inquiries on the point expressed the fear that things as bad or worse are ahead, and must continue indefinitely.

I call your attention to the population of all that vast region, consisting of scores of millions of antagonistic, intolerant races and religions, and remind you that no strong guardian appears to keep the peace among them. I see nothing to change the current of history as it has flowed through that part of the world for 3,000 years. You are not dealing with a problem of to-day merely but with a problem older than America and much older than modern Europe. It is folly to treat it as a temporary emergency.

America has sympathized with the Armenians because they are Christians. America now sympathizes with the Greeks because of their past history and present distress. These refugees came from both races. Their present plight is due to defeat and withdrawal of the armies of Greece. Greece cut a

queer figure in the recent World War. At first its German King sided with Germany. Later he was dethroned. Later still a German prince was called to rule over the Greeks. Now he has been banished. Greek officers conducted themselves so shamefully during the recent war with the Turks that they were executed.

They were either grossly guilty or the present Government of Greece is corrupt and cruel. Consul General Horton, stationed at Smyrna at the time of the recent horrible occurrences, testified before your committee that the Greek Army, in its retreat before the burning of Smyrna and the massacres there, had engaged in practices of a similar kind upon their retreat; that their general told him in advance that his army would have to engage in such practices. Nothing can excuse the horrible crimes committed by the Turks or equal them in enormity, but the Greeks, by similar practices just a few days before, had furnished them a horrible excuse which they probably did not need. You have race hatred against race hatred, religious intolerance against religious intolerance, burning against burning, murder against murder, cruelty against cruelty, following the precedents of thousands of years and with those who are worsted now clamoring to us for an asylum and for subsistence, just as the Goths clamored to the Romans 1,600 years ago.

In this connection I want to insist that whatever may have been the faults or mistakes in America's foreign policy, no mistake or weakness in our foreign policy makes us responsible for the woes of the foreign world to an extent which obligates us to take these unhappy thousands, scores of thousands, or millions, into our own borders to help reproduce here the conditions from which they flee. Some of the very gentlemen who were before your committee urging the admission of some thousands of these fugitives have based their demands for the admission of these people on a statement that America is responsible for their condition in part at least. If America is responsible at all, I am afraid the bloody blot can never be washed out, but I do not believe that our people should be made to atone for a mistake in foreign policy by their Government in the manner here proposed. I quote from the "News Bulletin of the Foreign Policy Association," dated November 17.

AMERICA WATCHES HERSELF.

The crisis in Constantinople continues desperately tense. It is fraught with possibilities of tragedy of incalculable proportions. America stands by helpless, watching intently and hoping almost against hope that peace may be maintained and the Christian populations saved from slaughter and the Turks from the inevitable bloody retaliation. Washington satisfies itself with "observing."

WHAT IS THE UNITED STATES DOING?

The United States does next to nothing. If a peaceful solution is found, this Government will deserve none of the credit. If the terrible calamity anticipated by many observers becomes a reality, the United States will inevitably be drawn in. If massacres were to follow the withdrawal of the allied contingents, it is doubtful if Washington could resist the imperative demand for action which, incited by the evangelical forces throughout the country, might sweep away all counsels of conciliation and restraint.

AMERICAN ISOLATION NONEXISTENT.

AMERICAN ISOLATION NONEXISTENT.

American isolation is a myth. The United States can not dissociate herself from a European question like the Near East. It touches too deeply many of the most cherished interests of millions of our citizens. The difficulty of the United States playing a successful rôle as mediator or the even more modest rôle of offering its good offices has been made much more difficult if not hopeless by the announcement of a policy of aloofness. No such announcement, even when phrased by a brilliant advocate like Secretary Hughes, can free Washington from its full measure of responsibility. Such a declaration can have one result: It prevents effectively this Government having an opportunity for constructive helpfulness before the crisis becomes insoluble.

Mr. B. P. Salmon, former president of the American Chamber of Commerce in Greece, appeared before your committee urging the passage of the bill introduced by the gentleman from Kansas [Mr. White]. In the issue of the News Bulletin mentioned above Mr. Salmon has a signed article, from which I

AMERICA'S RESPONSIBILITY.

Part of the responsibility for this situation (to-day in the Near East) is due to our own lack of a definite foreign policy at Washington, which in turn is due to the fact that the American people themselves have no well-defined ideas on foreign policies, and therefore the State Department has been content to do nothing in the Near East, thinking that this would be acceptable to the American people ** *. The situation has become increasingly difficult and the need of urgent action in connection with the final settlement is increasingly apparent. .

Another matter on which I believe American sentiment should be clearly defined is our responsibility toward Greece in connection with the so-called three-power loan of 1918. In this matter we have not only refused to pay the balance due under the loan agreement, but what is worse, we have held Greece to a clause of the agreement which provides that she shall not pledge security for further exterior loan until the so-called "three-power" loan has been liquidated. In other words, we have held the Greek security while we have only advanced

a third of the money for which the security was given. It is my personal belief that this loan agreement is a valid contract and that the United States is morally and legally bound to recognize it as such. If, on the other hand, the State Department can show that it is not either a legal or moral obligation, they should reach some agreement with Greece on the subject. The great problem which confronts Greece to-day is that of constructive relief which will enable them to place as rapidly as possible the hundreds of thousands of refugees pouring into the country into gainful occupations, turning them from a liability into an asset. into an asset.

One of the first things that will have to be done will be to clear up the unfortunate situation created by the present status of the American loan to Greece.

B. P. SALMON.

If a mistake has been made in our foreign policy, it does not entail upon the people of the United States the obligation to provide a home for the people made unhappy and homeless by the racial and religious antipathies of the regions involved. The acceptance of such a consequence would bring upon us serious calamity, if not early ruin.

In an effort to persuade your committee to report favorably a measure providing for the admission of some thousands of these refugees, the number of which witnesses estimate at from 5,000 to 100,000, some have extelled the virtues of the

Greeks as prospective citizens of the United States.

That the people of all that region are mongrels, mixed and intermixed from invading and near-by races from the north, from the brown people of the east, and the black people of the south is well known to every student. That they are incapable of working out the problems of government and pro-tecting themselves against the destructive forces moving among them is made plain by their present plight and by conditions prevailing among them since antiquity and promising to continue forever. That the masses of such people will not contribute to what is best in the life of America is plain.

I call your attention to the fact that there is a vast system of peonage or slavery practiced by the Greek people in the United States now. I refer, gentlemen, to the extensive report made on this subject by the Immigration Commission, composed of such men as Senators Dillingham and Lodge, Hon. John L. Burnett, then of this House, and Prof. Jeremiah W. Jenks, which will be found on pages 391 to 408 of volume 2 of Abstracts of Reports of the Immigration Commission. ask that the Clerk read these extracts from that report, which

I am handing him: The poorer classes in Greece, and particularly those of the Provinces from which bootblacks are drafted, have little ambition to educate their children, because they themselves are to a large degree ignorant and unable to appreciate the value of education.

The Greek peasant is therefore more concerned with the income he is able to derive by placing his children at work than with educating them

In countries where the laboring classes are wholly under the control of their employers the term "padrone" is applied to the manager, superintendent, foreman or proprietor of any mercantile establishment, and signifies that in the person designated as padrone absolute authority is vested to control employees. He has the right to prescribe the character of the work that each laborer shall perform, to increase or decrease at will the hours of work and the wages received, and to punish him physically at times.

Among the Greeks the padrone system is in operation in every city of the United States of over 10,000 population with few exceptions, and is confined in the main to shoe-shining establishments, aithough it is to a considerable extent prevalent among rallroad laborers in the Western States, and among flower, fruit, and vegetable venders in Chicago. The aliens utilized by the system in peddling and in shoe shining are, as a rule, from 12 to 17 years of age, while those employed on railroad work are generally adults.

There are several thousand shoe-shining places in the United States operated by Greeks, and with few exceptions they are under the padrone system.

The boys, in their helplessness, believe that were it not for the opportunity of employment offered them by padrones they would starve, because of their ignorance of the language and labor conditions in this country.
In some

In some cases padrones utilize the following means to compel boys to remain in their employ: As they pay their help their wages at the end of each year, as a rule forwarding direct a draft to the boy's parents in Greece, they claim they are short of money and fall in arrears in such payments. As a result the boys remain in their service in the hope of receiving what is due them. On the other hand, the padrones avail themselves of all technicalities in law, secure numerous continuances, and, without exception, appeal all such cases. The young plaintiffs become gradually disheartened and abandon the suits, deeming such a course the least expensive and most logical, and convinced that there is no justice for the poor in this country.

Though the shoe-shining business is the main field of the system in the United States, quite a number of Greeks are brought here in viola-tion of law and are placed at work on railroads in Western States under the padrone system.

He is generally brought here from Greece on an agreement, secured by a mortgage or a promissory note, to pay from \$130 to \$250 for his steamship passage and "show money." Upon reaching his destination

in the United States he is usually charged \$10 labor agent's fee for putting him to work; he is charged \$1 per month interpreter's fee, as it is commonly called, this being the monthly tribute of each laborer to the interpreter of the gang, notwithstanding the fact that he is a salaried employee of the railroad company. Every three months the laborer is told to contribute \$1 or more, intended as a present to the foreman or readmaster, and every spring and fall he may be called upon for another \$10 by the labor agent, who promises to prevent his discharge from work through his influence with the roadmaster or those higher up.

The money for steamship tickets is often furnished by the padrone interpreters, who are in nearly all instances in partnership with their relatives in Greece—that is, they divide their profits.

It is, in my opinion, more humane and infinitely better for young Greeks to be refused admission into the United States than to be permitted to land if they are intended for such employment. (N. Salopoulos, Greek consul general, November 16, 1910.)

Several Greek physicians in Chicago, in a joint letter to the Immigration Commission, dated November 16, 1910, say, among other things, the following:

We deem this occupation highly injurious and destructive to the physique of young Greek boys, and believe that the United States Government would do better to deport them rather than to allow them to land if they are destined to this employment under existing conditions .

Without exception, all the Greek physicians of our large cities who were interviewed on this subject expressed substantially the same views as those embodied in the foregoing letters.

Not all of the immigrants from Greece and Turkey belong to the class mentioned or to other objectionable groups. But the simple truth is that they are very heavily represented among the undesirable kinds. For instance, the evidence submitted to your committee in its hearings upon this proposition shows that venereal and other dangerous diseases are widely prevalent among these refugees.

In the annual report of the Commissioner General of Immigration for 1914 will be found the report of a special investigation of immigration conditions in Eastern Europe and Asiatic Turkey, made by Mr. W. W. Husband to Hon. A. Caminetti, then Commissioner General of Immigration, which position Mr. Husband himself now holds. In that report Mr. Husband repeatedly states that diseases which bar immigrants from admission to the United States and Canada are widely prevalent in that region. The following are some of his remarks on that

Diseases which bar immigrants from the United States and Canada are very prevalent in Turkey, but as a rule emigrants are not examined in this regard until arrival at some intermediate port. Although strongly opposed by the French Academy of Medicine, emigrants afflicted with trachoma and other diseases are freely admitted at Marseille.

It is said that in one quarter of Paris trachoma has become quite prevalent because of Syrian immigrants who have settled there.

Mr. Husband even suggested that because of the number of diseased immigrants coming from that region through France and England some agreement be made between the United States and England "under which better protection will be afforded the United States in that regard."

Mr. Chairman, every group which presses a demand for the admission of aliens to the United States claims that an emergency exists in their case. That was the claim made three years ago, when your committee was asked to report a bill authorizing the admission of 4,000,000 Russians and Italians and their families. When the committee was urged to report a bill providing for the admission of 40,000 Chinese coolies to Hawaii, it was claimed in support of the measure that a most acute emergency existed. In all of the numerous measures for the admission of the relatives of foreign-born people in the United States an effort is made to show a distressing emergency in each instance. On the two eccasions when we have taken down the bars imposed by the 3 per cent restriction it has been done under the claim that an acute emergency existed. Here comes another emergency. Every case of hard-ship and distress presents an emergency to those concerned. There are enough such emergencies to absolutely overflow America with their victims and to create here an emergency a tragedy—equal to the worst. When we have foolishly listened to a sufficient number of such appeals to fill America with the pandemonium and woe which now curse so many parts of the world, who will relieve our children from the distress which we are cooking up for them now?

THE SELECTION OF IMMIGRANTS AT FOREIGN PORTS AND THE REGULATION OF IMMIGRATION.

Mr. Speaker, I have heretofore addressed the House at some length on the subject of the selection of immigrants at foreign ports and the regulation of immigration by the treaty making power as necessarily involved in the selection of immigrants abroad.

At the request of the chairman and some members of the House Committee on Immigration and Naturalization, I made a statement before that committee on January 22, 1923, as appears on pages 488 to 495, inclusive, of the hearings of the House committee on the subject of immigration and labor. For the purpose of helping, if I can, those who are interested in arriving at a correct understanding of what is involved in that

proposition, I make this statement:

I have been surprised to hear intelligent business men, and others who are supposed to have reached conclusions concerning it based on information and consideration, criticize their Government for not having adopted a proposition which, according to the easy words of the critics, would be so "humane," "scientific," "simple," "practicable," and "easy" that any legislator, though a fool, could provide for it. Several gentlemen, who would not be expected to adopt or indorse any important business or legislative suggestion without information and consideration, have urged the adoption of this measure, and, when questioned, have frankly confessed that they have not inquired whether the Government has considered such a plan and found it unworkable, or whether other governments would permit us to maintain immigration inspection stations and forces in their countries. Such trivial questions as whether it could be done at all, or whether it would work, if foreign governments would permit it, are passed over as of no importance, while these gentlemen and ladles speak and widely print their criticisms of the Government of the United States for not having done this thing which they treat as simple and easy. Unfortunately, those who make or administer law have to deal with the facts as they are. Lecturers, speakers, and newspaper and magazine writers can either ignore or assume facts, as may be convenient, but facts bristle in the paths of those who have to do things rather than talk or write about them.

The Secretary of Labor, whose utterances show his lack of knowledge concerning it, has evidently, by advice based on lack of information, led the President into recommending that Congress do what his own Secretary of State, Mr. Hughes, knows can not be done under present conditions, as will be seen from documents herein submitted.

Even the First Assistant Secretary of Labor under Secretary of Labor Davis, Mr. Henning, having to deal with facts rather than words, knows something about this problem, as proven by a recent press statement widely published. By disregarding the headlines and reading what he says, we have such expressions as the following:

Foreign countries steadfastly have refused to allow the United States to examine immigrants at ports of departure on the ground that the exercise of that function by another nation would be an invasion of sovereignty. * *

Attempts to extend these powers to include direct action in examination and selection of immigrants have been consistently objected to by France, Italy, and other foreign governments. A formal protest was made by the Italian, Government to the State Department last year when bills were introduced, one in the Senate and two in the House, providing for such examination in United States consulates or elsewhere by United States medical and immigration officials.

To disregard the steadfast refusal of foreign governments to give us permission to build, acquire, or maintain such stations within their borders is manifestly impossible unless we enforce our desire with the Army or Navy or by retaliatory measures, which would violate our treaties with many countries and

embroil us seriously and widely.

The Immigration Commission created by the act of Congress of February 20, 1907, consisting of nine members, three of whom were appointed by President Roosevelt, three by the Vice President, and three by the Speaker of the House of Representatives, were charged with the duty of making a full investigation of the whole subject of immigration. It was given full authority and provided ample means to travel either in the United States or in any foreign country and otherwise to carry on its investigation. Its membership consisted of such men as Senator DILLINGHAM, Senator Lodge, Senator McLaurin, and Hon. John L. Burnett, Prof. Jeremiah W. Jenks, and other men of legislative experience, great learning, and familiarity with immigration problems and legislation.

Among the questions which it studied and upon which it reported was the one now under discussion. On pages 26 and 27 the commission discussed this problem:

It has been strongly urged by immigration officials and other students of the question that the embarkation at foreign ports of persons not admissible to the United States because of their physical condition would be more effectually prevented by a medical inspection by American officers at such ports. This plan was so strongly urged that this Government a few years ago made official inquiry respecting the probable attitude of European Governments toward it. At that time one or two governments expressed a willingness to permit such an inspection by American officials; others made indefinite replies to the inquiry, while others were positively opposed. No attempt was thereafter made to further the plan. After an investigation by the commission of the situation at all the principal ports of Europe it is clear that

even were its consummation possible such an arrangement would not materially improve conditions.

It has been suggested that some system ought to be devised by which intending emigrants could be physically examined as to their admissibility to the United States before leaving their homes for ports of embarkation. While an effective arrangement of that nature would be of great benefit to the many thousands annually who are turned back at foreign ports of embarkation, it is a matter over which our Government has no jurisdiction. (Reports of the Immigration Commission, Vol. 1, pp. 26-27, presented Dec. 5, 1910.)

First, let us understand that the maintenance of embassies and consulates in foreign countries is a matter of diplomatic usage and treaty agreement. We could not maintain an ambassador, a consul, or any kind of an official representative in any foreign country without its agreement. Diplomatic usage sanctions the maintenance of embassies and consulates which promote ends desired by both parties to the arrangement. Their establishment and activities are wholly subject to treaty agreement with foreign powers, or their consent in some form. Their withdrawal may be demanded and enforced by such power at

any time.

The scope of the activities of consuls, ministers, and ambassadors is fixed or limited by usage and agreement and can be extended only by such consent. The selection of would-be immigrants is not one of the usual functions performed by consuls or diplomatic representatives. The treaties under which such representatives are maintained do not authorize the establishment or maintenance of immigration stations of any kind, nor the performace of any of their functions, on foreign soil. Neither does diplomatic usage sanction it. These officers and the performance of these functions within the territory of a foreign sovereignty is not possible unless such countries would give their consent.

The motives which prompt them to consent to the establishment and maintenance of consulates and embassies is mutual commercial and diplomatic interest. But this mutuality of interest does not exist as to immigration. Japan, China, England, Spain, Italy, Poland, and other Old World countries usually want a place to which they can send their surplus or undesirable population. Our immigration laws are designed to prevent their unloading this surplus and burdensome population on us. We want to prevent the very thing they want to do. Instead of mutuality of interest there is conflict. Generally speaking, they will not go beyond the limits of diplomatic usage to agree with us upon our establishment upon their soil of agencies by which we can accomplish that which it is their desire to prevent. This is not merely natural and logical; it is actual.

The House Committee on Immigration and Naturalization has given much consideration to this subject, continuing its investigation and study from time to time. In its report to the Sixty-seventh Congress (No. 710), accompanying House Joint Resolution No. 268, the following appears:

OBJECTIONS TO EXAMINATIONS OVERSEAS,

The hearings of the committee have covered all phases of the subject. Considerable time was spent in attempting to develop a plan of examination of immigrants at ports of embarkation, but these efforts were met with a letter from the Secretary of State.

Some Members of the House and Senate had written bills which proposed to deal with this situation in the easy manner proposed. That gave rise to the writing of the letter from Secretary of State Hughes, which is as follows:

DEPARTMENT OF STATE, Washington, December 28, 1921.

Washington, December 28, 1921.

My Dear Mr. Johnson; I inclose copy of a memorandum of September 15 from the chargé d'affaires ad Interim of Italy, in which he discusses certain bills which have been introduced in Congress providing for the examination in American consulates of allens destring to emigrate to the United States.

Informal objections to the proposed legislation have been made by representatives of other countries, and I shall endeavor to keep you informed as to any further objections which may be received by this department from representatives of interested foreign countries.

As this matter touches upon the foreign relations of the United States, I would ask that you be so kind as to keep me informed concerning the progress of the proposed legislation.

I am, my dear Mr. Johnson, sincerely yours,

Charles E. Huches.

Among the things which made necessary the writing of the above letter by Secretary Hughes is the following:

MEMORANDUM FROM BOYAL ITALIAN EMBASSY.

MEMORANDUM FROM ROYAL ITALIAN EMBASSY.

The royal chargé d'affaires for Italy presents his compliments to his excellency the Secretary of State and has the honor of bringing the following to his attention:

During the special session of this Congress there have been presented bills—one in the Senate and two in the House of Representatives—by the terms of which, among other provisions, it is proposed to have United States medical and immigration officials in the United States consulates, or elsewhere, to exercise functions not purely informative in character but of direct action in the medical examination and definite selection of the emigrants, connecting such functions with that of the granting of the consular visé to passports.

Such action, even if exercised in the interior of the consulate offices, would go beyond the usual consular functions recognized by treaties and pertaining, as it does, to interests connected with emigration whose

regulation is reserved to the sovereignty of each State, could not be considered as conforming with either treaty or law on emigration in Italy.

It is true that this is a matter relating merely to proposed legislation; nevertheless, the intense desire to avoid later any possible motive for discussion between our two countries inspires the friendly intention of the present recommendation, especially since it has been stated to the Secretary of State that the Italian Government would be most willing to meet the wishes of the United States in conforming the action of its emigratory services so as to satisfy the reasonable requirements of the American regulations if both can be made the subject of a specific agreement beforehand, as already suggested.

The embassy would certainly have hesitated to approach the Secretary of State on this matter were it not that the Secretary of Labor, in recommending the above-quoted bills according to public press statements, had not made it felt that the measures before Congress probably expressed views not contradictory to those entertained by the United States Government, whereupon any assurance on the subject, if possible, on the part of the Department of State, so that in time to the forwarded to the Italian Government, would be highly appreciated by the Italian Embassy.

Washington, D. C., September 15, 1921.

WASHINGTON, D. C., September 15, 1921.

The committee in this connection was reminded that the Immigration Commission of Congress, after exhaustive investigation, dropped the matter of inspection at foreign ports. (See p. 26, vol. 1, Abstracts and Reports of the Immigration Commission, 1911.)

It will be noted that Mr. Secretary Hughes, in the second paragraph of his letter to Chairman Johnson, informs him that 'informal objections to the proposed legislation have been made by other countries," which is in line with the statement made by the Immigration Commission in the quotation given above. It must not be understood that Italy is the only country making these objections. The country which does not make them is an exception.

On June 2, 1922, while I was presenting this situation to the House of Representatives, I was interrupted by Chairman JOHNSON, of this committee, when the following colloquy occurred, as shown by the Congressional Record of that date:

curred, as shown by the Congressional Record of that date:

Mr. Johnson of Washington. Mr. Chairman, will the gentleman yield?

Mr. Box. Yes.

Mr. Johnson of Washington. If the gentleman will permit me to say so, as chairman of the present House Committee on Immigration and Naturalization I congratulate the membership on the work the gentleman from Texas has done on the committee and the study which he has given to this particular phase of the matter. I would suggest that he do not omit from his present discussion the fact that other Governments are at this time making protests, quite similar to the one that he has just read from the Italian Government, against proposed provisions in the so-called shipping bill, clauses of which would authorize investigation overseas. I am told that these present protests against that new legislation, now being considered before another committee, are much stronger than have been made heretofore.

Mr. Box. I thank the gentleman for his suggestion, because it helps to present the problem which I want the House to see.

I was again interrupted by Mr. Connally of Texas, a mem-

I was again interrupted by Mr. Connally of Texas, a member of the Foreign Affairs Committee, when the following occurred:

Mr. Connally of Texas. And, Mr. Chairman, if the gentleman will permit, in that connection I would say that, as I recall now our hearings on the passport control bill, it developed that practically all of the foreign countries objected to the setting up in their countries of agencies for the investigation and examination of immigrants.

Mr. BOX. I thank the gentleman from Texas [Mr. CONNALLY]. The viewpoint of these people on our immigration policies is very different from ours.

Mr. Connally's statement shows that the Committee on Foreign Affairs had met the same difficulty in dealing with one

phase of this question.

Many of the immigrants which reach foreign seaports on their way to the United States have already left their homes and come great distances into other countries on their way to the United States. If these seaport countries should let us do our selecting and rejecting within their borders, they would have those rejected as undesirable thrown on the nations at whose ports they sought to embark. This is another substantial reason for their objecting to our sifting out the refuse and dumping it on them. Some countries have complained that they do not like to have such people as are coming to America even pass through the midst of their people. Would the United States want Canada or Mexico or Europe to select immigrants from other countries within our country and leave the refuse here?

America is the last country where there is room and oppor-mity. They nearly all want to get rid of their surplus population. That is and has been the cause of trouble. We have the land to which they want to come. Nations and races have struggled for a place in which to exist and enlarge since before the years covered by human history. We are trying to maintain a place here for us and our children to which the crowded-out, hungry, unhappy millions of the Old World are struggling to come. Our right to guard it must not be impaired. That would be perilous. It would be ruinous. If we make treaties at all we will have to make them on terms satisfactory to the people who want to unload their surplus population on America. The regulation and control of this worldwide movement toward America must be retained unimpaired by Congress.

I invite special attention to the polite, diplomatic phraseology used by the representatives of the Italian Government, in which it says that the Government of Italy would be "most willing to meet the wishes of the United States in conforming the action of its emigratory services so as to satisfy the rea-sonable requirements of the American regulations if both can be made the subject of a specific agreement beforehand, as already suggested." Note the requirement that our regulations must be made the subject of a specific agreement with Italy beforehand. This makes it plain that any effort to bargain with foreign powers about foreign inspection and selection, if inaugurated, would at once place them in a position to claim a voice in the making of our immigration regulations. That is the very thing that America must not do. That is the very thing that the friends of restriction do not want. Even the opponents of restriction certainly would not favor the adoption of a policy by which we surrendered our right to deal with the subject in our own way. The right once lost would be hard to regain. The permanent loss of that right would be an irreparable calamity to America.

Very definite conclusions necessarily follow the existence of this situation. Since we can not maintain such agencies in foreign countries without their consent, and such consent has not been and probably can not be obtained, it is vain to depend

upon foreign examinations.

If possible and desirable, such examinations would be impracticable because of the expense and other administrative difficulties attendant upon an effort to maintain immigration stations or an immigration inspection force at all the sources of immigration. The immigrants come from 10,000 places—throughout Mexico, Canada, and beyond, for myriads come from those countries and through them. Can we maintain immigration stations or agencies at the door of every would-be immigrant? Such a plan would be like the effort of a farmer, whose field was surrounded by an open range, trying to build inclosures around the live stock on all the range to avoid maintaining a fence around his own field. From Japan, China, India, much of Asia, much of Africa, and from all of Europe men are coming to Mexico and Canada for the purpose of gaining access to the United States. Where would you establish your stations and guard lines against them? At their homes? At a thousand places in Mexico and Canada?

Immigrants come to America on irregular and tramp ships from all the ports of the world. This, and their coming through Canada and Mexico, would force us to maintain our seaport and land frontier stations and to turn back many from them. Establishing foreign stations would merely add a great system of distant stations without eliminating home stations or avoiding the necessity of rejecting great numbers of immigrants at them. If foreign countries would permit it, which we have found they will not do, the plan is impossible. Of course, the only place for our stations and guards is at our own ports and

on our own frontiers.

It is urged that if prospective immigrants were inspected and selected abroad, they would be protected from the hardship resulting from their selling their effects and breaking themselves loose from their homes and sources of livelihood, expecting to be admitted to the United States only to find themselves denied admission and be thrown adrift penniless, friendless, and far from home. Unless the stations were located, at prohibitive cost, in hundreds of places, the prospective immigrants could not be selected near their present homes. The establishment of immigration stations in a few great cities on the coasts in Europe, Asia, and Africa would not meet this difficulty. seaports are hundreds of miles from the present homes of most of the immigrants and in countries fereign and strange to them. They would have to go in families hundreds of miles, often across national boundaries, necessitating passports, and a great part of the travel, expense, and difficulty which they now meet.

The average immigrant can not, without selling all, carry his family from the center of Europe to the seacoast for examination. If he could, he would not know how long it would require him to return to his home with his family to sell out and return to the immigration station on the coast. The uncertainty, delay, expense, and other difficulties of such a course would forbid its adoption by the immigrant, who usually has little or nothing. He sells all, and even under the proposed plan would sell all and break up completely, before leaving his old home to go to the place of inspection and embarkation. The risk and loss of this breaking up would have to be incurred under any system except one that sent the inspector to the prospective immigrant at or near his present home, which is manifestly impossible.

The steamship companies, relatives, and other opponents of restriction are all talking much of regulating immigration by treaty agreements. I have shown that this plan of foreign inspection depends upon treaty agreements. I suspect that their agitation for foreign inspection is prompted by the desire to have the control of immigration away from Congress and give it to the treaty-making power. It is certain that the adoption of the system of foreign inspection would have that very effect. Treaties establishing such a system, if made at all, could be made only upon such conditions as were satisfactory to foreign governments, so that the whole system of immigration control would pass to the treaty-making power. Treaties made on the subject would become the supreme law of the land. Immigration regulation would pass to the President as the treaty-making power, subject to the ratification or the rejection of the Senate. The House would lose all voice in this question of the greatest importance to the people, who are most directly and truly represented in the House, and whose desires on this subject they

have so much more frequently and truly voiced.

I have stated other vital reasons why we must never let the control of immigration become a matter of treaty making. For that involves the surrender by us of our present sole right and power to regulate it. Confessedly, we now have this right and power regardless of the wishes of foreign countries. When immigration control is passed to the treaty-making power we will have surrendered this right and consented that we must consult foreign countries in fixing our immigration regula-tions. Foreign countries such as Germany, Japan, Italy, Poland, and Spain want to unload their unfortunate, starving surplus population on America. When through the surrender of our sovereign right to control it we agree to make it subject to the approval of foreign countries, they get the right to reject our plan for dealing with it. We will thereby become helpless to prevent their hungry and wretched millions from coming to America at will. Our complete and overwhelming ruin would follow inevitably and soon.

Moreover, our experience as to the attitude of our Presidents toward this problem should warn us of the great danger

of passing absolute or chief control of it to him.

The President's constant contact with delicate and difficult questions of our foreign relations and the necessity of maintaining cordial diplomatic relations with foreign countries expose him and his advisers and agencies to the constant tendency toward too great liberality in immigration regulations.

Our own people now almost uniformly confess that we have in the past been liberal to the point of rulnous looseness in our immigration policies, but even such restrictive measures as have been adopted in the past have nearly all been enacted in the face of Executive opposition. Nearly every step forward in the policy of restriction has been taken by overstepping the

President's veto of restrictive laws.

In 1879 President Hayes vetoed the first Chinese exclusion act (2 l. C. R. 580). In 1882 President Arthur vetoed an act suspending Chinese immigration for a period of 20 years (2 l. C. R. 581). On March 3, 1897, President Cleveland vetoed an immigration act excluding illiterates (2 l. C. R. 573). President dent Taft vetoed an immigration bill in 1913 containing a restriction against the admission of illiterates (p. 101, Rec., special sess., 59th Cong.). In 1917 President Wilson vetoed an act excluding illiterates, but Congress passed it over his veto.

In 1868 the Burlingame treaty between the United States and China declared it to be the inalienable right of men to migrate and emigrate at will. California had then been, for 15 years, alarmed and in trouble on account of the coming of great num-bers of Chinese. The California Legislature had passed laws in efforts to protect the State. Pacific coast cities had passed ordinances for the same purpose. Congress itself, in 1862, had taken note of the degradation and slavery of Chinese coolie laborers, and had forbidden American ships to transport them. This was seven years before the Burlingame treaty was made by the President and ratified by the Senate, declaring the right of such people to migrate to the United States to be "inalien-So aptly did the treaty-making power deal with the problem in that instance.

Conditions in California and on the Pacific coast were then and soon afterwards so bad that, in 1872, California was pleading with Congress for the exclusion of the Chinese; that is, for the deprivation of the "inalienable right" of Chinese to come

to America in tens or even hundreds of millions

A congressional committee was sent to California, where it found conditions very bad. In 1879 Congress passed what was practically a Chinese exclusion act and undertook to abrogate the obnoxious sections of the Burlingame treaty of 1868.

Here another unfortunate incident to immigration regulation by treaty developed.

President Hayes vetoed the exclusion act, giving as one reason his contention that Congress had no right to abrogate a treaty. His action illustrated the fact that the President can nullify an exclusion act of Congress and that Congress has no power to relieve the country of a treaty so dangerous as was that one by any majority less than two-thirds of both branches. President Hayes claimed that Congress had no power to abrogate a treaty at all.

The President can make such a treaty with the approval of

two-thirds of one branch of Congress.

A new treaty was made by the United States and China in 1880, in which China succeeded in limiting the freedom of the United States to deal with Chinese immigration in its own way. This treaty stipulated that the United States might limit or suspend the coming of laborers only and prohibited the United States to forbid general Chinese immigration,

In 1880 Congress passed an act suspending Chinese immigra-tion for 20 years. President Arthur vetoed the act, chiefly on the ground that a 20-year suspension of Chinese immigration was not "reasonable" within the meaning of that term in the clause of our treaty with China permitting the United States to limit or suspend the coming of laborers in such a manner and to such extent as "shall be reasonable."

It was soon found that this immigration treaty was unwise, and the United States asked China to agree to its abrogation. She objected and delayed until Congress passed a drastic Chinese exclusion law, from which the President withheld his approval until he became convinced that China would not enter a new treaty abrogating the treaty of 1880, of which the United States was now anxious to be rid.

President Roosevelt made an agreement, which he insisted on having treated as valid and binding, as being supreme law. without even consulting the Senate about it. He called it a

treaty.

I doubt, if I may be permitted to say so, whether the gentleman's agreement made by President Roosevelt, to which the gentleman evidently refers, has any force or has ever had any To say that the Presiforce that America ought to recognize. dent can by some secret understanding hidden in his bosom or by some written memorandum hidden in the archives of the Department of State, never submitted to the Senate, establish a law, a supreme law of the land binding on the legislatures of States, binding on this body and the whole country would be most extraordinary. That is the construction given to the gentleman's agreement. President Roosevelt, who made it, based his action on the facts as he saw them then. He would unquestionably say now that it did not work properly.

ROOSEVELT ON THE GENTLEMEN'S AGREEMENT.

After a good deal of discussion, we came to an entirely satisfactory conclusion. The obnaxious school legislation was abandoned, and I secured an arrangement with Japan under which the Japanese themselves prevented any emigration to our country of their laboring people, it being distinctly understood that If there was such emigration the United States would at once pass an exclusion law. It was, of course, infinitely better that the Japanese should stop their own people from coming rather than we should have to stop them, but it was necessary for us to hold this power in reserve.

Unfortunately, after I left office, a most mistaken and ill-advised policy was pursued toward Japan, combining irritation and inefficiency, which culminated in a treaty under which we surrendered this Important and necessary right. It was alleged in excuse that the treaty provided for its own abrogation; but, of course, it is infinitely better to have a treaty under which the power to exercise a necessary right is explicitly retained rather than a treaty so drawn that recourse must be had to the extreme step of abrogating if it ever becomes necessary to exercise the right in question. (Theodore Roosevelt; An Autoblography, p. 414.)

Immigration legislation

Immigration legislation should be handled by Congress through the agency of its appropriate committees, and by itself. It will be dangerous, indeed, to turn over this important subject to a committee not familiar with its difficult details and to the Shipping Board and others, whose knowledge of the subject is superficial and whose interests are divergent from the great public interest to be served by proper immigration legis-

The statement made by the chairman of the House Committee on Immigration on the floor of the House, quoted above, to the effect that the provisions of the shipping bill relating to immigration have provoked emphatic protests from foreign Govern-ments is not surprising. Orderly legislation can be obtained and the best public interest promoted by having immigration legislation reported by the proper committee. The policies behind it should be prompted by the public interest, and not by The policies the financial gains of Shipping Board vessels or of subsidized American shipping.

Mr. Speaker, I insist that Congress must retain unimpaired its full power to deal with this great problem. It must not be admitted that foreign powers have any right to a poice in dealing with it through a policy of treaty making. Foreign inspection necessarily involves that idea. This great question must not be, wholly or partly, passed to the Shipping Board or to subsidized American vessels to be handled for the purpose of money-making. The present and future welfare of American men and women, of this and future generations, must be the supreme consideration in the minds of all who deal with it. Congress must not lose its supreme control over it.

The foregoing documents and the facts stated in connection with them show that, under conditions now prevalent and likely to continue, the foreign selection of immigrants is impossible; that such a plan would be unworkable, and that it would be undesirable because it would involve the surrender of our present right to exercise exclusive control of our immigration policy and force us to consult other nations concerning it.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to ex-

tend my remarks on the bill just passed.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks on the bill just passed. Is there objection?

There was no objection.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

Mr. A. P. NELSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting some information, facts, and figures in regard to the retirement fund of date January 24, and a very brief statement.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the manner

indicated. Is there objection?

There was no objection. Mr. A. P. NELSON. Mr. Speaker, I wish to extend my remarks in the RECORD by giving the following information about the retirement law furnished to me by Robert H. Alcorn, chairman of the joint conference on the retirement, representing the civil-service employees of the United States. Mr. Alcorn has constantly been one of the great friends of the United States employees, and the beneficiaries of the retirement law owe him a debt of gratitude for his splendid services in their behalf before the committees on retirement in the two Houses of Congress

The data which he has submitted to me, furnished by the Treasury Department, is as follows:

Number retired.	
Total number of employees retired up to Jan. 24, 1923 Average annual increase is about 30 per cent.	8, 500
There will be on the retired list on July 1, 1923 (approximately)_	9,000 6,667 909
Male retired	7, 071 505
Retirement and disability fund.	

Retirement and disability fund. Contribution, Aug. 1, 1920, to Jan. 24, 1923: Contribution from employes salary Profits and interest on investments	
Total Total amount of annulties paid out Balance on hand, which has been invested in Gov-	41, 147, 264, 89 14, 131, 514, 89
ernment securities. Of this fund there is a temporary investment of	

Supposing that the \$4,000,000 is temporary and that it can be drawn on to pay the annuities up to July 1, 1923, would leave a balance, on July 1, 1923, of \$22,984,250. The oldest annuitant on the roll was born January 10, 1828,

retired August 21, 1920, after nearly 72 years' continuous service. The youngest annuitant was born June 1, 1888, and was

retired January 1, 1922, on account of disability.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the pending immigration

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to extend his remarks on the pending immigration bill. Is there objection?

Mr. STAFFORD. Reserving the right to object, I assume

that they are the gentleman's own remarks?

Mr. RAKER. I am going to refer to some distinguished gentlemen who have taken the same view that I take on the subject. It will be interspersed with my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my remarks on the proposed amendment to the Constitu-

tion on marriage and divorce laws.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to extend his remarks on the subject indicated. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Speaker, I make the point of order

that there is no quorum present.

The SPEAKER pro tempore. Will the gentleman withhold that for a moment?

Mr. STAFFORD. Yes.

PRESIDENT'S MESSAGE-AMERICAN RELIEF IN RUSSIA (S. DOC. NO. 307).

The SPEAKER pro tempore submitted the following message from the President of the United States, which was read, and with the accompanying report, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, a report by the American Relief Administration of the disposition made of certain medicines, medical, surgical, and hospital supplies, which were transferred to said American Relief Administration by virtue of the provisions of the act of Congress approved January 16, 1922, for the relief of the distressed and famine stricken people of Russia.

WARREN G. HARDING.

THE WHITE HOUSE, February 23, 1923.

ANNUAL REPORT OF GOVERNOR OF PORTO RICO (H. DOC. NO. 602).

The SPEAKER pro tempore also laid before the House the following message from the President of the United States, which, with the accompanying documents, was referred to the Committee on Insular Affairs and ordered printed:

To the Congress:

As required by section 12 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith for the information of the Congress the Twenty-second Annual Report of the Governor of Porto Rico, together with the reports of the heads of the several departments of the Porto Rican government for the fiscal year ended June 30, 1922.

I concur in the recommendation of the Secretary of War that

this report be printed as a congressional document,

WARREN G. HARDING.

THE WHITE House, February 23, 1923.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TUCKER, for to-day, on account of illness.

LEAVE TO EXTEND REMARKS.

Mr. LOWREY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing in 8-point type a very brief article from ex-Governor Taylor of Tennessee, apropos to the speech of the gentleman from North Carolina recently in relation to the monument to the colored mammies.

The SPEAKER pro tempore. The gentleman from Mississippl asks unanimous consent to extend his remarks in the RECORD in 8-point type for the purpose indicated. Is there ob-

There was no objection.

The article referred to is as follows:

"SWING LOW, SWEET CHARIOT."

Bob Taylor, in his published lectures, makes this beautiful and touching allusion to a former slave of his family: "Not long ago I buried one of the last of our old family darkies. He had been a preacher for 50 years. When I was a child he often had been a preacher for 50 years. When I was a child he often led me, together with my brother, to his meetings. He had never learned the art of reading. But many a time have I seen him rise in the pulpit and say, 'My congergashun, you'll find my text somewhar 'twixt de lids of de Bible, whar it reads, "You must be born agan and agan." And then he would warm up to his theme until he plunged out far beyond the ratiocination of man. During the last 20 years of his life he made sight drafts upon my treasury and my wardrobe, just as thousands of oldtime darkies still make drafts upon their former masters in the South, and they are always honored. When I was a candidate Uncle Rufus was a Democrat. When my brother was a candidate he was a Republican. When we were candidates against each other he was neutral. The old man came one evening and sat with me in the twilight under the trees, and our minds wandered back together to the happy days of the past when he was a slave and I was a barefooted boy. He reviewed many a ghost story he used to tell us in the firelight around the hearthstone of his cabin in the happy long ago. And there was many a joke and jest and merry peal of laughter. But as the shadows thickened around us the old darky grew serious. He spoke tenderly of my father and mother and his old wife and all the old folks who had gone before. With tearful eyes he left me. But he paused as he departed, and leaned upon his staff and said, 'You may not see me again. I has had two visions of de

charlot of de Lord descending from heaven to bear me away. The next time it comes your Uncle Rufus is a-gwyne home,' and as he hobbled away in the darkness I thought I heard a song:

Swing low, sweet chariot, coming for to carry me home, Swing low, sweet chariot, coming for to carry me home."

"I never saw him again. Before a week had passed, the chariot had swung low; the faithful old servant stepped in and was caught up into heaven. As I looked upon him for the last time, with the dews of life's evening condensing on his brow and the shadows of death falling around him, his simple words of faith in God were more beautiful to me than the most impassioned eloquence that ever fell from the lips of the brilliant Ingersoll."—Alabama Baptist.

EXTENSION OF REMARKS.

Mr. LAYTON. Mr. Speaker, before leaving Congress I feel it to be an imperative personal duty again to lay before Congress and the public certain facts and observations regarding not only the Sterling-Towner bill, concerning which I have already spoken briefly, but what is known as the Fess amendment, the Fess general welfare bill, and what is ascribed to the President as a plan to create a department of general welfare "which," to use the language of one of its women advocates, "is to look after health, education, both physical and mental, and the things closest to human life." All of these measures are pernicious in character and if enacted into law will mark the decline and fall of constitutional government in the United States.

Insidiously and with relentless purpose many powerful elements in the country are combining in support of all of this legislation. They are not all of the same profession, nor animated by the same desires. We find in support of these measures the theoretical professorial class whose vanity is tickled by the assumption that it has discovered something new for the benefit of mankind. We have the self-interested classes who, without reflection or a care for consequences, seek only an enlargement of pay-roll opportunity. We have all of those socialistic, Bolshevistic, and paternalistic classes who favor any legislation that looks to the destruction of constitutional government. Added to these are the leaders of various so-called blocs, whether of labor or agriculture or of industry, whose measure of power depends upon the increased powers of Congress which they can bend to their will more easily than a supreme court created to preserve constitutional liberty. Finally, we have a large number of simple-minded, good-hearted people, to whom numerous idealistic and altruistic appeals are irresistible. Together they make a powerful force, and, judging from the past, will make an irresistible one unless the real substantial citizenship and productive forces of the country are organized against it.

Let me take up the Sterling-Towner bill, which proposes to nationalize education. Briefly this bill creates a new department of the Federal Government of equal authority, power, and prestige that the other departments of the Government poss The secretary of education so created would have a seat in the President's Cabinet, becoming, therefore, one of the President's councilors upon all questions affecting the Nation. He would receive a salary of \$12,000 per annum, which is the same that the Secretaries of other departments now receive.

There would be an assistant secretary of education, whose salary would be later fixed by Congress, but which undoubtedly would be commensurate with the salaries of assistant secretaries of the other departments. There would also be of necessity a growing differentiation of the work of the department, which would result in the creation of many and varied bureaus, each one of them having a chief or a head, with salaries commensurate with their respective positions. Added to this would be a constantly increasing clerical force commensurate with the differentiations of the department. What I desire to impress upon you is the fact, with which you are already acquainted, that the creation of this department of the Government would inevitably follow the evolution and the growth witnessed in every other department of the Government since they were created. It is not too much to say that not since they were created. It is not too much to say that not only the possibilities but the probabilities of the growth of this one department, if created, would exceed that of any other under the Federal Government, because it would comprehend within its scope of facts not only every new development in the realm of knowledge but the administrative activities within every little school district in every State of the Federal Union as well. Especially will this be true if a department of public welfare be created according to the President's plan, which will include maternity, childhood, child labor, mothers' pensions, old-age pensions, old-age insurance, home economics, medicine, surgery, and, as I have already quoted, "all the

things closest to human life." There is no escape from this conclusion, unless the advocates of this measure assume that the inherent expansion of all other departments, bureaus, and commissions of the Federal Government will not attend upon this department.

This would mean, therefore, that for the department of education alone the first appropriation of \$100,000,000 would be increased inevitably year by year because of the expansion and growth inherent in the proposition, until national taxation for this purpose alone would run ultimately into billions of dollars. Add to this all of those things I have already mentioned, and which are proposed to be undertaken by the Federal Government by legislation already on the calendars of both Houses according to the reputed presidential plan of a general welfare department which shall take within its care "all the things closest to human life"—and you will see a people ultimately staggering under such taxation as to compel another revolution for adequate relief. The Revolution of 1776 was against an imbecile king. It is not certain that there will not have to be another revolution against a future imbecile Congress and President. The tyranny of a king is no more intolerable than the tyranny of a majority. This was plainly foreseen and feared and the endeavor made to provide against it by the framers of our Constitution. The pace, and a fast one, has already been set for this sort of legislation, gentle-men of the House, and if you keep it up you will either be displaced from your seats or an indignant people will have lost all the blessings of their birthright, and sooner or later will be compelled to overthrow a government which has become intolerable by senseless violations of the covenant of their union. If this legislation is enacted, and the measures proposed by the gentleman from Ohio [Mr. Fess], and that by the gentleman from Iowa [Mr. Towner], and other related schemes of the same bureaucratic character, the hopes of the citizen for lessened taxation and economical appropriation will forever go glimmering. To such an extent would Federal taxation expand and draw upon the resources of the taxables that sooner or later the peoples of the communities and of the States would find it impossible to meet these demands and at the same time retain the ability to levy taxes for their own community and State purposes.

What I wish to emphasize is that if this and other numerous forms of legislation of a bureaucratic and paternalistic character are to be accepted as the basis of a new policy for national government, the time will come, and it is not far distant, when the peoples of the various States and communities will have no money for their own expenditure, because the demands of the Federal Government will be all, if not more, than they

can endure.

I do not mean to have it understood that I am opposed to education. It would be unfair and unjust to place me in such a position because I oppose the nationalization of education. It would be as absurd as to charge me with being an atheist because I was opposed to nationalizing religion. On the contrary, I am in favor of education, and believe that it should be the supreme purpose of every boy and girl in the land to secure an education, just as it should be a matter of pride and settled purpose for every man and woman to secure a home and the means of a comfortable living. What I do desire to have understood is that neither the State nor the Federal Government should be responsible any more for education than for Every State in the Union already provides food and clothing. not only food and clothing but shelter as well for the indigent and helpless—a humane and altogether proper provision.

I do not believe that the Federal Government has any right to interfere in what should be essentially and primarily the direct concern of the communities within the States. further and say that I believe that the respective States themselves should limit their State activities in this direction and place not only more responsibility directly upon the people but protect the people in the matter of taxation and expenditure for this and other State purposes which are essentially matters of community interest. In other words, I do not believe that the State itself has any duty to perform or should have any concern over the matter of education except to see to it that its future citizens are made sufficiently literate to fit themselves for the proper exercise of the right of suffrage. If it can be constitutionally upheld that the State should educate its children up to and including 12 grades of knowledge, why stop before the highest college course is reached? Further, if this principle be admitted, why should not the State tax its people to educate its ministers, its lawyers, its dectors, its scientific men in all employments, just as there seems to be a growing assumption that the State should give vocational training to all its boys and girls. How did the people of the

United States become what they are, not in aggregate but in distributed wealth, not alone in power but in diffused prosperity, and an unchallenged esteem throughout the whole world for the blessings enjoyed by our people? Is it possible that our institutions have been wrong; that our former government was founded upon false principles; that, like Topsy, we have "just growed"; that grapes have been growing from thorns and figs from thistles for more than 150 years?

Let us give a little serious reflection to the fact that without these new schemes of government with which we are being so afflicted we have become a Nation such as no other in the world exceeds. And right here let me emphasize another thought, that national control of education is not the cure for every national ill, nor is it necessarily a matter prerequisite to the preservation of American civilization. There is no dispute except by a Gompers, a Marx, or a Lenin that this Government has not had a marvelous record of human attainment for all purposes for which governments have been instituted. There is no questioning our prosperity, our greatly distributed power, nor the more important fact, our peace and happiness in a land where from the foundation of our Government there has been secured more safety to the individual, more peace to the home, and a greater protection to the life and the property of the individual than has been given by the most favored government hitherto throughout the ancient or modern world. Therefore, let me ask again, how is it that we have attained to and obtained all of these things if illiteracy was a menace to good government? That illiteracy was not an obstacle to the foundation of our Government is very clear. The illiteracy of the Colonies at the time they met the armed forces of the most powerful nation of the world was not less than 75 per cent of the three million and a half who were involved in that great struggle. At the time of the adoption of our present Constitution in 1789 the illiteracy of the country was hardly less than in the colonial period. I again ask you to remember that the greatest and the most beneficent government that the world has ever known was instituted on a 75 per cent illiteracy and decade by decade has expanded and preserved itself on a far greater illiteracy than now exists. Again I ask, can grapes grow from thorns or figs from thistles? Cold logic historically would seem to prove that an illiteracy of 75 per cent was beneficent rather than harmful.

Ever since time began the human race has been subject to periods of mental prepossession. The receding wave of Coueism is now visible. We had a Perkins in the eighteenth century. It was the fashion at one time, especially for fashionable people, to have appendixes removed whether there was anything the matter with them or not. There are constantly changing fashions in dress and customs. There are temporary prepossessions in medicine and even in religion. Just now we are in the throes of violent spasms over education throughout the whole country, intensified and propagated chiefly by those who are self-interested—by the thoughtless and conscienceless politician—abetted by the dreamers and altruists, who fondly think that they are engaged in a great, noble, and necessary propaganda which will have for its results a real millennium; but chiefly by professorial educators and teachers seeking an enlarged opportunity under a Government pay roll.

Gentlemen of the House, let me remind you of two established facts: First, you can not educate every child alike nor to the same degree. Cold scientific ascertainment shows a biological inability to be highly educated on the part of a large proportion of the youth of the land. Second, no greater disaster could fall upon this country than to have every boy and girl possessed of a Harvard diploma, assuming that they were able to secure the same. This is a world, my friends, that you and I did not make. The Creator made the world and all that therein is. He made it according to His plan; and as far as His fundamental laws are concerned, you and I are powerless to change them. He did not make all men free and equal, although that beautiful euphuism appears in our Declaration of

Independence.

The weakling is not equal physically to him who is strong. The lame, the halt, and the blind are not equal, either in fact or in their power to seize upon opportunity, to the individual who can run and who can see. The vicious born is not equal spiritually to him who is congenitally good. The idiot, the moron, the mentally defective is not equal to him who is endowed with congenital intelligence. All that that beautiful sentiment means is that under our institutions and laws everyone shall be equal in sharing their beneficence—the guaranties which they give for the protection of life, for the preservation of liberty, for the unimpeded pursuit of happiness, and for that chance of opportunity commensurate with the individual capacity. For years the world was under the delusion of the

fallacy promulgated by Lamark, whose biological theory was that education would produce intelligence. The Socratic method, thousands of years old, is now known to have been established on a scientifically sound basis. It is now an established fact coming from physiological, sociological, psychological, and biological sources that education is one thing and intelligence quite another; that education can progress exactly and only in proportion to the congenital capacity of the individual to acquire education; that intelligence is born within the individual and can not be acquired by any process of culture, education, or by any environment whatsoever, any more than by any process of training, of feeding, or of culture whatsoever you could convert the finest beagle hound into a blue ribbon Irish setter.

I say this is an accepted scientific truth, and I only mention it in order to show not only the futility of hope and desire entertained by a large number of our educators who seem to think that by education you can increase the Aristotles, the Platos, the Ciceros, the Bacons, the Shakespeares, the Humboldts, the Lincolns, and the Roosevelts of the world, but also to show the waste of the taxables' money that is created by attempting to do impossible things. The great men whom I have just mentioned were born, not made. Their respective opportunities for culture and for knowledge only added to their greatness. Their greatness was inherent and could come from

no o er source than their congenital inheritance.

Addressing myself again to the Sterling-Towner bill in particular, let me speak more plainly of a matter which the proponents of the bill claim robs it of all undestrability and all harm. I refer to the claim made that under the provisions of this bill the rights of the communities and the States are specifically safeguarded. I desire to be perfectly frank and admit that the bill does so provide in more than one section as far as words go. I desire, however, to declare also that every such apparent prohibition against national interference in the matter of community and State education contained in .his bill is a gross deception and altogether impudent when carefully looked at with the eyes of experience. Let us consider this matter with the clear eyes of common sense. Let us not be

deluded or confused by words.

The plain facts are that if this bill becomes a law the secretary of education will necessarily be a man not only of educational fitness but a man of marked individual character, a man of strong will, a man of defined and resolute purposes, who will at once begin to carry out his ideas in respect to everything comprehended within the great word called education, and therefore will endeavor to establish his unrestricted influence within the sphere of his activities. Let me call your attention to the influence of a President upon Congress, owing to the patronage and other favors at his disposal. As men of experience recall the power of a governor within a State and his influence by reason of that power. There is not a human activity that does not have attached to it the power of influence. How many of the superintendents of education in the various States of the Union would resist the blandishments, the cajolements, and the opportunities enticingly displayed for elevation to some high position under a department where many such positions would be at the disposal of a secretary of a great and constantly growing department? Superintendents of public schools, whether State or county, are human, and a secretary of education, without coercion, without seeming ference on his part, would be able to establish any policy he He could institute textbooks for the inculcation of principle of political economy, of history, or of anything within the scope of a school curriculum, and thus secure control over education generally without seeming to have interfered to any degree whatever.

If every line of the bill was a prohibition against interference with the communities and the States, the practical control of a hundred millions of dollars to begin with, the great number of appointments at his disposal, together with the high prestige he would enjoy as a Cabinet officer, would inevitably make a secretary of education supreme by every rule of experience and common sense. There is not a small bureau established under the Federal Government that has not gradually expanded its power beyond the limitations of the act which created it, and which has not gradually encroached upon the individual rights that were specifically safeguarded therein. Let me give you an instance which I know to be fresh in your minds in respect to the statement which I have just made.

In 1913 the Child's Welfare Bureau was created, chiefly through the propaganda of Madam Kollantai, a grossly corrupt and profligate Russian Bolshevik now enjoying the connubial bliss of an eighth husband. While she was in this country

acting in cooperation with various men and women whose interest in and admiration for foreign persons and ideas are distinguishing characteristics, the establishment of this bureau was consummated. When Mrs. Julia Lathrop, Miss Alice Paul, Miss Grace Abbott, and numerous other women id genus omne, and some men of the same genus, appeared before the committee that had such matters in charge they positively declared—the printed hearings will prove it—that they wanted only to establish a little bureau for the statistical purposes of childhood and motherhood; that all they desired was an appropriation of \$25,000 a year, and that this \$25,000 a year would be all they would ever require for such a purpose.

This was in 1913. After eight years only, this same crowd of people, augmented by thousands of others who saw a way to get upon the Federal pay roll, and so secure a Federal livelihood, came before Congress and asked for \$150,000,000 under the guise of a maternity bill, and tried to convince the committee before whom they appeared that there was such an alarming mortality affecting the expectant mother and the new-born babe, that if not checked by the enactment of the law which they demanded, the extinction of the human race, in the United States at least, was a matter of serious apprehension. All this was put forth impudently in the face of the knowledge possessed even by fools that motherhood and childhood were at that very moment at-tended by less mortality, were better safeguarded by scientific discoveries in sanitation, dietetics, and medicine, through the individual efforts of the great medical profession throughout the world, than in any other period hitherto in human history. They did not hesitate, in fact, to falsify statistics bearing upon the subject, and in some cases actually to conceal them so as to better forward their desires. In eight years the demands for a \$25,000 bureau per annum expanded into a \$150,000,000 proposition per annum. The Congress, playing its usual game of politics, granted a million and half of dollars as a complacent compromise between their consciences and the fear of club-icomen voters.

In answer to the claims made by some of the proponents of this measure that there is no desire to curtail or interfere in the slightest degree with the power of the community or State in educational matters, I desire to say that it is unfortunate for those propenents who took this position that they should not have conspired together more intimately and learned to speak phonographically the same piece. When this educational bill first came to my attention I sent out nearly 2,000 questionnaires for the purpose of ascertaining the sentiment of the public. A questionnaire was sent to the president of every American college, to the editor of every daily newspaper, to the governor of every State, and to every State superintendent of public schools. In reply to this questionnaire there were numerous advocates of the absolute control of education by the Federal Government as against the rights of the community and the State. Let me quote a few of them.

L. B. Powers, president Kansas Wesley University, says: "I am in hearty sympathy with the main tenets of the Smith-Towner bill and other proposed legislation looking toward the nationalization of education," because, among other reasons, he says, "a much more complete standardization of schools could be achieved."

F. G. Coffin, president Cornell College, Mount Vernon, Iowa, says: "Upon the general subject I may say that the central government might well have a place in relationship to our States and have a joint authority or an associate authority * * * greatly to their advantage. State rights have almost entirely disappeared in almost every department of our national life, and it is an anachronism to have it prevailing in educational circles." * * *

Howard A. N. Briggs, Strait College, New Orleans, says: "I favor placing education under a central authority of the Government, taking it out of the hands of the communities and the States".

W. H. Black, president Missouri Valley College, Marshall, Mo., says: "* * * I have no hesitation in approving the nationalization of education. * * * It seems to me that * * * there should be national standards for courses of study, for teacher qualifications and certifications, and also standards of salaries and pensions."

J. N. Tilden, president Lombard College, Galesburg, Ill., says: "In reply to your circular letter of December 9, I am pleased to state that I am unalterably in favor of the nationalization of education."

R. M. Montgomery, president Parsons College, Iowa, says: "It properly relates the great subject to the administration of our Government."

R. T. Camel, president Sterling College, Kans., says: "The nationalization of education, in my judgment, would be a great help to our educational institutions."

John W. Hoffman, president Wesley University, Delaware, Ohio, says: "I am certainly in favor of the nationalization of education. * * * I am thoroughly committed to the idea of centralization in this respect."

A. E. Turner, president Lincoln College, Lincoln, Ill., says: "Referring to your inquiry of December 9, I beg to say that it is the feeling of this institution to place education under a central authority of the Government."

U. S. Smith, president Iowa Wesley College, says: "Suffice to say that I am in sympathy with the bill and believe that a nationalization of our educational system would be in keeping with the advancement of the age."

Frederick Lent, president Elmira College, New York, says:
"I am in favor of the nationalization of education." * * *
To these frank expressions I could add largely, but I have

not the space in this address. When the proponents themselves are divided upon the question and some of them frankly avow their purpose to nationalize education, openly advocating the placing of education under the control of national authority, distinctly demanding that all community and State activity be eliminated in order that principles and policies, textbooks and salaries, certifications and pensions may be standardized, and taxation and expenditure be placed entirely in the hands of a majority of Congress, it behooves every intelligent man and woman to consider whether this Prussianizing of education in the United States is desirable; and if not, to organize against it. Personally, I deny the right of the professional educator, whether of high or low degree, to dictate a policy the burdens of which the taxpayer will have to bear, especially when that policy must necessarily result in widespread and deteriorating effects upon the individual character of the American citizen. In concluding this part of my remarks let me say that an analysis of the opinions of the presidents of colleges shows a marked opposition to this bill on the part of the great colleges of the country, such as those of Harvard, Yale, Princeton, Columbia, and Williams, with a lessening opposition as you go down the scale of institutional importance.

I received also a large number of replies from presidents of colleges who favored the nationalization of education but who, fatuously, did not believe that this would interfere in the slightest degree with the liberty of the communities and of the States—a reductio ad absurdum.

Of the replies I received from the daily newspapers of the United States a large majority were opposed to the measure. Of the governors, so far as answers were received, a majority did not favor the proposition. Finally, of the superintendents of education of the several States an overwhelming majority of them favored the bill. A scrutiny of these replies revealed fact that those who were looking after jobs were overwhelmingly behind the legislation, while those who were looking after consequences were opposed to it. It might just as well be said now, so that the general public may know it, that all the 4,000 counties of the United States are being organized by their respective superintendents of education and their assistants in order to secure the passage of this bill, making it, beyond all question, a professional propaganda. This is not only dangerous, but it does not in any way determine the will of the tax-payer. Take as an illustration any town or community, and the entire profession of teachers will not comprehend more than one-half of 1 per cent of the tax-paying community. It is proposed that this one-half of 1 per cent shall determine the passage of a law affecting the rest of a community. And yet, notwithstanding its absurdity, this is likely to be effected unless the taxpayers themselves rise up and by equal organization defeat the passage of such legislation, the burdens of which, if consummated, they themselves will have to bear, leaving out of the discussion any comment upon the disastrous effects of such a national policy.

Having inserted letters and quotations from those in favor of nationalizing education, I think it proper to insert here a few letters and quotations from distinguished educators and journalists who oppose the creation of a department of education, in order that their views may be given through the means of the Congressional Record to the people of the entire country, and provoke, if possible, universal thought and discussion for the salvation of our constitutional citizenship.

Nicholas Murray Butler, president of Columbia University, in his annual report of that institution last January put himself on record as follows: The plan to nationalize education "is to bureaucratize and bring into uniformity the educational system of the whole United States while making the most solmen assurances that nothing of the kind is intended." He says further, "The free and natural system of education that has grown up among us should be continued," for, "the glory and successes of education in the United States are due to

its reflection to the needs and ambitions and capacities of local communities, and to its being kept in close and constant touch with the people themselves.

> HARVARD UNIVERSITY, PRESIDENT'S OFFICE, Cambridge, December 12, 1921.

Hon. CALEB R. LAYTON,

Congress of the United States,
House of Representatives, Washington, D. C.

DEAR MR. LAYTON: Your letter about the Smith-Towner bill has come. I do not believe in the provision in that bill to create a Department of Education, with a member of the Cabinet at its head. I believe that would be simply putting education into politics; nor am I yet convinced of the wisdom of a national appropriation for education on the lines laid down in that bill.

Very truly yours,

A. LAWRENCE LOWELL.

PRINCETON UNIVERSITY PRESIDENT'S ROOM, Princeton, N. J., December 10, 1921.

Hon. CALEB R. LAYTON,

House of Representatives, Washington, D. C.

MY DEAR MR. LAYTON: I have just received your letter, and am glad to give you the following statement concerning the Smith-Towner bill:

I have expressed myself as opposed to this bill because, in my opinion, a centralized bureau having supervision of the education of the country would be always subject to political interests and ultimately to political control. The result for America would be, in all probability, similar to that in Ger-

The German system of centralized educational control is, of course, carried to the extreme, but it shows the tendency of such an organization. In Germany the results have proved disastrous not only to education but to the general spirit and morale of the German people. As a particular instance, I would cite the letter which the 93 professors of various German universities sent out to the so-called intellectual world at the beginning of the war—a letter they were all compelled to sign by a central educational authority. While we might not have the same disastrous experience in America, the Smith-Towner bill opens up possibilities in this direction.

Sincerely yours,

JOHN GRIER HIBBEN.

THE UNIVERSITY OF CHICAGO, OFFICE OF THE PRESIDENT, Chicago, Ill., December 12, 1921.

Mr. CALEB R. LAYTON,

House of Representatives, Washington, D. C.

DEAR SIR: Your favor of the 9th instant is received. not in favor of transferring the control of education from the States to the Federal Government. Neither am I in favor of the principle of Federal subsidies to the States for educational or other purposes. Education, it seems to me, is far more effective when controlled and financed by the communities immediately concerned. The steady drift toward remote control of local affairs from Washington is wrong in principle and injurious in It is contrary, I believe, to the fundamental principle of our Constitution, which implies local self-government and not Prussian centralization. The injurious effect of subsidies is so obvious and has so many implications that I need not discuss it here. It seems to me that the Federal Government should confine itself to those vital necessities which concern it alone and leave as much as possible to the States and to local initiative.

Very truly yours,

HARRY PRATT JUDSON.

MUHLENBERG COLLEGE, Allentown, Pa., December 12, 1921.

HOB. CALEB P. LAYTON,

House of Representatives, Washington, D. C.

DEAR SIR: In replying to your letter I would say that I am at present in a position to know the general sentiment of the colleges of Pennsylvania, as I happen to be for this year president of the College Presidents' Association of Pennsylvania.

Our opinion is that while certain advantages may seem to

be derived from the Smith-Towner and similar bills in unifying the education of our country, and in helping us to greater com-mon standards, neverthless we believe that there is a great danger in the present strong movements toward taking away from States and communities many of the privileges which they have hitherto exercised.

The reason is that a people should be allowed as much local freedom as possible in developing our American educational system. It is the close touch with educational problems, with educational problems which touch every sphere of education, that insures those rights which we as American people possess in education as a part of our democracy.

It is our opinion in Pennsylvania that there are too many movements that look toward strong paternalization and toward an oversocialization of our modern life. We see in all of these movements in education the approach to a situation which

shall rob us of our personal freedom.

It must be remembered that there are many private institutions of learning which are supported by the gifts of many people, and which form a real contribution to American education without imposing general taxation. Is it right that a central government shall pass laws which will affect at least indirectly the life of these institutions?

While the Smith-Towner bill guarantees local State rights in education, yet the effect of central appropriation of money will after all make State authorities quite willing to follow the indications of the Federal Commissioner of Education.

Furthermore, if the Federal Government will appropriate moneys to States without control it is not a fair procedure, for the money will be expended and given to the States to do with as they please. However, the Smith-Towner bill does not provide for such freedom at all. There will come about through these new plans a double taxation of the people for the same cause, which is always unfortunate.

We hold in Pennsylvania that common standards can best be arrived at through free conferences rather than through pressure from above. We are already being overregulated by numbers of societies and standard-fixing agencies outside of our own States, and we feel that any kind of additional Federal control will add further confusion and difficulty.

Yours very sincerely,

JOHN A. W. HAAS, President.

WILLIAMS COLLEGE. OFFICE OF THE PRESIDENT, Williamstown, Mass., March 4, 1922.

Hon. CALEB R. LAYTON,

Representative from Delaware, House of Representatives, Washington, D. C.

DEAR SIR: During my absence abroad you made inquiry of me concerning the Smith-Towner bill and other bills of a similar character now on the congressional calendar. Possibly it is too late to reply, but the subject is of first-rate importance, and therefore I send you the following brief comment in answer to your specific question whether or not I favor placing education under a central authority of the Government and taking it out of the hands of the communities and the States.

There is a place for both the private and the State university. While I am aware that the advocates of the Smith-Towner bill deny any purpose to interfere with the educational policies now laid down by the States, my judgment is that if that or any similar bill is passed the advisory attitude will in course of time give way to supervision, and that our State universities will therefore be compelled to conform to a general educational policy rather than to the policies suited to the needs of the several States. We are too vast a territory to make it reasonable to impose a uniform educational system upon the schools With even more and colleges of all sections of our country. force this observation would apply to privately endowed colleges and universities.

Granted the value of a state educational system among the European States, it by no means follows that such a system would be applicable here. To make the comparison one would have to consider the effect of a proposal to impose a single educational system upon all of western Europe, while, of course, admitting that the differences there are greater than with us. But my chief objection lies in a different direction.

Since the war we have heard much comment upon Americanization. What does it mean? It may have a very good meaning or a very sinister one. Washington, the Adams family, and Lincoln were products of uncontaminated Americanism. pose they had been trained under a single, central policy, formulated by a group of officials entertaining their own particular notions of Americanization. It seems clear to me that under those circumstances those three types could not have been produced. A centralized uniform system means a centralized policy. A centralized educational policy will stunt our best growths and destroy the variety making for the richness as well as the strength of American life. We need more Lincolns, but we also need more Washingtons and Adamses.

We can carry to every section of our country necessary financial support and what is of even greater importance, the influence and training of the best which each section affords without the menace of a centralized educational system. In my judgment we are throwing away part of our birthright if we adopt such a policy. The Bureau of Education as a central, advisory body, organized as at present, is doing valuable service on right lines and within proper limits.

Sincerely yours,

H. A. GARFIELD.

THE JOHNS HOPKINS UNIVERSITY. PRESIDENT'S OFFICE. Baltimore, Md., December 10, 1921.

Hon. CALEB R. LAYTON,

House of Representatives, Washington, D. C.

DEAR SIR: I have your letter of December 8 asking my opinion with regard to the nationalization of education as expressed in the Smith-Towner bill and other bills of similar character now on the congressional calendar.

I am personally opposed to the proposal. In the first place, there will be a necessity for a further centralization of our Government in the hands of the Washington authorities along other lines, such as transportation and perhaps public health. I feel that the centralization which will necessarily take place will put upon the Federal Government all the burden which it should be expected to bear.

I do not believe that centralization of the educational system is necessary nor at the present time desirable. I further feel that it is very unwise to carry this centralization any further than is absolutely necessary, and that, owing to the present conditions of the finances of the United States Government, it should not assume any further burdens than it is absolutely necessary that it should assume.

I am, yours very truly,

FRANK J. GOODNOW.

CONCORDIA COLLEGE. Fort Wayne, Ind., December 20, 1921.

Hon. CALEB LAYTON,

House of Representatives, Washington, D. C.

SIR: In a recent letter you asked the opinion of Prof. M. Luecke, president of Concordia College, on the Smith-Towner

We are opposed to the Smith-Towner bill, which "places education under a central authority of the Government and takes it out of the hands of communities and States," because a subsidy of the Federal Government to the States would empower the former to specify the conditions on which their financial assistance would be contingent. But the same conditions do not obtain in all counties and States, and the vital interests of certain communities and States might be affected adversely by the official action of a central authority in education, which must necessarily apply equally to all communities and States.

On behalf of the faculty of Concordia College,

Very respectfully yours, [SEAL.]

M. LUECKE. President.

SIMMONS COLLEGE, OFFICE OF THE PRESIDENT, Boston, Mass., December 12, 1921.

Hon. CALEB R. LAYTON,

House of Representatives, Washington, D. C.

MY DEAR SIR: In reply to the question in your letter of December 9, I would say that I am entirely opposed to the transfer of educational responsibility from the State and its communities to a Federal authority. ties to a Federal authority. * * * Any further transfer of responsibility and control to an authority outside of the State would, in my mind, be a very great misfortune, because I be-lieve that the responsibility of the community for the training of its children is one of the best elements in promoting true citizenship. I hope that the States are not to be bribed to surrender their present control of this important function.

Yours truly,

HENRY LEFAVOUR.

OKLAHOMA AGRICULTURAL AND MECHANICAL COLLEGE, OFFICE OF THE PRESIDENT, Stillwater, December 16, 1921.

HOD. CALEB R. LAYTON,

House of Representatives, Washington, D. C.

MY DEAR SIR: Your letter to hand regarding the Smith-Towner bills and other bills of similar character now on the congressional calendar, and in reply will say that I am absolutely opposed to any form of legislation which places education

under central authority of the Government and takes it out of the hands of the communities and the States.

I regard it as one of the most dangerous tendencies in our modern educational policies. As to my reasons against such legislation, it seems to me that the stating of the objection carries the reason therefor, and that is: Communities and States should be allowed to direct their educational policies, whether they have much money or little money. I for one prefer to have no money and local and State autonomy to a large budget, the control thereof centralized at Washington, or any other place, for that matter.

Furthermore, my own feeling is that should the time come when the United States Government can control one type of education it will control another, and the step to the control of it all will soon be accomplished. When that is done, in my judgment it means the fading away of the Republic and the bringing in of the empire. We have had a sample, to the sorrow of the world, of centrally controlled education, such as was developed in Germany, and it seems to me that a little reflection upon the disastrous effects of such a policy would be enough to cause educators, legislators, and all friends of freedom to stop and think. These and other reasons might be assigned, but I am sure you understand what I mean.

Thanking you for having written me, and with my best

wishes, I am,

Cordially and sincerely,

J. B. ESKRIDGE, President.

FORDHAM UNIVERSITY, PRESIDENT'S OFFICE, Fordham, N. Y., December 12, 1921.

Hon. CALEB R. LAYTON,

House of Representatives, Washington, D. C.

DEAR SIR: I am decidedly opposed to the plan of centering the educational power of the country at Washington.

The plan is unnecessary. Local control is much better be-cause the appreciation of the local needs will be much keener on the part of those concerned than would be the case if there were a central board of control located at Washington. You will appreciate this from your own legislative experience.

The plan is dangerous. It savors too much of the Bismarckian scheme which placed the German Nation where we find it

to-day.

Uniformity in the system of education is bad for any country and the result of this plan must be a uniform system of education.

The appropriation is inadequate for the purposes specified. Even the present figures impose an unnecessary burden of taxa-

Education is thus brought into the realm of national politics, a circumstance which we would certainly have speedy reason

When our desire now is to teach the growing generation what the real American should be, it seems sad that our legislators even consent to discuss a plan which is so thoroughly un-American.

My personal opinion in this matter is vastly strengthened by the fact that so many of the real educators of the country, not those who exploit education for their own selfish ends, are thoroughly opposed to the spirit and principle of the bill. Such men, in constant touch with the problems of education, are much better qualified to pass judgment on such a matter than are they who are members of various associations who discuss without proper knowledge the serious questions involved in this branch of the national welfare.

Finally, it behooves us to see to it that no further inroads be made on the Constitution of the United States. If we continue to pass such measures as the Sheppard-Towner maternity bill and the Towner-Sterling bill, we might as well fling the Constitution to the winds and devise some other scheme of

Trusting that the above will be of some assistance to you in opposing, as I feel you will, what every true American ought to oppose, I am.

Very sincerely yours, E. P. TIVNAN, Jr., President.

> GUILFORD COLLEGE, OFFICE OF THE PRESIDENT, Guilford College, N. C., December 12, 1921.

Hon. C. R. Layton, Representative to Congress from Delaware,

House of Representatives, Washington, D. C.

Dear Sir: I have your letter of December 9 inquiring concerning my opinion on national or central authority or control of education.

In reply I wish to say that I am emphatically opposed to it. Germany gives us a fine illustration of the evils of national control in education. Whenever a group of Government officers can dictate to the public how they shall spend their money for education and the things that they shall teach, democracy is doomed. I am not opposed to strong centralization of control of our industries, transportation, etc., but when it comes to religion and education the people must be free to conduct it in a way that most strongly realizes their highest ideals. In education more than in religion diversity of instruction and purpose is essential to the development of a freethinking people.

Very sincerely yours,

RAYMOND BINFORD.

WHITMAN COLLEGE, OFFICE OF THE PRESIDENT, Walla Walla, Wash., December 14, 1921.

Hon. CALEB R. LAYTON,

House of Representatives Building,

Washington, D. C.

DEAR SIR: I am glad to receive your letter of December 9 asking my opinion concerning the Smith-Towner bill. I am heartily opposed to that bill and to the nationalization of education which it provides. Inclosed is a letter which I have addressed to members of the Educational Committees of the House and Senate.

With high regards, I am, very truly yours,

STEPHEN B. L. PENROSE.

WHITMAN COLLEGE, OFFICE OF THE PRESIDENT, Walla Walla, Wash., December 2, 1921.

DEAR SIR: I have recently received a copy of a bill known as the Towner-Sterling bill, and also a pamphlet entitled "Facts about the educational bill," prepared in Boston, Mass., by a "National Committee for a Department of Education." have long been familiar with the movement to create a department of education, with a secretary in the President's Cabinet, and am strongly opposed to it. Will you allow me to

present some of the reasons for my opposition?

For 27 years I have been president of Whitman College, a nonsectarian but Christian institution of higher education. During this time I have taught the history and principles of education and have studied education broadly and minutely, both in the Northwest and in the country at large. I am by birth and upbringing a Pennsylvania Republican, born in Philadelphia, and therefore I might be expected to favor the centralization of power in the hands of the Government; nevertheless, I believe that the Towner-Sterling bill is inexpedient, un-necessary, and prejudicial to the best interest of education and the Nation.

First. It is inexpedient. The bill proposes the annual expenditure, for an indefinite time, of \$100,500,000. This expenditure is not for one year or for a term of years, but runs on without limitation as a permanent feature of our national life. seems to me that, in the present juncture of immense national indebtedness and extraordinary taxation necessary for carrying our war debt and the increased cost of Government, it is unwise to burden the Nation with such an expenditure unless it can be proven to be absolutely necessary.

Second. The proposed expenditure is unnecessary

From the begining of our history education has been a func-tion first of the locality and then of the State. The advocates of the bill assume that all functions of the national life, including education, must be directed by the National Government from Washington, and that a Government department of education is necessary to create a proper interest in education. But education has been a primary interest of the American people from the earliest days, and has not waited for the National Government to call it into being. The interest of the people has been widespread and generous to an unparalleled degree. burden of proof must rest upon supporters of the bill.

It is true that several educational activities, chiefly of research, are carried on at present by several departments of the Federal Government, and that wasteful overlapping is a result. But it is not necessary to organize a department of education in order to unify these activities. Let the disposition to unify such activities appear, and the problem can be solved economi-

cally and effectively.

Third, The proposed bill is dangerous in its tendencies.

(a) Local initiative has heretofore characterized education in the United States. This bill will teach the States and their normal schools to look to the National Government for yearly support. It will stimulate a feeling of dependence rather than

of independence and thus tend to pauperize the people of the

(b) It places the responsibility for educational development upon the wrong shoulders. Make the people of each district and of each State feel that they must manage their own affairs as best they can and they will manage them better than if they expect continual relief from a benevolent and paternal Government.

(c) The independence of the States is undermined by the proposed measure. Money in large amounts is offered to them for unnecessary objects. Their normal schools need no aid for unhecessary objects. Their normal schools need no all from the United States Government. The problem of illiteracy should be met at its source; namely, Ellis Island and the gates which admit immigrants, rather than thus tardily. "An ounce of prevention is worth a pound of cure." Moreover, the present efforts of the States to Americanize their foreign element do not require the vast scheme of aid proposed in this bill.

Arouse the States to the problems which are involved by the presence of an ignorant body of foreigners within their borders; when they realize their danger, they will find adequate means to overcome it. At present they are often unaware of the economic and moral loss which they sustain by the presence of this unassimilated element. They need enlightenment rather than Government bounty. Unnecessary and lavish expenditure on the part of the General Government is a danger

For these reasons I earnestly hope that you will oppose the passage of any bill to establish a national department of edu-

STEPHEN B. L. PENROSE, President.

HOPE COLLEGE, OFFICE OF THE PRESIDENT, Holland, Mich.

MY DEAR SOR: In reply to your letter of the 9th instant, I am glad to give a brief statement of my personal attitude in the matter.

1. I am opposed to "nationalization of education" because each community faces conditions peculiar to itself and must be allowed to develop itself in detail to suit these conditions. A few general broad principles might be enunciated from time to time by a conference board which could guide but should have no legislative or executive power. Nationalization means bureaucracy and a scaling down of standards rather than a free scope for higher-and perhaps newer-ideas and ideals in education.

2. Nationalization means standardization. Standardization may be desirable in machinery, but men and women are individuals, and above all human individuals for whom standardization would be fatal. Any real "educator" is wary of "methods" because they produce types rather than men. Again, a properly constituted board could suggest models which might be of assistance in might be of assistance in many quarters, e. g., "standard buildings," but there should be no constraint. If a California community wished to adapt its whole educational scheme to its out-door possibilities, it should be free to do so. If a Chicago board desired to stress "vocationalism" to the elimination of e erything else it should have the privilege, while a farming community might wish to develop the purely agricultural aspect.

3. The taxing power should remain local, unaided by Federal grants, for in this way any community can get just what it wants and what is fitted for it. A large increase of expenditures upon some rural communities would be sheer waste of Federal funds. The national experience in "pork-barrel" politics should give instances enough of this phase of the question.

4. Carried to its limit the idea of Federal control will work out into a low-grade mass of teachers safeguarded by a minimum wage, carried along by a pensioner's hope, and operated by a time clock's "off-and-on" movement, which must be de-

structive of real personal power.

Paternalism is fatal to real democracy, and in education more than anywhere else it will eat at the very root of our national spirit and reduce us to a group without individualism or initia-Better an inadequate building with real "American and girls than a "standard school" with truancy laws and every boy outwitting the truant officer; better a teacher with real love for his work and interest in boys and girls than a "trained expert" and cut-and-dried methods guaranteed to turn out "graduates" (mostly famed for batting averages or beautycontest votes); better a community idea in education, even though it fall a little below up-to-the-minute tests, than a servile or snobbish aping of metropolitan "ideals."

5. "Nationalistic" ideas are not less subject to error than

local ones; and their worst aspect is that if they do err,

their harm is so much greater in that they have had the wider application. And they are less easily corrected because they must of necessity go through a formal routine of change, whereas when a fault has been detected in a small and a local unit the correction is a matter of little expense and trouble and time.

Finally, in constructive matters, such as education and religion and art, there is litle need of control such as there must be in destructive elements. Dynamite must be surrounded with all sorts of precautionary measures, because it is latently harmful. Bread does not need such laws. So industry may need safeguarding because of inherent dangers; but education is constructive, and, unless it partakes of theories inimical to our national genius, it can always take care of itself. It should be free—free even from being fostered by public grants if the local community prefers its own method of development.

These are the notions of a "common citizen" whose business is education. They are no better and perhaps no worse than any others; they are, it is believed, calculated for use in America.

Very truly yours,

EDWARD D. DIMNENT.

The honorable the Member of Congress from Delaware, Washington, D, C., December 19, 1921.

Office of the President, Jamestown College, Jamestown, N. Dak., December 16, 1921.

Hon. C. R. LAYTON,

Member of Congress from Delaware, Washington, D. C.

MY DEAR SIR: The chief fear I have is the possibility of political manipulation in education, such as we have discovered in Germany. It would be better to have progress a little slower than ultimate Federal domination. The States of the Union have articulated beautifully and their responsibility must be carefully guarded. Too much centralization may prove expensive and disastrous, especially where a dominant spirit is at the helm. Our State has been going through too much is at the helm. Our State has been going through too much centralization under a socialistic organization, and people are too ready to think that all their ills can be solved by Federal or centralized processes.

Very truly yours, B. H. KROEZE, President.

> NORTHWESTERN COLLEGE, OFFICE OF THE PRESIDENT.

Watertown, Wis., December 14, 1921. Hon. CALEB R. LAYTON.

Member of Congress from Delaware.

DEAR SIR: I have your letter of inquiry regarding the Smith-Towner bill and other bills of similar character. I sincerely hope that any bill placing education under a central authority of the Government or creating a department of education will be rejected by Congress. I am opposed to such bills for the following reasons:

1. They would give a central authority the power to direct the energies of the schools into such channels as that authority should choose, to mold the policies of the schools, and to deter-

mine their character.

2. The education of the child should be left in the hands and under the direct control of the parent of the child. child belongs to the parent and not to the State. The establishment of a central authority, however, would have the effect of removing the control of the education of the child one more step away from the parent. The tendency is already too much

toward bureaucratic control and away from parental control.

3. It is the nature of a department to multiply its functions, broaden its powers, and strengthen its authority in order to prove its usefulness and justify its existence. If a department of education did not completely control the education of the Nation in the first few years of its existence, it would do so in

less than a decade after its establishment.

4. The effect of the proposed laws would be to deprive the States and communities of initiative in matters regarding education. The loss of the freedom to make their own decisions would entail the further loss of the feeling of direct responsibility for the effective education of their children and for

the moral and financial support of education.

5. The establishment of a Department of Education would not solve the problem of financing education. If the schools can ever be adequately financed under central Federal control, they can be financed under the present system, for eventually the money comes from identical sources. The Department of Education would have no source of revenue that is not already open to the schools. It would be more likely to lose the best and most ready source—the personal interest and feeling of in answer to your letter of December 9 that in his opinion

responsibility of the parent for the education of the child. Moreover, a great part of the increased expenditure under the new system would not inure directly or indirectly to the benefit of the schools but would be used to support another army of clerks at Washington.

6. Central control of education is undemocratic. It gives central authority the power to dictate what the Nation shall think, what its ideals shall be or not be, how it may vote and not vote. The history of the schools in Germany, Poland, and other European countries, which for many years have had central control of education, shows how completely the thought of a nation can be controlled by the power that controls the schools. The clamor for central control seems to show that we are in a fair way to adopt the autocratic principles and methods of European governments which but a year or two

ago were anathema.

I gather from your letter that you are not now in favor of the pending education bills establishing control. If such is the case I congratulate you, for I am convinced that you are right, that you are upholding the cause of democracy, and that you are doing a service to every father and mother in the land who wants his children educated, not merely sent to school.

Respectfully yours,

E. E. KOEVALKE.

BOWDOIN COLLEGE, OFFICE OF THE PRESIDENT, Brunswie:, Me., December 12, 1921.

MY DEAR SIR: I do not favor placing education under a cen-It believe strongly in local responsibility for our schools. For that reason I have always opposed the Smith-Towner bill, and shall continue to oppose bills of that type. My reasons are as follows

1. It means inevitably the bringing of politics into our school system. A secretary of education in the President's Cabinet must necessarily be of the same political party as the President, and there will be all sorts of pressure brought to bear on this appointment. It does not seem to me that there is bear on this appointment. It does not seem to me that there is any analogy between a secretary of education and a secretary of agriculture. From the very nature of the case proclamations, suggestions, and advice from the secretary of education would be carried into every public school in the country, and there would be an inevitable bearing toward a bureaucratic system of education. The argument that the office would not have a political color seems to me without weight when one considers the way in which our Government works. I have seen enough of political influence in State governments to be afraid of the same thing being introduced into any Federal system of education.

2. I believe that education should be looked after by the fferent States. This country is so large and the population is so great that to centralize in Washington authority and control over its school system would be to complicate matters unduly. I think, also, that by having the Government at Washington subsidize the States, if the secretary of education approved of the policies of the different State superintendents, would be to take away responsibility from the State and at the same time build up a great deal of centralized power in Wash-

There are other features of the bill to which I object; for example, the sum of one hundred millions is pure hit or miss, and a portion of the bill is very badly drawn, so as to give the secretary of education very great power; but perhaps this will at least start some discussion.

I am well aware that the bill is heartily favored by many people who know much more about education than I do; but in closing I desire to state that the bill was carefully studied by the members of our faculty last fall, arguments for and against the bill were considered, and the faculty by a tremendous majority registered its disapproval of the bill.

Yours very truly,

KENNETH C. M. SILLS.

Hon. CALEB R. LAYTON, House of Representatives, Washington.

> UNIVERSITY OF MICHIGAN, PRESIDENT'S OFFICE. Ann Arbor, December 12, 1921.

Hon. CALEB R. LAYTON, Member of Congress from Delaware, House of Representatives, Washington, D. C.

MY DEAR MR. LAYTON: President Burton asks me to say

it would be unfortunate to take the control of educational matters of the separate States and communities out of the hands of these States and communities and place them under the central authority of the Government. It would be, for example, undesirable that the central control should have the authority to dictate to any State or community the subjects or the methods to be followed in the educating of the citizens of that community.

Yours very sincerely,

FRANK E. ROBBINS, Assistant to the President.

UNIVERSITY OF SANTA CLARA, PRESIDENT'S OFFICE, Santa Clara, Calif., December 16, 1921.

Hon. CALEB LAYTON,

House of Representatives, Washington, D. C.

MY DEAR MR. LAYTON: I thank you for giving me the opportunity of expressing my opinion on the Sterling-Towner bill.

I am opposed to it for many reasons:

1. I consider it an ill-timed and gigantic piece of extravagance. Any proposition, no matter how innocuous in itself, which proposes to bleed the people for an extra \$100,500,000 and more annually in these days of unrest and distrust between class and class, and of high cost of the necessaries of life, and of high taxes, and of so much unemployment, is ill timed, is

2. I am opposed to it also because it is against the spirit of ir system of government. The Federal Government is encroaching upon the government of the States. This is fatal. Our Government will soon bring upon the people all the evils of

I consider it a matter of the highest patriotism to oppose all those bills that tend to amplify the power of the Federal Government over the States, even though they disguise their pur-

pose by the words "to aid the States."

The burden of proof must be against all extension whatever in any direction of all Federal invasion into the rights of the individual State. Many ignorant, though well-meaning up-holders of these bills seem to think just the opposite, that you have to show cause why the States should not be interfered

John Fiske well said: "The progressive political career of the American people will have come to an end on the day when the people of the different parts of the country shall allow their local affairs to be administered by prefects sent from Washington.'

3. I am opposed to it, also, because the Federal Government is not successful or efficient in many of its newly acquired or usurped functions. It is a bungler in these matters. does it not take care of its soldiers? They belong to it. post office is not such a wonderful success, neither did it manage

the railroads so wonderfully well.

4. I am opposed to it not because I do not esteem education, but because I do value education and love it so much. And therefore education is not to be Prussianized, it must not be throttled, it must not be put into the clutches of some dictator in Washington, using his power for political propaganda. If this is to be a free country, the Sterling-Towner bill and others of that brood must be defeated.

Sincerely yours,

. Z. J. MAHER.

WILSON COLLEGE, OFFICE OF THE PRESIDENT, Chambersburg, Pa., December 19, 1921.

HOR. CALEB R. LAYTON.

House of Representatives, Washington, D. C.

MY DEAR MR. LAYTON: Your letter was duly received, and I

am answering on a separate sheet your inquiry.

I am strongly opposed to the Smith-Towner bill and other bills of a similar character. I am obliged to you for giving me an opportunity of expressing my opinion on what I believe to be a very important subject.

I have done some speaking during the last year on this matter, and in preparing for such work I have been particularly impressed by the statement of Dr. Arthur T. Hadley, former president of Yale University, which I did not see until I had fully formed mown opinion. I a sure that I can add nothing fully formed m own opinion. I a sure that I can add not to what he has written. I feel sure his letter is in your file.

Yours very truly,

E. D. WARFIELD.

THE SMITH-TOWNER (TOWNER-STERLING) BILL.

I am opposed to this bill and to all similar bills for several reasons which are entirely distinct but which have a cumulative effect. Either of these reasons might not be sufficient to counterbalance the advantages which are claimed for the proposed legislation if it were free from the other objections. Taken together they constitute an argument the weight of which I am confident if carefully considered will be seen to be sufficient to make this legislation seem both unwise and un-

1. The first objection to the Smith-Towner bill that occurred to me was not at all with reference to its relation to education but with reference to its undesirability. At a time when the country is carrying an enormous burden of taxation anything that unnecessarily adds to the expenditures of government and the burden of taxation is certainly unwise. This bill proposes to appropriate an enormous sum of money for the creation of a department of education with a very extensive administrative staff, and provides Federal aid for education throughout the country. It is proposed to spend \$100,000,000 a year. Of this great sum one-half is definitely assigned to four purposes but without any definite indication that the amounts appropriated are needed or related to any known

Fifty million dollars in the broadest and most general terms are assigned for the purpose of equalizing education throughout the States. The vagueness of the appropriations of the first half of the great sum of \$100,000,000 is more than reproduced here. All that can be said for it is, give us \$50,000,000 and we will find some way of spending it.

An official argument in favor of this expenditure is to the

effect that "Congress now appropriates to the States about \$100,000,000 a year to promote the building of roads." It is easy to prepare on the basis of such argument an unlimited

schedule of expenditure.

Has not the time come for retrenchment and reduction of

needless expenditure and excessive taxation?

2. The second question that suggests itself is, Is there any real need of a department of education with a secretary in the President's Cabinet? The Cabinet was originally planned as a body of executive heads, under the immediate direction of the President, embracing only a few major departments of government. Subsequently the Cabinet became, as in all great States, a body of statesmen advising with the President on the major matters of government and directing, through experts in their respective departments, the growing business of government. A government needs a small body of highly competent statesmen to direct its policy and to provide for the public welfare. qualifications of such men are not the same as those required for bureau chiefs. The multiplication of members in all cases has made cabinet government extremely difficult, and in a country like ours, where the Government is directed by the President without a responsible Cabinet, it is particularly desirable that the Cabinet advisers should not be so numerous as to obstruct the business of government by lack of cooperation. Large cabinets tend to break up into cliques, which foster jealousies and impede the administration of public affairs.

In recent years the number of Cabinet officers has been materially increased. It is certainly not desirable to continue this increase indefinitely. It is especially unfortunate that the Department of the Interior has been successively relieved of important departments, diminishing the dignity of the Secretary, who was intended to be of the same rank as in foreign cabinets attaches to the secretary of state for home affairs.

It is especially to be noted that the head of the department of education should rather be an expert chief of a bureau than

an adviser on the great matters of state.

3. The educational argument against the bill centers in the fact that it represents what must ever be repugnant to a free people occupying a vast territory—the concentration of educational influence and authority in a central government. It is alleged that this bill provides Federal aid but prohibits Federal control, but it specifically provides for the distribution of \$50,000,000 among the States under certain conditions, of which the new department is to be the judge. The power of the purse has everywhere succeeded to the power of the sword. The beginning represented by this bill, great as it is, is no measure of the end. We have escaped from a great experiment in government which would have brought all the world in subjection to "a beneficent autocrat." There survives to-day in the educational world many tendencies that were created by the dominance of the Prussian idea of education. Nothing can be more perllous to the free development of American education and scholarship than the dominance of a bureau.

It is not too much to say that every experiment hitherto made in the centralizing of education has resulted in injury to popular education. It is easy to point out achievements which are notable in the Prussian system. It is just as easy to point out injuries that have been far more extensive and ultimately fatal to that freedom of thought, action, and faith which are so dear to our great tradition. Germany was content to think what Berlin thought. May America never learn its lessons of life from any official source!

4. The technical educational problem turns on the removal of the center of authority from the State government to the National Government. This is greatly to be deplored. States are aroused as never before to meet the problems which were set by the Great War. There is no State in the Union which is incapable of solving these problems. The particular problem that is most often pressed is that of illiteracy. Where exists it is not for lack of ability to solve it but for the will to take it seriously in hand. Expenditures have been unwisely scaled. Insufficient expenditure has been made on primary education. The weakness of the secondary school lies in the failure of the primary school to do its work thoroughly.

One of the purposes most vaguely conceived in this legislation The revelation of the physical deficienis physical education. cies of American youth made by the Great War is not so much a criticism of the educational work of the school as of the general intelligence of many communities. Formal education will not correct this error until the public, especially the medical public, has come to understand the obligation of proper medical inspection and local support is given those who are seeking to improve public health,

5. The real issue in this bill is between those who advocate the requirement of education by government according to a single standard and those who prefer to cultivate in many independent centers a vigorous and varied educational activity. Uniformity is set against vital unity in the pursuit of a common

Communities will not criticize educational work imposed upon them from above with that intelligence which they will bestow upon work done by themselves for their own advancement. A great national educational department will only reproduce on a much larger scale the weakness of many State organizations by creating a large body of officials out of touch with the people and the pupils of the country. The encouragement of an educational spirit which will find expression in local pride and local performance is far more needed to-day than any top-heavy body of highly paid officials, remote in place and still more in understanding from the great body of boys and girls who need to be inspired, instructed, and trained to meet the varied requirements of a highly complex civilization.

> ST. JOHN'S UNIVERSITY. Collegeville, Minn., December 23, 1921.

Hon. CALEB R. LAYTON,

House Member from Delaware, Washington, D. C.

HONORABLE AND DEAR SIR: Your letter regarding nationalization of education was handed to me for answer. I am distinctly opposed to nationalization of education, as expressed in the various bills under consideration, for the following reasons:

I. It increases taxation as a burden. The money for educa-

tion would flow through a central channel. The purpose of the taxation producing it would be lost sight of and thus increase the general discontent over taxation. Local taxation for direct application to local needs would not have that result.

application to local needs would not have that result.

II. It works for centralization and increases possibilities of Federal inefficiency needlessly:

(a) Nationalization of education is contrary to our principles of States rights and States activities. The diminishing of State jurisdictions has already gone too far, with the resultant loss of active and sincere public interest in governmental actions and legislation. Washington is too far away to be the one center of public interest in a democratic people as large as ours.

(b) It will increase the possibilities of playing politics in the sphere of education, and that with much less chance of speedy redress or change than when that occurs in local communities. It increases red tape, possibilities of money grafting,

(c) It increases the complexity of centralized bureaucratic government, with resultant greater inefficiency in a large country and possibilities of a blundering that is far-reaching

III. Nationalization of education destroys proper spirit and initiative in the people at large and rests on a vicious mo-

tive of appeal.

(a) Backward countries are seemingly rewarded for their inertia; while others suffer proportionately for their progres-

siveness. There is no proportion between merit and reward, between effort and result.

(b) The remoter connection between education and taxation-complete taxation-makes education look too gratuitous. It can be had without any effort-in reality, of course, this is not so-to all appearances and will not be properly appreciated. The value of education will come home to the people only if they must consciously exert themselves in some way to achieve the possibility of education.

(c) Educational institutions and systems springing up from the soil and by local effort are a source of just local pride and a strong community bond. This is not so if initiative and effort or indirect compulsion come from the Federal Govern-

(d) The method of fostering education appeals to the money sense of the backward people or to any other people wishing to promote education. It appeals distinctly to the material in order to work up a sense of spiritual or intellectual need. It is like educating children by holding candy and fruits before them continuously; a most pernicious educational principle.

Sir, by all means let us spend more money on education. But let us look for a close connection in place and time between the money raised for that purpose and the results to be gained

from such money.

I am, yours very sincerely, VIRGIL G. MICHEL.

> GEORGETOWN UNIVERSITY. OFFICE OF THE PRESIDENT, Washington, D. C., December 13, 1921.

The Hon, CALEB R. LAYTON,

House Office Building, Washington, D. C.

My Dear Mr. Layton: In reply to your communication of December 9, I beg to say that I am opposed to the Smith-Towner bill and to other bills of similar character on the congressional calendar.

The main reason for my opposition is that there is no provision in the Constitution for placing in the Central Government the control of education, and I think it is unwise to establish such a monopoly. I shall have sent to you in a day or two a pamphlet which contains more at length my views on the subject

Respectfully yours,

J. B. CREEDEN.

CARSON AND NEWMAN COLLEGE, OFFICE OF PRESIDENT, Jefferson City, Tenn., December 13, 1921.

Mr. CALEB H. CLAYTON, M. C., Washington, D. C.

DEAR SIR: Your favor of December 9th to hand, and I am frank to say that I am not in favor of placing education under a central authority of the Government. * * *

* * To my mind, the downfall of Germany and the great

World War can be traced to the fact that the entire school system was under the control of the State. An institution, as well as an individual, does not feel free to criticize the hand that feeds it. The German critics were given great liberty in the field of theology, but had to be "mum" on the question of education. To my mind, America comes nearer having the ideal school plan of any nation, the private and public schools being complementary of each other.

Yours very truly,

OSCAR E. SAMS, President.

THE COLLEGE OF THE CITY OF NEW YORK, OFFICE OF THE PRESIDENT, December 12, 1921.

Hon, CALEB R. LAYTON,

House of Representatives, Washington, D. C.

DEAR SIR: Answering the specific question in your letter of December 9, I will say that I am not in favor of placing education under the central authority of the Federal Government, but that I believe it should continue to be administered and in the main supported by the States and local communities within them.

The statement of these views almost carries with it the reasons for them. A too highly centralized system of education becomes remote from the people and can not engage their interest as can a system which involves their cooperation in the thousands of localities throughout the Nation. The very process of securing support and a proper organization of education from the people themselves is educative and of the highest value. Moreover, it is impossible for the Government at Washington to adjust any educational scheme to the varying needs

of our many local communities. Furthermore, our system, everything considered, is probably at least as wholesome, I be lieve myself far more wholesome, than any other in operation in any other nation, and certainly has borne fruits in an intelligent and informed citizenship unsurpassed elsewhere. With this record there is no good reason for departing from past practice.

Very truly yours,

SIDNEY EDWARD MEZES, President.

STATE OF SOUTH CAROLINA, DEPARTMENT OF EDUCATION, Columbia, December 13, 1921.

Hon. C. R. LAYTON,

House of Representatives, Washington, D. C.

DEAR SIR: Any tendency or influence which removes Government from local responsibility and accountability is dangerous. Centralization has already gone too far at Washington and ought to be stopped.

Yours respectfully,

J. E. SWEARINGEN. State Superintendent of Education.

STATE OF FLORIDA. DEPARTMENT OF PUBLIC INSTRUCTION. Tallahassee, December 14, 1921.

Hon. CALEB R. LAYTON,

Member of Congress from Delaware,

Washington, D. C.

MY DEAR SIR: Your letter of December 9 received. I confess to you that I stand almost alone among the State superintendents of public instruction in the United States (the only other exception that I know of being Superintendent only other exception that I know of being superintendent Harris, of Louisiana) in not being enthusiastic over the pas-sage of the Smith-Towner bill and kindred educational meas-ures pending before Congress. Though I stood entirely alone, I would be false to myself unless I represented my own convictions.

I will state that I am opposed to placing public education under the direction and control of the Federal Government. I know it is disclaimed that there is any intention in pending legislation to take education from under the control of State and local authorities, but it has been the history of the General Government in the past that wherever it places a dollar, it provides some authority to look after the disposition of that dol-lar and to seek to control its disposition. I believe it is honestly the intention right now to make an appropriation for education in the States and to leave it to the direction of the States, but I confidently expect, as time moves on, to see a gradually continuous encroachment on the State authorities until, within less than half a century, the General Government will be directing public education in this Republic just as in the limited monarchies of Europe and elsewhere.

I have a fixed fear that party necessities will, sooner or later, if the General Government takes over public education, demand that no distinction be made in each individual schoolhouse on account of race, color, or previous condition. would mean absolute injury to the colored race and absolutely destroy the efficiency of the public schools in many of the States of this Union. The people of the South just will not mix with the Negro race. If forced to do so, the schools will not prosper. I surmise that the same conditions will obtain in an increasingly larger degree in many of the Western States.

Finally, public education has always been under the control of the individual States and the United States has prospered under this system, and I believe it would be best and safest to let it remain under such control; I further believe that each State is absolutely able to take care of public education within its own bounds, and that public sentiment is intensifying in behalf of greater support of public education in every State. Each one is now vying with the other in trying to develop the best educational status possible. The money to support the public schools originally comes from the neglects of the resolupublic schools originally comes from the pockets of the people, and if collected and used in the States, it will save the cost of much overhead Federal Government supervision. Hence, I believe that a less per cent of the money actually contributed to the support of public education in the United States will go directly to the support of the schools under Federal collection than if the funds were raised in each State and applied to its own educational system.

The above are my honest convictions.

Yours very truly,

W. N. SHEATS. State Superintendent.

STATE OF KANSAS, DEPARTMENT OF EDUCATION. Topeka, January 3, 1922.

HOD. CALEB R. LAYTON.

House Office Building, Washington, D. C.

DEAR MR. LAYTON: Yours of December 9 reached my desk a few days ago, seemingly having been delayed some place along the line. I thank you for your letter and for the interest which you are taking in educational and other national matters. wish I might talk to you regarding these matters instead of writing you, as it would take too lengthy a letter to give you a proper idea of my view on the matter. After the little effort Representative ALICE M. ROBERTSON made in the House of Representatives that the people might have control of their own health regulations in their own communities, I wrote Miss Robertson on November 28, and as your question covers something similar, I am inclosing to you a copy of the letter which I wrote Miss Robertson.

To your specific question, I do not believe in placing education under a central authority of the Government and taking it out of the hands of the communities and the States. believe it is legal under the Constitution. It is not in keeping

with our form of government.

If any more of the States' activities are taken over by the Government and managed by various boards and commissions, the United States will soon be in as deplorable a condition as Rome was at the time of its downfall. The people are not benefited by centralized authority, but are hampered in every way as a result of centralized authority; their taxes will increase and their burdens become greater and greater. can judge the future by the history of the past, such has been the downfall of the nations in the past. I do not believe the United States should change its constitutional policy and at this late day pattern after nations whose downfall was caused by such methods in government.

The only persons who seem to be benefited by centralized government are the persons who administer that government and their traveling boards, commissions, inspectors, and supervisors, all of which increase the burden upon the people, who must earn the wherewithal to pay for such a form of govern-

ment.

I will be in Washington, D. C., some time during the second week of January and I shall be very glad to call upon you at a time when we may have a little talk regarding these educational matters and other such measures along the same line that are now being presented to Congress. The secretary of the National Educational Association has called a meeting for Washington, D. C., on January 7. This meeting conflicts with the National Vocational Association, which meets in Kansas City, Mo., on January 5, 6, and 7, which association I wish to attend and am a directing member of its activities. I have asked Mr. Magill to change the date of the Washington meeting until January 10 or 11. However, if he does not do so I will be in Washington, D. C., as soon as I can reach there after caring for my duties in Kansas City.

Appreciating your interest in these matters, I am, with best

wishes.

Sincerely.

LORRAINE ELIZABETH WOOSTER, State Superintendent.

STATE OF KANSAS, DEPARTMENT OF EDUCATION, Topeka, November 28, 1921.

Hon. Miss Alice Robertson, House Office Building, Washington, D. C.

My DEAR COUSIN: I wish to congratulate you upon your efforts to save the various States from having put upon them a trust as it were and a board to look after maternity affairs. Some women were very active in Kansas during the last legis-lature in behalf of a nurse bill. They secured the passage of the measure, and later on found they had just completed a

nurses' trust by getting their bill passed

Seward County, the home of Mrs. Minnie J. Grinstead, the State representative who worked the hardest for this nurse bill and whose county employed a county nurse, secured their own unpleasant lesson first hand. They went to the expense of sending their county nurse to St. Louis for the short course in training for nurses, and the body of nurses who had the course in charge would not receive the little Kansas lady from Seward She didn't quite meet their rules and regulations and as the rules and regulations in their own opinion could not be changed, the little lady had all the expense of going to St. Louis and returning to Seward County without even a peep at the august body who were giving nurse instruction. I give you this as it is just one little sample of what these Federal boards do to the various States as soon as they have secured the power for these boards.

I had my experience first hand immediately upon coming into this office. Kansas, as you know, is an agricultural State, and the Federal Government gave us the Smith-Hughes Federal Vocational Act. Kansas was receiving aid for but 26 schools when I came into office, because the rules and regulations of the Federal board would not permit other schools to receive this aid, although they were doing their best to comply with the Federal board's rules and regulations. After some time we did get changes in these rules and regulations, and the next year I secured aid for 44 schools. This year I hope to secure aid for 75 schools.

I regret very much that the Federal Government is taking friendly attitude toward these various State-aid measures. It does not mean betterment for the States, in my opinion, but does mean inefficient management. It means Federal positions for many more people for every Federal board that they create to take charge of measures in the various States. It means that these Federal boards will have their traveling propagandists going out about the various States telling them what they can do and what they can not do in order to get Federal aid to

match their own home State appropriations.

It looks to me just about as sensible as for a man who has seven children and has the sense to earn the money to buy the clothes for his seven children but not the sense to buy the clothes, but would be willing to send the \$40, if that were the sum, to some man a hundred miles away and have this man buy the clothes for his children without really any knowledge of the children or the needs of the children, and he might wish for his children two dresses for a pair of twins and a pair of boots for his boy, and he might receive in return from this faroff purchasing agent two pairs of boots for his twins and a party dress for his boy, and with a string tied to both stating to him that these children might wear these clothes only under certain circumstances and after certain acts had been performed by the father, and then only at certain times of the year, etc. That is just about the way the various States are served by these Federal boards.

I wish we had a Senate and House full of Miss Robertsons in Washington, D. C., with voices that could extend to the various States and educate these innocent persons who are willing to support and who do frantically support bills for Federal aid, to be matched by State funds, thinking that they are going to get something for nothing for the States, when in fact every dollar that the Federal Government has has to be earned and produced in the States and then sent to Washington, D. C., and when it comes back to us through a Federal board it comes back not as much as we have sent, but less, and with a string tied to it, and the States are not being benefited but are imposing an unnecessary tax upon themselves, from which they are becoming poorer instead of richer. To centralize government and activity means narrowness and poverty and is un-American. I do not believe it is lawful according to the United States Constitution for the Government to enter into any activity in competition with the States or its citizens.

I hope you will keep up your good fight to enlighten the public and educate as many of your colleagues as possible. When I can be of any aid to you please call upon me and I shall be glad to send you data from Kansas at any time I can

help you in any way.

With love and best wishes, sincerely, LORRAINE E.

LORRAINE E. WOOSTER, State Superintendent.

STATE OF WEST VIRGINIA, DEPARTMENT OF EDUCATION, Charleston, December 15, 1921.

Hon. Caleb R. Layton,
Member of Congress, Washington, D. C.

Dear Sir: I have your letter dated December 9, requesting my opinion in regard to the nationalization of education as expressed in the Smith-Towner bill and other bills of similar character new on the congressional calendar.

You state that the specific question you desire to have answered is "Whether or not you favor placing education under a central authority of the Government and taking it out of the hands of the communities and the States."

In replying to this permit me to state that I have not taken the time to make a careful study of the various bills prepared and presented to Congress relative to the creation of the office of secretary of education and national aid for education in the States.

As the matter has been explained to me by the friends of this movement, the intention is to secure aid for the States, a secretary of education who shall collect the facts regarding education in the States, and transmit this information to superintendents of public instruction in the various States. The friends of these measures are very insistent and very plausible.

As an old-fashioned American citizen, and one who has descended from long lines of men, all of whom have been loyal to the National Government, and who have supported it in every war that has been fought, from and including the French and Indian War, on down to the present time, I wish to say that I have not been favorably impressed by these proposals. I am thoroughly in favor of the strong central Government endowed with a sufficient power to conduct the national affairs of these great United States.

I am not a State rights man in the sense of the Civil War definition of that term. But I do believe very strongly that the States will have reserved to them many and peculiar rights which the National Government has no authority under the

Constitution to infringe upon.

I also believe that it is quite necessary that the local affairs of the people shall be left in the hands of the people of the locality which has the greatest interest in these local affairs, and that the tendency to extend the authority of the United States Government by stretching the powers given it under the Constitution is dangerous to the peace of this country and to the perpetuity of our Government.

The history of this country shows that whenever Congress has extended the authority of Federal efficials they very quickly begin to usurp the authority of local officials, and that the General Government never has surrendered any power which

it has taken unto itself.

The education of the children is a peculiarly local affair. Harmless as the proposition to create a secretary of education appears upon its face, it is very clear to my mind that once the position of secretary of education has been established, and the policy of granting national aid under his supervision has been entered upon, his office will immediately insist upon an extension of powers, and will secure such extension from year to year until it has usurped complete authority over the administration of education in the States.

Much as I should like to see the General Government of the United States make a grant of money to the various States by means of which educational opportunities as between the various States might be equalized in a measure, I would not be content to accept such assistance from the United States Government were it coupled by Federal control of the educational

system in my State.

As an illustration of what I mean by Federal interference in local affairs I refer you to title 12 of the revenue act of 1918. Section 1200 of that act proposes a tax upon employers of boys and girls beneath a certain age. Section 1203 provides that exemption from tax shall be secured by the holding of a certificate of age from the United States Government, providing that the United States Government may accept the certificate of the local State authorities.

There has just been in my office a representative from the Treasury Department by the name of Miss Barbour, who has been making an inspection of the State of West Virginia relative to the enforcement of this act, and who took it upon herself to visit our commissioner of labor and my office and proceed to instruct us as to the manner in which we, as elected and appointed officers of the State of West Virginia, should carry into effect the local laws of the State of West Virginia. If this is done in a matter of comparatively small importance, how much greater would it be done in a matter of so great importance as the education of the entire body of children of the United States.

At the risk of repetition, I wish to say again that I believe it to be the part of a patriotic citizen to resist the undue extension of Federal control of local affairs to the utmost limit consistent with a view observant of the laws of the country. You may record me as opposed to the creation of the office of the secretary of education under any of the plans so far proposed and, furthermore, as being opposed to the idea in all its essential elements.

I am, very truly yours,

GEORGE M. FORD.

At this point I will insert a few letters from journalists who oppose the creation of a department of education:

THE GULFPORT-BILOXI DAILY HERALD, Biloxi, Miss., Decomber 12, 1921.

Hon. Caleb R. Layton, M. C., House of Representatives, Washington.

DEAR SIR: Answering your inquiry of the 9th instant as to whether I favor "placing education under a central authority

of the Government" and "taking it out of the hands of the communities and the States," I have no hesitation in saying no.

My reasons are that such a proposal, as well as all the bills

heretofore aimed at it, and the legislation thus far, are an encroachment of the Federal Government on the constitutional jurisdiction of the States.

Yours ve- truly,

GEO. P. MONEY, Editor the Daily Herald.

OFFICE OF THE NEW HAVEN JOURNAL-COURIER, New Haven, Conn., December 13, 1921.

Hon. CALEB R. LAYTON,

House of Representatives, Washington, D. C.

DEAR SIR: I have your letter of December 9 asking me whether I am in favor of placing the education of the country under a central authority of the Government and taking it out

of the hands of the community and States.

I may answer most emphatically that I am opposed to any such proposition, on two grounds in particular: First, that the various States and communities are better able to judge of their needs than a bureau at Washington, and, second, because the idea is thoroughly Prussian in spirit, if not in origin.

Very truly yours,

N. G. OSBORN.

THE EVANSVILLE JOURNAL, December 12, 1921.

Hon. CALEB RODNEY LAYTON, M. C.,

House of Representatives, Washington, D. C.

DEAR SIR: Answering your letter of December 9 relating to the Smith-Towner bill and other measures of similar char-

acter now pending in Congress.

Any bill of sweeping powers with reference to the supervision and financing of education, such as are ascribed to the Smith-Towner bill, is open to serious question, however. There is already too much of a tendency toward paternalism in this country fostered by professional groups whose selfish interest or unbalanced enthusiasm leads them astray.

Every step toward the retention of paternalistic enterprises fathered and supported by the National Government tends to rob States and local communities of much of their self-reliance.

Education should be as free from official and governmental restraint as religion is, and in any proposal for the centralization of educational authority, with a consequent unification of ideas and methods for the whole country, the dangers might outweigh any possible benefits.

Very truly yours,

EARL MUSHLITZ, Editor and General Manager.

THE SUMMIT HERALD. Sunmit, N. J., December 12, 1921.

Hon, CALEB R. LAYTON.

House of Representatives, Washington, D. C.

DEAR SIR: In reply to your inquiry of the 9th instant would y that * * * in addition to unnecessary interference with community and State affairs it would result in largely increased Government expenses in order to provide jobs for a coterie of office seekers who, many believe, are advocates of the bills for this particular purpose, rather than for the good which might possibly accrue to the communities affected.

Very respectfully yours,

JOHN W. CLIFT.

MCKENDREE MOVEMENT, Lebanon, Ill., December 22, 1921.

Representative CALEB R. LAYTON,

Washington, D. C.

DEAR SIR: Replying to your inquiry relative to my opinion in regard to the Smith-Towner bill, I would say that in the first place I think it is a dangerous thing to center practically entire control of all education in one man at Washington, especially since the position would be a political one, subject to the appointing powers of the President. * * * Yours truly,

G. E. McCammon, President.

RENO EVENING GAZETTE, Reno, Nev., December 15, 1921.

Hon. CALEB R. LAYTON,
Member of Congress, Washington, D. C.

DEAR SIR: Replying to your inquiry of the 9th instant, we advise you that in the opinion of this newspaper it would be contrary to the principles of this Government to place "edu-

cation under a central authority" and take "it out of the hands of the communities and of the States," where it properly be-

Truly yours,

GRAHAM SANFORD, Manager,

THE NEW ORLEANS ITEM, New Orleans, December 13, 1921.

Mr. CALEB R. LAYTON, M. C. United States House of Representatives.

Washington, D. C.

DEAR SIR: This is an answer to your inquiry of December 9. You ask specifically whether or not I favor placing education under the central authority of the Government and taking it out of the hands of communities and States. I do not favor taking education out of the hands of communities and of the States to place it under the authority of the Government.

With best wishes, very sincerely,

MARSHALL BALLARD.

THE SACRAMENTO BEE, Sacramento, Calif., December 22, 1921.

Hon. CALEB R. LAYTON,

House of Representatives, Washington, D. C.

DEAR SIE: In answer to your request of November 9:

The Bee is strongly opposed to placing education under a central authority of the Government. Editorially it has taken its stand against the Smith-Towner bill in education, and the Sheppard-Towner, or similarly named measures, in regard to maternity.

The Bee holds that such matters are solely for State control and not for centralized bureaucracy, which can know nothing

of local problems.

The financing scheme for these measures seems silly, for the money paid out of the Federal Treasury to the respective States is distributed as if it were coined out of nothing, whereas it can only be raised in the various States through that much increased taxation. The result, therefore, is only that States, through increased Federal taxation, send their money to Washington, where it is filtered through various bureaus with a loss proportionate to the number of heads and subheads and employees, and then handed back to the respective States without the Federal Government having contributed a single benefit that each State itself could not have done as well.

The fundamental objection against such a scheme is that it overturns our whole theory of government, which reserves to the States control over education and similar matters. I believe that the State Board of Education in California can handle our school system in this State far better on its own authority than under the suggestions and orders of a bureau in Washington, which is too far away for intelligent understanding and certain to become so filled with red tape and useless officials that it will be a sad drag rather than a help.

Yours very truly,

CARLOS K. MCCLATBY.

THE DAY, New London, Conn., December 12, 1921.

Mr. CALEB R. LAYTON.

House of Representatives, Washington, D. C.

DEAR SIE: Replying to your inquiry of December 9, I am not in favor of the nationalization of education, as expressed in the Smith-Towner bill and other bills of similar character now before Congres

Respectfully,

THEODORE BODEN WEIN

NEVADA PRINTING Co., Carson City, Nev., December 15, 1921.

Hon, C. R. LAYTON, Washington, D. C.

DEAR SIR: In reply to the specific question propounded in your letter of December 9, "whether or not you favor placing education under a central authority of the Government," me to say that I am unalterably opposed to it. I believe that it is a matter for communities-the States-to decide. They understand the conditions and know how to handle them in a practical and not an academic way, as has the Government in so many instances

In my humble opinion there has already been too much centralization, and if it continues, well, we can go back to history

to appreciate the results. Very truly yours,

T. D. VAN DEVORT.

MILWAUKEE HEROLD, Milwaukee, December 15, 1921.

Hon. CALEB LAYTON,

House of Representatives, Washington, D. C.

DEAR SIR: In reply to your inquiry of December 9 relative to our sentiments in regard to the Smith-Towner bill and simi-

lar proposals we beg to submit the following:

From the excellent means of information which a newspaper such as the Milwaukee Herold affords we are convinced that a large majority of the people of this section are distinctly op-posed to the principle of "placing education under a central authority of the Government and taking it out of the hands of the communities and States."

Respectfully,

GUSTAV HAAS.

BANGOR PUBLISHING Co., Bangor, Me., December 12, 1921.

HOD. CALEB R. LAYTON,

House of Representatives, Washington, D. C.

DEAR SIE: Your favor of December 9 received. I do not approve of the Smith-Towner bill and other bills of similar na-

Yours truly,

BANGOR PUBLISHING Co., J. N. Towle, Managing Editor.

THE SOUTH BEND TRIBUNE, South Bend, Ind., December 12, 1921.

Hon. CALEB LAYTON,

House of Representatives, Washington, D. C.

DEAR SIR: We have your circular letter of December 9 regarding the Smith-Towner bill. In reply will say that a long time ago the Tribune took a position against this bill, believing it much better for education to be vested in the States.

Very sincerely yours,

SOUTH BEND TRIBUNE. F. A. M.

THE NEWS LEADER, Richmond, Va., December 13, 1921.

HOB. CALEB R. LAYTON,

House of Representatives, Washington, D. C.

DEAR SIR: Replying to your inquiry of December 9, I beg to say that this newspaper does not "favor placing education under a central authority of the Government and taking it out of the hands of the communities and the States." Altogether apart from the disastrous effect of such a measure upon the fabric of the American Constitution, it would, in operation, destroy those distinctive features of education in the different States that are now most useful in the development of a diversified culture.

Very truly yours,

D. T. FREEMAN, Editor.

THE COURIER, Connellsville, Pa., December 13, 1921.

HOD. CALEB R. LAYTON, Washington, D. C.

DEAR SIR: The very fact that the Smith-Towner bill, if enacted, would result in further centralization of governmental authority is, in my judgment, sufficient reason why it should be defeated. Applied to education, such centralization would assume its most objectionable form.

The principle of "home rule" should be preserved as the right of communities just as sacredly as the same principle

applied to religion. Very truly yours,

JOHN L. GANS Managing Editor.

THE CHICAGO DAILY JOURNAL, December 31, 1921.

Hon. CALEB R. LAYTON,

House of Representatives, Washington, D. C.

Dear Sir: Replying to your inquiry of December 9, which should have received attention some time ago, I desire to say that the Journal is definitely opposed to "placing education under a central authority of the Government and taking it out of the hands of communities and States." The National Government is trying to do too many things now. For that reason most of them are badly done.

Yours very truly,

JOHN C. EASTMAN.

YOUNGSTOWN TELEGRAM. Youngstown, Ohio, December 12, 1921.

Hon, C. R. LAYTON, House of Representatives, Washington, D. C.

DEAR SIB: Replying to your circular letter of December 9. would say that we are firmly of the opinion that the nationalization of education, as contemplated in the Smith-Towner bill. would be a serious mistake. There is too much centralized authority now and not enough of that policy which develops individual initiative and self-dependence in the communities.

Very truly yours,

THE YOUNGSTOWN TELEGRAM. SAMUEL G. MCCLURE,

Publisher.

THE ROCHESTER HERALD, December 14, 1921.

HOD. CALEB R. LAYTON,

House of Representatives, Washington, D. C.

Dear Sir: Replying to your circular letter of December 9. inquiring whether I favor placing education under the central authority of the Federal Government and taking it out of the hands of the communities and States, I am not in favor of such action and should regard it as subversive of one of the fundamental intents of the founders of our Government and depressed infringement upon the rights and proper respona dangerous infringement upon the rights and proper responsibilities of local communities,

Yours very truly,

LOUIS M. ANTISDALE.

OFFICE OF THE POTTSVILLE DAILY REPUBLICAN. Pottsville, Pa., December 15, 1931.

CALEB R. LAYTON,

Member of Congress from Delaware,

Washington, D. C.

MY DEAR CONGRESSMAN: Replying to yours of December 9, I wish to place myself on record as opposed to centralizing the administration in the National Government. I am opposed to taking the educational authority out of the hands of the communities and the States. This country is getting too much paternalism, which makes the administration of the Government too unwieldly, too costly, and too ineffective, and to put the control of education in the hands of the National Government it would mean that it would be more dominated by politics than at present. Very truly yours,

J. H. ZERBEY.

THE DAILY BULLETIN. Bloomington, Ill., December 13, 1921.

Hon. CALEB LAYTON, Washington, D. C.

MY DEAR MR. LAYTON: Our schools are an institution closest to the hearts of the people, for they deal with the young of the land. For that reason they should be as closely identified with the people's management as possible.

I am inclined to think that it is the consensus of opinion out here that the schools be left as they are and not given that longdistance direction that must result under the central authority of the Government.

I thank you for the letter.

Cordially,

JAMES F. O'DONNELL,

THE CHICAGO DAILY NEWS. December 13, 1921.

Mr. CALEB R. LAYTON,

House of Representatives, Washington, D. C.

DEAR SIR: Replying to your letter of December 9, permit me to say that the Dally News does not believe in placing education under a central authority of the Federal Government and taking it out of the hands of the States and the different communities in those States. It particularly dislikes the policy of entering upon a varied program of expense, which the tax-payers have to foot, in order that the different States may be led into levying taxation with which to match their respective shares in these varied appropriations. The whole system, to my thinking, is loose and unscientific and calculated to pile up heavy cost for special educational features that do not go to the heart of the country's actual educational needs. This sort of congressional gift enterprise for the use and enjoyment of State officials, to my thinking, should be entered upon, if at all, only after the most thorough investigation by educa-tional experts and others specially equipped to count the cost. Very truly yours,

C. H. Dennis, Managing Editor.

C. H. DENNIS, Managing Editor.

THE JOURNAL PRINTING Co., Racine, Wis., December 13, 1921.

CALEB LAYTON,

Member of Congress, Washington, D. C.

DEAR SIR: Answering yours of the 9th, we believe the matter of education should not be centralized under the Government. Yours truly.

> THE JOURNAL PRINTING Co., F. R. STARBUCK, Secretary and Treasurer.

AMERICAN, LEADING BOHEMIAN DAILY, Cleveland, Ohio, December 15, 1921.

CALEB R. LAYTON,

Member of Congress, Washington, D. C.

HONORABLE SIR: In reply to your inquiry of recent date, I wish to herewith express my sentiment on the particular Smith-Towner bill on nationalization of education.

It is our candid opinion that the said matter of education should be left entirely under the jurisdiction of the State, in order that less politics be played with this particular legislation. Respectfully yours,

FRANK J. SVOBODY.

Editorial Rooms, Nashville Banner, Nashville, Tenn., December 15, 1921.

Mr. CALEB EAYTON, Member of Congress, Washington, D. C.

DEAR MR. LAYTON: The Banner would oppose policy of public education under centralized Government authority. It is hardly necessary to be specific.

Yours truly,

RICHARD H. YANCEY,

LAFAYETTE JOURNAL AND COURIER, Lafayette, Ind., December 21, 1921.

Mr. CALEB R. LAYTON,

Member of Congress from Delaware, House of Representatives, Washington, D. C.

DEAR SIR! Replying to your letter of December 9 regarding the nationalization of education as expressed in the Smith-Towner bill and other bills of similar character now on the congressional calendar, wish to submit the following:

Our national stability and progress will be better safeguarded by a great variety of educational institutions than by a standardized form of education. Education should be developed to suit the needs of our different communities and groups of people. This can not be accomplished when our educational system is administered by distant control. control has had very harmful effects upon the morale of the worker in industry. Will the worker in the idealistic profession of teaching do his or her best under a centralized and distant supervision which of necessity must be machinelike and inflexible? Unless our teachers are given intellectual freedom and opportunity to work under the most favorable circumstances, our schools will turn out men and women who lack breadth of vision, thinking powers, and self-reliance.

As a matter of fact, even our present system of public education has too much organization, centralization, and standardization. The factory system of education discourages the development of initiative on the part of teachers and students, emphasizes methods of instruction which follow a beaten path, and results in training very few men and women who are self-directed and independent thinkers. Standardization of education results in too much textbook instruction and does not aid in discovering and in developing the talents of the learner. Our schools and colleges are now too nearly of the same type, are usually too inflexible, are teaching too nearly the same subjects, have the same standards of rating which are not based upon the actual achievement of the learner, and are not fully serving the infinite talents of the American child and youth.

Very truly yours,

HENRY W. MARSHALL, Editor and Publisher.

In conclusion permit me to epitomize the reasons why the Sterling-Towner bill should not become a law-reasons which in the main are substantial for all of the legislation enacted, and for all of the legislation proposed, having a cognate bureaucratic and paternalistic character:

First. There is no necessity for this legislation, inasmuch as illiteracy is declining and not increasing in the United States. This is being achieved gradually and satisfactorily by commulposed.

nity and State efforts alone. The census of 1920 puts the average illiteracy in the United States at 6 per cent. It must not be forgotten that this is maintained in spite of the constant in-

flow of ignorant and foreign population.

Second. The bill is unnecessary because the people of the various States and communities expend now a sufficiently enormous sum upon education for all rational purposes. It is not true that education must be nationalized in order to compel the taxpayer to raise sufficient money for the purposes of education. The State which I have the honor to represent has a per capita tax of \$7.50 and expends more than 60 per cent of her entire revenue for educational purposes. Massachusetts, a State distinguished for its interest in education, has a per capita tax of \$10.61 only, notwithstanding the large yearly increase in her foreign population.

Third. The bill would destroy local control of education, and therefore individual interest in school matters. Sooner or later Federal control would encroach upon the power of the people, and exactly in proportion to this encroachment their own initiative in school matters and their sense of personal responsibility would decline, while their feeling of powerlessness to contend against the national power would create such a condition of ultimate indifference as to radically affect the character of American citizenship. The framers of our Constitution sought zealously to impose upon the individual a clear sense of his responsibility for taxation and for expenditure as well, because they knew that upon these two things hung all the peace, the liberty, and the prosperity of a people. Those great builders of the past endeavored in every way to inculcate in the minds of the whole people a profound sense of individual responsibility in all matters affecting the home, the community, and the Commonwealth, in order to produce from these schools citizens fit for national citizenship, and therefore fit to possess and to govern the Government, in order to avoid having the Government to possess and govern them.

Fourth. The plan would rob the people of the various States

of their control over the amount of taxation, as well as deprive them of the power to expend it. This is very evident because It can be seen at a glance that the people of the State of Delaware having only one Representative out of 435 in the House, where all revenue measures are inaugurated, a combination of States sufficient to constitute a bare majority could impose, without their consent, a per capita tax, a real estate tax, a graduated income tax, or a graduated inheritance tax upon the Delaware taxpayer without the Delaware taxpayer having any means of protection whatever, except an appeal to the Supreme Court of the United States, where decisions are apt to run to popular favor rather than to a strict conserva-

tion of the constitutional compact.

Let me make a precise analysis of this bill as far as its effects upon the State of Delaware are concerned. Starting with an initial tax of \$100,000,000, this bill levies upon the State of Delaware \$391,448. Out of this sum Delaware would get back only \$193,838.46, thus losing \$199,709.54. This loss to Delaware would go to educate the children of other States, for which in my judgment there is no authority under the covenant: of the Constitution. Nor would this allotment to other States necessarily go to educate the children of poor States, because under the provisions of the bill Iowa, the richest State in the Union per capita, and I may say the home State of Representative Towner, the author of this bill in the House, would get: \$2,273,214.16 more than Iowa would contribute to this \$100,-000,000 appropriation. Let it not be forgotten in this connection that every Federal allotment out of this \$100,000,000 must be matched by an equal amount raised by State taxation, thus doubling in every case taxation under the bill.

Fifth. Even if the bill is to become a law, the appropriation of \$100,000,000 would be wholly inadequate, making hardly a drop in the bucket for putting such a scheme into proper operation, seeing that the entire country spends billions for this purpose now. Let me emphasize again the argument of the propagandist of this measure who would lead you to believe that the communities and the States do not now, and will not, raise sufficient money for educational purposes. The truth is the contrary. In all the States and communities as much money for educational purposes is now being raised as the taxpayers can afford to pay. It is a question if too much money is not being spent for so-called educational purposes now, seeing how it is spent. Let us not indulge in the fond delusion that the happiest people is one back-broken by taxation, or that inordinate taxation and expenditure are fair measures of national prosperity and progress.

Sixth. This and similar legislation is wholly inopportune because of the burdens of taxation which the late war has im-

Seventh. The plan would produce uniformity in education, which some think to be beautifully desirable. This is another of the foolish ideas of people who do not think but simply dream. In all of His grand planning of creation the Great Maker of all things reveals everywhere His splendid purpose of diversification. He made the United States partly tropical, partly polar, partly temperate. He made it also of valleys and wide and endless plains; of mountains and hills; He made it of rivers and of great lakes and surging oceans. He made the very fruits and plants that grow to accord in character with their environment. This idea of uniformity is the dream of the man and the woman who falls down and worships the Prussian idea of discipline and education, which would take out of the hearts and the souls of the citizens of the country that fine spirit of diversified interest, of diversified visions, of diversified purposes which constitute the charm and strength of our national character. The inspiration of such people-unfortunately in our midst-is due to a lack of confidence in representative democracy. They do not believe that the people are fit to be trusted with their own affairs. Gentlemen of the House, we want no Germanism in the United States to make automata of our citizenry. We want no Madam Kollontais to Bolshevise American womanhood. We want no Marxian philosophies to supplant our American Constitution by socialism and communism. Without, however, an eternal vigilance all these things will shortly subvert and supplant our present inestimable institutions.

Eighth. The plan would inevitably lead to political involvement. The secretary of education would necessarily be a political appointee. The office would be subject to the same political influences of party, of faction, of class, of race, and of religion to a far greater degree than any other Cabinet appointment. The school-teachers of the land would sooner or later constitute a political bloc, just as you see the organized labor bloc, the agricultural bloc, the soldiers' bonus bloc, the maternity bloc, and a multitude of other blocs, all tending to destroy the spirit of our fine nationality.

Ninth. The plan would invite, and undoubtedly provoke, a religious controversy by interfering with the parochial schools of various religious faiths, against the very provisions of the Constitution which guarantee the freedom of religious faith and worship.

Tenth. The plan is undemocratic. It is essentially bureaucratic, not to say paternalistic, and purely communistic, in that it assumes the right to tax the taxpayer of one State for the community and State purposes of other States. The plan is not drawn from American thought or American necessity, nor from the purposes of the founders of this Government so plainly revealed in the compact of the Federal Constitution of It is borrowed from Bismarck of Germany and those who succeeded him, whose purpose was to put the heart and the soul, stamping them with the same stamp, molding them in jackets, stamping them with the same stamp, molding them in the same mold, so that the junker element might the more easily prosecute their scheme of world-wide dominion by using people taught to obey, and not to think. We do not want in this country every boy and girl from Maine to Florida and from Texas to Alaska branded like a Uneeda biscuit. We want the free thought of Maine, and the free thought of Florida, in fact, the free thought of the whole country according to the environment of the various States. We got the "flu" from Europe that destroyed our bodies. In the name of sound wisdom and good sense, let us avoid intellectual contaminations from the same source-contaminations far more deadly because they would destroy the soul of America, whereas the "flu' destroyed only a few thousand bodies.

Education in a country like ours, based as it is upon constitutional representative democracy, is essentially and inseparably a home and a community matter, wherein the children belong to the parents and not to the State, much less to the Government of the United States. This ownership of children by the State, this State wardship over them, is essentially and eminently a socialistic and Bolshevistic doctrine. It should have no place in the creed of American citizenship. To admit such a proposition is to destroy the very foundation of all that is the finest in our civilization. To take away the feeling of responsibility for the child on the part of its father and mother and transfer that responsibility to a Government bureau in Washington, operating through a paid Government agent, would demoralize the people by destroying the very bonds of fatherhood and motherhood, and therefore destroy the home upon which essentially this Government is founded. I say it would be far better to have the children of the United States untaught and illiterate rather than to have the child belong to the State and

the mother under official control, because, while you would have more illiterate men and women, you would still have free men and women, and you would have the home, which is the sanctuary of them both.

Eleventh. The plan is plainly unconstitutional and in clear conflict with the reserved rights of the States under our national organic law. If put into effect it will destroy the liberty of the people, their self-dependence, their sense of initiative and personal responsibility for self-government, and transform them more and more into dependents upon the Federal Government, thus killing the spirit of democracy.

thus killing the spirit of democracy.

Twelfth. The provisions of the bill and the proposed allotment to the States is not only unfair but the whole plan is uneconomical, wasteful, and extravagant. Inevitably collections of taxes for the purposes of the bill would be made by Federal agents; the amount would be determined by a Congress in which any State may be at the mercy of a majority of Congress, rather than safeguarded by the constitutional covenant; and, finally, there would be no voice but a Federal voice in the expenditure of the people's money. All of these facts are inconsistent with constitutional liberty.

Mr. Speaker and gentlemen of the House, permit me to add a last word of warning. In the light of your oaths of office consider what has been done in the way of plain assaults upon constitutional government within the short period of 10 years. Illuminated by such a reflection, let me beg you to consider the future. Having viewed carefully the socialistic legislation already enacted, take the two calendars of Congress and observe what is proposed for the future in order to extend and cour plete the socialistic legislation already enacted.

If you will do this you can not escape the conclusion that a vast, comprehensive, and insidious scheme for the nationalization of all the activities of American citizenship is contemplated. The purpose is not only the nationalization of education but of medicine, so that a department of public welfare shall control not only the mental but the physical being of our people—supervising and controlling the expectant mother, the new-born babe, the youth in school and upon the playground, even old age itself—a Federal control from birth to death. All of this is purposed by those who distrust the ability of the people to govern themselves, and who believe in this widespread scheme to secure habits of obedience among the people through the discipline of Federal supervision.

Gentlemen, the moment such a plan is put into practice our Government is doomed, and civilization in the United States will be in the throes of utter chaos.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until Saturday, February 24, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1019. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1923, to provide for the erection of additional suitable and necessary buildings for the National Leper Home at Carville, La., as authorized by the act approved February 20, 1923 (Public, No. 430), \$650,000 (H. Doc. No. 599); to the Committee on Appropriations and ordered to be printed.

1020. A communication from the President of the United

1020. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year ending June 30, 1923, for reclamation investigations, \$275,000 (H. Doc. No. 600); to the Committee on Appropriations and ordered to be printed.

1021. A letter from the Secretary of the Treasury, transmitting a list of 30 marine hospitals and quarantine stations requiring additional facilities, new construction, or improvements; to the Committee on Public Buildings and Grounds.

1022. A communication from the President of the United States, transmitting a supplemental estimate of appropriations to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1924, \$38,421,993 (H. Doc. No. 601); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BOIES: Committee on the Judiciary. H. R. 14272. A bill to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 8, 1911; without amendment (Rept. No. 1692). Referred to the House Calendar.

Mr. DEMPSEY: Committee on Rivers and Harbors. S. 3968. An act to improve the navigability of waters of the United

States by preventing oil pollution thereof; with an amendment (Rept. No. 1693). Referred to the House Calendar.

Mr. FOSTER: Committee on the Judiciary. H. J. Res. 458.

A joint resolution proposing an amendment to the Constitution of the United States; without amendment (Rept. No. 1694). Referred to the House Calendar.

Mr. FESS: Committee on the Library. S. J. Res. 240. A joint resolution authorizing the erection, on public grounds, of a memorial to the late Joseph J. Darlington; without amendment (Rept. No. 1695). Referred to the Committee of the

Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 14372. A bill providing for charges against the general fund standing to the credit of the District of Columbia in the Federal Treasury; without amendment (Rept. No. 1696). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. McKENZIE: A bill (H. R. 14416) to provide for the return to the States of Georgia and Tennessee of the approach roads in the said States leading to the Chickamauga and Chattanooga National Military Park, and for other purposes; to the Committee on Military Affairs.

By Mr. SCHALL: A bill (H. R. 14417) to assist by loans any person holding an honorable discharge from the military forces of the United States of American during the World War;

By Mr. CHINDBLOM: A bill (H. R. 14418) declaring a portion of the west fork of the South Branch of the Chicago River in Cook County, Ill., to be a nonnavigable stream; to the Committee on Interstate and Foreign Commerce

By Mr. STEENERSON: A resolution (H. Res. 555) of inquiry regarding Galena, Ill., plus freight charges on butter tubs; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNE of Wisconsin: Memorial of the Legislature of the State of Wisconsin petitioning Congress to enact legislation relating to forest products; to the Committee on Agriculture

By Mr. CULLEN: Memorial of the Legislature of the State of Oregon, petitioning the Senate and House of Representatives of the United States to so amend the Federal grain standards act that the Bureau of Markets shall have the authority to prescribe discounts of differentials similar to those prescribed in section 12 of the Oregon grain inspection law; to the Committee ca Agriculture.

By Mr. HAWLEY: Memori I of the Legislature of the State of Oregon, urging Congress to amend the Federal grain standards act; to the Committee on Agriculture.

By the SPEAKER (by request): Memorial of the Legislature of the State of Wisconsin, urging Congress to enact such legislation as may be necessary to provide a vigorous and complete forest policy; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:

By Mr. FOCHT: A bill (H. R. 14419) for the relief of Arthur

Cowsill, administrator; to the Committee on Claims. By Mr. SNELL: A bill (H. R. 14420) granting a pension to Elizabeth Gonier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14421) granting a pension to Addie Grat-

Also, a bill (H. R. 14421) granting a pension to Addie Gratton; to the Committee on Invalid Pensions.

By Mr. TEN FYCK: A bill (H. R. 14422) authorizing the accounting officers of the General Accounting Office to settle the accounts of C. M. Omohundro; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7399. By the SPEAKER (by request): Petition of American Association of Engineers, Chicago, Ill., urging immediate trial firearms; to the Committee on Ways and Means.

of men indicted for defrauding the Government; to the Committee on the Judiciary.

7400. Also (by request), petition of Round Valley Chamber of Commerce, Springerville, Ariz., indorsing Senate memorial No. 1 of the State Legislature of Arizona; to the Committee on Indian Affairs.

7401. Also (by request), petition of South Side Ebell Club, Los Angeles, Calif., expressing regret over the conditions that have been brought to bear upon the Volcan Indians of California; to the Committee on Indian Affairs.

7402. By Mr. ANSORGE: Petition of the Woman's Republican Club, New York City, urging an amendment to the Constitution prohibiting the labor of children; to the Committee on the Judiciary.

7403. By Mr. BRIGGS: Petition of Mr. D. K. Smith, Crockett, Tex., and other signers, in support of the Norris-Sinclair bill; to the Committee on Agriculture. 7405. By Mr. CAREW: Petition of Alfred E. Smith, Governor

of New York, urging that the national banking act be amended; to the Committee on Banking and Currency.

7406. By Mr. CULLEN: Petition of Gov. Alfred E. Smith, of New York, urging Congress to permit the State to validate prior taxes on national-bank shares; to the Committee on Banking and Currency.

7407. By Mr. HOGAN: Petition of United Singers, of Brook-

lyn, N. Y., condemning any act menacing peace and causing economic disturbances, and asking Congress to condemn acts of France in invading Germany; to the Committee on Foreign Affairs.

7408. By Mr. KISSEL: Petition of General Lafayette Police Post, No. 460, American Legion, New York City, favoring the enactment of Senate bill 1565 providing for the retirement of dis-

abled emergency officers; to the Committee on Military Affairs. 7409. Also, petition of the Merchants' Association of New York, N. Y., favoring negotiations with foreign governments in order to bring about reciprocal modifications of existing passport regulations and fees; to the Committee on Foreign Affairs.

7410. Also, petition of Alfred E. Smith, Governor of the State of New York, favoring an amendment to the national banking act; to the Committee on Banking and Currency.
7411. By Mr. LINTHICUM: Petition of Brotherhood of Rail-

way and Steamship Clerks, of Baltimore, asking for proper prosecution of mob outrages in Harrison, Ark.; to the Committee on the Judiciary.

7412. Also, petition of Burt Manufacturing Co., of Baltimore, favoring Sterling-Lehlbach bill on salaries for Patent Office; to the Committee on Patents.

7413. Also, petition of Gans Bros., Baltimore, favoring the Swing-Johnson bill; to the Committee on Flood Control.

7414. Also, petition of Gilbert Bros. & Co., of Baltimore, protesting against the Wood-Ernst bill; to the Committee on the Judiciary.

7415. Also, petition of the Merchants and Manufacturers' Association of Baltimore, favoring Senate bill 4399, fixing standards for hampers, round stave baskets, etc.; to the Com-

mittee on Coinage, Weights, and Measures.

7416. Also, petition of F. Nollenberger, secretary Schley
Unit, No. 37, of Baltimore, favoring resolution of Mr. Newron of Minnesota to relieve famine districts of Europe; to the Committee on Foreign Affairs.

7417. By Mr. PATTERSON of New Jersey: Petition of Pride of Diamond Council, No. 114, Sons and Daughters of Liberty

of Diamond Council, No. 114, Sons and Daughters of Liberty, Swedesboro, N. J., indorsing restricted immigration; to the Committee on Immigration and Naturalization.

7418. By Mr. RIORDAN: Petition of Gov. Alfred E. Smith, of New York, recommending that the national banking act be amended; to the Committee on Banking and Currency.

7419. By Mr. ROSSDALE: Petition of citizens of New York,

indorsing resolution purporting to extend immediate aid to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7420. By Mr. ROUSE: Petition of 261 citizens of Campbell County, Ky., protesting against the enactment of any legisla-tion toward the change of the present immigration laws that will permit admission of aliens other than provided by present law; to the Committee on Immigration and Naturalization.

7421. By Mr. STEENERSON: Petition of C. G. Mattson et al., Thief River Falls, Minn., to abolish discriminatory tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

7422. Also, petition of Clarence F. Wallin et al., Argyle, Minn., to abolish discriminatory tax on small-arms ammunition and

SENATE.

SATURDAY, February 24, 1923.

The Senate met at 11 o'clock a. m.
The Chaplain, Rev. J. J. Muir, D. D., offered the following

Our Father, again are we the recipients of Thy mercies and permitted to enjoy the brightness of a morning freighted with opportunity. And we do ask that Thy grace may be supplied unto us, giving strength for every duty, wisdom in the midst of deliberation. So guide our thoughts and purposes that we may prove acceptable unto Thee. Through Jesus Christ. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, February 19, 1923, when, on request of Mr. Curtis and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS and Mr. McKELLAR suggested the absence of a quorum

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Frelinghuysen	McKinley	Shortridge
Bayard	George	McLean	Smith
Borah	Gooding	McNary	Smoot
Brandegee	Haie	Moses	Spencer
Brookhart	Harreld	Myers	Stanfield
Broussard.	Harris	Nelson	Stanley
Bursum	Harrison	New	Sterling
Calder	Heflin	Norris-	Sutherland
Cameron	Jones, N. Mex.	Oddie	Swanson
Capper	Jones, Wash.	Overman	Townsend
Caraway	Kellogg	Page	Trammell
Colt	Kendrick	Pepper!	Wadsworth
Couzens	Keyes.	Phipps	Walsh, Mass.
Culberson	King	Pittman	Walsh, Mont.
Cummins	Ladd	Poindexter	Warren
Curtis	La Follette	Pomerene	Watson
Dial	Lenroot	Ransdell	Weller
Dillingham	Lodge	Reed, Pa.	Willis
Edge	McCormick	Robinson	
Fernald	McCumber	Sheppard	
Fletcher	McKellar	Shields	

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, lists of papers and documents on file in certain field offices of the division of customs and Federal reserve banks, and in the Washington offices of the Public Health Service, Supervising Architect, Bureau of Engraving and Printing, Comptroller of the Currency, and the Treasurer of the United States, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. McLean and Mr. FLETCHER members of the committee on the part of the Senate. and ordered that the Secretary notify the House of Representatives thereof.

NEAH BAY DOCK CO.

The VICE PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 9309) for the relief of the Neah Bay Dock

Co., a corporation, was read twice by its title.

Mr. JONES of Washington. A Senate bill identical with this is on the calendar and I do not think its consideration will take any time. If any time is to be taken on it, I will let it go to the calendar. It is a claim bill for the destruction of a dock that the Navy Department, so the report says, admits was entirely their fault. Every dollar is shown to have actually been expended on repairs. It is to pay the amount of damages, and there is no question as to the amount.

Mr. ROBINSON. I have no objection to its present con-

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Neah Bay Dock Co., a corporation, the sum of \$4,507.71 as reimbursement for damages caused to the Neah Bay Wharf, the property of said company, by the U. S. S. Secallow, a mine sweeper of the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THURSTON W. TRUE.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2984) for the relief of Thurston W. True, which was, on page 1, line 5, to strike out "\$1,000" and insert "\$794."

Mr. SMITH. I move that the Senate disagree to the amendment of the House and request a conference with the House, and that the Chair appoint the conferees on behalf of the Senate.

The motion was agreed to, and the Vice President appointed Mr. Capper, Mr. Spencer, and Mr. Robinson conferees on the part of the Senate.

ESTATE OF DAVID B. LANDIS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1599) for the relief of the estate of David B. Landis, deceased, which was, on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated."

Mr. PEPPER: I move that the Senate concur in the House amendment. The amendment merely adds the formal words

which inadvertently were omitted from the bill when it was introduced in this body.

The motion was agreed to.

MARTIN CLETNER.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2632) to correct the military record of Martin Cletner, which was, to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Martin Cletner, who served under the name of Martin Cubbler as a member of Captain Wrigley's independent company, Pennsylvania Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on or about the 24th day of November, 1862: Provided, That no pay, pension, bounty, or other allowance shall accrue prior to the passage of this act.

And to amend the title so as to read: "An act for the relief of Martin Cletner."

Mr. SHORTRIDGE. I move that the Senate concur in the amendment of the House.

Mr. KING. I would like to inquire what the difference is

between the House amendment and the Senate bill. Mr. SHORTRIDGE. Answering the Senator's question, I

think there is very little material difference, but it makes it very certain that the party in interest is not to receive any benefits by way of back pay or pension. The bill passed the Senate in the form found in the original bill, but the House amendment makes it more definite.

The motion was agreed to.

G. DARE HOPKINS.

The VICE PRESIDENT laid before the Senate the amendment of the House to the bill (S. 3351) for the relief of G. Dare Hopkins, which was, on page 1, line 6, to strike out "\$5,000" and insert "\$2,500 in full settlement against the Government."

Mr. CAPPER. I move that the Senate concur in the House amendment.

Mr. ROBINSON. Mr. President, there is so much confusion in the Chamber that it is impossible to hear on this side what What is the pending question and what was the is going on. request submitted or motion made by the Senator from Kansas?
The VICE PRESIDENT. The Senator from Kansas moved

concur in the House amendment.

Mr. ROBINSON. Very well, I have no objection.

The motion was agreed to.

ROBERT EDGAR ZEIGLER.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 107) for the relief of Robert Edgar Zeigler, which were, on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," and on page 1, line 5, to strike out "\$725" and insert "\$585."

Mr. TOWNSEND. I move that the Senate concur in the

amendments of the House.

The motion was agreed to.

ANTON ROSPOTNIK.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3594) for the relief of Anton Rospotnik and the exchange of certain lands owned by the Northern Pacific Railway Co., which was, on page 1, line 12, after the word "State," to insert "and of approximately the same value."

Mr. MYERS. I move that the Senate concur in the House

amendment.

Mr. ROBINSON. Will the Senator explain what is the purpose and effect of the amendment in which he moves that the

Senate concur?

Mr. MYERS. It is a bill involving a case of this kind: A man made a homestead entry in Montana. He was permitted through misinformation of the local land office officials to file on a piece of land which belonged to the Northern Pacific Railway Co., and which had been leased for years. He went on the land and improved it, and he was never informed of its real ownership. He spent five years on the land and at the end of that time when he went to make final proof he was suddenly and very surprisingly informed that the land did not belong to the United States. The bill simply authorizes the Secretary of the Interior in his discretion to negotiate an exchange for other lands.

Mr. ROBINSON. The House amendment does that?

Mr. MYERS.

No; the bill authorizes it.

No. What is the House amendment?

Mr. ROBINSON. What is the House amendment?
Mr. MYERS. I will come to that in a moment. The bill authorizes the Secretary of the Interior to negotiate with the Northern Pacific Railway Co. to exchange for like land situated in Montana and let the railway company take the lieu land and give up this land and let the man take a patent to it.

The bill passed the Senate in that form and went to the House. The House has added an amendment to provide that any land selected by the railroad company in lieu of this land shall be of approximately the same value. That is the House

amendment. I move— Mr. ROBINSON. Very well.

Mr. MYERS. I move that the Senate concur in the House amendment.

The motion was agreed to.

UNANIMOUS-CONSENT AGREEMENT.

Mr. CURTIS. Mr. President, I ask unanimous consent at this time to submit the unanimous-consent agreement which I

It is agreed by unanimous consent that at not later than 5 o'clock p. m., to-day, the Senate will adjourn until 11 o'clock a. m. Monday, February 26, 1928, and that immediately after the conclusion of the routine morning business on Monday the Senate will proceed to the consideration of the calendar under Rule VIII and continue such consideration until 1 o'clock p. m.; and that, if not sooner disposed of, the motion to proceed to the consideration of the shipping bill (H. R. 12817) be considered as pending at the hour of 1 o'clock p. m. on Monday, February 26, 1923 (February 24, 1923).

Mr. ROBINSON. Mr. President, that proposal is satisfac-

tory to this side of the Chamber.

The VICE PRESIDENT. Is there objection to entering into the unanimous-consent agreement?

Mr. BRANDEGEE, Mr. President-

Mr. CURTIS. I yield to the Senator from Connecticut.
Mr. BRANDEGEE. I wish to ask the Senator from Kansas whether under the agreement the call of the calendar is to be under Rule VIII, so that a bill may be taken up upon motion in spite of an objection to its consideration, or whether the calendar will be taken up simply for the consideration of unobjected bills

Mr. CURTIS. The calendar would be taken up under Rule VIII so that a bill might be taken up by motion. It was

agreed-Mr. McKELLAR. Mr. President, will the Senator yield to

Mr. CURTIS. I will ask the Senator to wait until I make this statement. It was agreed that this morning be devoted to the consideration of unobjected bills, and it seems to me that if we adhere to the regular business we can this morning finish the

calendar of unobjected bills.

Mr. McKELLAR. I do not know that I caught the exact import of the statement which was made in reference to the ship-

ping bill.

Mr. CURTIS. The statement was that if the shipping bill shall not have been sooner disposed of, the question as to its disposition shall be considered as pending at 1 o'clock on Monday.

Mr. ROBINSON. That is, the motion to proceed to its consideration shall be determined.

Mr. CURTIS. Yes.

Mr. McKELLAR. Suppose it should be disposed of to-day?

Mr. CURTIS. That would settle it.

Mr. McKELLAR. If it were disposed of to-day, then that lan-

guage would have no effect

Mr. NORRIS. Mr. President, I wish to make a suggestion to the Senator from Kansas. The agreement as read provides that on Monday we shall consider the calendar under Rule VIII. That means if any Senator objects to the consideration of a bill, and then it is taken up by motion, the limitation of debate does In the interest of disposing of the calendar and getting some bills through that possibly might be objected to by one

Senator, I wish to suggest that we include in the unanimous-consent agreement a further agreement that, on Monday if a bill is taken up by motion during the call of the calendar, under Rule VIII, the five-minute rule as to debate shall apply. That would prevent consuming the entire morning hour on one bill under unlimited debate.

Mr. CURTIS. So far as I am concerned that would be satis-

factory to me.

Mr. JONES of Washington. But is not that the rule?

Mr. NORRIS. No. Mr. ROBINSON. Mr. President, that would be impossible, because under such an arrangement the Senate might proceed with the consideration of the shipping bill, apply a limitation of five minutes to debate, and vote on the shipping bill; and certainly no one, in view of the course that measure has taken

in the Senate, would agree to that.

- Mr. NORRIS. No one would want to do that.

Mr. ROBINSON. I object to the suggestion of the Senator from Nebraska.

Mr. CURTIS. I ask unanimous consent that my request for

unanimous consent be now put.

The VICE PRESIDENT. Is there objection to the unanimous-consent agreement proposed by the Senator from Kansas? The Chair hears none, and the agreement is entered into.

LANDS IN CANON CITY, COLO.—CONFERENCE REPORT.

Mr. SMOOT. Mr. President-

Mr. CUMMINS. I call for the regular order.

Mr. SMOOT. I submit the conference report which I send to the desk, and I ask for its immediate consideration.

The VICE PRESIDENT. The conference report submitted by the Senator from Utah will be read.

The reading clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7053) to grant certain lands to the city of Canon City, Colo., for a public park, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amend-

ment of the Senate, and agree to the same.

REED SMOOT. I. L. LENROOT, Managers on the part of the Senate. N. J. SINNOTT, ADDISON T. SMITH, CARL HAYDEN Managers on the part of the House.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that the Senate proceed to the consideration of the conference report. Is there objection?

There being no objection, the Senate proceeded to consider

the report

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

LANDS IN ESCAMBIA COUNTY, FLA.—CONFERENCE REPORT.

Mr. SMOOT. I submit a further conference report which I send to the desk and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The conference report will be read.

The reading clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7967) granting certain lands to Escambia County, Fla., for a public park, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

REED SMOOT, I. L. LENROOT. H. L. MYERS. Managers on the part of the Senate. N. J. SINNOTT, ADDISON T. SMITH, CARL HAYDEN, Managers on the part of the House.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah for the immediate consideration of the conference report?

There being no objection, the Senate proceeded to consider

The VICE PRESIDENT. The question is on agreeing to the conference report,

The report was agreed to.

SENATOR FROM VERMONT.

Mr. DILLINGHAM presented the credentials of Frank L. GREENE, chosen a Senator from the State of Vermont, for the term beginning March 4, 1923, which were read and ordered to be placed on file, as follows:

STATE OF VERMONT.

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1922, Frank L. Green was duly chosen by the qualified electors of the State of Vermont a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1923.

Witness his excellency our governor, Redfield Proctor, and our seal hereto affixed at Montpelier, this 19th day of February in the year of our Lord 1923.

[SEAL.]
By the Governor:

REDFIELD PROCTOR, Governor.

HARRY A. BLACK, Secretary of State.

PETITIONS AND MEMORIALS.

Mr. JONES of New Mexico. Mr. President, on yesterday afternoon at the time of adjournment I was endeavoring to present petitions from certain citizens in New Mexico. I desire now to call attention to those petitions in order that they may be properly referred. The petitions come in connection with a letter addressed to me; and the petitions themselves, it seems to me, call for action by the Committee on Interstate Commerce. In connection with the petitions is a printed statement regarding the recent machinists' strike. I ask that this statement which is printed here be also printed in the Record, but first that there be printed in the RECORD a letter addressed to me by Mr. W. T. Patterson, of Albuquerque, N. Mex.

The VICE PRESIDENT. Is there objection? The Chair

hears none, and it is so ordered.

The letter referred to is as follows:

INTERNATIONAL ASSOCIATION OF MACHINISTS,
OFFICE OF THE SECRETARY TREASURER,
Albuquerque, N. Mex., February 17, 1933.

Hon. A. A. Jones, Washington, D. C.

My Dear Senators: The inclosed petitions are, I believe, self-explanatory. They ask that our Representatives in Washington undertake, through legislative action or otherwise, to compel the railway executives upon roads where strike conditions still exist to arrange an adjustment of the controversy in line with President Harding's proposal of July 31. A copy of this proposal and other information upon the subject will be found in the pamphlet which we are also inclosing. You will, no doubt, remember that when President Harding made the proposal in question he stated that whichever side rejected his plan would be held as responsible for further continuance of the deplorable situation upon the railroads which has resulted from the strike. Our representatives agreed to accept the President's plan, and the railroads rejected it, which has resulted in a condition that has been nothing short of a lockout of the railroad mechanics since August 1. Since that time about 150 of the railroads have broken away from their association and arranged a settlement with ther former employees in line with Mr. Harding's suggestion; but the Santa Fe, the Southern Pacific, and about 50 other roads are still stubbornly holding out while the public suffers for lack of service. Thousands of their former employees are being brought down to starvation conditions, and millions and millions of dollars of unwarranted expense is being piled up by the railroads, which will sooner or later be an additional burden upon the public.

This is a very serious situation, and we hope that you and Senator Bursum, in conjunction with the other Representatives, who are receiving similar petitions from their constituents, will actively get in behind this matter and take such action as will speedily bring this long-drawn-out controversy to a close.

Thanking you in advance for the earnest consideration which we feel you will give the proposition, I remain,

Very respectfully,

Mr. JONES of New Mexico. Without reading, I ask that one of the petitions may be p

Mr. JONES of New Mexico. Without reading, I ask that one of the petitions may be printed in the RECORD. I may state that the petitions come from different communities in the State of New Mexico. Altogether I should judge that there are a thousand names signed to them. I will not ask that each peti-tion be printed in the RECORD, but simply that one of them be printed, for the petitions, coming from different communities, are in the same type. They come from Albuquerque, N. Mex., Gallup, N. Mex., Belen, N. Mex., and other communities.

The petitions relate to the strike of last August of the machinists of the country who were working for the railroads. do not pretend to make a statement regarding the merits of the transaction, but the statement of facts which is presented in the petitions seems to warrant investigation by the Committee on Interstate Commerce. After the printing in the RECORD I ask that the statement of facts and these various petitions be

referred to the Committee on Interstate Commerce.

The VICE PRESIDENT. Without objection, the petition and statement referred to by the Senator from New Mexico will be printed in the RECORD. The Chair hears none. The matter referred to is as follows:

RATON, N. MEX., January 30, 1923.

Hon. A. A. Jones,
Senator from New Mexico, Washington, D. C.
Hon. H. O. Bursum,
Senator from New Mexico, Washington, D. C.

Dear Sirs: We, the undersigned citizens of Raton, N. Mex., and vicinity, having read President Harding's plan of settlement as submitted to Messrs. B. M. Jewell and T. Dewit Cuyler on July 31, 1922, having also read copies of correspondence which has passed between the representatives of the shopmen and the officials of the Santa Fe Railway Co., believe that everything has been done on the part of the representatives of the shopmen that could have been done to bring about a just and reasonable settlement of the controversy now existing between the railroads and their employees who went on strike July 1922.

between the railroads and their employees who went on strike July 1, 1922.

Knowing conditions as they now exist on the Santa Fe Railway and other railroads in this vicinity, we are now convinced that after a seven months' trial the Santa Fe Railway and the other railroads can not efficiently operate their transportation facilities with the class of employees they now have employed in the shops.

We therefore respectfully request that you use your good office to compel the Santa Fe Railway and other railroads in this vicinity to accept the plan of settlement as proposed by President Harding on July 31, 1922.

FACTS THE PUBLIC SHOULD KNOW ABOUT THE RAILROAD SHOPMEN'S STRIKE,

On July 1, 1922, about 400,000 railroad shop employees walked out on strike, not, as was generally supposed, for the purpose of securing higher rates of pay, but because of the fact that 92 railroads had violated 104 decisions of the United States Railroad Labor Board and a number of railroads had refused to put into effect the rates of pay established by the decisions of the board, and in order to evade the decisions of the board had leased their shops, discharging all their employees, with instructions that if they wished employment they must apply to the contractor who had leased their shops. This resulted in wages being reduced in the contract shops far below the rates established by the United States Railroad Labor Board, and in many instances so low that men could not buy the necessities of life with the wages received. The leasing out of shops continued to spread until it had reached practically every section of the country, and until the shopmen themselves decided something must be done to compel the railroad companies to abide by the decisions of the Railroad Labor Board and pay the rates of wages established by its decisions; hence the strike, their only weapon of defense.

The President of the United States recognized the validity of the stand taken by the striking shopmen when, on July 31, he sent the following terms of settlement to Mr. B. M. Jewell, president of the railway employees' department of the American Federation of Labor and head of the striking shopmen's organization, and to Mr. T. DeWitt Cuyler, chairman Association of Railway Executives.

President Harding's terms of settlement of the railroad shop strike, dated Washington, D. C., July 31, 1922:

THE WHITE HOUSE, July 31, 1922.

Col. T. DEWITT CUYLER,

Chairman Association of Railway Executives,

Care Waldorf-Astoria Hotel, New York City, N. Y.

MY DEAR MR. CLYLER: I am writing to convey to you the terms of agreement, as I understand them, upon which the railway managers and the United Shop Craft Workers are to agree preliminary to calling off the existing strike.

First Railway managers and workmen are to agree to recognize the

of agreement, as I understand them, upon which the rallway managers and the United Shop Craft Workers are to agree preliminary to calling off the existing strike.

First. Rallway managers and workmen are to agree to recognize the validity of all decisions of the Rallroad Labor Board and to faithfully carry out such decisions as contemplated by the law.

Second. The carriers will withdraw all lawsuits growing out of the strike, and Railroad Labor Board decisions which have been involved in the strike may be taken in the exercise of recognized rights by either party to the Railroad Labor Board for rehearing.

Third. All employees now on strike to be returned to work and to their former positions with seniority and other rights unimpaired. The representatives of the carriers and the representatives of the organizations especially agree that there will be no discrimination by either party against the employees who did or did not strike.

In view of the things said in our personal interview, it is hardly necessary for me to emphasize my belief in the wisdom of the railway managers accepting this compromise in order to bring the strike to an end. I have made a very full appraisal of all the embarrasments involved in making the seniority restoration. It has seemed to me that the proposition that the order of things on the day the strike began be restored, and that both employers and workers agree against discrimination toward either those who struck or did not strike, will leave to the managers only the difficult problem of dealing with the new men employed. It would be futile for me to attempt to point the way of most easily solving that difficulty. I have only attempted to appraise the situation from the larger viewpoint. It seems to me that such a settlement brings, first of all, the restoration to normal operations in transportation for which the country is calling. In the second place, it establishes definitely the full recognition of the Railroad Labor Board by all parties concerned. I have not specifically stat

decide and end such disputes as meners the contraction.

You are at liberty to present the situation as I have outlined it to you, and I hope you will convey to the members my deep conviction that this dispute must be brought to an early termination. I need hardly add that I have reason to believe these terms will be accepted by the workers. If there is good reason mby the managers can not accept, they will be obligated to open direct negotiations or assume full responsibility for the situation.

With very best regards, I am, very truly yours,

Warken G. Harding.

In the first paragraph of the terms you will please note that the President lays particular stress upon both the railroad management and employees agreeing to the validity of the decisions of the Railroad Labor Board and to faithfully carry out such decisions.

On August 1, 1922, Mr. Jewell and the international officers representing the organizations of railroad shopmen on strike accepted President Harding's plan of settlement. The Association of Railroad Executives refused to accept the President's plan of settlement, which has since August 1, 1922, changed the strike from a strike of railroad shop employees to a strike of the Association of Railroad Executives, or, in other words, into a "lockout" by a number of railroads whose officials refuse to meet the representatives of the men locked out on any terms. out on any terms.

whose omciais refuse to meet the representatives of the men locked out on any terms.

I now speak in particular of the Atchison, Topeka & Santa Fe Railway, whose officials have to date absolutely refused to meet the representatives of the locked out men, and for your information we are quoting complete file of correspondence which has passed between representatives of the "locked out men" and Mr. A. G. Wells, vice president of this railway.

We wish to call your attention to letter to Mr. Wells of November 8, wherein it was pointed out to him the then existing conditions on the Santa Fe Railway, and to his reply to same, dated November 10, in which he made no denial of the facts submitted; and since November 8 conditions have continuously grown worse; passenger and freight train wrecks are frequent, causing great damage to property as well as endangering the safety of passengers and crews. These wrecks are, no doubt, caused by improper repairs made to, and improper inspection of, the equipment by inexperienced men now in the employ of the railway company.

no doubt, caused by improper repairs made to, and improper inspection of, the equipment by inexperienced men now in the employ of the railway company.

Having in mind the interest of the public, and the losses sustained by farmers, business men, and others through the lack of transportation, as well as the losses sustained by the "locked-out shopmen," we feel that the public is entitled to be advised as to why these conditions exist.

In President Harding's letter to Mr. Cuyler he said: "If there is good reason why the managers can not accept, they will be obligated to open direct negotiations or assume full responsibility for the situation." The managers have not accepted the President's plan of settlement, and have refused to open direct negotiations, therefore they must assume the responsibility for the deplorable conditions now existing. Regardless of the statements made by the railroad management that they are operating normally, transportation of both passengers and freight is continuously getting worse, and it seems to me that after seven months' trial on the part of the railroad management, in which they have failed to even make a semblance of efficiency in the operation of transportation, that the public would be convinced that the railroads can not properly or efficiently operate their transportation facilities with the class of employees they now have employed in their shops, and will demand of the railroad companies that President Harding's plan of settlement be recognized.

System Federation No. 97,

SYSTEM FEDERATION No. 97, By T. L. PERSONETT, President.

CHICAGO, ILL., October 2, 1922.

Mr. A. G. Wells,
Vice President and General Manager of
Operation, Atchison, Topeka & Santa Fe Railway
System, Railway Exchange Building, Chicago, Ill.

System, Railway Exchange Building, Chicago, Ill.

DEAR SIR: In order to bring to an end the existing strike of employees on the Santa Fe Railway system and relieve the shippers and general public from the adverse effects thereof, Mr. Personett and the writer are in Chicago authorized to arrange a conference between the Santa Fe management and the executive committee of the striking employees for the purpose of effecting a settlement of the matters in contraversy. Santa re management and propose of effecting a settlement of the matters in controversy.

Awaiting an early reply, I am, yours very truly,

(Signed) A. H. Norris,

Chairman Executive Committee.

Address, Grace Hotel, Chicago, Ill.

(Copy.)

THE ATCHISON, TOPEKA & SANTA FE RAILWAY CO., Chicago, Ill., October 3, 1922.

Mr. A. H. NORRIS, Care of Grace Hotel, Chicago, Ill.

Dear Sir: In acknowledgment of yours of October 2, beg to advise that the subject referred to in your letter was discussed by me in my office Saturday morning, September 16, 1922, with Mr. Jewell, at his request, and definitely disposed of.

The strike has long since been settled in so far as this company is concerned; therefore nothing could be gained by a conference with you and Mr. Personett for the purpose you suggest.

Yours truly,

(Signed)

A. G. WELLS. (Signed)

(Copy.)

ALBUQUERQUE, N. MEX., October 15, 1922.

Mr. A. G. Wells, Vice President A. T. & S. F. R. R. System, Chicago, Ill.

Vice President A. T. & S. F. R. R. System, Chicago, III.

Dear Sir: Your letter of the 3d instant, addressed to Mr. Norris, declining to confer with him and Mr. Personett upon the strike situation as it exists on your railway system is before the executive board of the Santa Fe System Federation of Shop Crafts.

We are sorry you have assumed such an uncompromising attitude, not only on account of the adverse effect the controversy is having upon the earnings of your railroad but because of the great inconvenience and annoyance being caused the traveling and shipping public, who have heretofore enjoyed good service from the Santa Fe, of which we, as your employees, were just as proud as the management.

You say that in so far as the company is concerned the strike has long since been settled. This may be true, but the fact remains that 90 per cent of your passenger trains are and have been for some time running late, frequently many hours off of schedule; that shippers from one end of the line to the other are bitterly complaining as to their failure to receive freight, days and often several weeks over due; and that they are constantly sending complaints, not only to your office but to Washington as well, relative to their inability to secure cars for loading.

Were it not for a hopeless policy now being pursued by a number of different railroads, having for its purpose the discrimination of these organizations, we feel that we could get together with you and that these deplorable conditions would be speedily overcome. We do not, however, charge you, Mr. Wells, with the originating of this unfriendly and un-American policy, because we have generally found you fair in the treatment of your employees in the past, but we believe that some force beyond you is responsible for this condition.

Under the circumstances there is nothing else for us to do but to continue to make the strike as effective as is legally possible, and we are hereby giving you notice of our intention to do so; but nevertheless we want to assure you that we are ready and willing at any time to sit down to a conference table with you in an earnest endeavor to amicably adjust these difficulties, and in the meantime, as we presume you know, many of our members are finding employment upon the numerous other railroads throughout the country who are signing agreements and arranging just and reasonable settlements with their employees.

agreements and arranging just and responsible regards, we remain, Assuring you of our warmest personal regards, we remain, Executive Board System Federation No. 97, By A. H. Norms, Chairman, [Note.—No reply was received to this letter from Mr. Wells.]

(Copy.)

KANSAS CITY, KANS., November 8, 1922.

Mr. A. G. Wells,

Vice President A. T. & S. P. R. R.,

Radikay Exchange Building, Chicago, III.

Dear Sir: I have before me a clipping from a Chicago newspaper in which it is claimed there are now 18,972 men employed in the shops on the Santa Fe Railroad, that the conditions of monve power in which it is claimed there are now 18,972 men employed in the shops on the Santa Fe Railroad, that the conditions of monve power on the Santa Fe Railroad, that the conditions do now prover on the santa Fe Railroad that the conditions do now prover on the santa Fe Railroad that the conditions do now prover and the santa Fe Railroad that the conditions of mone and the santa Fe Railroad that the conditions of the santa Fe Railroad that the conditions in the shops are far from being normal, and that the officers of the Santa Fe Railroad have been ill advised as to the true conditions in the shops are far from being normal, and that the officers of the Santa Fe Railroad have been ill advised as to the true conditions.

Heretofore, when abnormal conditions arose, the representatives of the shop crafts were called into conference with the railroad officials and made to understand that the interest of the public must be taken into consideration in bringing about normal conditions. The shop crafts submitted to service from the railroad company and when that service can be properly rendered only when the shop crafts are restored to service, the shop crafts are restored to service, the shop crafts are denied the right of conference with the officials in the interest of the public. However, now, when the public expects and is entitled to

(Signed) T. L. Personett, President System Federation.

(Copy.)

Subject: Desire of shop crafts to settle the strike.

November 10, 1922. File 123099.

Mr. T. L. PERSONETT, Peoples' National Bank Building, Kansas City, Kans.:

Peoples' National Bank Building, Kansas City, Kans.:

I am in receipt this morning of yours of the 8th instant, asking me to reconsider the character of reply rendered to Mr. Norris to his letter of October 2, and agree to meet with representatives of the striking shopmen in an attempt to reach an understanding. This I respectfully decline to do, but in turn would offer you the advice that you suggest to the men on strike that as many of them as possible apply for and obtain positions with the company. This is rather an empty offer because there is room for very few men, but the suggestion is dictated by a whole-souled desire to afford relief to as many of the misguided men who are on strike as possible.

I am fully advised of the conditions which exist on the Santa Fe Railway. For your information, will state that in September last past this company loaded on its own rails and received from connection more cars of freight than in any previous month in its history, and this satisfactory record was further increased in the month of October by over 21,000 cars. There is some delay to the movement of this abnormal business, but it is not attributable to the lack of the services of the men on strike, and indeed we have so few bad-order

cars that we are giving serious consideration to the need of reducing the force in the car department.

Mr. Jewell called on me, seeking that which you now ask, on the morning of September 16. I told Mr. Jewell then and now repeat to you that there is no hope for the erstwhile shop crafts' organization to arrive at any settlement of the strike with this company. Aside from other considerations, there is no need for a settlement; our forces are practically full and such men as are needed are being supplied daily, and I am happy to say a large number of the men who went on strike have returned to work.

Yours truly,

(Signed)

(Signed)

A. G. WELLS.

(Copy.)

CHICAGO, ILL., January 5, 1923.

Mr. A. G. Wells, Vice President Santa Re Railwey System, Chicago, Ill.

Vice President Santa Re Railway System, Chicago, Ill.

DEAR SIR: We have on several previous occasions written you relative to a conference for the purpose of discussing a settlement of the shopmen's strike. In your replies you have made the statement that "in so far as the Santa Fe Railway Co. is concerned, the strike is over," which in part is true, as the strike was turned into a lockout when the Railroad Executives Association refused to accept President Harding's plan of settlement last August.

However, we find at all points that officials and agents of the company are doing everything within their power to induce merchants and others to refuse credit to the men on strike unless they agree to return to work for the Santa Fe. Further, that some of the men on strike have been offered \$500 and over to return to work as individuals, and, in addition, \$50 aplece for each striker they can induce to return with them.

in addition, \$50 aplece for each striker they can induce to return with them.

Last, but not least, we find that systematic efforts have been and are being made to prevent the strikers from securing employment at other work, and upon numerous occasions when they did secure work they would be laid off within a few days and told that certain influences had been brought to bear which prevented their employment because of their being striking railway employees.

Now, Mr. Wells, it would seem to us that if, as you say, "the strike is over," why all this activity on the part of the company to induce or compel the strikers to return to service? Surely, you would not deny them their "constitutional rights" to work for whomsoever they please.

The conditions now existing on the railroad are bringing peril and disaster to the public, the railway company, and the striking shopmen, and we believe now is the time for us to get together and iron out all differences and start the New Year right.

Therefore we are again requesting a date for a conference and would thank you for an early reply.

Yours very truly,

(Signed)

T. L. PERSONETT,

(Signed) T. I. Personett,
President System Federation No. 97.
A. H. Norris,
Chairman Executive Board System Federation No. 97.

JANUARY 6, 1923, File 123099.

Mr. A. H. Norris and Mr. T. L. Personett.

836 Wilson Avenue, Apt. 3, Chicago, Ill.

Dear Sirs: I have yours of yesterday's date, again asking for a conference for the purpose of discussing a settlement of what you are pleased to still characterize as the shopmen's strike, and can only say there is nothing to add in reply to your request to what was set forth in my letter of November 10 to Mr. Personett, a copy of which for your ready reference is inclosed.

The statement in your letter that officials and agents of the Santa Fe company are doing everything within their power to induce merchants and others to refuse credit to men on strike unless they agree to return to work for the Santa Fe I can not believe, and your further statement that some of the men on strike have been offered \$500 and over to return to work as individuals and, in addition, \$50 apiece for each striker they can induce to return with them also lacks the element of truth, as does your statement that efforts have been and are being made to prevent strikers from securing employment at other work.

Yours truly, made to prevent se Yours truly,

(Signed) A. G. WELLS.

How Much Will Your Dollar Purchase?—A SIMPLE PROBLEM IN ARITHMETIC CONCERNING RAILROAD SHOPMEN'S WAGES AND THE LABOR BOARD.

(By M. W. Martin.)

(By M. W. Martin.)

Question. If your daily wage is 70.3 cents per hour and you work 8 hours per day, how much per day will you be paid?

Answer, 70.3 cents times 8 = \$5.624.

Question. If you worked 300 days a year (and this is fixing the number of days about the average), how much money has the employer paid you?

Answer, 300 days times \$5.624 = \$1.687.20, my income for one year. Question. If the real, actual purchasing power of the dollar, based on the cost of living retail prices, is 65 cents, then how much purchasing value will you have out of your yearly income?

Answer, \$1,687.20 times 65 cents = \$1,687.20

65

843600 1012320

\$1,096.6800

Question. If \$1,096.68 represents the real purchasing value of your money, earned in one year, and the family must live 365 days each year, how much money per day will your family have to live on?

Answer. As much as 365 will go into \$1,096.68, which equals \$3.0½ or day.

Answer. As Buch as 500 me of wage fixed by a board representing per day.

Question. Is this the standard of wage fixed by a board representing the United States Government?

Answer. It is, by the United States Railroad Labor Board, for skilled mechanics on railroads.

Question. How about the track workers, or laborers, whose wage rate this board fixed at 23 cents per hour; have you worked that out?

Answer. I have.

Answer. I have. Question. Will you let us have it? Answer. Here it is.

This class of labor will hardly average in one year 275 days (deducting holidays, Sundays, and bad weather days). At 8 hours per day, equals 2,200 hours they work in one year. The United States Railroad Labor Board reduced their wages to 23 cents per hour.

2,200 hours at
2,20 cents per hour

\$506.00 - amount per year they will receive.

The purchasing power of the dollar, based on cost of living, retail prices, is 65 cents. The real purchasing power of \$506.00 is times .65

\$328 9000

Thus, these workers will have an annual income, of real purchasing

Thus, these workers will have an annual income, of real purchasing power, of \$328.90.

To find out how much per day this sum will provide to "keep" (?) a family divide 365 into it.

Answer. 90.44 cents per day.

Think of it, here in the United States of America, practically 90 cents per day.

Russia, China, and heathen countries are a credit compared with this.

Do you condemn these workers for being stirred to unmeasured wrath? or are you with them to defeat this un-Americanism?

THE COMPANY UNION.

THE COMPANY UNION.

In order to deceive the public into believing that they are willing to continue the policy of collective bargaining with their shop employees, the railroads have caused to be formed, under the direction and guidance of railway efficials, so-called associations or unions upon each particular railroad, adopting the "check-off" system for payment of dues—something to which they would never agree with the bona fide organizations. Further, upon most roads, the employee upon entering the service is required to first cancel any affiliation he may have with a bona fide labor organization, and is compelled to join the "company union," thereby bringing into existence a closed-shop condition, something which the regular organization has never attempted to enforce upon railroads and a proposition which would be bitterly opposed by the carriers; all of which goes to prove that the company fostered unions are in fact not unions at all, but, on the other hand, purely company-controlled counterfeits.

Recently the officers of the bona fide organizations on strike upon the Missouri Pacific Co., on the same subject. This analysis applies equally as well to the Santa Fe Railway, and other railroads upon which the lockout exists, and for your information we are therefore publishing in full this document, which follows:

The Missouri Pacific Railroad Co. recently caused to be distributed a pamphlet which is reproduced in full in the right-hand column below. The left-hand column is the answer of the men, who have never permitted the railroad company to dominate or determine the form of organization they desired, and if the transportation act of 1920 guarantees anything to railroad employees, it guarantees them the right to establish and maintain organizations without interference, coercion, or intimidation by railroad employees, it guarantees them the right to establish and maintain organizations without interference, coercion, or intimidation by railroad employees, it guarantees them the right to

antees anything to railroad employe establish and maintain organization or intimidation by railroad efficials. Why you should be a member of a bona fide trade-union, organized and dominated by the workers.

1. The bona fide trade-union is an institution born out of necessity by and for the workers for the express purpose of insuring its members against the injustices and tyrannies of the employer and his stool pigeons. It came into existence, not with the sanction of the employers, but despite the autocratic, black-listing practices so generally in vogue until curbed and practically eliminated by the trade-union movement.

2. No institution in this or any other country is more democratic than the trade-unions; they guarantee every member rights and privileges not obtainable by individual effort or company dominated associations, and membership does not cease when you are discharged, laid off, or quit of your own accord. The trade-union represents Americanism of the highest type; it is the defender of the weak, the women, the children, and the home,

3. The bona fide trade-union compelled recognition, negotiated agreements, and thereby established all the rules of procedure that are recognized to-day whereby the worker was protected from the arbitrary exercise of authority and humiliating abuses heaped upon the defenseless, unorganized workers. We have some very vivid recollections of the "full and fair consideration by the officials of the Missouri Pacific prior to the time we had an organization that was national in its scope.

4. The Missouri Facific Co, employs the best legal talent money can buy; it picks its officials from all corners of the globe; it maintains national and international associations; it has representatives in all the principal cities

Why you should be a member of the association.

- 1. The association gives assurance to the present working force that the Missouri Pacific Railroad officials have fulfilled the promise to stand by their loyal men by privileging them to form an organization for future negotiation.
- It provides the individual em-ployees with an adequate means of expression of any grievance.
- 3. It assures the workers that any just grievance will receive full and fair consideration by the officials up to and including the general manager, and, failing to agree, the case shall then be handled in accordance with the transportation act, 1920.
- 4. These benefits accrue to the worker without outside influence or domination being felt in the conduct of the affairs of the association or in the settlement of any origonome. grievances.

and towns, but it wants to deny
the workers these same privileges,
and naturally so, because they
know that they can not dominate,
coerce, or intimidate the national,
international, and other officers,
including general chairman on
salary, and they know also that
any organization that must depend upon their sweet will for its
very existence will never be of any
real benefit to its members.

5. Every officer of the national
and international railroad labor
organizations comes from the
ranks of the workers; they are
elected by the workers; their
salaries and duties are established
and controlled by the rank and
file and their continuation as representatives of the workers depends on their ability to get results for the men they represent.
These officers are not dependent
upon the whim of the employer;
they are employed and paid by
the workers to represent the interests of the workers, and the best
evidence of their success is the
policy of the railroad officials to
establish company unions whose
officers are dominated by the railroad to the detriment of the
workers.

6. Representatives of the men
whose bread and butter depend
on the compensation they receive
from the railroad are not desirable representatives of the men
and never can be. Do you believe
that a railroad company would
employ a lawyer who was employees? The Missouri Pacific
Railroad Co, is not so foolish, but
it thinks its employees are. Hence
the company association.

The Interstate Commerce Commission, in its wage statistics report for October, 1922, for 179
class 1 carriers, shows 191,804
salaried officials, agents, walking
delegates, organizers, etc., including 19,604 policemen and watchmen. We-find an aggregate total
of 211,408 people whose duties
consist of managing the business
of the railroads, fooling the public, and trying to infringe upon,
dictate, and dominate the personal
liberty and rights of the workers,
disrupt the bona fide trade-union
and continue in the
service of the Missouri Pacifia
Railroad on not. Memb

It is perfectly natural for the Missouri Pacific and other rall-roads to tell the employees that it is "expensive and useless" for them to spend a small portion of their earnings in an effort to elect members to office, whether in or out of their respective organizations; but what about the millions of dollars these same interests donate to secure the election of men to public office in order that the employer may profit thereby? The November, 1922, election, which moved many corporation and railway tools from public

5. All the representatives and officials of the association are workers themselves; their interests and the interests of the workers are identical,

6. The officials and representatives serve without salary or recompense of any kind, and the only cost to the workers is an amount merely sufficient to cover actual and necessary expense incurred by the representatives when engaged away from home at a meeting of the general board and in the interests of the workers.

The American Federation of Labor provides jobs for about 35,000 to 36,000 salaried officials, agents, walking delegates, organizers, etc., whose principal business is to keep matters stirred up so as to provide reasons for holding their jobs—and the worker pays for it.

7. The funds of the association belong to the worker; none of the money collected goes toward the support of labor leaders who would do nothing in return for it. None of it is used to pay for expensive and useless political campaigns within the organization. None of it is wasted or otherwise uselessly spent in any way outside.

(The annual income of the American Federation of Labor is from \$40,000,000 to \$55,000,000.)

If the 35,000 salaried agents and employees of the American Federation of Labor receive as little as \$500 per year compensation, the bulk of the money collected would have been spent in this way, leaving little or nothing to provide benefits for the rank and file of membership.

The members of the United Mine Workers' organization alone pay out of their annual wage \$17,500, none of which was returned as strike benefits to them during the five menths' strike just ended.

office, was most disconcerting. In fact, it is alarming to the special interests and, of course, it would never do for the workers to elect men and women who would represent the interests of the American people instead of the corporation.

There are between four and five million workers in the unions affiliated with the American Federation of Labor. The miners' union, the largest craft union, with some 400,000 members, pays its president about \$1,000 per year. The carpenters' union, with some 350,000 members, pays its president about \$7,500. The machinists' union, with some 300,000 members, pays its president about \$7,500 per year. Samuel Gompers, pays its president about \$7,500 per year. Samuel Gompers, president of the American Federation of Labor, receives a salaries are the highest paid of all the unions affiliated with the American Federation of Labor.

B. F. Bush, president of the Missouri Pacific Railroad Co., is paid a salary of \$50,000 per year for managing a property employing approximately 40,000 people.

Hale Holden, president of the Chicago, Burlington & Quincy, receives \$75,000 per annum.

C. H. Markham, president of the Illinois Central, receives \$75,000 per year.

E. Pennington, president of the Minneapolls, St. Paul & Sault Ste. Marie, receives \$75,000 per year.

Eleven others receive from \$50,000 per year.

Eleven others receive from \$50,000 per year.

A. H. Smith, president of the New York Central system, receives \$75,000 per year.

A. H. Smith, president of the New York Central system, receives \$92,580 per year.

In all, eight railroad officials receives \$75,000 or more per year.

Five railway executives receives \$92,580 per year.

A. H. Smith, president of the New York Central system, receives \$70,000 per year.

A. H. Smith, president of the New York Central system, receives \$75,000 per year.

A. H. Smith, president of the New York Central system, receives \$70,000 per year.

A. H. Smith, president of the New York Central system, receives \$70,000 per year.

A. H. Smith, president of the New York Central system, receives \$70,000 per year.

A. H. Smith, president of the New York Central system, receives \$70,000 per year.

A. H. Smith, president of the New York Central system, receives \$70,000 per year.

A. H. Smith, president of

8-9. The laws of the bona fide trade union are made by the will of the majority of the members. They establish the rate of dues and provide for the manner in which the funds are to be spent.

Approximately 400,000 members of the Federated Shop Crafts went on strike against an unwarranted reduction in their wages and changes in working rules, and although many of them are still on strike, they have not starved, and that is just what the railroads are proposing with their company unions. Keep the funds so low that the members will not be able to resist the introduction of low

8. Article 5, section 1, of the bylaws of the Mechanical Department
Association provides:

"That funds may be used only
as directed by the association as a
body, such action to be taken by
a majority vote of the members at
any meeting and such disposition
to be made with the approval of
the president and majority of the
members of the general board."

9. Thus, the members have a
voice in the spending of their own
money, a thing that no labor organization member has or has ever
had except in connection with such
union funds as might be the property of an individual local. In a

wages and unwarranted working conditions, and they hope to re-coup the losses resulting from the present strike by making members of these company unions pay for it.

10. Certainly the company union members will not become involved in a strike; they stand alone; they have no funds and their organization is dominated by company tools. The poor fools who become members of these company organizations surrender their manhood and dare not offend the boss, because in their hearts they know that the only organization that can protect their interests is the organization of the Federated Shop Crafts, or other bona fide trades union.

ganization of the Federated Shop Crafts, or other bona fide trades union.

11-12. A lot of meaningless platitudes. The bona fide trade union is the property of the members, and the steady improvement in the conditions of employment of workers in the organized industries is the only answer necessary.

The history of the trade-union movement does not chronicle a single instance to justify the claim that any association of workers organized, dominated, and controlled by the employer proved beneficial to the worker. Shoddy goods can be sold cheap, but the buyer gets little for his money. So it is with the member of the company union.

The so-called "hard-bolled" executives know that sooner or later they will be forced to do business with the bona fide organizations. The lavish expenditure of the people's money in the foolhardy attempt to smash the organizations comprising the Federated Shop Crafts is only additional proof that the railroads are not now, never have been, and never will be conducted in the interests of the people of this country so long as the railroad executives are in a position to pass the burden of their mismanagement onto the public.

If you have carefully read the all lockout of shop employees upon the

labor union the bulk of the money collected from members goes to the national body and the individual member has nothing more to do

member has nothing more to do with it.

(In the carmen's organization of the B. R. of T. the monthly dues are \$1.75, of which only 40 cents is retained in the local treasury.)

10. The association insures the worker against being involved in a strike or other time and money wasting controversy, at the instance of labor leaders, who sometimes use a strike to advance their own personal interests.

11. The association is in fact a workers' organization purely; the conduct of its affairs is left entirely to the members. In this connection it must be remembered that any voluntary organization, whether political, social, fraternal, or other, is of value to its members in exact proportion to the extent by which the individual members are permitted a voice in its activities and to help guide it intelligently and constructively.

12. It provides every benefit that may justly be claimed by the federated labor bodies and contains none of the many disadvantages and abuses that such bodies contain.

tain.

A member of any voluntary association in order to obtain the greatest good from it must maintain his interest in it; he must put himself into its affairs and see to it that the purposes and objectives are closely adhered to if the greatest benefits are to be obtained.

mismanagement onto the public.

If you have carefully read the above you will know that the present lockout of shop employees upon this railway is one of the most inhuman and unjustified programs ever mapped out by organized capital. We, as legitimate trade unionists, are first of all liberty-loving American citizens, interested in the peace, good welfare, and prosperity of our great Nation. Our policies are safe, sane, and conservative, and our organizations are doing more than any other one force to restrain the ultraradical, destructive forces now abroad in the land; but when predatory capital is permitted to inflict upon us such inhuman and unheard-of treatment as we are at present enduring, we believe that you will agree with us that if these quasi-public institutions are permitted to continue their present imperialistic and autocratic methods it can not but result in bitterness and encouragement to the development of a radicalism which will be dangerous to the well being of all. Please, therefore, help us by protesting to your representatives in Washington and doing whatever may lie within your power to cause these railroads to desist from further prosecution of such an un-American policy.

System Federation of Shop Crafts, A., T. & S. F. Ry. By Executive Board.

Mr. GOODING. I present resolutions from the Idaho Mining

Mr. GOODING. I present resolutions from the Idaho Mining Association, which I ask may be printed in the RECORD, and appropriately referred.

There being no objection, the resolutions were ordered to be printed in the RECORD, and referred as follows:

To the Committee on Mines and Mining:

printed in the Record, and referred as follows:

To the Committee on Mines and Mining:

Resolution adopted by the tenth annual convention, Idaho Mining Association, Boise, Idaho, February 13-14, 1923, relating to the Nicholson resolution providing for a joint commission to be known as "The Joint Commission of Gold and Silver Inquiry."

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas the Committee on Mines and Mining in the Senate, after consideration of the gold and silver situation, has recommended for passage a resolution by Senator Nicholson of Colorado, which provides for a joint commission to be known as "The Joint Commission of Gold and Silver Inquiry," which is to report to Congress on the methods and means of stimulating the production of gold and the stabilization and wider use of silver: Therefore be it

Resolved, That the Idaho Mining Association, in its tenth annual convention, assembled at Boise, Idaho, on the 13th and 14th days of February, 1923, respectfully petitions that the Congress of the United States give sympathetic consideration to the purposes outlined in the aforesaid Nicholson resolution, and especially that it enact such legislation as may be necessary in the premises; be it further

Resolved, That a copy of this resolution be forwarded to the Members of Congress representing Idabo, and to the chairman of the Senate Committee on Mines and Mining.

I hereby certify that the above and foregoing is a true copy of resolution adopted by the Idaho Mining Association at its tenth annual convention, Boise, Idaho, February 13-14, 1923.

RAYNUL MACBETH

Secretary Idaho Mining Association.

To the Committee on Banking and Currency:

Resolutions adopted by the tenth annual convention, Idaho Mining Association, Boise, Idaho, February 13-14, 1923, relating to the Denison blue-sky law.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

States in Congress assembled:

Whereas the Committee on Banking and Currency in the Senate has under consideration the Denison blue-sky law; and
Whereas this legislation will be detrimental to the mining industry and all western development: Now, therefore, be it

Resolved, That the Idaho Mining Association, in its tenth annual convention assembled, at Boise, Idaho, on the 13th and 14th days of February, 1923, hereby protests against the enactment of the Denison blue-sky law, believing that it will be destructive of the initiative that built up the great mining industry of the West, and will be a restriction placed upon legitimate promotion, prevent interstate transactions, and forbid to the honest promotions the use of the United States mail; and be it further

Resolved, That a copy of this resolution be forwarded to the Members of Congress representing Idaho and to the chairman of the Senate Committee on Banking and Currency.

I hereby certify that the above and foregoing is a true copy of resolutions adopted by the Idaho Mining Association at its tenth annual convention, Boise, Idaho, February 13-14, 1923.

Recretary Idaho Mining Association.

Mr. BORAH presented resolutions adopted by the Tenth An-

Mr. BORAH presented resolutions adopted by the Tenth Annual Convention of the Idaho Mining Association at Boise, Idaho, protesting against the enactment of the Denison blue sky law, etc., which were referred to the Committee on Banking and Currency.

He also presented resolutions adopted by the Tenth Annual Convention of the Idaho Mining Association at Boise, Idaho, praying that Congress give sympathetic consideration to the resolution submitted by Senator Nicholson, of Colorado, providing for a joint commission to be known as the "joint com-mission of gold and silver inquiry," which were referred to the Committee on Mines and Mining.

[Note: These resolutions are identical with those previously

presented by Mr. Gooding, which are printed.]

Mr. BORAH presented the following joint memorial of the Legislature of Idaho, which was referred to the Committee on Banking and Currency:

United States of America,
State of Idaho,
Office of the Secretary of State.

Office of the Secretary of State.

I. F. A. Jeter, secretary of state of the State of Idaho and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of Senate Joint Memorial No. 3 with the original thereof adopted by the Senate and House of Representatives of the Seventeenth Legislative Assembly of the State of Idaho and filed in the office of the secretary of state of the State of Idaho February 15, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indoresements thereon. In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Idaho. Done at the capitol at Boise, Idaho, this 17th day of February, A. D. 1923.

[SEAL.]

F. A. JETER. Secretary of State. Legislature of the State of Idaho, In the Senate, Seventeenth Session.

Senate Joint Memorial No. 3, by committee on mines and mining. To the Senate and House of Representatives of the United States in Congress assembled:

To the Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the Governor and Legislature of the State of Idaho, respectfully represent that—

Whereas the production of silver is an important industry of the United States and affords employment directly to many thousands of persons and indirectly to thousands of others; and

Whereas, on account of its association with other metals, especially lead and zinc, in ores, an inadequate price for silver increases the cost of production of lead and zinc, and thereby adds to the cost of materials essential to many construction activities; and

Whereas it is also desirable to maintain silver-mining operations in the United States so as to meet the coinage requirements of various countries in which commerce and industry are in process of rehabilitation and can not be fully reestablished without additional supplies of metallic money; and

Whereas the prospective early completion of silver repurchases under the provision of the Pittman Act is liable to disrupt the silver-mining industry of the United States and in part suspend silver production unless measures be taken to preserve the industry:

Now, therefore, the Governor and Legislature of the State of Idaho respectfully petition that the Congress of the United States give sympathetic consideration to the situation of the silver-mining industry, and especially that it enact such legislation as may be necessary in the premises; be it further

Resolved, That the secretary of state of the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States of America and send copies to the Senators and Representatives in Congress from this State.

This senate joint memorial passed the senate on the 2d day of February, 1923.

H. C. BALDRIDGS, President of the Senate.

H. C. BALDRIDGE, President of the Senate.

This senate joint memorial passed the house of representatives on the 10th day of February, 1923.

M. A. Kigen, Speaker of the House of Representatives. I hereby certify that the within Senate Joint Memorial No. 3 originated in the senate during the seventeenth session of the Legislature of the State of Idaho.

A. M. BOYLEN.

A. M. BOYLEN, Secretary of the Senate.

Mr. BORAH presented the following joint memorial of the Legislature of Idaho, which was referred to the Committee on Agriculture and Forestry:

United States of America, State of Idaho, Office of the Secretary of State.

I, F. A. Jeter, secretary of state of the State of Idaho and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of House Joint Memorial No. 3 with the original thereof adopted by the Senate and House of Representatives of the Seventeenth Legislative Assembly of the State of Idaho and filed in the office of the secretary of state of the State of Idaho February 10, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Idaho. Done at the capitol at Boise, Idaho, this 17th day of February, A. D. 1923.

[SEAL.]

F. A. Jeter, Secretary of State.

IN THE HOUSE OF REPRESENTATIVES.

House Joint Memorial No. 3, by Hagan and Anderson.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, the Legislature of the State of Idaho, respectfully

States of America in Congress assembled:

Your memorialist, the Legislature of the State of Idaho, respectfully represents that—
Whereas the production of wheat in the United States is one of the greatest assets and necessities of the United States; and
Whereas the farmers of the country can not now produce wheat at a profit, and unless the price of wheat is advanced and made stable the production of wheat in the United States will be further greatly reduced, to the detriment, damage, and injury of the whole people; and Whereas this condition has existed for the past two years, and unless remedied will exist in the future; and
Whereas heretofore, by an act of the Congress of the United States, whenever an emergency existed requiring stimulation of the production of wheat, and it was essential that the producers of wheat in the United States have certain guaranteed prices, the President was authorized from time to time, seasonably, and as far in advance of seeding time as practicable, to determine and fix a reasonable profit; and
Whereas pursuant to said act of Congress the President of the United States id make proclamations fixing the guaranteed price for wheat, in order to assure producers a reasonable profit; and
Whereas by reason of said price being so fixed the producers were enabled to receive a reasonable profit on the wheat producer, which inured to the great benefit of all the people and to the prosperity of the whole United States; and
Whereas the great emergency existing to-day makes it imperative that some action be immediately taken to save from utter ruin the great wheat producers of the country: Now, therefore, be it

Resolved, That the Legislature of the State of Idaho carnestly recommend, urge upon, and request that the Congress of the United States immediately consider and enact proper laws giving the President of the United States of support said measure and work that some action be immediately taken to save from titer ruin the great imperative of the States of Idaho be requested to support s

This memorial passed the house on the 27th day of January, 1923.

M. A. Kiger,

Speaker of the House of Representatives.

This memorial passed the senate on the 1st day of February, 1923. H. C. BALDRIDGE, President of the Senate.

I hereby certify that the within House Joint Memorial No. 3 originated in the house of representatives during the seventeenth session of the Legislature of the State of Idaho.

DAVE BURRELL, Chief Clerk of the House of Representatives.

Mr. WALSH of Montana presented the following joint memorial of the Legislature of Montana, which was referred to the Committee on Public Lands and Surveys:

House joint memorial No. 4 to the Congress of the United States praying for an appropriation to provide for the construction of public roads leading into and through national forests, Indian reservations, and other public land areas.

To the honorable Senate and House of Representatives in the Congress of the United States of America:

Your memorialists, the members of the Eighteenth Legislative Assembly of the State of Montana, the senate and house concurring, respectfully represent:

Whereas there are in the 13 public land States of the Northwest 382,032,487 acres of unappropriated and unreserved public lands, Indian reservations, and national forests, areas that are nontaxable and that do not contribute to the building of public roads, except the 25 per cent of the gross proceeds of the forests, and it only a negligible amount. The nontaxable areas of these States are as follows:

	Acres.		
Arizona	48, 692, 722	Minnesota Montana Nevada New Mexico	1, 855, 518
California	38, 173, 917		30, 829, 638
Colorao	24, 562, 927		58, 453, 899
Idaho	27, 366, 215		30, 418, 359

	Acres.		Acres.
Oregon South Dakota Utah	27, 384, 757 4, 386, 100 39, 207, 579	Washington	15, 357, 519 34, 343, 307

Whereas Indian reservations, forest reserves, and other public lands stretch across county, State, and interstate highways, becoming insurmountable barriers to highway improvement, uommunity and State development; and

Whereas in many counties of the public land States from 50 to 75 per cent of their area is nonassessable public-land area, affording no taxes for schools and roads; and

Whereas the public-land States, owing to large area, small population, and small valuation, have not been able to participate in the 50-50 provision of the Federal highway act; and

Whereas under the provisions of Senate bill No. 1072 there was enacted a law, November, 1921, providing for an appropriation of \$75,000,000, \$15,000,000 of which was to be applied on roads in national forests and leading into national forests; and

Whereas highway projects in the public land States initiated under this appropriation must halt unless another appropriation is made to effect their completion: Therefore be it

Resolved, That the Congress of the United States be memorialized to make an appropriation of \$20,000,000 for roads in and leading into national forests in and through Indian reservations; and be it further

Resolved, That copies of this memorial be transmitted by the secretary of state to the President, the Secretary of the Interior, the Forest Service, Department of Agriculture, the Bureau of Public Roads, the United States Senators and Members of Congress, the governors of the 13 public-land States.

Calvin Crumbaker, Speaker of the House.

CALVIN CRUMBAKER, Speaker of the House. NELSON STORY, JR., President of the Senate.

Approved February 13, 1923.

Jos. M. Dixon, Governor.

Filed February 13, 1923, at 11.10 o'clock a. m.
C. T. Stewart, Secretary of State.

UNITED STATES OF AMERICA, State of Montana, 88:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of House joint memorial No. 4, "A memorial to the Congress of the United States praying for an appropriation to provide for the construction of public roads leading into and through national forests, Indian reservations, and other public-land areas," enacted by the eighteenth session of the Legislative Assembly of the State of Montana, in regular session assembled, and approved by Jos. M. Dixon, governor of said State, on the 13th day of February, A. D. 1923.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Montana, at Helena, the capital, this 13th day of February, A. D. 1923.

[SEAL.]

C. R. STEWART,

Secretary of State.

C. R. STEWART,

Secretary of State.

By CLIFFORD L. WALKER,

Mr. ODDIE presented the following joint memorial of the Legislature of Nevada, which was referred to the Committee on the Judiciary.

Senate joint resolution memorializing Congress to adopt and submit to the several States of the Union an amendment to the Constitution of the United States authorizing Congress to regulate the employ-ment of child labor in the industries of the United States.

of the United States authorizing Congress to regulate the employment of child labor in the industries of the United States.

Whereas the United States Census Bureau in its occupational canvas of the people of the United States for the year 1920 reports the employment of 1,060,858 children between the age of 10 and 15, inclusive, 413,549 of whom are employed in occupations other than agriculture; and

Whereas Congress has attempted to regulate the employment of children in mines and factories under the commerce clause of the Constitution by prohibiting transportation of child-produced commodities (U. S. Stats., ch. 432, 64th Cong., 1st sess.), which statute the United States Supreme Court in Harmer v. Dagenhart (247 U. S. 251) has declared to be beyond the scope of the said commerce clause of the Constitution and therefore void; and

Whereas Congress hereupon included in the revenue act (U. S. Stat. L. 40, pp. 1057-1138; ch. 18 Comp. St., par. 6336, 6337, 6338a) of the Sixty-fifth Congress a provision authorizing the collection of a 10 per cent tax upon net income of industries, producing commodities into the production of which entered the labor of a child, which statute when reviewed by the United States Supreme Court in Baily v. Drexel Furniture Co. (66 U. S. —) found in advance opinions of the court for June 15, 1922, page 523, was declared unconstitutional, thereby denying the right of Congress to regulate the employment of children under the right of Congress is without constitutional authority to universally regulate the employment of children under the right of Congress is without constitutional authority to universally regulate the employment of child labor in the industries of the United States, although Congress has after careful study of the beneficial results of such regulation attempted so to do; and

Whereas the people of the State of Nevada, through their legisla-

study of the beneficial results of such regulation attempted so to do; and

Whereas the people of the State of Nevada, through their legislature have adopted laws similar to those proposed by Congress for the protection of child life and have in addition approved the policy of compelling children to attend school for the first 12 grades, and do not approve of the employment of children in mines under the age of 16 years; and

Whereas there is now pending before Congress a resolution to submit to the several States an amendment to the Constitution of the United States authorizing Congress to regulate and prohibit child labor: Therefore be it

Resolved by the senate (the assembly concurring), That the Senate and House of Representatives of the United States be hereby requested to immediately pass such resolution to submit to the States for their approval the amendment to the Constitution of the United States prohibiting child labor; and be it further

Resolved, That the Senators and Representative from Nevada be requested to present this resolution and to energetically and actively support the resolution submitting such amendment.

MAURICE J. SULLIVAN,

Proposition of the Control of the Contro

MAURICE J. SULLIVAN,
President of the Senate.
George B. Russell,
Secretary of the Senate.
JAMES M. LOCKHABT,
Speaker of the Assembly.
J. H. CANSTUNG,
Chief Clerk of the Assembly.

CARSON CITY, NEV., February 20, 1923.

I hereby certify that the above senate joint resolution was adopted by the Legislature of the State of Nevada in senate and assembly convened.

GRORGE B RUSSELL Secretary of the Senate.

Mr. LA FOLLETTE presented the following joint resolution of the Legislature of Wisconsin, which was referred to the Committee on Agriculture and Forestry;

Joint resolution memorializing Congress to enact legislation relating to forest products.

to forest products.

Whereas it is recognized that the timber supplies of this State and of the Nation are rapidly being depleted; and

Whereas it is further recognized that wood and forest products are needed on every farm and in every home and in every industry every hour of the day; and

Whereas it is a fact that thousands of men find their means of livelihood in the woods or in wood-using establishments and millions of dollars are invested in the forest industry; and

Whereas the practices of the past have resulted in millions of acres of cut-over lands in this State and in the Nation that should be producing forest products to supply the above-mentioned needs, but which, because of lack of organized effort, are not producing such supplies; and

ducing forest products to supply the above-mentioned needs, but which, because of lack of organized effort, are not producing such supplies; and

Whereas it is recognized that this problem can only be solved by concerted effort of the Nation, State, and their citizens and that the essence of the problem is to cut merchantable timber in a way that will leave the lands cut over in a productive condition, so far as forest supplies are concerned; and

Whereas it is further recognized that, because of the interstate nature of the shipments of forest products and the far-flung operations of the forest industry, its activities being in every timbered State of the Union and the operators of one State being in competition with the operators of the other timbered States, that the problem is primarily a national problem and that any burdens placed on the forest industry should not be limited to the confines of any specific State but should be of national character; and

Whereas it is of great public importance that sufficient supplies of forest products for the needs and comforts of the population be insured for the future and that such supplies can only be insured by the establishment of a comprehensive forestry program: Therefore be it

Resolved, That this legislature memorialize Congress to enact such legislation as may be necessary to provide a vigorous and complete for the regulation, in a fair and uniform manner, of timber cutting on privately owned lands and also provide for the rigid protection or forest-producing lands from fire so that all nonfarming land wherever located in this or any other State in the Union may be in a productive condition for forest growth.

Resolved further, That copies of this resolution, properly engrossed and authenticated, be transmitted to each of the Senators and Representatives in Congress from Wisconsin, and to the presiding officers of both Houses of Congress.

GEO. C. FORNINGS,
President of the Senate.
L. W. SCHOENFELD,
Chief Clerk of the Senate. J. L. DAHL,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. LODGE presented resolutions of the city council of Boston, Mass., favoring the prompt passage of the so-called ship subsidy bill, which were ordered to lie on the table.

Mr. SHEPPARD presented the petition of Jane Douglas Chapter, Daughters of the American Revolution, of Dallas, Tex., and Texas State regent and State secretary, Daughters of the American Revolution, praying for the erection of a national archives building, which was referred to the Committee on Public Buildings and Grounds.

Mr. PEPPER presented a memorial of the Philadelphia (Pa.) Board of Trade, protesting against the passage of legislation to limit the immigration of aliens to the United States, which was referred to the Committee on Immigration.

Mr. REED of Pennsylvania presented a resolution adopted by the Synod of Pennsylvania of the Presbyterian Church in the United States of America, at Greensburgh, Pa., praying an amendment to the Constitution prohibiting polygamy, which was referred to the Committee on the Judiciary.

Mr. KENDRICK presented a petition of sundry railway postal clerks of Cheyenne, Wyo., praying for the passage of the bill (H. R. 13136) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, which was referred to the Committee on Civil Service.

He also presented a petition of sundry railway postal clerks of Cheyenne, Wyo., praying for the passage of the bill (H. R. 13609) to amend an act entitled "An act to reclassify post-

masters and employees of the Postal Service and adjust their salaries and compensation on an equitable basis," approved June 5, 1920, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. CUMMINS, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 14309) to amend section 206 of the transportation act, 1920, reported it without amendment

He also, from the same committee, to which was referred the bill (S. 4528) for the relief of the Kansas City, Mexico & Orient Railroad of Texas, Oklahoma, and Kansas, reported it with an amendment and submitted a report (No. 1170) thereon.

Mr. DILLINGHAM, from the Committee on Immigration, to which was referred the joint resolution (S. J. Res. 82) providing for immigration to relieve the emergency caused by an acute shortage of labor in the Territory of Hawaii, reported it with an amendment.

Mr. NORRIS, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 10819) relating to the Department of Agriculture, reported it without amendment submitted a report (No. 1171) thereon.

He also, from the same committee, to which was referred the bill (H. R. 10677) for the relief of Quincy R. Craft, reported it without amendment.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 3487) to provide for the widening of Nichols Avenue between Good Hope Road and S Street SE., reported it without amendment and submitted a report (No. 1172) thereon.

He also, from the same committee, to which was referred the bill (S. 4413) to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes, ported it with an amendment and submitted a report (No. 1173)

Mr. GOODING, from the Committe on the District of Columbia, to which was referred the bill (S. 3222) for the extension of Rittenhouse Street in the District of Columbia, reported it without amendment.

Mr. REED of Pennsyvania, from the Committee on Military Affairs, to which was referred the bill (S. 4500) authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army, reported it without amendment and submitted a report (No. 1174) thereon.

Mr. LENROOT, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3855) to ascertain and settle land claims of persons not Indian within Pueblo Indian land, land grants, and reservations in the State of New Mexico, reported it with an amendment and submitted a report (No. 1175) thereon.

Mr. HARRELD, from the Committee on Claims, to which was referred the bill (H. R. 8533) for the relief of Joe T. White, reported it without amendment and submitted a report (No. 1176) thereon.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (S. 4608) for the payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, and under the provisions of section No. 151 of the Judicial Code, reported it with an amendment.

Mr. PAGE, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4307. An act for the relief of John I. Conroy (Rept. No. 1177); and

H. R. 7921. An act granting six months' pay to Alice P. Dewey (Rept. No. 1178).

Mr. JONES of New Mexico, from the Committee on Finance, to which was referred the joint resolution (S. J. Res. 280) for the relief of the city of Astoria, Oreg., reported it with an amendment and submitted a report (No. 1179) thereon.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 422) permitting the entry free of duty of certain domestic animals which have crossed the boundary line into foreign countries, reported it with amendments and submitted a report (No. 1180) thereon.

Mr. SHIELDS, from the Committee on the Judiciary, to which was referred the bill (H. R. 14324) to amend section 107 of the

act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended, reported it without amendment and submitted a report (No. 1181) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 4255) for the relief of George T. Tobin & Son, reported it with an amendment and submitted a report (No. 1182) thereon.

Mr. BURSUM, from the Committee on Military Affairs, to which was referred the bill (S. 2295) for the relief of James Allen, alias George Moran, reported it without amendment and

submitted a report (No. 1183) thereon.

He also, from the same committee, to which was referred the bill (H. R. 1482) for the relief of James T. Farrill, reported it without amendment.

He also, from the Committee on Public Lands and Surveys, to which was referred the joint resolution (S. J. Res. 278) providing for continuation of register and receiver of the land office at Guthrie, Okla., at salaries in effect prior to act of January 24, 1923, reported it with an amendment.

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (S. 4607) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, reported it without amendment and submitted a report (No. 1184) thereon.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the bill (H. R. 14087) for the creation of an American battle monuments commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 4537) for the relief of George Turner, reported it with amendments and submitted a report (No. 1186) thereon.

He also, from the same committee, to which was referred the bill (H. R. 14317) granting permission to Capt. Norman Randolph, United States Army, to accept the decoration of the Spanish Order of Military Merit of Alfonso XIII, reported it without amendment.

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (H. R. 13032) to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County board of the American Legion, Bessemer, Mich., reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 4420) to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Servreported it with an amendment and submitted a report (No. 1187) thereon.

Mr. WATSON, from the Committee on Finance, to which was referred the bill (S. 1176) for the relief of Canadian Car & Foundry Co. (Ltd.), reported it without amendment and sub-

mitted a report (No. 1188) thereon.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 4437) to amend section 284 of the Judicial Code of the United States, reported it without amendment and submitted a report (No. 1189) thereon.

He also, from the same committee, to which was referred the bill (S. 4438) to amend section 1025 of the Revised Statutes of the United States, reported it with amendments and submitted a report (No. 1190) thereon.

He also, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 11637) authorizing the Secretary of the Interior to approve indemnity selections in exchange for described granted school lands, reported it without amendment and submitted a report (No. 1211) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs to which was referred the bill (H. R. 14082) to authorize the Valley Transfer Railway Co., a corporation, to construct and operate a line of railway in and upon the Fort Snelling Military Reservation, in the State of Minnesota, reported it without amendment.

He also, from the same committee, to which was referred the bill (H. R. 14077) to extend the benefits of section 14 of the pay readjustment act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrant officers, and for other purposes, reported it with amendments and submitted a report (No. 1191) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which were referred the following bills and joint resolution, reported them severally without amendment and submitted reports

thereon:

H. R. 13998. An act making section 1535c of the Code of Law for the District of Columbia applicable to the municipal court District of Columbia, and for other purposes (Rept. No. 1192);

H. R. 14135. An act to amend an act approved September 8, 1916, providing for holding sessions of the United States district

court in the district of Maine, and for other purposes (Rept. No. 1193); and

H. J. Res. 256. Joint resolution proposing payment to certain

employees of the United States (Rept. No. 1194).

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 14144) to limit and fix the time within which suits may be brought or rights asserted in court arising out of the provisions of subdivision 3 of section 302 of the soldiers and sailors' civil relief act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States, moved that that committee be discharged from its further consideration and that it be referred to the Committee on the Judiciary, which was agreed to.

Mr. NELSON subsequently, from the Committee on the Judiciary, to which was referred the bill (H. R. 14144) to limit and fix the time within which suits may be brought or rights asserted in court arising out of the provisions of subdivision 3 of section 302 of the soldiers and sailors' civil relief act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States, reported it with an amendment and submitted a report (No. 1195) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 13430) to amend section 370 of the Revised Statutes of the United States, reported it with an amendment and submitted a report (No. 1196) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 297. An act for the relief of Mrs. Vincenza Diminico (Rept. No. 1197);

H. R. 7027. An act for the relief of Herbert E. Shenton (Rept. No. 1198)

H. R. 8871. An act for the relief of Richard Andrews (Rept. No. 1204)

H. R. 9631. An act for the relief of Edward F. Dunne, jr.

(Rept. No. 1203);
H. R. 10022. An act for the relief of Eldredge & Mason, of Malone, N. Y. (Rept. No. 1199);
H. R. 10847. An act for the relief of Jacob Dietch (Rept.

No. 1200)

H. R. 10848. An act for the relief of Estella W. Dougherty

(Rept. No. 1201); and H. R. 13205. An act for the relief of the American Trust Co.

(Rept. No. 1202).

Mr. CAPPER, also from the Committee on Claims, to which was referred the bill (H. R. 11528) to allow credits in the accounts of certain disbursing officers of the Army of the United States, reported it with an amendment and submitted a report (No. 1205) thereon.

He also, from the same committee, to which was referred the bill (H. R. 11397) to authorize appropriations for the relief of certain officers of the Army of the United States, and for other purposes, reported it with amendments and submitted a report (No. 1206) thereon,

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 4153) granting an honorable discharge to Ustacio B. Davison, reported it with amendments and submitted a report (No. 1207) thereon.

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 6577) authorizing the conveyance of certain land in the State of South Dakota to the Robert E. Kelley Post, No. 79, American Legion, South Dakota, reported it with an amendment and submitted a report (No. 1209) thereon.

Mr. CALDER, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment:

S. 4580. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Misrouri River between Hughes County and Stanley County, S. Dak.;

S. 4581. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Brule County and Lyman County,

S. Dak.; and S. 4582. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Walworth County and Corson County.

ROSE CITY COTTON OIL MILL.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (S. 4479) for the relief of Rose City Cotton Oil Mill and others, reported the following resolution (S. Res. 448):

Resolved, That the bill S. 4479, entitled "A bill for the relief of Rose City Cotton Oil Mill and others," now pending in the Senate, together with all accompanying papers, be, and the same is hereby,

referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

PURCHASE OF EMBASSY BUILDING AT PARIS, FRANCE.

Mr. LODGE. From the Committee on Foreign Relations, I report back favorably without amendment the bill (S. 4594) to authorize the Secretary of State to acquire in Paris a site, with an erected building thereon, at a cost not to exceed \$300,-000, for the use of the diplomatic and consular establishments of the United States.

I wish to say a word of explanation with reference to the bill, and then I shall ask unanimous consent for its present consideration. The facts are explained in the report of the House committee. The Senate is aware that there is a general law authorizing the expenditure annually of not to exceed \$2500.000 for the purphase or execution of emphasisy legicians. \$500,000 for the purchase or erection of embassy, legation, or consular buildings in foreign countries. Two years ago we passed a law appropriating \$150,000 for the purchase of an embassy in Paris. That money is still in the Treasury unexpended, it having been found impossible to acquire any suitable building capable of providing accommodations for the embassy and its offices and also the consular offices at that price. For \$300,000, however, a suitable building can be purchased, which will provide quarters for the embassy and the consular officers also. We are paying rent for all the buildings occupied by our diplomatic and consular officers. Of course, an embassy building occupied by the ambassador of the United States is exempt from taxation. It is very important, if this purchase is to be made at all, that the Secretary should have authority to make it now.

Mr. ROBINSON. Mr. President, will the Senator yield for question?

Mr. LODGE. Yes.

Mr. ROBINSON. Has the building or have the buildings

Mr. ROBINSON. Has the building or have the buildings which it is contemplated shall be purchased been selected?

The building has been selected. Mr. ROBINSON. Is it the building that is now occupied by

the ambassador and his staff? Mr. LODGE. No; I do not so understand; it is a different

building, and I think is known as the Condé House. Mr. ROBINSON. I happen to know of that property, and

have no objection to the consideration of the bill. Mr. LODGE, It will take care of all the offices of our

diplomatic and consular service in Paris, and it is very important to have it done. Half the money is already in the

Mr. ROBINSON. I have no objection to the consideration of the bill.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

Mr. POMERENE. Mr. President, can the Senator advise us as to the amount we are paying for present accommodations in France?

Mr. LODGE. It is set forth in the House report, which I send to the desk to accompany the bill, that for the embassy building the Department of State now pays an annual rental of 86,500 francs. The franc has fallen off since the figures were prepared. That does not include the rent paid by the military attaché, who has offices in the same building, but separate from the embassy, for which a rental of about 1,500 francs is paid. For the passport office a rental of 56,000 francs, or \$4,480, is paid, and for the office of the consul general there is paid a rental of 18,000 francs.

Mr. POMERENE. Can the Senator state the total amount in American money?

Mr. LODGE. I am afraid that is a very difficult question to answer, because the rate of exchange of the franc has been constantly fluctuating.

Mr. POMERENE. Approximately, what would be the amount in American money?

Mr. KING. Say with the franc at par?

Mr. LODGE. The estimate in dollars that I have stated as to one item was made according to the rate of exchange

when the hearings were held, which was February 12.

Mr. JONES of Washington. Mr. President, if this debate is going to continue indefinitely, I shall have to object, because it was understood that we would take up the calendar this morning.

Mr. LODGE. I understand that. I made the request for the consideration of the bill, because it is very important that it be acted upon as quickly as possible. The matter has been thoroughly considered by the committee.

Mr. POMERENE. I shall not object, but I want to make just one observation. When the late William G. Sharp was ambassador he urged upon the Congress the necessity of buying an embassy at Paris. At that time it could have been bought for a very reasonable rate, but the Congress did not see fit to make the purchase. I am not finding any fault with them; but we could have saved a large amount of money if it had been bought then, and I am satisfied that we ought now to make the purchase on one condition only, namely, that the price is a reasonable one under all the circumstances, and I am quite willing to trust those who have the matter in charge.

Mr. LODGE. It is reported by the Secretary of State to be a reasonable price and the lowest at which we could get a suitable embassy

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of State be, and he is hereby, empowered, at a cost not to exceed \$300,000 for both site and building or buildings, to acquire in Paris a site, together with the building or buildings thereon, for the use of the diplomatic and consular establishments of the United States, and the appropriation of the sum of \$150,000 is hereby authorized in addition to a like sum heretofore appropriated for this purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. I ask that the House report accompanying a similar House bill may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The report referred to is as follows: [House Report No. 1587. Sixty-seventh Congress, fourth session.]

AUTHORIZING PURCHASE OF PROPERTY IN PARIS FOR DIPLOMATIC AND CONSULAR ESTABLISHMENTS OF THE UNITED STATES.

FEBRUARY 12, 1923.

Mr. Fairchild, from the Committee on Foreign Affairs, submitted the following report to accompany H. R. 14287:

The Committee on Foreign Affairs, having had under consideration H. R. 14287, to authorize the Secretary of State to acquire in Paris a site, with an erected building thereon, at a cost not to exceed \$300,000 for the use of the diplomatic and consular establishments of the United States, reports the same back, and recommends that the bill do pass.

The present bill is a reintroduction of H. P. 12000.

bill do pass.

The present bill is a reintroduction of H. R. 13999 in the final form as adopted by the committee.

The purpose of this bill is to empower the Secretary of State to purchase in Paris, at a sum not to exceed \$300,000, a specially destrable property which has been offered to the United States ambassador to be used as the American Embassy. It is an advantageous offer, to secure which speedy authorization is essential. Such authorization is urgently recommended by the Secretary of State in a communication to the chairman of the Committee on Foreign Affairs, as follows:

LETTER FROM SECRETARY HUGHES TO MR. PORTER

FEBRUARY 10, 1923.

LETTER FROM SECRETARY HUGHES TO MR. PORTER.

FEBRUARY 10, 1923.

MY DEAR MR. PORTER: In conformity with the desire you have expressed to know my views regarding the desirability of purchasing in Paris a property which has been offered to the United States ambassador to be used as the American Embassy, it gives me pleasure to inform you that from reports received from Ambassador Herrick an unusual opportunity is offered to acquire a very desirable property at a comparatively small price. It is my understanding that the members of the Committee on Foreign Affairs have been shown photographs and ground plans of this property, which is very conveniently located in the seventh arrondissement, or ward, of the city of Paris. In this same ward are situated 10 out of 15 ministries of the French Government, among which is the ministry for foreign affairs, only a few minutes' walk from the property. There are in the same ward four embassies and three legations of other countries, as well as the Chamber of Deputies, the war college, and the offices of the military governor of Paris and of Marshal Foch. Within a short distance and in a neighboring ward are the senate and school of fine arts. It will therefore be seen that for the purpose of the embassy the property is particularly well located.

As to its accessibility for Americans and others who have occasion to call at the embassy, it can be easily reached by means of the various rapid-transit systems of Paris, as a subway station is shortly to be opened within 100 yards of the property, while a street-car and bus line run down the Boulevard des Invalides, on which the property faces, and another bus line on a cross street three doors away. The property is about an acre and a third in area, and extends through from one street to the large Boulevard des Invalides.

It is important to emphasize that the property is particularly well suited for the ambassador's residence and for offices of the foreign service, as the type of the house is of the style of a large private dwel

square on which is situated a large church. The southern half of the block adjacent to this property is occupied by the buildings and garden of a convent, and there are three private houses with gardens on the northern half. The Chinese Legation is diagonally across the street from the property.

Experience has shown that in order to obtain property suitable for embassy purposes in the large capitals of Europe the sum of \$150,000, heretofore authorized by Congress, is insufficient. I carnestly hope that with the present possibility of acquiring exceptionally valuable land on which are erected buildings well adapted to embassy purposes and conveniently located Congress will authorize the sum stated in the bill which Mr. Fairchild has introduced for this purpose,

I am, my dear Mr. Porter, very sincerely yours,

Charles E. Hughes.

Charles E. Hughes.

Congress has heretofore, by act approved February 17, 1911 (36)

Stat. L. p. 017), authorized the Secretary of State to acquire in foreign countries sites and buildings for use of the diplomatic and consular establishments of the United States, but limited to a cost not to exceed \$150,000 at any one place. This general authorization makes no distinction as between important capitals with their larger populations and property values and smaller capitals with their larger populations and property values and smaller capitals with their smaller populations and values. In none of the larger capitals has it been possible to purchase suitable properties within the present statutory limitations. A previous appropriation by Congress in 1921 of \$150,000 for the purchase of property in Paris has proven wholly inadequate. Real estate in Paris is of a value corresponding to that in New York.

The property, to purchase which the additional authorization by Congress is required, is known as the Hotel Condé. Photographs and ground plans have been submitted to the committee. There has been also submitted at the hearings before the committee a statement from the American ambassador at Paris descriptive of the building, its history, value, and desirable location, and containing a comparative statement of the value of the embassies in Paris of other countries, as follows:

DESCRIPTIVE STATEMENT OF PROPERTY.

DESCRIPTIVE STATEMENT OF PROPERTY.

"The Hotel de Condé, in the rue Monsieur, near the tomb of Napoleon, was built shortly before the French Revolution for Mademoiselle de Condé, aunt of the Duke d'Enghien, and was designed by Brogniart, one of the famous architects of the time. Major l'Enfant, who planned the city of Washington, was one of Brogniart's

poleon, was built shortly before the French Revolution for Mademoiscile de Condé, aunt of the Duke d' Enghien, and was designed by Brogniart, one of the famous architects of the time. Major l'Enfant, who planned the city of Washington, was one of Brogniart's pupils.

"The Hotel de Condé runs between two streets and contains a fine garden. The residence is situated at the back of a large court, on both sides of which as well as on the side of the street entrance are spacious annexes, serving in former days as a chapel, coach houses, and quarters for the retinue of the princess, all of which would be most suitable for offices of the embassy staff, as well as for those of the military and naval attachés.

"The house itself contains art trensures of the epoch of great value, among which are bas-reliefs by Clodion and panels by Boucher. An added sentimental interest for Americans is the fact that this house was for many years during the last century the residence of the distinguished French statesman, the Comte de Chambrun, a descendant of Lafayette, and uncle of the recent chargé d'affaires at Washington.

"Nearly all large countries, as well as small ones, own their chancery and embassy here, the cost in each case exceeding the appropriation made by our Government. Real estate here is of a value corresponding to that in New York and the value of the embassies of other countries installed here is about as follows:

"The British Embassy and its chancery, furnished, is worth two and a half to three million dollars at least; probably more. This mansion was the residence of Pauline Bonaparte, Princess Borghese, sister of Napoleon. The property passed by purchase from her possession in 1814, with its costly furniture and ornaments, to the British Government for the use of the embassy, the Duke of Wellington negotiating the sale. The price agreed upon was £22,000, but two months after the Battle of Waterloo he sent in a bill to his Government for \$2,500, for repairs to the house, made by my directions when I was ambassad

committee and testified as follows:

EXTRACTS FROM THE TESTIMONY OF MR. BLISS.

I have been all over the property. Some years ago, in 1913, at the time I was in the embassy, I visited it when it was offered for sale. Whenever there was a good property that came into the market I always examined it to see if it was a possible embassy and made a report to the Department of State. At that time I do not recall what the price of it was, but I think, roughly speaking, it was six or seven million francs, and at that time the franc was at par, which would mean over a million dollars.

Q. What is your opinion as to this price of \$300.000?

Mr. Bliss. It is a great bargain; there is no doubt of that.

Mr. Herrick has been in definite negotiations with the owner of the house, who is an elderly woman and who wants to have it preserved, as the chairman just stated, because of its architectural and historical interest.

Mr. BLISS. After the meeting of the committee to consider the bill of Mr. FARCHILD, in which a subcommittee was appointed, consisting of

the chairman of the committee and Mr. FARRCHILD, a telegram was sent to Mr. Herrick, embodying the views of the committee regarding the matter, directing him to obtain an option on the property. That was covered very fully in the text of the message which was drawn up by the subcommittee. Mr. Herrick replied to that in a day or two.

Q. Is it your understanding from the communications between the State Department and Ambassador Herrick that he is confident that if this bill passes he will be able to secure this property?

Mr. Bliss. I understand from the statement in his telegram that it is very definite that he will have no difficulty in obtaining an option on the purchase of the property by the end of this month.

Q. He feels sure that he will, now that he has acquainted the owner or the owner's attorney with the fact that the United States is the purchaser?

of the one of the order of the order of the order of the owner.

Mr. Bliss. From what Mr. Herrick says in his telegram, I think he has some unwritten understanding with the lawyer of the owner.

Mr. Bliss. From what Mr. Herries says in mis telegram, I think he has some unwritten understanding with the lawyer of the owner.

Q. Can you tell the committee what is the amount of money that is being paid by the United States at the present time in the form of rental for the embassy?

Mr. Bliss, For the embassy the Department of State now pays an annual rental of 86,500 francs. That amounted when I was before the committee the other day—I have not computed that at the rate of exchange at the present time—the other day the rate was 6.920; the franc has gone off a little since then. That does not include the rent paid by the military attaché, I think, for his office. He has offices in the same building, but they are separate and I should say the rent was about 1,500 francs, roughly estimated.

Q. Does that include the amount paid for the accommodation of the passport office?

Mr. Bliss. The passport offices are 56,000 francs, or \$4,480, and the consulate general, since you are asking that question, I will add, pays a rental of 18,000 francs. That is the rental made some time before the war for a period of years, so that it is a very advantageous rate.

Q. It would be very much greater at the present time?

Mr. Bliss. It would be greater now, and he would have to pay a much higher rate than ever to renew the lease of the present consulgeneral's office.

Q. The building area of the Condé property would be sufficient to house all of these offices?

Mr. Bliss. It might be necessary to have separate offices for accessibility more to commercial interests that appeal to the consul general; but part of the consulate general could undoubtedly be housed there.

Q. The question was directed to the area of the building.

Mr. Bliss. There is ample space to increase the building.

Mr. Bliss. Property owned by foreign governments for embassy pur-

Mr. BLISS. Property owned by foreign governments for embassy purposes is free from taxation in France, exempted from tax.

Q. The rental figures you gave—do they include rental for the ambassadors' homes?

Mr. BLISS. No. The ambassador's home is paid by him personally.

This bill will provide a home for the ambassador?

Q. My understanding of the telegrams that have passed officially between the State Department and Ambassador Herrick is that Ambassador Herrick feels assured and the State Department feels assured that if this bill passes Mr. Herrick will be able to secure this property within the \$300,000 to be assigned?

Mr. Bliss. That is our understanding.

GEORGE T. TOBIN & SON.

Mr. BAYARD. From the Committee on Claims I report favorably without amendment the bill (S. 4255) for the relief of George T. Tobin & Son, and I submit a report (No. 1182) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. KING. I object.
The VICE PRESIDENT. There is objection, and the bill will go to the calendar.

REGULATION OF IMMIGRATION.

Mr. DILLINGHAM. Mr. President, from the Committee on Immigration I report favorably with an amendment the joint resolution (S. J. Res. 82) providing for immigration to relieve an emergency caused by the shortage of labor in the Territory of Hawaii. I ask permission to file a written report at a subsequent time on the joint resolution.

The VICE PRESIDENT. Without objection, the request of the Senator from Vermont for permission to file a report on the joint resolution later will be granted.

BEAR CREEK, MISS.

Mr. FLETCHER. From the Committee on Commerce I re-port back favorably with an amendment the bill (S. 4548) declaring Bear Creek in Humphreys, Leflore, and Sunflower Counties, Miss., to be a nonnavigable stream, and I submit a report (No. 1212) thereon. I call the attention of the Senator from Mississippi [Mr. Harrison] to the report.

Mr. HARRISON. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. For the information of the Senate the Secretary will read the bill.

The bill was read, as follows:

Be it enacted, etc., That Bear Creek in Humphreys, Leftore, and Sunflower Counties, in the State of Mississippi, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of

the Constitution and laws of the United States, and jurisdiction over said creek is hereby declared to be vested in the State of Mississippl. SEC. 2. That the right of Congress to alter, amend, or repeal this act is hereby expressly reserved.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, at the end of line 6, after the words "United States," to strike out the remainder of the section, as follows:

and jurisdiction over said creek is hereby declared to be vested in the State of Mississippi.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DRAIN AT MIAMI BEACH, FLA.

Mr. FLETCHER. From the Committee on Commerce report back favorably without amendment the bill (H. R. 13272) granting a license to the city of Miami Beach, Fla., to construct a drain for sewage across certain Government lands, and I submit a report (No. 1208) thereon. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection to the present

consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the city of Miami Beach, Fla., a municipal corporation organized and existing under the laws of the State of Florida, be, and it is hereby, granted a license and permit to lay, construct, and maintain a drain for sewage from its sewage disposal plant across the lands of the United States Government known as the Government Reservation and situated on the north side of the Government cut from Biscayne Bay to the Atlantic Ocean immediately south of the city of Miami Beach, at such location and in accordance with such plans as may be approved by the Chief of Engineers, United States Army, and by the Secretary of War.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTRACOASTAL CANAL, LOUISIANA AND TEXAS

Mr. RANSDELL. From the Committee on Commerce I report back favorably, with amendments, Senate bill 4211, to authorize a preliminary survey of the intracoastal canal in Louisiana and Texas, and ask for its immediate consideration. I will state that this bill passed the Senate in the river and harbor bill last September. It will not require any debate. It failed in conference.

Mr. KING. Let it go to the calendar.

Mr. RANSDELL. I hope the Senator will not insist on that. It is a very important measure. The project has been surveyed several times, and some additional work is needed, and we are very anxious to get it passed at this session. It will save the Government a great deal of expense and delay.

Mr. KING. Is it a project that the Government has entered

upon?

Mr. RANSDELL. Yes, sir; the Government has already entered upon it.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

Mr. KING. Let it be read, Mr. President.

The VICE PRESIDENT. The Secretary will read the bill.

The Assistant Secretary read the bill (S. 4211) for the examination and survey of the intracoastal canal from the Mississippi River at or near New Orleans, La., to Corpus Christi. Tex., and, there being no objection, the Senate proceeded to its

consideration. The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 5, before the word "from," to strike out "canal" and insert "waterway," so as to make

the bill read: Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the intracoastal waterway from the Mississippi River at or near New Orleans, La., to Corpus Christi, Tex.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading,

read the third time, and passed.

The title was amended so as to read: "A bill authorizing preliminary examination and survey to be made of the intracoastal waterway in Louisiana and Texas."

RIO GRANDE RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments Senate bill 3874, granting the consent of Congress for a temporary toll bridge and a permanent bridge across the Rio Grande River, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present

consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 1, line 3, after the words "to the," to strike out "San Felipe Bridge Co., of Del Rio, Tex.," and insert "Citizens Bridge Co., a corporation, its successors and assigns"; on line 5, before the word "bridge," to strike out "temporary toll"; and on line 6, after the word "thereto," to strike out "and a permanent bridge and approaches thereto," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Citizens Bridge Co., a corporation, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande River, at or near the city of Del Rio, State of Texas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress for a bridge across the Rio Grande River."

NORTH AMERICAN DREDGING CO. AND OTHERS.

Mr. BAYARD. From the Committee on Claims I report back favorably a Senate resolution and ask to have it read.

The VICE PRESIDENT. The resolution will be read. The Assistant Secretary. From the Committee on Claims the Senator from Delaware reports an original Senate resolution (S. Res. 447), in the following words:

Resolved, That the claims of the North American Dredging Co. (S. 3931) and the Wales Island Packing Co. (S. 2888), now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

Mr. BAYARD. I ask unanimous consent for the present consideration of the resolution.

Mr. OVERMAN. Mr. President, I shall object to that. There is one claim included in the resolution that ought not to be there. It has been rejected by the Government a dozen times, and I shall object.

Mr. BAYARD. I will answer the Senator by saying that those two claims have been before the Committee on Claims at this session, and we have not found the facts. This resolution merely refers them to the Court of Claims.

Mr. OVERMAN. But the Wales Island Packing Co. claim has been before the Court of Claims a dozen times, to my certain knowledge, and has been turned down every time, and there is a document here showing that the matter has been Therefore it ought not to go to the Court of Claims.

Mr. McNARY. I call for the regular order.
Mr. BAYARD. I will state to the Senator that as far as the record is concerned in the Committee on Claims, there is no evidence that it has been reported upon by the court.

Mr. OVERMAN. It has been reported upon by the Court

of Claims a number of times.

Mr. McNARY. I call for the regular order. The VICE PRESIDENT. The regular order has been called r. The resolution will go to the calendar.

WILLIAM SCHUYLER WOODRUFF.

Mr. REED of Pennsylvania. From the Committee on Military Affairs I report back favorably Senate bill 4500, authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. PEPPER. Mr. President, the nature of the bill which has just been reported is such as to justify me in asking unanimous consent for its immediate consideration. It is a measure of justice to an Army officer, and will give rise, I think, to no debate. I beg to ask for its immediate consideration by unanimous consent.

Mr. SMOOT. Let the bill be read.

The VICE PRESIDENT. The Secretary will read the bill.

Mr. LENROOT. Mr. President, I do not want to object, but we shall not get to the calendar at all if these permissions are to be granted; and this morning was set aside for the calendar. I must insist that we have some chance to get at the calendar.

The VICE PRESIDENT. Is there objection?

Mr. LENROOT. I object.
The VICE PRESIDENT. Objection is made. The bill will be placed on the calendar.

VALLEY TRANSFER BAILWAY CO.

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably a bill to which I invite the attention of the junior Senator from Minnesota [Mr. Kelloga].

The VICE PRESIDENT. The Secretary will state the title

The Assistant Secretary. From the Committee on Military Affairs the Senator from New York reports back favorably the bill (H. R. 14082) to authorize the Valley Transfer Railway Co., a corporation, to construct and operate a line of railway in and upon the Fort Snelling Military Reservation in the State of Minnesota.

Mr. KELLOGG. Mr. President, that is a local bill. It simply authorizes the Secretary of War to consent to the laying of a track, about 300 yards long, parallel with a track which is already on the reservation. I ask to have it considered by unanimous consent.

The VICE PRESIDENT. Is there objection to the immedi-

ate consideration of the bill?

Mr. LENROOT. Mr. President, I made the announcement that I should object to the consideration of the bill of the Senater from Pennsylvania. It would not be fair for me to act differently in this case. I shall have no objection to its being called up by unanimous consent later on, but we ought to get at the calendar, as we agreed to do.

The VICE PRESIDENT. The Chair understands that there

is objection. The bill will be placed on the calendar.

PEEDEE RIVER BRIDGE, SOUTH CAROLINA.

Mr. DIAL. Mr. President, I should like to call the attention of the Senator to the fact that we were to have a morning hour for reports, not simply a call of the calendar. I have a report that I want to get in as soon as I can get recognition.

The VICE PRESIDENT. The Chair recognizes the Senator

from South Carolina.

Mr. DIAL. On behalf of the Senator from New York [Mr. CALDER] I report back favorably from the Committee on Commerce a bridge bill in which my colleague and I are interested, and ask for its immediate consideration.

The VICE PRESIDENT. The Secretary will state the title

of the bill.

The Assistant Secretary. A bill (S. 4536) to authorize the building of a bridge across the Peedee River in South Carolina. The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. LENROOT. Mr. President, I understand that these bridge bills go through as a matter of unanimous consent, but I shall have to insist that we get to the calendar. I shall not

object later.

The VICE PRESIDENT. There is objection. The bill will be placed on the calendar.

Mr. DIAL. Mr. President, a parliamentary inquiry.
The VICE PRESIDENT. The Senator will state his inquiry.

Mr. DIAL There was an agreement that we were to have a morning hour to make regular reports. I want to say that Senators will not expedite business by not letting us pass a bridge bill when there is no objection to it. It will take only a moment, and I ask the Senator from Wisconsin to withdraw his objection. If we do not get it passed to-day, possibly we can not get it passed by the House, and it will delay the construction of the bridge for 12 months. It is a very important matter. It will take only a moment, and I ask unanimous consent for

its immediate consideration.

Mr. BRANDEGEE. Mr. President, objection was made. If
I may direct the attention of the Chair to the language of the unanimous-consent agreement, the calendar was to be taken up for unobjected measures after morning business; but while morning business includes the presentation of reports, and so forth, it does not include their consideration, except by unani-

mous consent.

The VICE PRESIDENT. It does not.

MAJ. RUSSELL B. PUTNAM.

Mr. PAGE. From the Committee on Naval Affairs I report back favorably House bill 11738, for the relief of Maj. Russell B. Putnam.

The VICE PRESIDENT. The bill will be placed on the

calendar

Mr. BROUSSARD. Mr. President, a companion bill to that has been introduced in the Senate and is now on the calendar as Order of Business 1139, and is about to be reached. This is a House bill. It has already passed the House. The two bills are identical. The bill was introduced in the House by Representative BUTLER, of Pennsylvania. There has been a favorable report upon the bill which I introduced, and I ask unanimous consent for the immediate consideration of this bill.

The VICE PRESIDENT. Is there objection?

Mr. LENROOT. Mr. President, we will reach that bill very shortly, and the Senator can then make his request. I object.

CONFIRMATION OF MRS. ALEXANDER S. CLA

Mr. HARRIS. Mr. President, as in open executive session, I ask unanimous consent, which I know every Senator will be glad to grant, to have laid before the Senate and confirmed the nomination of the widow of the late Senator Clay as postmaster at Marietta, Ga. He was one of the most useful Members who ever served from Georgia in this body, and had the respect and confidence of Members on both sides of the Cham-His devotion to duty and his hard work shortened his The first few years of his service in the Senate I was his private secretary and in a position to know of his splendid, unselfish work. After Senator Clay's death his widow was appointed postmaster, and President Harding, on the recommendation of the Postmaster General, has most generously just reappointed her. She made an excellent record, and recently stood at the head of the civil-service examinations. I ask unanimous consent that her nomination be confirmed.

The VICE PRESIDENT. Is there objection to the imme-

diate consideration of the nomination?

Mr. LODGE. Mr. President, I am entirely in favor of that nomination, and think it should be confirmed, but I do not think we ought to undertake to do executive business at this time, in view of the unanimous-consent agreement,

The VICE PRESIDENT. There is objection.

TO LIMIT OR PROHIBIT CHILD LABOR,

Mr. SHORTRIDGE. From the Committee on the Judiciary report on Senate Joint Resolutions 200, 224, 232, 256, and 262, proposing an amendment to the Constitution of the United States conferring or delegating power to the Congress to legislate in respect of child labor. The committee reports a joint resolution in favor of submitting such an amendment to the legislatures of the several States.

Mr. ROBINSON. Mr. President, I rise to a parliamentary

The VICE PRESIDENT. The Senator will state his inquiry. What is the regular order of business? Mr. ROBINSON.

The VICE PRESIDENT. Reports of committees, which are now being made.

Mr. ROBINSON. I call for the regular order.
The VICE PRESIDENT. The regular order is proceeding.

Mr. ROBINSON. I make the point of order that the regular order is not in progress. The Senator from California seems to be making some sort of a confidential speech.

Mr. SHORTRIDGE. Oh, no; the Senator from California is

not making any confidential speech.

The VICE PRESIDENT. The regular order has been called for. The joint resolution reported by the Senator from California will be read twice by its title and placed on the calendar.

The joint resolution (S. J. Res. 285) proposing an amendment to the Constitution of the United States was read twice by its title and placed on the calendar.

Mr. SHORTRIDGE. While I am on my feet I will ask unanimous consent that the report be printed in the RECORD in 8-point type.

Mr. ROBINSON. Mr. President, I have no objection to the request.

The VICE PRESIDENT. Without objection, it is so ordered. The report is as follows:

(S. Rept. No. 1185.)

Mr. Shortenge, from the Committee on the Judiclary, submitted the following report to accompany S. J. Res. —:

The Committee on the Judiciary, to whom was referred Senate Joint Resolutions 200, 224, 232, 256, and 262, proposing an amendment to the Constitution of the United States conferring on the Congress power to legislate in respect of child labor, reports in favor of submitting to the legislatures of the several States such an amendment.

Your committee considered these several joint resolutions, which, in the order of their introduction, are as follows:

[S. J. Res. 200, introduced by Senator Johnson, Sixty-seventh Congress, second session.]

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States is hereby proposed, under and by virtue of which Article X shall read as hereinafter set forth, which, when ratified by the legislatures of three-fourths of the several States, shall be valid as part of the Constitution, to wit:

"ARTICLE X.

" STATE RIGHTS.

"Section 1. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people: *Provided, however*, That the Congress shall have power to regulate or prohibit throughout the United States the employment of children under 18 years of age."

[S. J. Res. 224, introduced by Senator Townsend, Sixty-seventh Congress, second session.]

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE -

"The Congress shall have power to regulate the employment and the hours of labor and conditions of employment of persons under 18 years of age."

[S. J. Res. 232, introduced by Senator McCormick, Sixty-seventh Congress, second session.]

Joint resolution proposing an amendment to the Constitution of the United States relative to child labor.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE -

"The Congress shall have power to limit or prohibit the labor of persons under 18 years of age, and power is also reserved to the several States to limit or prohibit such labor in any way which does not lessen any limitation of such labor or the extent of any prohibition thereof by Congress, The power vested in the Congress by this article shall be additional to and not a limitation on the powers elsewhere vested in the Congress by the Constitution with respect to such labor."

[S. J. Res. 256, introduced by Senator Lodge, Sixty-seventh Congress, fourth session.]

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE -

"The Congress shall have power to prohibit or to regulate the hours of labor in mines, quarries, mills, canneries, workshops, factories, or manufacturing establishments of persons under 18 years of age and of women."

[S. J. Res. 262, introduced by Senator Walsh of Montana, Sixty-seventh Congress, fourth session.]

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Schate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is

proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE -.

"The power of the Congress to regulate commerce among the several States shall be held to embrace the power to prohibit the transportation in interstate commerce of commodities being the products of any employer of child labor."

The committee thinks it will be helpful to all parties interested if we here carry into the record the first so-called child labor act of Congress, approved September 1, 1916.

[Public-No. 249-64th Congress.]

[H. R. 8234.]

An act to prevent interstate commerce in the products of child labor, and for other purposes.

"Be it enacted, etc., That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry, situated in the United States, in which within 30 days prior to the time of the removal of such product therefrom children under the age of 16 years have been employed or permitted to work, or any article or commodity the product of any mill, cannery, workshop, factory, or manufacturing establishment, situated in the United States, in which within 30 days prior to the removal of such product therefrom children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 years and 16 years have been employed or permitted to work more than eight hours in any day, or more than six days in any week, or after the hour of 7 o'clock p. m., or before the hour of 6 o'clock a. m.: Provided, That a prosecution and conviction of a defendant for the shipment or delivery for shipment of any article or commodity under the conditions herein prohibited shall be a bar to any further prosecution against the same defendant for shipments or deliveries for shipment of any such article or commodity before the beginning of said prosecution.

"Sec. 2. That the Attorney General, the Secretary of Commerce, and the Secretary of Labor shall constitute a board to make and publish from time to time uniform rules and regulations for carrying out the provisions of this act.

"Sec. 3. That for the purpose of securing proper enforcement of this act the Secretary of Labor, or any person duly authorized by him, shall have authority to enter and inspect at any time mines, quarries, mills, canneries, workshops, factories, manufacturing establishments, and other places in which goods are produced or held for interstate commerce; and the Secretary of Labor shall have authority to employ such assistance for the purposes of this act as may from time to time be authorized by appropriation or other law.

"Sec. 4. That it shall be the duty of each district attorney to whom the Secretary of Laber shall report any violation of this act, or to whom any State factory or mining or quarry inspector, commissioner of labor, State medical inspector, or school-attendance officer, or any other person shall present satisfactory evidence of any such violation to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay for the enforcement of the penalties in such cases herein provided: Provided, That nothing in this act shall be construed to apply to bona fide boys' and girls' canning clubs recognized by the Agricultural Department of the several States and of the United States.

"Sec. 5. That any person who violates any of the provisions of section 1 of this act, or who refuses or obstructs entry or inspection authorized by section 3 of this act, shall for each offense prior to the first conviction of such person under the provisions of this act be punished by a fine of not more than \$200, and shall for each offense subsequent to such conviction be punished by a fine of not more than \$1.000, nor less than \$100, or by imprisonment for not more than three months, or by both such fine and imprisonment, in the discretion of the court: Provided, That no dealer shall be prosecuted under the provisions of this act for a shipment, delivery for shipment, or transportation who establishes a guaranty issued by the person by whom the goods shipped or delivered for shipment or transportation were manufactured or produced, resident in the United States, to the effect that such goods were produced or manufactured in a mine or quarry in which within 30 days prior to their removal therefrom no children under the age of 16 years were employed or permitted to work, or in a mill, cannery, workshop, factory, or manufacturing establishment, in

which within 30 days prior to the removal of such goods therefrom no children under the age of 14 years were employed or permitted to work, nor children between the ages of 14 years and 16 years employed or permitted to work more than eight hours in any day or more than six days in any week or after the hour of 7 o'clock postmeridian or before the hour of 6 o'clock antemeridian; and in such event, if the guaranty contains any false statement of a material fact, the guarantor shall be amenable to prosecution and to the fine or imprisonment provided by this section for violation of the provisions of this act. Said guaranty, to afford the protection above provided, shall contain the name and address of the person giving the same: And provided further, That no producer, manufacturer, or dealer shall be prosecuted under this act for the shipment, delivery for shipment, or transportation of a product of any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment, if the only employment therein, within 30 days prior to the removal of such product therefrom, of a child under the age of 16 years has been that of a child as to whom the producer or manufacturer has in good faith procured, at the time of employing such child, and has since in good faith relied upon and kept on file a certificate, issued in such form, under such conditions, and by such persons as may be prescribed by the board, showing the child to be of such an age that the shipment, delivery for shipment, or transportation was not prohibited by this act. Any person who knowingly makes a false statement or presents false evidence in or in relation to any such certificate or application therefor shall be amenable to prosecution and to the fine or imprisonment provided by this section for violations of this act. In any State designated by the board, an employment certificate or other similar paper as to the age of the child, issued under the laws of that State and not inconsistent with the provisions of this act, shall have the same force and effect as a certificate herein provided for.

SEC. 6. That the word 'person' as used in this act shall be construed to include any individual or corporation or the members of any partnership or other unincorporated association. The term 'ship or deliver for shipment in interstate or foreign commerce' as used in this act means to transport or to ship or deliver for shipment from any State or Territory or the District of Columbia to or through any other State or Territory or the District of Columbia or to any foreign country; and in the case of a dealer means only to transport or to ship or deliver for shipment from the State, Territory, or district of

manufacture or production.

SEC. 7. That this act shall take effect from and after one year from the date of its passage.
"Approved, September 1, 1916."

The foregoing act was held to be unconstitutional in the case of Hammer v. Dagenhart.

Hammer, United States Attorney for the Western District of North Carolina, v. Dagenhart et al. Appeal from the District Court of the United States for the Western District of North Carolina. No. 704. Argued April 15, 16, 1918. Decided June 3, 1918.

"The act of September 1, 1916 (ch. 432, 39 Stat. 675), prohibits transportation in interstate commerce of goods made at a factory in which, within 30 days prior to their removal therefrom, children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 and 16 years have been employed or permitted to work more than eight hours in any day or more than six days in any week, or after the hour of 7 p. m. or before the hourt of 6 a. m. Held, unconstitutional as exceeding the commerce power of Congress and invading the powers reserved to the States.

The power to regulate interstate commerce is the power to prescribe the rule by which the commerce is to be governed; in other words, to control the means by which it is carried on.

"The court has never sustained a right to exclude save in cases where the character of the particular thing excluded was such as to bring them peculiarly within the governmental authority of the State or Nation and render their exclusion, in effect, but a regulation of interstate transportation necessary to prevent the accomplishment through that means of the evils inherent in them.

The manufacture of goods is not commerce, nor do the facts that they are intended for and are afterwards shipped in interstate commerce make their production a part of that

commerce subject to the control of Congress.

"The power to regulate interstate commerce was not in-tended as a means of enabling Congress to equalize the eco-nomic conditions in the States for the prevention of unfair competition among them by forbidding the interstate transportation of goods made under conditions which Congress deems productive of unfairness.

"It was not intended as an authority to Congress to control the States in the exercise of their police power over local trade and manufacture always existing and expressly reserved to them by the tenth amendment.

"Affirmed."

"Mr. Justice Day delivered the opinion of the court.

"A bill was filed in the United States District Court for the Western District of North Carolina by a father in his own behalf and as next friend of his two minor sons, one under the age of 14 years and the other between the ages of 14 and 16 years, employees in a cotton mill at Charlotte, N. C., to enjoin the enforcement of the act of Congress intended to prevent interstate commerce in the products of child labor.

of September 1, 1916, ch. 432, 39 Stat. 675.)

"The district court held the act unconstitutional and entered a decree enjoining its enforcement. This appeal brings the case here. The first section of the act is in the margin. no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry, situated in the United States, in which within 30 days prior to the time of the removal of such product therefrom children under the age of 16 years have been employed or permitted to work, or any article or commodity the product of any mill, cannery, workshop, factory, or manufacturing establishment, situated in the United States, in which within 30 days prior to the removal of such product therefrom children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 years and 16 years have been employed or permitted to work more than eight hours in any day, or more than six days in any week, or after the hour of 7 o'clock postmeridian, or before the hour of 6 o'clock antemeridian.)

"Other sections of the act contain provisions for its enforce-

ment and prescribe penalties for its violation.

"The attack upon the act rests upon three propositions: First. It is not a regulation of interstate and foreign commerce. Second. It contravenes the tenth amendment to the Constitution. Third. It conflicts with the fifth amendment to the Constitution.

"The controlling question for decision is: Is it within the authority of Congress in regulating commerce among the States to prohibit the transportation in interstate commerce of manufactured goods the product of a factory in which, within 30 days prior to their removal therefrom, children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 and 16 years have been employed or permitted to work more than eight hours in any day, or more than six days in any week, or after the hour of 7 o'clock p. m. or before the hour of 6 o'clock a. m.?

"The power essential to the passage of this act, the Government contends, is found in the commerce clause of the Constitution, which authorizes Congress to regulate commerce

with foreign nations and among the States.

"In Gibbons v. Ogden (9 Wheat. 1) Chief Justice Marshall, speaking for this court and defining the extent and nature of the commerce power, said: 'It is the power to regulate—that is, to prescribe the rule by which commerce is to be governed.' In other words, the power is one to control the means by which commerce is carried on, which is directly the contrary of the commerce is carried on, which is directly the contrary of the assumed right to forbid commerce from moving and thus destroy it as to particular commodities. But it is insisted that adjudged cases in this court establish the doctrine that the power to regulate given to Congress incidentally includes the authority to prohibit the movement of ordinary commodities, and therefore that the subject is not open for discussion. The cases demonstrate the contrary. They rest upon the character of the particular subjects dealt with, and the fact that the scope of governmental authority, State or National, possessed over them is such that the authority to prohibit is as to them but the exertion of power to regulate.

"The first of these cases is Champion v. Ames (188 U. S. 321), the so-called Lottery case, in which it was held that Congress might pass a law having the effect to keep the channels of commerce free from use in the transportation of tickets used in the promotion of lottery schemes. In Hipolite Egg Co. v. United States (220 U.S. 45) this court sustained the power of Congress to pass the pure food and drug act, which prohibited the introduction into the States by means of interstate commerce of impure foods and drugs. In Hoke v. United States (227 U. S. 308) this court sustained the constitutionality of the so-called white slave traffic act, whereby the transportation of a woman in interstate commerce for the purpose of prostitution was for-bidden. In that case we said, having reference to the authority of Congress, under the regulatory power, to protect the channels of interstate commerce;

"'If the facility of interstate transportation can be taken away from the demoralization of lotteries, the debasement of obscene literature, the contagion of diseased cattle or persons. the impurity of food and drugs, the like facility can be taken away from the systematic enticement to and the enslavement in prostitution and debauchery of women and, more insistently, of

"In Caminetti v. United States (242 U. S. 470) we held that Congress might prohibit the transportation of women in interstate commerce for the purposes of debauchery and kindred pur-In Clark Distilling Co. v. Western Maryland Railway Co. (242 U. S. 311) the power of Congress over the transportation of intoxicating liquors was sustained. In the course of the opinion it was said:

"'The power conferred is to regulate, and the very terms of the grant would seem to repel the contention that only prohibition of movement in interstate commerce was embraced. And the cogency of this is manifest, since if the doctrine were applied to those manifold and important subjects of interstate commerce as to which Congress from the beginning has regulated, not prohibited, the existence of government under the Constitution would be no longer possible.'

"And, concluding the discussion which sustained the authority of the Government to prohibit the transportation of liquor

in interstate commerce, the court said:

the exceptional nature of the subject here regulated is the basis upon which the exceptional power exerted must rest and affords no ground for any fear that such power may be constitutionally extended to things which it may not, consistently with the guaranties of the Constitution, embrace.

"In each of these instances, the use of interstate transportation was necessary to the accomplishment of harmful results. In other words, although the power over interstate transportation was to regulate, that could only be accomplished by prohibiting the use of the facilities of interstate commerce to effect the evil intended.

"This element is wanting in the present case. The thing intended to be accomplished by this statute is the denial of the facilities of interstate commerce to those manufacturers in the States who employ children within the prohibited ages. The act in its effect does not regulate transportation among the States, but aims to standardize the ages at which children may be employed in mining and manufacturing within the States. The goods shipped are of themselves harmless. The act permits them to be freely shipped after 30 days from the time of their removal from the factory. When offered for shipment, and before transportation begins, the labor of their production is over, and the mere fact that they were intended for interstate commerce transportation does not make their products subject to Federal control under the commerce power.

Commerce 'consists of intercourse and traffic includes the transportation of persons and property, as well as the purchase, sale, and exchange of commodities.' The making of goods and the mining of coal are not commerce, nor does the fact that these things are to be afterwards shipped or used in interstate commerce make their production a part thereof. (Delaware, Lackawanna & Western R. R. Co. v. Yukonis, 238

U. S. 439.)

"Over interstate transportation, or its incidents, the regulatory power of Congress is ample, but the production of articles intended for interstate commerce is a matter of local

'When the commerce begins is determined, not by the character of the commodity, nor by the intention of the owner to transfer it to another State for sale, nor by his preparation of it for transportation, but by its actual delivery to a common carrier for transportation, or the actual commencement of its transfer to another State.' (Mr. Justice Jackson in In re Green, 52 Fed. Rep. 113.) This principle has been recognized often in this court. (Coe v. Errol. 116 U. S. 517; Bacon v. Illinois, 227 U. S. 504, and cases cited.) If it were otherwise, all manufacture intended for interstate shipment would be brought under Federal control to the practical exclusion of the authority of the States, a result certainly not contemplated by the framers of the Constitution when they vested in Congre the authority to regulate commerce among the States. (Kidd v. Pearson, 128 U. S. 1, 21.)

"It is further contended that the authority of Congress may

be exerted to control interstate commerce in the shipment of child-made goods because of the effect of the circulation of such goods in other States where the evil of this class of labor has been recognized by local legislation and the right to thus employ child labor has been more rigorously restrained than in the State of production. In other words, that the unfair competition, thus engendered, may be controlled by closing the channels of interstate commerce to manufacturers in those States where the local laws do not meet what Congress deems

to be the more just standard of other States.

"There is no power vested in Congress to require the States to exercise their police power so as to prevent possible unfair competition. Many causes may cooperate to give one State, by reason of local laws or conditions, an economic advantage over others. The commerce clause was not intended to give to Congress a general authority to equalize such conditions. In some of the States laws have been passed fixing minimum wages for women, in others the local law regulates the hours of labor of women in various employments. Business done in such States may be at an economic disadvantage when compared with States which have no such regulations; surely, this fact does not give Congress the power to deny transportation in interstate commerce to those who carry on business where the hours of labor and the rate of compensation for women have not been fixed by a standard in use in other States and approved by Con-

"The grant of power to Congress over the subject of interstate commerce was to enable it to regulate such commerce, and not to give it authority to control the States in their exercise of the police power over local trade and manufacture.

"The grant of authority over a purely Federal matter was not intended to destroy the local power always existing and carefully reserved to the States in the tenth amendment to the

Constitution.

"Police regulations relating to the internal trade and affairs of the States have been uniformly recognized as within such control. 'This,' said this court in United States v. Dewitt, 9 Wall. 41, 45, 'has been so frequently declared by this court, results so obviously from the terms of the Constitution, and has been so fully explained and supported on former occasions, that we think it unnecessary to enter again upon the discussion. See Keller v. United States, 213 U. S. 138, 144, 145, 146. Cooley's Constitutional Limitations, 7th ed., p. 11.

"In the judgment which established the broad power of Congress over interstate commerce, Chief Justice Marshall said (9 Wheat. 203): 'They (inspection laws) act upon the subject before it becomes an article of foreign commerce, or of commerce among the States, and prepare it for that purpose. They form a portion of that immense mass of legislation, which embraces everything within the territory of a State, not sur-rendered to the General Government; all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpike roads, ferries, etc., are component parts of this mass.

"And in Dartmouth College v. Woodward, 4 Wheat. 518, 629,

the same great judge said:

"'That the framers of the Constitution did not intend to restrain the States in the regulation of their civil institutions, adopted for internal government, and that the instrument they have given us is not to be so construed may be admitted.'

"That there should be limitations upon the right to employ children in mines and factories in the interest of their own and the public welfare all will admit. That such employment is generally deemed to require regulation is shown by the fact that the brief of counsel states that every State in the Union has a law upon the subject limiting the right to thus employ children. In North Carolina, the State wherein is located the factory in which the employment was had in the present case, no child under 12 years of age is permitted to work.

"It may be desirable that such laws be uniform, but our Federal Government is one of enumerated powers. 'This principle,' declared Chief Justice Marshall, in McCulloch v. Mary-

land, 4 Wheat. 316, 'is universally admitted.'

"A statute must be judged by its natural and reasonable effect. Collins v. New Hampshire, 171 U. S. 30, 33, 34. The control by Congress over interstate commerce can not authorize the exercise of authority not entrusted to it by the Constitution. Pipe Line cases, 234 U.S. 548, 560. The maintenance of the authority of the States over matters purely local is as essential to the preservation of our institutions as is the conservation of the supremacy of the Federal power in all matters entrusted to the Nation by the Federal Constitution.

"In interpreting the Constitution it must never be forgotten that the Nation is made up of States to which are entrusted the powers of local government. And to them and to the people the powers not expressly delegated to the National Government (Lane County v. Oregon, 7 Wall. 71, 76.) are reserved. power of the States to regulate their purely internal affairs by

such laws as seem wise to the local authority is inherent and has never been surrendered to the General Government. York v. Miln, 11 Pet. 102, 139; Slaughter House cases, 16 Wall. 36, 63; Kidd v. Pearson, supra.) To sustain this statute would not be in our judgment a recognition of the lawful exertion of congressional authority over interstate commerce, but would sanction an invasion by the Federal power of the control of a matter purely local in its character and over which no authority has been delegated to Congress in conferring the power to regulate commerce among the States.

We have neither authority nor disposition to question the motives of Congress in enacting this legislation. The purposes intended must be attained consistently with constitutional limitations and not by an invasion of the powers of the States. This court has no more important function than that which devolves upon it the obligation to preserve inviolate the constitutional limitations upon the exercise of authority, Federal and State, to the end that each may continue to discharge harmoniously with the other the duties entrusted to it by the Con-

"In our view the necessary effect of this act is, by means of a prohibition against the movement in interstate commerce of ordinary commercial commodities, to regulate the hours of labor of children in factories and mines within the States, a purely State authority. Thus the act in a twofold sense is repugnant to the Constitution. It not only transcends the authority delegated to Congress over commerce, but also exerts a power as to a purely local matter to which the Federal authority does not The far-reaching result of upholding the act can not be more plainly indicated than by pointing out that if Congress can thus regulate matters intrusted to local authority by prohibition of the movement of commodities in interstate commerce, all freedom of commerce will be at an end and the power of the States over local matters may be eliminated, and thus our system of government be practically destroyed.

"For these reasons we hold that this law exceeds the constitutional authority of Congress. It follows that the decree of

the district court must be "Affirmed."

"Mr. Justice Holmes, dissenting.

"The single question in this case is whether Congress has power to prohibit the shipment in interstate or foreign commerce of any product of a cotton-mill situation in the United States in which within 30 days before the removal of the product children under 14 have been employed, or children between 14 and 16 have been employed more than eight hours in a day or more than six days in any week, or between 7 in the evening and 6 in the morning. The objection urged against the power is that the States have exclusive control over their methods of production and that Congress can not meddle with them, and taking the proposition in the sense of direct intermeddling I agree to it and suppose that no one denies it. But if an act is within the powers specifically conferred upon Congress it seems to me that it is not made any less constitutional because of the indirect effects that it may have, however obvious it may be that it will have those effects, and that we are not at liberty

upon such grounds to hold it void.

"The first step in my argument is to make plain what no one is likely to dispute—that the statute in question is within the power expressly given to Congress if considered only as to its immediate effects and that if invalid it is so only upon some collateral ground. The statute confines itself to prohibiting the carriage of certain goods in interstate or foreign commerce. Congress is given power to regulate such commerce in unqualified terms. It would not be argued to-day that the power to regulate does not include the power to prohibit. Regulation means the prohibition of something, and when interstate commerce is the matter to be regulated I can not doubt that the regulation may prohibit any part of such commerce that Congress sees fit to forbid. At all events it is established by the Lottery case and others that have followed it that a law is not beyond the regulative power of Congress merely because it prohibits certain transportation out and out. Champion v. Ames (188 U. S. 321, 355, 359, et seq.) So I repeat that this statute in its immediate operation is clearly within the Congress's constitutional power.

"The question, then, is narrowed to whether the exercise of its otherwise constitutional power by Congress can be pronounced unconstitutional because of its possible reaction upon the conduct of the States in a matter upon which I have admitted that they are free from direct control. I should have thought that that matter had been disposed of so fully as to leave no room for doubt. I should have thought that the most

conspicuous decisions of this court had made it clear that the power to regulate commerce and other constitutional powers could not be cut down or qualified by the fact that it might interfere with the carrying out of the domestic policy of any

"The manufacture of oleomargarine is as much a matter of State regulation as the manufacture of cotton cloth. Congress levied a tax upon the compound when colored so as to resemble butter that was so great as obviously to prohibit the manufacture and sale. In a very elaborate discussion the present Chief Justice excluded any inquiry into the purpose of an act which apart from that purpose was within the power of Congress, McCray v. United States (195 U. S. 27). As to foreign commerce see Weber v. Freed (239 U. S. 325, 329); Brolan v. United States (236 U. S. 216, 217); Buttfield v. Stranahan (192 U. S. 470). Fifty years ago a tax on State banks, the obvious purpose and actual effect of which was to drive them, or at least their circulation, out of existence, was sustained, although the result was one that Congress had no constitutional power to require. The court made short work of the argument as to the purpose of the act. 'The judicial can not prescribe to the legislative department of the Government limitations upon the exercise of its acknowledged powers.' (Venzie Bank v. Fenno, 8 Wall. 533.) So it well might have been argued that the corporation tax was intended under the guise of a revenue measure to secure a control not otherwise belonging to Congress, but the tax was sustained, and the objection so far as noticed was disposed of by citing McCray v. United States. (Flint v. Stone Tracy Co., 220 U. S. 107.) And to come to cases upon interstate commerce, notwithstanding United States r. E. C. Knight Co. (156 U. S. 1), the Sherman Act has been made an instrument for breaking up of combinations in restraint of trade and monopolies, using the power to regulate commerce as a foothold, but not preceding because that commerce was the end actually in mind. The objection that the control of the States over production was interfered with was urged again and again but always in vain. Standard Oil Co. v. United States (221 U. S. 1, 68, 69). United States v. American Tobacco Co. (221 U. S. 106, 184). Hoke v. United States (227 U. S. 308, 321, 322). See finally and especially Seven Cases of Eckman's Alterative v. United States (239 U. S. 510, 514, 515).
"The pure food and drug act which was sustained in Hipolite

Egg Co. v. United States (220 U. S. 45), with the intimation that 'no trade can be carried on between the States to which it-the power of Congress to regulate commerce-does not extend,' 57, applies not merely to articles that the changing opinions of the time condemn as intrinsically harmful but to others innocent in themselves, simply on the ground that the order for them was induced by a preliminary fraud. Weeks v. United States (245 U. S. 618). It does not matter whether the supposed evil precedes or follows the transportation. It is enough that in the opinion of Congress the transportation encourages the evil. I may add that in the cases on the so-called white slave act it was established that the means adopted by Congress as convenient to the exercise of its power might have the character of police regulations. Hoke v. United States (227 U. S. 308, 323), Caminetti v. United States (242 U. S. 470, 492). In Clark Distilling Co. v. Western Maryland Railway Co. (242 U. S. 322, 328), Leisy v. Hardin (135 U. S. 100, 108) is quoted with seeming approval to the effect that 'a subject matter which has been confided exclusively to Congress by the Constitution is not within the jurisdiction of the police power of the State, unless placed there by congressional action.' reason for that proposition not applying here.

"The notion that prohibition is any less prohibition when applied to things now thought evil I do not understand. But if there is any matter upon which civilized countries have agreed—far more unanimously than they have with regard to intoxicants and some other matters over which this country is now emotionally aroused-it is the evil of premature and excessive child labor. I should have thought that if we were to introduce our own moral conceptions where, in my opinion, they do not belong, this was preeminently a case for upholding the exercise of all its powers by the United States.

"But I had thought that the propriety of the exercise of a power admitted to exist in some cases was for the consideration of Congress alone and that this court always had disavowed the right to intrude its judgment upon questions of policy and morals. It is not for this court to pronounce when prohibition is necessary to regulation, if it ever may be necessary; to say that it is permissible as against strong drink, but not as against the product of ruined lives.

"The act does not meddle with anything belonging to the States. They may regulate their internal affairs and their domestic commerce as they like. But when they seek to send their products across the State line they are no longer within their rights. If there were no Constitution and no Congress. their power to cross the line would depend upon their neighbors. Under the Constitution such commerce belongs not to the States but to Congress to regulate. It may carry out its views of public policy, whatever indirect effect they may have upon the activities of the States. Instead of being encountered by a prohibitive tariff at her boundaries, the State encounters the public policy of the United States which it is for Congress to express. The public policy of the United States is shaped with a view to the benefit of the Nation as a whole. If, as has been the case within the memory of men still living, a State should take a different view of the propriety of sustaining a lottery from that which generally prevails, I can not believe that the fact would require a different decision from that reached in Champion v. Ames. Yet in that case it would be said with quite as much force as in this that Congress was attempting to in-termeddle with the State's domestic affairs. The national welfare as understood by Congress may require a different attitude within its sphere from that of some self-seeking State. It seems to me entirely constitutional for Congress to enforce its understanding by all the means at its command.

"Mr. Justice McKenna, Mr. Justice Brandeis, and Mr. Jus-

tice Clarke concur in this opinion."

The act of September 1, 1916, having been declared unconstitutional, the Congress passed another so-called child labor law, approved February 24, 1919, which act reads as follows:

[Public-No. 254-65th Cong.]

[H. R. 12863.]

An act to provide revenue, and for other purposes.

"Be it enacted, etc .--

TITLE XII .- TAX ON EMPLOYMENT OF CHILD LABOR.

"Sec. 1200. That every person (other than a bona fide boys or girls' canning club recognized by the Agricultural Department of a State and of the United States) operating (a) any mine or quarry situated in the United States in which children under the age of 16 years have been employed or permitted to work during any portion of the taxable year; or (b) any mill, cannery, workshop, factory, or manufacturing establishment situated in the United States in which children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 and 16 have been employed or permitted to work more than eight hours in any day or more than six days in any week, or after the hour of 7 o'clock p. m., or before the hour of 6 o'clock a. m., during any portion of the taxable year, shall pay for each taxable year, in addition to all other taxes imposed by law, an excise tax equivalent to 10 per cent of the entire net profits received or accrued for such year from the sale or disposition of the product of such mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment.

"Sec. 1201. That in computing net profits under the provisions of this title, for the purpose of the tax there shall be allowed as deductions from the gross amount received or accrued for the taxable year from the sale or disposition of such products manufactured within the United States the fol-

"(a) The cost of raw materials entering into the production; "(b) Running expenses, including rentals, cost of repairs, and maintenance, heat, power, insurance, management, and a reasonable allowance for salaries or other compensations for personal services actually rendered, and for depreciation;

(c) Interest paid within the taxable year on debts or loans contracted to meet the needs of the business, and the proceeds of

which have been actually used to meet such needs;

"(d) Taxes of all kinds paid during the taxable year with respect to the business or property relating to the production;

"(e) Losses actually sustained within the taxable year in connection with the business of producing such products, including losses from fire, flood, storm, or other casualties, and

not compensated for by insurance or otherwise.

"Sec. 1202. That if any such person during any taxable year or part thereof, whether under any agreement, arrangement, or understanding, or otherwise, sells or disposes of any product of such mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment at less than the fair market price obtainable therefor either (a) in such manner as directly or indirectly to benefit such person or any person directly or indirectly interested in the business of such person; or (b) with intent to cause such benefit; the gross amount received or accrued for such year or part thereof from the sale or dis-

position of such product shall be taken to be the amount which would have been received or accrued from the sale or disposition of such product if sold at the fair market price.

"SEC. 1203. (a) That no person subject to the provisions of this title shall be liable for the tax herein imposed if the only employment or permission to work which but for this section would subject him to the tax, has been of a child as to whom such person has in good faith procured at the time of employing such child or permitting him to work, and has since in good faith relied upon and kept on file a certificate, issued in such form, under such conditions and by such persons as may be prescribed by a board consisting of the Secretary, the commissioner, and the Secretary of Labor, showing the child to be of such age as not to subject such person to the tax imposed by this title. Any person who knowingly makes a false statement or presents false evidence in or in relation to any such certificate or application therefor shall be punished by a fine of not less than \$100 nor more than \$1,000. or by imprisonment for not more than three months, or by both such fine and imprisonment, in the discretion of the court

"In any State designated by such board an employment certificate or other similar paper as to the age of the child, issued under the laws of that State, and not inconsistent with the provisions of this title, shall have the same force and effect

as a certificate herein provided for.

"(b) The tax imposed by this title shall not be imposed in the case of any person who proves to the satisfaction of the Secretary that the only employment or permission to work, which but for this section would subject him to the tax, has been of a child employed or permitted to work under a mistake of fact as to the age of such child, and without intention to evade the law.

SEC. 1204. That on or before the first day of the third month following the close of each taxable year, a true and accurate return under oath shall be made by each person subject to the provisions of this title to the collector for the district in which such person has his principal office or place of business, in such form as the commissioner, with the approval of the Secretary, shall prescribe, setting forth specifically the gross amount of income received or accrued during such year from the sale or disposition of the product of any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment in which children have been employed subjecting him to the tax imposed by this title, and from the total thereof deducting the aggregate items of allowance authorized by this title, and such other particulars as to the gross receipts and items of allowance as the commissioner, with the approval of the Secretary, may require.

"SEC. 1205. That all such returns shall be transmitted forthwith by the collector to the commissioner, who shall, as soon as practicable, assess the tax found due and notify the person making such return of the amount of tax for which such person is liable, and such person shall pay the tax to the collector on or

before 30 days from the date of such notice.

"SEC. 1206. That for the purposes of this act the commissioner, or any other person duly authorized by him, shall have authority to enter and inspect at any time any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment. The Secretary of Labor, or any person duly authorized by him, shall, for the purpose of complying with a request of the commissioner to make such an inspection, have like authority, and shall make report to the commissioner of inspections made under such authority in such form as may be prescribed by the commissioner with the approval of the Secretary of the Treasury.

"Any person who refuses or obstructs entry or inspection authorized by this section shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than one year, or

both such fine and imprisonment.
"SEC. 1207. That as used in this title the term 'taxable year' shall have the same meaning as provided for the purposes of income tax in section 200. The first taxable year for the purposes of this title shall be the period between 60 days after the passage of this act and December 31, 1919, both inclusive, or as defined in section 200) of the taxpayer.

"Approved 6.55 p. m., February 24, 1919."

This latter act met the same fate as its predecessor—it was

declared unconstitutional in the case of Bailey v. Drexel Furniture Co.

J. W. Bailey and J. W. Bailey, collector of internal revenue for the district of North Carolina, plaintiff in error, v. Drexel Furniture Co. Internal revenue—Power of Congress—Child labor law-Reserved rights of States.

"The child labor tax law of February 24, 1919, imposing a tax of 10 per cent of the net profits of the year upon an employer who knowingly has employed, during any portion of the taxable year, a child within the age limits therein prescribed, is not a valid exercise by Congress of its powers of taxation under United States Constitution, article 1, section 8, but is an unconstitutional regulation by the use of the so-called tax as a penalty of the employment of child labor in the States, which, under United States Constitution, tenth amendment, is exclusively a State function. (For other cases, see Internal Revenue, I. b; States, IV in Digest Sup. Ct. 1908.)

(No. 657.)

Argued March 7 and 8, 1922. Decided May 15, 1922.

"In error to the District Court of the United States for the Western District of North Carolina to review a judgment against a collector of internal revenue for the recovery back of a tax imposed under the child labor tax act. Affirmed.

See same case below, 276 Fed. 452. "The facts are stated in the opinion.

"Solicitor General Beck and special assistant to the Attorney

General Reeder for plaintiff in error.

"Messrs. William P. Bynum, Junius Parker, William M. Hendren, Clement Manly, and John N. Wilson for defendant in

"Mr. Chief Justice Taft delivered the opinion of the court "This case presents the question of the constitutional validity of the child labor tax law. The plaintiff below, the Drexel Furniture Co., is engaged in the manufacture of furniture in the western district of North Carolina. On September 20, 1921, it received a notice from Bailey, United States collector of internal revenue for the district, that it had been assessed \$6,312.79 for having, during the taxable year 1919, employed and permitted to work in its factory a boy under 14 years of age, thus incurring the tax of 10 per cent on its net profits for that year. The company paid the tax under protest, and after rejection of its claim for a refund brought this suit. murrer to an amended complaint, judgment was entered for the company against the collector for the full amount with interest. The writ of error is prosecuted by the collector direct from the district court under section 238 of the Judicial Code,

"The child labor tax law is Title No. 12 of an act entitled "An act to provide revenue, and for other purposes," approved February 24, 1919 (40 Stat. L. 1057, 11138, ch. 18, Comp. Stat. sec. 63364a). The heading of the title is "Tax on employment of It begins with section 1200 and includes eight

sections. Section 1200 is as follows:

""SEC. 1200. That every person (other than a bona fide boys or girls' canning club recognized by the Agricultural Department of a State and of the United States) operating (a) any mine or quarry situated in the United States in which children under the age of 16 years have been employed or permitted to work during any portion of the taxable year; or (b) any mill, cannery, workshop, factory, or manufacturing establishment situated in the United States in which children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 and 16 have been employed or permitted to work more than eight hours in any day or more than six days in any week, or after the hour of 7 o'clock postmeridian, or before the hour of 6 o'clock antemeridian, during any portion of the taxable year, shall pay for each taxable year, in addition to all other taxes imposed by law, an excise tax equivalent to 10 per cent of the entire net profits received or accrued for such year from the sale or disposition of the product of such mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment.'

Section 1203 relieves from liability to the tax anyone who employs a child, believing him to be of proper age, relying on a certificate to this effect issued by persons prescribed by a board consisting of the Secretary of the Treasury, the Commissioner of Internal Revenue, and the Secretary of Labor, or issued by State authorities. The section also provides in paragraph (b) that 'the tax imposed by this title shall not be imposed in the case of any person who proves to the satisfaction of the Secretary that the only employment or permission to work, which but for this section would subject him to the tax, has been of a child employed or permitted to work under a mistake of fact as to the age of such child and without intention to evade the

"Section 1206 gives authority to the Commissioner of Internal Revenue or any other person authorized by him 'to enter and inspect at any time any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment. The Secretary of Labor or any person whom he authorizes is given like authority in order to comply with a request of the commissioner to make

such inspection and report the same. Any person who refuses entry or obstructs inspection is made subject to fine or imprison-

ment, or both.

"The law is attacked on the ground that it is a regulation of the employment of child labor in the States-an exclusive State function under the Federal Constitution and within the reservations of the tenth amendment. It is defended on the ground that it is a mere excise tax levied by the Congress of the United States under its broad power of taxation conferred by section 8, Article I, of the Federal Constitution. We must construe the law and interpret the intent and meaning of Congress from the language of the act. The words are to be given their ordinary meaning unless the context shows that they are differently used. Does this law impose a tax with only that incidental restraint and regulation which a tax must inevitably involve? Or does it regulate by the use of the so-called tax as a penalty? If a tax, it is clearly an excise. If it were an excise on a commodity or other thing of value, we might not be permitted, under previous decisions of this court, to infer, solely from its heavy burden, that the act intends a prohibition instead of a tax. But this act is more. It provides a heavy exaction for a departure from a detailed and specified course of conduct in business.

"That course of business is that employers shall employ in mines and quarries children of an age greater than 16 years; in mills and factories, children of an age greater than 14 years; and shall prevent children of less than 16 years; in mills and factories, children of an age greater than 14 years; and shall prevent children of less than 16 years in mills and factories from working more than eight hours a day or six days in a week. If an employer departs from this prescribed course of business, he is to pay to the Government one-tenth of his entire net income in the business for a full year. The amount is not to be proportioned in any degree to the extent or frequency of the departures, but is to be paid by the employer in full measure whether he employs 500 children for a year or employs only one for a day. Moreover, if he does not know the child is within the named age limit, he is to pay; that is to say, it is only where he knowingly departs from the prescribed course that payment is to be exacted. Scienters are associated with penal-ties, not with taxes. The employer's factory is to be subject to inspection at any time, not only by the taxing officers of the Treasury, the department normally charged with the collection of taxes, but also by the Secretary of Labor and his subordinates, whose normal function is the advancement and protection of the welfare of the workers. In the light of these features of the act, a court must be blind not to see that the so-called tax is imposed to stop the employment of children within the age limits prescribed. Its prohibitory and regulatory effect and purpose are palpable. All others can see and understand this. limits prescribed. How can we properly shut our minds to it?

"It is the high duty and function of this court in cases regularly brought to its bar to decline to recognize or enforce seeming laws of Congress dealing with subjects not intrusted to Congress, but left or committed by the supreme law of the land to the control of the States. We can not avoid the duty, even though it requires us to refuse to give effect to legislation designed to promote the highest good. The good sought in unconstitutional legislation is an insidious feature, because it leads citizens and legislators of good purpose to promote it without thought of the serious breach it will make in the ark of our covenant or the harm which will come from breaking down recognized standards. In the maintenance of local self-government, on the one hand, and the national power, on the other, our country has been able to endure and prosper for near a

century and a half.

Out of a proper respect for the acts of a coordinate branch of the Government, this court has gone far to sustain taxing acts as such, even though there has been ground for suspecting, from the weight of the tax, it was intended to destroy ject. But in the act before us the presumption of validity can not prevail, because the proof of the contrary is found on the very face of its provisions. Grant the validity of this law and all that Congress would need to do hereafter in seeking to take over to its control any one of the great number of subjects of public interest, jurisdiction of which the States have never parted with, and which are reserved to them by the nineteenth amendment, would be to enact a detailed measure of complete regulation of the subject and enforce it by a so-called tax upon departures from it. To give such magic to the word 'tax' would be to break down all constitutional limitation of the powers of Congress and completely wipe out the sovereignty of

the States.

"The difference between a tax and a penalty is sometimes difficult to define, and yet the consequences of the distinction in the required method of their collection often are important.

Where the sovereign enacting the law has power to impose both tax and penalty, the difference between revenue production and mere regulation may be immaterial; but not so when one sovereign can impose a tax only and the power of regulation rests Taxes are occasionally imposed in the discretion of the legislature on proper subjects with the primary motive of obtaining revenue from them and with the incidental motive of discouraging them by making their continuance onerous. do not lose their character as taxes because of the incidental motive. But there comes a time in the extension of the penalizing features of the so-called tax when it loses its character as such and becomes a mere penalty, with the characteristics of regulation and punishment. Such is the case in the law before us. Although Congress does not invalidate the contract of employment or expressly declare that the employment within the mentioned ages is illegal, it does exhibit its intent practically to achieve the latter result by adopting the criteria of wrongdoing and imposing its principal consequence on those who transgress its standard.

"The case before us can not be distinguished from that of Hammer v. Dagenhart (247 U. S. 251, 62 L. ed. 1101, 3 A. L. R. 649, 38 Sup. Ct. Rep. 529, Ann. Cas. 1918E, 624). Congress there enacted a law to prohibit transportation in interstate commerce of goods made at a factory in which there was employment of children within the same ages and for the same number of hours a day and days in a week as are penalized by the act in this case. This court held the law in that case to be void. It said:

case. This court held the law in that case to be void. It said.

"'In our view, the necessary effect of this act is, by means of a prohibition against the movement in interstate commerce of ordinary commercial commodities, to regulate the hours of labor of children in factories and mines within the States—purely State authority."

"In the case at the bar Congress, in the name of a tax which on the face of the act is a penalty, seeks to do the same thing, and the effort must be equally futile.

The analogy of the Dagenhart case is clear. The congressional power over interstate commerce is, within its proper scope, just as complete and unlimited as the congressional power to tax, and the legislative motive in its exercise is just as free from judicial suspicion and inquiry. Yet when Congress threat-ened to stop interstate commerce in ordinary and necessary commodities, unobjectionable as subjects of transportation, and to deny the same to the people of a State, in order to coerce them into compliance with Congress's regulation of State concerns, the court said this was not, in fact, regulation of intercommerce but rather that of State concerns and was invalid. So here the so-called tax is a penalty to coerce people of a State to act as Congress wishes them to act in respect of a matter completely the business of the State government under the Federal Constitution. This case requires, as did the Dagenhart case, the application of the principle announced by Chief Justice Marshall in McCulloch v. Maryland (4 Wheat, 316, 423, 4 L. ed. 579, 605) in a much-quoted passage:

"Should Congress in the execution of its powers adopt measures which are prohibited by the Constitution, or should Congress under the pretext of executing its powers pass laws for the accomplishment of objects not intrusted to the Government, it would become the painful duty of this tribunal, should a case requiring such a decision leme before it, to say that such an

act was not the law of the land.

"But it is pressed upon us that this court has gone so far in sustaining taxing measures the effect and tendency of which was to accomplish purposes not directly within congressional power that we are bound by authority to maintain this law.

that we are bound by authority to maintain this law.

"The first of these is Veazle Bank v. Fenno (8 Wall. 533, 19 L. ed. 482). In that case the validity of a law which increased a tax on the circulating notes of persons and State banks from 1 per cent to 10 per cent was in question. The main question was whether this was a direct tax, to be apportioned among the several States 'according to their respective numbers.' This was answered in the negative. The second objection was stated by the court:

"'It is insisted, however, that the tax in the case before us is excessive, and so excessive as to indicate a purpose on the part of Congress to destroy the franchise of the bank, and is, therefore, beyond the constitutional power of Congress.'

"To this the court answered:

"'The first answer to this is that the judicial can not prescribe to the legislative departments of the Government limitations upon the exercise of its acknowledged powers. The power to tax may be exercised oppressively upon persons, but the responsibility of the legislature is not to the courts but to the people by whom its members are elected. So if a particular tax bears heavily upon a corporation or a class of corporations, it

can not for that reason only be pronounced contrary to the Constitution.'

"It will be observed that the sole objection to the tax here was its excessive character. Nothing else appeared on the face of the act. It was an increase of a tax admittedly legal to a higher rate, and that was all. There were no elaborate specifications on the face of the act, as here, indicating the purpose to regulate matters of State concern and jurisdiction through an exaction so applied as to give it the qualities of a penalty for violation of law rather than a tax.

"It should be noted, too, that the court, speaking of the extent of the taxing power, used these cautionary words (p. 541):

"'There are, indeed, certain virtual limitations arising from the principles of the Constitution itself. It would undoubtedly be an abuse of the power if so exercised as to impair the separate existence and independent self-government of the States, or if exercised for ends inconsistent with the limited grants of power in the Constitution.'

"But more than this, what was charged to be the object of the excessive tax was within the congressional authority, as appears from the second answer which the court gave to the objection. After having pointed out the legitimate means taken by Congress to secure a national medium or currency, the court

said (p. 549);

"'Having thus, in the exercise of undisputed constitutional powers, undertaken to provide a currency for the whole country, it can not be questioned that Congress may, constitutionally, secure the benefit of it to the people by appropriate legislation. To this end Congress has denied the quality of legal tender to foreign coins, and has provided by law against the imposition of counterfeit and base coin on the community. To the same end Congress may restrain, by sultable enactments, the circulation as money of any notes not issued under its own authority. Without this power, indeed, its attempts to secure a sound and

uniform currency for the country must be futile.'

The next case is that of McCray v. United States (195 U.S. 27, 49 L. ed. 78, 24 Sup. Ct. Rep. 769, 1 Ann. Cas. 561). like the Veazie bank case, was the increase of an excise tax upon a subject properly taxable, in which the taxpayers claimed that the tax had become invalid because the increase was excessive. It was a tax on oleomargarine, a substitute for butter. The tax on the white oleomargarine was one-quarter of a cent a pound and on the yellow oleomargarine was first 2 cents, and was then by the act in question increased to 10 cents per pound. This court held that the discretion of Congress in the exercise of its constitutional powers to levy excise taxes could not be controlled or limited by the courts because the latter might deem the incidence of the tax oppressive or even destructive. It was the same principle as that applied in the Veazle bank This was that Congress, in selecting its subjects for taxation, might impose the burden where and as it would, and that a motive disclosed in its selection to discourage sale or manufacture of an article by a higher tax than on some other did not invalidate the tax. In neither of these cases did the law objected to show on its face, as does the law before us, the detailed specifications of a regulation of a State concern and business with a heavy exaction to promote the efficacy of such regulation.

"The third case is that of Flint v. Stone Tracy Co. (220 U. S. 107, 55 L. ed. 389, 31 Sup. Ct. Rep. 342, Ann. Cas. 1912B, 1312). It involves the validity of an excise tax levied on the doing of business by all corporations, joint-stock companies, associations organized for profit having a capital stock represented by shares, and insurance companies, and measured the excise by the net income of the corporations. There was not in that case the slightest doubt that the tax was a tax and a tax for revenue; but it was attacked on the ground that such a tax could be made excessive and thus used by Congress to destroy the existence of State corporations. To this this court gave the same answer as in the Veazie bank and McCray cases. It is not so strong as authority for the Government's contention as they are.

"The fourth case is United States v. Doremus (249 U. S. 86, 63, L. ed. 493, 39 Sup. Ct. Rep. 214). That involved the validity of the narcotic drug act (December 17, 1914, 38 Stat. L. 785, chap. 1, Comp. Stat. Sec. 6287g, 4 Fed. Stat. Anno. 2d ed. p. 177), which imposed a special tax on the manufacture, importation, and sale or gift of oplum or coco leaves or their compounds or derivatives. It required every person subject to the special tax to register with the collector of internal revenue his name and place of business and forbade him to sell except upon the written order of the person to whom the sale was made, on a form prescribed by the Commissioner of Internal Revenue. The vendor was required to keep the order for two years, and the purchaser to keep a duplicate for the same time, and all were to be subject to official inspection. Similar requirements

were made as to sales upon prescriptions of a physician and as to the dispensing of such drugs directly to a patient by a physician. The validity of a special tax in the nature of an excise tax on the manufacture, importation, and sale of such drugs was, of course, unquestioned. The provisions for subjecting the sale and distribution of the drugs to official supervision and inspection were held to have a reasonable relation to the enforcement of the tax and were therefore held valid.

"The court said that the act could not be declared invalid fust because another motive than taxation not shown on the face of the act might have contributed to its passage. case does not militate against the conclusion we have reached in respect to the law now before us. The court there made manifest its view that the provisions of the so-called taxing act must be naturally and reasonably adapted to the collection of the tax and not solely to the achievement of some other purpose plainly within State power.

"For the reasons given we must hold the child labor tax law invalid, and the judgment of the district court is affirmed.

"Mr. Justice Clarke dissents."

Inasmuch as the Congress has twice considered it necessary and wise to enact a law for the protection of the child life of our Nation it would seem to be the mature and deliberate judgment of the people that such a law would be beneficial. We must assume that the Congress considered that it had the power to enact such laws and thought it for the welfare of the Nation to exercise that power. But inasmuch as the Supreme Court of the United States, in Hammer v. Dagenhart (supra) and Bailey v. Drexel Furniture Co. (supra), decided that the Congress under the existing Constitution did not have that power, it is proposed to confer or delegate that power by way

of a proposed amendment.

First. It can not be questioned but that it is a paramount duty of Government to guard and protect the welfare of its children to the end that they may have the utmost opportunity possible to attain the maximum development of their moral, intellectual, and physical beings. This is manifestly the due of all children since they are brought into the world without their volition, entirely helpless and dependent. But this is not alone simple justice to childhood. It is also of the greatest importance to every State that its citizens should attain the highest development above indicated. And it may be observed that while under our dual system of government the power and duty to make adequate provision by law for the accomplishment of those most desirable ends now vested in the several States, nevertheless it is as important to the National Government as it is to the government of every State that its citizenry be afforded every opportunity for legitimate development, and that such development should neither be stunted nor destroyed by a neglect to pass adequate laws for the protection of childhood.

Herein there lies the justification for the Government of the United States in asking of the States that upon it be conferred power concurrent with their own to legislate upon this matter so vital to both. If the States shall have passed appropriate laws, it is safe to say that any legislation of Congress will march side by side with such laws. If a State has been unmindful of its duty, then such congressional legislation will work no injury but rather a positive benefit to the State itself as well as to the National Government.

Hence your committee reports in favor of the submission to the legislatures of the several States of some form of constitutional amendment conferring power upon the Congress to legis-

late upon the subject.

Second. What form shall that proposed amendment bear? Unquestionably it should take the form of a grant of power, and unquestionably the limitations of that power should be precisely defined. Beyond peradventure it should contemplate the future as well as the present. Indisputably it should be a power concurrent with that of the States, since its purpose is not to deprive the States of any of their powers but only to confer like powers on the National Government.

Still further, it will not be questioned but that that power should be given to control, regulate, or even to prohibit the use of such labor in all cases where the character of the labor is dangerous in itself or may become dangerous through the inexperience or heedlessness of childhood; where in itself or in its surroundings it is detrimental to the physical or moral welfare of childhood, or where it is in character too onerous for the growing bodies of youth. Equally manifest is it that in all occupations where child labor is permitted, legislative authority should have a determinative voice as to the terms, times, conditions, and environment of its use—such as day and night work, reasonable hours, dangerous machinery, hygienic conditions, and the like.

These are the fundamental considerations which have controlled the action of this committee. It has given painstaking consideration to the varying phraseology of the five concurrent resolutions set forth herein above and to be found in part 1 of hearings; it has made extended research into the legal and popular meanings of words whose use has been recommended, and it has decided to submit the following as the form of the proposed constitutional amendment, which it approves:

"The Congress shall have power concurrent with that of the several States to limit or prohibit labor of persons under the

age of 18 years."

A few words may be pertinent here to explain the reasons which influenced the committee in the adoption of the particular form of verbiage in which the resolution is cast.

The use of the words "power," "concurrent," speak

speaks for itself. The amendment is not designed to deprive the States their police powers but only to have them confer on the National Government the right to exercise similar That in so doing they will not deprive themselves of any of their own powers may be taken as conclusively ad-judicated by the Supreme Court of the United States in the

rase of United States v. Lansa, decided December 11, 1922.

It seemed wise to adopt the word "labor" in lieu of the word "employment." The former word expresses precisely the matter of the proposed amendment. It is the use of the labor rather than the matter of its employment which is of direct concern, and to state it thus avoids all possibility of the shufflings and evasions which might follow the adoption of the

latter word.

An age limit is declared. It unquestionably would have been simpler to have provided for the regulation and prohibition of the labor of children and to have stopped there. But your committee became convinced that in asking for this it might fail utterly. A marked difference of opinion was developed at the hearings before the subcommittee, it being argued on the one hand that after 18 years of age, girls and boys had passed the period of dependency and were physically and mentally capable of fending for themselves, so that the power to protect them which was sought by the amendment could safely be limited to the indicated age; while, on the other hand, it was argued that many cases and classes merited protection after the age fixed, and that as the State's police power embraced the protection of its children during the period of their nonage and up to the instant of their majorities it was reasonable to ask that identical police power be conferred on the National Government.

Reason is found in both points of view. But your committee finally concluded to insert the 18-year limitation; because such limitation would certainly embrace the vast majority of cases calling for protection and remedial legislation, while the exceptional cases calling for legislation after that age might arise in one State and not in another, and therefore might safely be left to the wisdom of each State. And, finally, in contemplation of the opposition which almost certainly would arise should the word "child" be used, and having in mind the common-law definition of the word "child" and the many decisions of courts as to the legal meaning of that word, it was thought expedient to ask for that which would accomplish the greatest good while being subject to the least opposition. In order to remove all doubt as to the power to be delegated, it was thought wise to use the word "persons."

The several Senate joint resolutions were referred to a subcommittee consisting of Senators Shortridge, Colt, and Walsh of, Montana, who accompanied their conclusions and recommendations by printed copies of the hearings held by them, which "Hearings before a subcommittee of the Committee on the Judiciary, United States Senate, parts 1, 2, and 3," are hereby referred to and made a part of this report.

Wherefore your committee reports in favor of submitting to the legislatures of the several States the following proposed

amendment to the Constitution of the United States:

JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE -.

"The Congress shall have power, concurrent with that of the several States, to limit or prohibit the labor of persons under the age of 18 years."

CHANGE OF REFERENCE.

Mr. SMOOT. Mr. President, House bill 14144, to limit and fix the time within which suits may be brought or rights asserted in court arising out of the provisions of subdivision 3 of section 302 of the soldiers and sailors' civil relief act, was referred to the Public Lands Committee. I ask that the Public Lands Committee be discharged from the further consideration of the bill and that it be referred to the Committee on the Judiciary, where it belongs.

The VICE PRESIDENT. The question is on the motion of

the Senator from Utah.

The motion was agreed to.

MICHIGAN BOULEVARD BUILDING CO .- CONFERENCE REPORT,

Mr. CAPPER. I submit the conference report on House bill 5918, and move its adoption.

The report will be read. The VICE PRESIDENT

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5918) for the relief of the Michigan Boulevard Building Co., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments.

ARTHUR CAPPER, F. R. GOODING, PARK TRAMMELL, Managers on the part of the Senate. G. W. EDMONDS,

JAMES P. GLYNN, H. B. STEAGALL, Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

MONTREAL RIVER LIGHTHOUSE RESERVATION, MICH.

Mr. JONES of Washington. Mr. President, from the Committee on Commerce I report back favorably House bill 13032, to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County board of the American

Legion, Bessemer, Mich.
Mr. TOWNSEND. Mr. President, I realize that the Senator from Wisconsin must be consistent. I am sorry that he interposed his objection after so many unanimous-consent requests had been granted. This bill is one that I am sure will have no opposition from anybody in the Senate, and I should like to ask unanimous consent for its consideration, but I realize that it can not be done.

Mr. LENROOT. Mr. President, I will say to the Senator that after we once get upon the calendar he may renew his request,

so far as I am concerned.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 4609) to authorize the President, in certain cases, to reduce fees for the visé of passports; to the Committee on Foreign Relations.

By Mr. BROOKHART: A bill (S. 4610) to amend the interstate commerce act and the transportation act, 1920, as amended; to the Committee on Interstate Commerce

By Mr. STERLING:

A bill (S. 4611) granting an increase of pension to Charles Halls; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 4612) to authorize the Secretary of the Interior to construct highways in the Klamath Indian Reservation in Oregon: to the Committee on Indian Affairs.

By Mr. CALDER:

A bill (S. 4613) for the relief of the Polish American Navigation Corporation; to the Committee on Commerce.

By Mr. CUMMINS:

A bill (S. 4614) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciapproved March 3, 1911; to the Committee on the

Judiciary. By Mr. SHORTRIDGE:

A bill (S. 4615) making eligible for retirement under certain conditions officers of the United States Army, other than

officers of the Regular Army, who incurred physical disability In line of duty while in the service of the United States during the war; to the Committee on Military Affairs.

By Mr. PITTMAN:

A bill (S. 4616) to establish a fish-hatching and fish-cultural station on the Humboldt River, in the State of Nevada; to the Committee on Commerce.

By Mr. PEPPER: A bill (S. 4617) for the purchase of a site and the erection of a public building at Allentown, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. KENDRICK:
A bill (S. 4618) granting a pension to Thomas Fife; to the Committee on Pensions.
By Mr. NELSON:

A bill (S. 4619) granting the consent of Congress to the reconstruction, maintenance, and operation of an existing bridge across the Red River between Grand Forks, N. Dak., and East Grand Forks, Minn.; and

A bill (S. 4620) granting the consent of Congress to the re-construction, maintenance, and operation of an existing bridge across the Red River between Moorhead, Minn., and Fargo,

N. Dak.; to the Committee on Commerce.

By Mr. MOSES:

A bill (S. 4621) granting a pension to Nicholas Suosso (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4622) to remit the duty on a carillon of bells to be imported for St. Ann's Church, Kennebunkport, Me. (with accompanying papers); to the Committee on Finance.

By Mr. PAGE: A bill (S. 4623) to reimburse certain persons for loss of private funds in the form of Liberty bonds of the fourth issue and Victory notes while they were general court-martial prisoners, confined in the naval prison, Portsmouth, N. H.; to the Committee on Claims:

A bill (S. 4624) to authorize the Secretary of the Navy to make reimbursement to the Naval Academy dairy for losses

sustained by fire; and

A bill (S. 4625) to authorize the Secretary of the Navy to permit the sale of exterior articles of the uniform to honorably discharged enlisted men; to the Committee on Naval Affairs.

By Mr. McKELLAR:

A bill (S. 4627) fixing the rank of the officer of the United States Army in charge of the Inland and Coastwise Waterways Service; to the Committee on Military Affairs.

AMENDMENT OF CIVIL-SERVICE EMPLOYEES RETIREMENT ACT.

Mr. JONES of Washington. I have been requested to introduce a bill amending the civil-service employees retirement act, I have not had an opportunity to examine the bill carefully, but those who have asked for its introduction represent very responsible organizations. So I am introducing the bill by request in order that they may have an opportunity to have hearings on it or to have it considered.

The bill (S. 4626) for the retirement of employees in the

civil service was read twice by its title and referred to the Com-

mittee on Civil Service.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. FERNALD submitted an amendment proposing to pay \$2,500 to Elizabeth McKeller as full compensation for injuries sustained while traveling within the Navajo Indian Reservation, State of New Mexico, September 7, 1921, intended to be proposed by him to House bill 14408, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and order to be printed.

Mr. PHIPPS submitted two amendments proposing to pay

\$1,000 each to Thomas A. Hodgson and C. Brooks Fry for expert personal services in connection with the investigation of the fiscal relations between the District of Columbia and the United States, etc., intended to be proposed by him to House bill 14408, the third deficiency appropriation bill, which were referred to the Committee on Appropriations and ordered to be

Mr. REED of Pennsylvania submitted an amendment proposing to pay \$13,511.13 to the Government of the Republic of France as full indemnity for loss and damage to property suffered by Madame Crignler, a citizen of France, by reason of the search for the body of Admiral John Paul Jones, undertaken in 1899 by Gen. Horace Porter, at that time American ambassador to France, and completed by the finding of the body in 1905, etc., intended to be proposed by him to House bill 14408, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS-CLARK G. RUSSELL.

On motion of Mr. Townsend, it was-

Ordered, That permission be granted to withdraw from the files of the Senate all the papers in the case of Clark G. Russell, Senate bill 386. Sixty-fourth Congress, first session, no adverse report having been made thereon.

MEMBERSHIP OF STATE BANKS, ETC., IN FEDERAL RESERVE SYSTEM.

Mr. HARRIS submitted the following resolution (S. Res. 449), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Hesolved, That a committee of five Members of the Senate be appointed by the President of the Senate, one member from each of the following committees of the Senate; Banking and Currency, Agriculture and Forestry, and Commerce. That said committee be, and hereby is, authorized during sessions and recesses of the Sixty-seventh or Sixty-eighth Congress to inquire into the effect of the present limited membership of State banks and trust companies in the Federal reserve system upon financial conditions in the agricultural sections of the United States the reasons which actuate such banks and trust companies in falling to become members of the Federal reserve system; what administrative measures have been taken and are being taken to increase such membership; and whether or not any change should be made in existing law, or in the rules and regulations of the Federal Reserve Board, or in its methods of administration, to bring about in the agricultural sections a larger membership of such banks or trust companies in the Federal reserve system.

In pursuance of this inquiry said committee or subcommittee thereof is further authorized to send for persons, books, and papers, to administer oaths, and to employ experts deemed necessary by such committee, a clerk, and a stenographer to report such hearings as may be had in connection with any subject pending before said committee at a cost not to exceed 25 cents per folio; all expenses incurred in furtherance of the purposes of this resolution to be paid out of the contingent fund of the Senate, not to exceed the sum of \$500.

The committee shall from time to time report to the Senate the results of its inquires, together with its recommendations, and may prepare and submit bills or resolutions embodying such recommendations, and its final report shall be submitted not later than January 31, 1924.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the joint resolution (S. J. Res. 79) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic, having been presented to the President for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, had become a law without his approval, (Joint resolution received by the President January 31, 1923. Ten days expired February 12, 1923.)
The message also announced that the President had approved

and signed the following bills and joint resolution:

On February 23, 1923;

S. 3103. An act to amend section 2294, United States Revised

Statutes, relating to homesteads; and 8, 3220. An act to amend sections 2, 5, 11, 12, 15, 19, 29, and 30 of the United States warehouse act, approved August 11, 1916. On February 24, 1923;

S. 3332. An act to provide for a grant to the city of Boise, in the State of Idaho, of the use of a certain part of the Bolse Barracks Military Reservation under certain conditions;

S. 4036. An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War De-

partment: and

S. J. Res. 279. A joint resolution authorizing the Secretary of War to loan 3,000 wooden folding chairs for the use of the United Confederate Veterans at their reunion to be held in New Orleans, La., on April 11, 12, and 18, 1923.

FOREIGN RELATIONS OF THE UNITED STATES FOR 1915.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed: To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, submitting documents pertaining to the Foreign Relations of the United States for 1915, and "Foreign Relations of the United States, the History of the World War as Shown by the Records of the Department of State," with a view to their publication under the existing appropriations for printing and binding in the Department of State. Subsequent volumes of these documents will be sent to the Government Printing Office from time to time. WARREN G. HARDING.

(Inclosures: Report from the Secretary of State, transmitting Foreign Relations of the United States for 1915, and "Foreign Relations of the United States, the History of the World War as Shown by the Records of the Department of State.")

THE WHITE HOUSE, February 24, 1923.

WILLIAM COLLIE NABORS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1405) for the relief of William Collie Nabors, which was, on page 1, line 6, to strike out "\$5,000" and insert "\$3,000, in full settlement against the Government.

Mr. PITTMAN. I move that the Senate concur in the

House amendment.

The motion was agreed to.

PROPOSED UNANIMOUS-CONSENT AGREEMENT.

Mr. CURTIS. Mr. President, I would like to submit a further unanimous-consent agreement, so that we may know just what we are to do to-day and possibly enable us to conclude the calendar. It gives more time for the calendar to-day and I think the Senate will agree to it:

It is further agreed that the Senate shall continue the considera-tion of unobjected bills on the calendar until the hour of 4 o'clock p. m. to-day, unless sooner disposed of, and that at the conclusion of the calling of the calendar for unobjected bills the Senate shall proceed to the consideration of executive business, and at the con-clusion of executive business the Senate shall adjourn as previously

agreed.

It is further agreed that upon Monday, February 26, at 1 o'clock p. m., the Senate shall vote on the motion of the Senator from Washington [Mr, JONES] to proceed to the consideration of the bill H. R. 12817, and if that motion prevails, a motion to recommit the bill to the Committee on Commerce shall be in order, to the exclusion of any other business.

Mr. ROBINSON. Mr. President, I express the hope that the unanimous-consent order suggested by the Senator from Kansas may be agreed to. Its effect will be to permit the Senate to dispose of a large number of legislative matters which require attention. At the same time it enables those who are opposed to the shipping bill to secure at an early date a vote upon the motion to recommit, if they so desire. I hope the

request will be granted.

Mr. PITTMAN. Mr. President, I listened to the reading of the proposed agreement, but I do not know that I followed it entirely. I understand that the object of it is that the

Senate shall have a test vote on Monday.

Mr. CURTIS. That is right.
Mr. PITTMAN. And that those who are opposed to the shipping bill will have an opportunity to vote to send it back to the committee, but if the bill may be up—

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. ROBINSON. Senators will have the opportunity first to

vote against proceeding to the consideration of the shipping bill. In the event that motion prevails, which is the pending motion of the Senator from Washington, and the Senate decides to take up the shipping bill, a motion to recommit will be immediately in order to the exclusion of all other business.

Mr. PITTMAN. It is intended to secure a test vote on the

bill at this time?

Mr. CURTIS. That is what it is.
Mr. KING. Mr. President, may I ask the Senator from Kansas and the Senator from Arkansas whether it is their understanding, in their interpretation of the unanimous-consent agreement, that upon the motion to recommit debate is to be Mr. CURTIS. But we hope there will be a vote on Monday.

However, of course, we can not guarantee that.

Mr. KING. May I inquire of the Senator from Kansas whether it is the purpose of any of the proponents of the legislation to seek to table the motion to recommit so as to cut off debate?

Mr. CURTIS. Not on my part. I drew the agreement. I have not consulted other Senators. The Senator from Washington [Mr. Jones] has charge of the bill and he can speak for

himself

Mr. JONES of Washington. Mr. President, I wish it would be put in the agreement that the motion to recommit should be voted upon without debate, because I am ready to vote now. I am ready to vote now on the motion to take it up, as far as that is concerned. I want to say frankly that if the motion to take up the shipping bill should prevail, I myself would then be perfectly willing to vote upon the motion of the Senator from North Dakota [Mr. Ladd] to take up the filled milk bill, because I recognize when a matter is ended. would dislike to see the motion to recommit discussed for hours after everybody knows what the result is going to be.

I am not going to object to the proposed unanimous-consent agreement, but I express the hope the Senator from Kansus expressed, that whatever motion is made with reference to the

shipping bill after the first motion is disposed of, assuming that the motion to take it up is agreed to, may be disposed of

quite promptly on Monday.

Mr. HARRISON. Mr. President, may I ask the Senator Mr. from Washington a question? Is it the purpose now of those who have been standing behind the ship subsidy bill to still vote to take up the bill, or are they going to change front on Monday and all join in voting for a motion to recommit the

Mr. JONES of Washington. I do not want to see the bill recommitted. The Committee on Commerce have acted on the bill, and I do not see any use in sending it back to the commit-I hope those who favor the bill will vote to take it up, and in that way make a record vote on it; and then immediately that another bill may be taken up to displace it. I

myself will vote to do that.

I am going to vote to take up the shipping bill because I am in favor of the shipping bill. If I were against it, I would vote against that motion. Then if it is taken up, I would be glad to vote to take up any of the other measures that are pressing. I do not want to have it recommitted, because I think that would be useless and nothing could be accomplished by it. The bill can be killed by taking up another bill.

Mr. HARRISON. Mr. President, will the Senator yield? The VICE PRESIDENT. The Senator from Kansas has the

Mr. CURTIS. I yield to the Senator from Mississippi.
Mr. HARRISON. I had a question which I desired to put
to the Senator from Washington.

Mr. JONES of Washington. I thought I had answered it. Mr. HARRISON. The reason why I asked the question of the Senator from Washington was that throughout the debate he has worn a very loud red necktie, showing fight, and to-day notice that his tie is pure white, showing surrender. [Laughter.]

Mr. JONES of Washington. Certainly; I recognize when I

am beaten!

Mr. FLETCHER. In reply to the suggestion that sending the bill back to the committee would not amount to anything, because, as the Senator from Washington said, the committee had considered the bill, and he considers it useless that the Commerce Committee should further consider it. I suggest to the Senator that there may be a possibility of some arrangement or conclusion reached by the committee, for instance, like incorporating discriminating duties

Mr. JONES of Washington, Oh, not at this session. The

Senator knows that.

Mr. FLETCHER. Not at this session, but we could still have the matter go along

JONES of Washington. We shall have to introduce a new bill in the next Congress.

Mr. FLETCHER. It would dispose of it. Mr. POMERENE. I would like to ask the Senator from Washington a question, if I may?

Mr. CURTIS. I yield to the Senator from Ohio. Mr. POMERENE. The Senator has just stated t The Senator has just stated that he does not want to have the bill recommitted because the Committee on Commerce has already expressed itself on the subject.

Mr. JONES of Washington. And because of the nearness of

the close of the session, of course.

Mr. POMERENE. I have heard the Senator say on several occasions during the last three or four weeks that he personally very much prefers a scheme of preferential customs rates as well as tonnage rates, to the subsidy plan. Under those circumstances, would not the Senator from Washington consent to have the bill recommitted with instructions to report it back with some scheme of the kind indicated, which would meet the approval of his own judgment?

Mr. JONES of Washington. That would be useless now be-

cause of the nearness of the end of the session. This ends the bill; there is no question about it. It is useless to send it back

to the committee.

Mr. BORAH. Mr. President— Mr. CURTIS. I believe I still have the floor, and I yield

to the Senator from Idaho.

Mr. BORAH. I was simply going to inquire, in view of the statement of the chairman of the committee who has charge of the bill, why it is necessary to delay the matter? We have some bills on the calendar which ought to be considered. There is no occasion to wait until Monday to consider some of the other bills, if this matter is now at an end, as the Senator from Washington has very well said. If somebody wants to make a record, let us make it now. The record is pretty well made, I think, but if it is not quite complete we can make it

now. It is understood that the shipping bill can not pass at this session. There is no use to take up further time on it to-There are some very important measures on the calendar which ought to be passed, and there is no use to consume the time on the shipping bill. I do not understand why we can not dispose of it and have it at an end to-day.

Mr. McKELLAR. Mr. President, I agree entirely with the Senator from Idaho. I think it ought to be ended and ended I see no reason in the world why we should delay. to-day.

Mr. ROBINSON. In view of the statement of Senators on this side of the Chamber and Senators on the other side of the Chamber on the subject, I respectfully ask that a motion to re-commit the bill be now in order and that the Senate proceed to the consideration of that motion and to vote upon the same without further debate.

Mr. JONES of Washington. I object to that, but I am perfectly willing to agree to vote now on the motion to take up the

bill.

Mr. ROBINSON. Very well. I suggest to the Senator from Kansas that he submit his request for unanimous consent, and if it is objected to, of course the Senate will take its own course

Mr. HEFLIN. Before I agree to the unanimous-consent request, I want to know if it will in any way bind any Senator not to make a motion to recommit, whether the bill is taken up or not. It provides that if the bill is taken up, a motion to recommit shall be in order, but if it is not taken up some Senator may then want to make a motion to recommit it and have a test vote upon it.

Mr. CURTIS. I am afraid the Senator did not hear the reading of the request. It provides that the motion to proceed to the consideration of the bill shall be taken up at 1 o'clock and

voted upon without further debate.

Mr. HEFLIN. But if that motion shall be defeated then some of us may want to move to recommit the bill anyhow, whether it is up or not.

Mr. CURTIS. If the motion to take it up is defeated, that

settles the bill as far as that is concerned.

Mr. HEFLIN. Oh, no, it does not settle it. It leaves the measure in this Chamber and some of us may want to have it recommitted and may want to put all Senators on record upon the question. The Senator from Washington is so sick of it that he does not even want it to go back to his committee.

Mr. JONES of Washington. Oh, the Senator should not say

Mr. HEFLIN. If the Committee on Commerce will not take it, I suggest that it be referred to the Committee on Agriculture.

We would take it and put it to sleep.

Mr. ROBINSON. Mr. President, I suggest to the Senator from Alabama that a motion to proceed to the consideration of the bill tests the sense of the Senate on the bill just as effectively as a motion to recommit. If the Senate refuses to proceed to the consideration of the bill, according to the effect usually given to parliamentary practice of that nature, it expresses the sense of the Senate upon the subject just as effectively, and even more so under some circumstances, than a motion to recommit it, for a motion to recommit carries with it the expression of thought that the bill requires modification in respect not therefore recognized by the committee. So I think the Senator from Alabama should make no objection to the proposed unanimous-consent agreement.

Mr. LENROOT. I would like to get the construction of the Senator from Kansas of the agreement. Is it not true that under the agreement, if the bill is taken up, the Senator from North Dakota [Mr. Land] would not be permitted to make his motion to take up the filled milk bill until the motion to recom-

mit the shipping bill has been disposed of?

Mr. CURTIS. Yes; until the motion to recommit has been disposed of.

Mr. LENROOT. I object to the request in that form.
Mr. ROBINSON. Then there will be no further unar

Then there will be no further unanimous

consent given in the Senate to-day.

Mr. BRANDEGEE. Mr. President, I wish to suggest to the Senator from Arkansas and the Senator from Alabama that the motion to recommit, as I understand it, would not be in order until the bill was before the Senate. A Senator can not move to recommit a bill that is reposing in quiet upon the cal-endar. It must be before the Senate before a motion to recommit it can be made, which meets the point of the Senator from Alabama, I think.

Mr. ROBINSON. I presume everyone understood that.

Mr. BRANDEGEE. The Senator from Alabama stated that he wanted the agreement so that, whether the bill was before the Senate or not, a motion to recommit could be entered.

Mr. ROBINSON. Certainly the Senate would have to vote on the motion to proceed to the consideration of a bill before a motion could be made to recommit it.

Mr. JONES of New Mexico. Mr. President, I ask for the

regular order.

Mr. HEFLIN. Mr. President, a parliamentary inquiry.
The VICE PRESIDENT. The Senator will state the parlia-

mentary inquiry.

Mr. HEFLIN. The bill has been reported to the Senate. It is out of the committee. It is not up, however, for considera-tion, but it is still in the Senate and not in the committee. Suppose some Senator wants to get it out of the Senate and back before the committee?

Mr. BRANDEGEE. He would have to move to proceed to its consideration, get it before the Senate, and then move to re-

commit it.

Mr. HEFLIN. The Senator believes unless the Senate took

it up we could not move to recommit it?

Mr. BRANDEGEE. No; we can not move to recommit a bill that is still on the calendar, that the Senate is not considering, because it is not before the Senate for consideration It has to be taken up first.

Mr. McNARY. Mr. President, I demand the regular order. Mr. HEFLIN. Then it is lost somewhere between the col Then it is lost somewhere between the committee and the Senate.

Mr. BRANDEGEE. No; it is on the calendar. Many are lost there.

The VICE PRESIDENT. Is the Chair to understand that there is objection to the unanimous-consent agreement?

Mr. LENROOT. I object unless the last clause, "to the ex-

clusion of any other business," is eliminated.

The VICE PRESIDENT. The regular order is demanded. The regular order is the introduction of bills and joint resolu-

AMENDMENT OF WAR RISK INSURANCE ACT-CONFERENCE REPORT.

Mr. McCUMBER. Mr. President, yesterday I presented a conference report on House bill 10003. I notice it was not handed down this morning, and I ask that it may be disposed of.

The VICE PRESIDENT. The conference report is on the The Chair had no power to hand it down.

Mr. McCUMBER. I ask for its present consideration.

The VICE PRESIDENT. The Chair lays before the Senate the following conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10003) to further amend and modify the war risk insurance act, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the bill (H. R. 10003) to further amend and modify the war risk insurance act, and agree to the same with an amendment as follows: In lieu of the matter inserted

by the amendment of the Senate insert the following:

"SEC. 23. (1) That, except as provided in subdivision (2) of this section, when by the terms of the war risk insurance act and any amendments thereto, any payment is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent or under other legal disability adjudged by a court of competent jurisdiction, such payment shall be made to the person who is constituted guardian, curator, or conservator by the laws of the State or residence of claimant, or is otherwise legally vested with responsibility or care of the claimant or his estate: Provided, That prior to receipt of notice by the United States Veterans' Bureau that any such person is under such other legal disability adjudged by some court of competent jurisdic-tion, payment may be made to such person direct: Provided further. That for the purpose of payments of benefits under article 3 of the war risk insurance act, as amended, where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State or residence of the claimant, the director shall determine the person who is otherwise legally vested with responsibility or care of the claimant or his estate.

"(2) If any person entitled to receive payments under this act shall be an inmate of any asylum or hospital for the insane maintained by the United States, or by any of the several States or Territories of the United States, or any political subdivision thereof, and no guardian, curator, or conservator of the property of such person shall have been appointed by competent legal authority, the director, if satisfied after due investigation that any such person is mentally incompetent, may order that all moneys payable to him or her under this act shall

be held in the Treasury of the United States to the credit of such person. All funds so held shall be disbursed under the order of the director and subject to his discretion either to the chief executive officer of the asylum or hospital in which such person is an inmate, to be used by such officer for the maintenance and comfort of such inmate, subject to the duty to account to the United States Veterans' Bureau and to repay any surplus at any time remaining in his hands in accordance with regulations to be prescribed by the director; or to the wife (or dependent husband if the inmate is a woman), minor children, and dependent parents of such inmate, in such amounts as the director shall find necessary for their support and maintenance in the order named; or, if at any time such inmate shall be found to be mentally competent, or shall die, or a guardian, curator, or conservator of his or her estate be appointed, any balance remaining to the credit of such inmate shall be paid to such inmate, if mentally competent, and otherwise to his or her guardian, curator, conservator, or personal representatives."

And the Senate agree to the same.

P. J. MCCUMBER, REED SMOOT, JOHN SHARP WILLIAMS, Managers on the part of the Senate. BURTON E. SWEET, W. J. GRAHAM, SAM RAYBURN, Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

STANDARDS FOR ANTHRACITE COAL.

The VICE PRESIDENT. Morning business is closed. Under the unanimous-consent agreement, the calendar under Rule VIII is now in order. The consideration of the calendar will begin at Order of Business 1057, being Senate bill 4447, the title of which will be stated.

A bill (S. 4447) to establish The ASSISTANT SECRETARY. standards for anthracite coal shipped in interstate or foreign commerce

Mr. KING. Let that bill go over.

Mr. ROBINSON. Let the bill go over, Mr. President, Mr. POINDEXTER, Mr. President, that bill ought to be referred to the Committee on Mines and Mining. It provides that the Department of Commerce shall carry on certain work which has already been provided for by an appropriation, and which is to be conducted by the Department of the Interior. Its enactment would lead to a duplication of work. It calls for a set of standards for coal which are already being considered and studied by the Bureau of Mines. The bill has never been considered by the Bureau of Mines. It provides for no method for its enforcement in case it should be passed. It provides for no inspection of the standards which it pro-poses to set up. The bill is loosely drawn and is contradictory in its terms. I move that the bill be referred to the Committee on Mines and Mining.

The question is on the motion of

The VICE PRESIDENT. The the Senator from Washington.

Mr. WALSH of Massachusetts. Mr. President, I have understood that the Bureau of Mines dealt only with questions of safety and with other correlated principles; that the question of fixing standards of quality of materials mined was not usually a function of that bureau. It seems to me that the Department of Commerce ought to consider the question of the standardization of coal. That department is the one which passes upon questions relating to the purity of food. It seems to me many of the same principles are involved in impure coal as in adulterated food.

Mr. POINDEXTER. Mr. President-

Mr. WALSH of Massachusetts. Pardon me. I desire to say that there is now pending in the Legislatures of Pennsylvania, of Wisconsin, of Massachusetts, and of other State legislatures bills seeking to establish by regulations standards of quality and size and condition of anthracite coal. If the National Government does not undertake to standardize anthracite coal, we shall have a different law in nearly every State in the It seems to me, in view of the great agitation upon this subject at the present time, that we ought to get some action at this session of Congress. Otherwise we shall have different standards as to the quality of coal in every section of the country. The bill was deliberately drafted, without any method being provided for its enforcement or inspection of the standards that it requires the Government to establish, because it would be impossible to get such a measure through the Such provisions would raise the cry of expense and the opposition to the establishment of another bureau with another corps of Government employees. This simple form was chosen so as to lead the way for enforcement by the various The National Government can do much to end this abuse of selling fuelless coal for real coal by merely promulgating certain standards of quality. The enforcement will be taken care of by local authorities if the Government leads the way by first fixing an official and uniform standard.

Mr. President, some department of the National Government ought to lead the way and provide for the elimination of noncombustible materials in coal, so that our people may not be subjected to the impositions and frauds which have been practiced on them during the present winter. Ample evidence is at hand that the anthracite coal on the market to-day is full of slate, slag, and other substances that will not burn. I am not so much concerned about which bureau or department undertakes this work as I am desirous of obtaining action, so that we may not have a different standard in each State in the Union. After studying the matter and consulting with many officials, it seemed to me that the Department of Commerce is the department to determine the standards. Of course, the Department of Commerce can call upon the Bureau of Mines for such information as may be necessary in order to determine what quantity of noncombustible material shall be permitted in anthracite coal shipped in interstate commerce. I hope the Senator will not take the method he has indicated of preventing some action upon this bill at this time. If the bill is sent to the Committee on Mines and Mining, it will be impossible to get action this session.

POINDEXTER. Mr. President, the appropriation of \$136,000, the ordinary annual appropriation, has already been made for the study of the very facts which this bill would call upon the Department of Commerce to study. It would simply provide for a duplication of work that is being carried on now, and no nearer approach would be made to the object the Senator has in mind than is being made now by the work which is being performed by the Bureau of Mines. The VICE PRESIDENT. The Senator's time has expired.

Mr. POINDEXTER. I move that the bill be referred to the Committee on Mines and Mining.

The VICE PRESIDENT. The question is on the motion of

the Senator from Washington.
Mr. WALSH of Massachusetts. Of course, I know one Senator can object to the bill's passage at this time, but would the Senator be willing to substitute the Department of the Interior for the Department of Commerce in the bill, and allow it to be considered?

Mr. POINDEXTER. The bill would need considerable amendment. I call the attention of the Senator from Massachusetts to one absurdity in the bill. It proposes to set up certain standards for coal. Then it proceeds to prohibit the transportation of coal of those standards in interstate commerce.

Mr. WALSH of Massachusetts. The Senator refers to a mis-

printed bill. He is speaking of a copy of the bill that contains a typographical error. There are two copies of the bill in circulation, one of which contains the word "not"—

Mr. McNARY. I ask for the regular order.

Mr. McNARY. I ask for the regular order.

Mr. WALSH of Massachusetts. Which is the proper form of
the text while the other print does not contain the word "not."
I have before me two of the prints, one having the word "not"
and the other eliminating the word "not." Of course, it gives
an entirely different sense to the bill. However, the official
copy of the bill contains the word "not," and contains no ambiguity or absurdity.

Mr. McNARY. Mr. President, I rise to a parliamentary in-

The VICE PRESIDENT. The Senator will state his parlia-

mentary inquiry. Mr. McNARY. Has this bill been recommitted by action of

the Senate.

The VICE PRESIDENT. It has not. The question is on the motion to refer the bill to the Committee on Mines and Mining. Mr. McNARY. I was under the impression that action had

been taken by the Senate.
The VICE PRESIDENT.

It has not.

Mr. McNARY. I ask for the regular order. The VICE PRESIDENT. The regular order is proceeding. Mr. POINDEXTER. I ask that the motion made by me may

be submitted The VICE PRESIDENT. The question is on the motion of the Senator from Washington that the bill be referred to the

Committee on Mines and Mining. The motion was agreed to.

Mr. WALSH of Massachusetts subsequently said: I ask unanimous consent to annex to my remarks on Senate bill 4447 two editorials which have been recently printed in the newspapers upon the subject of the bill.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[Editorial from the Boston Post, January 29, 1923.]

NONSENSE.

The statement of the chairman of the Pennsylvania fuel commission at anthracite adulterated with slate and stone is sold only by unrupulous, "fly-by-night" operators is, in our opinion, precious nonscrupulous,

sense.

Every householder knows, and has known for several years, that practically all of the coal he has bought, from whatever dealer, has been, in considerable part, unburnable by reason of the outrageous amount of slate and stone it contained. To say that all local retailers have been supplied by "fly-by-nights" over in Pennsylvania is too foolish for consideration. So far as we have been able to discover, the operators all do it, the chief reason being that they will not stand the extra expense of having the coal picked over.

For a country that has rigid and well-enforced laws against food adulteration, we are singularly lax in the way of permitting the adulteration of coal.

teration of coal.

[Editorial from the Boston American, January 30, 1923.] WRETCHED COAL SITUATION-FUEL AT EXORBITANT RATES SAID TO CONTAIN MORE THAN 30 PER CENT BOCK.

WRETCHED COAL SITUATION—FUEL AT EXORBITANT RATES SAID TO CONTAIN MORE THAN 30 PER CENT BOCK.

Those responsible for our wretched coal situation are not content with their failure to give us coal when we need it, although nature has been so bountiful in supplying it to us. They are not even content with charging us exorbitant prices for the little they give us, but they insist upon adding insult to injury, and then more injury, by giving us, so it is alleged, more than 30 per cent of rock and iron and slag, blackened only by the powder of coal and charging for it the present extortionate prices charged for the best coal.

If it is true that more than 30 per cent of the "coal" we are now receiving is "fireproof," then our coal is costing us about \$26 or \$27 per ton. It is costing us even more than this price, for we have to watch it. It clogs up our furnace grates. It destroys our furnace grates, and it involves labor—great physical exertion—to keep the grate clean, not only to save the grates but to produce a draft.

It is apparent that the coal operators are putting upon the railroad cars the old dumps, which were not coal but which were blackened stone and iron ore. It is a deliberate, willful, inexcusable swindle. Every day our courts are sending poor men away from their families and sending them to hard labor in prison, disgracing their little children and their wives, their mothers and fathers, and yet we do nothing with these coal thieves who are stealing from us scores of millions of dollars. This is American justice for you!

But some day the gentlemen who own the good things in life and who are never satisfied until they have taken away even the little that others have will wake up to find that the patience of the American popplessors found themselves, and as the French oppressors in 1783 found themselves—helpless before the wrath of a people who have no time, no opportunity, and no disposition to discriminate.

The tragedy will be for the honest possessor as well as for the dishonest, and that is the p

NATIONAL PARK AT YORKTOWN, VA.

The bill (S. 4464) in reference to a national military park at Yorktown, Va., was announced as next in order, Mr. KING. I ask that the bill go over.

Mr. SUTHERLAND. Mr. President, I ask the Senator from Utah to withhold his objection to that measure. If it should be enacted it would not involve any expense whatever to the Government of the United States; it is a perfectly harmless measure and merely provides for an inquiry into certain conditions in order that the historic site of Yorktown may be

properly preserved.

Mr. SWANSON. A bill with the same object in view has passed the House and I suggest that the Senator move to substitute the House bill for the Senate bill.

Mr. SUTHERLAND, 'A similar bill has passed the House and I desire to substitute the House bill for the Senate bill.

Mr. SWANSON. There will be no expense attached to the measure. It merely directs the Army engineers to make a report.

Mr. SUTHERLAND. There is no appropriation called for by the bill.

Mr. KING. Mr. President, I was disposed to object to every bill until we reach some conclusion with respect to the ship subsidy bill. That is the most important thing before us. It is

subsidy bill. That is the most important thing before us. It is like the sword of Damocles hanging over our heads. Let us get that out of the way and then we may dispose of these bills. Mr. SWANSON. I hope the Senator will not, for the reason indicated by him, interpose objection to the consideration of bills on the calendar. Under the unanimous-consent agreement made yesterday, at which time I think the Senator from Utah was present, and to which, as I remember, he agreed, the calendar was to be taken up and considered until 1 o'clock. We ought not now to fail to carry out that unanimous-consent agreement

Mr. LODGE. To object to every bill on the calendar is a

breach of the unanimous consent.

Mr. SWANSON. I hope the Senator will permit the unanimous-consent agreement to be carried out.

Mr. LODGE. An objection to every bill is not in accordance

with the unanimous-consent agreement.

Mr. SWANSON. Technically the Senator from Utah or any other Senator may have the right to object to every bill on the calendar, but such action is not carrying out the spirit and intent of the unanimous-consent agreement, which was that unobjected bills on the calendar should be considered until 1 o'clock.

Mr. SUTHERLAND. Mr. President-

Mr. KING. I will be glad to hear the distinguished Sena-

tor from West Virginia further.

Mr. SUTHERLAND. The entire purpose and scope of the bill are set forth in its provisions. It directs the Secretary of War to investigate the feasibility of establishing a national military park in and about Yorktown, in the State of Virginia, for the purpose of commemorating the campaign and siege of Yorktown, and to prepare plans for such park, the commission to be appointed to serve without expense to the Government. It is merely proposed to prepare plans and submit a report to Congress at a later day. If the bill is not objected to, I desire, by direction of the Committee on Military Affairs, to ask that House bill 13326 be substituted for the Senate bill. The Committee on Military Affairs of both the House and the Senate have made a favorable report on the

The VICE PRESIDENT. The Senator from West Virginia asks that there be substituted for the Senate bill the House bill covering the same subject. The House bill will be stated by title,

The Assistant Secretary, A bill (H. R. 13326) in refer-

ence to a national military park at Yorktown, Va.

The VICE PRESIDENT. Is there objection to substituting the House bill for the Senate bill? The Chair hears none, there objection to the present consideration of the House

Mr. KING. Reserving the right to object, I should like to

hear the report read.

The VICE PRESIDENT. Shall the report be read? The Chair hears no objection, and the Secretary will read the report

The Assistant Secretary read the report submitted by Mr.

SUTHERLAND on the 5th instant, as follows:

[Report to accompany S. 4464.]

The Committee on Military Affairs, to which was referred the bill (S. 4464) in reference to a national military park at Yorktown, Va., having considered the same, report favorably thereon with the recommendation that the bill do pass with amendments.

House Report No. 1499 on a similar bill in the House is attached hereto and made a part of this report.

[House Report No. 1499, Sixty-seventh Congress, fourth session.] [House Report No. 1499, Sixty-seventh Congress, fourth session.]
This bill directs the Secretary of War to investigate the feasibility of establishing a national military park in and about Yorktown, in the State of Virginia, for the purpose of commemorating the campaign and siege of Yorktown in the fall of 1781, etc.

He is authorized to appoint a commission of not to exceed three persons to assist him, who shall serve without compensation or expense to the Government.

The committee recommends that the bill be amended by striking out the direction to the Secretary of War to appoint members of certain designated societies to two places on this commission, as follows:

certain designated sected to the persons," strike out all following follows:

Page 1, line 14, after the word "persons," strike out all following on remainder of page and all on page 2, line 1. Page 2, line 2, strike out the first two words in the line and insert the word "who," so that the sentence as amended shall read:

"To aid and assist him in this undertaking, the Secretary of War is authorized to appoint a commission of not to exceed three persons, who shall serve without compensation or expense to the Government."

Mr. SUTHERLAND. I hope the Senator will not object to the bill

Mr. KING. In my own time I should like to ask the Senator if ultimately there will not evolve upon the Federal Government considerable expense for the maintenance of this park?

Mr. SUTHERLAND. Of course, that will depend entirely upon the action of Congress. This bill merely directs the Secretary of War to inquire into the feasibility of the project and to prepare plans, which will be reported to Congress for whatever action it may see fit to take. Congress may or may not adopt those plans; it may or may not establish the park. Of course, if a military park should be established at York-town, there might possibly be some expense attached, or it might be arranged that that expense should be borne by various patriotic societies. Nobody knows what plans will be developed.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KING. Mr. President, it may be considered, but I want to hold the floor for a moment.

The VICE PRESIDENT. The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13326) in reference to a national military park at Yorktown, Va., which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to investigate the feasibility of establishing a national military park in and about Yorktown, in the State of Virginia, for the purpose of commemorating the campaign and siege of Yorktown in the fall of 1781 and the preservation of said battle field for historical purposes, and to prepare plans of such park and an estimate of the cost of establishing and acquiring the same and obtain such other information as may enable Congress to act upon the matter after being fully advised. To aid and assist him in this undertaking, the Secretary of War is authorized to appoint a commission of not to exceed three persons, who shall serve without compensation or expense to the Government.

SEC. 2. That the expense of the investigation herein directed to be made shall be paid from the appropriation "Contingencies of the Army."

Mr. KING. Mr. President, of course we are all familiar with the historic ground to which this bill refers. I have no doubt that the patriotic sentiments of the American people would incline them to favor the adoption of a project that would set this ground apart as a military reservation or as a military park. I call the Senator's attention, however, to the fact that we are creating a large number of military reservations and a large number of parks; the Federal Government is acquiring a large area of territory in various States, all of which, of course, will necessitate greater or lesser appropriations for their maintenance. I do not know the amount of money now appropriated annually by the Government for reservations and parks and various other grounds and territory title to which is in the Federal Government. It seems to me we ought to scrutinize with great care these proposals because of the ultimate expense which will be involved which will have to be met from the Treasury of the United States. I should like to ask the Senator the number of acres that are within this contemplated military

Mr. SUTHERLAND. The number of acres is not set forth. Of course the number of acres and all other details in regard to the measure would be matters which would come within the scope of the investigation which is authorized to be made under this bill. I will say to the Senator that I agree with him thoroughly that these matters ought to be scrutinized; but the fact that we are entering upon just such projects as this shows that we are beginning to take, as we should take, some care of these historic objects as a means of teaching patriotism to our children and of preserving for posterity these old historic battle fields and grounds.

Mr. KING. I call the attention of the Senator to the fact that the Kingdom of Heaven is within us, and not without; and patriotism is within, and not often developed by mere external objects. However, I shall have no objection to the con-

sideration of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill 4464, dealing with the same subject matter, will be indefinitely post-

COLLECTOR OF CUSTOMS, DISTRICT OF NORTH CAROLINA.

The bill (H. R. 10816) to fix the annual salary of the collector of customs for the district of North Carolina was announced as next in order.

Mr. KING. Mr. President-

Mr. McCUMBER. Mr. President, before the Senator proceeds to discuss this bill, let me say that the North Carolina customs collection district is now seventh in importance in the United There are only six that have a greater amount of business, and the salaries of the collectors in those six run from \$7,000 up to \$10,000. There are 14 districts next following in their order whose business is less than that in the North Carolina district, and in those the salaries run from \$5,000 up to \$6,000; while in this district, where the salary was fixed half a hundred years ago, it is still running on at \$2,500, although it is the seventh in importance. This bill is to place the salary of the collector of customs on a par with the 15 districts having a less amount of business, and the lowest of the lot is \$5,000.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. McCUMBER, Yes.

Mr. KING. Why did not the Senator and his committee, instead of trying to bring this salary up to the par-using the Senator's expression-introduce a measure to bring some of the others down, using this as a datum line? It seems to me that

we are always concerned in bringing up, but we are very

seldom concerned in bringing down.

Mr. McCUMBER. There were two very good reasons. The first, I will say, is that we consider that \$5,000 is a very reasonable salary for the collector of customs of that district. Secondly, the purpose of the committee is to put through a bill, and not merely to have one introduced, or to report one that will not pass through. The highest salary, that in New York, which is \$10,000, is undoubtedly not excessive; and this proposed salary of \$5,000, which is the lowest of these nearly

Mr. KING. Reserving the right to object—
Mr. OVERMAN. Mr. President, I gave the Senator from Utah a copy of the very able report of the Committee on Ways and Means stating the facts in regard to this case. After reading it I am satisfied that the Senator, who is a just man, will withdraw his objection. The only objection he has made at all is that we have not decreased some of the other salaries. That is not the question here. It is a question of doing justice to this man, an officer whose salary has not been changed in 50 years, whose salary was then the lowest of any collector in the His district is now seventh in importance in the United States, and yet he is receiving the sama salary that was paid 50 years ago, when men are getting salaries of \$5,000 who do not do half the business or collect one-tenth the revenue that he does. That is the report of the committee.

The Secretary of the Treasury was before our Committee on Appropriations during this session, and I asked him about this particular officer. Because the Budget had not estimated for it, the increase was subject to a point of order, and we could not put it on the appropriation bill; but the Secretary of the Treasury, when he was before us, recommended that this office be given justice and his salary increased. The North Carolina district to-day is the seventh in the United States in the amount of revenue collected, and they have put on this man

ten times as much business as heretofore.

Mr. FRELINGHUYSEN. Mr. President, is it not true that the collector, Mr. McGaskill, is a very efficient man and conducts

his office splendidly?

Mr. OVERMAN. He does, and \$2,500 is no salary for him. He is a very prominent man, and a leading Republican in my State. That is not the question, however. It is a question of justice, a question of giving this officer a sufficient salary in comparison with other officers doing a corresponding amount of business, whereas he is doing twice as much business as officers who are getting twice as much money. That is not fair; that is not just; and I am satisfied that the Senator, being a just man, will withdraw his objection.

Mr. KING. Mr. President, I shall not object to the consideration of the bill, but the arguments made by the able Senator from North Dakota and by my distinguished friend from North Carolina do not persuade me that this bill ought to pass at the

present time. It has become a common practice—
Mr. McNARY. Mr. President, a parliamentary inquiry.
The VICE PRESIDENT. The Senator will state it.
Mr. McNARY. Under the rule, can a Senator speak more

than once upon a given proposition?

The VICE PRESIDENT. In accordance with the rule, a Senator can speak only once, and for five minutes only.

Mr. KING. Mr. President, I have not spoken. I reserved the

right to object.
Mr. McNARY. I understood the Senator from Utah to speak

Mr. McNARI. I inderstood the Senator from Ctan to speak a while ago on this bill.

Mr. KING. Mr. President, I have not spoken. I asked the Senator from North Dakota a question.

Mr. McCUMBER. The Senator is correct. It was in my

time that he was speaking.

That is the case. The VICE PRESIDENT.

Mr. KING. I hope the interruption of the able Senator from Oregon will not be taken out of my time.

Mr. McNARY. No, indeed.

Mr. KING. Mr. President, I was about to observe that it has become quite the custom to deal with the salaries of officials of the Government in a piecemeal manner. Reference will be made to the fact that some other official doing similar work in some other part of the country is receiving a very large salary; it is claimed that it therefore follows that there must be an increase in the salary of the officer under consideration in a given bill; and in that way, in a sort of a step-ladder fashion, they fix the salaries and the compensation of officials of the It is manifest that that method will result in injustice. Some will get too much; others will receive an entirely inadequate compensation.

Mr. President, I venture the assertion that notwithstanding the apparently small salary which this officer is getting, there I

has been no difficulty in filling the office. When the Democrats were in power I have not any doubt in the world that there were a large number of applicants for the position; and I feel confident that when the Republicans came into power the Republican national committeeman and the Republican distributor of patronage in North Carolina received applications from a large number of distinguished Republicans who wanted the job.

Mr. OVERMAN. Mr. President, may I interrupt the Senator?

Mr. KING. I yield. Mr. OVERMAN. During the Democratic administration this bill was passed by a Democratic Senate, but it lost out somehow in the House.

Mr. KING. Mr. President, that does not lend any sanctity to it. Democratic Congresses oftentimes pass just as bad legislation as Republican Congresses; and I would have opposed the bill in the way that I am doing now by calling attention to this measure if it had come to my attention from a Democratic administration.

Mr. President, we do not have any difficulty in filling Federal positions, no matter what the salary is. There will be scores of applicants for nearly every position; and I ask my learned friend now if it is not a fact that in North Carolina there were a large number of Republicans who sought this office when the Harding administration came into power?

Mr. OVERMAN. Mr. President, I know that the Democrats appointed a man who had other business. If it had not been for that, he could not have served for a salary like this. He had a score of clerks to transact his private business and was in-

duced to take this position.

Mr. KING. Oh, Mr. President, of course they always say reluctantly I was induced" or "at the request of numerous friends I have consented to become a candidate for the office."

Mr. OVERMAN. Unless this salary is raised, I do not know whether Mr. McGaskill will hold on or not. The salary ought to be increased, whether the office is held by a Democrat or by a Republican.

The VICE PRESIDENT. The time of the Senator from Utah

has expired.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the salary of the collector of customs for the district of North Carolina is hereby fixed at \$5,000 per annum.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARION B. PATTERSON.

The bill (S. 1104) for the relief of Marion B. Patterson was announced as next in order, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Marion B. Patterson, of Shelby County, Tenn., the sum of \$20.963, in full compensation for claims on account of the losses or reduction on salary and allowances sustained by her late husband, Brig. Gen. R. F. Patterson, from January 1, 1898, to May 28, 1906, during which time he was United States consul general at Calcutta. India, through the method of settlement adopted by the United States Government in connection with the fluctuation in the value of the Indian rupee.

Mr. KING. Mr. President reserving the right to chiest I am

Mr. KING. Mr. President, reserving the right to object, I am not able to perceive the justice of that measure.

Mr. HALE. Mr. President, I hope the Senator will not object to the passage of this bill. The Senator is a very just man, and I know that he wants to see justice done.

Mr. KING. I want the Senator, then, to make an explanation of the bill, since he is appealing to my sense of justice

Mr. McKELLAR. I think, after what the Senator has said, the Senator from Utah ought to withdraw his objection.

Mr. KING. No, Mr. President; not at this time. Mr. HALE. Mr. President, this bill has been introduced several times in Congress. It has received favorable reports from the committees in both branches of Congress at various times, but it has never come to its final passage.

The bill is for the relief of the widow of Gen. Robert F. Patterson, who served as consul general at Calcutta, India, from May, 1897, to July, 1906. The salary of the office was paid out of the fees that were collected by the office. At that time the commercial fluctuating value of the rupee in India amounted to 32 cents on an average, whereas the bullion value of the coin

in the United States amounted to only 20 cents.

When General Patterson first took office the custom was to collect the fees on the basis of bullion value-that is, 20 cents value for the rupee—and to deduct his salary in the same way from the fees collected by the office. After he had been in office a matter of six months an order was put out by the department requiring him to collect the fees on the basis of the commercial fluctuating value of 32 cents, and to take his salary on the same basis. He did so, and protested to the State Department every year. He was in office eight years, and during that time the loss to him through this method of paying his salary amounted to something over \$20,000. As I say, this matter has been acted on and favorably reported on by both branches of Congress.

Mr. KING. By the State Department, too? Mr. HALE. The Senator from Massachusetts [Mr. Lodge] made an exhaustive report on the matter. The junior Senator from Delaware [Mr. BAYARD] has made this report, and has gone into the matter very thoroughly; and I am sure he can give the Senator the information he desires.

Mr. KING. May I ask one question of the Senator? Will this be a precedent that will be invoked to compel payment to various other officers of the Government who have taken their

salaries in the same way, perhaps?

Mr. HALE. I do not know that there have been any such

Mr. McKELLAR. It could not be invoked, if the Senator will permit me, because there is no other condition exactly like it.

Mr. HALE. I do not know of any other. Mr. KING. I withdraw the objection for the purpose of per-

mitting the consideration of the bill.

Mr. BAYARD. Mr. President, this was a special order made by the Treasury Department after General Patterson took his office, and was made retroactive, and he had no choice about it. When he took office no such order had been entered, and he took the current rate of exchange.

Mr. McKELLAR. Mr. President, this bill has been before the Congress time and time again, and it does seem to me that the just thing to do is to pass it. I hope no Senator will object

to it, but that it may be passed.

Mr. LODGE. Mr. President, I just want to say that this bill, I think, has been before the Foreign Relations Committee. I know I have gone into it very thoroughly, and I believe it is an entirely just claim.

Mr. McKELLAR. I am glad to hear the Senator say so, and agree with him very fully. I think it is an entirely just

claim and ought to be passed.

The Senate, as in Committee of the Whole, proceeded to con-

sider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DE KIMPKE CONSTRUCTION CO.

The bill (S. 3894) for the relief of the De Kimpke Construction Co., of West Hoboken, N. J., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the De Kimpke Construction Co., of West Hoboken, N. J., the sum of \$5.655.69 in full settlement of damages suffered by reason of the withdrawal by the Navy Department in November, 1918, of the award of contract to said company for the construction of an oxidation absorption building at the naval proving ground, Indianhead, Md.

Mr. WALSH of Montana. Mr. President, I desire the attention of the Senator from Delaware [Mr. BAYARD]. I desire to inquire of the Senator from Delaware why this claim was not disposed of as other claims of the same character for cancellation of contracts made by the War or Navy Department?

Mr. BAYARD. Mr. President, I will state to the Senator that in that case the Dent bill, I think, made provision so that Army contracts could be taken care of. This was a Navy contract, and therefore they could not take advantage of that bill. In the De Kimpke case the contract was made with the Navy Department and was canceled on November 6, 1918. In the meantime the De Kimpke Co. had arranged for the subletting of certain parts of the contract, including, I think, some steel construction. Upon the cancellation of the contract they were sued by one of their subcontractors, and a verdict of some eleven hundred dollars, I think, returned at their expense. This claim merely represents actual disbursements made by them and costs suffered by them because of the suit growing out of this contract. The payment has been recommended by the Secretary of the Navy

Mr. WALSH of Montana. Did not the general bill provide for the adjudication of claims arising from contracts canceled by the Navy Department?

Mr. BAYARD. No, sir; only by the War Department.
Mr. KING. Mr. President, I inquire of the Senator if there
was not a bill passed giving the Navy Department authority to
pass upon claims and setting up a naval board for that pur-

Mr. BAYARD. I will say to the Senator that the report on this bill includes a letter from the Assistant Secretary of the Navy setting forth why it was that they could not pay the war.

claim because of lack of authorization under the law; and therefore they recommend favorable action upon it.

Mr. WALSH of Montana. It is a surprise to me that the Navy Department, considering the vast number of claims which canceled, have not been authorized to adjudicate those claims.

Mr. BAYARD. Nevertheless, that seems to be the case.

The VICE PRESIDENT. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NEAH BAY DOCK CO.

The bill (S. 2787) for the relief of the Neah Bay Dock Co., a corporation, was announced as next in order.

Mr. CURTIS. I ask that that bill be indefinitely postponed.

A similar bill has already passed.

The motion was agreed to.

OWNERS OF STEAMSHIP "KIN-DAVE."

The bill (S. 3843) for the relief of the owners of the steamship Kin-Dave was considered as in Committee of the Whole, and was read, as follows:

and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, anthorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,500 to the owners of the steamship Kin-Dave, as compensation for and in full satisfaction of all claims of such owners for any damages to said steamship Kin-Dave sustained as a result of a collision between said steamship and the United States steamship Colonel Clayton on November 3, 1920, in the Milwaukee River, Wis.

Mr. KING. Mr. President, I would like to inquire whether the bill carries a direct appropriation or whether it is the refer-

ence of a claim to the Court of Claims?

The VICE PRESIDENT. It is a direct appropriation.

Mr. KING. I would like to inquire, before the bill is voted on, whether the claim has been to the Court of Claims and the facts found?

Mr. LENROOT. It has not been before the Court of Claims. It involves a collision where the facts were all admitted and \$10,000 in damages claimed. The case was considered by the Secretary of War and by the Judge Advocate's office, and a compromise reached at \$3,500, but by reason of the \$500 prohibition the amount could not be paid. Without any question, and the department so states, a larger amount would be allowed if it went to the Court of Claims.

Mr. KING. Will not the Senator consent to lay it aside in order that I may have an opportunity to look it up?

Mr. LENROOT. Very well.

The VICE PRESIDENT. The bill will be passed over. The hour of 1 o'clock having arrived-

CONFIRMATION OF MRS. ALEXANDER S. CLAY.

Mr. HARRIS. Mr. President, in open executive session I ask unanimous consent that the Vice President lay before the Senate the nomination of Mrs. Alexander S. Clay to be postmaster at Marietta, Ga., and that the nomination be confirmed. I do not believe there will be any objection to it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Chair, as in open executive session, lays be-

fore the Senate a message from the President, which will be

read.

The Assistant Secretary read as follows:

I nominate Mrs. Alexander S. Clay to be postmaster at Marletta, Ga., in place of Mrs. A. S. Clay, commission expired November 21, 1922.

WARREN G. HARDING.

THE WHITE HOUSE, February 23, 1923.

Mr. HARRIS. I ask unanimous consent that the nomination

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senate advises and consents to the nomination. The nomination is confirmed, and the President will be notified. The Senate resumes its legislative session.

MESSAGE FROM THE HOUSE,

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 14200. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14222. An act to amend the trading with the enemy act;

H. R. 14288. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said

THE MERCHANT MARINE.

The VICE PRESIDENT. The hour of 1 o'clock having arrived, the question now is on the motion of the Senator from Washington [Mr. Jones] to proceed to the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. ROBINSON. Mr. President, I move to lay on the table the motion of the Senator from Washington, and on that motion

I demand the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary

proceeded to call the roll.

Mr. EDGE (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. Owen]. I am unable at this time to obtain a transfer. If permitted to vote, I would vote "nay."

Mr. CURTIS (when Mr. Elkins's name was called), to announce that the Senator from West Virginia [Mr. Elkins] is paired with the Senator from North Carolina [Mr. SIMMONS].

Mr. CURTIS (when Mr. France's name was called). I wish to announce that the Senator from Maryland [Mr. France] is paired on this measure with the Senator from Missouri [Mr. REED].

Mr. KENDRICK (when his name was called). general pair with the Senator from Illinois [Mr. McCormick]. who is unavoidably absent attending the funeral of the late Mrs. John A. Logan. In his absence I transfer my pair to the Senator from Rhode Island [Mr. GERRY] and vote. I vote yea.

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. Underwood]. The junior Senator from Florida [Mr. TRAMMELL] has a pair with the Senator from Rhode Island [Mr. Colf]. I suggest to the Senator from Florida [Mr. TRAMMELL] to allow the Senator from Alabama to stand paired with the Senator from Rhode Island, which would permit the Senator from Florida and myself to vote.

Mr. TRAMMELL. That is satisfactory to me.
Mr. LODGE. Announcing that pair, I vote "nay."
Mr. PHIPPS (when Mr. Nicholson's name was called). desire to announce that my colleague [Mr. Nicholson] is absent on account of illness. I ask that this notice may stand for the day.

Mr. OVERMAN (when Mr. SIMMONS's name was called). I desire to announce that my colleague [Mr. Simmons] is absent on account of sickness. He has a pair on this question with the Senator from West Virginia [Mr. Elkins]. If my colleague were present, he would vote "yea."

The roll call was concluded.

Mr. ROBINSON. I wish to announce the following pairs: The Senator from Rhode Island [Mr. GERRY], who, if present, on this question would vote "yea," is paired with the Senator from Illinois [Mr. McCormick].

The Senator from Oklahoma [Mr. Owen], who, if present, on this question would vote "yea," is paired with the Senator from New Jersey [Mr. Edge].

The Senator from Missouri [Mr. REED], who, if present, on this question would vote "yea," is paired with the Senator from Maryland [Mr. FRANCE].

The Senator from Alabama [Mr. Underwood], who, if present, on this question would vote "yea," is paired with the Senator from Rhode Island [Mr. Colt].

The result was announced-yeas 38, nays 46, as follows:

۰		I.E.	AD 00.	Name and Address of the Party o
	Ashurst Bayard Berah Brookhart Capper Caraway Couzens Culberson Dial Fletcher	George Glass Harris Harrison Heffin Hitchcock Jones, N. Mex, Kendrick King Ladd	La Follette McKellar McNary Myers Norris Overman Pittman Robinson Sheppard Shields	Smith Stanfield Stanley Swanson Trammell Walsh, Mass. Walsh, Mont. Williams
	and the same and	NA'	YS-46.	
	Ball Brandegee Broussard Bursum Calder Cameron Cummins Curtis Dillingham Ernst Fernald Frelinghuysen	Gooding Hale Harreld Johnson Jones, Wash. Kellogg Keyes Lenroot Lodge McCumber McKinley McLean	Moses Nelson New Oddie Page Pepper Phipps Poindexter Pomerene Ransdell Reed, Pa, Shortridge	Smoot Spencer Sterling Sutherland Townsend Wadsworth Warren Watson Weller Willis
	Colt Edge Elkins	France Gerry McCormick	Nicholson Norbeck Owen	Reed, Mo. Simmons Underwood

So the Senate refused to lay on the table the motion of Mr. Jones of Washington to proceed to the consideration of the Jones of Washington to proceed to the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington to proceed to the consideration of House bill 12817, the shipping bill.

Mr. ROBINSON. On the motion of the Senator from Washington to proceed to the consideration of House bill 12817, the shipping bill.

ington I demand the year and nays.

The yeas and nays were ordered, and the reading clerk pro-

ceeded to call the roll,

Mr. EDGE (when his name was called). As announced on the previous vote, I have a general pair with the senior Senator from Oklahoma [Mr. Owen]. I am unable to obtain a transfer, which I regret very much. Under the circumstances I am compelled to withhold my vote. If I could vote, I would vote "yea.

Mr. CURTIS (when Mr. Elkins's name was called). I wish to announce that the Senator from West Virginia [Mr. Elkins] is paired with the Senator from North Carolina [Mr.

SIMMONS

Mr. CURTIS (when Mr. France's name was called). to announce that the Senator from Maryland [Mr. France] is paired with the Senator from Missouri [Mr. REED].

Mr. KENDRICK (when his name was called). Making the same announcement as before regarding the transfer of my

pair, I vote "nay."

Mr. LODGE (when his name was called). Making the same announcement as to the transfer of my pair, which leaves the Senator from Alabama [Mr. Underwood] paired with the Senator from Rhode Island [Mr. Coll], I vote "yea."

Mr. OVERMAN (when Mr. SIMMONS'S name was called). I have already announced the occasion of my colleague's absence and his pair with the Senator from West Virginia [Mr. ELKINS]. If my colleague were present and voting, he would vote "nay."

Mr. TRAMMELL (when his name was called). Under the announcement made by the senior Senator from Massachusetts [Mr. Lodge], transferring his pair with the Senator from Alabama [Mr. Underwood] to my pair, the Senator from Rhode Island [Mr. Colt], I am at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. ROBINSON. I wish to announce the following pairs:

The Senator from Rhode Island [Mr. Gerby], who, if present, on this question would vote "nay," is paired with the Senator from Illinois [Mr. McCormick].

The Senator from Oklahoma [Mr. Owen], who, if present, on this question would vote "nay," is paired with the Senator from New Jersey [Mr. EDGE]

The Senator from Missouri [Mr. Reed], who, if present, on this question would vote "nay," is paired with the Senator from Maryland [Mr. FRANCE].

The Senator from Alabama [Mr. Underwood], who, if present, on this question would vote "nay," is paired with the Senator from Rhode Island [Mr. COLT].

Mr. CURTIS. I wish to announce that the Senator from South Dakota [Mr. Norbeck] is absent on official business. If he were present, on this question he would vote "nay."

The result was announced-yeas 46, nays 38, as follows:

Gooding

Ball

YEAS-46.

Moses

Smoot

Brandegee Broussard Bursum Calder Cameron Cummins Curtis Dillingham Ernst Fernald Frelinghuysen	Hale Harreld Johnson Jones, Wash. Kellogg Keyes Lenroot Lodge McCumber McKinley McLean	Nelson New Oddle Page Pepper Phipps Poindexter Pomerene Ransdell Reed, Pa. Shortridge	Spencer Sterling Sutherland Townsend Wadsworth Warren Watson Weller Willis.
	NA.	YS-38.	
Ashurst Bayard Borah Brookhart Capper Caraway Couzens Culberson Dial Fletcher	George Glass Harris Harrison Heffin Hitchcock Jones, N. Mex. Kendrick King Ladd	La Follette McKellar McNary Myers Norris Overman Pittman Robinson Sheppard Shields	Smith Stanfield Stanley Swanson Trammell Walsh, Mass. Walsh, Mont. Williams
or other hands	NOT V	OTING-12.	Mark Market
Colt Edge Elkins	France Gerry McCormick	Nicholson Norbeck Owen	Reed, Mo. Simmons Underwood

So the motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act. 1920, and for other purposes

Mr. ROBINSON. Mr. President, I move to recommit the pending bill, known as the ship subsidy bill, to the Committee on Commerce.

Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON. I yield to the Senator from Kansas.

Mr. CURTIS. I ask unanimous consent that the unfinished business be temporarily laid aside, that the Senate proceed with the consideration of unobjected bills on the calendar until 4 o'clock, if such bills shall not sooner be disposed of: at the expiration of the call of the calendar the Senate then go into executive session, and at the conclusion of executive business the Senate adjourn, in accordance with the previous agreement, until 11 o'clock on Monday next.

Mr. ROBINSON. I ask that the Chair first state the mo-

tion I have made.

The VICE PRESIDENT. The Senator from Arkansas moves that the bill be recommitted to the Committee on Commerce, pending which the Senator from Kansas asks unanimous consent that the unfinished business be temporarily laid aside and that the unanimous-consent agreement for which he has asked be entered into. Is there objection?

Mr. NORRIS. Mr. President, there is one provision in the

unanimous-consent agreement which ought to be made plain. The request of the Senator from Kansas does not make it plain. As I understood the Senator, it is proposed that we are to proceed with the calendar-

Mr. CURTIS. Where it was left off. Mr. NORRIS. Where it was left off, and at the conclusion of the consideration of the calendar, but not later than 4 o'clock, the Senate shall go into executive session and then adjourn

Mr. CURTIS. Yes. Mr. NORRIS. I have no objection to that.

The VICE PRESIDENT. Is there objection to the unanimous-consent agreement asked for by the Senator from Kan-

sas? The Chair hears none, and it is entered into.

Mr. FLETCHER. Mr. President, I ask unanimous consent to have inserted in the Record, as bearing on the ship subsidy bill, two short editorials appearing in the New York Globe of February 13 and February 17, 1923.

There being no objection, the editorials were ordered to be

printed in the RECORD, as follows:

[From the New York Globe, February 13, 1923.] MR. HARDING'S SINGLE-TRACK MIND.

MR. HARDING'S SINGLE-TRACK MIND.

It is President Harding, after all, who may go down in history as the possessor of the only authentic single-track mind. Waking or sleeping, his sole thought is ship subsidy. In his insistence upon it he has gravely endangered the British debt settlement, the farm credit legislation, and other important measures. With only three more weeks of the session, the opponents of the subsidy are already on the eve of a serious filibuster, while the party wheelhorses implore the President to be reasonable. However, the least stubborn of men displays continued inexplicable stubbornness, and the professional taker of advice refuses to take anybody's except Mr. Lasker's, which everyone but himself agrees ought not to be taken.

Every word which has been said in opposition to the ship subsidy in the past remains true to-day. The measure, for which Mr. Lasker is chiefly responsible, is dangerous, complicated, and capable of being used in the exercise of unjust discrimination. It gives the Shipping Board powers such as are exercised by no other department of the Government. It makes it possible for that body at its own pleasure to crush one American shipowner and endow another with enormous wealth. These shipowners, its sole beneficiaries, are themselves only lukewarm in their support of a bill which will suspend the sword of Damocles over their heads. They are also sensible enough to know that no subsidy which can be passed will create an American merchant marine or sell the Government's white elephant fleet when the carrying trade of the world is virtually paralyzed for lack of freight.

The deeper argument against the subsidy was forcefully explained by Senator Caldera, himself a "lame duck" yesterday. The present Congress does not represent the views of the country. There are scores of men in House and Senate who were defeated last November. In some cases the ship subsidy was an issue, and they were dismissed from office partly because of their support of it. If democracy has any meaning

[From the New York Globe, February 17, 1923.] WITHOUT A REDEEMING FEATURE.

WITHOUT A REDEEMING FEATURE.

President Harding has himself sounded what ought to be the knell of the ship subsidy bill. He has indicated that if it is passed with a proviso that funds must be voted by Congress from session to session he will veto it. He asks a 10-year experiment or nothing. Faced with those alternatives, Congress should find its choice not difficult. It should give the President nothing.

Regardless of the merits of subsidization of a merchant marine in general, the bill instigated by Chairman Lasker and now pending in the Senate ought not to be passed. It is a badly drawn, dangerous measure, which might or might not achieve its purpose of developing a merchant marine, while, regardless of success or failure, its direct burden on the

Treasury could hardly be less than half a billion dollars during the 10 years the President asks. It places in the hands of the Shipping Board the most extraordinary and the broadest powers ever possessed in peace times by any branch of the Government. It opens undreamed-of possibilities of favoritism, since the smile or frown of the board would mean success or extinction for any American ship or line of ships. The bill is feared for this reason even by its beneficiaries, the American shipping men, who are plainly only lukewarm in its support, registering their approval of the principle rather than the instrument.

These shipping men are intelligent enough to realize that the chief argument used by Mr. Lasker and reechoed by the President in favor of the bill is fallacious. The subsidy will not enable the Government to sell off its huge fleet, which now costs us \$50,000,000 a year for maintenance. Only a third of that fleet will ever be salable under any circumstances, and none of it will be bought by private operators as long as the world's freight-carrying trade is paralyzed for lack of business. Mr. Lasker's theory that in private hands a deficit of \$50,000,000 can be turned into a deficit of only \$10,000,000 is either a confession of most appailing wastefulness among his own subordinates or evidence of a delusion about the capacities of private shipping men.

In either case there is no justification for having a bad bill jammed through by a Congress of "lame ducks," some of whom were repudiated on the polis on this very issue. It is bad business, bad government, and bad democracy; and if the President refuses to realize these truths now, they will be driven home to him and the Republican Party in November, 1924.

STEAMSHIP "KIN-DAVE."

The VICE PRESIDENT. The Secretary will state the next bill on the calendar.

The bill (S. 3843) for the relief of the owners of the steamship Kin-Dave was announced as next in order.

The Secretary read the bill, and the Senate, as in Committee of the Whole, proceeded to its consideration, as follows:

of the whole, proceeded to its consideration, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3.500 to the owners of the steamship Kin-Dave, as compensation for and in full satisfaction of all claims of such owners for any damages to said steamship Kin-Dave sustained as a result of a collision between said steamship and the U. S. S. Colonel Clayton on November 3, 1920, in the Milwaukee River, Wis.

Mr. KING. Let the report be read, Mr. President. The VICE PRESIDENT. The Secretary will read the report. The reading clerk read the report, submitted by Mr. CAPPER on February 7, as follows:

[Report to accompany S. 3843.]

[Report to accompany S. 3843.]

The Committee on Claims, to whom was referred the bill (S. 3843) for the relief of the owners of the steamship Kin-Dave, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The bill provides for the payment of \$3,500 to the owners of the steamship Kin-Dave as compensation for and in full satisfaction of all claims of such owners for any damages to said steamship Kin-Dave sustained as a result of a collision between said steamship and the U. S. S. Colonel Clayton on November 3, 1920, in the Milwaukee River, Wis.

The following correspondence from the War Department is appended hereto and made a part of this report:

WAR DEPARTMENT,

WAR DEPARTMENT, Washington, August 11, 1922.

Washington, August 11, 1822.

The Chairman Committed on Claims.

United States Senate, Washington, D. C.

Sin: In further reply to yours of the 22d of July, inclosing copy of Senate bill 3843, for the relief of the owners of the steamship Kin-Dave, now pending before your committee, I have the honor to inform you that on May 13, 1922, I approved payment of the claims of the owners of the Kin-Dave in the sum of \$3,500 after a review of the facts by the Acting Judge Advocate General embodied in an indorsement to The Adjutant General under date of May 10, 1922, a copy of which is hereto attached, and which fully sets forth the facts surrounding this occurrence. occurrence.

As there were no funds available from the appropriation provided for under the act of June 30, 1921, the owners of the Kin-Dave were advised by the Chief of Finance on the 21st ultimo that payment of the claim could only be made when an appropriation for that purpose was made by Congress. As above set forth, it is the opinion of the War Department that this claim is meritorious and should be paid.

This proposed legislation has been submitted to the Director of the Bureau of the Budget, as required by paragraph 3-a of Circular No. 49 of that bureau, and the director advises that this requested legislation is not in conflict with the financial program of the President,

Respectfully,

JOHN W. WEEKS.

WAR DEPARTMENT,
JUDGE ADVOCATE GENERAL'S OFFICE,
May 10, 1922.

To The Adjutant General of the Army:

1. Reference your A. G. 569.14, Colonel Clayton (2-15-21) (Misc. Div.), May 2, 1922.

By thirteenth indorsement of this office to The Adjutant General, under date of November 4, 1921, this report of a board of officers which investigated an alleged damage to steamer Kin-Dave by Army steamer Colonel Clayton at Milwaukee, was returned recommending that before passing on the merits of the claim of the owners of the Kin-Dave the record should contain such evidence as would establish the following:

Dave the record should contain such evidence as would establish the following:

(a) That the property damaged (steamship Kin-Dave) was private property, and that at the time of the damage there was no contractual relation between the owners of the damaged property and the War Department;

(b) That the damage to the private property in question was incident to the training, practice, operation, or maintenance of the Army:

Army;
(c) That the amount of damage has been ascertained by the War Department; and

(d) That the owners will accept payment of the amount ascertained by the War Department in full satisfaction of such claim.

The board reconvened in accordance with this indorsement, and its supplemental proceedings are before this office for review, recommendation, and opinion. The supplemental proceedings are before this office for review, recommendation, and opinion. The supplemental proceedings are before this office for review, recommendation, and opinion. The supplemental proceeding in the Menominee River, Milwaukee; and that the steamer Colonel Clayton, owned and operated by the Way Department, was on that date proceeding under her own power from the Kin-Dave and the Sixth Street Bridge, during the course of which operation it is alleged she collided with the Kin-Dave, inflicting damage estimated by survey at from Strigge, during the course of which operation it is alleged she collided with the Kin-Dave, inflicting damage estimated by survey at from St.000 to Si.07.37 to repair. In its supplemental proceedings the board heard the testimony of the United St. Min-Dave immediately after the collision, in line of duty, and who stated that as a result thereof the had concluded that the Colonel Clayton was manurered in the first that the Kin-Dave (Clayton was manurered at due to the fact that the Kin-Dave (Clayton was manurered at due to the fact that the Kin-Dave (Clayton and the Colonel Clayton was manurered at due to the fact that the Kin-Dave (Clayton and the Colonel Clayton and the colonel Clayton, which would facilitate handling of the ship in close quarters, there being no undue currents, and the fact that the master, englished, are the principal causes of our arriving at our conclusions.

As further bearing on the occurrence, there is embodded in the supplemental report as an exhibit a marine protest signed by the

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS DEVISED TO THE UNITED STATES BY JOSEPH BATTELL.

Mr. SMOOT. Mr. President, some time ago the Senate passed Senate Concurrent Resolution No. 30. The object of that resolution was to decline a bequest made by Joseph Battell of 3,900 acres of land in Vermont for a national park. The concurrent resolution went to the House of Representatives, and the House resolution went to the House of Representatives, and the House changed it into a joint resolution. In order to conform with the action of the House I am directed by the Committee on Public Lands and Surveys to report back favorably without amendment the joint resolution (S. J. Res. 270) concerning lands devised to the United States Government by the late Joseph Battell, of Middlebury, Vt. Under the joint resolution the Government declines the bequest and the lands revert to the estate of the decedent, and I submit a report (No. 1210).

thereon. I ask unanimous consent for the immediate considera-

tion of the joint resolution.

The PRESIDING OFFICER (Mr. LENBOOT in the chair). The Senator from Utah asks unanimous consent for the immediate consideration of the joint resolution just reported by him. Is there objection?

Mr. FLETCHER. Mr. President, I ask the Senator from Utah if there is any change in the language of the resolution?

Mr. SMOOT. There is not a word of change. The concurrent resolution is merely changed to a joint resolution.

Mr. FLETCHER. I understand that the proposed bequest is declined by Congress.

Mr. SMOOT. Yes. The will contains certain provisions that the Government does not wish to carry out.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

whereas Joseph Battell, deceased, late of Middlebury, county of Addison, State of Vermont, in and by his last will and testament devised to the Government of the United States of America about 3,900 acres of land situated in the towns of Lincoln and Warren, in the State of Vermont, for a national park; and Whereas said lands were devised to the United States of America upon certain conditions, among which were the following: That the Government should construct and maintain suitable roads and buildings upon the land constituting such national park for the use and accommodation of visitors to such park, and should employ suitable caretakers to the end and purpose that the woodland should be properly cared for and preserved so far as possible in its primitive beauty; and Whereas it is deemed inexpedient to accept said devise and to establish a national park in accordance with the terms thereof: Therefore be it

Resolved, etc., That the acceptance of said devise so made by Joseph Battell in his last will and testament be declined by the Government of the United States, and that the estate of the said Joseph Battell be forever discharged from any obligation to the United States growing out of the devise before mentioned,

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

THE BARGE "HAVANA."

The bill (S. 4322) for the relief of the owners of the barge Havana was announced as next in order.

Mr. KING. Let the bill be read, Mr. President.

The PRESIDING OFFICER. The Secretary will read the

Mr. WALSH of Massachusetts. I think I can explain this measure to the satisfaction of the Senator from Utah.

Mr. President, a bill has already been passed providing for the relief of the owners of the barge Havana and is now a law. This bill merely seeks to correct an error in that act by substituting the words the "State of Maine" for the words "Commonwealth of Massachusetts." That is all for which the legislation provides. It is merely to amend a law which has been previously enacted and proposes to strike out the words "Commonwealth of Massachusetts" and to insert the words "State of Maine," so that the court may have jurisdiction.

Mr. KING. The Senator refers to the language of line 11,

page 1, of the bill, does he?

Mr. WALSH of Massachusetts. Yes.

Mr. KING. It provides that the matter may be submitted to the United States district court for the district of Massachu-

Mr. WALSH of Massachusetts. The purpose of the bill, as stated in the report, is to correct an error in the act by substituting the words "State of Maine" for the words "Commonwealth of Massachusetts." It was found that that change is necessary in order that the United States district court in Massachusetts.

sachusetts may take jurisdiction of the matter.

Mr. KING. But there is no controversy as to the locus of

the corporation; it is a Maine corporation?

Mr. WALSH of Massachusetts. That is the situation.

Mr. KING. And the purpose is to permit it to sue in the district court of Massachusetts?

Mr. WALSH of Massachusetts. Yes.

Mr. KING. I have no objection to the passage of the bill. The Senate, as in the Committee of the Whole, proceeded to consider the bill, which was read, as follows:

consider the bill, which was read, as follows:

Be it enacted, etc., That the claim of the Staples Transportation Co., a corporation existing under the laws of the State of Maine, owner of the barge Havana, arising out of a collision between the United States steamship Quincy and said barge Havana, at Hampton Roads, Va., on February 4, 1920, for and on account of the losses alleged to have been suffered in said collision by the owners of said barge by reason of damages to said barge, may be submitted to the United States District Court for the District of Massachusetts, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United

States of America, upon the same principle and measure of liability, with costs as in like cases of admiralty between private parties with the same rights of appeal: Provided, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States attorney in such district to appear and defend for the United States: Provided further, That said suit shall be brought and commenced within four months of the date of the passage of this act.

SEC. 2. That the act entitled "An act for the relief of the owners of the barge Havana," approved September 18, 1922, is hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PEEDEE RIVER BRIDGE, SOUTH CAROLINA.

Mr. DIAL. I ask unanimous consent for the present consideration of the bill (S. 4536) authorizing the building of a bridge across the Peedee River, S. C.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in the Committee of

the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 1, line 3, after the word "That" to insert "all or any of"; in line 4, after the word "or," to strike out the word "such" and insert "any"; in line 6, before the word "bridge," to strike out "highway"; in line 7, after the words "Peedee River," insert "at a point suitable to the interest of navigation, and," and in line 8, after the words "Cashua Ferry," to insert "at or near a point known as Hunts Bluff, or at or near a point known as Society Hill," so as to make the bill read:

Rhown as Society Hill, so as to make the bill read:

Be it enacted, etc., That all or any of the counties of Darlington, Marlboro, and Dillon, in the State of South Carolina, or any townships in said counties as may desire to do so, be, and they are hereby, authorized to construct, operate, and maintain a bridge and approaches thereto across the Peedee River at a point suitable to the interest of navigation, and at or near a point known as Cashua Ferry, at or near a point known as Hunts Bluff, or at or near a point known as Society Hill, in said State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. KING. Lebould like to inquire of the ach. Secretary.

Mr. KING. I should like to inquire of the able Senator from South Carolina whether the stream involved in this bill is a creek which he claims is navigable or whether as a matter of fact it is a navigable stream, for the Government is assuming jurisdiction over all of the little rivulets and creeks and streams, whether they are navigable or not, and is denominating them navigable. I wish to know whether or not this is a navigable stream over which the Federal Government actually under the Constitution does have jurisdiction.

Mr. DIAL. It is a navigable stream.
Mr. SMOOT. For what part of the year?

Mr. DIAL. It is navigable for all of the year. It is a large river-the Peedee River.

Mr. KING. I have no objection to the passage of the bill. The bill was reported to the Senate as amended, and the

amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McNARY. A parliamentary inquiry.
The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. I was called out of the Chamber at the time the unanimous-consent agreement was entered into, and I desire to know if the agreement contemplates that the Senate shall return to the first part of the calendar or end the consideration of the calendar with the last bill on it?

Mr. KING. If I may be pardoned, I understand the unanimous-consent agreement to contemplate that the Senate shall finish the calendar and then, if the hour of 4 o'clock has not arrived, we return to the beginning of the calendar.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. McNARY. I thank the Chair.

ELDREDGE & MASON, OF MALONE, N. Y.

The bill (S. 4396) for the relief of Eldredge & Mason, of Malone, N. Y., was announced as next in order, and the bill was

I should like to ask some Senator who is familiar with this claim whether the fund appropriated to enforce the Volstead Act is to be charged with this appropriation? would seem to me that if some officials who had charge of a given fund or were executing a policy under a certain act com-mitted a tort, that fund should be charged with the appropriation which is to be made, in order to rectify their mistake.

Mr. CAPPER. I will ask that that bill be passed over until its author returns to the Chamber. I have not the information

desired by the Senator from Utah.

Mr. KING. Very well. I am not objecting to the bill; it may be a very just claim, but I should like a little information on the subject, and I shall be glad to have it.

Mr. CAPPER. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be temporarily passed over.

HEIRS OF ROBERT LADD M'CORMICK, DECEASED.

The bill (H. R. 962) for the relief of the heirs of Robert Laird McCormick, deceased, was announced as next in order.

The bill was read, as follows:

He offi was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of Robert Laird McCormick, deceased, out of any money in the Treasury not otherwise appropriated, the sum of \$51.50 in full settlement of the claim of the said Robert Laird McCormick for cashing en insufficient indorsement Post Office Department warrant No. 11415, drawn April 28, 1887, to the order of Charles Perry for \$51.50.

Mr. KING. This seems a very insignificant amount, and I am reluctant even to ask an explanation, but the bill itself indicates that there was some negligence somewhere, and I should like some explanation as to why the Government should pay when there was an insufficient indorsement, and evidently some employee of the Government failed to exercise due diligence.

Mr. CAPPER. The report of the Post Office Department

I inclose herewith a copy of a letter from the Auditor for the Post Office Department, dated December 19, 1916, from which it appears that the Sawyer County Bank of Hayward, Wis., cashed a Post Office Department warrant for \$51.50, issued to Charles Perry, a subcontractor, for carrying the mails; that the warrant was cashed by the bank on an imperfect indorsement and was subsequently returned by the Treasury Department for a proper indorsement or power of attorney to indorse the said warrant, as required by section 3477 of the Revised Statutes; that the said Perry disappeared and neither the proper Indorsement nor the power of attorney could therefore be obtained; that the bank, which was a private bank, has been discontinued and that Robert Laird McCormick was the sole owner of that bank. It also appears that the warrant above referred to is now in the possession of the heirs of the said McCormick.

As the amount of this warrant, \$51.50, is still carried on the books of the department as an outstanding liability of the Postal Service, and the circumstances above recited strongly presume that the heirs of Robert Laird McCormick are entitled to the payment of this obligation, I can see no objection to the favorable consideration of the bill by your committee.

Very truly yours,

WM. H. HAYS,

Postmaster General.

WM. H. HAYS, Postmaster General.

That is all the information we had on the subject. It seems to me that under the circumstances the bill should pass.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. W. GLIDDEN AND E. F. HOBBS.

The bill (H. R. 2702) for the relief of J. W. Glidden and E. F. Hobbs was announced as next in order.

The bill was read, as follows:

The olli was read, as follows:

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, the sum of \$267.32 to J. W. Glidden and E. F. Hobbs, of Lawrence, Kans., to reimburse them for money necessarily expended in connection with their contract with the Government for the improvement of Huron Cemetery, an Indian reservation in Kansas City, Kans., in defending their interests in sults brought by the Connelley sisters, Indian wards of the Government, to prevent them from carrying out their contract with the United States Government in improving the Huron Cemetery, in Kansas City, Kans.

Mr. KING. I should like some explanation of the bill. Mr. CURTIS. The junior Senator from Kansas, the chairman of the committee, is present and can explain the bill.

Mr. CAPPER. This bill involves the reimbursement of two men who were awarded a contract for making certain improvements and repairs on a national cemetery which at one time was on Indian land.

Mr. CURTIS. It is so yet.

Mr. CAPPER, And it is so yet. The Connelley sisters claimed title to the land and occupied it forcibly, as they had a but there and called it their home. In the meantime the Government undertook to make necessary repairs.

The contractor was obstructed in his work and sued by these Connelley sisters, and obliged to make trips to Leavenworth to attend the Federal court. The amount allowed him here is simply the amount of money he actually paid out by reason of this controversy between the Government and these two Indian women, who claimed they had some title to the land. I do not think there can be really any question at all but that he was harassed and troubled for months there, and lost money on his contract, through no fault whatever of his

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN ALBRECHT.

The bill (H. R. 4421) for the relief of John Albrecht was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Albrecht the sum of \$50 as compensation for damages sustained by him when an airplane of the Air Mail Service descended on his property in March, 1921.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed,

RUPERTO VILCHE.

The bill (H. R. 5251) for the relief of Ruperto Vilche was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000 to Ruperto Vilche, of Guantanamo City, Cuba, in full compensation for the loss of his daughter, Idelisa Vilche, and for injury to his daughter, Ofelia Vilche, the former having been killed and the latter injured by a bullet fired from his rifle by Pvt. Ralph F. Carter, United States Marine Corps, who became suddenly insane while on sentry duty at the marine camp near Guantanamo City, and for all expense incurred by the sald Ruperto Vilche in connection with the said death and injury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. HOMEN.

The bill (H. R. 7322) for the relief of John F. Homen was considered as in Committee of the Whole, and was read, as fol-

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John F. Homen, of San Antonio, Tex., out of any money in the Treasury not otherwise appropriated, the sum of \$2,000, in full settlement of his claim against the Government of the United States for the serious injury caused by being struck by a Government truck operated by a soldier of the United States Army on July 4, 1919, in San Antonio, Tex.

Mr. DIAL. Mr. President, I do not know whether there is any use in objecting to these bills or not; but, as I have often stated heretofore, these cases ought to be allowed to go to a court. I must protest against this method of legislating. This bill has been reported upon favorably, but it is a loose way of legislating. The next bill, I believe, appropriates about \$5,000. We often hear one side of a case, and we think the claimant makes out a case, but when we hear the other side we often see that the claimant was to blame, and brought about his own injury; and I do hope we shall have some way of settling these matters in a businesslike way.

I shall not object to the consideration of this bill, but I want to say that I do believe we ought to have some regular method whereby tort cases can be referred to some court and be thoroughly investigated. Otherwise we shall have our calendar crowded all the time with claims about which we know but lit-It is a bad precedent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH ZITEK.

The bill (H. R. 8448) for the relief of Joseph Zitek was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Joseph Zitek, out of any money in the Treasury not otherwise appropriated, the sum of \$75 as compensation for damage done to the wheat field of said Joseph Zitek, near Ulysses, Nebr., May 29, 1921, by airplanes of the United States Air Mail Service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VINCENT L. KEATING.

The bill (H. R. 9944) for the relief of Vincent L. Keating was considered as in Committee of the Whole, and was read, as

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Vincent L. Keating the sum of \$385.32, representing public funds for which he was accountable, which were stolen while in his custody on or about June 7, 1918, and which he refunded to the United States to make good the loss of these public

Mr. KING. Mr. President, let the report be read, or at least sufficient of it to advise us as to the facts of the matter.

Mr. REED of Pennsylvania. Mr. President, I think I can explain the bill very briefly. The report is rather long, and the Senator perhaps will be satisfied with my explanation.

When the Twenty-sixth Infantry was sent up to the front near the town of Broyes, France, the captain of one of the companies of that regiment had the money with which to pay his troops. He intrusted it-

Mr. KING. That is the case to which the Senator directed my attention the other day, as I recall. When this man was called to the colors he placed the money in his tent and it was stolen?

Mr. REED of Pennsylvania. He put the money under the floor of the dugout, and was summoned with all his troops to the front-line trenches to resist an attack. When he got back to the dugout the money was gone. He could have claimed it, under Army Regulations, with proof from his captain of the loss; but the captain was killed in the attack, so there was nobody to prove the loss except the claimant himself, and he has been forced to come to Congress.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRED E. JONES DREDGING CO.

The bill (H. R. 9862) for the relief of the Fred E. Jones Dredging Co. was considered as in Committee of the Whole, and was read, as follows:

was read, as follows;

Be it enacted, etc., That the claim of the Fred E. Jones Dredging Co., a corporation organized and existing under the laws of the State of Delaware, and doing business in the city of Norfolk, Va., against the United States for damages alleged to have been caused by a collision between its coal scow No. 3 and the steamship Minnesota, which occurred about 6 o'clock p. m. on February 20, 1919, while said scow, loaded with coal and equipment, was moored near the Norfolk & Western Railroad Co.'s merchandise Pier No. 2 at Lamberts Point, Va., may be sued for by the said owners in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree therein for the amount of such damages sustained by reason of said collision as shall be found to be due either for or against the United States upon the same principles and measures of liability and damages as in like cases in admiralty between private parties and with the same rights of appeal: Provided, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States: Provided further, That said suit shall be brought and commenced within four months of the date of the passage of this act. the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES MARTIN.

The bill (H. R. 10047) for the relief of Frances Martin was considered as in Committee of the Whole and was read, as

follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Frances Martin, widow of Peter Leslie Martin, of Logan, Hocking County, Ohio, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$5,000 as compensation and relief for the loss by death on March 31, 1919, in Grant Hospital, Columbus, State of Ohio, of her husband, Peter Leslie Martin, who on October 5, 1918, volunteered his services as an undertaker to the Government during the epidemic of influenza, at which time he went to Camp Sherman, in the State of Ohio, to assist in taking care of the bodies of the soldiers who died in great numbers by reason of said epidemic, and that during the discharge of his duties he became infected with blood poisoning, from which he died.

Mr. KINC. Mr. President, I rise to make inquiry of the

Mr. KING. Mr. President, I rise to make inquiry of the committee as to whether they considered the wisdom, in making this appropriation, of making it directly to the estate of the deceased or to the heirs? I observe that the appropriation goes only to the widow, and the report indicates that there are minor children. Of course, if there were a legal obliga-tion upon the part of the Government the payment to the wife would not extinguish the liability of the Government to the children. It seems to me that it would be very wise in these cases to pay to the administratrix or to the executrix of the estate of the decedent, or to the heirs.

Mr. WILLIS. Mr. President, I shall be glad to explain this case. I will not discuss the attitude of the committee, because I am not familiar with their proceedings, but I do know quite thoroughly about this case. There is one child. The quite thoroughly about this case. The circumstances of the case are as follows

Mr. KING. I shall not ask the Senator to explain it, because it is a very pathetic and very tragic case.

Mr. WILLIS. It is a very, very pathetic case-exceed-

Mr. KING. While I think there is no liability upon the part of the Government, I think this is such a case as calls for an appropriation from the Government. If I did think there was any legal liability that might be enforced in any court where the case might be submitted, I should ask to amend by making the appropriation run to the widow and to the minor children, or to an administrator of the estate,

if an administrator has been appointed, and, if not, when an administrator competent to speak for the estate has been appointed by a court of competent jurisdiction.

Mr. WILLIS. I understand the Senator's position.

Mr. KING. But I shall make no objection.

Mr. WILLIS. I thank the Senator.
Mr. KING. It does seem to me, however, that the Committee on Claims ought to consider these matters and make the appropriation run to the estate or to all the heirs.

Mr. WILLIS. So that the record may be straight, Mr. President, and in answer to the Senator, I ask unanimous consent that the first part of the report, which is very brief, may be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so

ordered

The portion of the report indicated (No. 1104), submitted by Mr. Capper on February 7, 1923, is as follows:

[Report to accompany H. R. 10047.]

The Committee on Claims, to whom was referred the bill (H. R. 10047) for the relief of Frances Martin, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in House Report No. 988, Sixty-seventh Congress, second session, which is appended hereto and made a part of this report.

[House Report No. 988, Sixty-seventh Congress, second session.]

[House Report No. 988, Sixty-seventh Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 10047) for the relief of Frances Martin, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

In line 7, strike out "\$25,000" and insert "\$5,000."

This same bill was reported favorably by the Committee on War Claims in the Sixty-sixth Congress (Rept. No. 1099, 66th Cong., 2d sess.), but was not reached on the calendar.

The present chairman of the committee opposed the reporting of the bill at that time, as he did not believe the Federal Government should go so far or be so liberal in granting relief for accidents arising out of activities connected with the war and where there was no direct liability on the part of the Federal Government. However, finding by the many bills of a similar character passed by both branches of Congress we have evidently adopted a very liberal policy in dealing with these claims, I therefore have voted to report out this bill and request its careful consideration by the committee.

Peter Leslie Martin was an undertaker following his profession at Columbus, Ohio. He was 32 years old and earning about \$4,000 per year. He left a widow and one son, 11 years old. He had no property of any account, and they have no means of support.

Time, October, 1918. It was during the influenza epidemic at Camp Sherman, Chillicothe, Ohio.

There were between 500 and 600 bodies of dead soldiers piled in barns and outhouses and no one to take care of them.

Army officers went to Columbus, Ohio, and practically pressed into service three undertakers. No mention of compensation was made at the time, but it is understood they were paid a nominal sum for their work.

Martin contracted blood poisoning while performing this work and

work.

Martin contracted blood poisoning while performing this work and died a few months afterwards.

He performed work that was absolutely necessary, work that the Government was unable to do at that time with its regular enlisted

personnel.

In view of the above facts, which are all substantiated by attached affidavits, we respectfully submit the same for your consideration and recommend its adoption.

The PRESIDING OFFICER. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICUS ENFIELD.

The bill (H. R. 10179) for the relief of Americus Enfield was announced as next in order and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Americus Enfield, postmaster at Bedford, Pa., in the sum of \$41,148.94, due to the United States on account of war savings stamps and postage stamps which were lost as the result of burglary of said post office on November 7, 1918.

Mr. KING. Mr. President, I shall have to object to the consideration of that bill unless there is some explanation of it. The Senator from Pennsylvania [Mr. Reed] has just risen, I presume for the purpose of furnishing information. I invite his attention to the fact that appropriations are frequently sought by postmasters or custodians of public funds because through their negligence or through their lack of due care, as I have thought, in many instances, property has been lost. I do not know the facts about this case. I shall be glad to hear from the Senator in regard to them.

Mr. REED of Pennsylvania. Mr. President, this is a very large claim, and it deserves the sort of scrutiny that the Senator from Utah has very properly given, and I think it has re-ceived a similar scrutiny in the Committee on Claims.

The burglary here was committed on November 7, 1918, during the height of one of the war savings stamp campaigns, when and passed.

the various postmasters were charged with the possession of a large amount of war savings stamps. In this particular case there is evidence not only by the clerk who was charged with the duty of locking the safe but by the watchman and the janitor, who were there with him at the time he closed it, that all the doors were properly closed. The burglars blew open the rear doors of the post office or forced them open with a jimmy; they then forced their way through the outer door of the vault, and after muffling the inner doors in blankets which they had stolen from some near-by farmers they blasted open the inner door of the vault with nitroglycerin and took from the vault about \$2,000 worth of postage stamps and \$39,000 worth of war savings stamps.

No suggestion of negligence, so far as I know, has been made by anybody in the department. The case was very carefully inspected, naturally, because of the large amount involved; and the Postmaster General in office at that time and the present Postmaster General have successively recommended that the claim be allowed. Both as to the amount and as to the circumstances of the burglary the proof is abundant, and

I think the claim is a just one.

Mr. KING. I would like to inquire of the Senator whether any inference of negligence might arise from the retention of such a large sum in the safe? Why did he not transmit it to Washington instead of accumulating so large an amount?

Mr. REED of Pennsylvania. I am glad the Senator asked the question. The stamps had been sent to him for sale in connection with the campaign. They had not yet been sold. They had just been issued by the Treasury Department at Washington and had been remitted to him for delivery as they were sold. There was no negligence, so far as I can see, in remitting money, because there was no substantial amount of money stolen. It was all in stamps which he could not send back, and which he had no other place to keep except in his vault.

Mr. KING. Was there any difficulty in ascertaining the

amount that was stolen from the safe?

Mr. REED of Pennsylvania. No; the report of the committee is rather long. The manner of ascertainment, which is stated in the report, was such that they calculated to the last penny, and the war savings stamps were calculated at the minimum value as if sold at the date of issue.

Mr. KING. I have no objection to the consideration of the

bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRANT ROAD, DISTRICT OF COLUMBIA.

The bill (S. 4117), authorizing the closing of certain portions of Grant Road in the District of Columbia, and for

other purposes, was announced as next in order.

Mr. ROBINSON. May I ask the Senator reporting the bill or any Senator who is familiar with it whether the passage of the bill is recommended by the District Commissioners?

Mr. CAPPER. I will state to the Senator that, while I did not report the bill, I am a member of the committee which reported it and the Senator will find in the last paragraph of the report from the Commissioners of the District of Columbia the statement that they do recommend favorable action on the bill. The chairman of the District Committee is very anxious that the bill shall be passed.

Mr. ROBINSON. I have no objection to its consideration. There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows;

Committee of the Whole and it was read, as follows;

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to close, vacate, and abandon so much of Grant Road as lies between Reno Road and Connecticut Avenue northwest, upon the acquisition by the District of Columbia by dedication, purchase, or condemnation of the land lying within the lines of Davenport Street between Reno Road and Connecticut Avenue, and within the lines of Thirty-sixth Street between Davenport Street and Connecticut Avenue, as laid down upon the permanent system of highways for the District of Columbia, the title to the portion of said Grant Road so closed and abandoned to revert to the abutting property owners.

SEC. 2. That the Commissioners of the District of Columbia be, and they are hereby, authorized to sell a tract or parcel of land owned by the District of Columbia, numbered for purposes of assessment and taxation as parcel 46 over 20: Provided, That said tract or parcel of land shall not be sold by said commissioners at a price less than the assessed value thereof: Provided further, That the money so realized shall be expended in the purchase of a playground or school site.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

WIDENING OF FIRST STREET NE.

The bill (H. R. 5018) to authorize the widening of First Street NE., and for other purposes, was announced as next in order.

Mr. KING. Let the bill be reported. The reading clerk read the bill.

Mr. CURTIS. Let the bill go over.
Mr. McKELLAR. There is a proposition of adjustment in such matters which I think we will know about absolutely by Monday. I am going to object to the consideration of any District bills this afternoon.

The PRESIDING OFFICER. The bill will be passed over.

CORNELIUS DUGAN.

The bill (H. R. 1290) for the relief of Cornelius Dugan was considered as in Committee of the Whole, and was read, as

Be it enacted, etc., That the President is hereby authorized to advance on the retired list of the Navy, to the rank of lieutenant commander, Cornelius Dugau, who served with credit in the United States Navy during the Civil War and the war with the German Government; Provided, That the said Cornelius Dugan shall not in consequence of such advancement be entitled to any increase in the pay which he is now receiving as a retired officer of the Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEUT, COMMANDER GREY SKIPWITH.

The bill (H. R. 6538) for the relief of Grey Skipwith was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That Lieut. Commander Grey Skipwith. Supply Corps, United States Navy, who was eligible for promotion to the grade of pay inspector with rank of commander prior to the 1st day of July, 1918, and who was subsequently found physically not qualified for promotion and then retired in the rank of lieutenant commander, shall be deemed to have been retired in the rank he would have attained if the act of the 1st of July, 1918, extending promotion by selection to the staff corps of the Navy had not been enacted.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJ. RALPH S. KEYSER.

The bill (H. R. 11340) to advance Maj. Ralph S. Keyser on the lineal list of officers of the United States Marine Corps so that he will take rank next after Maj. John R. Henley was next in order and was read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he hereby is, authorized to advance Maj. Ralph S. Keyser on the lineal list of officers of the United States Marine Corps, so that he will take rank next after Maj. John R. Henley: Provided, That no back pay, bounty, or emoluments shall be allowed by reason of the passage of this act.

Mr. JONES of Washington. May I ask whether the bill would advance Major Keyser over other officers'

SWANSON. There is no objection in the department. The bill simply puts this officer where he would have been if he had passed the examination in 1908.

Mr. JONES of Washington. Without interfering with any of

the other officers?

Mr. SWANSON. It does not. He was in five battles, including the battle of Belleau Wood, where he was wounded. is no man in the entire Marine Corps who had a more creditable record.

Mr. ROBINSON. Why did he not take a new examination? Mr. SWANSON. He was in the service, and when the time

came for taking the examination to go from one grade to another he could not pass it. When he finally took the examina-tion he was found physically fit. The bill will permit him to be promoted in the regular order.

Mr. ROBINSON. Why could he not stand the examination

in the first place?

Mr. SWANSON. I think he was not in physical condition at the time of the first examination, but, as very frequently happens, he got better. Officers under like conditions are continued in the service and the reexamination postponed a month or two months, sometimes even a year, to enable them, if they can, to become physically fit. Afterwards he passed the physical examination and the bill merely puts him where he would have been if he had passed the physical examination originally

Mr. ROBINSON. I have no objection to the consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF CERTAIN DISRURSING OFFICERS.

The bill (S. 4448) for the relief of certain disbursing officers was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is authorized and directed to credit in the respective accounts of the following-named disbursing officers and agents of the United States the sums hereinafter indicated, for payments made by them pursuant to pay rolls certified by J. H. Cameron, custodian of the post-office building at Evanston, Wyo., such payments having been disallowed by the General Accounting Office:

J. L. Summers, disbursing clerk, Treasury Department, Washington, D. C., for salary payments to Arthur Foley, October 16, 1918, to February 28, 1919, \$270;

Thomas F. Thomas, special disbursing agent, Sait Lake City, Utah, for salary payments to Arthur Foley, March 1, 1919, to August 15, 1919, \$340; and for salary payments to Walter V. Foley, August 16, 1919, to January 31, 1920, \$385;

John F. Rasmussen, acting special disbursing agent, Sait Lake City, Utah, for salary payments to Walter V. Foley, February 1, 1920, to May 31, 1920, \$280; and

Estelle V. Collier, special disbursing agent, Salt Lake City, Utah, for salary payments to Walter V. Foley, June 1, 1920, to December 31, 1920, \$1,330.

Mr. ROBINSON, May I ask the Sepator from Michigan

Mr. ROBINSON. May I ask the Senator from Michigan whether the Post Office Department has recommended the various items in the bill?

Mr. TOWNSEND. I have not any recollection definitely what the proceedings were, but the Senator from Wyoming [Mr. Kendrick], who introduced the bill, can undoubtedly

answer the Senator's question.

Mr. KENDRICK. My understanding is that the comptroller stated that they had no authority to furnish this relief under the law. It was suggested that it should be done by legislation. The concluding paragraph in the letter of the comptroller reads as follows:

It does not appear that the disbursing agent had actual notice of the true facts of this case, or that there was anything upon the face of the vouchers to put her on guard, or that she is chargeable with fault or negligence in not detecting the concealment of facts. However, no lawful credit can be based upon a fraudulent transaction, and the General Accounting Office is not authorized to relieve a disbursing officer who is the victim of fraud, although innocent of participation in or knowledge of the fraud.

Mr. ROBINSON. I have no objection to the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAWS RELATING TO THE JUDICIARY.

Mr. CUMMINS, from the Committee on the Judiciary, to which was referred the bill (S. 4614) to amend section \$1 of the act entitled "An act to codify, revise, and amend the laws relating to the Judiciary," approved March \$, 1911, reported it without amendment.

AMENDMENT OF THE REVENUE ACT OF 1921.

The bill (H. R. 13774) to amend the revenue act of 1921 in respect to exchanges of property was considered as in Committee of the Whole.

Mr. OVERMAN. Mr. President, I have an amendment to which I think the Senator from North Dakota [Mr. McCumber] will not object. It is not exactly in form as it ought to be, but the bill will have to go to conference, anyway. So I ask the Senator if he will not let me offer the amendment, as I have suggested to him, and when it goes to conference he and the other conferees can fix it all right.

Mr. McCUMBER. There can be no objection to that, but I wish to explain the bill. I think it is best explained in the report, but, as the bill itself is somewhat complex, I will have to make a little more clear the statement of the condition.

Paragraph 202 of the revenue law, 1921, basis for determining gain or loss, in subdivision (c), reads:

For the purpose of this title, on an exchange of property, real, per sonal, or mixed, or any other such property, no gain or loss shall be recognized unless the property received in exchange has a readily realizable market value; but if the property received in exchange has a readily realizable market value, no gain or loss shall be recognized—

Now, under what circumstances?

(1) When such property held for investment or for productive use in trade or business-

Then the exceptions-

(not including stock in trade or other property held primarily for sale) is exchanged for property of a like kind or use.

So as the law now stands when property held for investment or for productive use in trade or business is exchanged for other property of a like kind or like use, no gain, even though measured in a large cash difference, is taxable. The Secretary of the Treasury, who has asked for the amendment of the law,

Said:

Under this section a taxpayer who purchases a bond of \$1,000 which appreciates in value may exchange that bond for another bend of the value of \$1,000, together with \$100 in cash, and the \$100 in cash representing the interest in the value of the bond while held by the taxpayer without the realization of taxable income. This provision in the act is being widely abused. Many brokers, investment houses, and bond houses have established exchange departments advertising that they will exchange securities for their customers in such manuer as to result in no taxable gain.

The relief from this taxable gain under the law as it now stands does not include stock in trade or other property held primarily for sale. The proposed law broadens this exception by adding thereto:

"And in the case of property held for investment, not including stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidence of indebtedness, or interest," so that the law is made to include property held for investment or productive use in trade where an actual gain has been made.

That explains, as hearly as I can explain, the reason for the

That explains, as nearly as I can explain, the reason for the

change in the law.

Mr. LODGE. I would like to ask the Senator from North Dakota a question. I do not think the bill ought to be made retroactive

Mr. McCUMBER. It begins with 1923, as the bill now reads. It provides-

That paragraph (1) of subdivision (c) of section 202 of the revenue act of 1921 is amended, to take effect January 1, 1923, to read as follows:

So it is not retroactive except as between February and January.

Mr. LODGE. It seems to me that there have been a great many of the exchanges made in perfectly good faith without any profit on the exchange. I think it ought not to take effect

any profit of the exchange. I think it ought not to take effect until it becomes a law. It is made retroactive for at least the months of January and February.

Mr. McCUMBER. I suppose that all the arrangements which have been made for the purpose of settling the accounts of gains and losses were made prior to January 1, 1923, and therefore there would be no objection, it seems to me, to making the period begin with the taxable year commencing January 1, 1923.

Mr. LODGE. I think a great many of the exchanges which have been made would perhaps show no profit. However, I

do not know about that.

Mr. McCUMBER. If there is an equality in value in the exchange, of course, there would be no tax anywhere. It is only when there is a gain, and then the gain is taxed. I can not see that any injustice, at least, would be done.

Mr. LODGE. I think it would be fairer to make it effective when the bill becomes a law.

Mr. McCUMBER. I have no objection, if the Senator desires, to amending it so as to read that it shall take effect on and after the approval of this act.

The PRESIDING OFFICER. The amendment will be stated. The Reading Clerk. On page 1, lines 4 and 5, strike out "January 1, 1923," and insert in lieu thereof "on and after the approval of this act."

The amendment was agreed to.
Mr. OVERMAN. I now offer my amendments.

Mr. OVERMAN. I now ofter my amendments.

The PRESIDING OFFICER. The amendments will be stated.

Mr. OVERMAN's amendments were, on page 1, line 3, after
the word "That," to strike out "paragraph" and insert "paragraphs"; in the same line, before the word "of" where it occurs the first time, to insert "and (2)"; in line 4, before the
word "amended," to strike out "is" and to insert "are"; and
after line 13 insert: "When a person exchanges stock in a corportion for other stock in the same corporation or when in the poration for other stock in the same corporation or when in the reorganization of one or more corporations a person receives in place of any stock or securities owned by him stock or securities in a corporation a party to or resulting from such reorganiza-tion," so as to make the bill read:

tion," so as to make the bill read:

Be it enacted, etc., That paragraphs (1) and (2) of subdivision (c) of section 202 of the revenue act of 1921 are amended, to take effect on and after the approval of this act, to read as follows:

"(1) When any such property held for investment, or for productive use in trade or business (not including stock in trade or other property held primarily for sale, and in the case of property held for investment not including stock, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest), is exchanged for property of a like kind or use.

"When a person exchanges stock in a corporation for other stock in the same corporation or when in the reorganization of one or more corporations a person receives in place of any stock or securities owned by him stock or securities in a corporation a party to or resulting from such reorganization."

Sec. 2. Subdivision (e) of section 202 of the revenue act of 1921 is amended, to take effect January 1, 1923, to read as follows:

"(e) Where property is exchanged for other property which has no readily realizable market value, together with money or other property which has a readily realizable market value, then the money or the fair market value of the property having such readily realizable market value together with money or ealizable market value of in exchange shall be applied against and reduce the basis, provided in this section, of the property exchanged, and if in excess of such basis shall be taxable to the extent of the excess; but when property is exchanged for property specified in paragraphs (1),

(2), and (3) of subdivision (c) as received in exchange, together with money or other property of a readily realizable market value other than that specified in such paragraphs, the amount of the gain resulting from such exchange shall be computed in accordance with subdivisions (a) and (b) of this section, but in no such case shall the taxable gain exceed the amount of the money and the fair market value of such other property received in exchange."

The amendments were agreed to

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SOIL SURVEY OF LAUDERDALE COUNTY, ALA.

The PRESIDING OFFICER. House Concurrent Resolution 83 is lying on the table. Without objection, it will be referred to the Committee on Printing.

The House concurrent resolution was referred to the Com-

mittee on Printing, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 2,000 additional copies of the soil survey of Lauderdale County, Ala., for the use of the House document room.

ORDER OF PROCEDURE.

Mr. McNARY. Mr. President, a parliamentary inquiry. The PRESIDING OFFICER. The Senator will state the

Mr. McNARY. Under the rule under which we are proceeding is it permissible to move to take up a bill after objection

has been made?

The PRESIDING OFFICER. The Chair's recollection of the unanimous consent agreement is that only unobjected bills are to be considered to-day. The next bill on the calendar will

SINKING FUND FOR BONDS AND NOTES OF THE UNITED STATES.

The bill (H. R. 13827) relating to the sinking fund for bonds and notes of the United States was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That subdivision (a) of section 6 of the Victory Liberty loan act is amended by inserting before the period at the end of the first sentence a comma and the following words: "and of bonds and notes thereafter issued, under any of such acts or under any of such acts as amended, for refunding purposes."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEAMBOAT INSPECTION SERVICE.

The bill (H. R. 12368) to abolish the inspection districts of Apalachicola, Fla., and Burlington, Vt., and the office of one supervising inspector, Steamboat Inspection Service, was an-

nounced as next in order.

Mr. REED of Pennsylvania. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

LIEUT. COL. JAMES M. PALMER,

The bill (H. R. 11603) to validate for certain purposes the revocation of discharge orders of Lieut, Col. James M. Palmer and the orders restoring such officer to his former rank and command was considered as in Committee of the Whole, and was read, as follows:

Was read, as follows:

Be it enacted, etc., That Lieut. Col. James M. Palmer, of the National Guard of the State of Maine, who was in the Federal service during the World War, and who was discharged from such service during said war, and who subsequent to such discharge was notified by the War Department of the revocation of the orders discharging him from the Federal service and of his restoration to his former rank and command, and to whom orders were thereafter issued by the War Department and by the departments thereof, and by his superior officers of the Army, which orders were thereafter acted upon by said James M. Palmer, shall be deemed to have been lawfully reinstated in the Federal service by such orders of revocation of discharge and of restoration to rank and command, for the purposes of the succeeding clause, and shall be entitled, from date of notification of such revocation orders, to pay, travel, and other allowances to the date of his final discharge in the same manner and to the same extent as if he had not been previously discharged. same mann discharged.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONFERENCE OF FEDERAL RESERVE OFFICIALS (S. DOC. NO. 310).

Mr. GLASS. I ask unanimous consent to have printed as a Senate document a transcript of the meeting of the advisory council and governors of the Federal Reserve Board in the city of Washington.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia? The Chair hears none, and it is so ordered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by title and

referred as indicated below:
H. R. 13724. An act for the relief of Hugh Marshall Montgomery; to the Committee on Public Lands and Surveys.

H. R. 14222. An act to amend the trading with the enemy act:

to the Committee on the Judiciary.

H. R. 14200. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 14288. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said

war; to the Committee on Pensions.

PROCEEDS OF SALES OF PROPERTY.

The bill (S. 4318) authorizing the Secretary of the Treasury to make collections and refunds of taxes out of the proceeds of sales of property held in the Treasury was announced as next in order.

Mr. McCUMBER. This bill, being a Senate bill which was reported favorably from the Committee on Finance, ought to be passed over, for the reason that the same provisions were reported as an amendment to House bill 13775.

The PRESIDING OFFICER. Does the Senator desire that the bill go over or be indefinitely postponed?

Mr. McCUMBER. I ask that it be passed over at the present

The PRESIDING OFFICER. The bill will be passed over.

MARGARET NOLAN.

The bill (S. 1513) for the relief of Margaret Nolan was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert :

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Veterans' Bureau, out of any money in the Treasury not otherwise appropriated, the sums required to carry out the provisions of this act, to be disbursed by it as hereinafter directed, in full settlement for personal injuries sustained by Thomas Nolan on the 28th day of April, 1919, when run down by an ambulance belonging to the United States Army at Third Street and Third Avenue, Brooklyn, N. Y.

The Veterans' Bureau is hereby authorized and directed to pay to the Methodist Episcopal Hospital, of Brooklyn, N. Y., the sum of \$150, in full settlement of its claim for the treatment of Thomas Nolan for the injuries above mentioned; to Elliott, Jones & Fanning, of 215 Montague Street, Brooklyn, N. Y., the sum of \$150, in full settlement of all charges and claims for services in connection with the claim for the above-mentioned injuries; to Margaret Nolan, of 369 Hoyt Street, Brooklyn, N. Y., the sum of \$350, in full settlement of all claims for disbursements and loss in connection with the injuries to her son above mentioned; and to Margaret Nolan, the mother of Thomas Nolan, the sum of \$25 per month for a period of 96 months, to be used in aiding the said Thomas Nolan to secure a practical education.

If for any reason it should become impossible or impractical to make such payments to the mother before the last amount above provided shall have been paid for the benefit of the said Thomas Nolan, then the Veterans' Bureau shall make the payments to the legal guardian of the said Thomas Nolan.

The Veterans' Bureau may require such reports as it may deem proper to show the money paid is being properly used for the education of the boy as intended and may suspend payment for want of such reports.

Mr. CALDER Mr. President this bill is for the relief of

Mr. CALDER. Mr. President, this bill is for the relief of Margaret Nolan, the mother of Thomas Nolan. The record in the case shows that Thomas Nolan, a boy 9 years old, while crossing a street in Brooklyn was run down by an Army ambulance going at a very fast rate of speed. As I originally introduced the bill it proposed to give his mother, who is his guardian, \$5,000. The committee have struck out all of the bill which was introduced by me and in lieu thereof have inserted language which provides that his mother shall be paid the sum of only \$350; that the hospital where he was treated shall be paid \$150; and a firm of attorneys for services ren-dered shall be paid to the extent of \$150, and that for 96 months the mother shall be paid \$25 a month to take care of the boy.

Mr. McKELLAR. In the aggregate, how much will that be? Mr. CALDER. It will aggregate \$3,050. I know the case and I have seen the boy.

Mr. McKELLAR. Was the boy killed?

Mr. CALDER. No; but the boy was run over and will be a cripple for life.

Mr. McKELLAR. How was he injured?

Mr. CALDER. His ankle was run over. I have seen the boy; in fact, I have examined his foot. He limps very badly, and will limp forever. I think the sum of \$3,050, distributed in the manner proposed, will help to educate him, at any rate. Mr. LODGE. By what kind of a wagon was he injured?

Mr. CALDER. By an Army ambulance, going at a very rapid rate of speed.

Mr. McKELLAR. I have no objection to the bill, Mr. Presi-

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAILING PRIVILEGES FOR PUBLICATIONS FOR THE BLIND.

Mr. FRELINGHUYSEN. Mr. President, I inquire if there would be objection to returning to Order of Business No. 1004. was absent from the Chamber when that number was called. I do not think there will be any objection to the bill.

The PRESIDING OFFICER. The Senate is proceeding under a unanimous-consent agreement to consider bills on the

calendar

Mr. FRELINGHUYSEN. Very well, I withhold my request at the present time until the calendar may be concluded.

HASTINGS BROS.

The bill (S. 1490) for the relief of G. T. and W. B. Hastings, trading as Hastings Bros., was considered as in Committee of the Whole. The bill was read, as follows:

the Whole. The bill was read, as follows:

Be it enacted, etc., That the claim of G. T. and W. B. Hastings, partners trading as Hastings Bros. and doing business in the city of Norfolk, Va., owners of the steam water boat Iola, against the United States for damages alleged to have been caused by collision between the said steam water boat and the United States tug Hercules in Elizabeth River on the 3d day of April, 1919, may be sued for by the said Hastings Bros. In the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of said Hastings Bros., or against the said Hastings Bros. in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: Provided. That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States: Provided further, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. McKELLAR. As I understand, the bill merely provides

Mr. McKELLAR. As I understand, the bill merely provides that suit may be brought, and I shall not object to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUIS F. MEISSNER.

The bill (S. 1538) for the relief of Louis F. Meissner was announced as next in order. The bill was read, as follows:

announced as next in order. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of Louis F. Meissner, a resident of Elmira, N. Y., formerly of Germania, Pa., United States 4 per cent coupon bonds, funded loan of 1907, Nos. 76978, 76979, 76980, 76981, for \$100 each, with interest from October 1. 1906, to the date of the maturity of the bonds on July 2, 1907, the said bonds with coupons attached having been stolen from the said Louis F. Meissner in February, 1907: Provided, That the said Louis F. Meissner shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of said bonds and the interest due thereon, with good and sufficient surety, to be approved by the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of said bonds and interest.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CURTIS. I should like to know whether the bonds which it is alleged were stolen, or any of the coupons attached thereto, have ever been presented to the department for pay-

Mr. CALDER. There is a report on the bill which sets forth the facts.

Mr. CURTIS. I ask the question for the reason that if this bill is to be passed, then every man who has lost Government bonds or had them stolen from him should be similarly treated and his bonds should be made good by the Government. are going to pass this bill we ought to pass other similar bills.

Mr. McKELLAR. I imagine there will be a great many of them.

Mr. CALDER. It is stated in the report that-

The bonds in question have not been presented since their alleged theft in 1907, that no coupons have been received at the Treasury Department dated later than October 1, 1906, and that there has been no claim made on account of the said bonds so far as the department is aware other than by Louis F. Meissner.

Mr. ROBINSON. When were the bonds lost or stolen?

Mr. CALDER. In 1906.

Mr. DIAL. What is the amount involved?

Mr. CALDER. Four hundred dollars. Under the bill before the owner from whom the bonds were stolen can obtain any benefit he is required to give bond to the Treasury Department in an amount double the face value of the bonds; so that the Government is protected in every way.

Mr. McKELLAR. Does the Secretary of the Treasury rec-

ommend the passage of this bill?

Mr. CALDER. As shown by the report, a letter from the Assistant Secretary of the Treasury says that if the committee so desires "a bill will be prepared in this office."

I understand that the department has no objection. The committee examined the matter very carefully and there was no objection to it. The Government, I repeat, is amply protected.

Mr. McKELLAR. How much does the bill propose to appropriate?

The PRESIDING OFFICER. The Chair is informed that there were four bonds of \$100 each

Mr. CALDER. The amount is \$400. Mr. CAPPER. The Secretary of the Treasury approved the bill provided the interests of the Government were amply protected by the filing of the necessary bond.

Mr. McKELLAR. In case they should turn up in other

Mr. CALDER. Yes. Mr. BROUSSARD. The claimant is required to furnish a

bond of \$800 in order to collect \$400.

Mr. KING. I should like to ask the Senator from New York, in my time if his time has expired, if he thinks it wise for the Government of the United States to establish the precedent of paying for every bond that may be stolen or lost?

Mr. CALDER. I do, provided the Government is amply protected. In this case the owner of the bonds is required to give surety satisfactory to the Treasury Department for twice the face value of the bonds. Suppose fire should consume bonds in large amounts, or suppose they should be stolen, or suppose they should be lost at sea, will it be contended that the Treasury Department should have the advantage of that and refuse payment for the bonds, notwithstanding the Government is amply

Mr. KING. If I may say a word in reply to the Senator, where there is satisfactory evidence—and it must be almost conclusive—that bonds have been lost by fire or, as the Senator indicated, at sea, a different principle applies, but where bonds have been stolen and it is known that they will be put in circulation and there is no means of identification, in view of the fact that they pass current the same as greenbacks pass current, I think it is a very bad precedent to establish to say that the Government of the United States shall reimburse the original owner, because we will have a multitude of such claims here, I will say to the Senator.

Mr. CALDER. I repeat that in this case the Government is

entirely protected.

Mr. KING. It is a temporary protection. The Government takes a bond. Suppose it is a bond given by individuals. Those individuals are solvent to-day, but they may be insolvent to-morrow, and their estates may be insolvent. If it is a surety company, the surety company may be solvent to-day; it may be a going concern, and to-morrow it may fail, as many surety companies have; so that in 10, 15, or 20 years the sureties given to-day would not be able to respond in damages to the Govern-

Mr. CALDER. Of course, the world may come to an end tomorrow.

Mr. KING. The Senator will appreciate the difference between the solvency of a surety and the perpetuity of this little

Mr. ROBINSON. Mr. President, were the bonds payable to bearer or were they registered bonds?

Mr. CALDER. They were registered bonds.
Mr. ROBINSON. If they were registered bonds, there should be no question about the justice of the bill.

Mr. KING. If they were registered bonds; yes.
Mr. CALDER. I understand they were,
Mr. KING. If the Senator can assure me they were regis-

tered a different proposition is presented.

Mr. SWANSON. Mr. President, the only way relief can come in a case like this is through Congress. The United States Government does not want to make money because peo-ple lose Government bonds. That is not done in the case of individual corporations. A great many measures of this kind have been passed. I remember a case of this kind in which I was interested and which went through the Congress last year. In that instance a man had lost a bond, and the bill passed the Senate after proper discussion. Nobody wants the Government to try to get money to which it is not entitled.

Under the law if a bond of a corporation is lost, if the owner can prove that the bond was lost or destroyed, he may recover in court, but the United States Government can not be sued, and the only way that relief may be afforded in a case like this is to get the consent of Congress. The bill provides that surety shall be given to double the amount of the bonds in order to satisfy the Secretary of the Treasury and protect the Government.

Mr. BROUSSARD. Mr. President, I understand that the very purpose of registering bonds is for the protection of the owner of such bonds. If Mr. Meissner is recorded as the owner of these bonds, and nobody contests his ownership, and furnishes bond in twice the amount of the principal, there is no other course for the Senate to pursue than to pass this measure.

Mr. BRANDEGEE. Mr. President, there is no risk about

it, is there?
Mr. BROUSSARD. None at all.
Mr. BRANDEGEE. If the bonds are payable to him, nobody else could present them and get the money; so that really there is no necessity for a surety bond at all.

Mr. CALDER. And 16 years have elapsed since the loss. Mr. DIAL. Does the Senator say they were registered bonds?

Mr. CALDER. That is my information.

Mr. DIAL. Mr. President, the Government ought not want to profit by the misfortune of the holder of its bonds. On the other hand people ought to be very careful with their papers. Perhaps it would be better to reject the claim than to establish the precedent of encouraging people to be careless and lose their bonds. Perhaps bonds might be burned up; but in this day and time they should be put away in a safe place and taken care of in a proper manner. To establish this precedent I think will result in having a great many more such cases come here, and we ought to be very careful as to what

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection the Senate, as in the Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RATES OF POSTAGE ON PRINTED MATTER.

The bill (H. R. 6954) fixing rates of postage on certain kinds of printed matter was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That single sheets or portions thereof from any publication entered as second-class matter, sent by a publisher to an advertiser or the latter's agent on account of and in proof of the insertion of an advertisement, shall, under such rules and regulations as may be prescribed by the Postmaster General, be received and transmitted through the mails at the zone rates of postage applicable under the law to the advertising portions of such second-class matter.

Mr. McKELLAR. Mr. President, will the Senator from Michigan explain the bill?

Mr. TOWNSEND. At present when a person advertises in a magazine or newspaper a copy of the entire magazine or newspaper is sent to the advertiser in order to enable him to correct the advertisement, to look over the proof. This bill will enable the publisher to send to the advertiser merely the sheet or the page upon which the advertisement is printed. There are reasons why this should be done. It is convenient that it should be done; it will save paper to have it done; it will be cheaper for the Government to have it done, because under existing conditions second-class mail matter costs us more than we get out of it. Under present practice an entire magazine is sent to the advertiser who inserted an advertisement, whereas under the provisions of the bill there will be sent out for correction at the same rate the page or sheet upon which the advertisement occurs.

Mr. ROBINSON. Mr. President, if I understand the Senator correctly, it will affect the revenues for second-class mail bencficially rather than diminish them?

Mr. TOWNSEND. We can not lose on it even under the speculation as to what we are getting out of second-class mail matter. Nobody assumes that we are getting more than we ought to get.

Mr. McKELLAR. Did the Postmaster General recommend the bill?

Mr. TOWNSEND. He does recommend and approve it. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONTREAL RIVER LIGHTHOUSE RESERVATION, MICH.

Mr. TOWNSEND. Mr. President, I am required to leave the Chamber in a little while. There was a bill reported this morning which I am sure will meet the approval of every Senator, but owing to the fact that a Senator objected to unanimous consent at the time, it had to go over. I refer to House bill 13032, which passed the House unanimously and which provides that the Government may deed a portion of an unused lighthouse site in Lake Superior to the American Legion there for the purpose of maintaining a park and a hospital for their disabled members. The Government has already leased it to them for five years, which is the longest term for which such a lease can be made. The bill provides that the property shall be deeded to the Gogebic County board of the American Legion for the continuance of the hospital and park. The bill carries a provision that if at any time the land is not used for the benefit of the American Legion for the purpose of maintaining a park it shall again revert to the Government. The Commissioner of the Lighthouse Service, under the Secretary of Commerce, recommends that this be done, and he says the property is of practically no value now, and that if it can be used for hospital and for park purposes it ought to be so used.

Mr. ROBINSON. Has the bill been favorably reported by

the committee?

Mr. TOWNSEND. It has been favorably reported. It was put on the calendar this morning.

Mr. McCUMBER. Mr. President-

Mr. TOWNSEND. I yield.

Mr. McCUMBER. I wish to suggest to the Senator that, if I understand the situation correctly, a unanimous-consent agreement has been made since the objection was made to the consideration of the bill referred to by the Senator from Michigan. The unanimous-consent agreement was to take up the calendar at a certain point and proceed with it until 4 o'clock. Therefore we can not consent to another unanimous consent to go back of the point where we were to begin without a violation of the agreement.

Mr. TOWNSEND. It would not be going back, for the bill was only reported this morning. The only reason that I ask consent at this time is because I am obliged to leave the Chamber. If there is any objection to this bill, if any Senator can find any reason why it should not be passed I will not

ask for its consideration.

Mr. McCUMBER. Let me ask the Senator, is the bill on the calendar now?

Mr. TOWNSEND. It is on the calendar, having been put on the calendar this morning.

Mr. McCUMBER. I have no objection to the consideration of the bill

Mr. ROBINSON. It is not on the printed calendar because it was only reported this morning, but I think there will be no objection to the bill.

Mr. McKELLAR. I know of no objection unless it may be that in the event of changing currents or channels the lighthouse property might be needed by the Government. In that what would happen?

Mr. TOWNSEND. I doubt if it could go back to the Government unless it were abandoned by the American Legion. The lighthouse service contends that there is no need for this particular site for a lighthouse; it has been abandoned for years and is a worthless property at present.

Mr. McKELLAR. How much land is involved? Mr. TOWNSEND. About 40 acres.

The PRESIDING OFFICER. Is there objection to the pres-

ent consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13032) to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County board of the American Legion, Bessemer, Mich., which was read, as follows:

Bessemer, Mich., which was read, as follows:

Be it enacted, etc., That the Secretary of Commerce, for and on behalf of the United States, is hereby authorized and directed, in his discretion, to sell and convey to the Gogebic County board of the American Legion, Bessemer, Mich., for the sum of \$1, that certain piece or parcel of land known as the Montreal River Lighthouse Reservation, Mich., with all the rights, easements, and appurtenances thereto belonging, which is all that parcel of land situate at the mouth of the Montreal River in the county of Gogebic, State of Michigan, comprising lot 2, section 10, township 48 north, range 49 west, and containing 40.85 acres, more or less, the same being no longer required for lighthouse purposes: Provided, That said Gogebic County board of the American Legion shall use this site for park purposes and as a home for invalid members of the American Legion: Provided further, That the deed of conveyance shall be upon the express condition that if at any time the Secretary of Commerce shall determine that the site hereby authorized to be conveyed is not being maintained by the said Gogebic County board of the American Legion as a site for park purposes and as a home for invalid members of the American Legion, and shall file and cause to be recorded a certificate to that effect in the

office of the official custodian of the records pertaining to real estate in the county of Michigan in which said lands are located, then the estate thereby conveyed shall immediately terminate and revert to the United States, which may thereupon reenter into and upon said premises as of its first and former estate.

Sec. 2. That the right to alter, amend, or repeal this act is hereby

expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDEMNITY LAND SELECTIONS IN WYOMING.

Mr. WARREN. Mr. President, I am compelled to leave the Chamber to attend a very important committee meeting. There is a little House bill on the calendar which is designed to save a man's homestead. The bill embraces only a few lines, and was reported to the Senate this morning. I ask unanimous consent for the consideration of the bill (H. R. 11637) authorizing the Secretary of the Interior to approve indemnity selections in exchange for described granted school lands.

The PRESIDING OFFICER. Is there objection to the re-

quest of the Senator from Wyoming?

Mr. KING. What is the calendar number of the bill?

Mr. WARREN. It is not on the printed calendar, having been reported only this morning.

The PRESIDING OFFICER. The Chair is advised that the

bill will be at the desk in a moment.

Mr. KING. Pending the receipt of the bill referred to by the Senator from Wyoming, I suggest that he make a brief expla-nation of the measure. Time is very valuable.

nation of the measure. Time is very valuable.

Mr. WARREN. Mr. President, this farmer settled on a home stead, on what was known as section 35, under the surveys of the United States. It seems that years afterwards a resurvey was made, and it was found that he was on section 36. department, therefore, has asked that this bill be passed, so that the State can have other lands in place of section 36. man has built a house costing a matter of fourteen or fifteen hundred dollars, and he will lose it unless he is relieved by the passage of this bill.

The PRESIDING OFFICER. Is there objection to the pres-

ent consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as fol-

Bv it enacted, etc., That upon the selection by the State of Wyoming under the provisions of sections 2275 and 2276, United States Revised Statutes, as amended by the act of February 28, 1891 (26 Stat. p. 796), and in accordance with the regulations of the Department of the Interior governing such selections of other lands approximately equal in area in exchange for tract numbered 60, township 56 north, of range 69 west, of the sixth principal meridian in that State, which is a segregation by resurvey of granted school section 36 in said township, the Secretary of the Interior is hereby authorized to convey title to the State for the land so selected if found regular.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NORTHROP BANKS.

The bill (S. 1194) for the relief of Northrop Banks was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 11, after the word "duty," to insert a colon and the words "Provided, That no back pay, bounty, or other emoluments shall accrue prior to the passage of this act," so as to make the bill read:

passage of this act, so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon soldiers who have been honorably discharged by reason of disability incurred in line of duty, Northrop Banks, private, Company C, Second Regiment Missouri National Guard Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment by reason of disability incurred in the line of duty: Provided, That no back pay, bounty, or other emoluments shall accrue prior to the passage of this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. KING. Mr. President, without an explanation of the bill I shall object

The PRESIDING OFFICER. The Chair hears no objection.

Mr. KING. I will object, then, Mr. President.

Mr. ROBINSON. Mr. President, I hope the Senator will not object.

Mr. KING. I withhold the objection.

Mr. ROBINSON. The bill is in the usual form that such measures take. This young man, as shown by the evidence submitted to the committee, was physically disabled while in the military service. He was in a very serious condition from sun-stroke or heat prostration while in the Federal service, and was discharged without evidence in the record of his disability. record of the War Department does not show that he suffered such disability, but the facts unquestionably are that he was

in a very serious condition as a result of what is commonly known as sunstroke. The bill is in the form recommended by the Assistant Secretary of War. I hope there will be no objection to its consideration.

Mr. KING. As I understand, the purpose is to place this man's name upon the rolls so that he may be entitled to a pension. Is that the object of it?

Mr. ROBINSON. So that he may have the benefits of a pension, or similar relief.

Mr. KING. Does it appear now as if he were a deserter, according to the record?

Mr. ROBINSON. No. The bill also provides that no back pay, bounty, or other emoluments shall accrue, as is the usual form in such bills.

Mr. KING. May I inquire of the Senator if he was in the service and was discharged as suffering from disability or subsequently became ill, and his disability was traceable to the service, whether he would be entitled to a pension under existing law?

Mr. ROBINSON. Yes; but the record, as I have already stated, shows that while he was discharged, his discharge does not disclose his disability; but the disability in fact existed. beyond doubt, according to the proof submitted to the com-

Mr. KING. Let me say to the Senator, as I understand the law, that even if the discharge showed no disability it would not be conclusive, and proof to the satisfaction of the medical officers that he was suffering from the disability at the time of his discharge would entitle him to compensation.

s discharge would entitle him to compensation.

Mr. ROBINSON. I think not, under the existing law. A disability must be proved to have arisen in the service. soldier must have more than 10 per cent of disability upon his discharge in order to recover any emoluments as the result of his service

Mr. KING. Would my friend, to whose wishes I desire to

subscribe, consent to let it go over?

Mr. ROBINSON. The bill was presented by the Senator from Missouri [Mr. Reed]. I think it is a much better bill than many similar bills that have passed the Senate, for the reason that the evidence is absolutely conclusive, in my judgment, that the disability did, in fact, arise during the soldier's service, and the failure of it to appear in his record in the War Department is due to no fault of his. Of course, if the Senator desires to object, he is entirely at liberty to do so.

Mr. KING. Mr. President, I shall ask that the bill be tem-

porarily laid aside.

The PRESIDING OFFICER. There is objection, and the Secretary will state the next bill on the calendar.

BILL PASSED OVER.

The bill (S. 4282) for the purchase of the statue "The Pilgrim Mother and Child of the Mayflower" and presentation of same to the Government of Great Britian was announced as next in order.

Mr. BRANDEGEE. Let that go over. Mr. McCUMBER. Mr. President, do I understand that there is objection to the consideration of that bill?

The PRESIDING OFFICER. The Chair so understood.

Mr. BRANDEGEE. I object. Mr. McCUMBER. Very well, Mr. President.

W. H. POWER.

The bill (S. 4156) authorizing the accounting officers of the General Accounting Office to settle the accounts of W. H. Power, was announced as next in order.

Mr. KING. I reserve the right to object. Let the bill be read.

The PRESIDING OFFICER. The bill will be read,

The bill was read, as follows:

The bill was read, as follows;

Be it enocted, etc., That the accounting officers of the General Accounting Office are hereby authorized and directed to allow, in the settlement of the accounts of W. H. Power, disbursing officer of the United States Fuel Administration, credit for payments not ordinarily allowable under the statutes made during the period April 1, 1918. to June 30, 1919, on properly certified and approved pay rolls and vouchers without fraud or negligence on his part.

Mr. KING. That is a very extraordinary measure, and unless there is some explanation I shall feel constrained to ob-

ject to its consideration.

Mr. CAPPER. Mr. President, the purpose of the bill is simply to permit Power, who was disbursing officer for the United States Fuel Administration, to draw his salary at this time as an officer of the Veterans' Bureau. In the meantime his accounts are still awaiting final settlement, and can not be disposed of finally for probably a year or two; but under a provision of the law the auditor or comptroller can not issue warrants for his salary.

This matter comes up here from the Comptroller General, and it has the approval of all the departments of the Gov-ernment that are concerned in it. The Senator will find at the bottom of page 3 of the report a statement from Mr. Garfield, the United States Fuel Administrator, certifying to the justice of the legislation asked for. It is simply to correct a bookkeeping difficulty, and permit this man to draw his salary. No one questions that he rendered faithful service, and that his accounts were correct, and that in the final set-tlement nothing should be charged against him.

The PRESIDING OFFICER. Is there objection to the con-

sideration of the bill?

Mr. KING. Mr. President, I shall not object, but I shall vote against the bill. I want to call attention to the fact that the language goes further than the intimation of the Senator. It authorizes the disbursing officer to receive "credit for payments not ordinarily allowable under the statutes made during the period April 1, 1918, to June 30, 1919." We do not know what those payments are. Of course, if there were some tangible evidence indicating what the payments are, it would be different; but we do not know. We are utterly at a loss to know what is comprised within this suggestion.

Mr. CAPPER. Let me call the Senator's attention to the statement of the Fuel Administrator, Mr. Garfield, in which

he says:

I believe you to be above reproach in the handling of the funds intrusted to you, and, as I understand the matter, the disallowances which stand against you to-day are on account of salaries paid to various persons employed by the Fuel Administration upon properly certified and approved pay rolls and vouchers.

I suggest that you call to the attention of the Committee on Claims the organization of the business management of the Fuel Administration and the powers of his several officials found on pages 6 and 7 of the final report of the business manager. Authority and responsibility were distributed with careful attention to the requirements of the law. Pay-roll vouchers originated in the accounting section. I am sure that our records will show that you paid no pay-roll voucher that had not been approved by Mr. Garnsey or me, and our approval was invariably conditioned upon the approval and signature of the officials responsible for examination and approval, as set forth in the report above referred to. It was your duty to pay vouchers transmitted to you by the proper administrative officers after the same had been received, examined, and approved by them. All of this is, as I understand it, in accordance with the law and rules concerning the duty of disbursing clerks, which limit your responsibility to an examination of pay rolls and vouchers to determine that there is no apparent error on the face of the papers before you. I do not understand that it was your duty to inquire into the validity of the appointment of employees of the Fuel Administration.

Mr. KING. Mr. President, will the Senator accept an amend-

Mr. KING. Mr. President, will the Senator accept an amendment? I understand that \$2,775.12 is the amount due as salary.

Mr. CAPPER. That is it.

Mr. KING. I move to amend by adding, after the word "payments," in line 6, the words "not exceeding \$2,775.12."
Mr. CAPPER. The amendment is satisfactory.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The amendment offered by the

Senator from Utah will be stated, The Assistant Secretary. It is proposed to add, after the word "payments," in line 6, the words "not exceeding \$2,775.12."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER,

The bill (S. 3023) for the relief of Robert F. Hamilton was announced as next in order.

Mr. KING. Mr. President, the Senator from South Carolina [Mr. DIAL] has just been called from the Chamber, and he asked me, if this bill came up, to ask that it go over until he

Mr. HARRELD. Mr. President, the Senator simply asks that it go over until the Senator from South Carolina comes

back?

Mr. KING. Until his return; yes.
Mr. HARRELD. That will be all right.
The PRESIDING OFFICER. The bill will be temporarily passed over

ESTABLISHMENT OF STANDARD GRADES OF NAVAL STORES, ETC.

The bill (S. 1076) establishing standard grades of naval stores, preventing deceptions in transactions in naval stores, regulating traffic therein, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that bill go over.

Mr. HARRISON. Mr. President, may I say to the Senator from Washington that this is a bill that has been pending for two years. I introduced it. This bill applies purely to turpentine and rosin. There was some difference of opinion among the Senators representing the turpentine section of the country. We have all gotten together now. The Department of Agriculture recommends this action; the varnish and paint people recommend it; every turpentine and rosin concern indorses it; everybody is together on the matter. It merely prevents cheating and defrauding in the sale of turpentine and rosin.

Mr. JONES of Washington. Mr. President, my recollection

is that when this bill was up for consideration once before—
Mr. HARRISON. This bill never has been up before. This bill carries a substitute that is indorsed by everybody who is interested in the matter.

Mr. JONES of Washington. I know that a bill of this kind was reached on the calendar some little time ago, and I think

Mr. JONES of Washington. No; it was relating to naval

stores.

Mr. HARRISON, Well, it came up in that matter. It said "naval stores," and I amended it to make it read "producers of turpentine and rosin,"

Mr. JONES of Washington. So this is satisfactory to the Senator from Massachusetts?

Mr. HARRISON. Oh, I am sure he has no objection. No one could have any objection to this bill.

Mr. JONES of Washington. I have not any objection if he has not.

Mr. HARRISON. I am very anxious to get the bill passed. I may say, too, that it was unanimously reported out of the committees of the Senate and of the House, and is now on the

calendar in the House. I am very anxious to have it passed.

The PRESIDING OFFICER. Is there objection to the pres-

ent consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and to insert:

insert:

That, for convenience of reference, this act may be designated and cited as "The naval stores act."

SEC. 2. That, when used in this act—

(a) "Naval stores." means spirits of turpentine and rosin.

(b) "Spirits of turpentine "includes gum spirits of turpentine and wood turpentine.

(c) "Gum spirits of turpentine" means spirits of turpentine and from gum (oleoresin) from a living tree.

(d) "Wood turpentine" includes steam distilled wood turpentine and destructively distilled wood turpentine.

(e) "Steam distilled wood turpentine" means wood turpentine and destructively distilled wood turpentine "means wood turpentine distilled with steam from the oleoresin within or extracted from the wood.

(f) "Destructively distilled wood turpentine" means wood turpentine obtained in the destructive distillation of the wood.

(g) "Rosin" includes gum rosin and wood rosin.

(h) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine.

(i) "Wood rosin" means rosin remaining after the distillation of steam distilled wood turpentine.

(j) "Package" means any container of naval stores, and includes barrel, tank, tank car, or other receptacle.

(k) "Person" includes partnerships, associations, and corporations, as well as individuals.

(j) The term "commerce" means commerce between any State, Ter-

(k) "Person" includes partnerships, associations, and corporations, as well as individuals.

(j) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State. Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia.

sion, or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia.

Sec. 3. That for the purposes of this act the kinds of spirits of turpentine defined in subdivisions (c), (e), and (f) of section 2 hereof and the rosin types heretofore prepared and recommended under existing laws, by or under authority of the Secretary of Agriculture, are hereby made the standards for naval stores until otherwise prescribed as hereinafter provided. The Secretary of Agriculture is authorized to establish and promulgate standards for naval stores for which no standards are herein provided, after at least three months' notice of the proposed standard shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same. No such standard chall become effective until after three months from the date of the promulgation thereof. Any standard made by this act or established and promulgated by the Secretary of Agriculture in accordance therewith may be modified by said Secretary whenever, for reasons and causes deemed by him sufficient, the interests of the trade shall so require, after at least six months' notice of the proposed modification shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same; and no such modification so made shall become effective until after six months from the date when made. The various grades of rosin, from highest to lowest, shall be designated, unless and until changed, as hereinbefore provided, by the following letters, respectively; X, WW, WG, N, M, K, I, H, G, F, E, D, and B, together with the designation "gum rosin" or "wood rosin," as the case may be.

The standards herein made and authorized to be made shall be known as the "Official naval stores standards of the United States," and may be referred to by the abbreviated expression "United States standards," and shall be the standards by which all naval stores in commerce shall be graded and described.

SEC. 4. That the Secretary of Agriculture shall provide, if practicable, any interested person with duplicates of the official naval stores standards of the United States upon request accompanied by tender of satisfactory security for the return thereof, under such regulations as he may prescribe. The Secretary of Agriculture shall examine, if practicable, upon request of any interested person, any naval stores and shall analyze, classify, or grade the same on tender of the cost thereof as required by him, under such regulations as he may prescribe. He shall furnish a certificate showing the analysis, classification, or grade of such naval stores, which certificate shall be prima facie evidence of the analysis, classification, or grade of such naval stores and of the contents of any package from which the same may have been taken, as well as of the correctness of such analysis, classification, or grade and shall be admissible as such analysis, classification, or grade and shall be admissible as such analysis, classification, or grade and shall be admissible as such analysis, classification, or grade and shall be admissible as such analysis, classification, or grade and shall be admissible as such analysis, classification or grade and shall be admissible as such analysis, classification or grade and shall be admissible as such analysis, classification or grade and shall be admissible as such analysis, classification or grade and shall be admissible as such analysis, classification or grade and shall be admissible as such analysis, classification or grade and shall be admissible as such analysis, classification or grade and shall be admissible as such analysis, classification or grade and shall be admissible as

(a) The sale in commerce of any naval stores, or of anything offered as such, except under or by reference to United States standards.

(b) The sale of any naval stores under or by reference to United States standards which is other than what it is represented to be.

(c) The use in commerce of the word "turpentine" or the word "rosin," singly or with any other word or words, or of any compound, derivative, or imitation of either such word, or of any misleading word, or of any word, combination of words, letter or combination of letters, provided herein or by the Secretary of Agriculture to be used to designate naval stores of any kind or grade, in selling, offering for sale, advertising, or shipping anything other than naval stores of the United States standards.

(d) The use in commerce of any false, misleading, or deceitful means or practice in the sale of naval stores or of anything offered as such.

Sec. 6. That any person willfully violating any provision of section 5 of this act shall on conviction, be punished for each offense by a fine not exceeding \$5,000 or by imprisonment for not exceeding one year, or both.

Sec. 7. That the Secretary of Agriculture is hereby authorized to purchase from time to time in open market samples of spirits of turpentine and of anything offered for sale as such for the purpose of analysis, classification, or grading and of detecting any violation of this act. He shall report to the Department of Justice for appropriate action any violation of this act coming to his knowledge. He is also authorized to publish from time to time results of any analysis, classification, or grading of spirits of turpentine and of anything offered for sale as such made by him under any provision of this act.

Sec. 8. That there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the administration and enforcement of this act, and within the limits of such sums the Secretary of Agriculture is authorized to emplo

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WESTERN JUDICIAL DISTRICT OF TEXAS.

The bill (H. R. 6423) to detach Pecos County, in the State of Texas, from the Del Rio division of the western judicial district of Texas and attach same to the El Paso division of the western judicial district of said State, was considered as in Committee of the Whole, and was read, as follows:

In Committee of the Whole, and was read, as follows:

Be it enacted, etc., That Pecos County, in the State of Texas, be, and the same is hereby, detached from the Del Rio division of the western judicial district of the State of Texas and attached to and made a part of the El Paso division of the western judicial district of said State.

SEC. 2. That all process against persons residents in said county of Pecos and cognizable before the United States district court shall be issued out of and made returnable to said court at Pecos City, and that all prosecutions against persons for offenses committed in said county of Pecos shall be tried in said court at El Paso or Pecos City: Provided, That no civil or criminal cause begun and pending prior to the passage of this act shall be in any way affected by it.

The bill was reported to the Senate without awardment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF REVENUE ACT OF 1921.

The bill (H. R. 13775) to amend the revenue act of 1921 in respect to credits and refunds was announced as next in order.

Mr. McCUMBER. Mr. President, I think there will need to
be some explanation of this bill, and I can make it very briefly.

There are two provisions in the bill. The first provision is to meet this situation: The Treasury Department has been unable to keep up with the correction of tax returns for more than five years, in some instances. Therefore they are seeking, through their agents, to have those who are interested in the tax returns for 1917 to waive the five-year limitation, and that is being

generally done by firms and corporations and individuals to enable the office to check up those returns; but, while they have so waived the limitation for the benefit of the Government and given it an additional year, the Government under the law can not grant the individual or the corporation an additional year. This bill has been framed to meet that situation, to give the Government an extra year in which to revise the tax of 1917; and by the provisions of the bill the taxpayer is given the right for another year to file an application for refund, so that it will agree with the law as it now stands, each party being granted an additional year.

Mr. ROBINSON and Mr. POMERENE addressed the Chair.

The PRESIDING OFFICER (Mr. Sterling in the chair).
Does the Senator from North Dakota yield; and if so, to whom?

Mr. McCUMBER. I yield first to the Senator from Arkansas. Mr. ROBINSON. If the law is not amended it will work a hardship upon many taxpayers who, having waived the statute of limitations, will themselves be caused to suffer loss by reason of their own waivers.

Mr. McCUMBER. Yes; that is correct.
Mr. POMERENE. I desire to ask the Senator whether it limits the extension to the taxes for the year 1917?

Mr. McCUMBER. Yes; it is limited only for that one year. The taxes were paid, of course, in 1918, but it was the 1917 tax. The five-year limitation which began in 1918 can not begin until they have filed their claims and will be for the five years beginning in 1918. It is the same as giving an extra year to the Government.

Mr. POMERENE. Is it not likely that the same embarrass-ments will present themselves when it comes to the considera-

tion of the taxes for the year 1918?

Mr. McCUMBER. No; I understand from the office of Secretary of the Treasury that before another year passes they will have been able to check up all of 1918 and will be caught up

with their work, but at present they are not.

That is the first proposition in the bill. The second proposition is one relating to the payment of taxes out of the fund in the hands of the Alien Property Custodian. Under the law since 1913 when the stockholders of a corporation were foreigners, whether alien enemies or not, or not in the jurisdiction of the United States, as well as in other instances, the corporation was required to withhold the dividend due to the stockholder and that dividend is then to be paid by the corporation to the Government; in other words, the corporation becomes surety for the individual stockholder. Now, there are a great many of these corporations.

I say a great many; I suppose perhaps there are less than 100, but there are quite a number in which the stockholders were exclusively alien enemies after 1917. Under the law of 1917 we took possession of all those corporations the majority of whose stock was held by alien enemies and their property was placed in the hands of the Alien Property Custodian. It was ascertained that in many of those instances, instead of paying the taxes which became due to the Government prior to the time of our entry into the war and prior to the time in which we had taken possession of the property, the corpora-tions had paid over the entire dividends to the foreign stock-holders, notwithstanding the law which provided that they should retain the amount to settle with the Government where the stockholder was an alien or not in the United States.

After obtaining the property in many instances, the custodian sold all the stock of the foreign corporations either to an American corporation or to American individuals, and in selling the property in many cases nothing was stated in the prospectus concerning any taxes that should have been withheld. In some instances but a very small percentage was spoken of

as having been withheld.

Now, as a matter of fact, the purpose of the law was simply that the Government might be sure to collect the taxes from the individual stockholders to whom the dividend was payable. When the

Mr. McNARY. Mr. President-

Mr. McCUMBER. Just a moment. Allow me to complete the When the property was sold to American corporasentence. tions or individuals the Government in some instances then ascertained that the foreign owner of the stock had received the full dividend; that it had not been paid by the corporation and assessed the entire amount against the corporation. The bill provides in the amendment that in those instances in which all the stock was held by alien enemies and the property was sold to Americans or to an American corporation and the money is in the hands of the Government at the present time. the Government shall reimburse itself out of the funds that are in its hands.

Mr. McNARY. Mr. President, a point of order.

Mr. McCUMBER. I am under the five-minute rule, and I want to make my statement before my time is up.
The VICE PRESIDENT. The Senator from Oregon will

state the point of order.

Mr. McNARY. The Senator has far exceeded the time allotted to him. There is no objection to his bill, and I do not understand why he does not allow it to pass.

Mr. McCUMBER. I thought I ought to explain it.

Mr. McNARY. Everyone is in favor of the measure. Why

not let it pass?

Mr. McCUMBER. If everyone is favorable I am very glad. It ought to go through. I will accept the Senator's suggestion. There being no objection, the bill was considered as in Committee of the Whole. The amendments of the Committee on Finance were, on page 1, line 5, after the numerals "252," to insert "(a)"; on page 2, in line 13, after the word "taxpayer," to insert: "except in those cases where the taxpayer has, prior to the expiration of five years from the date when the return was due, filed a waiver of his right to have the amount of income, excess-profits or war-profits taxes due for the taxable year 1917 determined and assessed within five years after the return was filed. In case of such waiver, credit, or refund of the tax paid for the taxable year 1917 in excess of that properly due shall be allowed or made if within six years from the date when the return was due a claim therefor is filed by the taxpayer." On line 23, page 2, to strike out "one year" and insert "two years"; on page 3, after line 16, to insert: "(b) That in all cases where income has at any time been received by any person who was or subsequently became an alien enemy, or by any corporation the majority of whose shares of outstanding stock was owned by persons who were or subsequently became enemy aliens and such persons or corporations has failed to pay any taxes payable under any revenue act of the United States, or such taxes have at any time been paid by citizens of the United States or by such corporation after the majority of its outstanding shares of stock has been purchased from the United States or from some officer or official of the United States by citizens of the United States or by a domestic corporation all of whose outstanding shares of stock were owned by citizens of the United States, the Secretary of the Treasury is authorized and directed, any statute of limitations and section 3228 of the Revised Statutes to the contrary notwithstanding, to collect such taxes out of the proceeds of any sales of such shares of stock or other property of such person or corporation, or either of them, which have become deposited in the Treasury of the United States pursuant to law and to refund to such citizens of the United States or to such corporation all taxes so paid by them, or any of them, and charge the amounts so refunded against the proceeds of the sales of such shares of stock or such other property so deposited in the Treasury of the United States: Provided, however, That the amounts of such refunds shall not exceed the amounts of such proceeds of the sales of such shares of stock or other property so deposited in the Treasury of the United States pursuant to law: And provided further, That if the amounts of such proceeds of the sales of such shares of stock or other property so deposited in the Treasury of the United States pursuant to law are less than the amount of taxes payable under any revenue act of the United States, nothing herein contained, after such proceeds are exhausted, shall be construed to prevent the collection from sources other than such proceeds of any deficiency in such taxes so payable" and on page 5, in line 5, before the word "where," insert "(c)"; and after line 9, to insert: "(d) that section 3226 of the Revised Statutes, as amended by section 1318 of the revenue act of 1921, is amended by striking out the period at the end of the first paragraph and inserting in lieu thereof the following: unless such suit or proceedings is begun within two years after the disallowance in whole or in part of such claim for refund or credit. The commissioner shall within 90 days after any such disallowance notify the taxpayer thereof by mail'"; so as to make the bill read:

so as to make the bill read:

Be it enacted, etc., That section 252 of the revenue act of 1921 is amended to read as follows:

"Sec. 252. (a) That if, upon examination of any return of income made pursuant to this act, the act of August 5, 1909, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' the act of October 3, 1913, entitled 'An act to reduce tariff duties and to provide revenue for the Government, and for other purposes,' the revenue act of 1916, as amended, the revenue act of 1917, or the revenue act of 1918, it appears that an amount of income, war-profits, or excess-profits tax has been paid in excess of that properly due, then, notwithstanding the provisions of section 3228 of the Revised Statutes, the amount of the excess shall be credited against any income, war-profits, or excess-profits taxes, or installment thereof, then due from the taxpayer under any other return, and any balance of such excess shall be immediately refunded to the taxpayer: Provided, That no such credit or refund shall be allowed or made after five years from the date when the return was due, unless

before the expiration of such dive years a claim therefor is filed by the taxpayor, except in those cases where the taxpayer has, prior to the expiration of five years from the date wheat the return was due, filed a waiver of his right to have the amount of income, excess-profits, or war-profits taxes due for the taxable year 1917 determined and assessed within they years after the return was filed. In case of such waiver, credit, or refund of the tax paid for the taxable year 1917 in excess of that properly due shall be allowed or made if within six years from the date when the return was due a claim therefor is filed by the taxapyer concess to the properly due to the fact in the return of income made pursuant to the revenue act of 1918, or this act, the invested capital of a taxpayer is decreased by the commissioner, and such decrease is due to the fact that the taxpayer filed to take adequate deductions in previous years, with the result that an amount of such excess shall, without the filing of any charged the amount of such excess shall, without the filing of any charged the provision of law and regardless of the expiration of such five-year period, the amount of such excess shall, without the filing of any charged the provision for the passage of this act under section 252 of the revenue act of 1918 under subdivision (a) of section shall be construed to bar from allowance claims for refund filed prior to the passage of the revenue act of 1916, or filed prior to the passage of this act under section 252 of the revenue act of 1918 under subdivision (a) of section 14 of the revenue act of 1916, or filed prior to the passage of this act under section 252 of the revenue act of 1918.

"(b) That in all cases where income has at any time been reserved by any persons who were or subsequently became enemy aliens and auch persons or corporation has failed to pay any taxes payable under any partition of the contrary not the transury of whose shares of stock has been purchased from the linited States or from some offi

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JAMES MORAN.

The bill (S. 3761) for the relief of James Moran was considered as in the Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment, in line 6, to strike out the words "Regiment, Rhode Island," and insert "Company, United States," and, in line 7, after the word "Artillery," to insert the word "Corps," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers James Moran, late corporal in the One hundred and ninth Company, United States Coast Artillery Corps, shall be held and considered to have been honorably discharged from the military service of the United States as a member of Company A, Ninth Regiment United States Infantry: Provided, That no back pay, bounty, or other emoluments shall accrue prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading,

read the third time, and passed.

MONUMENT AT FORT PIERRE, S. DAK.

The bill (S. 4350) authorizing the Secretary of the Interior to erect a monument at Fort Pierre, S. Dak., to commemorate the explorations and discoveries of the Verendrye brothers, and to expend not to exceed \$25,000 therefor, was announced as next in order.

Mr. ROBINSON. Mr. President, I observe that the bill carries an appropriation of \$25,000, or at least it seems to carry an appropriation of that amount. I have not had an opportunity to investigate the record to ascertain the facts.

Mr. STERLING. I think the Senator from Arkansas is The bill does authorize an appropriation of not exceed-

ing \$25,000 for the purpose,
Mr. ROBINSON. I believe the bill had better go over. ask that it may go over for the present. Probably on Monday it can be taken up if upon examination I find there is no objec-

The VICE PRESIDENT. The bill will be passed over.

HENRY B. F. MACFARLAND MEMORIAL.

The bill (S. 4463) to authorize the erection of a memorial monument or fountain as a gift to the people of the United States by the Henry B. F. Macfarland memorial committee was announced as next in order.

Mr. McKELLAR. Let the bill go over. Mr. KING. Will the Senator withhold his objection just a

Mr. McKELLAR. Certainly. Mr. KING. I am sure the Senator would not object if he understood the character of the measure. Mr. Macfarland, as we all know, was a very distinguished resident of this city and served as District Commissioner for many years. His services were of such a character as to commend themselves to the public and command the admiration of all. The measure merely provides that the ground for a memorial tablet may be used in conformity with the rules which obtain in the selection of such sites. There is no cost to the Government involved.

Mr. McCUMBER. It involves no expense whatever to the

Government?

Mr. KING. None whatsoever, and it is desired by the lead-

ing citizens of the community.

Mr. McKELLAR. Under the arrangement that I had with the senior Senator from Delaware [Mr. Ball], all District bills and all bills relating to District matters were to go over until Monday. That is my purpose. I have no objection to the

bill myself, but I may desire to offer an amendment to it.

Mr. McCUMBER. I do not think the Senator could properly designate this as a District bill. It is not a bill reported from

the District of Columbia Committee.

Mr. KING. It is rather national in character instead of local, because it treats of the Capital rather than the District. If the Senator's agreement extends so far as to include this bill, I shall not ask him to violate it.

Mr. McKELLAR. Under the statement made by the Senators

who have just spoken, I shall not offer any objection.

There being no objection, the bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Chief of Engineers, United States Army, be, and is hereby, authorized and directed to select a suitable site and to grant permission to the Henry B. F. Macfarland memorial committee for the erection, as a gift to the people of the United States, on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, Potomac Park, and the White House, of a monument or memorial fountain to the memory of Henry B. F. Macfarland, one-time president of the Board of Commissioners of the District of Columbia: Provided, That the site chosen and the design of the monument or memorial fountain shall be approved by the Joint Library Committee of Congress, with the advice of the Commission of Fine Arts, and shall be erected under the supervision of the Chief of Engineers, and that he United States shall be put to no expense in or by the erection of said monument or memorial fountain.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTIONS PASSED OVER

The joint resolution (S. J. Res. 91) authorizing the President to require the United States Sugar Equalization Board (Inc.) to adjust a transaction relating to 3,500 tons of sugar imported from the Argentine Republic was announced as next in order.

Mr. WADSWORTH. Let the joint resolution go over.

Mr. FRELINGHUYSEN. Is objection made to the present consideration of the joint resolution?
Mr. WADSWORTH. Yes.

The VICE PRESIDENT. The joint resolution will be passed over.

The joint resolution (S. J. Res. 172) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 2,000 tons of sugar imported from the Argentine Republic and adjust the loss sustained

thereby was announced as next in order.

Mr. WADSWORTH. Let the joint resolution go over.

The VICE PRESIDENT. It will be passed over.

The joint resolution (S. J. Res. 277) granting permission for the erection of a monument to symbolize the national game of baseball was announced as next in order.

Mr. McKELLAR. Let the joint resolution go over.
The VICE PRESIDENT. The joint resolution will be passed

ANNIVERSARY OF MONROE DOCTRINE AND DEATH OF JAMES MONROE.

The joint resolution (S. J. Res. 274) to provide for the participation of the United States in the observance of the one hundredth anniversary of the enunciation of the Monroe doctrine and of the ninety-second anniversary of the death of James Monroe, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on the Library, with an amendment, on page 2, line 3, after the word "hereby," to insert "authorized to be," so as to make the

joint resolution read:

the Library, with an amendment, on page 2, line 3, after the word "hereby," to insert "authorized to be," so as to make the joint resolution read:

Resolved, etc., That there is hereby established a commission to be known as the Monroe Doctrine Centennial Commission (hereinafter referred to as the congressional commission) and to be composed of nine commissioners as follows: Three persons to be appointed by the President, three Senators to be appointed by the President of the Senate, and three Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. The congressional commission shall serve without compensation and shall elect a chairman from among their number.

Sec. 2. (a) That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of any money in the Treasury not otherwise appropriated, the sum of \$122,500, to be expended by the congressional commission in accordance with the provisions of this resolution.

(b) Sixty-seven thousand five hundred dollars of such appropriation may be expended under the direction of the congressional commission and in cooperation with the James Monroe Memorial Association and Foundation, a corporation organized under the laws of the State of New York, and with such other agencies, public or private, as the congressional commission may determine, for the purposes of contributing to (1) the purchase and restoration of the former home of James Monroe in the city of New York, N. Y., as a permanent memorial, and (2) the creation of a memorial foundation the income from which shall be used for purposes of furthering progress, amity, and good will among the peoples of the Pan American Republics.

(c) Fifty-five thousand dollars of such appropriation may be expended under the direction of the congressional commission may determine, for the purpose of furthering progress, amity, and good will among the peoples of the Pan American Republics.

(c) Fifty-five thousand dollars of such a

The amendment was agreed to.

The joint resolution was reported to the Senate and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4478) to promote agriculture by stabilizing the price of wheat was announced as next in order.

Mr. WADSWORTH and Mr. KING. Let the bill go over.
The VICE PRESIDENT. The bill will be passed over.
The bill (H. R. 13880) for the reorganization and improvement of the foreign service of the United States, and for other purposes, was announced as next in order.

Mr. ROBINSON. Let the bill go over.

VICE PRESIDENT. The bill will be passed over. The bill (S. 3701) for the relief of Blattmann & Co. was announced as next in order.

Mr. ROBINSON. This is an important bill, and I suggest that it go over. It can be considered on Monday in all prob-

The VICE PRESIDENT. The bill will be passed over, The bill (S. 4472) to make an investigation of the needs of the Nation for public works to be carried on by Federal, State, and municipal agencies in periods of business depression and

unemployment was announced as next in order. Mr. STERLING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1847) to amend an act approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore & Potomac Railroad Co. in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate part of its railroad therein, and for other purposes," was announced as next in order.

Mr. McKELLAR. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4414) to amend the act of Congress approved September 6, 1922, relating to the discentinuance of the use as dwellings of buildings situated in alleys in the District of Columbia, was announced as next in order.

Mr. McKELLAR. I ask that the bill be passed over. The VICE PRESIDENT. The bill will go over.

The bill (H. R. 6650) providing additional terminal facilities in square east of 710 and square 712 in the District of Columbia for freight traffic was announced as next in order.

Mr. McKELLAR, Let the bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

CHARLES B. STRECKER.

The bill (S. 4192) to permit the correction of the general account of Charles B. Strecker, former Assistant Treasurer, United States, was announced as next in order and was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury Department are authorized and directed to examine and state an account of the items of unavailable funds as set forth in Senate Document No. 400, Sixty-sixth Congress, third session, and letter from the Secretary of the Treasury addressed to the President of the Senate, dated February 15, 1921, and to credit the general account of Charles B. Strecker, former Assistant Treasurer of the United States at Boston, Mass, with the amount thereof: Provided, That the credit herein authorized shall be made in such manner as to debit the individual or depositary chargeable therewith upon the books of the Treasury Department: Provided further, That upon the recovery or payment of any part of said unavailable funds, the same shall be deposited in the Treasury in such manner as to debit the Treasurer of the United States in his general account and to credit the individual or depositary charged therewith upon the books of the Treasury Department.

Mr. KING. I would like to have an explanation of the hill.

Mr. KING. I would like to have an explanation of the bill. Mr. LODGE. Mr. Strecker was the treasurer of the subtreasury in Boston at the time it was discontinued. When the office was closed there was found to be a shortage, owing to the shipment of currency to Washington, of \$2,546, and a shortage in the same class of currency which was held and not shipped to

Washington under instructions from Washington.

Mr. Strecker, the treasurer at Boston, had nothing to do with the money. It was in the time of the war. The office was in confusion. The shipments of currency were either not received or were not properly acknowledged. The Treasury recommends that Mr. Strecker be reimbursed for the shortage. It is a very clear case. He was in nowise responsible and had nothing to do with it. The matter has been before the Treasury Department and before the committee, and they have all agreed that he ought to be relieved.

Mr. KING. Does the Senator know from the evidence where the fault was, because obviously there was a loss to the Govern-

ment to the amount carried in the bill. Mr. LODGE. If the Senator will spare the time, I will give

all the details.

Mr. KING. Oh, no; I do not ask that.

Mr. LODGE. As I said, Mr. Strecker did everything he could. They were very short as to the matter of employees. In

his letter to the Secretary of the Treasury Mr. Strecker said: Personally I gave every attention possible to the work of the office, although I had no physical contact with the moneys, depending entirely upon the force of employees as I found them when I took the office, or as I was able to maintain it under the existing regulations and long-established custom, to do the work in an efficient and honest manner.

Then he details the shortness. The passage of the bill is recommended, in the first place, by Mr. Gilbert, Acting Secretary. It is then recommended by Secretary Mellon. The last recommendation is addressed to a Member of the House of Representatives and is dated February 9, 1923. Mr. White, the treasurer, states:

treasurer, states:

In response to your request of this date for a report covering the shortage in the subtreasury at Boston, discovered in October, 1920, and for which a bill is pending before your committee for the relief of the assistant treasurer for this shortage, beg to say that I have gone over this case with Mr. Moran, Chief of the Secret Service of the Treasury Department, and have read and studied the files of his office covering the investigation of the case.

I am satisfied that the loss was not due to the dishonesty or negligence of the assistant treasurer. The investigation of the Secret Service seems to me to have been quite thorough, and every person connected with the subtreasury at that time who could possibly have been guilty was carefully investigated. All evidence secured was submitted to the United States attorney of that district and by him submitted to the United States attorney of that district and by him submitted to the Gederal grand jury. This grand jury, after going into the case, did not find evidence sufficient to warrant an indictment. The Secret Service has since that time continued its investigation, but the probability of ever running down the guilty parties is quite remote.

This loss was discovered when the money in the subtreasury was checked up preparatory to its being turned over to the Federal reserve bank. Two packages of gold certificates, each supposed to contain 100 \$100 bills, were found to each contain 25 \$100 bills and 75 \$10 bills, making the shortage \$13,500. The straps on the money show that these packages were last counted January, 1918, at which time they were placed in the reserve vault. This vault was in custody of two trusted men, neither one of whom could get into the vault alone. It is, however, probable that this substitution was made by some one while these two men were temporarily out of the vault, after having opened it. Neglect on the part of the assistant treasurer would seem to be indicated by the fact that this money was not properly checked and counted for a period of two years and nine months. This is perhaps excused by the fact that there was a large increase in the work and that it was almost impossible to obtain a sufficient number of capable and trustworthy employees during the war.

Mr. Mellon in his letter states:

Mr. Mellon in his letter states:

Therefore there is inclosed herewith a draft of legislation deemed appropriate to the case, proposing an appropriation of \$15,956, which, if granted, will accomplish the object of the bill and enable the accounting officers to properly allow the necessary credits.

Mr. Strecker was entirely innocent in the matter, but he had to bear the whole burden.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOUTHERN TRANSPORTATION CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7010) for the relief of Southern Transportation Co., which was read as follows:

sider the bill (H. A. 1010) for the releter of Southern Transportation Co., a corporation organized under the laws of the State of New Jersey, and doing business in the State of Virginia, owners of the barge Moccasin, against the United States for damages alleged to have been caused by collision between the said barge Moccasin and the United States Navy lighter No. 462 in tow of Navy tug Kevaydin in Hampton Roads, Va., on the 5th day of October, 1920, may be sued for by the said Southern Transportation Co. in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the said Southern Transportation Co. or against the said Southern Transportation Co. in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: Provided, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: Provided further, That suit shall be brought and commenced within four months from the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. MUGLER.

The bill (S. 4179) for the relief of Charles W. Mugler was

announced as next in order.

Mr. SWANSON. The House of Representatives has passed a bill, which is now on the desk, which is similar in nature. ask that the House bill may be substituted for the Senate

The VICE PRESIDENT. Without objection, it is so ordered. The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 370) for the relief of Charles W. Mugler, which was read as follows:

Be it enacted, etc. That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Charles W. Mugler, postmaster at Newport News, Va., in the sum of \$3,496.85, and to certify the said credit to the Auditor for the Post Office Department, being the amount of shortages in money-order accounts, postal account, war-savings accounts, war-revenue accounts, collect-on-delivery accounts, money orders improperly paid, and registry losses, all arising from the embezzlement by, and negligence of, James W. Cheshire, employee in Hill Branch of said office.

Mr. KING. Will the Senator from Virginia make an ex-

planation of the bill?

Mr. SWANSON. Charles W. Mugler was postmaster at Newport News during the World War. The patrons of that office increased from 20,000 to 200,000 during that time, and the receipts from \$80,000 to \$400,000 per annum. There was a great expansion of postal activities at that place. On account of its being the embarkation point for all our troops, the post-office business was very greatly increased. A great many clerks were transferred from other sections of the country in order to carry on the postal work there. The postmaster at that place could not name them, because they were under civil service. A clerk was transferred from Martinsville, Va., down to one of the extra substations which were created. That clerk abthe extra substations which were created. That clerk absconded. He had given bond at Martinsville, Va., to cover a loss of \$3,000, but on examination it was found that that bond dld not cover his postal activities at the substation to which he had been transferred.

Mr. KING. So he was not bonded for those specific duties? Mr. SWANSON. That is correct.

Mr. KING. That explanation is satisfactory to me.

Mr. SWANSON. The Post Office Department stated that this bill ought to pass because the loss occurred on account of the increased activities incident to the World War, and the postmaster at Newport News could not give the personal inspection to the business which he might have given had he been less pressed with business.

The bill was reported to the Senate without amendment,

ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bilt 4179 will be indefinitely postponed.

AMERICAN SCHOONER "MOUNT HOPE."

The bill (S. 4493) for the relief of the owners of the American schooner Mount Hope was announced as next in order.

Mr. CALDER, Mr. President, a bill of almost similar character passed the House of Representatives on yesterday. The change made in the House bill from the Senate bill is to provide that in the suit in the eastern district court the plaintiff shall not be allowed to collect demurrage. I ask unanimous consent to substitute the House bill for the Senate bill.

The VICE PRESIDENT. The House bill to which the Senator from New York refers has not yet been reported

from the committee.

Mr. CALDER. I understand that the House bill was sent

over from that body to the Senate on yesterday.

The VICE PRESIDENT. But the Chair is informed that the bill has been referred to the Committee on Claims?

Mr. CALDER. I ask unanimous consent that the Committee on Claims be discharged from further consideration of the bill, and that it be substituted for the pending Senate bill.

Mr. McKELLAR, Mr. President, before consent is granted for the Senator's request, I should like to understand the dif-

ference between the two bills.

Mr. CALDER. The bill which is on the Senate Calendar and the bill passed by the other House give permission to the owners of the American schooner Mount Hope to sue the Government in the eastern district of New York. The House bill, however, contains a provision prohibiting the owners of the vessel from claiming demurrage. Of course, that will re-duce their claim by more than one-half. Under the terms of the bill, as I introduced it in the Senate, and as it was reported from the Committee on Claims, if the owners of the vessel could have maintained their claim they could have collected demurrage. In the form in which the bill passed the other House they can not do so. I propose that the Senate shall agree to the House provision.

The VICE PRESIDENT. Without objection, the Committee on Claims is discharged from the further consideration of the bill; and without objection, the House bill will be substituted

for the Senate bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14249) for the relief of the owners of the American schooner Mount Hope, which was read, as follows:

American schooner Mount Hope, which was read, as follows:

Be it enacted, etc., That the claim of the owners of the American schooner Mount Hope against the United States for damages and loss alleged to have been caused by the collision of said vessel with the United States steamship Navesink, off Pollocks Rip Lightship, on November 21, 1916, may be sued for by the said owners of the American schooner Mount Hope in the district court of the United States for the eastern district of New York, sitting as a court of admiralty and acting under the rules governing such court; and said court shall have jurisdiction to hear and determine such suit to the extent only of such damages suffered other than claims for demurrage to said vessel and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the Owners of the American schooner Mount Hope or against said owners in favor of the United States, upon the same principles and measures of liability as in like cases in admirally between private parties and with the same rights of appeal: Provided, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States attorney in such district to appear and defend for the United States attorney in such district to appear and defend for the United States attorney in such of the date of the passage of this act.

The bill was reported to the Senate without amendment, or-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. In the absence of objection, Senate bill 4493 will be postponed indefinitely.

RELIEF OF UNEMPLOYMENT.

Mr. FRELINGHUYSEN. I would like to ask unanimous consent to return to Order of Business 1116, being the bill (S. 4472) to make an investigation of the needs of the Nation for public works to be carried on by Federal, State, and municipal agencies in periods of business depression and unemployment, which was passed over while my attention was called elsewhere.

Mr. ROBINSON: I suggest to the Senator from New Jersey in view of the fact that an objection was made when this bill was called, that he let the matter go over until the next call of the calendar, which will occur on Monday, or, at least, until the end of the calendar shall have been reached.

Mr. FRELINGHUYSEN. If the Senator will reserve his objection until I can make a statement, I desire to say that that bill is of very great interest to a group of men in my section who have studied the question of unemployment.

I have a resolution from the Brooklyn Chamber of Commerce which I ask unanimous consent to file. With this statement I reserve the consideration of the motion to consider the bill until Monday, and I hope the Senate at that time will take it up. It is a very important question.

The VICE PRESIDENT. Without objection, the communica-

tion from the Brooklyn Chamber of Commerce will be received

STANDARD FOR BUTTER.

The bill (H. R. 12053) to define butter and to provide a standard therefor was announced as next in order.

Mr. KING. Mr. President, there are a number of Senators who wish to be here when that bill is considered who are now absent. I ask that the bill go over until Monday.

Mr. STERLING. Mr. President, this bill is practically the same as is Order of Business 847, being the bill (S. 3858) to define butter and to provide a standard therefor.

Mr. ROBINSON. Objection having been made to considera-

tion of the bill, I suggest to the Senator from South Dakota to let the matter go over.

Mr. STERLING. I should like to make a brief statement as to the status of the bill, and I do not see why there should be any objection to my doing so.

Mr. ROBINSON. The same reason applies to a discussion of the bill that applies to its consideration, I will say to the Senator. I do not wish to object to a brief statement, but the Senator from South Dakota realizes that there are a number of other bills on the calendar which have never yet been called.

Mr. STERLING. I know that.
Mr. ROBINSON. And the present arrangement contemplates, if possible, the consideration of all unobjected bills on the calendar.

Mr. McKELLAR. I desire to say that the Senator from Alabama [Mr. Underwood] has an objection to this bill, and I know he desires to be present when it is considered.

Mr. STERLING. Very well; I do not wish to shut off any

Senator from being present when the bill is considered.

The VICE PRESIDENT. Being objected to, the bill will go

KAW INDIAN LANDS IN OKLAHOMA.

The bill (S. 4544) to authorize the extension of the period of restriction against alienation on surplus lands allotted to minor members of the Kansas or Kaw Tribe of Indians in Oklahoma was announced as next in order.

The bill was read as follows:

Be it enacted, etc., That the period of restriction against alienation on surplus lands allotted to minor members of the Kansas or Kaw Tribe of Indians in Oklahoma, under the provisions of the agreement with said tribe of Indians as ratified and confirmed by the act of Congress of July 1, 1902 (32 Stat. L. p. 636), be, and is hereby, extended for a period of 25 years from the date of the approval of this act in all cases where the allottees have not reached the age of majority. majority.

Mr. KING. I should like to ask the Senator from Kansas whether that is the measure in which the Senator from Wis-

consin [Mr. La Follette] is interested?

Mr. CURTIS. No; this is a bill of which he is in favor, and he voted to report it out of the committee.

Mr. KING. This is not the omnibus bill?

Mr. CURTIS. No.
Mr. KING. I have no objection to the consideration of the bill

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THEMIS CHRIST.

The bill (H. R. 8046) for the relief of Themis Christ was announced as next in order.

The Secretary read the bill, as follows:

Be it enacted, etc., That the provisions of the act approved September 7, 1918, entitled "An act to provide compensation for employees of the United States receiving injuries in the performance of their duties, and for other purposes," are hereby extended to Themis Christ for loss of his left leg while employed in the Naval Auxiliary Service, as a result

of the wreck of the U. S. S. Hector in the year 1916, and that he be paid such sums to date from the passage of this act as would properly be due him within the provisions of section 4 of the said act of September 7, 1916. The United States Employees' Compensation Commission is hereby authorized and directed to make payments in compliance with the terms of the said act of September 7, 1916, and in accordance with the rules and regulations of said commission. Any money in the United States Treasury not otherwise appropriated is hereby appropriated for the purpose of this act.

Mr, KING. May I inquire of the Senator from Vermont why under the present law, without supplementary legislation, this injured person may not be compensated? Did the accident occur before the compensation act was passed?

Mr. PAGE. I think it was reported to us that some legislation was necessary. I have the facts before me as contained

in the report.

Mr. KING. I have read the report to the effect that he was injured and suffered the amputation of his leg as a result of the injury, but there is nothing to indicate that the accident occurred prior to the passage of the compensation act.

Mr. PAGE. I read from the letter of the Secretary of the

The purpose of this bill is to extend the provisions of the act approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries in the performance of their duties, and for other purposes," which includes employees of the Naval Auxiliary Service, to this case.

After careful consideration of all the facts and circumstances of this case, the department recommends that the bill (H. R. 8046) be enacted.

It is apparently an extraordinarily meritorious case, and the

facts are very strong.

Mr. KING. I am not questioning the propriety of granting the relief, but my understanding is that the man was injured after the passage of the compensation law, and I was wondering, if that were true, why it was necessary to pass this proposed act?

Mr. PAGE. I only know that the Secretary of the Treasury says that the purpose of the bill is to extend the provisions of the act so that it may include this case.

Mr. KING. I shall not object to the passage of the bill, but I shall move to reconsider the vote by which it shall be passed so as to give me an opportunity to look into it.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KING. I now move to reconsider the vote by which the bill was passed.

Mr. PAGE. May I ask the Senator a question? Has he studied the enormities of this injury?

Mr. KING. I have said to the Senator that I think the man is entitled to the relief, but I wanted to know why he could not get it under existing law. I move to reconsider the vote by which the bill was passed, in order that I may investigate the matter; and on Monday, if I find the views of the Senator are correct and my surmise is correct, I shall withdraw my motion.

Mr. JONES of Washington. Let me suggest to the Senator that in the bill itself it is stated that this man was injured in the wreck of the United States ship *Hector* in the year 1916. The compensation act was not passed until September, 1916, so I think we are safe in assuming that this wreck occurred before that time.

Mr. KING. I understood the wreck occurred in 1917. Mr. JONES of Washington. No; it occurred in 1916.

Mr. KING. I withdraw my motion to reconsider the vote by

which the bill was passed.

The VICE PRESIDENT. The motion to reconsider is withdrawn, and the bill stands passed.

A. E. ACKERMAN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6358) authorizing the accounting officers of the Treasury to pay to A. E. Ackerman the pay and allowances of his rank for services performed prior to the approval of his bond by the Secretary of the Navy.

It proposes to pay to A. E. Ackerman, late lieutenant (junior grade), Supply Corps, United States Naval Reserve Force, the pay and allowances of his rank for the period he performed active duty in the third naval district prior to the approval of

active duty in the third naval district prior to the approval of his bond by the Secretary of the Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOINT COMMISSION OF GOLD AND SILVER INQUIRY.

Mr. CALDER. I ask unanimous consent, out of order, to submit a report. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, with amendments, the concurrent resolution (S. Con. Res. 37) creating a joint commission, to be known as the joint commission of gold and silver inquiry, which shall consist of five Senators, to be appointed by the President of the Senate, and five Repre-

sentatives, to be appointed by the Speaker.

Mr. WALSH of Montana. I ask unanimous consent for the present consideration of the concurrent resolution. It provides for the appointment of a joint commission to investigate, among other things, the causes of the decline in the production of gold and silver in the United States.

The VICE PRESIDENT. Is there objection?
Mr. WADSWORTH. I should like to hear the concurrent resolution read.

The VICE PRESIDENT. The resolution will be read. The reading clerk read the concurrent resolution.

Mr. WALSH of Montana. Mr. President, in connection with the concurrent resolution I desire to offer for the RECORD a statement showing the extraordinary reduction in the production of gold and silver in the United States since the year 1915. give the aggregates only.

In 1915 our production of gold was \$101,035,700; in 1922 but \$49,096,000, a reduction of 51:41 per cent. In the case of silver our production in 1915 was \$74,961,075; in 1921 it was but \$53,052,441, a decrease of 29.23 per cent.

I offer these statements and ask unanimous consent that they be published in the RECORD.

The VICE PRESIDENT. Without objection, that order will be made.

The matter referred to is as follows:

State.	1915	1921	1922.1	Decrease, 1922 from 1915.	Per cent of decrease, 1922 from 1915.	Increase (+) decrease (-), 1922 from 1921.	Per cent of increase (+), decrease (-), 1922 from 1921.
Alaska Arizona Lalifornia. California. Colorado. daho. Mortana. Nevada New Mexico Dregon. Oorth Dakota. Utah. Washington Other States and possessions	4,555,900 22,547,400 22,530,600 1,170,600 4,978,300 11,883,700 1,883,700 1,867,100 7,463,500 3,907,900 461,600	\$7,998,506 3,317,809 15,061,309 7,347,800 542,200 1,723,600 3,220,500 203,100 6,523,000 1,894,300 151,100 1,266,500	\$7, 871, 200 3, 304, 800 14, 829, 100, 6, 518, 100 482, 800 1, 511, 100 3, 222, 900 477, 400 6, 711, 100 2, 226, 800, 1, 414, 000	\$8, 838, 800 1, 251, 108 1, 271, 108 17, 718, 200 16, 012, 200 687, 800 3, 467, 200 8, 664, 808 1, 127, 900 1, 389, 700 692, 408 1, 681, 100 273, 100 144, 800	Per cent. 52. 90. 27. 46. 34. 23; 71. 07. 58. 75. 69. 65. 72. 83. 77. 26. 74. 45. 9. 35. 43. 01. 59. 09. 9. 30	-\$127,300 -13,609 -232,200 -829,700 -59,400 -214,500 +129,100 -338,200 +188,100 +332,509 +37,400 +147,500	Per cent1.59 -0.35 -1.54 -11.3 -11.8 -12.44 +0.2 +63.56 -41.42 +24.88 +17.55 +24.77
Total	101,035,700	50, 067, 300.	49,096,000	51, 939; 200	51.4L	-971,300	-1.9

¹ U. S. Mint Reports.
² Preliminary estimate of the Bureau of the Mint in cooperation with the Geological Survey.

Table compiled and computed by H. N. Lawrie, managing director American Gold and Silver Institute.

Silver production in the United States by States,1 1915, 1921, and 1922. PINE OUNG

State.	1915	1921	1922*	Increase (+) or decrease (-), 1921 from 1915.	Per cent of increase (+), decrease (-), 1921 from 1915.
Alaska Arizona Arizona Alifornia	581, 874 14, 423, 173	753, 999 2, 519, 200 3, 666, 708 6, 310, 694 7, 200, 319 316, 551 9, 677, 020 6, 988, 774 577, 374 53, 118 111, 670 548, 827 14, 028, 661 147, 584 199, 942	652; 251: 4, 198, 695 3, 119, 002 5, 951, 593 5, 965, 098, 361, 912 9, 601; 048- 8, 108, 027- 657; 231 193, 121: 121, 757 601, 765 161, 588, 734 210, 885 179, 740	-300, 685 -3, 146, 472 +1, 916, 784 -889, 051 -5, 842, 147 -265, 323 -4, 746, 158 -7, 454, 311 -1, 757, 690 -72, 381 -85, 899 -175, 763 -66, 293 -66, 293 +21, 500	Per cent. -28, 55 -55, 55 +113, 42 -12, 35 -44, 75 -45, 53 -32, 91 -51, 57 -75, 22 -57, 66 -43, 42 -44, 75 -30, 94 +12, 65
Total	74, 961, 075	53, 052, 441	+55, 510, 859	-21, 908, 634	-29.2

1 U. S. Mint Reports.

2 Preliminary estimate of the Bureau of the Mint in cooperation with the Geological Survey.

3 Increase from 1915 due to rich discovery.

4 Production from siliceous ores is estimated to be less in 1922 than in 1921. The increase in the total production for 1922 over 1921 is attributed to the increase in silver derived as a by-product of lead and copper, the production of both of which increased materially in 1922.

Table compiled and computed by H. N. Lawrie, managing director American Gold and Silver Institute.

Mr. JONES of Washington. Mr. President, this seems to be a very important resolution, and I think it ought to go over.

Mr. ROBINSON. The resolution has already been passed, I will say to the Senator.

The VICE PRESIDENT. No; unanimous consent for its consideration has not yet been given.

Mr. CALDER. Mr. President, this resolution was introduced: by the Senator from Colorado [Mr. Nicholson], referred to the Committee on Mines and Mining, reported favorably, and then referred to the Committee to Audit and Control the Contingent Expenses of the Senate, because it involves some expenditure from the contingent fund. It was carefully examined by the committee

Mr. JONES of Washington. I think it ought to go over, Mr. President.

The VICE PRESIDENT. The resolution will be passed over.

BIG ROCK STONE & CONSTRUCTION CO.

The bill (S. 4476) to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots), in the

State of Arkansas, was announced as next in order.

Mr. ROBINSON. Mr. President, I ask unanimous consent to take from the Vice President's table a House bill which is similar to, if not identical in terms with, the Senate bill.

The VICE PRESIDENT. The chair lays before the Senate

bill from the House of Representatives.

The bill (H. R. 12751) to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots), in the State of Arkansas, was read twice by its title.

The VICE PRESIDENT. The Senator from Arkansas asks

unanimous consent for the immediate consideration of the bill,

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment,

ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, Senate bill

Without objection, Senate bill 4476

will be indefinitely postponed. Mr. ROBINSON. I ask lea I ask leave to have printed in the RECORD the report of the House committee on the bill which has just

The VICE PRESIDENT. Without objection, it is so ordered. The report is as follows:

The report is as follows:

Mr. Langley, from the Committee on Public Buildings and Grounds, submitted the following report (to accompany H. R. 12751):

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 12751) to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots), in the State of Arkansas, having duly considered the same, hereby make report of it to the House, with the unanimous recommendation that the bill do pass.

This bill has the approval of the United States Veterans' Bureau, as is evidenced by its report thereon, which is as follows:

United States Veterans' Bureau, Washington, February 8, 1923.

UNITED STATES VETERANS BUREAU,

Washington, February 8, 1923.

Hon. John W. Langley,

Chairman of Committee on Public Buildings and Grounds,

House of Representatives, Washington, D. C.

My Dear Mr. Chairman: Since the receipt of your letter dated September 28, 1922, in which you request a statement of this bureau with regard to the bill (H. R. 12751) entitled "A bill to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots), in the State of Arkansas," introduced September 29, 1922, by Mr. Jacoway and referred to your committee, I have secured a report from the commanding officer of the Fort Logan H. Roots Hospital and a representative from the central office of this bureau which states that there are no objections to the release of this land, and that the sale of the property as contemplated by the bill would not interfere with the administration of the hospital or of the well-being of the patients.

In view of their report, the bureau sees no objection to the sale of the property described in the bill by the Government to the Big Rock Stone & Construction Co.

Respectfully, George E. Ijams, Acting Director.

AMENDMENT OF ACT OF JANUARY 11, 1922.

The bill (H. R. 11579) to amend section 1 of an act approved January 11, 1922, entitled "An act to permit the city of Chicago to acquire real estate of the United States of America," was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 1 of the act approved January 11, 1922, entitled "An act to permit the city of Chicago to acquire real estate of the United States of America," is hereby amended to read as follows:

"Secrion 1. That in consideration of the payment by the city of

as follows:
 "Section I. That in consideration of the payment by the city of Chicago to the United States of America of the just compensation and damages for real estate hereinafter described, as ascertained by a jury in proceedings to condemn real estate of the United States of America, the city of Chicago is hereby authorized to acquire for street purposes, by condemnation proceedings, all interest of the United States of America in and to the following described real estate. vis:

estate, viz:

"The west 17 feet, or any part thereof, of the east 50 feet (except
the south 149 feet and except the north 33 feet) of the south quarter
of the east half of the northeast quarter of section 30, township 38
north, range 14 east of the third principal meridian, situated in the
city of Chicago, county of Cook, and State of Illinois."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF FLOOD SUFFERERS IN NEW MEXICO.

The bill (S. 2625) for the relief of sufferers in New Mexico from the flood due to the overflow of the Rio Grande and its tributaries, was considered as in Committee of the Whole, and was read, as follows:

Was read, as follows:

Be it enacted, etc., That for the purpose of affording relief to Lucas Trujillo, Juan Bians, Mariano P. Padillo, Bruno Perea, Juan Jose Trujillo, Mignel Trujillo, Francisco Saiz, Antonio Provencio, B. R. Carreros, Santiago Serna, Roman M. Herrera, and others, citizens of the United States and property owners, residing at and in the vicinity of Hatch and Santa Teresa, N. Mex., who may have suffered loss by reason of the flood on August 17, 1921, caused by the overflow of the Rio Grande, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$75,000.

The Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may deem necessary for the purposes of this act, to cause a survey to be made of the property loss sustained by reason of this flood and to disburse the sum herein provided pro rata among these sufferers for their losses to the extent that this appropriation will permit.

Mr. OVERMAN, Mr. President, let us have some explanations.

Mr. OVERMAN. Mr. President, let us have some explana-

tion of this bill.

Mr. JONES of New Mexico. Mr. President, the Government constructed the Elephant Butte irrigation project in the Rio Grande Valley of New Mexico. In the construction of that project and some of the lateral works they were so constructed that when an unusual flood came from one of the tributaries of the Rio Grande it flooded this section of country, including two villages there, and destroyed the town. The Secretary of the Interior has reported that the injury to the property was caused largely by reason of the manner in which the works

were constructed, and he says there is no question but that these people are entitled to reimbursement.

Mr. KING. Mr. President, will the Senator permit a question? Should not the appropriation be a charge upon the reclamation fund rather than upon the general funds in the

Mr. JONES of New Mexico. I do not think so, for the reason that the people under the project there were in no wise responsible for the manner in which the work was constructed, and if the Senator's suggestion were adopted it would be a charge to be repaid by the farmers generally under the project. In other words, they would have to pay themselves back for their own injury, which was brought about by reason of this engineering, the work of Government officials, people in no wise under the control of the flood sufferers.

Mr. KING. May I invite the attention of the Senator to the fact that through the bad engineering of some of the engineers who had charge of local projects, one in particular that I have in mind, the cost to the settlers was increased very much over the reported cost? The engineers made no provision in the beginning for drainage. They had to drain, and that was an additional charge, and it is reflected in the advanced costs

which the settlers on the project had to pay.

Mr. JONES of New Mexico. In this case there was an unusual flood, and the damage was suffered, and it seems to me that the farmers there ought not to have to pay it. I sincerely

trust that the bill may pass.

Mr. BURSUM. Mr. President, will the Senator yield?

Mr. JONES of New Mexico. I yield to my colleague.

Mr. BURSUM. I desire to call attention to the fact that the town which was destroyed by flood lies at the base of a large drainage area. This ditch or canal, constructed under the supervision of Government engineers, failed to provide any avenue of escape for those waters. There was clearly gross neglect on the part of the Government in the construction. absolutely no chance for escape.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

RECLASSIFICATION OF GOVERNMENT EMPLOYEES.

Mr. SMOOT. From the Committee on Appropriations I report back favorably the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field service, with an amendment to strike out all after the enacting clause and to insert a substitute for the bill.

The Senate will remember that the bill came originally from the Committee on Civil Service and was reported to the Senate. Then it was referred to the Appropriations Committee to have hearings on the effect of the schedule proposed. The committee now reports the bill to the Senate and asks that it be referred to the Civil Service Committee, and also that it be printed.

The VICE PRESIDENT. . Without objection, it will be printed and referred to the Committee on Civil Service.

ORDER OF BUSINESS.

Mr. FRELINGHUYSEN. Mr. President, I renew my request that the Senate take up the bill-

Mr. McKELLAR. Will not the Senator allow the next two bills to be acted upon? There are only two more—

Mr. FRELINGHUYSEN. Not until I finish my statement; then I will yield the floor to the Senator. I renew my request for the Senate to take up a bill which relates to the distribution-

Mr. McKELLAR. I object.

The VICE PRESIDENT. There is objection.

BILLS PASSED OVER.

The bill (H. R. 5020) to provide for the sale by the Commissioners of the District of Columbia of certain land in the District of Columbia acquired for a school site, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that go over. The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 5027) to amend an act approved February 28, 1899, entitled "An act relative to the payment of claims for material and labor furnished for District of Columbia buildings," was announced as next in order.

Mr. McKELLAR, Let that go over.

The VICE PRESIDENT. The bill will be passed over.

MONUMENT TO AMERICAN WOMEN FOR SERVICES IN THE WORLD WAR.

The joint resolution (S. J. Res. 168) in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and

the District of Columbia in the World War, was announced as next in order.

Mr. McKELLAR. Let that go over.

Mr. CURTIS. I hope the Senator will not object to the joint resolution. It is to commemorate the services and sacrifices of women of the Red Cross, and has been unanimously reported by the Committee on the Library.

Mr. McKELLAR. I withdraw my objection to the considera-

tion of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on the Library with amendments, on page 1, line 3, after the word "hereby," to insert the words "authorized to be"; on page 2, line 10, after the word "hereby," to insert the words "authorized to be"; and on line 13, after the word "hereby," to insert the words "authorized to be," so as to make the joint resolution read:

to be," so as to make the joint resolution read:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$150,000, as a part contribution to the erection of a memorial building, with equipment, in the District of Columbia to commemorate the services and sacrifices of the patrictic women of the United States of America, of its insular possessions, and of the District of Columbia during the World War. Said memorial to be erected on the land now occupied in part by the Memorial to the Women of the Civil War, the permanent headquarters of the American Red Cross.

SEC. 2. That said memorial shall be a building monumental in design and character and shall be used as a permanent model chapter house for the American Red Cross under the charge of the District of Columbia Red Cross Chapter, and shall cost not less than \$300,000: Provided, That this expenditure shall include complete equipment.

SEC. 3. That the sum hereby authorized to be appropriated shall not be payable until there shall be raised by private subscription an additional sum of \$150,000.

SEC. 4. That the money hereby authorized to be appropriated shall not be paid until the plan of the proposed building shall have been ap-

be payable intil there shall be raised by private subscription an additional sum of \$150,000.

SEC. 4. That the money hereby authorized to be appropriated shall not be paid until the plan of the proposed building shall have been approved by a commission consisting of the president of the American Red Cross, the Secretary of War, the chairman of the Senate Committee on the Library, the chairman of the House Committee on the Library, and a representative of the central committee of the American Red Cross. The plans of the said memorial shall likewise be approved by the Commission of Fine Arts.

The expenditures for said memorial building shall be made under the direction of a commission consisting of the chairman of the Senate Committee on the Library and the chairman of the House Committee on the Library. That said memorial building shall remain the property of the United States Government but under the supervision of the Superintendent of Public Buildings and Grounds, and the American Red Cross shall at all times be charged with the responsibility, the care, keeping, and maintenance of the said memorial building without expense to the United States.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third

reading, read the third time, and passed.

Mr. BRANDEGEE. I ask unanimous consent that the report of the committee on the joint resolution be printed in the RECORD in 8-point type.

There being no objection, the report was ordered to be printed in the RECORD in 8-point type, as follows:

MONUMENT TO WOMEN OF THE UNITED STATES IN THE WORLD WAR. [Report to accompany S. J. Res. 168.]

The Committee on the Library, to which was referred the joint resolution (S. J. Res. 168) in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War, having considered the same, report favorably thereon with the recommendation that the joint resolution do pass with amendments.

On page 1, line 3, after the word "hereby" insert "authorized

to be"

On page 2, line 7, after the word "hereby" insert "authorized to be"; and

On page 2, line 10, after the word "hereby" insert "authorized to be."

This is a joint resolution to authorize the appropriation of \$150,000, provided the American Red Cross raise by private subscription an additional sum of \$150,000, to erect a memorial building to commemorate the service and sacrifice of the women of the United States of America, its insular possessions, and the District of Columbia in the World War, the building to be erected on the land now occupied in part by the memorial to the women of the Civil War and to remain the property of the United States Government, but to be maintained by the American Red Cross without expense to the Government.

The precedent for this memorial, the sacrifices and services it will commemorate, and the purposes for which it will be used are briefly as follows:

PRECEDENT.

In 1913 Congress appropriated \$400,000 toward the purchase of a site and the erection thereon of a memorial building to the services and sacrifices of the women of the Civil War, to be used permanently by the American Red Cross on the condition that the Red Cross raise \$300,000 additional and that it maintain the memorial without expense to the Government. The Red Cross secured from private contributions \$400,000, the building and the site remaining the property of the Government.

Within five years after Congress appropriated this \$400,000 the American Red Cross received for our sick and wounded men and for other war relief purposes over \$400,000,000 in

money and value of supplies.

SACRIFICES AND SERVICES.

Hundreds of Red Cross nurses and women volunteers gave their lives because of war service.

Thousands of mothers gave their sons-sometimes only sons. Sometimes the mothers were widows and in this loss gave their all. No money can compensate them for such a loss, but their country's recognition of their sacrifices would show to them a

grateful remembrance and its gratitude.

Over 8,000,000 worked as volunteers during the war in the Red Cross. They made 382,000,000 hospital, knitted, and other garments, surgical dressings, and other articles that were needed. Volunteer women canteen workers in the United States served 40,000,000 refreshments to traveling troops and the sick and wounded on hospital trains and over 15,000,000 in France. Thousands of women served in volunteer motor transportation for sick and wounded from camps, hospital ships, and trains to the military hospitals, and for many other Red Cross duties. Women volunteers carried on office work, assisted soldiers' families at home, entertained sick and wounded at the hospitals, and rendered countless other services to our Government and fighting forces. These volunteer services of American women seem worthy of a memorial as a testimony of the Government's appreciation of their labors and their loyalty for their country.

PURPOSE.

The National Red Cross depends upon its chapters for its funds and support. Through the headquarters, but mainly through the chapters, \$9,000,000 was expended last year in aiding the disabled ex-service men and their families in service the Government can not render.

In the last year 68 disasters within the United States required Red Cross aid that was rendered promptly and efficiently; but without the support of the live and active chapters which provided \$1,341,000 for this relief, there would have been

neither funds nor organization to carry on this work,

By the erection of this memorial, which will provide a model chapter house in the National Capital, it will be possible to develop the system of chapter volunteer service that can be extended throughout the country whereby a large volunteer personnel can be obtained ready for duty in case of need and, at the same time, a live public interest maintained that will provide the funds for the sudden emergency calls for relief and service that so constantly come to the Red Cross.

MEMORIAL OF PAST AND SERVICE FOR FUTURE.

In commemorating by this memorial building the noble and self-sacrificing services of our women in the World War, the opportunity is given them and coming generations of American women to carry on the same loyal and devoted service in the future for the sake of the country and humanity.

JOSEPH F. BECKER.

The bill (S. 3615) for the relief of Joseph F. Becker was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. Objection being made, the bill will go over.

Mr. NORRIS. I do not know who objected, but I will ask the Senator who objected to withhold his objection for a moment. Mr. KING. I objected to the consideration of the bill.

Mr. NORRIS. Will not the Senator permit an explanation to be made, and withdraw his objection until it is made?

Mr. KING. I will say to the Senator that I am familiar with the subject, and I do not think his explanation would change my views.

Mr. NORRIS. Perhaps I can get the chairman of the Committee on Naval Affairs to make the explanation, if that will suit the Senator any better.

Mr. KING. I would be delighted to hear the Senator from Nebraska, and his influence, if possible, would be even greater than the influence of the chairman of the committee.

Mr. NORRIS. If that be true, and the Senator can not be changed, of course it would be a useless consumption of time Mr. KING. I shall be very happy to explain my views

Mr. NORRIS. I do not see how anybody understanding the bill could possibly object to it.

Mr. KING. I shall confer with the Senator, and be glad to give him my views in extenso. I object.

The VICE PRESIDENT. The bill will be passed over.

GORDON G. M'DONALD.

The bill (S. 3826) for the relief of Gordon G. MacDonald was announced as next in order,

Mr. KING. Let that go over.

Mr. SHORTRIDGE. I hope the Senator will withdraw his objection to this bill. It is a very meritorious and just measure, approved by the committee, and, as the Senator will see, is in-dorsed and recommended by the Assistant Secretary of the Navy. It involves no appropriation. A sailor suffered in the service of his country and is permanently disabled. I hope the Senator will permit the bill to be passed.

Mr. KING. I shall have to adhere to my objection with my

understanding of the bill.

The VICE PRESIDENT. The bill will be passed over.

BENJAMIN H. RICHARDSON.

The bill (S. 3895) for the relief of Benjamin H. Richardson was announced as next in order.

Mr. KING. Let that go over,

FRELINGHUYSEN. Will not the Senator permit the

consideration of the bill?

Mr. KING. I would like to ask the Senator one question: Was this a reserve officer? As I understand the bill, it is to give relief to a reserve officer.

Mr. FRELINGHUYSEN. Yes; he was a naval-reserve officer.

Mr. KING. I renew my objection. The VICE PRESIDENT. The bill will be passed over.

FRANK A. JAHN.

The bill (S. 4152) for the relief of Frank A. Jahn was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

MAJ. BUSSELL B. PUTNAM.

The bill (S. 4276) for the relief of Maj. Russell B. Putnam was considered as in Committee of the Whole.

Mr. BROUSSARD. Mr. President, the House has passed a similar House bill, No. 11738. That bill was referred to the Committee on Naval Affairs of the Senate, and the chairman of the committee made a unanimous report this morning. I ask unanimous consent that the House bill may be substituted for the bill on the calendar. They are identical in words.

The VICE PRESIDENT. Is there objection to the immediate consideration of House bill 11738? The Chair hears none, and the Secretary will read the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Maj. Russell B. Putnam, assistant paymaster, United States Marine Corps, the sum of \$2,173 to cover the loss sustained by him through the embezzlement of such amount of Government funds by Robert H. Rudolph, pay clerk, United States Marine Corps, in 1915, while serving as pay clerk to the said Major Putnam, at marine barracks, Philadelphia, Pa., and on expeditionary duty in the West Indies, and which amount Major Putnam was required to and did deposit with the Treasurer of the United States.

Mr. NORRIS. I have no objection to the consideration of the bill or to its passage, but I want to be recognized, when the bill

The VICE PRESIDENT. The bill is now before the Senate.

Mr. NORRIS. This is a worthy bill. It is for the relief of
Maj. Russell B. Putnam; but I can not understand why other bills for other soldiers or sailors injured in the line of duty must necessarily be objected to without an opportunity being afforded even to explain the measures. The bill for the relief of Joseph F. Becker, which was objected to a moment ago, is an instance where a man was injured in the line of duty. The injury occurred after the war was over. It is conceded that he was performing his duty at the time of the injury, and that if the same thing had happened before the war closed technically he would have been entitled to the relief sought through this bill. He was incapacitated for life, as far as further duty is concerned, and it is so reported. There is no dispute about that. As a matter of fact, Mr. Becker is in abject poverty now, as are his relatives. He was a lieutenant commander at the time of the injury.

I do not understand the manner of jurisprudence which would deny relief of any kind to a man engaged in the Army

or the Navy who is injured while he is still performing his duties in the service after the war technically closed.

This man, unable to do any labor of any kind, completely incapacitated, as shown by the records, injured in the line of duty, is denied any succor or relief simply because one Senator objects to the consideration of the bill, while other men, perhaps just as meritorious, but not more so, are provided for. The letter of the official in Commander Becker's case shows that there was a measure pending which, if it had been enacted into law, would have given him relief. That measure failed, and this is the only way he can get any relief.

Mr. BROUSSARD. Mr. President, will the Senator yield? Mr. NORRIS. I yield the floor.

Mr. BROUSSARD. I have no objection to the bill to which

the Senator refers.

Mr. NORRIS. I am not criticizing the Senator from Louisiana.

Mr. BROUSSARD. I hope no one will object to the Senator's

The VICE PRESIDENT. House bill 11738 is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment,

ordered to a third reading, read the third time, and passed.

JOSE A. DE LA TORRIENTE.

The joint resolution (H. J. Res. 47) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis, Mr. Jose A. de la Torriente, a citizen of Cuba, was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That the Secretary of the Navy be, and he hereby is, authorized to permit Mr. Jose A. de la Torriente, a citizen of Cuba, to receive instruction at the United States Naval Academy, at Annapolis: Provided, That no expense shall be caused to the United States thereby, and that the said Jose A. de la Torriente shall agree to comply with all regulations for the police and disclipine of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and the said Jose A. de la Torriente shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or conduct and so recommended by the academic board.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN M'NAMARA.

The bill (H. R. 8921) for the relief of Ellen McNamara was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to cause to be paid, out of any money in the Treasury not otherwise appropriated, to Ellen McNamara, mother of Frank X. McNamara, ordinary seaman, U. S. S. Buffalo and Cleveland, United States Navy, an amount equal to six months' pay at the rate received by him at the date of his death.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLICATIONS FOR THE BLIND.

Mr. FRELINGHUYSEN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 3078, the so-called "blind Bible" bill, as it is very necessary that the bill should be passed now if anything is to be accomplished at this session.

The VICE PRESIDENT. Is there objection to the immediate

consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3078) to provide for the free transmission through the mails of certain publications for the blind, which was read, as follows:

Be it enected, etc., That volumes of the Holy Scriptures or any part thereof, in raised characters for the use of the blind, whether prepared by hand or printed, which do not contain advertisements, when furnished a blind person without cost or at a price less than 60 per cent of the retail price therefor, shall be transmitted in the United States mails free of postage under such regulations as the Postmaster General may prescribe.

Mr. FRELINGHUYSEN. I ask that an amendment be made to the bill.

I move, on line 7, before the word "therefor," to strike out the words "retail price," and to insert the word "cost."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the ameridment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. The hour of 4 o'clock having arrived-

WILLIAM SCHUYLER WOODRUFF.

Mr. REED of Pennsylvania. I ask unanimous consent for the immediate consideration of Senate bill 4500, authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army. It has been favorably reported.

The VICE PRESIDENT. Is there objection?
Mr. McKELLAR. What is the bill?

Mr. REED of Pennsylvania. It is a bill for the reinstatement of an Army officer.

Mr. McKELLAR. Let it be reported.
Mr. NORRIS. Mr. President, a parliamentary inquiry.
The VICE PRESIDENT. The Senator will state his inquiry.

Mr. NORRIS. Would it not be a violation of the unanimous-

consent agreement to take up the bill?

The VICE PRESIDENT. The Senator from Pennsylvania has asked for unanimous consent, and if it is given the Chair supposes that it will extend the time fixed in the agreement.

Mr. REED of Pennsylvania. I will ask that the bill be put

over until Monday.

EXECUTIVE SESSION.

Mr. CURTIS. I ask that the unanimous-consent order be carried out and that the Senate proceed to the consideration of

Mr. BURSUM. Mr. President-

Mr. LODGE and Mr. WADSWORTH called for the regular

The VICE PRESIDENT. The regular order, under the unanimous-consent agreement, requires the Senate to go into executive session at this time.

Mr. BURSUM. I am asking unanimous consent-

That can not be given.

The VICE PRESIDENT. The regular order is called for, and under the unanimous-consent agreement the Senate will proceed to the consideration of executive business.

Thereupon the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened.

MINNESOTA RIVER BRIDGE, MINN.

Mr. CALDER. From the Committee on Commerce I report back favorably with amendments the bill (S. 4589) to authorize the county of Hennepin, in the State of Minnesota, to construct a bridge and approaches thereto across the Minnesota River at points suitable to the interests of navigation, and I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The amendments were, in line 6, after the word "at," to insert the article "a"; in the same line, before the word "suitable," to strike out "points" and insert "point"; and in line 7, after the word "navigation," to strike out "in or near the northwest quarter of section 27, township 28 north, range 23 west of the fourth principal meridian," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Hennepin, in the State of Minnesota, to construct, maintain, and operate a bridge and approaches thereto across the Minnesota River at a point suitable to the interests of navigation between the Fort Snelling military reservation and Dakota County, in the State of Minnesota, in abcordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to. The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the county of Hennepin, in the State of Minnesota, to construct a bridge and approaches thereto across the Minnesota River at a point suitable to the interests of navigation.'

HUDSON RIVER BRIDGES, NEW YORK.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 13978) granting the consent of Congress to the Hudson River Bridge Co. at Albany to maintain two bridges already constructed across the Hudson River, and I submit a report (No. 1214) thereon. unanimous consent for the present consideration of the bill,

There being no objection, the bill was considered as in Com-

mittee of the Whole.

The bill was reported to the Senate without amendment, or-dered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGES, MINNESOTA.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 14081) granting the consent of Congress to the Valley Transfer Railway, Co.,

a corporation, to construct three bridges and approaches thereto across the junction of the Minnesota and Mississippi Rivers at points suitable to the interests of navigation, and I submit a report (No. 1215) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERMANENT COURT OF INTERNATIONAL JUSTICE AT THE HAGUE

(S. DOC. NO. 309).

On motion of Mr. Lodge, the injunction of secrecy was removed from the following message of the President of the United States relative to the Permanent Court of International Justice at The Hague, which, with the accompanying papers and documents, was ordered to be printed as a Senate document and to be printed in the RECORD, as follows:

> THE WHITE HOUSE, Washington, February 24, 1923.

Message of the President to the Senate, transmitting a letter from the Secretary of State to the President, and asking the Senate's consent to the United States' adhesion to the protocol under which the Permanent Court of International Justice has been erected at The Hague. To be held in confidence and no part, intimation, or synopsis released for publication until these documents have been delivered to the Senate:

To the Senate:

There has been established at The Hague a Permanent Court of International Justice for the trial and decision of international causes by judicial methods, now effective through the ratification by the signatory powers of a special protocol. It is organized and functioning. The United States is a competent suitor in the court, through provision of the statute creating it, but that relation is not sufficient for a nation long committed to the peaceful settlement of international controversies. Indeed, our Nation had a conspicuous place in the advocacy of such an agency of peace and international adjustment, and our deliberate public opinion of to-day is overwhelmingly in favor of our participation, and the attending obligations of maintenance and the furtherance of its prestige. It is for this reason that I am now asking for the consent of the Senate to our adhesion to the protocol.

With this request I am sending to the Senate a copy of the letter addressed to me by the Secretary of State, in which he presents in detail the history of the establishment of the court, takes note of the objection to our adherence because of the court's organization under the auspices of the League of Nations, and its relation thereto, and indicates how, with certain reservations, we may fully adhere and participate, and remain wholly free from any legal relations to the league or assump-

tion of obligation under the covenant of the league.

I forbear repeating the presentation made by the Secretary of State, but there is one phase of the matter not covered in his letter with which I choose frankly to acquaint the Senate. For a long period, indeed, ever since the International Conference on the Limitation of Armament, the consideration of plans under which we might adhere to the protocol has been under way. We were unwilling to adhere unless we could participate in the selection of judges, we could not hope to participate with an American accord if adherence involved any legal relation to the league. These conditions, there is good reason to believe, will be acceptable to the signatory powers, though nothing definitely can be done until the United States tenders adhesion with these reservations. Manifestly the Executive can not make this tender until the Senate has spoken its approval. Therefore, I most earnestly urge your favorable advice and consent. I would rejoice if some action could be taken, even in the short period which remains of the present session.

It is not a new problem in international relationship. wholly a question of accepting an established institution of high character, and making effective all the fine things which have been said by us in favor of such an agency of advanced civilization. It would be well worth the while of the Senate to make such special effort as is becoming to record its approval. Such action would add to our own consciousness of participation in the fortunate advancement of international relationship, and remind the world anew that we are ready for our proper part in furthering peace and adding to stability in world

THE WHITE House, February 2, 1923.

(Inclosures: Letter of Secretary of State, copy of protocol.)

WARREN G. HARDING.

THE SECRETARY OF STATE, Washington, February 17, 1923.

MY DEAR MR. PRESIDENT: Referring to our interviews with respect to the advisability of action by this Government in order to give its adhesion, upon appropriate conditions, to the protocol establishing the Permanent Court of International Justice, I beg leave to submit the following considerations:

From its foundation this Government has taken a leading part in promoting the judicial settlement of international dis-Prior to the first peace conference at The Hague in 1899 the United States has participated in 57 arbitrations, 20 of which were with Great Britain. The President of the United States had acted as arbitrator between other nations in five cases, and ministers of the United States or other persons designated by this Government had acted as arbitrator or umpire in seven cases. In 1890 the Congress adopted a concurrent resolution providing:

"That the President be, and is hereby, requested to invite, from time to time, as fit occasions may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two Governments which can not be adjusted by diplomatic agency may be referred to arbitration and be peaceably adjusted by such means. (Cong. Rec. 51st Cong., 1st sess., part 3, vol. 21, p. 2986)."

In his instructions to the delegates of this Government to the first peace conference at The Hague Secretary Hay said:

"Nothing can secure for human government and for the authority of law which it represents so deep a respect and so firm a loyalty as the spectacle of sovereign and independent States, whose duty it is to prescribe the rules of justice and impose penalties upon the lawless, bowing with reverence before the august supremacy of those principles of right which give to law its eternal foundation.

A plan for a permanent international tribunal accompanied these instructions.

At that conference there was adopted a "convention for the pacific settlement of international disputes," which provided for a permanent court of arbitration. This organization, however, while called a permanent court, really consists of an eligible list of persons designated by the contracting parties, respectively, from whom tribunals may be constituted for the determination of such controversies as the parties concerned may agree to submit to them.

In 1908 and 1909 the United States concluded 19 general conventions of arbitration, which, in accordance with The Hague conventions, provided for arbitration by special agreement of differences which are of a legal nature or which relate to the interpretation of treaties and which it may not have been possible to settle by diplomacy, provided that the differences do not affect the vital interest, the independence, or the honor of the two contracting States and do not concern the interests of third parties. Moreover, since the first peace conference at The Hague a number of conventions have been concluded by this Government submitting to arbitration questions of great

It is believed that the preponderant opinion in this country has not only favored the policy of judicial settlement of justiciable international disputes through arbitral tribunals specially established, but it has also strongly desired that a Permanent Court of International Justice should be established and maintained. In his instructions to the delegates of the United States to the second peace conference held at The Hague in 1907 Secretary Root emphasized the importance of the establishment of such a tribunal in conformity with accepted judicial standards. He said:

"It should be your effort to bring about in the second conference a development of The Hague tribunal into a permanent tribunal composed of judges who are judicial officers and who are paid adequate salaries; who have no other occupation, and who will devote their entire time to the trial and decision of international causes by judicial methods and under a sense of judicial responsibility. These judges should be so selected from the different countries that the different systems of law and procedure and the principal languages shall be fairly represented. The court should be of such dignity, consideration, and rank that the best and ablest jurists will accept appointment to it, and that the whole world will have absolute confidence in its judgments."

The second peace conference discussed a plan looking to the attainment of this object, but the project failed because an agreement could not be reached with respect to the method of selecting judges. The conference adopted the following recommendation:

"The conference recommends to the signatory powers the adoption of the project hereto annexed, of a convention for the establishment of a court of arbitral justice, and its putting into effect as soon as an accord shall be reached upon the choice of the judges and the constitution of the court."

The covenant of the League of Nations provided, in article 14, that the council of the league should formulate and submit to the members of the league plans for the establishment of a Permanent Court of International Justice, which should be competent to hear and determine any dispute of an international character which the parties thereto should submit to it, and which also might give an advisory opinion upon any dispute or question referred to it by the council or by the assembly of the This provision of the covenant, it may be said, did not enter into the subsequent controversy with respect to participation by this Government in the League of Nations; on the contrary it is believed that this controversy reflected but little, if any, divergence of view in this country with respect to the advisability of establishing a permanent international court.

Pursuant to the direction contained in the article above quoted, the council of the league appointed an advisory committee of jurists which sat at The Hague in the summer of 1920 and formulated a plan for the establishment of such a court. Hon. Elihu Root was a member of that committee. It recommended a plan which was subsequently examined by the council and assembly of the league; and, after certain amendments, had been made, the statute constituting the Permanent Court of International Justice was adopted by the assembly of the league on December 13, 1920.

While these steps were taken under the auspices of the league, the statute constituting the Permanent Court of International Justice did not become effective upon its adoption by the assembly of the league. On the contrary, it became effective by virtue of the signature and ratification by the signatory powers of a special protocol. The reason for this procedure was that, although the plan of the court was prepared under article 14 of the covenant, the statute went beyond the terms of the covenant, especially in making the court available to States which were not members of the League of Nations. Accordingly a protocol of signature was prepared by which the signatory powers declared their acceptance of the adjoined statute of the Permanent Court of International Justice. The permanent court thus established by the signatory powers under the protocol with the statute annexed is now completely organized and at work.

The statute of the court provides for the selection of the judges; defines their qualifications; and prescribes the jurisdiction of the court and the procedure to be followed in litigation before it. The court consists of 15 members-11 judges, called "ordinary judges," and 4 deputy judges. The 11 judges constitute the full court. In case they can not all be present, deputies are to sit as judges in place of the absentees; but if 11 judges are not available 9 may constitute a quorum. It is provided that the judges shall be elected regardless of their nationality from amongst persons of high moral character, possessing the qualifications required in their respective countries for appointments to the highest judicial offices, or are jurisconsults of recognized competence in international law. judges are elected by the council and assembly of the league. each body proceeding independently. The successful candidate must obtain an absolute majority of votes in each body. The judges are elected for nine years and are eligible for reelection. The ordinary judges are forbidden to exercise any political or administrative function. This provision does not apply to the deputy judges except when performing their duties on the court.

The judisdiction of the court comprises all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force.

Provision has also been made so that any signatory power, if it desires, may in signing the protocol accept as compulsory ipso facto and without special convention" the jurisdiction of the court in all or any of the classes of legal disputes concerning (a) the interpretation of a treaty; (b) any question of in-ternational law; (c) the existence of any fact which, if estab-lished, would constitute a breach of an international obligation; and (d) the nature or extent of the reparation to be made for the breach of an international obligation.

This is an entirely optional clause and unless it is signed the jurisdiction of the court is not obligatory.

The first election of judges of the court took place in Sep-

tember, 1921. The eleven ordinary judges are the following:
"Viscount Robert Bannatyne Finlay, Great Britain; B. C. J.
Loder, Holland; Ruy Barbosa, Brazil; D. J. Nyholm, Denmark;
Charles Andre Weiss, France; John Bassett Moore, United

States : Antonio Sanchez de Bustamante, Cuba : Rafael Altamira, Spain; Yorozu Oda, Japan; Dionisio Anzilotti, Italy; and Max Huber, Switzerland.

The four deputies are: "Michailo Yovanovitch, Serb-Croat-Slovene State; F. V. N. Beichmann, Norway; Demetre Negulesco, Rumania; and Chung-Hui Wang, China." It will be noted that one of the most distinguished American

jurists has been elected a member of the court, Hon, John

Bassett Moore

In considering the question of participation of the United States in the support of the permanent court, it may be observed that the United States is already a competent suitor in the court. The statute expressly provides that the court shall be open not only to members of the league but to States men-

tioned in the annex to the covenant.

But it is not enough that the United States should have the privileges of a suitor. In view of the vast importance of provision for the peaceful settlement of international controversies, of the time-honored policy of this Government in promoting such settlements, and of the fact that it has at last been found feasible to establish upon a sound basis a permanent international court of the highest distinction and to invest it with a jurisdiction which conforms to American principles and practice, I am profoundly convinced that this Government, under appropriate conditions, should become a party to the convention establishing the court and should contribute its fair share of the expense of maintenance.

I find no insuperable obstacle in the fact that the United States is not a member of the League of Nations. The statute of the court has various procedural provisions relating to the But none of these provisions save those for the election of judges, to which I shall presently refer, are of a character which would create any difficulty in the support of the court by the United States despite its nonmembership in the None of these provisions impair the independence of It is an establishment separate from the league, having a distinct legal status resting upon the protocol and It is organized and acts in accordance with judicial standards, and its decisions are not controlled or subject to the League of Nations.

In order to avoid any question that adhesion to the protocol and acceptance of the statute of the court would involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the covenant of the League of Nations, it would be appropriate, if so desired, to have the point distinctly reserved as a part of the terms of the adhesion on the part of

this Government.

Again, as already noted, the signature of the protocol and the consequent acceptance of the statute, in the absence of assent to the optional compulsory clause, does not require the acceptance by the signatory powers of the jurisdiction of the court except in such cases as may thereafter be voluntarily submitted to the court. Hence, in adhering to the protocol the United States would not be required to depart from the position, which it has thus far taken, that there should be a special agreement for the submission of a particular contro-

versy to arbitral decision.

There is, however, one fundamental objection to adhesion on the part of the United States to the protocol and the acceptance of the statute of the court in its present form. That is, that under the provisions of the statute only members of the League of Nations are entitled to a voice in the election of judges. The objection is not met by the fact that this Government is represented by its own national group in The Hague Court of Arbitration and that this group may nominate candidates for election as judges of the Permanent Court of International Justice. This provision relates simply to the nomination of candidates; the election of judges rests with the council and assembly of the League of Nations. It is no disparagement of the distinguished abilities of the judges who have already been chosen to say that the United States could not be expected to give its formal support to a permanent international tribunal in the election of the members of which it had no right to take part.

I believe that the validity of this objection is recognized and that it will be feasible to provide for the suitable participation by the United States in the election of judges, both ordinary and deputy judges, and in the filling of vacancies. The practical advantage of the present system of electing judges by the majority votes of the council and assembly of the league acting separately is quite manifest. It was this arrangement which solved the difficulty, theretofore appearing almost insuperable, of providing an electoral system conserving the interests of

the powers both great and small. It would be impracticable, in my judgment, to disturb the essential features of this system. also be observed that the members of the council and assembly of the league in electing the judges of the court do not act under the covenant of the League of Nations but under the statute of the court and in the capacity of electors performing duties defined by the statute. It would seem to be reasonable and praticable that in adhering to the protocol and accepting the statute this Government should prescribe as a condition that the United States, through representatives designated for the purpose, should be permitted to participate, upon an equality with other States members of the League of Nations, in all proceedings both of the council and of the assembly of the league for the election of judges or deputy judges of the court or for the filling of vacancies in these offices.

As the statute of the court prescribes its organization, competence, and procedure, it would also be appropriate to provide, as a condition of the adhesion of the United States, that the statute should not be amended without the consent of the

United States.

The expenses of the court are not burdensome. statute of the court these expenses are borne by the League of Nations; the league determines the budget and apportions the amount among its members. I understand that the largest contribution by any State is but little more than \$35,000 a year. In this matter also the members of the council and assembly of the league do not act under the covenant of the league but under the statute of the court. The United States, if it adhered to the protocol, would, of course, desire to pay its fair share of the expense of maintaining the court. The amount of this contribution would, however, be subject to determination by Congress and to the making of appropriations for the pur-pose. Reference to this matter also might properly be made in the instrument of adhesion.

Accordingly I beg leave to recommend that, if this course meets with your approval, you request the Senate to take suitable action advising and consenting to the adhesion on the part of the United States to the protocol of December 16, 1920, accepting the adjoined statute of the Permanent Court of International Justice, but not the optional clause for compulsory jurisdiction; provided, however, that such adhesion shall be upon the following conditions and understandings to be made a

part of the instrument of adhesion:

I. That such adhesion shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the covenant of the League of Nations constituting Part I of the treaty of Versailles.

II. That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with the other States members respectively of the council and assembly of the League of Nations in any and all proceedings of either the council or the assembly for the election of judges or deputy judges of the Permanent Court of International Justice or for the filling of vacancies.

III. That the United States will pay a fair share of the expenses of the court as determined and appropriated from time

to time by the Congress of the United States.

IV. That the statute for the Permanent Court of Interna-tional Justice adjoined to the protocol shall not be amended

without the consent of the United States.

If the Senate gives its assent upon this basis, steps can then be taken for the adhesion of the United States to the protocol in the manner authorized. The attitude of this Government will thus be defined and communicated to the other signatory powers whose acquiescence in the stated conditions will be necessary.

Copies of the resolution of the assembly of the League of Nations of December 13, 1920, the protocol of December 16, 1920,

and the statute of the court are inclosed herewith. I am, my dear Mr. President, faithfully yours, CHARLES E. HUGHES.

LEAGUE OF NATIONS.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

Resolution concerning its establishment passed by the assembly on December 13, 1920—Protocol of signature of the statute provided for by article 14 of the covenant with the text of this statute—Resolution concerning the salaries of the members passed by the assembly on December 18, 1920.

Resolution concerning the establishment of a Permanent Court of International Justice passed by the assembly of the League of Nations, Geneva, December 13, 1920.

1. The assembly unanimously declares its approval of the draft statute of the Permanent Court of International Justice, as amended by the assembly, which was prepared by the council under article 14 of the covenant and submitted to the assembly for its approval.

2. In view of the special wording of article 14, the statute of the court shall be submitted within the shortest possible time to the mem-

bers of the League of Nations for adoption in the form of a protocol duly ratified and declaring their recognition of this statute. It shall be the duty of the council to submit the statute to the members.

3. As soon as this protocol has been ratified by the majority of the members of the league, the statute of the court shall come into force and the court shall be called upon to sit in conformity with the said statute in all disputes between the members or States which have ratified, as well as between the other States to which the court is open under article 35, paragraph 2, of the said statute.

4. The said protocol shall likewise remain open for signature by the States mentioned in the annex to the covenant.

PROTOCOL OF SIGNATURE OF THE STATUTE FOR THE PERMANENT COURT OF INTERNATIONAL JUSTICE PROVIDED FOR BY ARTICLE 14 OF THE COVENANT OF THE LEAGUE OF NATIONS, WITH THE TEXT OF THIS STATUTE

PROTOCOL OF SIGNATURE.

The members of the League of Nations, through the undersigned, duly authorized, declare their acceptance of the adjoined statute of the Permanent Court of International Justice, which was approved by a unanimous vote of the assembly of the league on the 13th December, 1920, at Geneva.

Consequently they hereby declare that they accept the

jurisdiction of the court, in accordance with the terms and subject to the conditions of the above-mentioned statute.

The present protocol, which has been drawn up in accordance with the decision taken by the assembly of the League of Nations on the 13th December, 1920, is subject to ratification. Each power shall send its ratification to the secretary general of the League of Nations; the latter shall take the necessary steps to notify such ratification to the other signatory powers. The ratification shall be deposited in the archives of the secretariat of the League of Nations.

The said protocol shall remain open for signature by the members of the League of Nations and by the States mentioned

in the annex to the covenant of the league.

The statute of the court shall come into force as provided in the above-mentioned decision.

Executed at Geneva, in a single copy, the French and English texts of which shall both be authentic.

16TH DECEMBER, 1920.

OPTIONAL CLAUSE.

The undersigned, being duly authorized thereto, further declare, on behalf of their Government, that from this date they accept as compulsory "ipso facto" and without special convention the jurisdiction of the court in conformity with article 36, paragraph 2, of the statute of the court, under the following

STATUTE FOR THE PERMANENT COURT OF INTERNATIONAL JUSTICE PROVIDED FOR BY ARTICLE 14 OF THE COVENANT OF THE LEAGUE OF NA-TIONS.

ARTICLE 1.

A Permanent Court of International Justice is hereby established, in accordance with article 14 of the covenant of the League of Nations. This court shall be in addition to the court of arbitration organized by the conventions of The Hague of 1899 and 1907, and to the special tribunals of arbitration to which States are always at liberty to submit their disputes for settlement.

CHAPTER I.

Organization of the Court.

ARTICLE 2.

The Permanent Court of International Justice shall be composed of a body of independent judges, elected regardless of their nationality from amongst persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

ARTICLE 3.

The court shall consist of 15 members-11 judges and 4 deputy judges. The number of judges and deputy judges may hereafter be increased by the assembly, upon the proposal of the council of the League of Nations, to a total of 15 judges and 6 deputy judges.

ARTICLE 4.

The members of the court shall be elected by the assembly and by the council from a list of persons nominated by the na-tional groups in the court of arbitration, in accordance with the following provisions:

In the case of members of the League of Nations not represented in the permanent court of arbitration, the lists of candidates shall be drawn up by national groups appointed for this purpose by their Governments under the same conditions as those prescribed for members of the permanent court of arbi-tration by article 44 of the convention of The Hague of 1907 for the pacific settlement of international disputes.

ARTICLE 5.

At least three months before the date of the election the secretary general of the League of Nations shall address a written request to the members of the court of arbitration belonging to the States mentioned in the annex to the covenant or to the States which join the league subsequently and to the persons appointed under paragraph 2 of article 4, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the court.

No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case must the number of candidates nominated be more than double the number of seats to be filled.

ARTICLE 6.

Before making these nominations each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

ARTICLE 7.

The secretary general of the League of Nations shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in article 12, paragraph 2, these shall be the only persons eligible for appointment.

The secretary general shall submit this list to the assembly

and to the council.

The assembly and the council shall proceed independently of one another to elect, firstly the judges, then the deputy judges.

ARTICLE 9

At every election the electors shall bear in mind that not only should all the persons appointed as members of the court possess the qualifications required, but the whole body also should represent the main forms of civilization and the principal legal systems of the world.

ARTICLE 10.

Those candidates who obtain an absolute majority of votes in the assembly and in the council shall be considered as elected.

In the event of more than one national of the same member of the league being elected by the votes of both the assembly and the council the eldest of these only shall be considered as elected.

ARTICLE 11.

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

ARTICLE 12.

If, after the third meeting, one or more seats still remain unfilled a joint conference consisting of six members, three appointed by the assembly and three by the council, may be formed at any time at the request of either the assembly or the council for the purpose of choosing one name for each seat still vacant to submit to the assembly and the council for their respective acceptance.

If the conference is unanimously agreed upon any person who fulfills the required conditions he may be included in its list, even though he was not included in the list of nominations

referred to in articles 4 and 5.

If the joint conference is satisfied that it will not be successful in procuring an election, those members of the court who have already been appointed shall, within a period to be fixed by the council, proceed to fill the vacant seats by selection from amongst those candidates who have obtained votes either in the assembly or in the council.

In the event of an equality of votes amongst the judges, the

eldest judge shall have a casting vote.

ARTICLE 13.

The members of the court shall be elected for nine years.

They may be reelected.

They shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun,

ARTICLE 14.

Vacancies which may occur shall be filled by the same method as that laid down for the first election. A member of the court elected to replace a member whose period of appointment had not expired will hold the appointment for the remainder of his predecessor's term.

ARTICLE 15.

Deputy judges shall be called upon to sit in the order laid down in a list.

This list shall be prepared by the court and shall have regard, firstly, to priority of election and, secondly, to age.

ARTICLE 16.

The ordinary members of the court may not exercise any political or administrative function. This provision does not apply to the deputy judges except when performing their duties on the court.

Any doubt on this point is settled by the decision of the court. ARTICLE 17.

No member of the court can act as agent, counsel, or advocate in any case of an international nature. This provision only applies to the deputy judges as regards cases in which they are called upon to exercise their functions on the court.

No member may participate in the decision of any case in which he has previously taken an active part as agent, counsel, or advocate for one of the contesting parties, or as a member of a national or international court, or of a commission of inquiry, or in any other capacity.

Any doubt on this point is settled by the decision of the court.

ARTICLE 18.

A member of the court can not be dismissed, unless in the unanimous opinion of the other members he has ceased to fulfill the required conditions.

Formal notification thereof shall be made to the secretary general of the League of Nations by the registrar.

This notification makes the place vacant.

ARTICLE 19.

The members of the court, when engaged on the business of the court, shall enjoy diplomatic privileges and immunities. ARTICLE 20.

Every member of the court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

ARTICLE 21.

The court shall elect its president and vice president for three years; they may be reelected.

It shall appoint its registrar.

The duties of registrar of the court shall not be deemed incompatible with those of secretary general of the Permanent Court of Arbitration.

ARTICLE 22.

The seat of the court shall be established at The Hague. The president and registrar shall reside at the seat of the

ARTICLE 23.

A session of the court shall be held every year.

Unless otherwise provided by rules of court, this session shall begin on the 15th of June, and shall continue for so long as may be deemed necessary to finish the cases on the list.

The president may summon an extraordinary session of the court whenever necessary.

ARTICLE 24.

If, for some special reason, a member of the court considers that he should not take part in the decision of a particular case, he shall so inform the president.

If the president considers that for some special reason one of the members of the court should not sit on a particular case he

shall give him notice accordingly. If in any such case the member of the court and the president disagree the matter shall be settled by the decision of the court.

ARTICLE 25.

The full court shall sit except when it is expressly provided otherwise.

If 11 judges can not be present, the number shall be made up by calling on deputy judges to sit.

If, however, 11 judges are not available, a quorum of 9 judges shall suffice to constitute the court.

ARTICLE 26.

Labor cases, particularly cases referred to in Part XIII (labor) of the treaty of Versailles and the corresponding portions of the other treaties of peace, shall be heard and determined by the court under the following conditions:

The court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of article 9. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand the court will sit with the number of judges provided for in article 25. On all occasions the judges will be assisted by four technical assessors sitting with them, but without the right to vote, and chosen with a view to insuring a just representation of the competing interests.

If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph the president will invite one of the other judges to retire in favor of a judge chosen by the other party, in accordance with arti-

The technical assessors shall be chosen for each particular case in accordance with rules of procedure under article 30 from a list of assessors for labor cases, composed of two persons nominated by each member of the League of Nations and an equivalent number nominated by the governing body of the labor office. The governing body will nominate, as to one-half, representatives of the workers, and as to one-half, representatives of employers from the list referred to in article 412 of the treaty of Versailles and the corresponding articles of the other treaties of peace.

In labor cases the international labor office shall be at liberty to furnish the court with all relevant information, and for this purpose the director of that office shall receive copies of all

the written proceedings.

ARTICLE 27.

Cases relating to transit and communications, particularly cases referred to in part 12 (ports, waterways, and railways) of the treaty of Versailles and the corresponding portions of the other treaties of peace shall be heard and determined by the court under the following conditions:

The court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of article 9. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand, the court will sit with the number of judges provided for in article 25. When desired by the parties or decided by the court, the judges will be assisted by four technical assessors sitting with them but without the right to vote.

If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph, the president will invite one of the other judges to retire in favor of a judge chosen by the other party, in accordance with

article 31.

The technical assessors shall be chosen for each particular case, in accordance with rules of procedure under article 30, from a list of assessors for transit and communications cases composed of two persons nominated by each member of the League of Nations.

The special chambers provided for in articles 26 and 27 may, with the consent of the parties to the dispute, sit elsewhere than at The Hague.

ARTICLE 29.

With a view to the speedy dispatch of business, the court shall form annually a chamber composed of three judges who, at the request of the contesting parties, may hear and determine cases by summary procedure.

ARTICLE 30.

The court shall frame rules for regulating its procedure. In particular, it shall lay down rules for summary procedure.

ARTICLE 31.

Judges of the nationality of each contesting party shall retain their right to sit in the case before the court.

If the court includes upon the bench a judge of the nationality of one of the parties only, the other party may select from among the deputy judges a judge of its nationality, if there beone. If there should not be one, the party may choose a judge, preferably from among those persons who have been nominated as candidates, as provided in articles 4 and 5.

If the court includes upon the bench no judge of the nationality of the contesting parties, each of these may proceed to select or choose a judge as provided in the preceding paragraph.

Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point is settled by the decision of the court.

Judges selected or chosen as laid down in paragraphs 2 and 3 of this article shall fulfill the conditions required by articles 2, 16, 17, 20, and 24 of this statute. They shall take part in the decision on an equal footing with their colleagues.

ARTICLE 32.

The judges shall receive an annual indemnity to be determined by the assembly of the League of Nations upon the pro-posal of the council. This indemnity must not be decreased during the period of a judge's appointment.

1.11.

The president shall receive a special grant for his period of

office, to be fixed in the same way.

The vice president, judges, and deputy judges shall receive a grant for the actual performance of their duties, to be fixed in the same way.

Traveling expenses incurred in the performance of their duties shall be refunded to judges and deputy judges who do not reside at the seat of the court.

Grants due to judges selected or chosen as provided in article 31 shall be determined in the same way.

The salary of the registrar shall be decided by the council

upon the proposal of the court.

The assembly of the League of Nations shall lay down, on the proposal of the council, a special regulation fixing the conditions under which retiring pensions may be given to the personnel of the court.

ARTICLE 38.

The expenses of the court shall be borne by the League of Nations in such a manner as shall be decided by the assembly upon the proposal of the council.

> CHAPTER II. Competence of the court. ARTICLE 34.

Only States or members of the League of Nations can be parties in cases before the court.

ARTICLE 35.

The court shall be open to the members of the league and also

to States mentioned in the annex to the covenant.

The conditions under which the court shall be open to other States shall, subject to the special provisions contained in treaties in force, be laid down by the council, but in no case shall such provisions place the parties in a position of inequality before the court.

When a State which is not a member of the League of Nations is a party to a dispute, the court will fix the amount which that party is to contribute toward the expenses of the

court.

The jurisdiction of the court comprises all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force.

The members of the League of Nations and the States mentioned in the annex to the covenant may, either when signing or ratifying the protocol to which the present statute is adjoined, or at a later moment, declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other member or State accepting the same obligation, the jurisdiction of the court in all or any of the classes of legal disputes concerning:

(a) The interpretation of a treaty. (b) Any question of international law.

(c) The existence of any fact which, if established, would constitute a breach of an international obligation.

(d) The nature or extent of the reparation to be made for the breach of an international obligation.

The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain members or States or for a certain time.

In the event of a dispute as to whether the court has jurisdiction, the matter shall be settled by the decision of the court.

ARTICLE 37.

When a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations, the court will be such tribunal.

ARTICLE 38.

The court shall apply:

1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting States.

2. International custom, as evidence of a general practice

3. The general principles of law recognized by civilized

4. Subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations as subsidiary means for the determination of

This provision shall not prejudice the power of the court to decide a case ex æquo et bono if the parties agree thereto.

CHAPTER III. Procedure. ARTICLE 39.

The official languages of the court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment will be delivered in French. If the parties agree

that the case shall be conducted in English, the judgment will be delivered in English.

In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers. The decision of the court will be given in French and English. In this case the court will at the same time determine which of the two texts shall be considered as authoritative.

The court may, at the request of the parties, authorize a language other than French or English to be used.

Cases are brought before the court, as the case may be, either by the notification of the special agreement or by a written application addressed to the registrar. In either case the subject of the dispute and the contesting parties must be indicated.

The registrar shall forthwith communicate the application to

all concerned.

He shall also notify the members of the League of Nations through the secretary general.

ARTICLE 41.

The court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to reserve the respective rights of either

Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and the council.

The parties shall be represented by agents.

They may have the assistance of counsel or advocates before

ARTICLE 43.

The procedure shall consist of two parts: written and oral, The written proceedings shall consist of the communication to the judges and to the parties of cases, countercases, and if necessary, replies; also all papers and documents in support.

These communications shall be made through the registrar, in the order and within the time fixed by the court.

A certified copy of every document produced by one party

shall be communicated to the other party.

The oral proceedings shall consist of the hearing by the court of witnesses, experts, agents, counsel, and advocates.

ARTICLE 44.

For the service of all notices upon persons other than the agents, counsel, and advocates the court shall apply direct to the Government of the State upon whose territory the notice has to be served.

The same provision shall apply whenever steps are to be

taken to procure evidence on the spot.

ARTICLE 45.

The hearing shall be under the control of the president or, in his absence, of the vice president; if both are absent, the senior judge shall preside.

ARTICLE 46.

The hearing in court shall be public, unless the court shall decide otherwise, or unless the parties demand that the public be not admitted.

ARTICLE 47.

Minutes shall be made at each hearing, and signed by the registrar and the president.

These minutes shall be the only authentic record.

ARTICLE 48.

The court shall make orders for the conduct of the case. shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

ARTICLE 49.

The court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

ARTICLE 50.

The court may, at any time, intrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an inquiry or giving an expert ARTICLE 51.

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the court in the rules of procedure referred to in article 30.

ARTICLE 52,

After the court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

ARTICLE 53.

Whenever one of the parties shall not appear before the court, or shall fail to defend his case, the other party may call upon the court to decide in favor of his claim.

The court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with articles 36 and 37, but also that the claim is well founded in fact and law.

ARTICLE 54.

When, subject to the control of the court, the agents, advocates, and counsel have completed their presentation of the case, the president shall declare the hearing closed.

The court shall withdraw to consider the judgment.

The deliberations of the court shall take place in private and remain secret.

ARTICLE 55.

All questions shall be decided by a majority of the judges present at the hearing.

In the event of an equality of votes, the president or his deputy shall have a casting vote.

ARTICLE 56.

The judgment shall state the reasons on which it is based. It shall contain the names of the judges who have taken part in the decision.

ARTICLE 57.

If the judgment does not represent in whole or in part the unanimous opinion of the judges, dissenting judges are entitled to deliver a separate opinion.

ARTICLE 58.

The judgment shall be signed by the president and by the registrar. It shall be read in open court, due notice having been given to the agents.

ARTICLE 59.

The decision of the court has no binding force except between the parties and in respect of that particular case.

ARTICLE 60.

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the court shall construe it upon the request of any party.

ARTICLE 61.

An application for revision of a judgment can be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

The proceedings for revision will be opened by a judgment of the court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision and declaring the application admissible on this

The court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

The application for revision must be made at latest within six months of the discovery of the new fact.

No application for revision may be made after the lapse of 10 years from the date of the sentence.

ARTICLE 62.

Should a State consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the court to be permitted to intervene as a third party.

It will be for the court to decide upon this request.

ARTICLE 63.

Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the registrar shall notify all such States forthwith.

Every State so notified has the right to intervene in the proceedings; but if it uses this right the construction given by the judgment will be equally binding upon it.

ARTICLE 64.

Unless otherwise decided by the court each party shall bear its own costs.

Resolution concerning the salaries of the members of the Permanent Court of International Justice passed by the assembly of the League of Nations, Geneva, December 18, 1920.

The assembly of the League of Nations, in conformity with the provisions of article 32 of the statute, fixes the salaries and

allowances of members of the	Permanent Court of Inter	national
Justice as follows:	when personal strategies and the second	H HARTES
Donaldonka	Dut	In flowlers

Annual salary Special allowance	
Total Total	
Vice president: Annual salary	15, 000 30, 000
Total	
Ordinary judges: Annual salary	

Deputy judges:

Total_

Duty allowance (200×150)_____(maximum)_ 30,000

Duty allowance (200×100) _____ (maximum) _ 20,000

Duty allowances are payable from the day of departure until the return of the beneficiary.

An additional allowance of 50 florins per day is assigned for each day of actual presence at The Hague to the vice president and to the ordinary and deputy judges.

Allowances and salaries are free of all tax.

ADJOURNMENT.

Mr. CURTIS. I move that the Senate adjourn, in accordance with the unanimous-consent agreement.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate, under the order previously entered, adjourned until Monday, February 26, 1923, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 24, 1923. UNITED STATES TARIFF COMMISSIONER.

Henry H. Glassie, of the District of Columbia, to be a member of the United States Tariff Commission for the term expiring September 7, 1926, vice Thomas W. Page, resigned.

UNITED STATES CIVIL SERVICE COMMISSIONER.

William C. Deming, of Wyoming, to be a member of the United States Civil Service Commission, vice John H. Bartlett, resigned.

COLLECTOR OF CUSTOMS.

Emery J. San Souci, of Providence, R. I., to be collector of customs for customs collection district No. 5, with headquarters at Providence, R. I., in place of Frank E. Fitzsimmons, whose term of office expired December 31, 1922.

UNITED STATES MARSHAL.

Richard J. White, of Wisconsin, to be United States marshal, eastern district of Wisconsin, vice Samuel W. Randolph, resigned, effective April 1, 1923.

UNITED STATES PUBLIC HEALTH SERVICE.

Passed Asst. Surg. Charles J. McDevitt to be surgeon in the United States Public Health Service, to rank as such from January 9, 1923. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

UNITED STATES COAST GUARD.

The following-named officers to be captains in the Coast Guard of the United States, to rank as such from January 12, 1923:

Commander Byron L. Reed.

Commander James M. Moore. Commander William V. Jacobs. Commander Preston H. Uberroth.

Lieut, Commander Richard O. Crisp.

Also, the following-named officers to be captains (engineering), to rank as such from January 12, 1923:

Lieut. Commander (Engineering) Harry L. Boyd. Lieut. Commander (Engineering) John B. Coyle. Lieut. Commander (Engineering) John E. Dorry. The following-named officers in the Coast Guard of the United

States, to rank as such from January 12, 1923:
Lieut. Commander Frederick G. Dodge to be a commander in

place of Commander Byron L. Reed, promoted.

Lieut. Commander George C. Carmine to be a commander in place of Commander James M. Moore, promoted.

Lieut. Commander Francis S. Van Boskerck to be a commander in place of Commander Preston H. Uberroth, promoted. Also to be commanders, to rank as such from January 12, 1923:

Lieut, Commander Claude S. Cochran.

Lieut. Commander John G. Berry.

Lieut. Commander Benjamin M. Chiswell.

Lieut, Commander Aaron L. Gamble. Lieut, Commander Frederick C. Billard.

Also to be commanders (engineering), to rank as such from January 12, 1923:

Lieut. Commander (Engineering) William E. Maccoun,

Lieut, Commander (Engineering) Carl M. Green. Lieut, Commander (Engineering) Horatio N. Wood.

Lieut. (Engineering) Hermann Kotzschmar. Lieut. (Engineering) Robert E. Wright.

Lieut. (Engineering) Urban Harvey.

Each of the above-named officers has passed the examination. required by law.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ABMY.

ADJUTANT GENERAL'S DEPARTMENT.

Col. Walter Trotter Bates, Infantry, with rank from July 1, 1920.

QUARTERMASTER CORPS.

Maj. John Doyle Carmody, Infantry, with rank from July 1, 1920.

CHEMICAL WARFARE SERVICE.

Capt. George Frederick Unmacht, Quartermaster Corps, with rank from July 1, 1920.

FIELD ARTILLERY.

First Lieut. Ranald Trevor Adams, Infantry.

INFANTRY.

LeGrande Albert Diller to be second lieutenant of Infantry in the Regular Army of the United States, with rank from January 5, 1923. Second Lieut. LeGrande Albert Diller was nominated January 25, 1923, and confirmed February 5, 1923, under the name of LaGrande Albert Diller. This message is submitted for the purpose of correcting an error in the name of nominee.

POSTMASTERS.

ALARAMA.

Joseph S. Chambers to be postmaster at Talladega, Ala., in place of R. M. Jemison. Incumbent's commission expired September 5, 1922.

ARKANSAS.

Lee W. McKenney to be postmaster at Black Rock, Ark., in place of L. B. Sharp. Incumbent's commission expired September 5, 1922.

CALIFORNIA.

Samuel R. Sonneland to be postmaster at Camp Kearney, Calif., in place of E. C. Lewis. Office became third class Octo-

Albert W. Mason to be postmaster at Bakersfield, Calif., in place of T. E. Klipstein, resigned.

Benn Lee to be postmaster at Cazadero, Calif., in place of O. P. Trine. Office became third class July 1, 1922.

Charles G. Brainerd to be postmaster at Loomis, Calif., in place of C. G. Brainerd. Incumbent's commission expired October 24, 1922.

COLORADO.

John L. Nightingale to be postmaster at Fort Collins, Colo. in place of E. C. McAnelly. Incumbent's commission expired September 5, 1922.

CONNECTICUT.

Lewis E. Clark to be postmaster at South Meriden, Conn., in place of L. J. Curran. Office became third class October 1, 1922.

DELAWARE.

Rhubert R. German to be postmaster at Delmar, Del., in place of R. R. German. Incumbent's commission expired December

FLORIDA.

Nathan B. Winslow to be postmaster at Bushnell, Fla., in place of A. J. Burnham, removed.

George E. Gay to be postmaster at Palatka, Fla., in place of A. Stumpe. Incumbent's commission expired October 14,

Charles L. Adair to be postmaster at Comer, Ga., in place of J. L. McMurray. Incumbent's commission expired November 21, 1922.

William C. McBride to be postmaster at Newnan, Ga., in place of S. M. Atkinson. Incumbent's commission expired September

Mrs. Alexander S. Clay to be postmaster at Marietta, Ga., in place of Mrs. A. S. Clay. Incumbent's commission expired November 21, 1922.

IDAHO.

George F. McMartin to be postmaster at Coeur d'Alene, Idaho, in place of J. V. Hawkins. Incumbent's commission expired September 5, 1922.

TLUNOIS.

Albert O. Kettelkamp to be postmaster at Nokomis, Ill., inplace of A. J. Eekhoff. Incumbent's commission expired February 4, 1922.

George S. Faxon to be postmaster at Plano, Ill., in place of Henry Stahlle. Incumbent's commission expired October 24, 1922

Justin P. Crawford to be postmaster at Tolono, Ill., in place of F. W. Hartbank. Incumbent's commission expired December 6, 1922.

Louis Lindenbauer to be postmaster at Camp Point, Ill., in place of E. T. Selby. Incumbent's commission expired December 6, 1922.

William D. Chambers to be postmaster at East Moline, Ill., in place of F. O. Lovins. Incumbent's commission expired October 24, 1922.

Richard W. Miller to be postmaster at Hamilton, Ill., in place of O. C. McCartney. Incumbent's commission expired December 6, 1922.

Walter V. Berry to be postmaster at Irving, Ill., in place of V. Berry. Incumbent's commission expired December 6, 1922

William R. Landwehr to be postmaster at Northbrook, Ill., in place of George Melzer: Office became third class January 1, 1922

Fred A. Sapp to be postmaster at Ottawa, Ill., in place of L. Dougherty. Incumbent's commission expired October 24, 1922

Katherine C. Adams to be postmaster at Riverton, Ill., in place of Katherine Adams. Incumbent's commission expired December 13, 1922.

Minnie E. Bailey to be postmaster at Taylor Springs, Ill., in place of Eli Brooks. Office became third class October 1, 1920.

INDIANA.

Milo E. Garrett to be postmaster at Auburn, Ind., in place of Miles Baxter, removed.

Charles G. Covert to be postmaster at Evansville, Ind., in place of J. J. Nolan. Incumbent's commission expired September 5, 1922.

Amanda B. Gosnell to be postmaster at West Terre Haute, Ind., in place of Burton Cassady. Incumbent's commission expired September 5, 1922.

John C. Chaille to be postmaster at Otwell, Ind., in place of

Charles Harris. Office became third class October 1, 1922.

TOWA.

Oscar W. Larson to be postmaster at Odebolt, Iowa, in place of O. W. Larson. Incumbent's commission expired November 21, 1922.

Charles A. Clark to be postmaster at Fort Des Moines, Iowa, in place of M. D. Hazzard. Office became third class October 1, 1922

Ralph A. Rutledge to be postmaster at Sharpsburg, Iowa, in. place of J. E. Forsyth, Office became third class October 1, 1922

Joseph C. Allen to be postmaster at Zearing, Iowa, in place of M. H. Laycock, resigned.

Raymond R. Norris to be postmaster at Marquette, Kans., in place of R. R. Norris. Incumbent's commission expired November 21, 1922

Jessie I. Dickson to be postmaster at Neosho Falls, Kans., in place of Lodema Bryant. Incumbent's commission expired Nevember 21, 1922.

Luella Tapley to be postmaster at Quenemo, Kans., in place of M. M. Parrish. Incumbent's commission expired September 13, 1922

Lida H. Caughron to be postmaster at Fontana, Kans., in place of G. L. Caughron. Office became third class October 1,

James G. Frazer to be postmaster at Halstead, Kans., in place of Eva Philbrick. Incumbent's commission expired November 21, 1922.

KENTUCKY.

William G. Turpin to be postmaster at Henderson, Ky., in place of Spalding Trafton. Incumbent's commission expired October 3, 1922,

Charles H. Back to be postmaster at Whitesburg, Ky., in place of N. M. Webb, resigned.

LOUISIANA.

Roger F. Baudry to be postmaster at Garyville, La., in place of W. J. P. Prescott. Incumbent's commission expired September 5, 1922.

Charles E. Burch to be postmaster at Roseland, La., in place of C. E. Burch. Office became third class January 1, 1923.

MAINE,

Eddy A. Conant to be postmaster at Oldtown, Me., in place of J. W. Sewall, resigned.

Florence M. McKay to be postmaster at Wytopitlock, Me., in place of F. M. McKay. Office became third class January 1,

MICHIGAN.

Gladys E. Gaskill to be postmaster at Delton, Mich., in place of R. B. Gaskill, deceased.

Fred W. Walker to be postmaster at Otsego, Mich., in place of A. C. Sprau. Incumbent's commission expired September 13, 1922,

MINNESOTA.

Mott M. Anderson to be postmaster at Hammond, Minn., in place of M. M. Anderson. Office became third class January 1,

Winnifred L. Batson to be postmaster at Odessa, Minn., in place of W. L. Batson. Office became third class October 1, 1922.

MISSISSIPPI.

Ida E. Roberts to be postmaster at Cleveland, Miss., in place of L. A. Hill, removed.

MISSOURI.

Thomas J. Richardson to be postmaster at Koshkonong, Mo., in place of O. L. Meek. Incumbent's commission expired September 5, 1922.

Oscar H. Remmert to be postmaster at Leslie, Mo., in place

of F. A. Rumbuhl, resigned.

Alpha DeBerry to be postmaster at Stoutland, Mo., in place of H. W. Singleton. Incumbent's commission expired September 5, 1922.

J. Orrville Gochnauer to be postmaster at Belton, Mo., in

place of W. A. Roberts, resigned.

Maria B. Cassity to be postmaster at Gentry, Mo., in place of M. B. Cassity. Office became third class January 1, 1923.

Owen S. Randolph to be postmaster at Gideon, Mo., in place of A. A. Attebery. Incumbent's commission expired September 5, 1922.

Melvin Lutes to be postmaster at Lutesville, Mo., in place of I. J. F. Sitzes, resigned.

MONTANA.

Andrew Kolnitchar to be postmaster at Geraldine, Mont., in

place of H. S. Tressel, resigned.

Samuel P. Eagle to be postmaster at West Yellowstone, Mont. in place of S. P. Ragle. Office became third class January 1,

NEBRASKA.

William A. Gibson to be postmaster at Cedar Rapids, Nebr., in place of W. C. Tredway. Incumbent's commission expired October 3, 1922.

Gustav A. Koza to be postmaster at Clarkson, Nebr., in place of G. A. Koza. Incumbent's commission expired October 3, 1922

Hiram B. Cameron to be postmaster at Herman, Nebr., place of H. B. Cameron. Incumbent's commission expired October 3, 1922.

Frank E. Crawford to be postmaster at Wymore, Nebr., in place of G. W. Campbell. Incumbent's commission expired November 21, 1922.

NEVADA.

Charles P. Squires to be postmaster at Las Vegas, Nev., in place of C. C. Corkhill, removed.

Hans R. Jepsen to be postmaster at Minden, Nev., in place of E. A. Smith, resigned.

NEW HAMPSHIRE.

Harry F. Smith to be postmaster at Peterboro, N. H., in place of E. M. Ware. Incumbent's commission expired September 19, 1922.

Edward M. Sutton to be postmaster at Ocean City, N. J., in place of B. F. Smith. Incumbent's commission expired October 24, 1922.

Jacob Feldman to be postmaster at Woodbine, N. J., in place of L. M. Danerhirsh. Incumbent's commission expired October 24, 1922.

Cooper L. MacMillan to be postmaster at Audubon. N. J., in place of M. V. Richer, resigned.

Timothy J. Nevill to be postmaster at Carteret, N. J., in place of T. A. Bishop, declined.

Elmer G. Houghton to be postmaster at Cranford, N. J., in place of J. F. Peniston. Incumbent's commission expired October 24, 1922.

Mary H. Jeffrey to be postmaster at Deal, N. J., in place of M. G. Burd, resigned.

Arthur J. Halladay to be postmaster at Kenilworth, N. J., in place of A. J. Halladay. Incumbent's commission expired October 24, 1922.

Harold Pittis to be postmaster at Lakehurst, N. J., in place of Harold Pittis. Incumbent's commission expired November 21,

James A. Harris to be postmaster at Wildwood, N. J., in place of G. N. Smith. Incumbent's commission expired October 24.

NEW YORK.

Spencer K. Warnick to be postmaster at Amsterdam, N. Y.,

in place of R. E. L. Reynolds, resigned.

Earl J. Franklin to be postmaster at Belfast, N. Y., in place of Frank McMahon. Incumbent's commission expired November 21, 1922.

Roof D. Miller to be postmaster at Fort Plain, N. Y., in place W. W. O'Connor, deceased. Hilda C. Tuma to be postmaster at Montauk, N. Y., in place

of P. J. Loftus. Office became third class October 1, 1922.
William E. Mills to be postmaster at Rose Hill, N. Y., in place of W. E. Mills. Incumbent's commission expired September 19, 1922.

Frank O. Persons to be postmaster at East Aurora, N. Y., in place of A. E. Hammond. Incumbent's commission expired October 24, 1922.

Dennis Lamarche to be postmaster at Plattsburg, N. Y., in place of A. G. Senecal. Incumbent's commission expired October 24, 1922.

Brainard W. Russell to be postmaster at Windsor, N. Y., in place of G. A. Manwarren, resigned.

· NORTH CAROLINA.

Jay Shoaf to be postmaster at Mooresville, N. C., in place of W. D. Templeton. Incumbent's commission expired September 5, 1922

Mattie C. Lewellyn to be postmaster at Walnut Cove, N. C., in place of P. H. Linville. Incumbent's commission expired September 5, 1922.

NORTH DAKOTA.

Mina H. Aasved to be postmaster at Carson, N. Dak., in place of R. H. Leavitt. Incumbent's commission expired October 24, 1922

Robert D. Hand to be postmaster at Ambrose, N. Dak., in place of A. H. Bredley, resigned.

Oliver R. Gulker to be postmaster at Glandorf, Ohio, in place

of Joseph Roof. Office became third class October 1, 1922.

Paul H. Clark to be postmaster at Junction City, Ohio, in place of J. M. Ridenour. Incumbent's commission expired September 19, 1922.

Henry G. Moellenbrock to be postmaster at Olmsted Falls, Ohio, in place of H. G. Moellenbrock. Office became third class January 1, 1923.

OKLAHOMA.

Ellen K. Marchaut to be postmaster at Aline, Okla., in place of A. J. Adcock. Incumbent's commission expired September 13, 1922.

Oscar C. Maxwell to be postmaster at Elgin, Oreg., in place of Robert Blumenstein, deceased.

Nellie G. Reed to be postmaster at Gold Hill, Oreg., in place of H. D. Reed. Incumbent's commission expired October 24, 1922.

Arlington B. Watt to be postmaster at Amity, Oreg., in place of L. R. Watt, resigned.

PENNSYLVANIA.

George R. Steiger to be postmaster at Albion, Pa., in place of W. V. Wirtz. Incumbent's commission expired October 24,

Luther J. Lukehart to be postmaster at Dubois, Pa., in place

of W. T. Evans, resigned.

Robert H. Harris to be postmaster at Tamaqua, Pa., in place of E. M. Hirsh. Incumbent's commission expired September 26, 1922.

Joseph P. Fry to be postmaster at Allentown, Pa., in place of Martin Klingler. Incumbent's commission expired September

Howard C. Emigh to be postmaster at Morrisdale, Pa., in place of E. P. Waring. Office became third class January 1, 1921.

RHODE ISLAND.

William H. Godfrey to be postmaster at Apponaug, R. I., in place of F. J. McCabe. Incumbent's commission expired September 13, 1922.

SOUTH CAROLINA.

Samuel L. Myers to be postmaster at Chester, S. C., in place of T. M. Douglas. Incumbent's commission expired October 24, 1922.

SOUTH DAKOTA.

Olof Nelson to be postmaster at Yankton, S. Dak., in place of M. M. Bennett. Incumbent's commission expired September 11, 1922.

Arnold Poulsen to be postmaster at Lennox, S. Dak., in place of Arnold Poulsen. Incumbent's commission expired December 23, 1922.

TENNESSEE.

Ira L. Presson to be postmaster at Camden, Tenn., in place of E. O. Thomas. Incumbent's commission expired January 27, 1923.

Fred L. Brown to be postmaster at Plainview, Tex., in place of W. P. Stockton, removed.

Edis T. Oliver to be postmaster at Caldwell, Tex., in place of E. T. Oliver. Incumbent's commission expired July 21, 1921.

Carlton A. Dickson to be postmaster at Cleburne, Tex., in place of J. R. Ransone, jr. Incumbent's commission expired September 5, 1922.

Earl R. Van Deren to be postmaster at Van Alstyne, Tex., in place of J. S. Spradley, resigned.

VIRGINIA.

George R. McCall to be postmaster at Raven, Va., in place of G. R. McCall. Office became third class January 1, 1922.

Archer H. Staples to be postmaster at Stuart, Va., in place of H. L. Hooker, resigned.

Virgie C. Goode to be postmaster at Bassetts, Va., in place J. Philpott. Office became third class October 1, 1920. Blodwyn R. Jones to be postmaster at Cambria, Va., in place

of D. R. Jones, resigned. John D. Williamson to be postmaster at Fries, Va., in place

of E. J. Baker, resigned.

Margaret I. Lacy to be postmaster at Halifax (late Houston), Va., in place of D. F. Hankins. Incumbent's commission ex-pired January 24, 1922.

Henry E. Bailey to be postmaster at Newsoms, Va., in place

of R. W. Ferguson, resigned. George H. McFarland to be postmaster at Reedville, Va., in place of G. N. Reed. Incumbent's commission expired October 14, 1922.

Dandridge W. Marston to be postmaster at Toano, Va., in place of D. W. Marston. Office became third class April 1, 1921.

WASHINGTON.

Mary G. Wilkinson to be postmaster at Auburn, Wash., in place of J. F. Payne. Incumbent's commission expired October

John H. Gibson to be postmaster at Issaquah, Wash., in place of Andrew Hunter, resigned.

WEST VIRGINIA.

Henry E. Folluo to be postmaster at Glen Rogers, W. Va., in place of J. G. Spangler. Office became third class October

Noah W. Russell to be postmaster at Lewisburg, W. Va., in place of H. L. Bowling. Incumbent's commission expired November 21, 1922.

Oliver A. Locke to be postmaster at Milton, W. Va., in place of O. A. Locke. Incumbent's commission expired November 21, 1922.

J. Bascom McClure to be postmaster at Omar, W. Va., in place of W. A. Curry. Incumbent's commission expired Novem-

ber 21, 1922.

Robert E. L. Holt to be postmaster at Princeton, W. Va., in place of W. B. McNutt. Incumbent's commission expired November 21, 1922.

Alma Hawks to be postmaster at McDowell, W. Va., in place

of Ernest Johnson, declined.

Ben Wakeman to be postmaster at Ward, W. Va., in place of M. I. Jackson, declined.

WISCONSIN.

Forrest T. Durner to be postmaster at Evansville, Wis., in place of P. G. Slauson. Incumbent's commission expired December 23, 1922.

Julian C. Colby to be postmaster at Union Grove, Wis., in place of F. W. Keuper. Incumbent's commission expired January 24, 1922.

WYOMING.

Reuben A. Faulk to be postmaster at Lusk, Wyo., in place of A. V. Wiggins, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1923.

UNITED STATES DISTRICT JUDGE.

Morris A. Soper to be district judge, district of Maryland.

COMPTROLLER OF CUSTOMS.

Harry W. Spaulding to be comptroller of customs in district No. 4, with headquarters at Boston.

RECEIVER OF PUBLIC MONEYS.

Oscar P. Hovind to be receiver of public moneys at Glasgow, Mont.

PROMOTIONS IN THE ARMY.

John Thornton Knight to be assistant to the Quartermaster General, with the rank of brigadier general, Quartermaster

Harvey Wolfarth Miller to be colonel, Adjutant General's

Department.

John Southworth Upham to be major, Adjutant General's Department.

Clarence Hagbart Danielson to be major, Adjutant General's Department

Eugene Edmund Barton to be captain, Quartermaster Corps. William Franklin Campbell to be captain, Quartermaster

James Charles Longino to be captain, Quartermaster Corps. Christian Allen Schwargwaelder to be captain, Quartermaster Corps.

Edwin Sanders Van Deusen to be captain, Quartermaster Corps.

Harold William Keller to be captain, Quartermaster Corps. Joel Grant Holmes to be captain, Ordnance Department. Miles Whitney Gresge to be captain, Ordnance Department. Rosswell Eric Hardy to be captain, Ordnance Department. John Huling, jr., to be captain, Ordnance Department, Ward Edwin Becker to be first lieutenant, Ordnance Depart-

George Meredith Peek to be major, Field Artillery. William Foster Daugherty to be captain, Field Artiflery. Miron James Rockwell to be captain, Field Artillery.

Miron James Rockwell to be captain, Field Artillery.

Duncan Thomas Boisseau to be captain, Field Artillery.

Murray Charles Wilson to be first lieutenant, Field Artillery.

Nelson Hammond Duval to be captain, Coast Artillery Corps.

Erwin Adolph Manthey to be captain, Coast Artillery Corps.

Raymond Carl Zettel to be first lieutenant, Air Service. Walter Christian Thee to be first lieutenant, Quartermaster

Corps Clyde Hobart Morgan to be first lieutenant, Ordnance Depart-

ment. Harold Arthur Doherty to be second lieutenant, Field Artil-

Donald Armstrong to be major, Ordnance Department. Douglas Lee Crane to be captain, Field Artillery. Louis Meline Merrick to be second lieutenant, Air Service. Walter Augustus Bethel to be Judge Advocate General, with the rank of major general.

Edward Julius Timberlake to be colonel, Quartermaster

George Sampson Beurket to be captain, Field Artillery.
Clarence Dixon Lavell to be first lieutenant, Field Artillery.
Oscar Andrew Eastwold to be major, Chemical Warfare
Service.

Nathan Horowitz to be major, Field Artillery.
George Williamson DeArmond to be major, Field Artillery.
Alexander Thomas McCone to be second lieutenant, Field

George Bryan Conrad to be second lieutenant, Field Artillery, Viking Torsten Ohrbom to be second lieutenant, Infantry,

POSTMASTERS.

CALIFORNIA

Clare E. Murlin, Escalon, Alice E. Tate, Lone Pine.

COLORADO,

William A. Russom, Bristol. Nellie M. Connelly, Hartman. Merrill D. Harshman, Wiggins.

GEORGIA.

James M. Lewis, Sparta. E. Stelle Barrett, Union City. Mrs. Alexander S. Clay, Marietta.

HAWAII.

Kenichi Masunaga, Kealia.

IDAHO.

Herbert L. Spencer, Paris.

ILLINOIS.

Marion F. Watt, Atlanta.
Sheldon J. Portersfield, Chatsworth.
Arthur G. Arnin, Columbia.
Charles T. Wilson, Eldorado.
John F. Odell, Fairbury.
Thomas E. Richardson, Flanagan.
Seymour Van Deusen, Greenville.
Ross O. Bell, Heyworth.
George H. Bargh, Kinmundy.
Ray W. Birch, Neoga.
Wallace G. Harsh, Peotone.

INDIANA.

Allen J. Wilson, Danville, James C. Taylor, Mooreland.

IOWA

Susana F. O'Bryan, Lovilla. Jennie M. Berg, Royal. Albert L. Richards, West Liberty.

KANS

Adna E. Palmer, Kingman. Margaret M. Marks, Oberlin.

LOUISIANA.

Henry A. Forshag, Crowley. Theophile P. Talbot, Napoleonville, Dudley V. Wigner, Vidalia.

MAINE.

Frank O. Wellcome, Yarmouth.

MARYLAND.

Helen K. Longridge, Barton. Horace O. Makinson, Ellicott City.

MASSACHUSETTS.

Berton Williams, Ayer. Harry T. Downes, Hanover. M. Warren Wright, Rockland. Edward A. Hunt, South Sudbury. Harry S. Tripp, Spencer.

MICHIGAN.

Myrtle Cross, Au Gres. Albert H. Rhody, Capac.

MINNESOTA.

Alda P. Conger, Becker.
William B. Stewart, Bemidji.
Frank L. Lane, Bigelow.
Francis E. Iams, Cloverton.
Frank A. Lindbergh, Crosby.
Marie C. Bergeson, Lake Park.
Charles C. Jarvis, Mora.
Daniel Shaw, Thief River Falls.

MISSISSIPPL.

Prentice O'Rear, Columbus, Myra P. Varnado, Osyka, John M. Curlee, Rienzi, J. D. Hale, Scott, Walter L. Collins, Union,

MISSOURI.

Leah Abernathy, Chaffee.

NEBRASKA.

Estella E. Murray, Belgrade, Vernon D. Hill, Diller. Harry C. Haverly, Hastings. Frederick Nielsen, Lexington, Frederick H. Davis, Madison, James W. Holmes, Plattsmouth, Charles T. Gammon, Rushville. Charles M. Stell, Scribner, Harry S. Prouty, Spencer, Percy A. Brundage, Tecumseh, Harvey A. Loerch, Tekamah, Annette C. Jones, Western.

NEW HAMPSHIRE.

Charles H. Bean, Franklin. Joseph H. Geisel, Manchester. Willard P. Wakefield, Profile House,

NEW JERSEY.

Alfred J. Perkins, Atlantic City, Forrest Green, Long Branch, Arthur Knowles, Phillipsburg,

NEW MEXICO.

Charles B. Thacker, Raton. Antonio Martinez, Taos, Chester G. Parsons, Wagon Mound.

NEW YORK

Harrison D. Todd, Arkville, Irving Barrett, Bedford Hills, Walter L. Bibbey, Fort Edward, Arthur C. Davis, Gilboa, William A. Baldwin, Norwich, Carroll F. Simpson, Phoenicia, Earl J. Conger, Waterville,

NORTH DAKOTA.

Luella F. Stewart, Bottineau. Chapin Hayford, Casselton. John M. Carignan, sr., Fort Yate, James R. Meagher, Velva. Clarence G. Mathys, Wilton.

OHIO

Wilbur C. Ledman, Zanesville.

OKLAHOMA.

Edward C. Baxter, Gage. George H. Blackwood, Hominy. Edith B. Foster, Wagoner.

PENNSYLVANIA.

H. H. McDowell, Denbo, Edythe T. Davies, Girardville.

TEXAS.

Thomas M. Welch, Palestine.

VIRGINIA.

William B. Murphy, Charlottesville, Blanche M. E. Harris, Crozet, Tivy E. Jenkins, Wilder.

WASHINGTON.

Joseph L. Milner, Almira.
Inez G. Spencer, Creston,
Charles C. King, Entiat.
Tolaver T. Richardson, Northport.
Frank Givens, Port Orchard.
Edward Hinkley, Snohomish.
Maud E. Hays, Starbuck.
Matthew W. Miller, Waterville.
Ira S. Fields, Woodland.

WYOMING.

Edward Bottomley, Kleenburn.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 24, 1923.

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. CAMPBELL of Kansas,
The Chaplain, Rev. James Shera Montgomery, D. D., offered

the following prayer:

Almighty God, we thank Thee that Thou art a heavenly Father who abides with us to bring comfort out of discomfort and peace out of disquiet; to put the gleam in the shadow and to make us feel that it is worth while to live. We bless Thee for the calm, the rest, and the soul of the soul. Continue to fill us with encouragement and kindly cheer and make us a blessing to others. The Lord send His blessing upon this whole company like an impartial sunlight. Do Thou be the guide to every pathway, the visitor of every fireside, the physician of every family, and the divine comforter of all.

The Journal of the proceedings of yesterday was read and

CORRECTION OF THE RECORD.

Mr. BLANTON. Mr. Speaker, I desire to correct the Record. On page 4409 is the following:

The CHAIRMAN. The question now is on the motion of the gentle-an from Minnesota that debate close in 20 minutes. The motion was agreed to.

On the next page is the following:

On the next page is the following:

The Chairman, The time of the gentleman has expired; all time has expired. The question is on the amendment offered by the gentleman from Kansas.

Mr. Raybern, I ask that the amendment be again reported.

The Chairman, The gentleman from Texas asks that the amendment be again reported. Without objection, the Clerk will again report the amendment.

Mr. Blanton, Mr. Chairman, I make the point of order that the motion of the gentleman from Minnesota was that debate should close in 20 minutes; 10 minutes to a side.

The Chairman, The gentleman from Texas is in error. The gentleman from Minnesota moved that all debate on this amendment and all amendments thereto close in 10 minutes. There was an effort made to arrive at 20 minutes, offered by the gentleman from Texas.

Mr. Blanton, I understood it was 20 minutes, and therefore I moved to make it 30 minutes.

I offer this to show that it was the Chairman and not the

I offer this to show that it was the Chairman and not the

gentleman from Texas who was in error.

The SPEAKER pro tempore. That is not a correction of the

Mr. MONDELL. Mr. Speaker, I do not think the Chair was in error.

The SPEAKER. The question raised by the gentleman from

Texas is not a correction of the Record. Mr. BLANTON. There was an error, then, in the Record. Mr. MONDELL. The RECORD has not been changed.

EXTENSION OF REMARKS

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in 8-point type by publishing two letters, one from the Secretary of Agriculture and the other from myself, on the subject of agricultural extension.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The letters referred to are as follows:

THE SECRETARY OF AGRICULTURE, Washington, D. C., January 29, 1923.

DEAR MR. ASWELL: I have been deeply sensible and greatly appreciative of your very sympathetic attitude toward the work of this department since I have been here, and I am quite sure that you would not knowingly say anything concerning our work here which you do not believe to be fully justified by the facts. In your speech which I find in the Con-GRESSIONAL RECORD of January 20 you make a number of statements concerning the reorganization of our extension work, and of Mr. Pugsley, the Assistant Secretary, which are very wide of the mark. Apparently you have been greatly misled by some one who did not take the trouble to assure himself of the correctness of the information he was passing on. Being unwilling that you should rest under a mistaken notion of what we are doing in this reorganization and feeling sure that you will thank me for setting you straight, I am inclosing herewith a statement based upon various remarks made in the course of your speech.

Let me add a word concerning Assistant Secretary Pugsley. I was not here very long until I became convinced that our publication work needed a thorough overhauling and that our

ganizing. It was quite apparent that I could not myself give the time necessary to do justice to these two pieces of work, Consequently I looked about for some one who had had the sort of training needed to take over this responsibility, and on my own initiative selected Mr. Pugsley and asked the President to make him Assistant Secretary, which he very promptly I chose him because he had had several years practical experience in extension in connection with the Nebraska Agricultural College, and because he had had several years experience as an agricultural editor. In both of these capacities he had become quite familiar with the extension and publication work of the department. Also I knew him to be a man of common sense and level-headed judgment, to whom I could safely intrust any responsibilities which it might be necessary to pass on. His principal work since becoming Assistant Secretary has been in connection with publications and extension. I think he has rendered conspicuously valuable service in both fields. The suggestion that in either he has been influenced by political motives is entirely unwarranted, and this statement applied to myself as well. I do not think I could tell you the politics of as many as 15 employees in our entire staff of more than 19,000 people. May I say in this connection that my observation is that the Department of Agriculture, whether under a Republican or a Democratic Administration, has been singularly free from partisan politics. selected here with a view to their training for the particular task to which they are to be assigned. Even on my own personal staff there is not a single person who has been chosen from either a political or personal standpoint. I did not bring even a personal private secretary with me.

With high personal regards and with the hope that you will take time to read carefully the statement herewith inclosed, I am.

Sincerely yours.

(Signed) HENRY C. WALLACE.

Hon. JAMES B. ASWELL, House of Representatives.

STATEMENT COVERING SPEECH OF REPRESENTATIVE ASWELL, OF LOUISIANA, CONCERNING EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS AS REPORTED IN THE CONGRESSIONAL RECORD OF JANUARY 20, 1928.

You say that Congress and the country is entitled to a frank statement of facts regarding the reorganization of extension work in the Department of Agriculture. Such statements have been made in detail before the Agricultural Appropriations Committee and published in the hearings of that committee. The plans have also been freely discussed in speeches and in the There is not a single move in the reorganization that has not been made public, and every important part of the plans has been discussed with and approved by the Association of Land Grant Colleges. These colleges are charged by law with the State administration of cooperative extension funds.

Under the Federal Government's agreement with the States they have complete charge of the organizations and plans of work within the States. The department scrutinizes those plans to see that they conform to law, and to see that they will accomplish the purposes intended by the law. Your statement in the Congressional Record of January 20 regarding the cooperative agricultural extension work proceeds on the assumption that the plans of work and the expenditures for different purposes are primarily determined by the Department of Agri-The fact is that the plans and expenditures are initiated by the State agricultural colleges and are approved by the department without change in the majority of cases if they conform with the law. Such changes as are made in them at the suggestion of the department do not affect the general policy of the use of the funds which the States have themselves determined, and are not incorporated unless the States agree.

When I became Secretary of Agriculture there were two extension divisions in the department administering Smith-Lever and other Federal extension money. One of these was known as the Office of Extension Work, North and West, and the other as the Office of Extension Work, South. The Office of Extension Work, North and West, administered the work in 37 States and the Office of Extension Work, South, administered the work in 15 States

This duplicate administration of the funds appropriated for the same purpose made effective Federal administration practically impossible and added greatly to the cost of administration. It also made the consideration of a national agricultural extension program very difficult. The State agencies, extension directors, from both North and South, requested that the two extension work could be very greatly strengthened by reor- | Federal offices be combined. This suggestion met with my approval and plans were started to put the suggestion into operation.

Any change which calls for the combination of separate administrative offices naturally calls for a readjustment of personnel. It is also certain that people in both offices will not regard the change in all of its details in a friendly way. was particularly true in the contemplated change, because there was a total of 13 heads of separate divisions administering the work under the two offices. Consolidation would mean fewer administrators. As a matter of fact, the consolidation which was finally put into effect called for one head of an extension office and a head of two divisions-3 heads instead of 13. All of the work formerly administered in 11 separate divisions was assigned to 2 divisions. The resulting change saved \$28,000 in overhead expense in administering extension work during the past year.

In making the change no person employed in the Federal Government was left without important work to do, or given work to do for which he was not eminently qualified. No salaries were reduced. There is, as you know, a tremendous turnover in the personnel of the department. Many of our people leave every year to accept higher salaried positions in other institutions. Heretofore it has been necessary to replace these people with others. During the past year, however, because of the new plan of administration, it has been possible to perform all the work by reassignment without replacing those who have voluntarily left.

Apparently you are under the impression that the change in the Washington office contemplated forcing our cooperators, the States, to change their plan of administration, or to handle their work in a different way than that in which they

have been handling it in the past.

You are entirely wrong in this assumption, as is clearly evidenced by many statements of Assistant Secretary Pugsley, who has been directly charged by me to bring about the reorganization in the Washington office. May I call your attention to some of the statements which he has made in connection with the reorganization?

In his address before the General Session of the Land Grant Colleges at New Orleans, November 9, 1921, Mr. Pugsley presented the plan which has been agreed to by their joint committees and closed his address with the following statement:

You are interested in knowing what the plan will demand in the way of changes in your organization. It demands no changes. You may continue just as you are now if you like, If you are convinced that you can better accomplish your extension work by changing your State organization, we will welcome new organization projects. * * The plan which we have outlined will gear into any sort of State organization plan so long as that plan is doing good work. are very anxious that no Federal extension work shall be undertaken in the States except under our cooperative agreement. If you know of any such you will do us a favor by calling it In closing let me repeat that the to our attention. department recognizes only the extension director or other authorized agent of the Land Grant College in carrying out its extension work. * * No specialist in either subject matter or extension methods is to come to your State except upon request of or agreement with the extension director. Upon his arrival in the State, he is to report first to the extension director, and only to do work agreed to by the extension director and to do it under his direction and in cooperation with his forces. No reports will be demanded by us except those which come through the extension director. We will impose which come through the extension director. no uniform plan of organization upon any State, for we recognize fully that conditions vary and that a plan is only a means to an end. * * * In short, we consider it our responsibility to see that the funds for the use of which we must render an account are lawfully spent and are accomplishing the purposes for which they were intended, rather than that we should dictate the details of the manner of their expenditure.

You are also apparently under the impression that we are trying to do away with home demonstration work and women's

The outline of our policy as indicated above should answer this query, but allow me to say emphatically that no such effort has been made and furthermore we are not in sympathy with any such plan. Both Mr. Pugsley and I are very keenly interested in the women's and girls' work. As a matter of fact, the reorganization has given that work more prominence. It has placed women in each of the administrative divisions, so no administration of Federal cooperative extension funds will be carried on in the Department of Agriculture without having been considered from the standpoint of the needs of

the rural woman. Furthermore, you will note that I have asked for the establishment of a Bureau of Home Economics in the department, and I have announced my intention of placing a well-trained and well-qualified woman at the head of that bureau. At the present time the home economics work is carried on in the office of Home Economics headed by a man. I think it is safe to say that never before in the history of the department has the home economics work had the consideration it now has.

A third point upon which you are apparently misinformed is that concerning the revision of the reports we are asking from the States. Congress has charged the Department of Agriculture with the administration of several million dollars of extension funds and expects the department to report on how these funds are expended, as well as to see to it that they are expended for the purposes prescribed in the law. calls for either detailed reports or detailed inspection. of course, make some inspections in the field, but no system of inspection will furnish as much information as comprehensive reports signed by the county extension agents and the Directors of Extension. Assistant Secretary Pugsley, therefore, instructed the Extension Office within the department to go over the many forms and reports heretofore demanded by the department and to prepare from them a suggested form of report to be submitted to the various States for their suggestions and comments. The only form sent out to the States was a tentative one, and since that time we have been working on its revision in order that we may incorporate the desires of the extension directors as they come in from various States. The matter is being taken up with the Extension Committee of the Land Grant Colleges, as well as with a special committee appointed by them at their last meeting. When the report is finally approved for the following year it will have the approval of that committee, as well as the approval of the States.

In this connection it should be remembered that a report in no way requires any form of organization or administration within a State. It is merely a list of questions which will give a comprehensive idea of what is being done with the money which Congress has appropriated. A uniform list of questions to be used by every extension agent, or boys' or girls' club agent, seems desirable. Such a report covers the entire extension field and permits the home demonstration agent to list all the work

You charge that specialists are greatly increasing.

During the past year the number of county agricultural agents and the number of home demonstration agents have increased, while the number of specialists has remained about the same as last year. Relatively more specialists on food, nutrition, clothing and other home economics subjects have been employed to assist the home demonstration agents. All the specialists do a large part of their work in the counties and they reach many counties which do not as yet have county agricultural agents or home demonstration agents. Specialists are, in effect, agents who come in personal contact with farmers, and can not be regarded as administrators. This is also true of the State leaders and district leaders who are essentially field agents, supplementing the work of the county agents and assisting in the further development of the work among the farm men, women, and children.

The number of specialists and State and district leaders in the several States has been determined by the States, not by the Department of Agriculture. There has been no attempt by the department to limit the number of women leaders, specialists or agents, but on the contrary the States have been encouraged in their efforts to increase the number of women employees. Moreover there has been a distinct effort on the part of the department and the colleges to encourage the men agents to do more work for the benefit of the farm women and children in counties where there are no women agents, and undoubtedly there has been an increase in the amount of work in the interests of the farm home. This will result, we believe, in still more home demonstration agents.

When the Northern and Southern Offices were combined, C. B. Smith, the Chief of the Northern Office, was made chief of the combined office by virtue of his seniority. J. A. Evans, the Chief of the Southern Office, was given a very important position as consulting expert and adviser on southern agriculture, particularly cotton farming, and in this capacity is performing very valuable services in his relations with both the department bureaus and the State extension services, and his work is growing in importance and magnitude daily.

A number of the most experienced and successful workers in the old organization have been included in the Division of Programs in the new organization. These are Messrs. Mercier,

Savely and Schaub from the Southern Office, and Messrs. Lloyd, and Farrell and Miss Ward from the Northern Office. Miller, of the Southern Office, was for a time in this division, but chose to leave the department for a position at a higher salary and is now Director of Extension at the Oklahoma Agricultural College. The division as thus constituted contains persons who have had experience in the general administration of extension work and in the supervision of the work of the county agricultural agents, home demonstration agents, and boys' and While the individual members of this divigirls' club agents. sion work, to a certain extent, in districts containing a number of States, they come together frequently to consider the general

The technical subject matter specialists of both former Extension Offices were put together in the Division of Methods, dealing with the methods of extension work in the different branches of agriculture and home economics much as they did before in the two offices. To a certain extent they have been assigned to large regional districts, but are not confined to these, going into the States, both North and South, on many special missions in response to the requests of the State Extension Di-

Miss Wessling has left the department to accept a technical position with a commercial concern at a much higher salary; Miss Ola Powell has spent the last two seasons in France at the request of the American Committee for Devastated France and the French Minister of Agriculture, to aid in the establishment, among the French farm women, of home canning and other forms of home demonstration work according to American methods.

It should not be necessary to say that all civil service rules have been complied with, and that no consideration has been given to the politics of any person in completing the reorganiza-Neither I nor Assistant Secretary Pugsley are acquainted with the party politics of any extension employee. In making assignments we considered the experience, ability and fitness of each and made an honest effort to assign each to that part of the organization where they, in their judgment and ours, could accomplish the best results.

Neither should it be necessary to say that your charge that extension employees do not have access to me is unfounded. Every employee has the freest access, and statements they make have my most careful and conscientious consideration.

Sincerely.

(Signed) HENRY C. WALLACK.

JANUARY 27, 1923.

HOUSE OF REPRESENTATIVES, U. S., February 24, 1923.

The Honorable Henry C. Wallace,
The Secretary of Agriculture, Washington, D. C.

DEAR MR. SECRETARY: I wish to express my appreciation of the courtesy of your letter of January 29 in regard to my speech of January 20. In order that you may understand my attitude and motive more fully, allow me to say that I have been a student of the demonstration work for 15 years or more, that I knew Dr. Seaman A. Knapp personally, and was familiar with the methods and principles which he used in establishing and developing this great system of education in this country. Furthermore, I have had information from various sources for the past year or more in regard to the reorganization in the department and the dissatisfaction in the field,

I acknowledge receipt also of the statement over your signature which professes to "cover" my address of January 20, 1923, copies of which I note you sent members of Congress. which causes me to print this correspondence in the Congres-SIGNAL RECORD. Your statement does not "cover" my address. It does not touch the main points. It sets up straw men, then knocks them down. The weakness of this mosscovered method of defense is apparent. My great respect for you personally and my high regard for your accomplishments in the accurate use of the English language cause me to wonder whether you read this "covering" statement before you signed it. The first sentence in the statement "covering" my speech raises the doubt. Read it. The doubt exists in my mind throughout the statement.

I am disappointed that you content yourself with making a general denial of the correctness of my statements instead of calling in the witnesses I named without their being accompanied to your office by either big or little chiefs, getting for yourself the facts, and saving the demonstration work in the counties. You evade by declaring that "frank statements" in detail have been made to the Appropriations Committee and to the public, but really, have you made a detailed "frank state-

ment

I said that there are two schools of thought in the depart-Dr. S. A. Knapp is the author of one and the other is traditional and outworn pedagogy applied to new and changing conditions. Wherever Dr. Knapp started his work and demonstrated his philosophy the people received it gladly. Money for the support of county agents, men and women, was appropriated by county authorities, by State legislatures, and by Congress as fast as he was willing for it to come. Likewise support came from farmers, from business men, and from thoughtful men and women generally. There was no question as to too many specialists and too much overhead as long as the proper principles were adhered to and the methods indorsed by Congress were followed

Because of the fact that this great work developed in the South and because there were two offices of administration, the full force and power of the fundamental thinking of the founder have been largely kept out of the rest of the country.

I stated that in the reorganization not a single one of the men or women who were associated with Dr. Knapp was made the head of a division or even the chairman of a subcommit-tee, and that not one of them can write an important letter without having it vised by a person who has different beliefs and methods. Why not cut out generalities, Mr. Secretary, and be frankly specific? Is this a correct statement? Are you willing for this injustice to continue? Kindly cite me the page and paragraph where "frank statement" and explanation of this point have been made to the Appropriations Committee and the country. This is one ground upon which I charged maladministration and predicted disaster to the work unless you see that this thing is readjusted and that right prevails. Surely you do not ask me to believe that it was incidental to either fairness or efficiency that every member of the Southern Office should be reduced to a subordinate position and their influence restricted by any such methods as are being practiced. I cannot understand this situation upon any other ground than that already stated in my speech, viz., that you do not know the qualifications, the spirit and the devotion of these people. You say that you and the Assistant Secretary do not know the politics of a single one of them. Was it accidental also that an Ohio Democrat was demoted in position and an Ohio Republican promoted? It is easy for your chiefs to manipulate appointments because of prejudice. I am fully convinced that great injustice has been done and is still being done in this It is not simply an injustice to the few people I mentioned, but to a great cause which they happen to represent at

In the "Statement Covering the Speech of Representative Aswell of Louisiana," you say that the facts of the reorganization and the plans of the department have been frankly presented to the Agricultural Appropriations Committee and to the public. But you should note that some earnest Republican Members of Congress are not satisfied with the conduct of the Extension Work, for Chairman Anderson, in reply to Assistant Secretary Pugsley, in the committee hearings for 1923, said "Besides that he (the specialist) wastes an enormous amount of time and money in traveling around the country making contacts that are necessary for him to do any good. do not think it is simply a question of the Members of the House feeling that too much money is spent on administration. I think there is also a feeling that the thing is too much from the top down and too little from the ground up. You can not reach a whole lot of these people on the basis that you are talking to them from a university. You have got to get these problems on the ground, and from the standpoint of the farmer himself. I know that there are a great many farmers who feel that sort of uplift proposition, even though it may be educational in character, does not leave the influence that it would

if it had closer contact with the farmer's problem from his point of view rather than from the scientist's point of view."

Mr. Anderson also said "The fact is, you have got about \$7,000,000 worth of people telling \$11,000,000 worth of people what to do." Chairman Haugen of the Agricultural Committee and numerous other gentlemen of both parties have repeatedly expressed similar opinions. Perhaps you will remember that Chairman Anderson told you in the committee that "there are a good many people up here on the hill who feel that the specialist end of this game is rather overemphasized." Congress expected at least three-fourths of all funds to go actually into the countles. If any State wants to have a large number of specialists there is nothing in the Federal law or policy which will prevent it from making special appropriations for that purpose, but it is not right to use Federal funds to multiply specialists at the expense of the counties. If Congress has to speak again on this subject there will likely be drastic restrictions imposed.

Your "covering statement" is shockingly contradictory. On page 7 you say "The number of specialists and State and district leaders in the several States has been determined by the States, not by the Department of Agriculture. There has been no attempt by the department to limit the number of women leaders, specialists, or agents" * * *. On page 5 you say "Congress has charged the Department of Agriculture with the administration of several million dollars of extension funds and expects the department to report on how these funds are expended, as well as to see to it that they are expended for the purposes prescribed by law." And yet you say there has been no attempt by your department to limit the number of specialists. That is exactly why I said the department is repealing acts of Congress and defying the intent of Members of Congress who enacted definite legislation for the national welfare.

Your statement ignores the vital points I made in regard to the Home Demonstration Work. I said that Congress made extension work in home economics coordinate with agriculture and that the reorganization made it subordinate. I said that in the "projects and programs" it is put on a parity with cattle, crops, hogs, and sheep, and that the highest positions given to women are five or six degrees removed from the Secretary. Furthermore, I asserted that the annual report form does not mention the word "woman" or provide properly for reporting many of her most valuable activities. I repeat that the women of this country are being shamefully ignored.

I called attention to the fact that three-fourths of all the women county agents are in the South and gave a table from the figures which you sent me. This table contrasted a number of different Northern and Southern States. I wish respectfully to invite your attention to another phase of this situation. When large sums of money are spent on salaries and traveling expenses of specialists it reduces the amount available for women county agents. You will notice that the Southern States have fewer specialists and more women agents.

This means that in many States the amount spent on overhead is far above 58½ per cent because some of the States pull down the average. I do not believe it is right to make the farm bureau and other farm organizations pay so much to get the county agents when Congress provided funds not so much for specialists but primarily and specifically for county agents. It does not relieve the situation when by top-heavy expenses you make it necessary for the county commissioners, the county courts, or other fiscal authorities to put up county tax money for such purposes.

You say that the number of specialists for this year is practically the same as last year. There was a net increase in the appropriation by Congress of \$300,000. There are very few more county agents. The counties are putting up more money The percentage spent on specialists and overhead every year. is getting higher and higher. How much more money is being spent on specialists and overhead this year? Perhaps specialists are getting to be more of a luxury than a necessity. You ignore my statement that only 411 per cent of all Federal and State appropriations go into the salaries of county workers. and yet you say that I am entirely wrong in the assumption that "the change in the Washington office contemplated forcing our cooperators, the States, to change their plan of administration, or to handle their work in a different way than that in which they have been handling it in the past. did assume that you contemplated bringing about changes which would give the people in the counties the benefit of this money and work, as Congress intended, I did so in a spirit of confidence and I shall be greatly disappointed if you adhere to your announced policy that no attempt has been made by the department to limit the number of specialists.

The statement "covering" my speech says that the change saved \$28,000 during the past year. It also says "No salaries were reduced". I said that many salaries of chiefs and clerks were increased. The clerk who can figure saving so well might be promoted to the budget committee.

You say "When the Northern and Southern Offices were combined C. B. Smith, the Chief of the Northern Office was made chief of the combined office by virtue of his seniority." You further state that J. A. Evans, the Chief of the Southern Office, was given the high position of consulting expert and adviser. That statement is absurd. Did Evans advise that all the people in the Southern Office be demoted? I said that Mr. Evans was the first man appointed by Secretary Wilson after Dr. Knapp began the work in 1903. He had been in the service a long time before the work in the North began. Mr. Smith may have been in the department in Washington as a

specialist long enough to give him seniority over Mr. Evans if you count from the time when Mr. Evans was brought into headquarters. But if seniority was the consideration, why was Mr. Goddard, an Ohio Republican, who was not in the work at all, made a chief of a division, while Mr. Evans was made an adviser with no administrative responsibilities? What about Mr. Graham, another Ohio Republican who is the chief of another grand division? Was seniority the ground of his selection? Please cite me the "frank statement" you have published on these points, for, in my opinion, here is where the trouble began.

You say "Neither I nor Assistant Secretary Pugsley are acquainted with the party politics of any extension employee." Don't you think it is possible that these chiefs have some scheme whereby they can guess the politics of a man from South Carolina, Mississippi, or even Louisiana? No such discriminations were ever made in the Department of Agriculture against these people before. Their abilities, their services, and their successful work, have heretofore been recognized. I stated in my speech that heretofore the Department of Agriculture has been remarkably free from partisan politics. This fact makes the present situation in Extension Work the more regrettable.

Without raising the question of the age of the women, may I ask why the southern women, who helped to develop all that fine work down there, should be relegated to inferior positions, while the woman who was premoted to the headship of the women's work for the whole country was a junior in the work who did not have as many agents in her whole district of a dozen or more States as they have in a single State in the South? That does not seem to be based upon seniority, achievement, or justice.

Let us get down to the facts, Mr. Secretary, be definite, and frankly explicit:

I stated that in the reorganization of the extension work, not a single man or woman associated with Dr. Knapp in establishing and building extension in the counties was properly recognized or placed in a responsible administrative position. Cite me the "frank statement" explaining why these people were thus ignored.

I stated in substance that O. B. Martin, I. W. Hill, and C. L. Chambers, distinguished educators and agriculturalists, but Democrats, formerly in charge of all the club work in the South, were displaced by a Mormon of less experience and less success in club work. Is this true or not? Where is that "frank statement" to the public on this point?

I stated that the women who had successfully established home economics in the counties had been superceded in authority by a junior woman of less experience. Is this true or not?

I stated that the overhead expenses of the extension work are increasing and that the money you spend in the counties is relatively decreasing, and I proved my statement by the figures you submitted to me over your signature of January 16, 1923, revealing clearly that only 41½ per cent of the money is expended in the counties while 58½ goes into overhead. Why not admit this fact, proven by your own statement, and proceed to correct it?

But, in the committee hearings two years ago, Mr. Anderson said, "No, I say it is top heavy on specialists and leaders and setting more so every year."

and getting more so every year."

Mr. Pugsley replied, "I agree with you that overhead administration should be cut to the minimum, but I think that a weakness of the extension work is that we do not have enough specialists to assist the agents in the field."

The Congress and the country would like to know, Mr. Secretary, what your future policy is to be in this matter.

You defend the combining of the two extension divisions of the Department of Agriculture which formerly existed. In my speech I approved this union of forces, as these two divisions should never have been created, but where may I find a "frank statement" of explanation why you placed no one from the Southern Office in a responsible administrative position, and why only one or two field agents and clerks in the Southern Office have been promoted since the reorganization? It should be noted, Mr. Secretary, that many of these people are not natives of the South, nor was their great leader, Dr. S. A. Knapp, a native of the South.

You declare that you selected Mr. Pugsley partly because of his connection with extension work in Nebraska and that "Both Mr. Pugsley and I are very keenly interested in the women and girls' work." Will you cite me the "frank statement" made to the Appropriations Committee and the public explaining how it happens that in Mr. Pugsley's own State, Nebraska, (where he had the connection with extension work

that got him his present job) there are now 20 specialists and only 4 women agents; why in Wisconsin there are 33 specialists and only 1 woman agent; also why in Pennsylvania there are 37 specialists and not one woman agent?

In the consideration of this point it should be clearly noted that the more money you expend for specialists, the less you have to expend for women agents. The salary and traveling expenses of one specialist will put on at least four women

county agents.

You seem to hide behind the States as to the number of specialists, but under Federal statute, Mr. Secretary, you have full authority to approve or disapprove the budgets and all plans of work before they are put into operation in the States. You are also charged with the grave responsibility, as Mr. Pugsley stated in his New Orleans speech, "to see that the funds for the use of which we must render an account are lawfully spent and are accomplishing the purpose for which they were intended," namely, to get down to earth in the counties where the people live.

My excuse, Mr. Secretary, for writing you thus frankly, is my keen interest in agriculture and especially in the extension work." The cause is bigger than the individual, but the cause can not grow and serve properly and effectively without recognizing certain fundamental educational principles and without dealing justly and rightly with the individuals who hold the cause dear to their hearts. I shall anxiously await your proper action in the matters presented above, to save and perpetuate the great work established in America by a big and

brave soul, Dr. Seaman A. Knapp.

With assurances of my personal esteem and respect,

Sincerely yours,

(Signed) J. B. ASWELL,

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the decisions of the Supreme Court.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to extend his remarks in the Record on the decisions of the Supreme Court.

Mr. McARTHUR. What decisions? Mr. RAMSEYER. Decisions generally, and some remarks of my own. Last year, when the Supreme Court was under a storm of criticism, some papers seemed to indicate that the Supreme Court was engaged chiefly in holding acts of Congress unconstitutional. I have secured a list from the legislative bureau of the decisions that have held acts of Congress unconstitutional and there are only 48 in 133 years.

Mr. McARTHUR. I withdraw any objection. The SPEAKER pro tempore. Is there objection?
Mr. BLANTON. Reserving the right to object, knowing the

gentleman as I do, he certainly is not espousing the move on foot seeking to enlarge the required majority of the Supreme Court in holding an act unconstitutional?

Mr. RAMSEYER. I am not espousing anything special. The gentleman, I suppose, is familiar with the decision of Chief Justice Marshall in Marbury against Madison, which announced my views on the powers of the Supreme Court many years before I was born.

Mr. LONDON. Oh, no; he never heard of it. [Laughter.] Mr. BLANTON. If the Socialist gentleman from New York is working in double harness with the gentleman from Iowa, I shall have to object.

[Cries for "the regular order."] Mr. BLANTON. I object.

The SPEAKER pro tempore. The gentleman from Texas objects.

ILLUSTRATION OF FOREIGN POSTAGE STAMPS.

Mr. VOLSTEAD. Mr. Speaker, I present a conference report for printing under the rule on the bill (S. 2703) to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates.

MAE E. NOLAN-JOHN G. WOLFE.

Mr. IRELAND. Mr. Speaker, by direction of the Committee on Accounts, I submit a privileged resolution. The Clerk read as follows:

House Resolution 539 (Rept. No. 1698).

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Mae E. Nolan, the sum of \$186.66 and to John G. Wolfe \$120, being the amount received by them per month as clerks to the late Hon. John I. Nolan at the time of his death, November 18, 1922.

Mr. IRELAND. This is the usual resolution for pay of the clerks of a deceased Member.

The resolution was agreed to.

CHLIDE NELMS-SHERBILL B. OSBORNE.

Mr. IRELAND. Mr. Speaker, I present another resolution. The Clerk read the resolution, as follows:

House Resolution 520 (Rept. No. 1699).

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Childe Nelms the sum of \$186.66, and to Sherrill B. Osborne the sum of \$120, being the amount received by them per month as clerks to the late Hon. Henry Z. Osborne.

Mr. IRELAND. That is a similar resolution to the other. The resolution was agreed to.

HENRIETTA MUELLER.

Mr. IRELAND. Mr. Speaker, I present the following privileged report from the Committee on Accounts.

The Clerk read as follows:

House Resolution 543 (Rept. No. 1700).

Resolved, That there shall be paid out of the contingent fund of the House to Henrietta Mueller, mother of T. J. Mueller, late a clerk to the Hon. L. C. Dyer, a sum equal to six months of her compensation as such employee, and an additional amount, not exceeding \$250, to defray the expenses of the funeral of said T. J. Mueller.

The SPEAKER pro tempore. The question is on agreeing to the resolution

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?
Mr. IRELAND. Yes.
Mr. STAFFORD. I assume that since clerks to committees have been placed on the roll of the House they are considered House employees and entitled to the same beneficences that are granted to other employees.

Mr. IRELAND. We can not do otherwise. That is true not only of clerks to committees, but of clerks to Members as well. They are now employees of the House and come under the rule, Mr. BLANTON. This clerk was still a clerk at the time of

his death?

Mr. IRELAND. Of course.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

ADDITIONAL CLERICAL SERVICES-ENROLLING ROOM.

Mr. IRELAND. Also the following resolution, Mr. Speaker. The Clerk read as follows:

House Resolution 531 (Rept. No. 1701).

Resolved. That there shall be paid out of the contingent fund of the House compensation, not exceeding \$100, for additional clerical service in the enrolling room during the remainder of the present session.

Mr. IRELAND. Mr. Speaker, this is the usual resolution which is passed at the close of the Congress to enable the facilitation of this work.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

SALARY OF CHIEF JANITOR.

Mr. IRELAND. Also the following resolution.

The Clerk read as follows:

House Resolution 507 (Rept. No. 1706).

Resolved, That there has been paid out of the contingent fund of the House of Representatives to Charles A. Kaschub, chief janitor of the House of Representatives, additional compensation at the rate of \$500 per annum until otherwise provided for by law.

With the following committee amendment:

Line 4, strike out the figures "\$500" and insert in lieu thereof the figures "\$300."

Mr. IRELAND. Mr. Speaker, this resolution is believed by the committee to be a meritorious one. The recipient of the additional salary occupies the position of chief janitor for the House. A similar position in the Senate pays \$2,000 a year. The present incumbent of that office for the House is drawing \$1,500, but his duties are quite a bit heavier than the corre-

sponding duties in the other body.

Mr. STAFFORD. What is the total janitor force to take care of the House Chamber and the House wing of the Capitol? Mr. IRELAND. I can not tell the gentleman from memory.

I think that has no especial bearing upon this individual case.

Mr. STAFFORD. I notice every afternoon, and every evening when we have a night session, that shortly after adjournment the corridors are filled with smoke. I am told that the smoke is emitted by the burning of refuse paper in some of the fireplaces here. I do not think that is a very sanitary plan. I do not think the corridors of the House should be filled with smoke, because rarely is the air from outside allowed to

come in here. I think that practice should be discontinued.

Mr. IRELAND. I think that situation has been cared for. I am so informed.

Mr. STAFFORD. Oh, no. Only the night before last, when we ran until 11 o'clock, when I came over here from the House Office Building at half past 11 there was smoke in the corridors.

Mr. IRELAND. I am sure the gentleman is mistaken about I think that must have been because of the Members smoking as they were going out.

Mr. STAFFORD. Oh, no; I know the difference between

cigarette smoke and smoke from burning paper. It is an abuse that should be corrected.

Mr. IRELAND. The situation the gentleman mentions is an abuse and should be corrected, and I think it will be.

Mr. BLANTON. How many chief janitors have we? Mr. IRELAND. Just one, as I understand it.

Mr. BLANTON. They have one in the Senate, drawing \$2,000 a year; and we are to have one for the House, drawing \$1,800 a year. Is there one for the Supreme Court?

Mr. IRELAND. I was referring only to the House organiza-Is there one for the Supreme Court?

Mr. BLANTON. This is just one Capitol Building. Is there one for the Supreme Court?

Mr. IRELAND. Not a chief janitor.

Mr. BLANTON. But there is a separate janitor for the Su-

preme Court

Mr. IRELAND. There must be.
Mr. BLANTON. Then, in one building we have three separate janitor forces. Why could they not be all put under one head, so that we would have only one chief janitor?

Mr. IRELAND. I think the gentleman might make that rec-

ommendation.

Mr. BLANTON. It will cut out at least two positions as chief janitor.

Mr. TILSON. Does the gentleman think that the Senate would agree to do that? They want to control their own janitor force.

Mr. BLANTON. If we called attention to it, the people at

home might persuade them to agree to it.

Mr. UNDERHILL. Mr. Speaker, I ask for recognition in opposition to the resolution.

The SPEAKER pro tempore. The gentleman from Massachu-

Mr. UNDERHILL. Mr. Speaker, this is one of the numerous requests which, have come to the Committee of Accounts in the closing days of the session for increase of salary. is no more entitled to this increase than at least 20 others who have made similar requests. He is supposed to be the chief of the janitors. Like the chairman of the committee, I can not tell you how many subjanitors there are, but he is receiving twice as much salary as any of the subjanitors. There is no reason why he should receive twice the salary, except that he is vested with a little brief authority; he is held to be somewhat responsible for the manner in which the others perform their work. I do not know that I would take the floor in opposition were it presented in the early days of the session, but it is absolutely wrong for the employees of the House to come here at the beginning of a recess and ask for an increase in

Mr. TILSON. Is it not a fact that while the rest of us have gone home, and the other subjanitors have gone home, this man

has to stay in charge of the building?

Mr. UNDERHILL. He has a pretty soft place to loaf for the next nine months. I do not think he is entitled to any financial consideration because he happens to hold this job through the summer months.

Mr. McARTHUR. What is the salary of the chief janitor? Mr. UNDERHILL. The salary of the chief janitor at the present time, I believe, is \$1,500, and he gets a bonus, and that brings it up to \$1,740.

So, if the motion is in order, Mr. Speaker, I move to strike

out the resolving clause.

The SPEAKER pro tempore. The gentleman from Massachusetts moves to strike out the resolving clause.

Mr. IRELAND. Mr. Speaker, I move to lay that motion on the table.

The SPEAKER pro tempore. The gentleman from Illinois moves to lay the motion on the table.

Mr. SANDERS of Indiana. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SANDERS of Indiana. The question occurs to me
whether, if the motion to lay on the table should carry, it would
not take the whole resolution.

Mr. BLANTON. The gentleman from Massachusetts would not object.

Mr. IRELAND. Mr. Speaker, I withdraw my motion. The SPEAKER pro tempore. The question is on the motion

of the gentleman from Massachusetts to strike out the resolving clause of the resolution.

The question was taken, and the Speaker announced the "noes" appeared to have it.

Mr. BLACK. Let us have a division.

The House divided; and there were-ayes 23, noes 69.

So the motion was rejected.

The SPEAKER pro tempore. The question is on the committee amendment.

Mr. BEGG. Can we have that amendment stated? A number of us do not know what it is.

The committee amendment was again reported.

Mr. BLANTON. Mr. Speaker, I offer a substitute for the committee amendment, to strike out the figures "\$500" and insert the figures "\$50," and I would like to have it reported by the Clerk so it will be in order.

The SPEAKER pro tempore. The Clerk will report the

amendment.

The Clerk read as follows:

Mr. Blanton moves to amend the committee amendment by striking out the figures "\$500" and inserting in lieu thereof "\$50."

Mr. BLANTON. Mr. Speaker, I ask for recognition for a moment on my amendment. Mr. Speaker, this is almost too small a matter to take up the time of the House—

Cries of " Vote!"

Mr. BLANTON. But it is a bigger matter after all than you think it is. We have important employees of this House sitting at this desk and others who are here all the time and only receiving the pay of \$1,800-

Mr. LONDON. Mr. Speaker, I raise the point of order that the gentleman from Texas asked that he might have a moment in which to discuss his amendment and that moment has ex-

pired. [Laughter.]
Mr. BLANTON. Well, I did not ask for any ordinary

The SPEAKER pro tempore. The gentleman from Texas,

as usual, is speaking in a Pickwickian sense.

Mr. BLANTON. And the Speaker pro tempore, as usual in the House, violates the rules and gets personal. Mr. Speaker, the question is whether you want by your vote to pay a janitor in the Capitol \$2,040 a year. That is exactly what you are voting to do now. He already gets \$1,500 a year. Your committee amendment pays him \$300 more which makes \$1,800 and the \$240 bonus which he gets makes the chief janitor's salary \$2,040 a year, he being one of three chief janitor's in this building, and you have important employees in this House who have been here for 15 and 20 years who are not getting that much, sitting at your desks here in the House. It is a question whether you want to do it. I do not believe you do, I do not believe you are going to stand for it. I believe your Committee on Accounts ought to give more consideration to these matters that come in the closing hours of the Congress. are fixing to adjourn. This House is presumed to be closed from adjournment for the next nine months, and now you are raising the chief janitor's salary to \$2,040. You will have to answer to the people of the United States for such little votes as this, and I hope you will not do it.

The SPEAKER pro tempore. The question is on the motion

of the gentleman from Texas.

The question was taken, and the Speaker pro tempore announced the noes appeared to have it.

On a division (demanded by Mr. Blanton) there were-ayes

23, noes 85.

So the motion was rejected.

The SPEAKER pro tempore. The question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the resolution as amended.

The question was taken, and the Speaker pro tempore an-

nounced that ayes appeared to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division. The House divided; and there were—ayes 88, noes 25.

Mr. BLANTON. Mr. Speaker, I think we ought to have a record vote and I make the point of order that there is no quorum present, and I object to the vote on that account.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order there is no quorum present. dently, there is none. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members and the Clerk will call the roll.

The question was taken; and there were-yeas 205, nays 70, not voting 152, as follows:

YEAS-205.

Abernethy Ackerman Almon Anderson Andrew, Mass. Andrews, Nebr. Anthony Appleby Arentz Barbour Beedy

Begg Benham Bixler Blakeney Boies Buchanan

Byrns, Tenn. Campbell, Kans. Campbell, Pa. Cannon Carter Chalmers Chindblom Clarke, N. Y. Cole, Iowa Cole, Ohio Collins Colton Colton Cooper, Wis. Copley (Coughlin Cramton Cullen Curry Dallinger Darrow Dempsey Dickinson Dowell Evans Fairchild Faust Favrot Fenn Fess Fields Fish the m. Fitzgerald Fordney Foster Free Fuller Funk Gallivan Gernerd Gorman Gorman Graham, Ill. Green, Iowa Greene, Mass. Greene, Vt. Griest

Griffin Hadley Hardy, Colo, Hardy, Tex. Haugen Hawley Hayden Hays Hays
Hersey
Hickey
Hill
Hoch
Hogan
Huddleston
Hukriede
Hull
Humphrey, Nebr.
Husted
Ireland
Jeffers, Ala.
Johnson, Wash.
Kearns

Luce Lyon McArthur McCormick McFadden

MacGregor MacLafferty

Doughton Drewry Driver Fisher

Gensman Gilbert Hammer

Herrick Hudspeth Jacoway Johnson, Ky.

Frothingham

Madden Magee Maloney Mansfield Mead Mead Merritt Michener Mondell Moore, Ohio Moores, Ind. Morgan Murphy Nelson, Me. Nelson, A. P. Nelson, J. M. Newton, Minn. Newton, Mo. Norton O'Connor Ogden Oldfield Johnson, Wash Kearns Kelley, Mich. Kelly, Pa. Kirkpatrick Kissel Kline, N. Y. Knutson Kopp Lanktord Larson, Minn. Lawrence Paige Parker, N. J. Parker, N. Y. Patterson, Mo. Perkins Porter Paige Porter
Pou
Purnell
Rainey, Ala.
Ramseyer
Ransley
Reed, N. Y.
Reed, W. Va.
Rhodes Lawrence Lea, Calif. Leatherwood Lee, N. Y. Lineberger Little Ricketts Roach Robertson Robsion Rodenberg London Longworth

Sinclair Sinnott Smithwick Snyder Speaks Stedman Steeman Steenerson Stephens Strong, Kans. Strong, Pa, Summers, Wash, Swank Swank Sweet Swing Tague Taylor, N. J. Taylor, Tenn, Temple Ten Eyek Thompson Thorpe Tilson Tilson
Timberlake
Tilson
Timberlake
Tincher
Tinkham
Towner
Valle
Vestal
Voigt
Volstead
Walters
Wason
Watson
Weaver
Webster
White, Kans.
Williams, Ill,
Wood, Ind.
Woods, Va.
Wurzbach
Wyant

Sears Shelton Shreve NAYS-70.

Aswell Bankhead Barkley Bell Black Bland, Va. Bowling Box Brand Briggs Burtness Byrnes, S. C. Christopherson Clark, Fla. -Collier Connally, Tex.

Kline, Pa. Langley Lauham Larsen, Ga. Lazaro Lee, Ga.
Lowrey
McDuffle
McSwain
Miller
Moore, Va.
Parks, Ark.
Ouin Fulmer Gahn Garrett, Tenu. Garrett, Tex. Quin Raker Rankin Rouse Sanders, Tex. Sandlin

Sabath Sanders, Ind. Scott, Tenn.

Sisson Stafford Steagall Stevenson Summers, Tex. Tillman Tilman Tucker Turner Tyson Underhill Upshaw Vinson Williamson Wilson

Wyant Young

Kincheloe NOT VOTING-152.

Kraus Kreider Ellis Reber Ansorge Fairfield Atkeson Bacharach Bird Reece Riddick Kunz Lampert Layton Lehlbach Linthicum Focht Frear Riordan Rogers Rose Rosenbloom Rossdale Rucker Ryan Bland, Ind. Freeman French Garner Gifford Glynn Goldsborough Bland, Ind.
Bond
Bowers.
Brennan
Britten
Brooks, Ill.
Brooks, Pa.
Brown, Tenn.
Browne, Wis.
Bulwinkle
Burke Lentoaten
Linthicum
Logan
Logan
Rosenbloom
Rossdale
Rosenbloom
Rossdale
Rucker
McClintle
McKenzie
McLaughlin, Mich. Schall
McLaughlin, Nebr. Scott, Mich.
McLaughlin, Nebr. Scott, Mich.
McLaughlin, Pa.
McLaughlin, Pa.
Slegel
Mapes
Mills
Moitague
Moore, Ill,
Moorin
Moore, Ill,
Morin
Moott
Molan
Mudd
Nolan
Mudd
Nolan
Taylor, Colo.
Thomas
Oliver
Olipp
Overstreet
Volk
Overstreet
Volk
Vard, N. Y.
Park Ga.
Ward, N. Y.
Ward, N. Y. Goodykoontz Sanders, N. Y. Gould Graham, Pa. Hawes Burke Cantrill Carew Chandler, N. Y. Chandler, Okla. Henry Hicks Slemp Smith, Idaho Smith, Mich. Snell Hicks
Himes
Hooker
Huck
Humphreys, Miss.
Hutchinson Clague Classon Cockran Codd James
Jefferis, Nebr.
Johnson, Miss.
Johnson, S. Dak.
Jones, Pa.
Jones, Tex. Sullivan Taylor, Ark. Taylor, Colo. Connolly, Pa. Cooper, Ohio Crago Thomas Treadway Volk Ward, N. Y. Ward, N. C. Wheeler White, Me. Williams, Tex. Winslow Woodyard Wright Yates Crisp Crowther Dale Davis, Minn. Jones, Te.
Kahn
Keller
Kendall
Kennedy
Ketcham
Kiess
Kindred
King
Kitchin Overstreet Park, Ga. Patterson, Denison Dominick Drane Dunbar Dunn Paul Perlman Petersen Pringey Radcliffe Rainey, III. Rayburn Dyer Echols Edmonds Kleczka Knight, Yates Zihlman

So the resolution was agreed to.

The Clerk announced the following pairs: Mr. Kendall with Mr. Williams of Texas.

Mr. Davis of Minnesota with Mr. Crisp. Mr. Connolly of Pennsylvania with Mr. Hawes.

Mr. Frear with Mr. Garner.

Mr. French with Mr. Drane.

Mr. McLaughlin of Michigan with Mr. McClintic.

Mr. Freeman with Mr. Oliver. Mr. Morin with Mr. Riordan. Mr. Crowther with Mr. Thomas.

Mr. Kahn with Mr. Ward of North Carolina. Mr. Denison with Mr. Bulwinkle.

Mr. Kiess with Mr. Logan.

Mr. Johnson of South Dakota with Mr. Rainey of Illinois.

Mr. Johnson of South Dakota with Mr. Rah Mr. Saell with Mr. Hooker. Mr. Lampert with Mr. Wright. Mr. Stephens with Mr. Cantrill. Mr. Winslow with Mr. Jones of Texas. Mr. Michaelson with Mr. Park of Georgia. Mr. Treadway with Mr. Sullivan. Mr. Olpp with Mr. Rayburn. Mr. Stiness with Mr. Dominiek. Mr. Patterson of New Jersey with Mr. Care

Mr. Patterson of New Jersey with Mr. Carew. Mr. Graham of Pennsylvania with Mr. Humphreys of Mississippi.

Mr. Bacharach with Linthieum.

Mr. Edmonds with Mr. Goldsborough. Mr. King with Mr. Martin.

Mr. Moore of Illinois with Mr. Cockran.

Mr. Keller with Mr. Kindred.
Mr. Rogers with Mr. Montague.
Mr. Lehlbach with Mr. Rucker.
Mr. Brooks of Illinois with Mr. O'Brien.

Mr. McPherson with Mr. Kitchin.

Mr. Fairfield with Mr. Johnson of Mississippi.

Mr. Dunn with Mr. Kunz. Mr. Mapes with Mr. Stoll.

Mr. Browne of Wisconsin with Mr. Taylor of Colorado.

Mr. Crago with Mr. Taylor of Arkansas.

Mrs. Nolan with Mr. Overstreet.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. Doorkeeper will open the doors.

The doors were opened.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. Madden] is recognized.

THIRD DEFICIENCY APPROPRIATION BILL, 1923.

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 14408) making appropriations to supply deficiencies.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration

of the bill H. R. 14408.

Mr. MADDEN. And, pending that, I would like to ask the gentleman from Tennessee [Mr. Byrns] if we can agree upon time for general debate

Mr. BYRNS of Tennessee. I will say to the gentleman that I have a number of requests on this side. We would like to have something like two hours.

Mr. MADDEN. Can you not get along with less than two hours?

Mr. BYRNS of Tennessee. We might get along with a little

Mr. MADDEN. Say, two hours altogether.

Mr. BYRNS of Tennessee. I hope the gentleman will not insist upon that. I would like to have two hours on this side.

I might split the difference with the gentleman if he is willing.

Mr. MADDEN. Then I ask unanimous consent that the general debate be limited to three hours, to be equally divided

between the gentleman from Tennessee and myself.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the general debate on the bill be limited to three hours, to be divided equally between himself and the gentleman from Tennessee [Mr. Byrns]. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Illinois that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14408.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Oregon [Mr. McArthur] will please take the chair.

Accordingly the House resolved itself into Committee of the

Whole House on the state of the Union for the consideration of the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year

June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, with Mr. McARTHUR-in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14408, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

The CHAIRMAN. The gentleman from Illinois [Mr. Man-DEN] has one hour and a half and the gentleman from Tennessee [Mr. Byrns] has one hour and a half.
Mr. MADDEN. Mr. Chairman, I ask unanimous consent that

the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. MADDEN. I would like to ask the gentleman from Ten-

nessee with reference to the yielding of time.

Mr. BYRNS of Tennessee. I would be glad to yield to the gentleman from Massachusetts [Mr. Gallivan], if the gentleman from Illinois is willing, at this time.

Mr. MADDEN. Very well. I will refrain from opening with the explanation of the bill in view of the fact that the I will refrain from opening gentleman from Tennessee wants to yield to one of his col-leagues. I will walt until he closes. Then I will explain

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. Gallivan].

The CHAIRMAN. The gentleman from Massachusetts is

recognized for 30 minutes.

Mr. GALLIVAN. Mr. Chairman, this is practically the last great appropriation bill which will come from a very busy com-We have but one bill left. That is the so-called bonus mittee. bill.

I want to take this opportunity to say to my colleagues that in my eight years of service on the Appropriations Committee, having served under some of the ablest men in this country as chairman of that committee, I have yet to meet the equal of the present chairman. [Applause.] And it is with pride and satisfaction that I am permitted to stand here on the floor and in his presence say that, in my judgment Martin B. Madden, of Illinois, as chairman of the Committee on Appropriations, has been a nonpareil. [Applause.]

The increased cost of the Department of Justice and the increase of crime in this country are strikingly illustrated in the hearings on this bill. In 1916 the appropriations for the Department of Justice, including the Federal courts, amounted to something a little over \$10,000,000; in this year of our Lord we have appropriated more than \$18,000,000 for the same function of government, or an increase of 80 per cent, and yet the department is continually asking for appropriations to meet

deficiencies.

We have been getting back toward normalcy in every other department of the Government, but in the particular one where justice is to be administered we have been continually on the increase since the close of the war, and from every indication demands will continue for more and more money for this department, and yet we see no diminution of crime throughout the country. It will appear to any man who interests himself that the more machinery we create to suppress crime the greater the increase of crime or what in recent years we have been taught to call crime. You all know that under some of our laws to-day the American citizen, honored, respected, industrious, and patriotic, is called a criminal at home, yet that same man may cross our international border or sail across the seas in any direction, where he will be greeted and welcomed as a most desirable citizen or visitor.

We were told that prohibition, for instance, would reduce crime to a minimum in this country; that the law would enforce itself and pay its way. Aye, we were told in this Chamber that it would put millions into the Treasury of the United States. And yet we have had to appropriate in the last few years more than \$9,000,000 annually to support the prohibition enforcement unit. You know it, but I want you to know something else, and that is that our committee has learned in the hearings on this bill that one-third of all the money that you appropriate for the Department of Justice, which for the next fiscal year is approximately \$18,500,000, nust be spent by that department in the prosecution of offenders against the alleged wholesome (?) Volstead Act.

You know that the Department of Justice has its hands full every day in every week, in every month, in every year; and yet our committee was advised that, taking the country as a whole, 44 per cent of the time of the United States district attorneys devoted to prohibition cases. This is not a mere estimate. It is the analysis of replies to a questionnaire addressed by the department to all district attorneys throughout the country.

One of the singular and worth while mentioning coincidences of this condition is that the district attorneys in prohibition States-you know I mean States where prohibition was in effect before the adoption of the eighteenth amendment-are required to devote a great deal more of their time and energy to enforce the Volstead law than is expected of them in the States that did not adopt prohibition voluntarily but had it forced upon

Take my own State of Massachusetts, for instance, which now and then the prohibitionists refer to as being composed of stubborn and lawless people. In the old Bay State only 30 per cent of the time of the United States district attorney was devoted to prohibition matters last year, while in the southern district of prohibition Alabama 90 per cent of the district attorney's time was used up in the same cause. North Carolina is one of the old prohibition States and it stood for the dry law long before the adoption of the eighteenth amendment, and yet last year 70 per cent of the time of Uncle Sam's attorneys in that State had to be given to cases brought under the Volstead Act. In prohibition West Virginia it was 70 per cent in the southern district and 60 per cent in the northern district. In Arizona, 60 per cent; in Arkansas, 50 per cent; in southern Florida, 60 per cent; yes, and in Kentucky, the home State of my friend Mr. Barkley, one of the most eminent "drys" in this House, it averages 75 per cent. In northern Mississippi it runs to 55 per cent, and in the southern part of that beautifully dry State it is over 50 per cent. Wyoming, which has always been a garden spot of the drys, requires their United States attorneys to spend 45 per cent of their time prosecuting violators of the sacrosanct Volstead law. And Georgia, the driest State in this whole House [laughter], needs them 60 per cent of the time.

And lo and behold even the State of our brother Volstead demanded 60 per cent of the time of the United States attorney to prosecute the bootleggers and the moonshiners and the experts who have developed the "white mule" industry. [Laugh-

Now, you will agree with me that this great increase in the work of the Federal officers in these old prohibition States is due to one of two things, either a decided increase in the violation of prohibition laws, or else--and I am willing to be charitable for the moment-those States are transferring a great percentage of their criminal prosecutions to the Federal authorities. In either case it is a serious development in the administration of justice in this country and, in my judgment, a decided tendency to bureaucratic government. Before the World War we Americans ridiculed the verbotens of Germany, and we used to like to attribute the war to the imperialistic and bureau-cratic rule of the kaiser. It is now asserted by high authority here in America that the developments of bureaucracy in this country have established more foolish verbotens than the German people ever tolerated.

You know we have an army of prohibition directors, and agents, and inspectors, and sleuths traveling about the country, some of them in disguise, nosing into every other man's business and every other woman's kitchen, laying traps to involve inno-cent people in the meshes of the Volstead law, and no law ever passed by Congress contains more meshes; and the Federal courts and the law officers of our Government have been compelled to devote their time and attention to this sort of business to the embarrassment of all other business before these courts, If this tendency continues, the Department of Justice will become the Pooh-Bah of America. To administer the law, some-times without trial by either juries or courts, the nearly \$20,000,000 that we are forced now to appropriate, either to this department or that department for the enforcement of the Volstead Act, will swell to \$40,000,000 a year.

Mark my words, we will be compelled to increase the burden of taxation now on the shoulders of our people or else we must practice greater economy in other departments of the Government to enable this one abnormal law to function; and, as I have said more than once in this Chamber, I can not be persuaded that it will ever function while the American people hold to their old principles which they learned from the fathers of this Republic and to which they have held for a century and a half.

I have not called attention to this development to oppose this appropriation. I shall vote for this bill because I realize that the Federal courts and the Department of Justice are not responsible for the conditions they face, and they must have the money to enable them to function and to carry out their duties under the law. I have called attention to these figures so that you men might know and the country might learn that the appropriations we make for the Prohibition Bureau are not the only moneys spent by Uncle Sam to try to achieve prohibition enforcement. I repeat that the \$9,000,000 we approprlated for Mr. Commissioner Haynes is barely one-half the cost of the Volstead legislation to the taxpayers, and all indications point to an increase rather than to any decrease.

How long, oh, how long are we to be called upon for increased appropriations to enforce this act? I read an article the other night in a Washington newspaper by David Lawrence wherein he said he had asked the President of the United States how long it would be, in his opinion, before that law would be fully enforced, and he quoted President Harding as saying that, in his judgment, it would be a matter of 25 years. If this is a good guess and the demands for more money for enforcement increase at the rate that they have increased since the enactment of that law, the cost in 10 years would amount to \$18,944,000,000; and if we continued it for 25 years-which is the period our own President has picked-we would be asked to appropriate \$620,756,996,000,000-more money than the world has ever known-and then I do not believe you would enforce prohibition. Think it over! [Laughter.]

By the way, here is the unanimous report of a grand jury in Kings County, N. Y.—the city of Brooklyn, long known as the City of Churches:

Whatever may be our individual ideas on the subject of temperance and prohibition, we believe that there can be no doubt that this law tends to debauch and corrupt the police force. It interferes with the liberty and private life of moral, law-abiding citizens. It even goes so far as to brand good men as felons because, in their own conscience, they desire to indulge in personal habits in which they find no harm. It has not checked the misuse of intoxicating liquors, but it has seriously hampered their proper use. We feel that it can never be enforced, because it lays down rules of private conduct which are contrary to the intelligence and general morality of the community. It is an attempt by a body of our citizenship thinking one way to interfere with the private conduct of another body thinking another way."

That report of a Brooklyn grand jury was printed in the New York Globe December 22, 1922. It is not the expression of lawless men, but of men called upon to do certain duties of a public character and who were confronted with an impossible situation

and so expressed their convictions unanimously.

And yet our prohibition friends refuse to see any failure in their enactment work and they continue to cry for more and more money to be spent in a vain effort to keep our people "sober," they say, by statute, and just as long as Congress stands for it they will continue until they have drained the Treasury and have brought about an uprising on the part of the people, who will demand that the wastage stop and that the Congress become normal on this question, as well as on all other questions where huge appropriations are demanded.

I noticed recently that the efforts of the Anti-Saloon League have not yet ended. According to the Washington Times of Monday, they are now being turned on the "dry" Members in this House. The league's officials announced that the prohibition officers propose to round up the "dry" Members of Con-

gress who do not drink as they vote.

Mr. CRAMTON. Will the gentleman yield?

Mr. GALLIVAN. No.
Mr. CRAMTON. Will the gentleman yield for a correction?
Mr. GALLIVAN. No. The gentleman is violating the rules of the House, and he knows it.
The CHAIRMAN. The gentleman from Massachusetts de-

clines to yield.
Mr. GALLIVAN. The league gladly accepted your votes to put across the Volstead Act and it permitted our "dry "legislators to drink as they pleased. But now it appears that program is to be changed. The Anti-Saloon League proposes to trail the "dry Congressmen, and it is going to make you drink as you voted, and if you do not do as they tell you now they propose to inform your constituents of your treachery to the law you helped to enact. For one, I am of the opinion that it is only fair to investigate "dry" Congressmen who last week passed a resolution to search, practically, the foreign embasies and legations in order that the country might know how much liquor these ambassadors and ministers drink. Why is it not

the proper thing to do when "dry" Congressmen insist on looking into the cellars of the foreign ambassadors to have Mr. Haynes's army look into the cellars and the closets of the "dry" Congressman? If I here and now ask the "drys" in this House who religiously vote as the Anti-Saloon League tells them how to vote how many of them take a drink and like a drink, I wonder how many here would raise up their right hands in answer to my appeal. I pause for the moment and I await the raising of a single right arm.

Mr. CRAMTON. Does the gentleman desire to yield now? The gentleman asked some one to raise his hand and I am pre-

pared to do it.

Mr. GALLIVAN. Then the gentleman admits that he likes a drink and takes a drink?

Mr. CRAMTON. I do not admit anything of the kind. I did not understand the gentleman's statement.

Mr. GALLIVAN. I asked every dry Congressman who voted dry and who takes a drink and likes a drink to raise his right hand. [Laughter.] Why, Mr. Chairman, all I can see around this Chamber at this moment is halos. [Laughter.]

I listened the other day to the patriotic and pathetic appeal

of the distinguished floor leader [Mr. Mondell] against the bill to create public shooting grounds, and I sympathized with him. In that appeal the gentleman from Wyoming said:

"We have, thank God, up to this good hour in the main es-

caped the tyranny of petty officials of a centralized govern-ment interfering with the rights, the liberties, and the everyday life of the people locally-an interference which by its very character can not well avoid being tyrannical, a control whose source of authority is so far removed from the people locally that against it they feel hopeless, helpless, resentful.

The gentleman from Wyoming then pictured the barefoot boy with the old shotgun potting peewees and being haled before a Federal court a hundred miles away from his home to answer for his ignorance of the term "migratory birds" in the law enacted by Congress. As I listened to the impassioned appeal of the gentleman who is the leader of the majority I could not help thinking of some of the same hardships, hopelessness, helplessness, and resentfulness of the people under the administration of the Volstead law. Here may be a homesteader in the State of Wyoming who has settled on one of the reclaimed farms of that State and, with water from the mountains and sunshine from the good God himself, has grown an orchard, harvested a few bushels of apples, which could not be sent to Boston for sale because of the high freight rates, borrowed an old hand press, and turned those apples into cider, which was stored in the cellar with the bung carelessly left out, admitting the air to inspire the apple juice with a spirit of industry and give it a tang most agreeable as a nightcap. [Laugh-There was peace and happiness in that frontler home, if not prosperity, until one day the latest tin-horn prohibition officer, Mr. Asher, dropped in complaining of cramps and begged for something to warm his stomach. The housewife bustled about to make him some boneset tea, but he scorned that brew and appealed for whisky, something never known in the great prohibition State of Wyoming. The frontiersman is reminded of the warming influence of that cider in the cellar, and he draws off a quart as an offering to suffering humanity. gulps down a part of it, feels better, and pulls out his hydrometer, drops it into the cup, looks at its register, and immediately becomes an official, with the stern assertion: "Ten per cent; and you are a felon, under the Volstead Act. under arrest, and will accompany me to Cheyenne, where the nearest Federal court sits. You had better take all the money you have with you, for you will pay your own fare and expenses, as well as a heavy fine for your violation of the most sacred law ever enacted by Congress.'

No wonder it takes more than half the time of the United States district attorney of Wyoming to handle prohibition-cases, and I suspect that there is as much resentment against the tyranny of petty officials of a centralized government in Wyoming as there is in New York or Massachusetts, and as much resentment against the petty tyranny in the enforcement of the Volstead law as there will be against that of arresting barefoot boys with shotguns popping peewees in the garden to

be haled to a Federal court 50 miles away.

Men of America, do not be fooled. The agitation for the repeal or modification of the Volstead law is not going to stop, but it is going to expand until it makes Congress realize that while honest men and honorable men will make sacrifices to give the law a fair trial and will obey such a law, they will follow the example of Abraham Lincoln in connection with the Dred Scott decision of the Supreme Court. You remember that Lincoln said he did not propose to set Dred Scott free

by force, but he did propose to agitate for such political action as would make impossible the conditions that led the court

as would make impossible the conditions that led the court to render such a decision, and history tells us that he did so continue to agitate until slavery was abolished. [Applause.]

And now, Mr. Chairman, addressing myself in closing my remarks to the gentleman who sits behind the clock in the gallery, the Hon. Wayne B. Wheeler, of the Anti-Saloon League, the man who says it is disloyal and lawless to agitate for the repeal of the Volstead law, or even of the eighteenth amendment, does not belong to the tribe of Abraham Lincoln, or that of Thomas Jefferson. He belongs to the tribe of the Pharaoh whose tomb has just been opened at Luxor after 3,000 years. [Loud applause.]

Mr. MADDEN. Mr. Chairman and gentlemen, I hope the committee will be kind enough to give attention to what I am about to say, because I am going to address the committee upon a serious subject. My speech involves the expenditure of \$154,000,000 from the Public Treasury. It seems to me to be sufficiently important to engage the attention of the House, and I am sincerely in earnest when I suggest that I should be very happy if the House will be good enough to listen attentively.

The Budget estimates upon which the bill before the commit-

the budget estimates upon which the bill before the committee is based called in the aggregate for \$157,193,616.11. The amount recommended by the Committee on Appropriations is \$3,388,772.43 less than that, or \$153,804,843.68. This decrease was effected by the committee by the elimination or curtailment of amounts requested for the following purposes:

House of Representatives	\$12, 493, 75
Botanic Garden	5, 000, 00
General Accounting Office	58, 350, 00
United States Coal Commission	
District of Columbia	86, 269, 50
District of Columbia Department of Agriculture, Japanese beetle control	45, 000, 00
Department of the Interior:	40, 000.00
Mescalero Indians, support, etc	175, 000, 00
Zion National Park, roads	
Department of Justice	
Department of Labor	455. 65
Post Office Department:	1 000 450 00
Compensation of postmasters, 1923	
Car fare and bicycle allowance, 1923	19, 900, 00
Reimbursement of fines	1, 000, 00
State Department, peace palace at The Hague	20, 000. 00
Treasury Department:	
Public buildings	
Fuel	
Claims	1, 004, 95
War Department:	A THE VEGETOR
International shooting competition	25, 000. 00
Rio Grande fleed-centrol survey	
Monument for tomb of unknown soldier	
Panama Canal, civil government	76, 200. 00
Total	3, 388, 772, 43

The principal items comprised in the amount recommended to

be appropriated in the bill are as follows:	
Refunding internal-revenue taxes erroneously collected Military and naval insurance, United States Veterans'	\$78, 675, 000.00
Bureau	13, 235, 000.00
Bureau Payment of pensions, Bureau of Pensions	16, 000, 000, 00
Scrapping of naval vesselsElevation of turret guns on naval vessels permitted to	20, 950, 000. 00
he retained	6, 500, 000, 00
Postal Service, payable from the postal revenues Judgments rendered against the United States by dis-	9, 736, 766, 99
trict courts and the Court of Claims	474, 648. 03
Audited claims allowed by the General Accounting	716, 380, 66
United States employees' compensation fund	475, 000. 00
Fighting forest fires	340, 000, 00
Investigation of rubber, etc	500, 000, 00
Collection and compilation of statistics of customs	150, 000.00
Transportation of Indian supplies, fiscal year 1922	201, 759, 69
Department of Justice and judiciary Mixed Claims Commission, United States and Ger-	1, 678, 947, 49 222, 300, 00
many Public Health Service, pay of commissioned officers	174, 273, 84
Boston (Mass.) post office and subtreasury building	150, 000, 00
Settlement with the American National Red Cross	848, 067, 29
Inland and coastwise waterways service	500, 000, 00
Roads, Fort Riley (Kans.) Military Reservation	100, 000. 00
National Home for Disabled Volunteer Soldiers	382, 000. 00
All other items	1, 794, 699. 69
Total	153, 804, 843, 68

The amount recommended for the payment of refunds on internal-revenue taxes erroneously collected is \$78,675,000. sum may be divided in amounts according to the years in which

the Claims accided, as follows.	
Piscal year 1920 and prior years	\$53, 812, 500
Fiscal year 1921	17, 063, 300
Fiscal year 1922	4, 902, 300
Fiscal year 1923	2, 896, 900

Mr. Chairman, will the gentleman yield? Mr. MADDEN.

Mr. HUSTED. Has the chairman any data to show the amount of taxes recovered by the Government due to underassessment?

Mr. MADDEN. Yes; I shall explain all of that. The Bureau of Internal Revenue now has a balance of approximately \$16,000,000 with which to pay refunds during the remainder of the current fiscal year and an appropriation of \$12,-000,000 available July 1 next. The data which has been presented to the committee indicate that if the present rate of disposal of claims continues the amount recommended in the bill and the balances on hand will not be more than sufficient to provide for refunds to December 31 next. The amount refunded from July 1 last to January 31 was approximately The income-tax unit alone on December 31, 1922, had 76,500 claims on hand and unadjusted. Included in these claims are 602 claims where the amount claimed is in excess of \$50,000, the total amount claimed in the 602 cases aggregating in excess of \$150,000,000. Settlement of claims in the past has resulted in an average allowance of approximately third of the amount claimed. The settlement of these claims alone would approximate \$50,000,000. In addition to the more than 75,000 claims in the income-tax unit, there were on De-cember 31, 1922, 34,000 claims pending in other classes of taxes, of which 31,000 are in the sales-tax unit.

The total amount claimed in the 34,000 cases is \$22,250,000. It must be remembered that the years for which the bulk of these refunds are to be made were war years, new tax laws were enacted with high rates and complicated terms, and billions of dollars were collected. There were few precedents by which to proceed in computing the taxes. The test of the disputed provisions of the laws had not been initiated or settled in the courts. The committee has obtained from the Bureau of Internal Revenue a list of the important court decisions which have settled disputed points in the laws in favor of the taxpayer and have been or will be the cause for millions of the refunds that have been or are to be made. It is estimated that the total amount of refunds for which court decisions will be found responsible is approximately \$105,000,000. Of this amount the stock-dividend decision involves refunds of \$70,000,000. decision of the Attorney General in the question of community property involves refunds of approximately \$15,000,000.

The audit of tax returns is decidedly in the favor of the Gov-While the amount required for refunding taxes seems extraordinarily large, the Government is recovering in back taxes as the result of the audit and as a result of the payment of tax where no return was made sums that are greatly in excess of the amounts required to be refunded. A consideration of the entire subject of tax receipts, tax refunds, collections of back taxes from the fiscal year 1917 to and including January 31 last will be informing and help in a measure to make clear the necessity for the appropriation carried in this bill. The table which I insert at this point shows the total internal-revenue receipts, total amount of additional assessments due to office audits and field investigations, and the total amount of refunds of taxes illegally collected for the fiscal years 1917 to 1922, inclusive, as well as for the first seven months of the current fiscal year (July 1, 1922, to January 31, 1923):

Year.	Total internal- revenue receipts.	Amount of additional assessments and collections resulting from office audits and field investigations.	Amounts of refunds of taxes illegally collected.
1917.	\$800, 393, 640, 44	\$16, 587, 255, 00	\$887, 127. 94
1918.	8, 698, 955, 820, 93	29, 984, 655, 00	-2, 088, 565. 46
1919.	8, 850, 150, 078, 56	123, 275, 768, 90	-8, 654, 171. 24
1920.	5, 407, 580, 251, 81	466, 889, 359, 00	14, 127, 098. 00
1921.	4, 595, 000, 765, 74	416, 483, 708, 90	28, 656, 357. 95
1922.	3, 197, 451, 083, 06	266, 978, 873, 00	48, 134, 127. 83
Total (6 years)	21, 558, 531, 640. 48	1,320,209,618.00	102, 547, 448. 39
	1, 277, 757, 512. 94	286,695,625.00	76, 488, 412. 12
Grand total (6 years and 7 months)	22, 836, 289, 153. 42	1, 606, 905, 243. 00	179, 035, 860. 51

As will be seen by the table which I have inserted, there was an aggregate of tax receipts for the period named of \$22,836,000,000, and in connection with this there has been collected as a result of audits on underpaid schedules \$1,607,-000,000 since the audits began, while the payments made for refunds, as the result of overpayment on schedules audited, amount to only \$179,000,000.

It has been frequently asked why it is that the audits are slow, why we are still at work upon the audits of 1917 taxes. I think a good answer to that question now might be made by showing the House these papers which I have on the table. This bundle of papers is a typical individual case of a consolidated tax return. All the papers here belong to one case. When we realize that this is only a typical case, and further, that in many of the cases it would take a wagon to haul all of the papers in the case, we can understand why a man can not audit many of these cases in a single year. The papers in this particular case the Secretary of the Treasury permitted to be sent down here under seal in charge of one of his assistants so that we might visualize the physical dimensions of it. It will be seen that with so many papers in a case like this, involving perhaps patent rights, depreciation in mining and in oll wells, in machinery, in everything that pertains to the conduct of a very large consolidated business, it is not an easy job to complete the audit of all the cases that are pending. must be understood that we are still auditing on the 1917, 1918, 1919, and 1920 cases, and that most of the refunds which are being authorized to be made through the appropriations we recommend here are for tax schedules filed for these years and not for 1922 or 1923, although there are some for each of those years. The difficulty has been to ascertain just how they could adjust all of these cases. The adjustment of cases of different types formed a basis upon which to adjust the cases of the succeeding years. As they settle the cases for 1917, that settlement lays down a line of decisions for the succeeding years, and will become much easier. As the law is clarified by the audits and decisions, and as the taxpayers understand more clearly, what is to be allowed and what is not to be allowed as clearly what is to be allowed and what is not to be allowed as credits, the schedules have come in much more correctly than they did during the war. As time goes by there will be less and less refunds to be made, because of the better understanding on the part of the taxpayers and the better knowledge of the law on the part of the administrative officers of the Government.

Mr. FESS. Would it interrupt the gentleman if I should

ask him a question right there?

Mr. MADDEN. Not at all.

Mr. FESS. A good many citizens feel quite bitter over what they say is their inability to make out their tax returns be-

cause they do not know what the law is.

Mr. MADDEN. As I say, as these cases are adjusted, audited, finally concluded, they then have a principle upon which future settlements can be made, and it is becoming more clearly understood every day by the taxpayers just what credits they are allowed and what sort of return they must make.

Mr. FESS. So that the charge that we have a law on the statute books that nobody can understand and yet they are liable for punishment is not holding now like it was formerly?

Mr. MADDEN. Not at all, but still there are a good many

cases. Let me call attention to the 1917 cases

The bureau has 45,915 of the 1917 cases on hand. The statute of limitations runs on them on March 1 next. Of these cases 16.165 have been audited and the taxpayer notified of the additional assessment and given 30 days in which to appeal or pro-test the assessment. Of the total 45,915, 5,989 are in the situation where the taxpayer has protested and the protest is being considered. These two sets of cases make 22,154 of the 45,915 that have been audited and in which the Government is protected. Of the remaining 23,761 cases, waivers have been secured in about 50 per cent of them. As the 1st of March approaches they have been obliged to cut out the 30-day privilege and are making assessments and getting waivers from the taxpayers so that the Government will lose none of its rights from the expiration of the period when the statute runs. In cases where the taxpayer refuses to sign the waiver they assess the tax and if the assessment is made before the statute runs it is equivalent to a waiver. If necessary the Government can sue for the tax if the suit is filed within 5 years from the date the return was filed. That will perhaps not be necessary in many cases because when the taxpayer finds the assessment is made he will probably sign the waiver.

Mr. FESS. Will the gentlemen yield for one more question?

Mr. MADDEN. I will.

Mr. FESS. A great many heavy taxpayers have made this statement to me, that they do not know how to plan for the future because they do not know how much back taxes they may be required to pay under a law that they can not understand. Now, I take it that these two decisions, the first the Supreme Court decision and the ruling of the Attorney General, have very largely clarified the situation.

Mr. MADDEN. The Supreme Court settled the question of the income tax on stock dividends, and the Attorney General decided the question on community property. They are making progress in catching up in the audit of back cases.

Mr. FESS. I would like to ask one other question: In the revenue bill we put an authorization for some sort of a commission to simplify tax methods.

Mr. MADDEN. The Tax Simplification Board has been at work and has made a report to Congress

Mr. SWING. Will the gentleman yield? Mr. MADDEN. I will,

Mr. SWING. In reference to this refund, I see the bill carries an appropriation of over \$78,000,000.

Mr. MADDEN. Yes. Mr. SWING. Has the gentleman received from the Internal Revenue Bureau a list of persons who are to receive this money?

Mr. MADDEN. They do not know themselves,
Mr. SWING. Is this for the future?
Mr. MADDEN. Yes.
Mr. SWING. Is it similar to giving the department a blanket

Mr. MADDEN. Not at all.

Mr. SWING. To hand out to whoever they want to? Mr. MADDEN. No; when they audit these claims they audit them in their order.

Mr. SWING. I would like to ask the chairman if he will point out the distinction between the claims filed by the Navy Department for money which citizens claim is due them and which Congress is unwilling for the Navy Department to do any more than investigate and report-

Mr. MADDEN. It is quite a different proposition.
Mr. SWING. And this proposition, where we give the
Treasury Department \$78,000,000 with which they can pay out to anybody they want to on records which are secret, which we

may never know, and—
Mr. MADDEN. The law provides a secret audit. The gentleman is not making a correct statement. These payments are not secret. The Treasury reports them to Congress—

Mr. SWING. And all we know about it is that the money is

gone, after the water has gone under the bridge.

Mr. MADDEN. That is a totally different case from the case the gentleman described. In the first place, these people have paid the money into the Treasury. They paid it in because they thought they owed it. It is their money. There should be no dispute or delay about the return of it once the justness of their claims has been determined. Would the gentleman stop taxpayers from getting what belongs to them?

Mr. SWING. No. I would do nothing which would delay the repayment. But I think in some cases the claims have been

adjudicated and in some not.

Mr. MADDEN, No. The claims which this money will pay have not been adjudicated.

Mr. ROACH. Mr. Chairman, will the gentleman yield?
Mr. MADDEN, Yes.
Mr. ROACH. I wanted to ask the gentleman this question, whether or not this \$78,000,000 carried in this bill is just to pay the claims that have now been audited?

Mr. MADDEN. No; to pay claims that may be audited between now and December 31.

Mr. ROACH. Will it pay the entire amount of refunds that have been filed up to date?

Mr. MADDEN. Oh, no. They are auditing claims amount-

ing to \$530,000 a day.

Mr. ROACH. How do we arrive at the amount \$78,000,000? Mr. MADDEN. They estimate it on the average of daily

Mr. ROACH. Do they think it will cover all they need up to December 31, 1923?

Mr. MADDEN. Up to December 31. And it is not only \$78,000,000; they have \$16,000,000, and they have \$12,000,000 on hand out of which they can pay.

Mr. ROACH. Then, another question: Do they contemplate that they will be able to audit a sufficient number of claims to

use up this \$78,000,000 within the fiscal year?

Mr. MADDEN. Up to December 31, 1923. Mr. SWING. Would not the gentleman think it would be a good policy to pursue where so much money is involved that where the refund exceeds \$50,000 it ought to be reported in advance and the House have the opportunity to know who is getting this immense sum of money and on what basis he is getting it?

Mr. MADDEN. There is no secrecy about it. When the audit is made it discloses the facts, and they reach a conclusion based on the law and on the facts. If they find that they owe a man, they send him a notice that they owe him, and he comes in and gets his money. If he makes an application for the refund of his money, the same course will follow, and in every case where a claim is audited it must go through five different channels. Each channel checks the other. So far as I can find out, there is no chance for collusion or conspiracy;

and wherever anyone has attempted in the Internal Revenue Bureau to enter into any collusion with a taxpayer the intelligence bureau of the department has been after him and watching him, and in most cases they have caught him and indicted him and sent him to the penitentiary. There is nothing being left undone to safeguard the interests of the Government in the settlement of these claims.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman

Mr. MADDEN. Yes.

Mr. GREEN of Iowa. I might say also that statements of the refunds are filed subsequently.

Mr. MADDEN. Yes.

Mr GREEN of Iowa. We have a complete report of them filed with the Committee on Ways and Means.

Mr. MADDEN. Yes. I hope gentlemen will allow me now to proceed. I have only five minutes.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentle-

man yield?

Mr. MADDEN. Yes.
Mr. ANDREWS of Nebraska. The gentleman says everything is being done to safeguard the Government. What is

being done to safeguard the taxpayers?

Well, the taxpayers are the Government. Mr. MADDEN. When we mention one we involve the other. I think the interests of the taxpayers are being safeguarded by every action that is being taken by the Treasury Department. There is no disposition on the part of the Treasury Department to take a dollar away from a taxpayer that it ought not to take away.

Now I must not yield further. There are some things here that I ought to mention. The amount assessed and collected from back taxes during the first seven months of the current fiscal year is \$287,000,000. That indicates that we are not only paying back overpaid schedules, but are collecting on underpaid schedules. The estimate of the bureau made last November was that the total of such collections during the year would be approximately \$300,000,000. The rate of collection now indicates that the figure will reach \$400,000,000. Where the Government has exacted money from a taxpayer erroneously there should be no delay in refunding it to him after the justness of his claim has been determined. If this appropriation is not made and the payment of all refunds stopped until an appropriation is made next December or January, thousands of taxpayers who have had their claims adjudicated will have to await a subsequent appropriation for their payments.

The gentleman has now consumed 30 The CHAIRMAN. minutes. He asked the Chair to notify him when he had con-

sumed that much time. Mr. MADDEN. I thank the Chair. I will take 10 minutes

The committee recommends an appropriation of \$20,950,000 for expenses in connection with the scrapping of the seven battleships and four battle cruisers whose construction was discontinued in accordance with the provisions of the treaty emanating from the Conference on the Limitation of Naval An initial appropriation of \$5,000,000 for the expenses of scrapping was made in the deficiency act approved July 1, 1922. It was estimated at that time that the total expenses of scrapping would approximate \$70,000,000. The settlements made by the Navy Department with contractors thus far have been so much better than was anticipated that it is now expected the total expense will be in the neighborhood of \$55,000,000, leaving a balance hereafter to be appropriated on this account of about \$30,000,000. Of the \$20,950,000 recommended in the bill \$8,450,000 is for the settlement of ordnance The outstanding contract obligations involved for ordnance amount to approximately \$21,000,000. It is expected that the sum of \$8,450,000 will be sufficient to make all the settlements of claims and contracts in connection with the ordnance for the ships to be scrapped.

When the conference completed its labors it was decided not to continue on the building program of the Navy. It was decided that certain ships should be retained in the service. On all ships outside of the program provided for in the conference treaty work was stopped; construction was stopped. The ordnance feature of construction on these ships involved an expenditure of \$21,000,000, and a settlement has been made, a complete settlement, with the contractors at an aggregate sum not to exceed \$8,450,000.

The remainder of the \$21,000,000, namely \$12,500,000, is for settlements in connection with hull and machinery. The contracts for the vessels themselves and for the propelling machinery have not been canceled pending final ratification of the

\$12,500,000 consist of carrying charges, care and preservation, handling charges, payment of bills for machinery supplied. settlement of contracts for material, and expenses of vessel contractors and propelling-machinery contractors. The final amount necessary to complete the payment of the expenses of scrapping in connection with hulls and machinery will not be accurately known until the cancellation of the contracts in force and is dependent upon the date of the final ratification of the treaty.

No action has been taken with respect to the cancellation of the contracts as to hulls and propelling machinery, and no action will be taken until France ratifies the treaty. If France does not ratify the treaty, we have stopped the expense that would be incident to carrying these contracts alive. Pending the time when France either ratifies or does not ratify, there will be no additional expense created as the result of our stopping the work, and in the settlement of these contracts we are paying for nothing but finished work and partially finished work under the contracts

It will be of interest to the House at this time to have some idea of what saving will accrue to the Government from the scrapping of these vessels. The estimated cost of constructing the 11 ships is \$436,800,000. There had been expended on them up to June 30, 1922, the sum of \$155,615,000. If the vessels had not been scrapped there would have been required to complete the same the sum of \$281,185,000. Deducting from this sum the estimated cost of scrapping and adding to the result a fair approximation of the value of the salvage, there will be an ultimate saving of somewhere between \$240,000,000 and \$250,000,000 traceable to the scrapping of the 11 ships, which resulted from the treaty on the limitation of armament. We have a proposal here for an appropriation of \$6,500,000 for the elevation of the guns on the ships that are to be retained in the naval service. We are told that this action of elevating the guns is necessary in order to bring them up to the same standard that now prevails in the English and Japanese navies, and that the work of elevating the guns is strictly within the treaty provision and the result will be a minimum fire range of any of the guns on the ships of 32,000 yards instead of 22,000 yards, which is the maximum range of the 12-inch guns.

We have an appropriation recommended of \$13,235,000 for military and naval insurance of the United States Veterans' Bureau to supplement the premium receipts on the term insurance. The original appropriation of \$23,000,000 was made in the war risk insurance act of 1917. The accumulated premium receipts have been sufficient up to the present date to pay the losses. The term insurance in force amounts to \$1,850,000,000, representing 245,000 policies. The excess of payments over premium receipts now amounts to approximately \$7,200,000 a month. The amount of accumulated premium receipts, together with the previous appropriation, will fall short by the amount recommended in the bill of meeting the payments required for the current fiscal year. For the fiscal year 1924 these premiums will fall \$90,000,000 short, and we have provided that \$90,-000,000 in the 1924 appropriation bill.

There are a great many things about which I would like to speak, but I do not see that I will have much time to do that. I want to say, however, as to the Department of Justice and the appropriations here provided for that department, that there were 72,000 cases started in the courts of the United States in the fiscal year 1922, and 37 per cent of those were prohibition cases. Forty-four per cent is the average time of the district attorneys of the United States taken on prohibition work, so that the largely increased funds for the Department of Justice may be fairly attributed to this additional business. Mr. SUMNERS of Texas. Will the gentleman yield at some

point in his remarks?

Mr. MADDEN. Yes; I will be glad to yield to the gentleman a little later. I think the bill will be found in every particular to be justified. We have made no recommendation which the facts did not justify to the committee. While the bill carries \$154,000,000, which seems a very large sum, all of the \$153,000,000 except about \$9,000,000 is in six items and mainly attributable to years that are gone. I thank the com-

mittee for their attention. [Applause.]
Mr. COOPER of Wisconsin. Will the gentleman yield?
The CHAIRMAN. The gentleman from Illinois has consumed 40 minutes.

I will take another minute to answer the Mr. MADDEN. gentleman from Wisconsin.

Mr. COOPER of Wisconsin. I was out of the room when the gentleman was discussing these refunds. I have several contreaty by France. The expenses to be defrayed from the stituents who are interested in cases of that kind, and they complain about the delay. I should like to ask the gentleman if the pile of papers before the gentleman are claims for refunds? This is one single case. Mr. MADDEN.

Mr. COOPER of Wisconsin. There is one bundle there that is more than 2 feet thick.

Mr. MADDEN. That is a typical case.

Mr. COOPER of Wisconsin. That is 30 inches thick. Mr. MADDEN. Yes; more than that. This is one of the smaller cases. Some of these consolidated cases have a whole wagonload of papers. Every document has to be properly audited and conclusions reached as to the law and the facts in connection with every phase of the case.

Mr. HILL. May I ask the gentleman a question about the war-risk insurance?

Mr. MADDEN. Yes.

Mr. HILL. I understood the chairman of the committee to say that in 1924 the war-risk insurance would cost \$90,000,000.

Mr. MADDEN. For term insurance. The gentleman is correct about that.

Mr. HILL. When the war-risk insurance policy was adopted, was it not understood that that would probably take care of

Mr. MADDEN. I am not certain about that. It will cost \$90,000,000 next year for term insurance.

Mr. HILL. Another Democratic scheme gone wrong.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Kelley of Michigan having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Cravens, its Chief Clerk, announced that the Senate had agreed to the reports of committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 7967. An act granting certain lands to Escambia County,

Fla., for a public park;

H. R. 10003. An act to further amend and modify the war risk insurance act:

H. R. 5918. An act for the relief of the Michigan Boulevard Building Co.; and

H. R. 7053. An act to grant certain lands to the city of Canon

City, Colo., for a public park.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 2984) for the relief of Thurston W. True, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Capper, Mr. Spencer, and Mr. Robinson as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the

following titles:

S. 1405. An act for the relief of William Collie Nabors;

S. 1599. An act for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased; S. 3594. An act for the relief of Anton Rospotnik and the

exchange of certain lands owned by the Northern Pacific Railway Co.;

S. 107. An act for the relief of Robert Edgar Zeigler; S. 3351. An act for the relief of G. Dare Hopkins; and

S. 2632. An act to correct the military record of Martin Cletner.

THIRD DEFICIENCY APPROPRIATION BILL

The committee resumed its session.

Mr. BYRNS of Tennessee. Mr. Chairman, I wish to discuss subject that has been very prominent before the people of this country for the past two years. In the statement that I shall make to the House I hope that the Members will indulge me and not interrupt me until I am through. If at that time they desire to ask any question, and I have the time,

I will be very glad to respond.

Mr. Chairman, this bill carries an appropriation of \$500,000 for investigating the sources of crude rubber and the possi-bilities of developing the rubber-plantation industry in the Philippines and in Latin America. As originally submitted by the Budget, with the approval of the President of the United States, it provided solely for an investigation on the question of rubber and our rubber supply. The suggestion was made in committee that the provision be broadened, and it now applies not only to rubber but also authorizes the Secretary of Commerce, through the Bureau of Foreign and Domestic Commerce, to investigate the conditions of rubber and the marketing of other essential raw materials for American industries, including nitrates and sisal and related problems in the development of the foreign trade of the United States in agricultural and manufactured products.

The United States is the largest buyer of rubber in the world. There is consumed in this country more than 75 per cent of the world's supply of rubber. Formerly the most of it came from wild rubber in Brazil. But a number of years ago British capital, with its usual foresight, and anticipating the enormous increase in the demand for rubber, established rubber plantations in the British East Indies. The result is that at the present time British capital in the British East Indies produces more than 72 per cent of the entire world's supply. This with the other supply under control makes about 85 per cent of the production acreage absolutely under the control and domination of British interests. Through a rubber growers' association, the British interests have a monopoly of the entire world's supply. They have formed an association, organized expressly for the purpose of limiting the production of rubber and increasing the market price, and they limit the production by an export tax. which increases as the amount of exports from the British East Indies increases, so at the present time, by reason of the monopoly on the part of the British interests, consumers in this country are paying 35 cents a pound for rubber, and Secretary Hoover says there is no telling the extent to which it may go. You know that the increase in the demand for rubber is constantly growing. Most of it is used in tire production. are 10,488,632 motor vehicles registered in the United States, and it is estimated that there will be 45,000,000 tire casings produced in 1923, as compared with 37,500,000 last year. So it is important that something be done in order to develop other fields in the interest of the American consumer. The President of the United States and the Secretary of Commerce have very wisely asked Congress to make this appropriation of \$500,000 in order to enable the department to investigate the opportunity and facilities for American capital to make investments in South America and the Philippines for that proper purpose.

ANALOGY BETWEEN BRITISH CONTROL OF RUBBER AND NITRATES.

Mr. Chairman, the analogy between British control and monopoly of rubber and nitrates consumed in the United States is most striking. The paramount necessity of both of these products is evident, but it must be conceded that of the two nitrates are vastly more important, because they are essential in agriculture and are necessary in food production. Rubber is necessary for transportation both in war and in peace times. Nitrates are necessary for explosives in times of war and fertilizer in times of peace. Nearly all of the world's supply of the natural product of nitrate comes from Chile, and it is absolutely controlled by British capital, acting in conjunction with Chilean interests. Now that Germany, since the war, supplies her own nitrates, the United States is the world's largest buyer of Chilean nitrate, consuming at the present time nearly one-half of the total production. There has been imported from Chile since the beginning of exportation about 15,282,197 long tons of nitrate, for which the American consumer has paid \$982,562,000, of which \$188,626,000 was collected by Chile as an export duty. This is 18 cents per pound for nitrogen. To meet our needs it should be available at 5 cents per pound. From 50 to 60 per cent of the Government revenue of Chile is derived from the export tax on nitrate, and it will be seen that the American consumers are contributing about 25 per cent of the income of the Chilean Government. Think of it! The American farmers, in addition to the high taxes they pay in this country, are compelled to pay one-fourth of the entire expenses of the Chilean Government in order to secure the nitrates necessary for their soil. Is it surprising that the farmers all over this country are complaining that the President and this Congress have not taken some step to relieve this situation and bring about the production of nitrogen in this country, as is being done in Germany and as is now being undertaken in France?

England controls the Chilean nitrate industry under a priceflxing agreement, restricting production, and allotting output; and, as in the case of rubber, London quotations control the nitrate markets all over the world. British control of the nitrate industry is exercised through the association organized by the English companies in 1899 as the Nitrate Propaganda Committee, and later known as the Chilean Nitrate Producers' Association. Its purposes are, first, to fix prices; second, to limit and apportion the production; third, to promote consumption of nitrate of soda abroad; and, fourth, to secure favors and protection at home for the producers. There does not exist a more grasping and dominating trust, and to this foreign monopoly and combination the American farmer is compelled to pay tribute on account of the inaction of Congress.

The President readily responded to the appeal of the great rubber companies of this country, and pursuant to his request Congress is about to make an appropriation in the effort to secure relief for the rubber industry of the United States. Just when will the President and Congress recognize the plight of the American farmer with reference to the high cost of fertilizer and take steps to free him from the grasp of foreign monopoly of the world's nitrates, which are so essential to the greatest possible productivity of his soil? In view of the British control of rubber and the fact that the United States consumes threefourths of the world's supply, does anyone doubt that if our climate were adapted to the growing of rubber and the United States had a large rubber plantation in southern Texas, or even at Muscle Shoals, steps would not have long since been taken to make its supply accessible to domestic needs, thus relieving the American consumer of the excessive price he is now compelled to pay by reason of British control or monopoly? Why is it that the President and Congress, who have responded so quickly to the appeal of the great rubber companies, have refused the appeal of the farmers for the utilization of the hydroelectric energy which can be developed at Muscle Shoals for the production of nitrogen from the air, and which we are assured would ultimately result in the farmer getting his fertilizer for onehalf the price he is now compelled to pay to the Fertilizer Trust?

OTHER COUNTRIES PROVIDING RELIEF FOR THEIR FARMERS.

For some years Germany has been taking nitrogen from the air and selling it to her farmers in the form of fertilizer, we are told, at one-half the price which the American farmer is compelled to pay for his fertilizer. We are told that France, although burdened with an overwhelming war debt, is planning to operate a 50,000,000-franc nitrogen and synthetic ammonia plant as an aid to French agriculture by renting the Toulouse gunpowder plant to a private corporation and subscribing for one-half the capital stock out of her treasury. And it is stated that if an operating private corporation is not formed within four months, then the Government will operate the plant for the benefit of the French farmer. But when the American farmers point to the great possibilities of water-power development at Muscle Shoals and ask the President and a Republican Congress to use it and free them from the shackles of British monopoly of nitrates and the Fertilizer Trust, a deaf ear is turned

The great water power at Muscle Shoals gives the United States the advantage of Germany and France and all other countries in the fixation of nitrogen from the air. war the erection of a dam and nitrate plants at Muscle Shoals was begun for the manufacture of munitions, with the idea of utilizing the plant after the war for the manufacture of nitrates When the war came to a close more than \$89, for fertilizer. 000,000 had been expended. The dam had not been completed, and when an appropriation was asked to complete the dam, so as to make the plant and the investment available in peace times for the purpose for which it was intended, opposition, which had not dared to show itself during the war, arose. The necessities of agricultural interests were ignored and we were solemnly told that this huge investment should be scrapped. The British interests, through the Alabama Power Co., an English-controlled corporation, the Fertilizer Trust, the Aluminum Trust, and other allied interests began to send out propaganda over the country to the effect that nitrogen could never be successfully produced and the investment should be charged off as a war loss.

I was a member of the conference committee which in Feb-1921, had under consideration an appropriation of \$10,000,000 to continue the work on the dam, and I recall that the then Republican chairman of the Appropriations Committee deliberately and arbitrarily withheld the conference report for days from the House, confessedly because he feared that a majority of the House would override him and make the appropriation, and it was not until he was certain that there were sufficient votes to defeat it that he made the report. say, parenthetically, that this unjustifiable action of the former chairman is parallel with the action of the present chairman of the Committee on Rules in refusing to allow the House to vote. It but shows to what length the opposition to the development and utilization of the water power at Muscle Shoals will go. The work was stopped and the large organization dis-banded and scattered. Since then public pressure has resulted in the work being resumed, and the present investment of the United States in the plant is more than \$107,000,000.

OFFER OF MR. FORD AND METHODS ADOPTED TO DEFEAT IT.

In July, 1921, Mr. Henry Ford, at the invitation of the Secre tary of War, submitted a proposal to take over and operate the plant. The terms of his proposal are well known and I have not the time to discuss them, except to say that he proposed to lease the plant for 100 years and to pay 4 per cent interest on the money necessary to complete the dam, and by the time of

the expiration of his lease to pay to the Government every dollar expended in its construction, together with the amount of money necessary, year by year, to maintain and operate the locks for navigation purposes. He agreed to produce 40,000 tons of pure nitrogen, which is equivalent to 2,000,000 tons of fertilizer, and to sell it to the farmer at cost, plus 8 per cent

Forthwith a campaign began to defeat his proposition. Other offers from mysterious sources were finally made, including one from the Alabama Power Co., which has employed a former Member of Congress and paid lobbyists to defeat the Ford offer. None of these opposing offers were regarded as even worthy of serious consideration. Then they said Mr. Ford could not make nitrogen as he had agreed. He says that he can, and he is willing to back his judgment with all of his millions; but despite the fact that this offer has been pending for nearly two years the House has been denied the right to even vote as to whether or not it will accept or reject it. has been denied this right through the action of the gentleman from Kansas [Mr. Campbell], the chairman of the powerful Committee on Rules, supported by the majority leader, the gentleman from Wyoming [Mr. Mondell]. But let it be said that the chairman of the Committee on Rules could not have succeeded in denying the House the opportunity to vote if he had not been supported by the Republican members of that committee, for the Democratic members were unanimously in favor of the proposition. Nor would the majority members of the committee have so acted without the sanction of the Republican steering committee, and for whose action the Republican majority in the House must be held responsible.

In the strangle hold of the majority leader of the House and the chairman of the Rules Committee to choke off a vote on the Ford offer, the chairman of the Rules Committee has told the House that he represented and spoke for the "responsible majority of the Republican side of the House." I deny it. The chairman of the Rules Committee no longer has any legislative responsibility in the House of Representatives people of his district took that responsibility away from him at the last election, and he misrepresents the House before the country in using his power, along with the majority leader of the House, to overthrow and override the majority on both sides of the House, for if the chairman of the Rules Committee had been willing to be fair and let the Members of the House vote, the Ford offer would have been accepted by a majority of two to one, and maybe more than that. [Applause.]

STATEMENT OF SECRETARY HOOVER AND DEPARTMENT OF COMMERCE.

Secretary Hoover, who is conceded to-be perhaps not only the ablest economic authority in his party, but one of the best-informed men in the United States on domestic and foreign trade, was selected by the President as a member of his Cabinet because he is an acknowledged authority on all trade questions. When he was before the Committee on Appropriations last Saturday, in answer to a question put to him as to what his views were as to Muscle Shoals, Secretary Hoover said:

I know what we are sparring about here, and I will tell you I am in the habit of talking straightforwardly. I am in favor of the development of Muscle Shoals for making nitrates. I would like to see Mr. Ford do it if that will suit anybody. I do not know whether Mr. Ford's terms are the terms that Congress ought to adopt. I could not speak as to that, but I would like to see anybody who has the capital take Muscle Shoals and turn nitrates out of it to-morrow, and I would be especially more than pleased if we would take hold of this four-million horsepower in Arizona and make nitrates out of that, but Muscle Shoals is nearer production than the other and we can start right there.

Mr. Byrns I take it you are like everybody else in this room; you are not in favor of Government operation if it can be done by private enterprise.

Secretary Hoover. I am not in favor of Government operation of anything of that sort.

Secretary Hoover may not speak for a majority of the Cabinet of which he is a member, but he does speak as one of the ablest members of the Cabinet, who is willing to be responsible and respond to the appeal of the farmers of the country for relief.

The Secretary of Commerce in presenting to the Appropria-tions Committee the facts about British control of the rubber trade of the world has also furnished to the committee members interesting and illuminating information about the British control of the Chilean nitrate production; and the Department of Commerce has sent a statement, addressed to the chairman of the Appropriations Committee, which is very illuminating, and I wish to read it:

Nitrate of soda, of which large quantities are imported into the United States and used principally as fertilizer for cotton, is a natural monopoly of Chile, the principal west-coast country of South America. The war of the Pacific, between Chile on one side and Peru and Bolivia on the other, was really caused by disputes over Chilean interests in the nitrate fields, which were at that time divided between Peru and Bolivia. As soon as it had acquired these deposits by conquest, Chile

attained a greatly increased importance, and the subsequent exploita-tion of this industry has been the principle means of paying Govern-ment expenses and supporting the agriculture and other industries of the

ment expenses and supporting the agriculture and other industries of the country.

The Chilean policy has been one of protection to foreign investments, and outside capital, especially British, was not slow to enter the nitrate field. At the present time companies incorporated in Chile produce on the average nearly 50 per cent of the annual total of nitrate; British corporations account for from 35 per cent to 40 per cent, and the balance is controlled by German, Jugo-Slaw, Spanish, Italiau, American, and Peruvian capital. It is to be observed that the Chilean and British companies are preponderant. The two American companies which have producing plants—the Grace Nitrate Co. and the Du Pont Nitrate Co.—produce about 3 per cent of the annual output.

The British influence in the nitrate industry is really stronger than is indicated by the figures just given. Many of the Chilean companies have British stockholders or have British banks represented in their directorate. Recently there has been a tendency to claim company omiciles in Chile, thus avoiding British taxation, although the stock control might be British. Other British influences relating to the industry are as follows:

"Ownership of the principal enilosads which carry nitrate from the

domiciles in Chile, thus avoiding British taxation, although the stock control might be British. Other British influences relating to the industry are as follows:

"Ownership of the principal railroads which carry nitrate from the interior to the seaports; ownership of a large part of the water supply, needed in large quantities in the process of nitrate extraction; practical control of fuel and other supplies through the British commercial houses established at the ports; quotation of prices in sterling; which means that all business is financed by means of 90-day drafts on London, regardless of the destination of shipment; control of the iodine business; the principal by-product of altrate."

In 1919 nitrate producers formed a cooperative selling association, as a result of the centralized buying instituted by the Ailles during the war. Statutes provide that the association may be removed each five years, with the consent of 80 per cent of the voting power (votes are based upon production, each company having the number of votes equivalent with its productive capacity). On the whole the association has given satisfaction to the producers, although there have been complaints from individual members who have felt themselves injured by measures considered necessary for the general good. The Chilean Government is represented by delegates who meet with the governing board of the association, with voting power. The association fixes prices at which nitrate will be sold for each year beginning July 1; may change these prices if it seems desirable; prescribes standard forms for sales contracts and other documents; impects and grades the nitrate delivered on orders; allocates sales among the producers; and devotes a certain sum of money each year to the maintenance of offices abroad which report on foreign conditions and distribute publicity.

The principal purposes of the association are to eliminate competition are maintenance of offices abroad which report on foreign conditions and distribute publicity.

The princi

which amounted to a subsidy totaling £392,050 paid to them by other members of the association. In the same year strong efforts were made for the wear that are the presentatives in Chile pleading the impropriety of their being forced into an organization clearly lilegal according to our Sherman law.

Sherman law in a comparative of aircrate as fixed by the association are lower than these received during the times of speculation that followed the end the war, but they are not yet down to the pre-war basis. The price of the times of the times of speculation that followed the end they are not the fixed of the war, but they are not yet down to the pre-war basis. The price of the times of speculation that followed the end they are not the fixed previously the same of the following arguments: Pirstly, that the importance of the following arguments: Pirstly, that the importance of the fixed production costs and the expenses of the association were able to supply the German strong that the fixed production costs and the expenses of the association were able to supply the German strong that the fixed production costs and the expenses of the association would not permit. In association expenses are included the sum of £342,050, taking the fixed production costs and the expenses of the association would not permit. In association expenses are included the sum of £342,050, taking the fixed production costs and the expense of the association and price as the fixed production costs and the expense of the sasociation and the fixed production costs and the expense of the sasociation and price as the fixed production costs and the expense of the sasociation and price as the fixed production costs and the expense of the sasociation and price as the fixed production costs and the expense of the sasociation and price as the fixed production costs and the expense of the sasociation and price as the fixed production costs and the expense of the sasociation and price as the fixed production costs and the expense of the sasociation a

of the Ford offer, which, if accepted, would put an end to British interests fixing the prices of Chilean nitrates sold to American farmers.

Who are the allies supporting the Ford offer and who are the allies of the opposition? Those allied together and begging the House for a vote on the Ford offer are the American Farm Bureau Federation, the National Grange, the Farmers' Union, the American Federation of Labor, and others; while the allies of the opposition are the British, led by the Alabama Power Co., British owned, and standing with these British allies and the Alabama Power Co. are the leader of the majority of this House and the chairman of the Rules Committee. [Applause.]

They say that all these organizations supporting the Ford offer who are begging the House to vote on it are fooled. Let us see if they are.

STATEMENT OF MR. GRAY SILVER, OF THE AMERICAN FARM BUREAU FEDER-ATTON.

At a hearing before the Committee on Agriculture of the House on January 29, 1923, Mr. Gray Silver, the Washington representative of the American Farm Bureau Federation, in a statement made to the committee, presented to the committee a detailed explanation of how the price of Chilean nitrate is fixed for the farmer and controlled by the "pool" of nitrate buyers in London in agreement with the London nitrate committee of the Chilean Nitrate Producers' Association. His statement appears on pages 49 and 50 of the hearings and is as follows:

1. In order to keep the price of Chilean nitrate after the war as nearly as possible up to war prices, in January, 1919, the Chilean Nitrate Producers' Association was formed—a price-fixing trust of the

nearly as possible up to war prices, in January, 1919, the Chilean Nitrate Producers' Association was formed—a price-fixing trust of the most extreme type.

2. The American-owned plants in Chile, which produce less than 3 per cent of the total Chilean nitrate production, are not actually members of the Chilean Nitrate Producers' Association, and were permitted to remain outside of the association on the plea of the American antitrust laws, but the American Chilean nitrate operators have continued to work without friction with the association and have not been guilty of selling nitrates under the prices fixed by the association or in competition with it.

3. The first trust business done by the association was to push the price of nitrate in 1919 up to 18 shillings per Spanish quintal, which at the normal exchange is \$96.77 per long ton, which was the highest price ever known for Chilean nitrate, not excepting the war period.

4. The association allots the quotas of production to every nitrate plant in Chile, fixes the prices of nitrate, and makes all sales effective. It cases where plants can not produce nitrate at the prices fixed by the association these plants are allowed to sell their production quotas to more efficient organizations; and the larger operators, in order to have their plants work to capacity, pay the small and inefficient plants a bonus of \$4 per ton actual exchange, and these large operators are very glad to pay this bonus to the inefficient operators, as the large and efficient operators get all of the bonus back and more from the consumer.

5. The German nitrate owners and operators in Chile are second.

farmer is paying his one-half of this amount on each ton he buys of

farmer is paying his one-half of this amount on each ton he buys of Chilean nitrate.

12. Finally and in the meantime, with this arrangement in Germany, the German farmer gets his nitrogen fertilizers for about one-half what the American farmer pays.

13. The American farmer also pays the English coal miners for the power that produces his nitrates in Chile, when his power for producing nitrates could be generated from water power at Muscle Shoals, The American farmer pays freight on the coal from England to Chile on English ships, and then when the nitrates are ready for shipment from Chile he pays \$11.20 export duty to Chile; and when his Chilean nitrate starts from a Chilean port he pays a toll for his nitrate to pass through his own country's canal, which he helped to build—this toll being kindly arranged for him by English diplomacy.

14. Yet with all this, some say there is no trust and no price fixing.

15. As a further nitrate aid to the American farmer, the ammonium-sulphate producers get \$5 per ton protection against the German importations—and forthwith the Chilean nitrate producers step up the price \$5 per ton.

FARMERS NEITHER IGNORANT NOR FOOLED.

The farmers fooled! No: they have been buncoed by the majority leader of the House and the chairman of the Rules Committee.

Henry Ford is an American and the allied influences and organizations supporting his offer are Americans, but the opposition to his offer is supported and applauded by the British and Chilean nitrate interests, the leader in the fight against the

and chilean intrate interests, the leader in the fight against the farmers of this country to be relieved from this practice being the Alabama Power Co., British owned.

The Ford offer and its American allies and supporters may be denied; they have been denied a vote by the majority leader of the House and the chairman of the Rules Committee; but Henry Ford's offer and its American allies are Henry Ford's offer and its American allies are only delayed; they are not defeated; and when the next Congress meets a vote will be had in the House, led along with others on the Republican side by such men as the two gentlemen from Illinois, the chairman of the Appropriations Committee, Mr. Madden, and the acting chairman of the Military Committee of the House, Mr. McKenzie, and Henry Ford's offer will be accepted and the British interests and their allies will be defeated, as some of their allies in this House were defeated in the last election.

[Applause.] The responsible Republican majority of this House have rejected the wise advice of such distinguished and able leaders as the lamented Mr. Mann and Mr. Madden of Illinois, both of whom have urged the acceptance of the Ford offer. Only a short while ago the gentleman from Illinois [Mr. MADDEN] delivered a masterly and convincing address in favor of the Ford offer in which he clearly demonstrated that as a plain business proposition it should be accepted-a speech which no one has dared to attempt to answer. Neither of these gentleman came from agricultural constituencies. They came from Chicago, but they had the vision to see that this is a national and by no means a sectional question, and that it is one which vitally concerns not only the farmer but the consumers in the cities who desire greater production and cheaper food. You have rejected the advice of such able men in your party as the gentleman from Illinois [Mr. McKenzie], the acting chairman of the Committee on Military Affairs, which conducted an exhaustive investigation of this and other offers, and of the gentlemen from Michigan, Mr. Kelley and Mr. James, and others. These gentlemen had the statesmanship to rise above sectionalism, misrepresentation, and false propaganda, and any possible difference they may have with either the public or private views of Mr. Ford and to consider this question as one of broad, national You have preferred to follow the leadership of the importance. gentleman from Kansas, backed by the majority leader from Wyoming. But do not deceive yourselves. Do not imagine that the farmers are ignorant of what is going on; that they are not aware of this betrayal of their interest; that they do not know why they have not been given this relief. You need not cloak yourselves with any such idea for they will tear that cloak off of you when they have opportunity at the next election.

RELIEF MOST NEEDED BY THE FARMERS.

You have told the farmers that you were giving them relief in the extension of their credits. That is all very well, but I wish to call your attention to the fact that, while extension of credit is important, after all the farmers are more interested in the ways and means to avoid going in debt. They wish above all else for legislative and administrative action which will enable them to produce at less cost, something which has been denied them by the refusal for nearly two years to permit a vote on the proposition of Mr. Ford. They vastly prefer to avoid debt by increasing their production and by being afforded markets for the products of their labor. If I had the time I could show you a chart which shows that the expenditures of farmers for fertilizers in the last 10 years has, with the exception of three or four of the smaller States, increased all the way from 100 per cemt to nearly 1,500 per cent. The great agricultural State of

Kansas, which is so badly misrepresented on this question by the gentleman from Kansas, stands second on the list. The expenditures of Kansas farmers for fertilizers in the last 10 years have increased 1,200 per cent. Do you not think the Kansan farmer knows something of what is going on here?

As proof of that fact the lower house of the Kansas Legislature a short while ago unanimously adopted a resolution asking Congress and asking the chairman of the Committee on Rules, who hails from Kansas, to permit the representatives of the people to have a vote upon the proposition of whether or not Mr. Ford's offer should be accepted. That is not the only legislature which has so acted. A number of legislatures throughout the country have urged Congress to at least permit a vote on this proposition. I hold in my hand a copy of a resolution adopted by the Senate and House of Representatives of the State of Missouri, adopted unanimously in the house and with only one dissenting vote in the senate. That resolution is as follows:

only one dissenting vote in the senate. That resolution is as follows:

Whereas among the most important lessons of the World War is that any nation which is not prepared to supply its own nitrogen for explosives is unprepared for war and national delense; and
Whereas the preservation and increased fertility of the soil of the farms of our country is an economic necessity, as well as a national duty; and
Whereas the total cost at our ports of imported Chilean and Peruvian nitrates to the industries and to agriculture in our Nation since 1831 amounts approximately to the staggering sum of \$1,000,000,000,000,nearly all of which has been paid since 1867; and
Whereas the fertilizer bill of the farmers of our country increased from 1910 to 1920 \$211,517,259, or 184 per cent; and, as an example of States, the purchases of fertilizers by the farmers of Missouri in the same decade increased 487 per cent; and
Whereas several tenders were submitted the Federal Government for the lease and purchase of the Muscle Shoals project, all of which tenders were discarded by unaximous votes of the committees of Congress, except the one offered by Henry Ford, thus leaving his as the only alternative to governmental operation of this gigantic undertaking; and
Whereas Henry Pord's offer, given at the invitation of the Federal Government, for Muscle Shoals proposes and guarantees to keep nitrate plant No. 2 in a state of readiness for the war needs of the Nation and to produce nitrogen for agricultural purposes equal to about half of the nitrogen contained in the importations from Chile in normal years preceding and following the World War; and
Whereas the Ford tender, though made first on July 8, 1921, and finally submitted to the Congress of the United States more than seven months ago, still stands as the only proposal except that of governmental operation for the utilization of the Muscle Sheals project, with no action taken by either House of the Congress; Now, therefore, be it Resolved, That having full confidence in the fertili

As the gentleman from Alabama [Mr. Almon] has suggested, the Legislature of the State of Nebraska passed similar resolutions, and a number of other State legislatures have done the The request and demand that Congress should at least vote upon this proposition is not confined to any one section of the country. It comes from every section of the country; not only the South, but the North, the East, the West. As a sample of some of the editorials appearing in every section of the country I read from an editorial in the Worcester (Mass.) Telegram dated February 12, 1922:

MUSCLE SHOALS, THE SAME YESTERDAY, TO-DAY, AND-

It is apparent that the situation with regard to Muscle Shoals will be the same when Congress adjourns as it was when Congress met. That is, all the talk and all the argument over the great plant has come to nothing so far as its completion or disposal is concerned. As long as there was not an offer made for it Congress was constantly insisting that something be done toward its disposal. Then when something was done and Mr. Ford came with his offer Congress stopped insisting that something be done and began insisting that nothing be done. The result was that the Ford offer was blocked, and now the status of Muscle Shoals is the same as it was a year ago.

Yet the United States Government will not complete the plant at Muscle Shoals. It is not advisable that it should. It is advisable that the plant should be completed and then operated as a private enterprise.

prise.

But the moment any plan is put forward looking to that end Congress takes attitude reminding of the fable of the dog in the manger, regards that offer with suspicion, apparently thinks the Government is to be done out of vast sums of money, and insists on continuation of do-nothing policy.

A good deal of water has gone over the dam at Muscle Shoals since Congress began to consider and to pick to pieces proposals to have it taken off the Government's hands. A good deal more water will go over the dam at Muscle Shoals before anything will be done toward accomplishment of the transfer to private enterprise if in the future the policy of the present Congress toward any proposal made is continued.

The offer of Mr. Ford, which, if accepted, would relieve in large measure the farmers of this staggering burden of expense by reducing the cost of fertilizer through competition with foreign nitrate interests and the Fertilizer Trust of this country, may be defeated in this Congress solely by the action of the majority leader and the chairman of the Committee on Rules, who have taken advantage of the rules of the House to prevent a vote; but I wish to repeat that this proposition will be accepted in the next Congress, as it would have been in this if a vote had been permitted.

INTEREST OF THE NATION DEMANDS RELIEF FOR THE AMERICAN FARMER. Mr. Chairman, we are passing through a dangerous period. The wisest statesmanship and the most unselfish patriotism is needed to guide our country along the road of happiness and prosperity. Congress can not afford to neglect the interests of agriculture. The prosperity of all classes of our citizenship is dependent primarily upon the farmer, for as he prospers so will the country prosper. Before the war 30 per cent of our population lived on the farm. Now only 24 per cent dwell on the farm. The effect of such a falling off of our farming population is manifest. It is certain to increase the cost of living, and the prosperity of the country is bound to suffer unless something is done to change this condition of affairs. Something must be done to attract people to the farm, and this can only be done by increasing the productivity of our soil, thus making farm life more profitable. We must not overlook the fact that the standard of living of the American farmer is higher than that of the farmers of other countries. Certainly no one would have it otherwise. We now produce a surplus of farm products for foreign markets. But if other countries, as some of them are now doing, make it possible for their farmers to get cheaper fertilizer, thus increasing the productivity of their soil, and our Government fails to do so, then the time will come when we will not only not produce enough for export but we will not even produce enough for domestic consumption. No greater blow can be struck at the foundation of our Nation's prosperity than to deny to the farmers the remedial legislation and relief which they seek and have the right to demand. [Applause.]
Mr. MADDEN. Mr. Chairman, I yield 15 minutes to the gen-

tleman from Kentucky [Mr. Langley].

Mr. LANGLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LANGLEY. Mr. Chairman and gentlemen of the committee, I am in hearty sympathy with the sentiments expressed by my friend from Tennessee [Mr. BYRNS] regarding the merits of the Muscle Shoals proposition, and I intend to vote for the Ford proposition if I ever get an opportunity to do so.

Unlike my friend from Massachusetts [Mr. Gallivan], who spoke awhile ago, I am going to claim your attention for a few minutes on a subject which is not included in this bill, I regret to say, viz, an appropriation for public buildings throughout the country. Some of my colleagues have indicated they may desire to ask me a question or two, but I trust they will defer their questions until I have brought out two or three points I desire to cover, and then I shall be glad to yield, if my time

will permit.

It has now been 10 years since we passed an omnibus public buildings bill, and I feel that the conditions in various parts of the country warrant me in saying that the enactment of another omnibus bill has already been much too long deferred. [Applause.] As most of you are aware, I have been an earnest advocate of the passage of such a bill during this Congress; but upon second thought we concluded that it would not be possible to secure its enactment into law now in view of existing conditions, and so we finally decided not to insist upon reporting such a bill this session since it would involve a large amount of unnecessary work and the collection of data, which in many instances would probably be more or less antiquated when the time arrives for passing a bill. I think this is the attitude of practically all the members of our committee. We do not feel that anything beneficial can be accomplished by butting a brick wall merely for the sake of butting. As gentlemen are aware, about \$13,000,000, authorized by the act of 10 years ago, remain unexpended for the reason that the advance in the cost of labor and materials due to the World War made it impossible in more than 100 cases to get bids within the limits of the act. In addition to that, the postal business throughout the country has more than doubled in the last decade, and in many instances emergencies have arisen requiring the erection of public buildings for housing Government ac-tivities which were not and could not have been anticipated 10 years ago.

It is interesting to note in this connection the report of our committee four years ago on an omnibus bill which did not become a law because of the financial condition of the Treasury resulting from the World War:

[Report to accompany H. R. 15987.]

Committee four years ago on an ombus bill which did not become a law because of the financial condition of the Treasury resulting from the World War:

The last general public building bill passed by Congress was approved the property of t

carried in the bill, \$36.625,300 represents items which Congress must provide for or else repeal the law under which they were originally authorized, and in addition allow the business of the Government to continue to be inefficiently done and these buildings to go to ruin for the lack of needed repairs. As the amount last named is made up of matters which Congress is obligated to provide for under previous legislation, we submit that in all fatness that amount should not be continued to the continue that in all fatness that amount should not be continued to the continued of the total amount carried in the bill, \$23,233,000 is carried for the purchase of new sites and the erection thereon of new buildings and \$4,120,000 is carried for the purchase of new sites and the erection thereon of new buildings and \$4,120,000 is carried for the purchase of new sites of the what is really chargeable to the bill, and these items are justified and new that it is addition to the amounts for the marine hospital, the quarantine station, and the armory, and we respectfully submit that this is what is really chargeable to the bill, and these items are justified and new forms of the continued of the continued of the postal receipts were less than \$6,000 per annum, nor have we provided for a building at any place where the postal receipts were less than \$6,000 per annum, nor have we provided for a building at any place where the postal receipts were less than \$6,000 per annum, nor have we provided for a building at any place where the postal receipts were less than \$6,000 per annum, nor have we provided for a building at any place where the postal receipts were less than \$6,000 per annum, nor have we provided for a building at any place where the postal receipts were less than \$6,000 per annum, nor have we provided for a building at the postal receipts were less than \$6,000 per annum, nor have we provided for a building at the postal receipts were less than \$6,000 per annum, nor have we provided for the postal per second with the

we are carrying in this bill a provision for the relief of certain contractors, but as a separate bill has already been reported to the House covering that subject, we think it only necessary to refer to the report which accompanies that separate bill.

The committee reports the bill with the recommendation that the same be passed without amendment.

Since this report was made the need for public buildings has grown steadily worse and with increasing rapidity.

Some time ago I made the statement that an immediate apsome time ago I matte the statement that all immediate appropriation of less than \$100,000,000 would not be adequate to meet the most pressing needs of the Government. That statement was attacked not only by newspapers and magazines, but was extensively exploited in the late congressional campaign as another attempt to raid the Treasury with a pork barrel bill. There are some people in this country who manifestly think that a Congressman who votes for an appropriation of millions of dollars for the erection of monumental buildings in the great civic centers is a patriot, while those who insist that the smaller cities should likewise be provided for in accordance with their needs are merely pork-barrel advocates. In a recent issue of Collier's Magazine there appeared a two-page article attacking my suggestion for a \$100,000,000 bill, and containing a number of statements that were wholly inaccurate and entirely unwarranted by the facts. The author of that article was one Byron R. Newton, a former Assistant Secretary of the Treasury. I presume some of you remember him. While he was in that subordinate position he seemed to think that the solvency of the United States Treasury rested upon his shoulders, and since his retirement he appears to look with amazement upon the fact that the Government at Washington still lives and that the Treasury Department is still solvent although

he is no longer connected with it. I shall not attempt to answer that article except to say that that portion of it which refers to me ignores the explanation which I made in the House at the time the bill in question was under consideration. Our committee is tolerably familiar with the conditions in various sections of the country. I have personally collected figures showing the amount of annual rental now being paid by the Government for buildings, many of which are insanitary, nonfireproof, and wholly inadequate to meet the requirements. This annual rental amounts to approximately \$21,000,000, between \$12,000,000 and \$13,000,000 of which is expended by the Post Office Department alone. At the prevailing rate of interest at which the Government could borrow money, at least \$500,000,000 could be expended on the construction of needed public buildings and still a net saving could be made in the item of interest alone, to say nothing of the added advantage of having substantial, roomy, sanitary, and fireproof buildings for housing Government activities. I have here a letter addressed to me as chairman of the committee by the Postmaster General outlining the general situation, which he describes as acute and urgent. I can not place the situation before you as concisely and accurately as the Postmaster General does, and I shall include this letter as a part of my remarks.

Referring to a previous communication sent to the Congress

on August 21 last, the Postmaster General says:

OFFICE OF THE POSTMASTER GENERAL, Washington, D. C., December 11, 1922.

Hon. John W. Langler,
Chairman Committee on Public Buildings and Grounds,
House of Representatives.

My Dear Mr. Langley: On August 21, 1922, I had the honor to send to your committee a communication concerning the ownership by the Government of such new postal buildings as must of necessity be erected from time to time to accommodate the rapidly expanding volume of

Basing my recommendation wholly on principles of business economy, I cited the fact that the department is constantly compelled to secure additional postal buildings by contracting for leases of structures not in existence but to be erected by private capital. Although such leases are negotiated with the greatest care and through the best competition available, they are usually made on an investment basis of from 8 to 16 per cent.

in existence but to buildings by pointracting for leases of structures not are negotiated with the greatest care and through the best competition available, they are usually made on an investment basis of from 8 to 18 per cent.

This state of affairs arises from the fact that; generally speaking. Congress in the past has followed the policy of appropriating moneys for the leasing of postal buildings, but has not appropriated for the construction and ownership of such buildings as they become necessary. The Postal Service must be maintained. Mail is received in such volume as the public business requires. It must be housed, transmitted, and delivered in safety. The department can not decline to negotiate leases on new buildings. They must be had; otherwise valuable mail is exposed to the elements and ruined in transmission.

Under the law as it exists to-day the department is absolutely compelled to execute leases on the best terms it can get, whether they are reasonable or otherwise.

Entertaining the belief that Congress would change this policy as soon as it could come to a complete understanding of all facts, I have refrained from completing contracts for the erection of certain buildings, although their urgency is great.

It is the purpose of this letter to present those cases to your consideration which are just now particularly pressing and which will become exceedingly acute before buildings can be constructed.

It is also the purpose of this letter to explain to you more fully constantly expiring, presenting almost daily so thus in the constantly expiring, presenting almost daily so thus in the constantly expiring, presenting almost daily so thus in the particularly pressing cases as they occur by ownership, just as under the pressing cases as they occur by ownership, inst as under the pressing cases as they occur which the will be come exceedingly shall be adopted by Congress, the logical method, in my opinion, would be to take care of the pressing cases as they occur they will be come exceedingly and

NEW YORK CITY.

NEW YORK CITY.

The proposition at New York has been under investigation for more than a year and, as you no doubt will recall, is practically a duplication of the present central post office on Thirty-fourth Street. The requirement is for 800,000 square feet. The site is owned by the Pennsylvania Railroad and is said to be available at \$2,000,000. We do not have definite information as to the cost of the proposed structure, but it is generally estimated at around \$6,000,000. The average rental for such a building by the lowest bidders is approximately \$1,000,000 per year. While these bids contain various options for purchase the cost of the proposed structure is no legislation by which such purchase could be made effective. The department has approved of plans and specifications but has declined to enter into any contract for a lease of this proposed building until Congress shall have acted in the matter.

DETROIT, MICH.

Another proposition which demands immediate action is that of a parcel-post station at Detroit, Mich., to contain approximately 55,000 square feet of floor space on two or three floors. Negotiations for the construction of such a building through the lease method have been under way for several months and are now ready for decision. A lease can be obtained on the proposed building when erected for \$52,000 per year. I am not satisfactorily informed as to the cost of such a building, but believe the entire expense, including the lot, would be from \$300,000 to \$500,000.

SAN FRANCISCO, CALIF.

In this city 150,000 square feet of floor space in a new building must be provided forthwith. This proposition is under investigation, and while the need is well known, I have not the details with sufficient ac-curacy to submit them to you herewith, but will do so in a later com-

DALLAS, TEX.

Here a new building must be provided as soon as possible containing \$5,000 square feet of floor space on two or three floors. This case has been under careful investigation and negotiation for several months, and the best proposition for a lease now in sight is for a building to be constructed for the department and rented at \$84,250 per year. My information is that such a building would cost in the vicinity of \$700,000. It would, however, enable us to discontinue two smaller stations which we are leasing at \$9,000 each.

BROOKLYN, N. Y.

The department is now considering what would be necessary to do here at the Flatbush Station when the lease expires on April 1 next. The old rental was \$5,000 per year, but the premises are inadequate, and the proposition to take its place will cost about \$20,000 per year.

BUFFALO, N. Y.

BUFFALO, N. Y.

At this place a garage must be provided to accommodate the motor vehicle service. It must contain about 30,000 square feet of floor space. On a rental basis it will cost \$30,000 per year for a building which we are informed can be erected for \$175,000.

Let me remind you, in closing, that this list of cases is but the beginning. They are the ones which are at this moment on my desk pressing for decision. If the policy of constructing post-office buildings is to begin, it is apparent that we must discontinue to take care of the acute cases by leasing. There may be many other situations in the country as much in need of additional facilities as some of those in this list, and when our investigations have been sufficiently completed we will present them to you, together with the situations as they occur from time to time when leases expire.

Let me also call to your attention the fact that the business of the Post Office Department, doubling every 10 years, can never be placed on an efficient and stabilized basis until the erection of suitable buildings at suitable places is planned not only on an economic basis but from a scientific and service viewpoint.

Very truly yours,

HUBERT WORK, Postmaster General.

Since I received this letter from the Postmaster General I have had several conversations with that most capable official, in each of which he stressed the great urgency of immediate action by Congress. Recently he and the Secretary of the Treasury have addressed two different joint letters to the Speaker of the House, which letters have been referred to our committee. One is dated December 30, 1922, and the other February 8, 1923. I shall insert these here as a part of my remarks:

TREASURY DEPARTMENT, Washington, December 30, 1922.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: The attention of Congress is respectfully invited to the urgent need for larger Federal buildings for housing the service in many cities throughout the country. Provision has to be made not only for increase in Government business due to the normal growth in population but for new activities, the most important of which are the establishment of the parcel post, the development of the rural carrier system, the collection of direct taxes, the enforcement of prohibition, and the establishment of the Veterans' Bureau. The demand for office space by these activities has far exceeded the space available in many of the Federal buildings, in consequence of which much space has had to be rented in the large cities at a great annual cost to the Government.

has had to be rented in the large cities at a great annual cost to the Government.

The postal business has had an abnormal growth during the last 10 years. Parcel post, established in 1913, has expanded rapidly. Of the three to three and one-half billions packages handled annually, the average weight is 4 pounds each, or approximately 7.000,000 tons.

Each of these packages during its progress must be received in one building and distributed from another building, so that the aggregate space required is enormous. Other branches of the Postal Service have kept pace with the business progress of the country and the results are that the workrooms in many of the post offices have become so crowded that it is impossible to properly handle the vast volume of mall. With funds appropriated during the past four years for remodeling and enlarging public buildings, relief has been given in some places, generally by building frame mailing sheds in which to handle the parcel post and by constructing mezzanines, and in some cases making part of the second story available for postal business by installing lifts. In cases of extreme necessity resort has been had to utilizing basements, boiler rooms, and swing rooms for the handling of the postal business, which, of course, has proved very objectionable.

The health, comfort, and efficiency of more than 250,000 postal employees is dependent upon the physical conditions under which they work, so that one of the big problems confronting the Post Office Department at this time is the providing of sufficient working space. The Post Office Department at this time is the providing of sufficient working space. The Post Office Department believes that the minimum for efficient mail handling, including spaces taken up by cases, parcel-post packages, trucks, etc., is 100 square feet per employee. With a unit space of 60 square feet, the worknooms become so congested as to greatly retard the work and necessarily reduce the efficiency. Yet there are great numbers of buildings where the unit rate is below 60 square feet, running in some cases even below 40.

Next to the Post Office Department, the Internal Revenue Service has been the greatest sufferer on account of lack of space. Since 1913 there has been added to its activities the collection of direct taxes under the sixteenth amendment of the Constitution and the enforcement of prohibition under the eighteenth amendment. This has added so greatly to the personnel that in many buildings part of the internal-revenue business is transacted in public corridors, to the great detriment of efficiency and the health of the employees. Notwithstanding the maximum use of Federal buildings, this bureau alone is now paying \$459,272.63 rent annually for commercial space.

The Veterans' Bureau, coming into existence with the Great War, has had to rent quarters for branch offices in nearly all the large cities where the Government owns buildings because it was found absolutely impossible to crowd any further activities into these buildings.

The following table gives a concrete idea of the extent to which the Government is now paying in rent throughout the country:

Total number of leases.

Rents paid as follows (approximate):

Rents paid as follows (approximate):	8, 368
	\$11, 660, 056 3, 586, 301 158, 903 2, 212, 970 226, 063 828, 781 405, 795 1, 751, 324
Total	20, 830, 193

complete data ca Atlanta, Ga. Baltimore, Md. Boston, Mass. Brooklyn, N. Y. Clneinnati, Ohlo. Cleveland, Ohlo. Chicago, Ill. Dallas, Tex. Detroit, Mich. Even if it wer

ubmitted.
Fort Worth, Tex.
Jacksonville, Fla.
Los Angeles. Calif.
Louisville, Ky.
Minneapolis, Minn.
New York, N. Y.
Newark, N. J.
Norfolk, Va.
Pittsburgh. Pa.
lent financially, to

Philadelphia, Pa. Salt Lake City, Utab. San Francisco, Calif. Seattle, Wash. St. Louis, Mo. Scranton, Pa. Worcester, Mass.

Detroit, Mich.

Pittsburgh. Pa.

Even if it were prudent financially to relieve all this congestion in one year it would be impracticable from a construction standpoint to undertake so much at one time. It would therefore seem wise to map out a program covering a period of years, relief to be provided first in places where the congestion is greatest and where the Government is paying out large sums for rent of space in private buildings.

The foregoing is submitted with the understanding that nothing contained therein is intended to supplant the recommendations made by the Postmaster General in his letters of December 11 and 18, 1922, to the Joint Commission on Postal Service, copies herewith, relative to the Government ownership of buildings for the use of the Postal Service instead of securing them under lease as at present, but the recommendations made in those letters should stand and be considered independently of those contained herein.

Respectfully,

Hubert Work,

Postmaster General.

Hubert Work,
Postmaster General.
A. W. Mellon,
Secretary of the Treasury.

DECEMBER 18, 1922.

Hon. Charles E. Townsend, Chairman Joint Commission on Postal Service.

My Dear Senator Townsend: On the 11th instant I addressed you a communication in regard to the department's policy with reference to the Government ownership of buildings to be occupied by post offices and post-office stations rather than securing them through the leasing

system, as is generally done at present, and furnished therein a list of post offices and stations which, in my opinion, deserve immediate attention.

On the same date you wrote me regarding this matter and in the second paragraph of your letter requested this department to advise you if there are any other cities where it is thought that there is an emergency and which should be included in your report to Congress for new offices.

Availing myself of that invitation I am submitting herealth a sur-

Availing myself of that invitation, I am submitting herewith a sup-plementary list as follows:

NEW YORK CITY, STATION J.

This is a substation on which the lease expired October 1, 1922. The quarters are outgrown. For the next 10 years we shall need fully 3,000 square feet additional. The landlord will renew the lease and add the additional 3,000 feet for a term of 10 years for \$54,000 for the first year and \$34,000 for each of the succeeding 9 years. We have been paying \$16,300 a year for 18,630 square feet.

There will always need to be a station of some sort in this immediate vicinity, and it is believed that it would be the best policy for the Government to build what it needs and own it.

NEW YORK CITY, STATION G.

The lease on the quarters occupied by this station expired July 1, 1922, but it has since been extended for a period of one year from that date. To properly maintain the service at this point during the next 10 years we shall need at least 30,000 square feet of floor space. A proposition has been secured to lease 31,032 square feet, at \$59,500 a year. Under the present extension we are paying \$30,000 a year for 11.574 square feet.

The needs of the Postal Service at New York will always require the provision of station facilities in this neighborhood, and it is my opinion that it would be advantageous to the Government to erect a building for the housing thereof.

DETROIT, MICH., NORTH END STATION.

The lease on the quarters occupied by this station expired October 1, 1922. We have obtained a proposal to lease 9,706 square feet for 10 years, at an annual rental of \$15.875. The rental under the former contract was made at the rate of \$3,500 a year for 5,520 square feet. This station is the largest in Detroit and serves a population of 201,232 people. It is imperative that it be continued in operation, and it is believed that it would be a wise step to provide a Government-owned building, containing between 15,000 and 20,000 square feet above the basement, for its use.

BROOKLYN (N. Y.) STATIONS A AND W

The lease on Station W, which is at the rate of \$6,000 a year, will expire May 1, 1923, and that on Station A, at \$7,200 a year, will expire June 1, 1923. Proposals have been received for new quarters to be occupied on the dates stated; for Station A, 10,764 square feet at \$16,500, and for Station W, 15,024 square feet at \$27,500, or a total for the two stations of 25,788 square feet at \$44,000. Inasmuch as these stations serve territory adjoining each other, it is believed to be possible to consolidated them in one station at a central point. That, however, can only be determined after a careful investigation, which will be undertaken immediately after the holiday season. If the consolidation of the stations is found feasible, it is believed that it would be in the interest of economy and good service for the Government to erect a building, containing not less than 35,000 square feet of floor space above the basement, for the use of the station established as a result thereof.

Sincerely yours,

Hubbert Work.

OFFICE OF THE POSTMASTER GENERAL, Washington, D. C., December 11, 1922.

JOINT COMMISSION ON POSTAL SERVICE,

Washington, D. C.

My Dear Sirs: On August 21, 1922, I had the honor to send to your commission a communication concerning the ownership by the Government of such new postal buildings as must of necessity be erected from time to time to accommodate the rapidly expanding valuum of mail erected from t

Government of such new postal buildings as must of necessity be erected from time to time to accommodate the rapidly expanding volume of mail.

Basing my recommendation wholly on principles of business economy, I cited the fact that the department is constantly compelled to secure additional postal buildings by contracting for leases of structures not in existence but to be erected by private capital. Although such leases are negotiated with the greatest care and through the best competition available, they are usually made on an investment basis of from 8 to 15 per cent.

This state of affairs arises from the fact that, generally speaking, Congress, in the past, has followed the policy of appropriating moneys for the leasing of postal buildings, but has not appropriated for the construction and ownership of such buildings as they become necessary.

The Postal Service must be maintained. Mail is received in such volume as the public business requires. It must be housed, transmitted, and delivered in safety. The department can not decline to negotiate leases on new buildings. They must be had, otherwise valuable mail is exposed to the elements and ruined in transmission.

Under the law as it exists to-day the department is absolutely compelled to execute leases on the best terms it can get, whether they are reasonable or otherwise.

Entertaining the belief that Congress would change this policy as soon as it could come to a complete understanding of all facts, I have refrained from completing contracts for the erection of certain buildings, although their urgency is great.

It is the purpose of this letter to present those cases to your consideration which are just now particularly pressing and which will become exceedingly acute before buildings can be constructed.

It is also the purpose of this letter to explain to you more fully the entire leasing situation, showing how leases now in existence are constantly expiring, presenting almost daily problems as to whether they shall be renewed or not. But if the pol

aggregate annual rental for leased quarters is about \$12,000,000. Unless a building policy is adopted, this will increase by large amounts from year to year.

These leases are expiring almost daily, and whenever one expires it presents a new problem of what shall be done in a given locality. Renewals are made at increases of from two to four times the old rate, although careful study is made in each case and every possible effort made to secure the best terms. The popular objection to changing the location of post offices, particularly in the smaller cities and towns, militates strongly against a good trade for a lease.

The greatest actual and imperative demand for new buildings comes from the larger cities and from rapidly growing cities, where parcelpost stations, substations, and garages must constantly be added. Another class of cities where the building problem is acute are those having a single Government-owned building which is no longer adequate for the needs of the office and where men are obliged to work in insanitary cellars or basements.

The department has for more than a year been investigating this problem of buildings and has been making a careful survey to determine the adequacy of space in postal buildings. Since it requires from one to two years to construct buildings, it is necessary to anticipate to that extent the needs of each case.

While we have reliable information from more than 100 post offices that the space for the postal business is wholly inadequate and the conditions unsuitable, and while these cases are being more carefully studied to determine which are the most pressing. I desire for the moment to present for your information certain cases which have been delayed awaiting your policy, where the demand for the same is extremely acute but where we still think it would be advisable to decline to lease and to begin a program of Government ownership.

NEW YORK CITY.

NEW YORK CITY.

The proposition in the city of New York has been before your committee for more than a year and concerning which you have had the details. This, as you will recall, is practically a duplication of the present central post office on Thirty-fourth Street. The requirement is for 800,000 square feet. The site is owned by the Pennsylvania Railroad and is said to be available at \$2,000,000. We do not have definite information as to the cost of the proposed structure, but it is generally estimated at around \$6,000,000. The average rental for such a building by the lowest bidders is approximately \$1,000,000 per year. While these bids contain various options for purchase, there is no legislation by which such purchase could be made effective. The department has approved of plans and specifications but has declined to enter into any contract for a lease of this proposed building until Congress shall have acted in the matter.

DETROIT. MICH.

Another proposition which demands immediate action is that of a parcel-post station at Detroit, Mich., to contain approximately 55,000 square feet of floor space on two or three floors. Negotiations for the construction of such a building through the lease method have been under way for several months and are now ready for decision. A lease can be obtained on the proposed building when erected for \$52,000 per year. I am not satisfactorily informed as to the cost of such a building, but believe the entire expense, including the lot, would be from \$300,000 to \$500,000.

SAN FRANCISCO, CALIF.

In this city 150,000 square feet of floor space in a new building must be provided forthwith. This proposition is under investigation, and while the need is well known, I have not the details with sufficient accuracy to submit them to you herewith, but will do so in a later communication.

DALLAS, TEX.

Here a new building must be provided as soon as possible containing \$5,000 square feet of floor space on two or three floors. This case has been under careful investigation and negotiation for several months, and the best proposition for a lease now in sight is for a building to be constructed for the department and rented at \$84,250 per year. My information is that such a building would cost in the vicinity of \$700,000. It would, however, enable us to discontinue two smaller stations, which we are leasing at \$9,900 each.

BROOKLYN, N. Y.

The department is now considering what would be necessary to do here at the Flatbush Station when the lease expires on April 1 next. The old rental was \$5,000 per year, but the premises are inadequate, and the proposition to take its place will cost about \$20,000 per year.

BUFFALO, N. Y.

At this place a garage must be provided to accommodate the motorvehicle service. It must contain about 30,000 square feet of floor space. On a rental basis it will cost \$30,000 per year for a building which we are informed can be erected for \$175,000.

Let me remind you in closing that this list of cases is but the beginning. They are the ones which are at this moment on my desk pressing for decision. If the policy of constructing post-office buildings is to begin it is apparent that we must discontinue to take care of the acute cases by leasing. There may be many other situations in the country as much in need of additional facilities as some of those in this list, and when our investigations have been sufficiently completed we will present them to you, together with the situations as they occur from time to time when leases expire.

Let me also call to your attention the fact that the business of the Post Office Department, doubling every 10 years, can never be placed on an efficient and stabilized basis until the erection of suitable buildings at suitable places is planned not only on an economic basis but from a scientific and service viewpoint.

Very truly yours,

Hubert Work, Postmaster General.

HUBERT WORK, Postmaster General.

LIST OF 140 CITIES WHERE INVESTIGATION SHOWS THAT THE FLOOR SPACE IN THE FEDERAL BUILDING IS INADEQUATE.

The proposed relief measures and estimated cost are given in each se. Where legislation is pending it is noted by the words "Bill miding". case. Wh pending." Alabama:

\$85,000

500, 000

Arizona: Phoenix, extension and remodeling	50, 000	Indiana—Continued. Terre Haute (bill pending)— Additional land New building on present site	00 00 - \$385, 000
California: Sacramento— New site Building for post office 67	5, 000 5, 000	Vincennes— Additional land 20, 96 Extension and remodeling 130, 00	0 0 - 150,000
Stockton (bill pending)— Additional land Extension and remodeling 15	2,000,000	Iowa: Iowa City— Additional land————————————————————————————————————	0 111 000
Colorado: Boulder (bill pending)— Additional land 1 Extension and remodeling 7	3, 000 5, 000 88, 000	Marshalltown— 10,00 Extension and remodeling—— 125,00	0 0 - 185,000
Connecticut: Bridgeport (bill pending)— New site	0, 000 0, 000	Mason City (bill pending)— New site————————————————————————————————————	0 0 - 225, 000
Hartford (bill pending)— New site————————————————————————————————————	0, 000 0, 000 2, 000 2, 000, 000	Kansas: Hutchinson— Additional land \$55,00 Extension and remodeling 145,00	0
New Britain— Additional land Extension and remodeling 177	0,000	Lawrence, extension and remodeling Pittsburg, extension and remodeling Kentucky: Newport	- 200, 000 - 115, 000 - 115, 000
New London— Additional land 2: Extension and remodeling post office 22:		Additional land 30, 90 Extension and remodeling 85, 00 Louisiana: Shreveport (bill pending), extension	- 115,000
Torrington— New site— Post-office building 220	250, 000 0, 000 0, 000	and remodeling Maine: Houlton (bill pending)— Additional land 5,00 Extension and remodeling 55,00	250,000
Extension and remodeling post-office	250, 000 0, 000 25,000	Lewiston, extension and remodeling Portland (bill pending) New site Post-office building 750, 00	115, 000
District of Columbia: Georgetown station— Additional land————————————————————————————————————	625, 000 5, 000 0, 000	Maryland: Cumberland (bill pending)— Additional land Extension and remodeling 245, 90	- 1,450,000 0
Georgia: Savannah (bill pending) New site. 17: Post-office and office building 32:	5, 000 5, 000 5, 000 5, 000	Massachusetts: Brockton Additional land New building on enlarged site 325, 00	- 800, 000 0
Illinois :	5, 000 5, 000	Fitchburg, extension and remodeling Gloucester (bill pending) New site Building 275,00	- 350, 000 - 125, 000
Belleville— 11 Additional land 11 Extension and remodeling 11	5, 000 0, 000 125, 000	Haverhill (bill pending)— 100, 00	- 835, 0 00
New post-office building 300	5, 000 0, 000 875, 000	Lawrence, extension and remodeling Lynn— New site— 100,00	175,000
Extension and remodeling post-office	0, 000 5, 000	Building	- 500, 000 0
Decatur— Additional land	135, 000 5, 000 	Pittsfield— 25, 00 Extension and remodeling 175, 00	- 700, 000 0
Extension and remodeling 70	5, 000	Taunton, extension and remodeling Michigan: Ann Arbor, extension and remodeling Battle Creek, extension and remodeling	200, 000
Galesburg (bill pending)— Additional land	5, 000 0, 000 135, 000	Jackson— New site 75, 00 Building 375, 00	9
Jacksonville, extension post-office building Kewanee, extension post-office building Oak Park (bill pending) Additional land Demolition of present structure and except	75, 000 65, 000	Kalamazoo (bill pending), extension and remodeling	450, 000 200, 000 145, 000 250, 000
Demolition of present structure and con- struction of new post-office building 276 Ottawa, extension post-office building Pekin, extension post-office building	300, 000 50, 000	Duluth, post-office bullding on site acquired Fergus Falls, extension and remodeling Mississippl: Hattiesburg (bill pending) Additional land Extension and remodeling 165, 00	100,000
Rockford (bill pending) Additional land or new site 100 New post office and office building 400 Streator, extension and remodeling post-office building 100	0, 000 0, 000 500, 000	Missouri:	100,000
Indiana: Fort Wayne (bill pending) New site	0, 000	Sedalia (bill pending)— New site	290 000
Hammond (bill pending), extension and remodeling	1,000,000 200,000 95,000	Montana: Butte, extension and remodeling Nebraska: Norfolk, extension and remodeling Nevada: Reno (bill pending), extension and remodeling New Hampshire: Nashua, extension and remodeling New Jersey:	_ 60,000
Muncle, extension and remodeling South Bend (bill pending) New site Building 425	675, 000	Atlantic City (bill pending)— Additional land Extension and remodeling 350, 00	525, 000

The state of the s	
w Jersey—Continued.	Pennsylvania—Continued, Lebanon—
Additional land \$20,000 Extension and remodellug 355,000	75,000 Additional land \$26,000 124,000 51
	75, 000 McKeeppart and remodeling 124, 000 \$10
Perth Amboy-	50,000 McKeesport, extension and remodeling 12 New Castle 12
	Additional land 100,000 Extension and remodeling 250,000
Trenton. Will report later.	Pottsville (bill pending) -
Albany— Additional land————————————————————————————————————	New site
2,00	no one Washington-
Austerdam (bill pending)— Additional land	Extension and remodeling 18,000 130,900 Williamsport (bill pending), extension and
	remodeling20
Binghamton— 25, 000 Additional land— 25, 000 Post-office building 475, 000	Wilkesbarre (bill pending) — 30,000 Additional land — 30,000 Extension and remodeling 250,000
- 00	85, 000 Rhada Teland : Pawtucket (bill panding)
Gloversville, extension and remodeling 1:	25, 000 New site 100, 000 Building 400, 000
Additional land 25, 000 Extension and remodeling 150, 000	South Carolina: Spartanburg (bill pending), ex-
Nawhurgh_	75,000 tension and remodeling 12
New site 75,000 Building 225,000	Aberdeen, additional land, extension and re- modeling 36
Niagara Falls (bill pending)-	90, 900 Watertown— Additional land 20, 900
Additional land 12,000 Extension and remodeling 150,000	Extension and remodeling 100,000
	S2,000 Texas: Houston, extension and remodeling
Plattsburg (bill pending), extension and rebuilding 1	40, 000 Newport News
Peekskill, new building on present site	Extension and remodeling 180, 000
Schenectady—	Portsmouth—
Additional land \$30,000 Extension and remodeling 270,000	Additional land 25,000 Extension and remodeling 175,000
rth Carolina :	00, 000 Roanoke (bill pending) — 20
Asheville (bill pending)—	New site or additional land 275, 000 New post-office building, or remodeling
Building 560, 000	and extending present building 325,000
	Alexandria (bill pending)—
Greensboro (bill pending)— 100,000	Building 225, 000
rth Dakota: Fargo, building on acquired site 60	00, 000 Petersburg— 50, 000
lo: Akron, additional land to site acquired and new build-	
ing; increase authorization by 77	73,000 West Virginia: Will submit report later
New site	73, 000 West Virginia:
60	00, 000 New site 150, 000 Bullding 400, 000
Hamilton— Additional land————————————————————————————————————	Wisconsin:
Extension 225, 000	Appleton (bill pending)— Additional land— Extension and remodeling————————————————————————————————————
Lima-	Beloit—
Building 325, 000	Additional land 14,000 Extension and remodeling 135,000
Marion— Additional land 25,000	Janesville, extension and remodeling 12
Extension and remodeling 150, 000	Kenosha (bill pending)— New site————————————————————————————————————
Springfield—	And the second s
Additional land 100,000 New building on enlarged site 400,000	Oshkosh (bill pending) — 50,000 Oo,000 New building on enlarged or new site_ 200,000
Zanesville— 56	00,000 New building on enlarged or new site 300,000 Manitowoc— 35
Extension and remodeling 185, 000	00, 000 Additional land
egon: Astoria, new building on present site 30	
Eugene, extension and remodeling 15	00,000 Racine (bill pending), extension and remodeling 15 20,000 Sheboygan (bill pending), extension and remodeling 10 Stevens Point, extension and remodeling 10 Wausau (bill pending), extension and remodeling 10
nasylvania: Allentown— Additional iand 50,000	Wyoming: Casper—
Extension and remodeling 250,000	Bullding 275, 000
Chester—	35
Additional land or new site 125, 000 New building 375, 000	TREASURY DEPARTMENT, Washington, February 8,
Erie—	The SPEAKER OF THE HOUSE OF REPRESENTATIVES.
New site 100, 000 Ruilding for post office or extension and	Sin: Reference is made to department letter of December 30,
remodeling of present building with nurchase of additional land for same	(H. Doc. 523), submitting for your consideration a number of throughout the country where extreme congestion in Federal ings exists. Further investigation has been made in some of the mentioned in the list of 25 for which no estimates were included the previous letter, and the departments are now able to
amount 500, 000	mentioned in the list of 25 for which no estimates were included the previous letter, and the departments are now able to
	the omitted information. 25,000 About \$2,500,000 is paid annually for rent in the cities of attached list for activities that could be housed in Govern
modeling	

owned buildings. Of this amount over one-half is expended by the Post Office Department for space other than substations.

Because of the failure of the Government to keep pace with its building needs in the larger cities, the Post Office Department has been forced in a number of instances to enter into agreements for leased quarters in buildings to be specially constructed for the purpose. The rent paid in such cases is frequently at a rate to absorb the original costs during the term of the lease, leaving the Government at the expiration of the leases with no equity in the buildings. Furthermore, the buildings so leased by the Post Office Department naturally do not provide space for other activities, its appropriations not being available for providing such additional accommodations. Space for this purpose, however, could be provided at a comparatively small increase in cost in connection with buildings, or extensions to buildings, constructed by the Government.

In some of the cities mentioned in the list the rent is not an item of great expense at this time, but the congestion in the Federal buildings is bad and is increasing at a rate which will result in a few years in the rental of space unless the Government provides additional housing for the service.

As previously stated, it would seem wise to map out a program covering a period of years whereby relief would be provided first in places where the congestion is greatest and where large sums are being paid for rented space in privately owned by the Government, making of surveys, preparation of plans, etc., will require considerable time; therefore it would not be necessary to appropriate a large initial amount to commence the work of relief if the authorizations should be made.

In the list transmitted herewith there appear the following places not included in the previous list: Alexandria, La.; St. Paul, Minn.; Springfield, Mass.

Respectfully,

· Hubert Work,
Postmaster General.
A. W. Mellon,
Secretary of the Treasury.

2,000,000

4,000,000

2, 250, 000

\$900,000

650, 000

1, 150, 000

1, 750, 000

\$400,000

List of 19 cities where the Government-owned buildings are inadequate to house the Federal service and suggested relief measures, with estimated cost.

\$6,000,000 1,500,000 3, 000, 000

of cost of.

Amounts previously authorized for acquisition of site in acts of May 30, 1908, and March 4, 1911, hereby made available toward total limit of cost stated herein.

(b) Alteration and renovation of post office and courthouse, including mechanical equipment and mail-handling apparatus. 10, 000, 000

750,000

Detroit, Mich.:

(a) Demolition of the customhouse, etc., and construction of Federal office building on the site.....

(b) Acquisition of site and construction of a postal 2, 500, 000 Los Angeles, Calif.: Acquisition of site and construction of posts office and office building.

Louisville, Ky.: Acquisition of site and construction of a postal station Minneapolis, Minn.: Extension and remodeling of the postoffice building for post office, courthouse, and office purposes 750,000 3, 000, 000 560,000

office building for pest office, courthouse, and office purposes
Newerk, N. J.: Amendment of previous legislation so as to authorize acquisition of site and erection thereon of building for post office, courthouse, and other Government offices, at a limit of cost of.

Upon completion of said building the present building and site to be sold at such time and upon such terms as the Secretary of the Treasury may deem to be to the best interests of the United States.
Pittsburgh, Pa.: Construction of post office and office building on site authorized.
Salt Lake City, Utah: Acquisition of site and construction of an annex or extension to the post office and courthouse, including remodeling and renovation.
San Francisco, Calif.:

(a) Sale of subtreasury; acquisition of a site and construction of a Federal office building.

(b) Acquisition of a site and construction of a postal station.

2,000,000 1, 350, 000

3, 250, 000

(b) Acquisition of a site and construction of a postal station

Seattle, Wash.:

(a) Acquisition of a site and construction of a postal station and office building

And that the \$300,000 authorized by act of March 4, 1913, and subsequently appropriated be made available for the project.

(b) Extension and remodeling of the courthouse, customhouse, and post-office building.

Scranton, Pa.: Acquisition of a site, with surface rights only, if necessary, and construction of post office and office building, and sale of present post-office site and building. Springfield, Mass.: Acquisition of site and construction of post office and office building.

Worcester, Mass.: Acquisition of site and construction of a postal station.

The following places are additional to these included in the

650,000 The following places are additional to those included in the list of 25:

Alexandria, La.: Demelition of present building and con-struction of building upon the site thereof for post office, United States courts, and other Government offices. Amount previously authorized by act of March 4, 1913, for extension, etc., to be made available toward total limit of cost.

Cincinnati, Ohio: Acquisition of site and construction of postal station.

St. Paul, Minn: Acquisition of site and construction of postal station. \$1, 150, 000

Attached to the first letter is a list of 140 cities which the department had up to that time inspected, in which it is stated that the floor space in the Federal buildings at these points is wholly inadequate, and the total expenditure estimated to meet these cases alone is \$45,343,000, which, added to the amount estimated in their second letter covering 19 cities, makes a grand total of nearly \$90,000,000; and this, they state, is only a partial list of places where new public buildings and additions are needed, and does not cover a single case that has not a Government building of some sort. Among other cities included in this list, they took a shot at Kentucky, but the bullet ricocheted and glanced only a suburb of Cincinnati. [Laughter.]

Of course, Congress needs all this information which the Post Office and Treasury Departments are furnishing us, and we could not intelligently frame an omnibus bill without such information, but I do not think that we should act on these propositions until a general public-buildings program for the entire country is determined upon and included in one bill. It has been suggested to me from high sources that good business principles require us to have the money in sight to pay for the work before we begin the erection of additional public buildings. I do not concur in that proposition, because most of the business of the country now is conducted upon a credit basis.

I do not refer to any public official in particular, legislative or executive, when I say that it is manifestly the purpose, in certain quarters at least, to take care of the great civic centers where the business of the Government is necessarily enormous and conditions more congested, and after that is done they will, to express it in common parlance, tell the balance of us to go to the devil. In the documents to which I have referred it is set forth that by reason of the inaction of Congress in the construction of public buildings, it has become necessary enter into contracts with private persons to construct suitable buildings upon a rental basis; and as the Postmaster General has correctly stated, this is a most undesirable method, not only because of the excessive rentals which it is frequently necessary to pay, but because in most instances the buildings at the expiration of the lease would revert to the owners, so that the Government would be left in a worse situation than it is now. I think also that this idea of side-stepping Members of Congress and making contracts with private individuals to build colossal buildings in big cities and leaving the small cities out is wrong in principle and certainly discourteous to the legislative branch of the Government, and if I can do anything to stop the practice it shall not continue. [Applause.]

It has been correctly suggested that this information is being furnished for the guidance of Congress, which is a co-ordinate branch of the Government and can do as it pleases. I heartily assent to that, but I wish to add that so long as I have any say in the matter I shall do what I can to prevent Congress from becoming a subordinate branch of the Govern-ment in this particular. [Applause.]

I note in the morning papers that the Joint Postal Commission has submitted, or is going to submit, a recommendation that a public building program be adopted by Congress which will involve the expenditure of \$20,000,000 a year for some years to come, relief being first given to the large cities, where there is the greatest congestion.

In the first place, I wish to say that this suggestion is utterly absurd. It is in direct conflict with the views of the Postmaster General, expressed to me both verbally and in writing, and also in conflict with the recommendations contained in the two joint letters from the Postmaster General and the Secretary of the Treasury, which urge immediate action in a number of cases which they cite and which of themselves involve an expenditure of \$90,000,000, although it is conceded by these two officials that there are still other cases equally emergent that they are proceeding to investigate and will later submit an additional list to Congress. Moreover, the expenditure of \$20,000,000 a year will not be equal to the annual rental which we are now paying, so that such a program would not relieve us of this burdensome and excessive rental for a good many years to come. I do not recall how this Joint Postal Commission was created, nor am I acquainted with its personnel; but from what I have seen and read of its attempts to function, it is my opinion that it is just about as useful to the Federal Government as the appendix is to the human body; and I suggest that a speedy surgical operation is advisable to separate it from our Federal machinery before suppuration sets in. [Laughter and applause.]

We shall, of course, be compelled to wait until the next session of Congress before any relief can be given in the way of authorizations and appropriations to relieve this situation which is destined to become little short of a public scandal unless something is speedily done. My own opinion about it is that we should immediately upon the convening of the next Congress pass an omnibus public buildings bill providing for a general building program, and that this bill should be so phrased that the localities that have not a public building but are in need of one shall not be ignored until certain favored localities are taken care of, so that we may have, as far as it is possible economically to do, all our Government activities ultimately housed in Government-owned buildings.

I think this building program should involve a standardization of public buildings so that one set of plans and specifications may be utilized for the construction of all buildings of similar size and to meet similar public necessities. This of itself would greatly expedite the carrying out of the sort of program I have in mind. From what information I have been able to gather, I am also of the opinion that this program could be further expedited by throwing antiquated plans and specifications into the discard and adopting uniform and up-to-date

methods.

The Postmaster General tells me that in numerous instances he is losing 40 per cent of the efficiency of the force by reason of the crowded conditions, to say nothing of the danger to the health of the employees as a result of their insanitary sur-roundings. I see in the last estimate submitted by the Postmaster General and the Secretary of the Treasury, which totals the sum of \$44,260,000, that two, three, and four millions of dollars are estimated for certain cities, including Newark, Minneapolis, Cleveland, Pittsburgh, and Los Angeles, and \$6,000,000 for Boston, and the princely sum of \$10,000,000 for Chicago. Those of us who do not live in these great civic centers are entirely willing to give them whatever the needs of the situation demand, but only upon condition that they help us take care of our own sections of the country at the same time. I do not mean that every little village should be provided for, but I have in mind now the places where the business of the Government is such that it would be a matter of economy in the end to construct Government-owned buildings instead of renting them.

I am willing to concede that millions are needed in some localities where thousands would suffice in others, but I insist that the smaller places where governmental activities are not provided for with a Government-owned building, need relief just the same as Boston needs six millions and Chicago needs ten

I know of many situations that have been brought to the attention of our committee where even \$25,000 or \$30,000 would afford ample accommodations. I am not an advocate of the construction of colossal or monumental buildings. I mean, rather, the construction of substantial, fireproof buildings of the factory type, such as commercial interests are constructing to-day. The difficulty is to determine where to draw the line. I can give you Ten years ago two or three instances to illustrate what I mean. provision was made for the construction of a building at Jasper, Wyo., a town of 1,700 inhabitants, and the Senator who secured it was subjected to much criticism, but he knew it was a rapidly growing town and that a building would be indispensable to meet the situation by the time it could be erected. To-day it has a population of 20,000 and the business of the Government is such that that building, constructed after much delay, is inadequate to meet the requirements. In my own district, to give you another illustration, in the last omnibus bill which passed the House but was not taken up in the Senate because of the World War, I had included the city of Hazard, which, according to an antiquated census, had a population of less than 600, and Hazard was made more or less a town of national reputation because of the criticism heaped upon me for that action. the Hazard post office supplies at least 25,000 people living in and around the city, and it is fast becoming one of the industrial centers of our State. The same is true of Pikeville, my home city, and of Paintsville, and I might also mention Jenkins, in my district, the site of which was covered with timber when I was first elected to Congress.

To-day it is the center of a great coal field and has a population of 8,000 or 8,000, a second-class post office, one of the largest artificial lakes in the world, and all sorts of up-to-date facilities too numerous to mention; and yet, as a result of the persistent insistence upon delay in reporting an omnibus bill over our protest, the facilities for the transaction of Government business are wholly inadequate in each instance; and although I

have been a member of this committee for 10 years and chairman of it for four years, it has not been possible thus far to get a single public building erected in my district. You may, therefore, very well understand why I feel as I do on this

subject.

I could give scores of cases that have been brought to the attention of our committee, most of which are not included in the lists submitted by the Postmaster General and the Secretary of the Treasury, but which are nevertheless equally emergent, and in which the Representatives from the districts where these are located have repeatedly and persistently appealed to our committee to report legislation to relieve the situations, which has not been done because of existing conditions and the operation of influences against the reporting of any public-building legislation during the Sixty-seventh Congress.

Take, for example, the case of Oakland, Calif., where the conditions surrounding the transaction of the postal business are simply deplorable. A few other cities in California are in the same condition, and one can readily understand the situation in that State when I tell you that in a number of places

the population has doubled in the last 10 years.

I might mention many other cities throughout the country where the conditions are equally deplorable, such as Steubenville and Circleville, Ohio; Sheboygan, Kenosha, and Racine, Wis.; Asheville, N.C.; Chandler, Okla.; also at Houston, Tex., where the parcel post is handled on the sidewalk and in the street, and I have a photograph on file for the committee showing this. Facilities are wholly inadequate in cities like Baltimore, Pittsburgh, Boston, Lawrence, and Peabody, and even in Chicago. I am reminded also of the city of Syracuse, N. Y., whose able and industrious Congressman has repeatedly urged the relief which is needed there. The first step toward meeting this situation there was in 1906, but outside of the acquisition of a site and the razing of buildings thereon and the partial appropriation contained in the act of March 4, 1913, nothing has been done and an entire block in the heart of the city is inclosed by an unsightly board fence. But I could go on almost indefinitely citing these cases where the facilities are so inadequate for the transaction of the public business that it is discreditable to a great Nation like ours

To repeat myself somewhat, we ought not to have unnecessarily ornate buildings; they ought to be in keeping with the architecture of the surrounding buildings in the city in which they are constructed. I think also that we should have a standardization of all buildings, so that, instead of drawing the plans and specifications for each, there should be a general type of buildings for cities of a certain size and with a similar volume of public business. I think this would greatly expedite this construction work, which is most desirable and indeed of

immediate and pressing importance.

There is another matter that I wish to mention briefly, and that is: When we do enact an omnibus bill, and we must do it at the next session of Congress if we wish to avoid the just indignation of the people in those localities throughout the country to which I have referred, we should so legislate as to provide adequate facilities for the prompt erection of these buildings in order that, when a Member of Congress secures an authorization for a building, he has a reasonable assurance of seeing the building completed and occupied while he is yet

living. [Applause,]

Mr. MADDEN, Mr. Chairman. I yield 18 minutes to the gentleman from Massachusetts [Mr. Tinkham].

Mr. Tinkham. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TINKHAM. Mr. Chairman, criminal charges of a very serious nature are about to be presented to a New York grand jury against one William H. Anderson, who is a member of the national legislative committee, national executive committee, national board of directors, and is New York State superintendent of the Anti-Saloon League of America. All of the State officers of the New York Anti-Saloon League are being examined to-day in Albany for violations of the New York corrupt practices act.

In view of these facts and the added fact that this organization has dominated and controlled the Congresses of the United States for nearly 10 years and has attempted to dictate appointments to the Federal judiciary and controls completely the present administration, the following correspondence from an unimpeachable source should be interesting both to the House of Representatives and the country. It is between William Dudley Foulke, vice president of the National Civil Service Reform League, and S. E. Nicholson, secretary of the Anti-Saloon League of America:

DECEMBER 22, 1922.

S. E. NICHOLSON, Secretary Anti-Saloon League, Washington, D. C.

S. E. NICHOLSON,

Secretary Anti-Saloon League, Washington, D. C.

Dear Sir: In yours of December 18 you say "When the Volstead law passed neither the Anti-Saloon League nor any other agency could have gotten into that law a civil-service provision." It was not necessary to get into that law any such provision. The civil service law itself would have taken care of that, but in the bill you supported there was put in a provision that the places should be excepted from the civil service law. For putting that in your league can not shirk the responsibility. It was well recognized you were behind that law and doing your utmost to secure its passage with that provision.

You add that Congressmen took the view that civil-service requirements would have eliminated some old internal-revenue men who would make the best enforcement officers because of their experience; that most of your Anti-Saloon League people did not agree with this, but it would have been useless to have opposed it. This is quite different from what Mr. Wayne B. Wheeler told us in his reply to my address at the civil-service meeting in Washington, for he said that the objection to including these places in the civil service was because in that case only men with two years previous experience in Investigating crime could be admitted and that many of these men were regarded by the league as not suitable. You say it was because experienced men would be excluded, and he said it was because such experience was improperly required. Which is it? The fact is that neither of these statements is true. Mr. Wheeler's was not correct because an either the Civil Service Commission nor any authorized body had made any rule requiring two years' qualification, or anything of the kind, and your statement can hardly be correct because experienced internal-revenue officers, if they could show their qualifications under civil-service rules, would be appointed. The plain fact is that the Congressmen wanted the plunder and you let them have ft.

You say that it would have

Mr. BLANTON. Mr. Chairman, will the distinguished gentleman from Massachusetts yield?

Mr. TINKHAM. I can not yield.
Mr. BLANTON. I make the point of order, Mr. Chairman, that it is improper in debate for a Member of Congress to accuse his own party of buying officials who are employed to perform their duties with patronage positions. That is the substance of the gentleman's statement, and it casts a reflection

upon his entire party.

The CHAIRMAN. The point of order is overruled, and the gentleman from Massachusetts will proceed.

Mr. TINKHAM (continuing):

Mr. TINKHAM (continuing):

But suppose that your excuse was well founded and that you had to agree without remonstrance to the wicked clause in order to obtain the larger good; in other words, that you believed in the principle that the end justifies the means. Suppose that were true and the bill were passed in that way, what then? You could at least do your utmost to have this iniquitous provision removed and appointments placed under civil-service rules as soon as possible. Many years have passed since that time. What have you done? The National Civil Service Reform League, through its president, Richard H. Dana, showed at once where this clause would lead and we have protested over and over again, at our annual meetings in speeches and resolutions. We have repeatedly sent our representative to confer with enforcement officers and have drafted a bill providing for the classification and reexamination of all persons in this branch of the service, yet you never lifted a finger to stay the abuses you had created, and to substitute a nonpolitical system for the party plunder you had introduced.

yet you never litted a linger to stay the abuses you had created, and to substitute a nonpolitical system for the party plunder you had introduced.

When the Wilson administration ceased and the Republicans came into power, and when the maxim "turn the rascals out" was more deservedly applied to the enforcement bureau than I ever knew it applied before, would not that have been a good time to substitute nonpolitical and competitive tests for the appointment of those who were to succeed the men dismissed? Yet you never budged.

Even if you regarded it as well nigh impossible to secure this, should not your own self-respect have impelled you to make some effort or at least some gesture of an attempt to remove this demoralizing system from the service. Where and how did you make it? For you knew perfectly well that wherever the spoils system entered corruption and incompetency followed in its train, and the enforcement bureau under the Volstead Act has given a finer illustration of that than any other case in history. What has been its record? In Rhode Island the corruption was so great that the entire Federal organization from top to bottom was thrown out by the authorities at Washington. The changes in New York have been kaleidoscopic. There have been seven different supervisors and directors, the corps of gubordinates has been changed correspondingly. Hardold L. Hart,

chairman of the Broome County Republican committee, who was appointed director soon after Harding took office, resigned in October, and thereafter was indicted for fraud; withdrawal permits had been issued during his administration and many millions due the Government were absorbed by illegal transactions. Favorable rulings from Director Hart were secured by William A. Orr, another Republican politician afterwards indicted. There was one director after another of the same caliber. Ralph A. Day refused to waive immunity when called by the grand jury investigating liquor fraud, refused to permit inspection of the books of R. A. Day & Co., of which he was president.

Herbert G. Catrow, former assistant prohibition director of New Action of the control of the contr

nity when called by the grand jury investigating inder fraid, refused to permit inspection of the books of R. A. Day & Co., of which he was president.

Herbert G. Catrow, former assistant prohibition director of New York, was indicted last April with 15 other officials.

In Pennsylvania W. C. McConnell, former director, was indicted last March for conspiracy in the fraudulent withdrawal of liquor. Men were actually dismissed from the service in Pennsylvania because they insisted on the enforcement of the law. The cases in these various States all hang fire amid interminable delays. Attorney General Daugherty says his department can not properly press for their trial to the prejudice of other cases. A few men, however, have been tried and convicted. Thomas Delaney, director of Wisconsin, was sentenced to two years in prison and fined \$10,000, as well as Joseph Ray, one of his inspectors, and another of a year, while Robert L. Grillion, director in Detroit, was sentenced to three years in prison. The prohibition director from Montana has recently been indicted.

I could give you lists by the score of subordinates involved in these frauds. Liquor is openly sold in some of the largest New York restaurants and other public places in the country and statements made as to how much is paid to the inspectors for permission to make these sales. Liquor is imported daily in enormous quantities from the Bahamas, Canada, and elsewhere in violation of law. The service is corrupted from top to bottom by a set of depraved political officials appointed under the spoils system which you promoted.

Mr. BLANTON. Mr. Chairman, may I make a point of order?

Mr. BLANTON. Mr. Chairman, may I make a point of order? The CHAIRMAN. The gentleman will state his point of

Mr. BLANTON. Mr. Chairman, I make the point of order that what is known as the ship subsidy bill is now dead, and it is no longer necessary to read these dry essays before the Congress

The CHAIRMAN. The Chair overrules the point of order. Mr. TINKHAM (continuing):

Mr. TLAKHAM (continuing).

Even those who seem anxious to enforce the law are so ignorant and inefficient that they make illegal searches and arrests in violation of the fourth amendment to the Constitution as recently decided by one of our Federal courts. I could go on for hours with the details, but why do so? President Harding himself announced in his message that they had become a national scandal and calls upon the governor for help in that for which the national force, if decently administered, ought to be adequate.

Federal courts. I could go on for hours with the details, but why do so? President Harding himself announced in his message that they had become a national scandal and calls upon the governor for help in that for which the national force, if decently administered, ought to be adequate.

It will not do to say that the national prohibition force can not be kept from corruption, since the Harrison antinarcotic bill, dealing with a precisely similar subject, has been adequately enforced without serious scandal by employees appointed from top to bottom under the civil-service system. Indeed, I understand that you yourself do not claim that the Volstead Act can not be enforced. Why, then, have you not done something to get it enforced under the system which has been successful?

I have been for many years in a very small way a contributor to your organization. I believe that national prohibition, if adequately enforced, would be a great benefit to the families of workingmen and others who have suffered from the evils of intoxication; but in view of your past course, I am entirely through with you and believe that you have brought nothing but discredit upon the cause you support, and that some better organization ought to take your place. [Applause.]

In my speech at the Washington meeting of the National Civil Service Reform League I said, "I here accuse the Anti-Saloon League that in so long permitting without a protest the enforcement bureau to become and remain the spoils of degenerate political plunderers, they have themselves been guilty of an immoral and wicked course." In your letter to me you say that I did the Anti-Saloon League an injustice, and that I am doing violence to the prohibition cause in attacking its enforcement; that the blame does not lie wholly with the enforcement department. In this you admit that a great deal of it does lie just there. You accuse wet propagands in the news papers and movies, but what better support could such propagands have than the generally, if not universally violated?

made in just that way. She further said that, although the actual power to appoint was not in his hands, yet it was his recommendations which decided—just as the recommendation of the local postmaster generally decides the appointments made in his office by the Postmaster General in Washington. So that the charge in its substance was absolutely true and the excuse was a mere dishonest eyasion.

Mr. Wheeler also insisted that the last election, instead of showing dissatisfaction with prohibition enforcements, showed that it was increasingly supported by the people. This is not the way that your own papers, like the American Issue, looked at the election, a paper which admitted the dangers it portended, and insisted that you must be on guard now as never before. Mr. Wheeler is entitled to all the comfort and delight which that election is so well calculated to produce. But voters do not closely discriminate. Their disgust for Volstean, leading to his just and salutary repudiation, and for the corrupt gang with which his act infected the country, soon expanded into disgust for all temperance legislation. Many who were conscientious supporters of prohibition, seeing how it works, and the general demoralization caused by the lawlessness it encourages, say, "We favored prohibition and we would favor it still if you would enforce it; but the vile thing we have now is worse than the evil we sought to abolish." And now they seek—mistakenly, I believe—rather the repeal of the whole system than the effort to enforce it by removing it from politics.

Mr. Wheeler urged at the meeting that we should now try to get

ish." And now they seek—mistakenly, I believe—rather the repeal of the whole system than the effort to enforce it by removing it from politics.

Mr. Wheeler urged at the meeting that we should now try to get together for the best civil-service law we would get, and when I tried to pin him down to what law he meant he said it was Senate bill 3274. He mistook the number, it was 3247, and I read it to the audience. It provided that the field service and prohibition agents should be transferred to the classified service without any further examination. That would include in the classified service very derelict whom the bureau now has in its employ. No test of their qualifications was to be imposed. If the bureau had a decent, efficient service now that might do, but with the corrupt gang that now fills the positions this provision would only render more permanent the present abuses. But worse than all, section 3 provides that nothing should restrict the exclusion from civil-service methods of all executive officers having immediate direction of the enforcement of the act, and also the persons authorized to issue permits, including officers employed under the commissioner and directors. By this provision all the miscreants at the head of this corrupt organization would still remain political plunder as at present. The condition of the service would actually be worse than it is to-day, and all the discredit attached to its inefficiency after it has been thus degraded would naturally fall on the competitive system itself.

You say in your letter "the bill which would bring enforcement agents under prohibition (I suppose you mean civil service) has been reported favorably. It may not be all that you and others desire or that we desire. It has not been, however, our policy in the past to reject everything because we could not get at the particular time all we want. We of the Anti-Saloon League feel now that with the experience of the past two or three years the sentiment in Congress has changed sufficiently for us to ge

Saloon League is throwing itself into the fight for all that it is worth."

That is exactly what I would suppose you would do with such a measure. These spoils Congressmen now hope to keep even more permanently than before the vile retainers they have foisted upon the public and you are backing them up now just as you did at the beginning in their iniquitous purposes. I am glad that your letter arrived simultaneously with one from the secretary of our league, Mr. Marsh, who tells me he has already stirred up some opposition to this bill but that "Wheeler and the Anti-Saloon League are undoubtedly behind it and that is enough to put it through." I am glad to transmit this correspondence to him and I expect to urge him to leave no stone unturned to show the world that we repudiate it utterly. We do not intend to have the civil-service system discredited by "covering" into it a bureau which you have permitted to be thus defiled when the only effect will be to perpetuate and increase the uncadurable stench which now permeates the olfactories of the Nation. We want the scoundrels eliminated before the civil-service system shall be held responsible.

I wrote to Mr. Wheeler on November 20, 17 days before our meeting and told him my criticisms of your league and asked him to tell me, since I did not wish to do the organization an injustice, what it has done to prevent the exception from the civil service law being included in the Volstend Act; what protest your league had made against the spoils system and what efforts to eradicate it. To these questions I have had no answer down to the present moment. Mr. Wheeler said he had been out of town but I can hardly commend the efficiency of an office which does not permit that a communication of this kind should reach him during all of that time. If you hope to get any better enforcement of the law you will have to act with more celerity than this. If I am doing you any injustice now it would be better to let me know in less than 17 days for I shall not wait that long before

WILLIAM DUDLEY FOULKE.

Thus, Mr. Chairman, the House of Representatives should apprehend what criminal, unprincipled, and mendacious leadership it has followed for 10 years and added to the Constitution of the United States the eighteenth amendment and enacted the Volstead Act, both of which have brought to our country revolution against Government and revolt against all law.

Under leave to extend my remarks I desire to print an address delivered by Nicholas Murray Butler, president Columbia University, of New York, before the Ohio State Bar Association at Columbus, Ohio, on January 26, 1923.

The address is as follows:

LAW AND LAWLESSNESS.

[An address delivered before the Ohio State Bar Association at Columbus, Ohio, on January 26, 1923, by Nicholas Murray Butler, president Columbia University, of New York.]

In this presence of a distinguished and representative company of American lawyers and men of affairs it would be quite easy to speak once again with appropriate rhetorical flourishes those sonorous platitudes concerning the law and its supremacy with which we are all familiar. One who does not venture beyond the limits of common

consent may gain universal applause, but he does not contribute to progress. My preference is to raise, with such definiteness as the time at my disposal will permit, some fundamental and doubtless disputed issues which I conceive relate directly to the subject under

disputed issues which I conceive relate directly to the subject under discussion.

That disregard of law, disobedience to law, and contempt for law have greatly increased and are still increasing in this country is not to be doubted. Similar happenings are taking place in other parts of the world, but one may wonder whether the unenviable supremacy of the people of the United States in this field is not fixed for the time being. In all parts of the country judges and lawyers are discussing the prevalent spirit of lawlessness, and usually end by asserting emphatically that the law must be and shall be enforced exactly as it is written without fear or favor. This has a fine sound and is universally applauded, but it contributes absolutely nothing to an understanding or solution of the grave problem which widespread lawlessness has raised. An examination of the proceedings of the recent annual meetings of bar associations throughout the country establishes the fact that almost all of them have been hearing discussions of this topic. Its importance, therefore, and its nation-wide character may be taken for granted.

It is rather a sorry outcome of our century and a half of existence

standing or solution of the grave propiem which wavespread inwershear along risks and standing of the proceedings of the revert annual that almost all of them have been hearing discussions of this topic. Its importance, therefore, and its nation-wide character may be taken for granted.

It is ration, a corry outcome of our century and a half of existence that the proceeding the propies of the propending to the world the discovery of the best possible method of providing for liberty under law, that we should now be pointed to as the lawbreaking nation part excellence. At the meeting of the American Bar Association beld in San Francisco and the process of the second of the second part of the control of t

education. A quick effect, and indeed an almost unconscious effect, of the practice of such a doctrine is to displace discipline and to arouse in the mind of youth contempt and disregard for those things which he has not chosen to know, regardless of what may be the opinion of others concerning their value and importance. In this way the individual learns to separate his own tastes, his own interests, his own occupations from those of the community of which he is a part, and only to prefer and to follow his own. That subtle and many-sided influences would in this way be set in motion to make for lawlessness seems obvious.

and and sold chosen to know, reasonless of wan, has been well as well as the second of the community of which he is a part, which he is a part of the profer and to follow his own. That subtice the second of the profer and to follow his own. That subtice the second of the profer and to follow his own. That subtice the second of the profession of the second of the s

to law which no possible system of law enforcement can ever bring about. Through centuries a habit of obedience to the Ten Commandments may be built up among men, but the Ten Commandments can not be enforced by all the governments and armies in Christen-

about. Through centuries a habit of obelience to the Ten Commandments may be built up among men, but the Ten Commandments can not be enforced by all the governments and armies in Christendom.

This is but one more phase of the never-ending struggle between reason and force in human life. Civilized states, and particularly those which rest upon a basis of popular government, are always steadily alming to widen the area in which reason rules and to narrow that in which force controls, both as to their internal policies and the secondary policy of widening the area where force controls, and this is justly resented by a very large number of Americans. Their resentment leads naturally, in the case of not a few, to lawlessness in one of its many forms. It is no answer to say that these statutes and these administrative orders are made in pursuance of law, and that at bottom they rest, through the medium of our representative institutions, on the will of the majority. The will of the majority is under precisely the same limitations as was the will of the monarch. In the process of gaining freedom it has never been the force of a substitute a grant will make a grant will make a grant will make a grant will make a grant will be a grant will make a grant will make a grant will make a grant will be a grant will make a grant will be a grant will make a grant will be a g

cated and secured the adoption of these two amendments was excellent, but they did not stop to deal with the realities of politics and of public morals.

When the thirteenth amendment abolished slavery, and when the fourteenth amendment provided for the reduction of the representation in Congress from any State which abridged the right of any citizen to vote, except for participation in rebellion or other crime, the matter might well have rested there. All that was needed was the courage and the public opinion to enforce the fourteenth amendment, and speedily the several States would have made provision for their own protection by which the intelligent colored man would have been permitted to vote. Gen. Robert E. Lee himself testified in this spirit before the reconstruction committee of the Congress. The Civil War had but just ended, however, and passion ran high. Therefore the fitteenth amendment was proposed and ratified, and the right of suffrage was given a national basis and protected by a national guaranty. What has been the result? After a half century the colored man votes in those States where he voted when the fitteenth amendment was passed, but he rarely votes, and certainly does not freely participate in public life, in those States where he did not vote then. Every attempt to enforce the fourteenth or fitnenth amendment has been denounced as a force bill. Oddly enough, it has been so denounced by those very Senators and Representatives who will go to any length to enforce the provisions of the eighteenth amendment. The practical question is not whether or not the colored man should vote in the Southern States, but whether the American people will frankly face the problem presented by the nullification throughout a large part of the land of a most important provision of the Constitution of the United States. Everyone knows what political results follow from the Southern States; but everyone with the American people will frankly face the problem presented by the nullification throughout a large part

ment were repealed and the fourteenth amendment were enforced, the political and social condition of the colored man in the Southern States would not be vastly improved. Certainly a powerful and continuing cause of lawlessness would have been eliminated and the political condition of the colored man would be no less advantageous than now.

The situation with regard to the eighteeath amendment is even worse, because the revoit against it is not confined to men and women of intelligence and moral sensitiveness in one section alone, but is nation-wide. It will not do to attempt to slience these persons by abuse or by catch phrases and formulas of the hustings. These men and women dissent entirely from the grounds upon which the case for the eighteenth amendment was rested, and they regard its provisions and those of the statutes based upon it as a forcible, an immeral, and a tyrannical invasion of their private life and personal conduct.

They have no possible interest in the liquor traffic, and they are without exception opposed to the saloon. But they are equally opposed to making the Constitution of the United States the vehicle of a police regulation affecting the entire country, and dealing not alone with matters of public interest and public reference but with the most intimate details of personal and private life, including feed, drink, and medical treatment. The moral sense, as well as the common sense, of very many people is affronted by a policy which will expend millions of dollars and use the methods of Czarist Russia and of the Spanish Inquisition to enforce one provision of law while others of far greater significance and public importance are accorded conventional treatment or less.

It will startle many excellent people to hear the following sentences.

very many people is affronted by a policy which will expend millions of dollars and use the methods of Czarist Rassia and of the Spanish Inquisition to enforce one provision of law while others of far greater significance and public importance are accorded conventional treatment of less.

It is the recent book of Outspoken Essays, second series, written by the Dean of St. Paul's Catholic Cathedral, London. The author, Doctor linge, is one of the most learned and most eminent of English churchmen. "Suppose," says Dean Inge, "that the State has exceeded its rights by prohibiting some harmless act, such as the consumption of alcohol. Is smuggling, in such a case, morally justifiable? I should say yes; the interference of the State in such matters is a mere impertinence." (Inge, William Ralph: Outspoken Essays, second series (New York, 1922), p. 134. be may find with increasing frequency expressions like these manimously adopted by a recent group expressions like these manimously adopted by a recent group in the community which has long been known as the City of Churches. Referring to the existing laws for the enforcement of the eighteenth amendment this grand jury expressed itself as follows:

"Whatever may be our individual ideas upon the subject of temperance and prohibition, we believe that there can be no doubt but that this law tends to debauch and corrupt the police force. It interfers with the liberty and private life of moral, law-abiding citizens. It even goes so far as to brind go men felous, because in they find no harm. It has not checked the misuse of intoxicating liquors, but it has seriously hampered their proper use. We feel that it can never be enforced, because it lays down rules of private conduct which are contrary to the intelligence and general morality of the community. It is an attempt by a body of our citizenship, thinking one way, to interfere with the private conduct of another body, thinking another way." (New York Globe, December 29, 1922, p. 2.)

These are not not repressed and purpos

any such fortunate outcome of the unhappy conditions that how confront us.

Speaking for myself, I may say that my first political activity in my native State of New Jersey was in cooperation with colored men and on their behalf and in support of movements to restrict and to abolish the saloon or public bar. In my own congressional district there were large numbers of colored voters who were eager, intelligent, and public-spirited. To see colored men of that type participate freely in the public life of other districts and other States would be a great satisfaction. But it is now plain to me that the road which was taken to that end was a wrong road. It has delayed, not hastened, the political participation of the colored man in the public life of the United States. Similarly, it was my fortune, as a member of the committee on resolutions of the New Jersey State Republican convention of 1886, to give the casting vote in favor of the platform declaration which declared war on the saloon. That platform declaration is supposed to have cost the Republican party that election, but it was a sound and true declaration none the less. Later, in the State of New York, it was my lot to work vigorously with those who attempted to drive out the saloon by use

of the power of taxation. Therefore I am personally committed through many years of practical political action to the cause of universal suffrage and to the abolition of the saloon. Perhaps, for that very reason, I feel so strongly as I do the disastrous mistakes that have been made and the evil consequences that have followed and are certain long to follow in the life of the people of the United States. Surely there can be no more distressing and no more distintegrating form of lawlessness than that which arises from the resistance of intelligent and high-minded people, on grounds of morals and fundamental principle, to some particular provision of law.

The American people must learn to think of these things and to give up that unwillingness, which seems so characteristic, to discuss or to deal with the disputed and the disagreeable. We have almost gotten to a point where public men, and those who should be leaders of opinion, hesitate to speak until they know what others are likely to say and how what they say will probably be received by the press and the public. There are not so many as there should be who are willing to take the risk of being unpopular for the sake of being right.

During the delivery of the above speech,
The CHAIRMAN. The time of the gentleman has expired.
Mr. TINKHAM. I would ask the honorable Representative from Illinois for two additional minutes

Mr. MADDEN. I have not the time; the gentleman can extend his remarks.

Mr. BANKHEAD. Did the gentleman ask permission to extend his remarks, Mr. Chairman?

The CHAIRMAN. The gentleman at the opening of his remarks was granted that permission.

Mr. ANDREWS of Nebraska. Mr. Chairman— The CHAIRMAN. For what purpose does the gentleman

Mr. ANDREWS of Nebraska. I rise to make the point that nothing but his own remarks can be added to where the gentleman quit réading.

SEVERAL MEMBERS. Oh, no. Mr. MADDEN. Mr. Chairman, I yield three minutes to the gentleman from Iowa [Mr. Dickinson]. [Applause.]
Mr. Dickinson, Mr. Chairman, I ask unanimous consent

to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DICKINSON. Mr. Chairman, I was interested this morning in the statement of the gentleman from Massachusetts [Mr. GALLIVAN] with reference to the tender mercies extended to a man in Wyoming who felt himself in need of a stimulant. He made light of the proposition and he put on a very old vaudeville act here for about 45 minutes to which we can not get time to reply. The time should be limited, and I am willing that my time shall be limited, but I want you gentlemen of the committee here now to contrast with the lightness of the proposition put up by the gentleman from Massachusetts this morning the seance that took place on the end of a bridge out at Laurel, Md., a night or two ago where a young lady, an employee of our Government, went riding with a motorist who was intoxicated, and he ran into the edge of the bridge and she was thrown over the railing, instantly killed, and left there, covered with a coat by a drunken driver. The Washington Post refers to the matter and reports the finding of the coroner's jury, as follows:

DEATH CHARGED TO MORRIS.

The coroner's jury last night handed down the decision that Miss Sullivan met her death in an automobile accident caused by the careless driving of Benjamin F. Morris, who, it was charged, operated the ma-chine while under the influence of liquor.

Those are the things that have brought the prohibition law into this country and are going to keep it here by the acts of Congress. [Applause.] The idea of men getting up here and saying we do not have sufficient funds to enforce this law and it ought to be repealed because it can not be enforced! Are we to repeal the law against murder because men committing murder are not always convicted, because it costs money in order that they shall be convicted in this country? Why, the cost of enforcing the prohibition law is absolutely an infinitesimal amount compared with the amount of good it will do if men and women will open their eyes here in this country and see what benefit it is bringing to this country, even if there are a few thirsty men who do not want to see it imposed upon the country. [Applause.] Now, I want to suggest a few things here that I think will materially assist in the enforcement of the prohibition act. I have heard that it can not be enforced up in Massachusetts, but I will tell you how it can be enforced. I remember when the Volstead Act was being passed by this House and the gentleman from Iowa [Mr. Borrs] put in an amendment on this floor that gave the right of abatement by a court of equity by reason of a declaration that the sale of intoxicating liquor constitutes a nuisance; and if you go up into the city of Boston and get a judge up there who believes in the prohibition law and wants to see it enforced, assisted by an attorney similarly minded, and institute the right form of

equity proceedings for abatement and levy a tax against the real estate in a proper proceeding, the Hebrew brothers who own that property and lease the same to the Irishman who wants to run a bootlegging joint, you will soon see that the pro-

hibition law is enforced in Boston. [Applause.]

The last register of the Department of Justice shows that The last register of the Department of Justice shows that there are approximately 500 persons on the official and clerical force in Washington. In the division of Assistant Attorney General Willebrandt, who has charge, among other things, of all prohibition matters, there are employed 16 persons. In addition to handling prohibition, Mrs. Willebrandt has charge of all prosecutions arising under the so-called minor acts to regulate commerce, such as the food and drugs act. late commerce, such as the food and drugs act, the safety appliance act, the animal quarantine laws, and also directs the conduct of tax cases. The liquor matters handled by this division do not all arise out of the prohibition act, as many cases are still brought under the old internal revenue laws, and the customs laws still account for a number of cases.

Though it may be said that a larger part of the time of United States attorneys and assistant United States attorneys is devoted to liquor cases than is given to any other single subject, this is not a test from which it can be unqualifiedly concluded that prohibition should be charged with a larger per-centage of the cost of maintaining United States attorneys' offices than is to be marked up against any other class of crimes. United States attorneys' offices were maintained before prohibition, and there were employed therein many assistants. a good deal of work has been placed on them by prohibition, a large number of these assistants would have been employed without prohibition. In 1917 there were on the rolls of the Department of Justice approximately 119 assistant United States attorneys; in 1919, 170; in 1920, 190; in 1922, 210; in 1917 there were employed approximately 100 special assistant attorneys; in 1919, approximately 200; in 1920, 280; and in 1922, 200. The number of United States attorneys is, of course, stationary, there being 1 for each judicial district, there being 88 in the continental United States. The total number of officials and employees connected with the Department of Justice has shown a small increase in the course of the last five years, the number in 1917 being 5,700; in 1919, 5,722; in 1920, 7,800; in 1922, 6,000.

Another source of revenue which it is thought has not been referred to is the sale of liquors and materials seized as contraband. Under authority of the national prohibition act liquor which has been forfeited and condemned may be sold to permit holders for medicinal purposes under order of court. also some revenue accruing from the sale of scrap copper out of which stills were made and empty barrels after the contents have been disposed of. A sample of what may be done also along this line is to be found in the conduct of the United States marshal for the eastern district of Pennsylvania, Frank Mathues, who has turned into the Treasury of the United States thousands of dollars in the past two years received from the sale of condemned liquors and forfeited materials.

On June 30, 1922, there were pending 17,834 cases arising under the national prohibition act and other liquor traffic laws. On December 1, 1922, there were on the dockets of the various district courts approximately 21,850 cases undisposed of. About 3,000 cases a month are being reported to and acted upon by the various United States attorneys. This figure, it is believed, is the high point, as the present tendency is to make and report fewer cases and to make them better and stronger. As the investigating officers become acquainted with the decisions of the courts on various phases of the law and the legal evidence necessary to sustain a case the work of United States attorneys will to some extent decrease. At present a large part of the time of United States attorneys and their assistants is being taken up either in holstering up a case which has been made by agents unacquainted with the quantity of evidence necessary or in instructing the agents in what they should do in particular cases in order to make them presentable to the court. the work of the investigating agents becomes methodized, better and stronger cases will be presented to United States attorneys and their work on liquor matters accordingly decreased so that more of their time may be given to other matters.

The subject of the congestion upon the dockets of the Federal courts and the time used by the courts to enforce prohibition has but recently been considered by Members of this Congress. H. R. 9103, approved September 14, 1922, Public Laws 298, provided for the appointment of 24 additional United States district judges and 1 additional circuit judge. At the time this bill was under consideration the entire matter was investi-gated. The committees to whom this bill was referred had presented to them the facts with reference to the conditions. The testimony before these committees was given by the officials of the Government who have immediate charge of the subject.

They were in a position to be acquainted with the true conditions. In addition to this, the matter was the subject of a careful survey and study by a special commission of judges and district attorneys acting at the request of the Attorney General. At the hearing before the Judiciary Committee of the Senate when this measure was pending Attorney General Daugherty said:

Daugherty said:

After a month or so of consideration I conceived the idea of assembling what I tetmed a commission of trial judges and two district attorneys to confer among themselves, to study this situation, and I might say, considering their experience, in connection with trying to solve this proposition. I had no authority to do this, but I found gentlemen on the bench who were willing, and many others I might have asked would no doubt have been willing, and many others I might have asked would no doubt have been willing, and many others I might have asked would no doubt have been willing, and these two district attorneys were willing, and I asked Judge Sater, of my State, who has been selected as the chairman of the commission, Judge Grubb, of Alabama, Judge Pollock, of Kansas, Colonel Hayward, district attorney of the southern district of New York, and Mr. Clyne, district attorney of the northern district of Illinois, to act as this commission. They met with me, and I laid my troubles before them, and they generously gave me the benefit of their advice and experience. We had several meetings, and the whole situation was thoroughly discussed.

About two months ago, or probably a little less, the Chief Justice was chosen, and I asked him, as soon as his name had been announced as the new Chief Justice, to meet this commission and myself for the purpose of going over this situation, and I found him enthusiastically willing to render any assistance that he could in the matter.

The Attorney General further said:

The Attorney General further said:

We have prepared charts and statistics, information which we expect to submit in full detail to the committee, and we are willing to secure any further information the committee may desire in connection with the consideration of this question. There is nobody more anxious than the Department of Justice, as it is now constituted, to clean up the situation in the United States in regard to any kind of business the Department of Justice has to do or that the courts are expected to deal with.

In such a comprehensive study of the situation and its causes the question of the effect of the adoption of the Volstead Act was naturally considered. Mr. Chief Justice Taft

The Volstead Act, of course, added greatly to the jurisdiction of the Federal courts, but that is only one step. I am told—doubtless you will hear the statistics given with exactness, but I am told—that the Volstead Act adds only about 8 per cent to the business of the courts. But the business is far backward and the arrears are increasing rapidly, and something has to be done if we are not going to be swamped.

One of the difficulties of the achievement of the dispatch of business has been the variation of conditions in the different districts and circuits. In some places there would be a judge who had but half his time occupied; in another place there would be a judge who would be overwhelmed with work. This bill introduces a reasonable system of watching and supervising conditions by the judges of the courts of appeals, with a view to having them get at the actual facts as to where the arrears are. You geutlemen are all familiar with the fact that dockets are quite misleading in the number of cases that they seem to show. There is a lot of stuffing in the docket. Many of the cases ought to be dismissed.

Senator Reed questioned the Chief Justice relative to the

Senator REED questioned the Chief Justice relative to the effect of prohibition upon the business of the Federal courts, and pointed out the growth in population and general business of the country. Senator REED said:

Another thing that is undoubtedly permanent is a constant growth in the population of the United States, and a constant increase in business. I think you will agree that business is increasing more rapidly than population right along; that multiplication of business is a thing that is with us and goes with civilization.

Chief Justice Taft. Senator, to illustrate that, at the beginning of the Government the intrastate commerce was 75 per cent of all the commerce of the country. Now the interstate commerce is 75 per cent of all the volume. Of course the interstate commerce law has been passed since, because of that and other things, and that has naturally increased greatly the jurisdiction of the Federal court.

Senator Reed. Yes; but the general business of the country has increased. For instance, a farmer used to raise his own pigs and kill them and make his own bacon. Now, just to take a very simple llustration, to-day he raises his hogs and ships them to market and they are killed by a packing house and they are sent back to a butcher and they are sold to the farmer back on his farm. In that there are five different transactions, and it is all business; and I think all the business in the United States is increasing in that way. There is your permanent condition. They are going to be with us.

In speaking of the effect of prohibition upon the dockets of

In speaking of the effect of prohibition upon the dockets of the Federal courts, Attorney General Daugherty said:

the Federal courts, Attorney General Daugherty said:

The Volstead Act—the prohibition act—is much dwelt upon in connection with the reason for this request for increase. That has something to do with it. I believe that the experience the country over in the prosecution of violations of the prohibition law will be the same as it was in the counties where prohibition was first put in force, and in States where it was later put in force. It has been my observation and experience that in the outset the impression was that this law could not be enforced when it was applied to counties and when it was applied to States. I have seen that fear dissipated in counties and in States. I expect, by the aid of the courts and the aid of the public sentiment and the aid of everybody who want to see the laws enforced, to see the criminal business fall off. I think it is at its peak now, so far as prohibition laws are concerned, and if the people are impressed with the fact that it is the intention to enforce this law, that it will gradually fall off; but that as it falls off, probably in greater figures the civil business will increase; because when the country gets to going along again in a normal way I am satisfied that the civil business will increase in greater proportion than it has in the last year, and it has increased considerably in the last year.

Senator STERLING. Mr. Attorney General, do you not think that there will be an increase of business arising from the enforcement of the prohibition law, for a time, yet?

Attorney General DAUGHERTY, I do not think there will be an increase. I may be mistaken about it, Senator, but my judgment is that it is at its peak, and it wants the exhibition of determination on the part of people who believe that laws ought to be enforced, to start it down from the peak.

The prohibition law increases this business not to the percentage that the general public is led to believe or that an effort is made to lead the general public to believe, that it has increased. You must understand that there are these new tax laws and other laws. There are seven or eight thousand cases in New York growing out of the selective draft.

draft.

Mr. Hayward. Over 7,000 left.

Attorney General Daugherty. And other things make this necessary as well as prohibition. That is a contributing part.

Senator Shields, Mr. Attorney General, I think you could well make the statement you did, that later there may be a decrease in the violations of the prohibition law; judging by the experience in the States. I think the law is pretty well enforced. I think at first there were a great many violations, but later it was accepted better, and probably the Federal laws will follow the same course.

Judge J. E. Sater, chairman of the commission requested by

the Federal laws will follow the same course.

Judge J. E. Sater, chairman of the commission requested by the Attorney General to study the question, said relative to the congestion upon the dockets of the Federal courts:

Judge Sater. The manner in which this committee was called together has been stated. We limited ourselves to a single, narrow proposition, without considering some other matters which other people desire to have passed by the House and the Senate.

During the war, civil business died very largely all over the country. Criminal business increased wonderfully.

Following the close of the war there has been a very marked increase in civil business. The work that breaks the backs of judges is the civil business on the law and the equity sides.

We have occasional cases, and very troublesome ones, growing out of postal frauds, occasional cases of defalcations of banks, and the like of that; but ordinarily the criminal side of the court is the easy side for a district judge.

We found about 142,000 cases on the dockets of the United States courts, and 102 judges to dispose of them. We recognized the fact that the mere number of cases does not always indicate the real situation, because one district may have a good many cases that are quite easily disposed of and a very large number of cases, while some other district may have a more limited number, but which involve a good deal more work because they are of a different character, and it is, after all, the business side of life that brings the hard work to the judges. But there is an average of about 1,400 cases to a judge, which is entirely too many.

We found districts in which the judges did not have work enough to occupy all their time. In other districts the work is so great that the judges are hopelessly in arrears, and in order to get the work up it was evident that there had to be a substantial increase in the number of judges. The business in the criminal work in the last half dozen years has been very great. I am not prepared to give the p

Judge Sater pointed out that in some districts the State courts under State laws are taking care of the prosecutions for violations of the liquor laws, with the result that in such instances there are relatively few cases pending in the Federal courts under the Volstead Act.

As the district attorney says, we have a law that is the same as the Volstead Act, and the result is that we have in our district but very few cases pending under that act; in the whole district about 20 or 25, according to the statistics.

He then pointed out some of the other kinds of criminal cases which had tended to delay the speedy administration of justice. He said:

cases which had tended to delay the speedy administration of justice. He said:

Now, we realize that this is at present a rather critical situation. There are many thousands of cases against slackers, for instance, and other cases which arose under the war acts. We realize that every month added to the life of those cases means an increasing number of them that must fail, because the witnesses die, they move away, they can not be located, the evidence is dissipated, and after having gone to the trouble of indicting these persons, no matter how guilty they may be, a large number of cases are constantly failing because we fall now to reach them in time. Now, how to get rid of this quickly was the question.

Then, again, on account of the shipping interests, under various other war acts that arose, we have found that there is a large class of cases, and they are still coming in and will continue to come in, arising out of these war acts.

The Government has vast sums of money tied up on account of these tax laws, and in admiralty cases, generally taking a good deal of time, and the sooner these cases are disposed of the better it would be for the Government and the greater will be the respect of the people for the law. If men are guilty of a crime, if they are guilty of cheating the Government, the quicker that is found out and the more certainly they will have to account the greater will be the regard of the people for the enforcement of the law.

So that we felt that here are conditions that are permanent. The business of the United States courts is increasing and will continue to increase, because the country is growing: but there is a temporary situation that ought to be met. Take Massachusetts, for instance, with about 7,000 cases on the docket only. Four thousand five hundred of them are slacker cases. The longer they hang there the fewer convictions there will be.

New York has 7,000 slacker cases—2,000, I believe, in the Brooklyn district.

Judge Pollock, of the commission, pointed out the effect of the war. He said:

The war occasioned much of this present congestion—different war measures—and the extension of the Federal judicial power. Now, we have thought that if these judges could be presently created, they could take hold of this congestion and get it where the litigants or the defendants could get justice in the courts speedily, and then you

gentlemen here could go to work and build up these different districts so as to take care of the matter later on. But this is a mere emergency matter to take care of the congestion that has grown out of this war and all the troubles that have gone with it.

The trial of offenses against the Volstead Act, except where unusual features are involved, consumes relatively little time of the courts as compared with other forms of criminal prosecutions. Many of these liquor cases are prosecuted by the filing of informations, without the necessity of indictment, and in a very large percentage of them the defendants plead guilty and waive a trial by jury. Col. William Hayward, United States district attorney for the southern district of New York, the largest district in the country from the standpoint of the number of cases, said upon this point in his testimony before the Senate Judiciary Committee:

of the number of cases, said upon this point in his testimony, before the Senate Judiciary Committee:

There is another thing I think the committee would be interested in. I presume that we have more of these prohibition cases than in any other district, but I do not say that it is the most burdensome feature at all. The burdensome features with us are the mall-fraud cases and prosecutions under the Sherman antitrust law. Those cases run into weeks and weeks and weeks. The liquor cases, so called, are reasonably short and reasonably simple, except when complications may arise, such as the seizure of a vessel or something of that sort; but I brought to the committee the records of our own office for the months of August and September.

When we took that office over there were 800 cases pending.

Senator Overman. This year?

Mr. Hayward. Yes; this year. I went into office on the 4th of June and I found 800 cases waiting, some of which had been waiting for more than a year.

Senator Shields. Volstead law cases?

Mr. Hayward. They were cases of violations of the liquor prohibition act. I may say that Governor Miller and the New York Legislature had passed a "State Volstead Act," as we call it—the Mellin-Gage bill—and the police were quite active in the State courts along this same line, which it is my present opinion they should be in all the States. As the result of that there had been a slight cessation of the number of new cases being filed in the Federal courts. Taking advantage of that situation—which was unhappily temporary, because they are now coming on again very rapidly—I disposed of 607 cases before one Federal judge in two months.

Senator Bhandsche How many of those were liquor cases?

Mr. Hayward. Five hundred and six were on pleas. We got them all in, and we said to them, "Now, you can plead or you can go to trial to-day." Five hundred and six of them pleaded guilty. In those two months we had 29 jury trials, in which we got 13 convictions, 15 acquittals, and I disagreement.

Senator Shields. How man

of the court?

Mr. HAYWARD. Not to compare to these other things. There are a good many habeas corpus actions, resulting perhaps from an exclusion, or something like that; but I do not consider that one of the timetaking features of the office at all.

Senator SHIELDS. Under what statutes do the greatest number of offenses arise?

Mr. HAYWARD. The present docket in that particular office has about 11,000 cases. It is only fair to say, however, that you can not judge of the quantity of business by mere number of cases, because of that 11.000 approximately nearly 7,000 are draft-evasion cases that were left over from the war, and I worked very hard on those cases.

The greatest portion of the time of the Federal courts is consumed in the trial of civil cases; in suits between individuals and in bankruptcy matters, in which the Government is not a party at all. This is shown by the testimony of Mr. M. F. Clyne, United States district attorney for the northern district of Illinois. Mr. Clyne was one of the commission acting at the request of the Attorney General in the preparation of the survey. The district spoken of by Mr. Clync contains the city of Chicago. This is one of the largest from the standpoint of the volume of business. The conditions of the docket there should be illustrative of the proportion of prohibition cases to other cases on the docket. Mr. Clyne said:

other cases on the docket. Mr. Clyne said:

Mr. CLYNE. That is the grand total on the 1st day of July. Then the number of cases to which the United States is a party, criminal, 1,108. Then the total number of civil cases to which the United States is a party is 229. I can go on and subdivide them, further. Of the criminal cases, the criminal internal-revenue cases are 94; post-office cases, 105; interstate commerce, 20; prohibition (so designated), 236; civil prohibition, 39. But I indicated some time ago that that has been increased, so that the number has been considerably increased, and there are now about 339 of those cases.

Of the cases to which the United States is not a party, there are, admiralty cases, 10; bankruptcy cases, 1,322; and other miscellaneous cases to which the Unitel States is not a party, 863; making a grand total, as I indicated, of 3,582.

The following statement by Mr. George E. Strong, special assistant to the Attorney General, made to the Senate Judiciary Committee gives the proportion of prohibition cases pending in the Federal courts of the country at the time as compared with other cases of all kinds. Mr. Strong said:

Mr. Strong. Exhibit "H" has particular reference to prohibition. Many people had the impression that prohibition alone is responsible for this congestion. Reports went out to the newspapers to that

effect; and this is a short statement showing a comparison between 1921 and 1915, showing that the criminal business is 40 per cent in 1921.

in 1921.
Senator Shields, You mean the prohibition business?
Mr. Strong, No; the criminal business is 40 per cent of the total business pending on July 1, 1921, as compared with only 8 per cent in 1915. That is one reason on which I base my statement that We have not reached the peak of the civil cases, because the grand total was about 130,000 cases pending in 1915, and criminal business was only 8 per cent of that total, whereas in 1921 we have a total of 40 per cent as criminal business.

Of the total cases pending, only 8 per cent is attributable to prohibition; and it shows that even if you eliminated the prohibition altogether, you would still have 35 per cent of the cases pending due to criminal business, in 1921.

Exhibit "H" as filed with the Senate Judiciary Committee is as follows:

EXHIBIT "H."

The total number of cases pending July 1, 1921, was 142,402, of which number 57,112 are criminal, or 40 per cent. The number of criminal prohibition was 10,365, or 18 per cents of the total criminal. If the prohibition cases pending were entirely eliminated from the 1921 figures the proportion of criminal business would still be 35 per cent, showing that prohibition alone is not responsible for the congested condition, but has only aggravated an already alarming condition. A comparison with 1915 shows that the criminal cases pending were only 8 per cent of the total, and that even if the prohibition cases pending for 1921 were added to the criminal business of 1915 the total criminal would only be 16 per cent. These figures indicate that even if prohibition were eliminated there would yet be such an increase in civil and criminal business as to require an immediate increase of Federal Judges. The figures for 1921 do not represent the high tide of civil business, because the war discouraged litigation and the abnormal prices and prosperity relieved the civil docket, but indications are that the tide of civil business is rapidly mounting and that the report for 1922 will show this increase. 1922 will show this increase.

The foregoing statements by representatives of the Government after a careful study of the situation to determine the nature and causes of the congestion upon the dockets of our Federal courts, as well as the statistics compiled from official records, show that the conditions are not attributable selely to the Volstead Act. It is a condition resulting from many causes, including the growth of business due to increase of population, the multiplication of instances in which Federal courts have jurisdiction owing to the more complex character of advancing civilization, litigation attendant upon or growing out of the war, and the gradual extension of Federal jurisdiction by legislation, such as the white slave law, the Harrison narcotic law, the migratory bird law, antitrust laws, and the Volstead

According to the press of this morning, it is reported that a representative of the Justice Department who appeared before the Appropriations Committee, at the request of Mr. Tinkham, submitted a report which indicated that the national prohibition act is causing about 90 per cent of the increase in the business of the Federal courts. There are some strange inconsistencies between this statement and the statements made by the Attorney General of the United States, the Chief Justice of the Supreme Court of the United States, and the special commission of United States judges and district attorneys who made a careful survey of this question at the request of the Attorney General.

Emphasis is laid upon the fact that there has been a decrease In the amount of fines collected for prohibition violations from \$2,418,000 in 1921 to \$2,377,000 in 1922, from which fact the inference is apparently drawn that the law is not being as efficiently enforced in 1922 as it was the year preceding.

This is apparently a mistake, as the figures which were furnished me by the Treasury Department indicate that the amount of Federal fines collected for violations of the prohibition act during the fiscal year ended June 30, 1922, were \$2,824,685.01; amounts paid in compromise, \$1,739,622.80; amounts collected in taxes and penalties, not including taxes on legal manufacture

and legal sale of intoxicating liquors, \$239,964.14; making an aggregate received during the year of \$4,084,271.95.

Furthermore, attention is called to the fact that the statistics here given do not include the figures from the Territory of Alaska, although the appropriation which was made for enforcement also covered this Territory. The mere difference in the amount of fines collected is no criterion by which to determine this question. Everyone knows that a concerted effort has been made to secure the imposition of jail sentences upon violators of the prohibition law, rather than the imposition of a mere fine, as it was realized that a nominal fine to the man engaged in this business was less than a license and that such offenders can only be deterred by being deprived of their liberty. Furthermore, a large number of the States are cooperating through the enforcement of their State laws, and in many instances the prosecutions are being brought in the State courts, which tends to reduce the number of convictions in the Federal

The latest information from the Department of Justice for the year ending June 30, 1922, is as follows:

Fines collected for violations of the Federal prohibition laws, \$2,468,863.38.

While this is somewhat different from the figures presented formally by one of the agents of the Department of Justice and from the figures given by the Treasury Department, these figures are the official figures from the Department of Justice.

In addition to this I am informed that the Justice Department has insisted upon utilizing the provisions of the national prohibition act which provide for the abatement of nuisances by injunction, rather than through repeated prosecutions of the same offenders through the criminal machinery of the courts. While it is true that in many instances there is congestion upon the dockets and there are large numbers of prohibition cases which should be disposed of, this condition could be speedily remedled if the United States attorneys and United States judges in these districts would avail themselves of the method provided in the Volstead Act for proceedings in equity to abate places where the law is being violated as a nuisance.

This provision in the national prohibition act is similar to the one which we have in the Iowa prohibition law. It gives the court the right to enjoin a place where liquor is sold as a public nuisance, and also the individual bootlegger. If they continue to sell after that time, they may be punished for contempt of court. This provision in the law is based upon our statutes relating to abatement proceedings which have been in effect since the beginning of the Government. If a district attorney and a United States judge and comparatively few industrious. Federal agents will use this section of the law in New York, Chicago, or any other great city where there is now trouble with law enforcement, it can be stopped. It is not a question as to whether or not it can be done; it is simply a question as to whether or not the Federal judges and United States district attorneys will use the authority now in the law to bring about

COST OF PROHIBITION ENFORCEMENT.

its enforcement.

The cost of prohibition enforcement through the Prohibition Bureau amounts to about \$9,000,000. The total appropriation of \$9,250,000 covers the enforcement of the law against narcotics as well as intoxicating liquor. The returns to the Government through penalties, seized property, and so forth, is shown by the following report for the fiscal year ending June 30, 1922:

Action has been taken on the forfeiture of bonds of \$3,000,000. Over \$130,000,000 of special assessed taxes have been placed on the tax list, a considerable portion of which will be collected.

As a matter of fact, it is costing the Government practically nothing to enforce prohibition. Bootleggers, rum runners, and illicit dealers are paying for their lawlessness through these fines and penalties. Even if \$5,000,000 more were added, if the internal-revenue collectors and other Federal officers would use the power they have to impose penalties upon these illicit dealers, it would bring back in dollars to the Government twice as much as it costs. If the income-tax division and the revenue collectors would do their whole duty, the Government would collect \$5 for every \$1 it costs to enforce the law, even though the alleged added amount spent by the Justice Department were all counted in. In Ohlo the State prohibition commissioner, under the State law, made his report for 22 months, showing that with 1 commissioner and 22 assistants it cost the State \$216,000 to enforce prohibition. There was returned to the State, county, and local treasuries \$2,600,000 which bootleggers and rum runners paid for their experiment in lawlessness.

But even if there were no compensation and the Government did not get one dollar back, it would furnish no good reason why the law should not be enforced. To spend \$9,000,000 to enforce prohibition for 110,000,000 people means about 8 cents per head.

For an average family of five this is 40 cents.

Proper reply was made to the recent address of President Butler in an editorial of the Philadelphia North American, as follows:

Many Americans who believe in and practice law observance were surprised a few days ago when President Nicholas Murray Butler, of Columbia University, in a public speech assailed the eighteenth constitutional amendment and the Volstead Act, and offered a casnistical defense of violators of those chactments. Doctor Butler has been known as a political supporter of the liquor traffic; when he was a candidate for the Republican presidential nomination, one of his

principal assets was his strength with the wet forces in the party. But it was not generally expected that he, the head of a great university the majority of whose students are of foreign extraction, would make a calculated effort to justify and incite definance of the laws of the United States.

Doubtless it was in part because the doctor has become habituated to the use of textbooks prepared by others that he merely transmitted in his address arguments that have been worn threadbare by the bootleggers and their lawless patrons. In fact, his utterance embodied so little that was new or weighty that if it had been delivered by a citizen of less prominence it would have attracted no attention. Incidentally, one must marvel at his hardihood in selecting a session of the Ohio Bar Association as the scene of his oratorical exploit. It was the judicial section of the American Bar Association that declared that "those who scoff at this law are aiding the cause of anarchy and promoting mob violence." And it was Ohio which last fall voted by a great majority for strict enforcement.

Naturally, Doctor Butler affirmed with unction that he and other advocates of nullification are "opposed to the saloon" and thoroughly approve its banishment. Here he makes two interesting admissions—first, that there is a dry sentiment throughout the Nation so strong that it has outlawed the saloon, and, second, that he is now against that agency of "personal liberty." But in adopting the canned arguments of the liquor advocates he lent his name and influence to the most dishonest proposition in the whole wretched propaganda of booze. While professing to abhor the saloon, he knows, as one familiar with law and legislation, that if the demanded modifications of the Volstead Act were to be made, so as to legalize the sale of "light" intoxicants, restoration of the saloon would be a matter of course and necessity. The places where the intoxicants were sold would have to be licensed, regulated, and taxed.

But if his condemnation of the saloon

decire of laws by Syncuss. Thiane, Johns Hopkins, Princeton, Pennsylvania, Vale, Chicago, St. Andrews, Manchester, Cambridge, Wesleyan, Williams, Harvard, Dartmouth, Breslau, Brown, Toronto, Strasburg, Prague, Nancy, Paris, and Louvain Universities.

It would be unjust to the abilities of an expert with 22 LL. D. degrees to ignore the fact that Doctor Butler enriched his excuses for law defiance with some striking epigrammatic phrases. Thus he held it an "illusion" that "enactments duly made by a legislature and upheld by a competent court are part of the law." They are such, he explained, "only if general public opinion supports and upholds them," if they are ratified by "a silent referendum in the hearts and minds of men." We hope the law schools and the courts will take due note of what should be known in American jurisprudence as the Butler referendum, as distinguished from the species provided by our imperfect constitution. More characteristic is his definition of those for whom he particularly pleads. We have read affecting arguments for the right of the worker, of the allen-born citizen, and of the "poor man" to "personal liberty," as embodied in booze, but Doctor Butler is concerned for a very different class. The law, he says, is "not obeyed by large numbers of highly intelligent and morally sensitive people." "the perceives "nation-wide revoit" among "men and women of intelligence and moral sensitiveness"; he grows emotional over "lawlessness which arises from the resistance of intelligent and high-minded people."

In this plea the surpassingly literate doctor is true to his traditions. He has frequently shown that he deplores legislative interference with the business interests and personal desires of the "highly intelligent and high-minded people."

This is a familiar doctrine; it has been invoked by the Butlerian countries of cunning against society, and promote social and industrial justice. When laws were passed against secret railroad rebates, food adulteration, the exploitation of women and chi

criminality by the cultured. Thus says Justice Taft, of the United States Supreme Court:

"This is a democratic government, and the voice of the people, expressed through the machinery provided by the Constitution, is supreme. Every loyal citizen must obey. This is the fundamental principle of free government.

"It is dangerous doctrine for any citizen to attempt to excuse lawlessness. It is doubly dangerous when done by men in prominent positions."

While we would not deprive Doctor Butler of a single one of the degrees that give luster to his name, we must pronounce the opinion that for a highly intelligent and morally sensitive LL. D. he makes deplorable use of his honorary distinctions.

Trend of the times is shown in a recent article in Collier's

A RING AROUND THE ROSY.

The great Mid-West is joining hands with the far West and the South in the movement to make America bone dry. The eighteenth amendment is an accepted fact almost everywhere west of the Allegheny Mountains. Iowa, Nebraska. Kansas, the Dakotas, Wisconsin, Minnesota, Oklahoma, Arkansas, Tennessee, and other States that I visited in the last few months are dry—the sentiment is dry, and there is a growing respect for the Volstead Act. None of these States is bone dry as yet, but they are on their way.

I was loath to admit it even to myself, but there is an abundance of evidence that a great "dry wave" is rolling eastward, slowly but surely grinding down opposition to prohibition. And riding the crest of this wave are the clean, substantial citizens of the Nation—the John Smiths and the Tom Browns—and, always, their wives and sisters and mothers are riding at their sides.

Some day we wets are going to awaken to find that an overwhelming majority of the people of the United States are weary of bootleggers and dry-law violators. Some day, and that day is not far distant, these people are going to rid the country of the bootlegger and the rum runner just as the vigilantes of the fifties rid the California mining camps of undesirable gamblers, gunmen, and prostitutes.

The CHAIRMAN. The time of the gentleman has expired

The CHAIRMAN. The time of the gentleman has expired. Mr. MADDEN. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. CRAMTON]. [Applause.]

Mr. CRAMTON. Mr. Chairman, after hearing for 50 minutes to-day the villification of the enforcement of law in this country and the villification of those agencies that stand most prominently for law and order, I wish that I could have more than two minutes. The gentleman from Massachusetts [Mr. Galli-VAN] in his attack first tried to besmirch every Member of this House by claiming that the Anti-Saloon League was trying to have every Member of Congress followed and searched out as to his habits of drink, charging it to the Anti-Saloon League and stating it was in the Washington Times.

I hold in my hand the article in the Washington Times. gentleman from Massachusetts [Mr. Gallivan] is in the front seat; I challenge him to find one word in that relating to the Anti-Saloon League; one word saying that the charges are to be directed against dry Members of Congress. [Applause.] is all a part of an attempt to besmirch and besmudge; it is a case where truth does not matter; facts do not handicap. is only to put on here a good vaudeville stunt. It is all right here, where we know this sort of performance.

Mr. HILL. Mr. Chairman, will the gentleman yield? Mr. CRAMTON. No; I can not.

It is a question that the country takes more seriously. wish the gentleman from Massachusetts would put in some facts about prohibition that are nearer home. I wish he would tell you what it accomplishes, as well as how much it costs. We are going to have the eighteenth amendment enforced, and if to get enforcement in this country it is necessary to spend more than \$14,000,000, we are going to do it. [Applause.]

We are going to have enforcement, and Massachusetts will be the happier when we get it. In the United States the death

rate in the years before prohibition rule was never below 13.6 to the thousand per annum, and in the three years since prohibition it has never been that high. In 1921 it went down to 11.6. Five hundred thousand lives have been saved in three

years. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. GALLIVAN. Give him some more time, Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

Mr. GALLIVAN. I object.

Mr. MADDEN. Mr. Chairman, I yield to the gentleman one

additional minute.

Mr. CRAMTON. Thank God, I have been able to say in two

Mr. GALLIVAN. No; you can not—Mr. CRAMTON. That will answer the statements of men who have spent 50 minutes; that I can state enough facts to put to shame men who for 50 minutes have besmirched law and order in this country and who do not dare to let me put more facts in the Record. [Applause.]

Mr. Chairman, I yield back the balance of my time.
Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. UPSHAW].

The CHAIRMAN. The gentleman from Georgia is recognized

Mr. UPSHAW. Mr. Chairman and gentlemen of the committee, first of all I wish to pay my respects to the statement of the gentleman from Massachusetts [Mr. Gallavan], who said that "the gentleman from Georgia" recently made the statement that half the Members of the House drink. Mr. Gallivan's declaration is not borne out by the facts; the gentleman is either ignorantly or maliciously mistaken; this thing that is not a fact is absolutely false. Of course the gentleman does not wish to make an untrue statement. Listen, and I will read you the exact language from my recent speech:

Some of these governors—most of them, let us hope—are men of sobriety and positive patriotism, and most of the Congressmen and Senators, I am glad to believe, practice the prohibition which their votes profess. But there are enough who do not to cast an ominous cloud on the official sky.

Mr. HILL. Mr. Chairman, will the gentleman yield? In

Mr. UPSHAW. I do not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. UPSHAW. I want to say another thing, that even prizefighters make themselves agreeable to certain amenities. It is not a brave thing for the gentleman from Massachusetts to stand here for 50 minutes with his vaudeville antics and innuendoes and plead the cause of the discredited liquor interests of this country and then to deny to the gentleman from Michigan [Mr. Cramton], who only spoke three minutes, the oppor-tunity to extend his remarks. No brave man will do a thing like that. [Applause.]

I remind you that liquor was outlawed because it poisoned and debauched American citizenship. Real patriotism will abide by the American verdict. If what we have just seen and heard from the gentleman from Massachusetts [Mr. Gallivan] is Democracy, then I am not a Democrat. His utterances do not spell Democracy—they are the creed of "boozeocracy." Prohibitionized Democracy drove the saloon out of the South, and a prohibitionized Americanism will keep that devilish institution out of America.

The gentleman from Boston made much of the fact that dry States are spending more time on the enforcement of our prohibition law than the State of Massachusetts. No wonder, with such "wet" leadership as Gallivan, Tinkham, and company! I say to you that this fact, which was emphasized by Mr. Gallivan, simply shows that the ideals of sobriety in the dry States, which long ago outlawed the liquor traffic, are far higher than in the wet States like Massachusetts, where wet Boston rules the roost. [Applause.]

And I say to you again that such loyal, wholesome efforts as are being put forth by the dry States for the enforcement of this law are only struggling against the depraved tastes and the low, lawbreaking ideals and appetites that were begotten in the dry States by the darling saloon, which the gentleman from Massachusetts has advocated so long. [Applause.] And God knows, if I were as smart as Mr. Gallivan is supposed to be [laughter], and if I had the ability to really entertain people like he can do, I would not prostitute my eloquence, my learning, my time, and my high official position by defending the debauching liquor traffic-that saloon, that was so long the legalized breeder of idleness and crime, the trysting place of anarchy, the companion of the brothel, and the gateway of hell.

[Applause.]
Mr. GALLIVAN. I might say to the gentleman that he would not get paid for it.

A STRIKING, PITIFUL CONTRAST. Mr. UPSHAW. To-day's labored diatribe of the gentleman from Massachusetts [Mr. Tinkham] against the Anti-Saloon League is only one of the many from the same apostle of Boston "wetness" which we have heard on this floor. It is another illustration of the way in which "wet" leaders tell only one side of the story. He throws up his hands in holy horror because the Anti-Saloon League, which came into being for the express purpose of fighting liquor at the polls and in halls of legislation, has lived up to its contract with the American people. With the friends of prohibition long divided and getting nowhere toward the legal destruction of the saloon, the Anti-Saloon League was born in the brain and heart of Dr. Howard Lee Russell, an honored and beloved Congregational minister, for the great purpose of bringing together Republicans and Democrats, Protestants and Catholics, Jews and gentiles—all who loved the American home better than the protected American saloon. Thus presenting a solid front to the organized liquor traffic, the legal overthrow of the devilish thing was accomplished. Supported by the voluntary contributions of the friends of the cause, these same friends

have determined that the league shall not go out of business as long as some three dozen liquor organizations continue in business for the express purpose of nullifying our prohibition law. What foolish fools the "dry" forces would be if, having taken the first-line trenches, they should go off and leave the field to the enemy. I know the princely man, Wayne B. Wheeler, on whom aspersions have been cast, as a keen, clean patriot and statesman. I have known all these leaders many years, and I thank God they have justified my fullest faith in their unselfish, patriotic integrity. And look at the other side. I give here a crushing, pulverizing array evidence concerning the corrupt practices of brewers, distillers, and saloon keepers. It comes from the official record, and it should be enough to make every friend of the outlawed liquor traffic hang his head in shame.

LEST WE FORGET.

The disloyal, vicious, and criminal activities of the brewery and liquor interests, whom some would recall to their corrupt power, is established upon the evidence presented to a subcommittee of the Committee of the Judiciary of the Senate, which was unanimously approved by the whole committee and accepted by the Senate, condemning these organizations and their partisans in unmeasured terms. The following extract from the committee decision, published in the Congressional Record, September 5, 1919, page 5187, says:

September 5, 1919, page 5187, says:

The allegations and charges made in said Resolution No. 307, hereinbefore set out, in regard to the brewing and liquor activities, were substantially sustained, as will appear from the printed record, volumes 1 and 2, herewith transmitted.

Your committee in entering upon the investigation directed by said Resolution No. 307 interpreted that resolution as requiring an inquiry into two subjects, to wit:

1. The conduct and activities of the brewing and liquor interests, political and otherwise, was specifically demanded; and

2. A general inquiry into pro-German propaganda and activities was required. The testimony taken having been printed, a review thereof is deemed unnecessary. Complying, however, with the mandate of the resolution requiring a report of the results established by the investigation, the following findings are herewith submitted for the information and attention of the Senate:

and attention of the Senate:

I.

With regard to the conduct and activities of the brewing and liquor interests, the committee is of the opinion that the record clearly establishes the following facts:

(a) That they have furnished large sums of money for the purpose of secretly controlling newspapers and periodicals.

(b) That they have undertaken to and have frequently succeeded in controlling primaries, elections, and political organizations.

(c) That they have contributed enormous sums of money to political campaigns, in violation of the Federal statutes and the statutes of several of the States.

(d) That for the purpose of influencing public opinion they have attempted and partly succeeded in subsidizing the public press.

(f) That to suppress and coerce persons hostile to and to compel support for them they have resorted to an extensive system of boycotting unfriendly American manufacturers and mercantile concerns.

(g) That they have created their own political organization in many States and in smaller political units for the purpose of carrying into effect their own political will, and have financed the same with large contributions and assessments.

(h) That with a view of using it for their own political purposes they contributed large sums of money to the German-American Alliance, many of the membership of which were disloyal and unpatriotic.

(i) That they organized clubs, leagues, and corporations of various kinds for the purpose of secretly carrying on their political activities without having their interest known to the public.

(j) That they improperly treated the funds expended for political purposes as a proper expenditure of their business and consequently failed to return the same for taxation under the revenue laws of the United States.

(k) That they have subsidized authors of recognized standing in literary circles to write articles of their selection for many standard periodicals.

(m) That for many years a working agreement existed between the brewing and distilling interests of thei

The American people have not forgotten that these disloyal and criminal interests camouflaged their activities behind names that sounded innocent to their ear and that breathed of liberty. In the published report of the investigation made by Congress of the activities of the German-American Alliance, the list of these "civil liberty" leagues, "manufacturers and business men's associations," "liberty and independence leagues" is given on pages 833 to 838:

John Koren was retained by the United States Brewers' Association for \$5,000 a year (58, 87) to furnish statistical advice. Mr. Koren furnished data for the answer to the article by W. A. White in the Saturday Evening Post (111) and wrote articles for the Atlantic Monthly (87). Charles Nagel, Secretary of Commerce and Labor; Ira Bennett, of Washington; and L. B. Namier were paid contributors of the American Leader (577). Mr. Nagel received \$125 an article (579).

Michael Mouchaeu was paid for special writing and for articles in his own pamphlet, Phoenix (103, 7).

Senator Nelson asked Mr. Feigenspan, president of the United States Brewers' Association, whether they had employed Mr. Koren. Following is the evidence:

"Senator Nelson. Did you hire editorial writers to write articles for the magazines?

the magazines? FEIGENSPAN, Not editorial writers, but we hired writers to

"Mr. Feigenspan. Not editorial writers, but we hired writers to write up certain subjects.

"Senator Nelson. Did you employ John Koren to write articles in the Atlantic Monthly?

"Mr. Feigenspan. Mr. Koren was not engaged by me, but was employed by the association while I was chairman. He was engaged as statistician. * * I did not know who originally retained him. But he was retained by the United States Brewers' Association while I was chairman of the publication committee.

"Senator Overman. How much was he paid?

"Mr. Feigenspan. I think it was \$5,000 a year. I would not be positive as to that amount, but that is my recollection."

When Mr. Koren's articles were used extensively as the original investigations of a great authority and independent research specialist he had the indorsement of influential educators and prominent men; all this time he was simply the paid agent of the liquor interests at \$5,000 per year.

\$5,000 per year.

TRYING TO POISON LABOR.

Labor was to be controlled through members or officers of labor organizations who were on the pay roll of the brewers' association (pp. 85, 411, 829).

The brewers' association supplied funds to the German-American Alliance, joining the forces of disloyalty to America and the liquor interests in a partnership of traitorous activity never before paralleled. On pages 329, 330, and elsewhere is the evidence of the financing of the German-American Alliance by the brewing interests. Of this alliance, thus financed, the House Judiciary Committee, in making its report recommending the repeal of its charter, said:

There is no place in this country, certainly in this day, for a strongly organized agency, where those of any foreign blood who are unwilling to become whole-hearted Americans can carry on their campaign to injure this country. We have probably been too tolerant in the past toward those agencies that have endeavored to tear down or undermine our institutions. They have abused the liberty which our Government has given them. Since there is abundant evidence that the German-American Alliance have abused the privileges granted to them in this charter, we should withdraw those privileges and immediately repeal the congressional act.

Hon. A. Mitchell Palmer, Alien Property Custodian at the time of the investigation, and later Attorney General of the United States, said:

That the organized liquor traffic of the country is a vicious interest because it has been unpatriotic, because it has been pro-German in its sympathies and its conduct. Why, you and I know perfectly well that it is around these great brewery organizations owned by rich men, almost all of them German by birth and sympathy, at least before we entered the war, that has grown up the societies, all the organizations of this country intended to keep young German immigrants from becoming real American citizens. It is around the saengerfests and the saengerbunds and organizations of that kind, generally finance by the rich brewers, that the young Germans who have come to America are taught first the fatherland and second America (p. 10).

LIQUOR'S TRAIL OF CRIME.

You have to almost hold your nose as you read these official revelations of the devilish activities of the allied brewery and saloon interests which these gay Bostonians would recall to legal guardianship in America. Go get the camphor bottle and then read some more:

then read some more:

The National Association of Commerce and Labor was formed by the United States Brewers' Association October 3, 1913, to unite industries whose business was largely dependent upon breweries. It was through this association that the brewers piled their insidious stamp tax, compelling these allied influstries to help support their fraudulent political campaigns. (95, 369-400!)

The organization bureau was formed November 1, 1907, by the United States Brewers' Association, with John A. McDermott as manager (839-9). It employed speakers and "took an active part during the last two years in State and local campaigns throughout the country." It gave personal service in 46 States and Territories and won substantial victories in 23 State campaigns in 1910 (789-809). Mr. Gardiner estimated that from 1911 to 1914 this bureau had expended \$500,000 (329).

The Interstate Conference Committee and the Interstate Executive Association were formed by the United States Brewers' Association to unite and coordinate breweries and local organizations throughout the United States (798-808).

The American Hotel Protective Association, a national organization, was financed in part by the United States Brewers' Association for purposes shrewdly defined.

"Major HUMEs. Have you assisted in financing these activities?"

"Mr. Fox. Yes. That is, we entered into an arrangement with Mr. Gehring to try—well, there were two things. One was to try to interest hotel people in an organization of their own, and the other was to try to convert hotel people to the beer and light-wine idea."

"The National Investors' Protective League," Mr. Fox says, "was

was to try to convert hotel people to the beer and ligat-wase local.

(317.)

"The National Investors' Protective League," Mr. Fox says, "was rather an ambitious personal scheme of a certain attorney who was interested in some breweries around New York to try to form a sort of organization of the stockholders in breweries," (314.)

The German-American Alliance was used as a camouffage and extensively financed by the United States Brewers' Association, Mr. Andrea devoting much time and money to organization of local branches for political purposes, as explained elsewhere in this digest.

Labor's Peace Council, an organization maintained by the German Government to keep us out of the war (194), Labor's Emergency League, and the American-Hungarian Liberty League (9659, 711, 731) were also encouraged.

Doubtless many of the 40 organizations with high-sounding names, like "Self-Determination League," "Molly Pitcher Club," and so forth, are in the same class.

In politics, they sought by complete surveys of candidates to obtain all the information which would enable them to bring pressure upon leaders in public and private life. Here is a

pressure upon leaders in public and private life. Here is a copy of one such survey, as given on page 1263 of the report:

1. Full name and address? George F. Burgess, Gonzales County.

2. Age? Fifty-five.

3. Married or single? Married.

4. If married, does wife exercise any undue influence in regard to his business or political affairs? No.

5. Polities? Democrat.

6. Is he popular or unpopular in his community? Very popular.

7. Schooling? High school.

8. Business? No other business outside politics.

9. Financial standing? Good; worth about \$20,000.

10. Where is his banking business, commercial and private, transacted? Dilworth Bank of Gonzales.

11. What position does the bank (or banks) assume on the wet and dry questions? Wet.

12. Is candidate known as a liberal or dry man? Liberal.

13. Was he ever a candidate for any political office? Yes; county attorney and Congressman. Was elected to both offices without opposition. He can probably be Congressman as long as he wishes to hold the office.

14. Elected or defeated? Elected.

sition. He can probably be Congressman as the office.

14. Elected or defeated? Elected.

15. Elected by how many? Without opposition.

16. Defeated by how many?

17. Number of votes in the city? Eight hundred and fifty.

18. Number of votes in the county? Three thousand.

19. Religion? He is a member of no church. Was put out of Bap-

19. Religion? He is a member of no church. Was put out of Baptist Church,
20. To what fraternal organizations does he belong? Masonic;
Knight Templar.
21. Recreation? Nothing in particular. Congress occupies his time.
22. Name some of his closest associates. C. S. Dilworth, Dilworth Bank, Gonzales; John H. Garner, Congressman; W. T. Bagby, Hallettsville; W. J. Rainboldt, Gonzales.
George A. Burgess was elected from the old tenth district. At that time it included Galveston. It was represented by a Republican previous to his election. He took his seat in 1900, serving his seventh term now, and will run again. He will have no opposition. He used to be "one of the boys," played cards, and drank a little. His health falled, but he is still popular "with the boys." This report was taken from his most intimate friend, W. J. Fainboldt, (1263.)

HOW ORGANIZED LIQUOR CAPTURES CANDIDATES.

HOW ORGANIZED LIQUOR CAPTURES CANDIDATES.

Let those "wet triplets," Messrs, Tinkham, Gallivan, and HILL, who indict the Anti-Saloon League for political activities in behalf of dry candidates, read the pledge sought from candidates. It is illustrated by a sample, signed by William H. Thomson, mayor of Chicago, and received by Anton J. Cermak, recently elected to the county board in Cook County:

Thomson, mayor of Chicago, and received by Anton J. Cermak, recently elected to the county board in Cook County:

The undersigned respectfully represents that he is a candidate for the office of mayor on the Republican ticket of the city of Chicago at the election to be held on Tuesday, April 6, A. D. 1915.

That he favors and will promete in every way the objects for which the United Societies for Local Self-Government were organized, namely: Personal liberty, home rule, and equal taxation.

That he believes every citizen should be protected in the full enjoyment of all the personal rights and liberties guaranteed him by the Constitution of the United States and the State of Illinois.

And that if elected mayor of the city of Chicago he will use all honorable means to promote such objects:

1. That he will oppose all laws known as "blue laws," and that he especially declares that he is opposed to a closed Sunday, believing that the State law referring to Sunday closing is obsolete and should not be enforced by the city administration. And that he is opposed to all ordinances tending to curtail the citizens of Chicago in the enjoyment of their liberties on the weekly day of rest.

2. That he is in favor of "special bar permits" until 3 o'clock a. m. being issued by the city of Chicago to reputable societies or organizations for the purpose of permitting such societies to hold their customary entertainments:

3. That as mayor he will use his veto power to prevent the enactment of any ordinance which alms at the abridgment of the rights of personal liberty or is intended to repeal any liberal ordinance now enacted, especially one repealing or amending the "special bar permit" ordinance now in force.

4. That he will oppose the further extension of the prohibition territory within the city limits, unless such extension is demanded by a majority of the residents in a district in which at least two-thirds of the building lots are improved with dwelling houses.

5. That he is unalterably opposed to having the antisal

ANTON J. CERMAR,
Secretary of the United Societies for Local
Self-Government and the Liberty League.

Before high heaven, I ask: What name can one give to a movement which pledges public officials to violate their oaths of office? How many of the minority here who are endeavoring to nullify the Constitution and are fighting for beer and liquor to-day have signed such a pledge? Or, more likely, perhaps, we may suppose that the Baltimore and Boston "triplets" do not have to "sign up"—for their fundamental and habitual "wetness" is too well known to require a pledge. By boycott of unfriendly business interests they sought to compel the silence, if not the aid, of influential men. Through the subsidizing of the press they attempted to poison our channels of public information at the source. Millions of dollars were expended by them for these purposes. In Pennsylvania alone the brewers' association had \$1,400,000 on deposit in a single year (p. 424):

Major Humes. This is the Pennsylvania State association. The bank accounts of the United States Brewers' Association were offered yesterday showing that the highest deposit in any one year was \$1,400,000. Senator Overman. This is the Pennsylvania State association? Major Humes. This is the Pennsylvania association summary showing the amount raised within the State alone. That was outside of and, of course, in addition to, the money that went into the treasury of the United States Brewers' Association.

These huge sums were obtained by deductions of the amounts given by members of the association from their tax returns, thus stealing from the Government to use the stolen funds to corrupt the political life of the Nation (p. 1077). The state-ment of the Pennsylvania Brewery Association to the Commis-sioner of Internal Revenue is as follows:

The association has been advised that under the rulings of the department that such contributions are not proper deductions of such contributions in making their reports, and that while the association is unable to give the information asked in respect to contributions of its members for the reason above set forth, it will immediately advise all of its members to make amended returns in respect to such contributions to the association as have been deducted in previous returns and upon which an excise or income tax has not already been paid, and it will advise its members to pay without delay such taxes as may be properly assessed in respect to the same without protest or claim for abatement or refunds or to execute such waivers as may be deemed necessary or desirable by the department.

THE TRAGEDY OF LIQUOR PAPERS.

Remembering the measureless opportunities and responsibilities of newspapers in creating public sentiment and molding character for good or ill, what an unspeakable tragedy it is to contemplate the surrender of so many leading dailies to the blandishments of liquor money!

The leading newspapers and magazines of the country were induced to publish as unbiased and authoritative studies articles which were propaganda furnished through the brewers' association (pp. 60, 61, 62). Other newspapers were bought outright with brewery money and used to support the twin causes, liquor and Germany, in the war (pp. 11, 754-755, 940-941, 38-50, 70-73).

Chautauquas, centers of light and inspiration to many of our people, were to be made centers for the brewers' spokesmen, who sought entrance into Chautauqua meetings and in

churches, colleges, lyceums, etc. (p. 1082)

The foreign-speaking press was controlled in large degree by the brewers' association, who secured the publication by papers with a circulation of 7,500,000 of articles on "personal poisoning the minds of the foreign-speaking people of the country against the ideals of America and making them dupes of the liquor traffic (p. 456) and making them increasingly dangerous to our American civilization.

In the report of the hearings we find this:

Major HUMES. I call your attention to the confidential report of the publication committee that was in executive session in 1915, that romes from the office of the United States Brewers' Association, as follows:

And yet, and yet, and yet! The "wet" crowd, with consummate gall (I can think of no other word to express it) "virtuously" cries out against the organization and political activities of the "drys."

May the Lord forgive their guilty, inconsistent souls.

A DEVILISH, DANGEROUS DEFIANCE.

This is the history of the brewery and liquor organizations in the past. I submit it to you lest we forget the kind of enemy with whom we have to deal. It has violated every regulative,

restrictive, or prohibitory law that has ever been placed on the statute books. It has corrupted politics, debauched its patrons, and defied the Government. Why should any special privileges be extended to the brewers in the face of this kind of record? Have they reformed? Most of those who have continued as cereal beverage dealers have been violating the law.

The logical successor of such organizations is the Association Against the Prohibition Amendment. Like some of the other organizations referred to heretofore, it assumes respectability by claiming that it is in no way connected with the brewers. Murder will out. Following the recent S O S appeal by the Association Against the Prohibition Amendment for a war chest of \$7,000,000 for their campaign to elect a wet Congress and a wet President in 1924-witness this letter from their office here in Washington-evidence has accumulated that this organization is simply the tool of the old brewery and liquor crowd which has defied law in the past and is violating the Constitution today, and using this camouflage organization to hamstring law enforcement and finally to repeal the eighteenth amendment itself. In view of the pious representations and the repudiations of the brewers and liquor dealers by the Association Against the Prohibition Amendment, the following documents and letters sent out by these master organizations are interesting and conclusive as to their connection with the liquor trade.

This claim of the Association Against the Prohibition Amendment that it has no connection with liquor manufacturers or dealers and that it depends upon the \$1 per member annual dues is disproved by the following letter from the Wisconsin

MILWAUKEE, Wis., October 6, 1922.

GENTLEMEN: In view of the fact that the "Wisconsin Division of the Association Against the Prohibition Amendment" has done such wonderful work during the last primaries, having been positively instrumental in securing 8 "wets" out of the 10 congressional candidates, and all of which facts and results were praised and confirmed by Mr. Dietrichs, of Chicago, at our meeting held yesterday, it was unanimously decided to give them further financial aid in order that the association might be able to complete the work they have set out to do.

To this end we permitted ourselves to become assessed for half of the amount contributed at our previous meeting, namely, at the rate of 5 cents per 1,000 bushels of steeping capacity.

In as far as the money is needed now, will you not be kind enough to forward immediately to the undersigned your check for \$-?

We are sorry, indeed, that some of the malters found themselves unable to attend the meeting, as Mr. Dietrichs gave us such an excellent exposition of facts and conditions as exist all over the entire country at the present time.

Very truly yours,

Wisconsix W.

WISCONSIN MALTERS' CLUB, Per Walter A. ZINN, P. O. Box No. 47.

P. S.—It is expected that a meeting of the old malsters burean of statistics will be called shortly, and in as far as matters of both importance and interest to the malting trade will be discussed, it is hoped everybody will be able to be present.

(Copy of blue ticket inclosed:)

No money for our soldiers Unless you Bring Back Beer: Moonshine pays no taxes.

The use of figureheads-persons whose names are widely known-copied from the activities of the United States Brewers' Association and the German-American Alliance, is indicated in the following letter from the Wisconsin Anti-Prohibition Association, which later changed its name to Wisconsin Division, Association Against the Prohibition Amendment:

MILWAUKEE, WIS.

Dr. C. W. Collver,

President Citizens' Bank, Clinton, Wis.

Dear Sir: The Wisconsin Anti-Prohibition Association is planning to organize your county. We are writing you to ask if you will not suggest to us the names of five prominent citizens in your county, not connected with the liquor interests nor actively engaged in politics, who are in sympathy with our movement and are qualified to serve on your county executive committee.

We need men who are not only leaders in the county but are also boosters for the cause.

If for any reason you do not feel at liberty to suggest such names may we ask you to advise us of the name of some one in your county who would be qualified to recommend prospective committee members?

To acquaint you with the aims and purposes of our association we inclose a copy of our circular letter setting forth these matters.

Please accept our thanks in advance for your courtesy.

Yours very truly,

The Wisconsin Anti-Prohibition Association,

THE WISCONSIN ANTI-PROHIBITION ASSOCIATION, J. J. SEELMAN, President.

USING "A LIQUOR LIE" TO STIR UP PREJUDICE.

In face of the fact that all religious denominations have backed the Anti-Saloon League from the beginning, just read this bold, bare-faced prevarication:

The first of the "General rules of the association" reads as follows: "The association is nonpartisan and nonsectarian." Attributing to one single Protestant church practical control of the Anti-Saloon League,

the association in the following letter attempts to organize religious jealousy and church antagonisms to further its cause:

MILWAUKEE, WIS., August 22, 1922.

Rev. WM. C. HAYES, Milwaukee, Wis.

REVEREND Sig: It it generally understood that the nomination of candidates by the committee of 44 was dictated by the Anti-Saloon League. This league is also actively engaged in securing the election of State senators and assemblymen who are in sympathy with their

The Anti-Saloon League is essentially a religious organization; in fact, all of its activities are carried on through the Methodist Church. The integrity of the fundamental principle of religious freedom is dependent upon all religious denominations respecting the dictum that the church should be kept out of politics and politics out of the church

the church should be kept out of politics and politics out of the church.

When, then, a portion of a certain religious denomination, even though it be under the cloak of the Anti-Saloon League, makes an attempt to control the politics of the State, does it not become incumbent upon other religious denominations to enter the political arena and enforce a proper respect for the sanctity of our institutions?

Many of the tenets of the Anti-Saloon League's church are fundamentally at variance with those of other churches. What may these churches expect if the Anti-Saloon League succeeds in its brazen attempt to capture the executive and legislative offices of the State, will they be satisfied when they have been successful in enforcing that one tenet of their religion, the total abstinence of alcohol, or will they then select another of their restrictive doctrines and proceed to secure its enforcement by law?

The chief source of the Anti-Saloon League's strength lies in the support it receives from radical Methodist churches. In justice to these churches it should be said that many fair-minded Methodists resent this unwarranted activity.

But the fact remains that a portion of the Methodist churches, through the Anti-Saloon League, are attempting to obtain political control of the State. What are you going to do about it?

We have a plan. We will with your assistance beat them at their own game. We are going to try to enlist the support of all fair-minded heads of churches throughout the State in our movement against radical prohibition and for sane temperance.

We are therefore inclosing herewith a blank which we will ask you to fill out and return to us. With a large number of these blanks in our files we will be able to neutralize the fear which the Anti-Saloon League, through its church backing, has been able to instill into the minds of politicians and legislators.

Our plan has the indorsement of prominent members of the local clergy.

Will you not help us by filling out and returning your blank at once?

Clergy.

Will you not help us by filling out and returning your blank at once?

Very truly yours.

WISCONSIN DIVISION, ASSOCIATION AGAINST THE PROHIBITION AMENDMENT.

J. J. SELLMAN, President.

Gentlemen of the Congress, never in all my acquaintance with political propaganda have I read such an unmitigated, unfumigated lie. I am a Baptist myself of the old-fashioned deep-water kind—the kind who just love to "play up and down Jordan's banks"-but I have long been an active member of the Anti-Saloon League and an honorary member of that great forwardlooking company of the handmaidens of God, the Woman's Christian Temperance Union, and I know that I have had priceless fellowship with the leaders of all religious denominations who have united on one platform: "Up with the home—Down with the saloon.

This attempt to make it appear that prohibition was adopted by the Anti-Saloon League, which got its chief source of support from radical Methodist churches, is a sample of the unreliability of practically everything that this wet organization says. Anyone who is familiar with the history of the Anti-Saloon League knows that its founder was a Congregational minister, that two of the great denominational leaders who helped to plan its work were Bishop Kynett, of the Methodist Church, and Archbishop Ireland, of the Catholic Church. It is a source of power to that organization that it has now the consecrated backing of the churches. It is fundamental to its organization that it is controlled by representatives chosen by the representatives of the various denominations themselves. A few of the denominations do not elect delegates or representatives upon the Anti-Saloon League boards of control, but leaders of those denominations are on those boards.

THE FELLOWSHIP OF A COMMON PURPOSE,

Some of the denominations which have affiliated with and helped to control this organization, or which have leaders of the denomination on the boards, are as follows: Congregational, United Brethren, Methodist Episcopal, English Lutheran, United Presbyterian, Presbyterian, Baptist, Church of God, Evangelical, Disciples, and Friends. Leading Catholics, Episcopalians, and Mormons, and prominent men in various other denominations have taken an active part in the Anti-Saloon League movementuniting their efforts on the things of common interest and not on the things that divide.

But Congress did not submit the national prohibition amendment nor did the States ratify it simply because the Anti-Saloon League was for it. It was because that organization represented the dominant public sentiment of the Nation concerning this criminal traffic that its leadership has been so successful and its leaders so maligned by "wet" papers and wet" politicians. Men and women inside and outside of the

churches helped to win the victory. If any wet organization thinks any one church denomination brought about the adoption of national prohibition they will realize their groundless, foolish mistake when they attempt to muster the votes to elect a Congress and State legislatures to repeal it.

The gentleman from Massachusetts [Mr. Gallivan] declared that the patriotism of those who would repeal the eighteenth amendment or modify the Volstead law has been assailed by dry leaders. Not a word of it. The wets have never been denied the right of peaceful efforts to repeal. But the drys do protest that such incendiary utterances as we often hear, as we have heard to-day on the floor of this House, are utterly unfair to a new-born law, and we further protest that they are being made nine cases out of ten by the lifelong arch enemies of prohibition, who have never shown the spirit of real democracy by accepting for a day the well-earned verdict of a consecrated constitutional majority.

The gentleman from Massachusetts talks with great anxiety about the money that is being taken from the pockets of the people for the enforcement of this law-\$9,000,000 in a year, if you please; and he said it is nearly doubled by the amount spent in the Department of Justice. The fact that liquor violators almost pay for their own condemnation through the income from the confiscated property of bootleggers, who are encouraged by every speech like that of the gentleman from Massachusetts, or those of the two gentlemen from Massachusetts [Mr. Gallivan and Mr. Tinkham], if you please, brings an indictment of criminality against the illicit-liquor seller which no other criminal "enjoys." But never mind if it were twenty millions or fifty millions or even a hundred millions a year until this mighty task is completed. Remember that the drink bill of America, liquor and beer sold over the counter, was two billion five hundred millions a year under the saloon régime, to say nothing of the terrible cost of prisons and asylums, almshouses, and shattered homes, in addition to the millions of men and women whose earning capacity was tragically depleted by their contact with liquor. The cost, the cost,

God save our country completely and forever from the greatest highway bandit that ever robbed the American people. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield three minutes to the gentleman from Mississippi [Mr. Quin].

[Applause].

the cost!

Mr. QUIN. Mr. Chairman, it is a matter of extreme regret to me that the Members of this House have been compelled to listen to such utterances as the gentleman from Massachusetts [Mr. Gallivan] made on this floor to-day. Is it possible, after the people of the United States have passed judgment on this great question, not only a majority of the people but three-fourths of them through their constituted authorities, have amended the organic law of this Republic and then placed enforcement legislation on top of that-is it possible that the gentleman, representing what used to be considered the hub of intelligence and patriotism of the United States, the city of Boston, would on this floor humiliate the American people, the God-fearing, law-abiding, liberty-loving men and women of the United States by such utterances as he has made on this floor to-day? [Applause.] He need not uneasy about any waste of money by the people of the United States in enforcing prohibition legislation. What we have to be uneasy about is such as he, clothed by the vote of the people with authority to stand in a high place, who villify those who respect the law, and that he should do his utmost to make his sort have a contempt not only for the law and the right-thinking people of these United States but to have a contempt for the Constitution itself. [Applause.]

In my judgment, it is reprehensible for a man occupying such an exalted position as that of a United States Congressman to endeavor to degrade the position that he holds by such utter-

ances. [Applause.]

Mr. MADDEN. I yield 10 minutes to the gentleman from

Nebraska [Mr. THORPE].

Mr. THORPE. Mr. Chairman, I would not take up the valuable time of this House to-day if it were not for the fact that wish to warn my Republican colleagues of impending disaster [applause]-just a little premature, gentlemen-and also wish to refer my Democratic friends to their own inglorious history. [Applause and laughter.] During the last days of the old year which has just passed away the news was published in the leading Washington papers and the report was sent by the Associated Press to the four corners of the earth that the Democratic National Committee would begin immediately after the first of the New Year a relentless warfare on the Republican Party; that there would be a mighty gathering of the unterrified to

agree on the "new paramount issue." Reference was made to the fact that the party chiefs had not fully agreed as to whether the League of Nations would be resurrected from the scrap heap of political oblivion, where it was consigned by over 7,000,000 voters in November, 1920, and made the battle cry again, or whether a new shibboleth would be manufactured by the hungry horde of disgruntled self-styled politicians who turned this Government over to its true friends-the Republican Party-a little over two years ago, crushed, bleeding, and almost bankrupt, with national honor at its lowest ebb and wreck and ruin facing the people of this fair land of ours on every

So I have scanned every line in every newspaper published in Washington for several days for the message that would strike terror into the hearts of the Republicans, and on January 9 the battle cry was sounded. "The new paramount" issue was proclaimed, and in order that there may be no dispute about its authorship I will read a telegraphic message published in the News, a Washington, D. C., newspaper, and request that It be inserted in the Congressional Record as a part of my address.

BRYAN'S HAT IS IN.

CHICAGO, ILL.—William Jennings Bryan served notice to-day that he is still in the political running.

The commoner denied he had given up politics for preaching. He predicted a Democrat would capture the White House in 1924, and indicated he was once again prepared to lead the forces of "Progressive Democracy."

"The country is getting dryer every day through more efficient enforcement" he said, "And as a political issue prohibition is playing out." Darwinism just now is the "acute" question, Bryan added.

Now, Mr. Speaker, I am personally acquainted with this man Bryan, and I presume that most of you have heard of him before. He and I formerly lived in the same city, and it per-haps is not good manners to speak of my former townsman in the way I am forced to do. I realize that my remarks may be viewed by many as ridiculous, but I am sure they are no more ridiculous than many of the positions assumed by my friend Bryan on many public questions in the past.

Mr. Bryan ran a paramount issue factory in Lincoln, Nebr., for many years. He was the sole manager and reaped enormous profits from his enterprise, but never paid any cash dividends to the stockholders, who were the Democratic Party. [Laughter.] The first district of Nebraska sent Mr. Bryan to Congress; likewise the first district of Nebraska sent me here. Many years ago we were both known as "boy orators"— he as the "boy orator of the Platte," while I was known as the "boy tramp orator." [Laughter.] And the Democratic Party brought us both into political notoriety—he as a prophet of populistic propaganda and I as a defender of the Republican faith. I never admired my political creators very much, although

I have never denied the soubriquet which I acquired in the troublesome times of the Cleveland administration.

Mr. Bryan's first "paramount issue" was the "robber tariff." His old constituents and many others in various parts of the country well remember his chief weapons of defense, a tin cup, a butcher knife, and his most eloquent tongue, and I am also sure that there are many present here to-day who well remember that the voters of this country listened to these false prophets. Then came Grover Cleveland's administration, the Wilson-Gorman tariff bill, Coxey's army, closed factories and work shops. Banks breaking everywhere. Business of all kinds paralyzed and 4,000,000 tramps roaming the country who formerly, under the McKinley tariff law, were well employed. It may seem rather strange to this august body of men to hear me say that I was one of this motley herd who was turned out during this reign of terror. I remember many nights that I had nothing but the earth as a pillow and nothing but the dark mantle of night as a cover, the stars of heaven shining as the only ray of hope to a benighted pilgrim that some day the tides of fate might turn the tables of despair into a happy return to an honorable place amongst my fellow men and that the infamous rule of the iniquitous Democratic Party might end. But all at once this same Bryan manufactured and decreed another paramount issue from the "Lincoln factory," "No crown of thorns," "No cross of gold," "Free and unlimited coinage of silver at the ratio of 16 to 1," but a distressed and ruined citizenship revolted and prosperity returned through the election of the martyred President, William Mc-Kinley, the wheels of industry moved, factories opened, the sound of the loom and the spin of the wheel were heard, the farmers awakened from their lethargy, and prosperity reigned on every hand. A new tariff law, the "Dingley bill," was written. The national debt was reduced, and peace reigned throughout this land of ours, but, Mr. Speaker, it would take days and weeks for me to recite the glorious history of the Republican Party, and time will not permit. I believe the majority of the people of this country are Republicans. They ought to be, at least. It is with pride that a Republican speaker can refer to Abraham Lincoln, Ulysses S. Grant, James A. Garfield, Benjamin Harrison, William McKinley, Theodore Roosevelt, William H. Taft, and Warren G. Harding. [Applause.] Dare any Democratic Member stand here in the face of their history of waste and ruin and defend the administration of Grover Cleveland and Woodrow Wilson? If they dare attempt it, the history of these 16 years of misrule will rise up to condemn

The only real abiding place the Democratic Party has is in the Southland, and I want to say right here that I have no malice in my heart for my Democratic friends who come from south of the Mason and Dixon line. I do not believe in waving the bloody shirt. The Civil War settled all questions of national unity between the States. I have traveled the South for years. I have friends by the thousands down in Dixie. I love them, but I would like to see them awaken from their hypnotic dream and take their place in the onward march of an enlightened civilization. The Southland is near and dear to me. My mother and my mother's people were southerners, and so in material construction I am about 50-50. But the South has had many tribulations cast upon it in the last 60 years and the toll has been heavy; it has been visited and controlled by three dangerous and deadly diseases. First, the smallpox, which took thousands of its citizens at an enormous expense; second, the yellow fever, most deadly in its work; and last of all the most terrible disease, the Democratic Party. Now, I am aware that many of you who are present will challenge my statement that the Democratic Party is a disease. I agree with you that the statement sounds rather ridiculous, but I am sure that political parties are supposed to have life and action; they are supposed to be concrete bodies who will function for the good of mankind and bring about results in governmental affairs that will make men and women and children happier and more prosperous. Can this be said of the Democratic Party? No, Mr. Speaker. I pronounce it a deadly cancer which has four times fastened its fangs deeply into our national life since 1860. The Democratic Party is not a constructive party; it never has been. It is the party of negation; it is the party of obstruction to national progress. Its chief asset is opposition to every great principle that the Republican Party advocates. It slumbers like a venomous serpent, ready at all times to strike its blow, but never offers any solution of impending evils, going back to its self-praised history. It believed in the divine right of slavery.

It stood aloof on the question of State rights and for years and years advocated a fiat and unsound system of currency. It has eternally fought the principles of a protective tariff, and whenever an opportunity has been given since the dark days of 1861 to 1865 it has lowered the great American standard, the Star-Spangled Banner, with a policy of "watchful waiting" or "He kept us out of war."

Mr. Chairman, I have never believed that Mr. Bryan or any of his family have descended from the monkey, although he has taken years on the platform trying to deny it and again says it is the most acute question of the times. I, however, do know that for more than 20 years he has made a monkey out of the Democratic Party with his paramount issues and acute ques-tions, and also that for 16 years under Grover Cleveland and Woodrow Wilson the Democratic Party made menkeys out of the American people, so sometimes I am constrained to believe that there is some relationship between the Democratic Party and Darwinism; so perhaps for once Mr. Bryan may be right on a paramount issue or acute question and yet give to the world the true origin of our national enemy, the Democratic Party.

But soon after Mr. Bryan's declaration was made Gov. Smith, of New York, Senator Edwards, of New Jersey, and the silver-tongued, silver-haired veteran statesman, the Hon. W. BOURKE COCKRAN, of New York, served notice to the country that the next battle would be fought over the eighteenth amendment to the Constitution. Shortly thereafter Bainbridge Colby, ex-Justice Clarke, and the late-defeated James Cox, of Ohio, sent forth the call to rally round the old standard, "The League of Nations'

So now, my Republican colleagues, the battle cries have been sounded for 1924-Bryan and Darwinism, Colby, Clarke, Cox and Wilsonism, Smith, Edwards, Cockran and alcoholism, and, William G. McAdoo, with pure and undefiled McAdooism. And now, my Democratic friends, I am going to let you rest here in peace. I hold no malice against any of you. I only hope for a peaceful end for each of you and that the people of this country shall ever in the future be saved from the waste and ruin that has ever attended your attempts to run this Government.

For 26 years I dreamed of the day that I could take my seat in this historic Hall and be a Member of the American Congress,

It had been my life's ambition, and on last November 7 my dream came true. Although I only have the privilege of serving my district a bare four months, I have formed some associations here that I shall cherish as long as I live. I have met many old friends in this House whom I have known for years. I have met others whose records I have watched for years. It is my priviledge to form an opinion of Congress and its workings, and it is my privilege to express that opinion even though I may be criticized for it by the Members on both sides of this House, but I am aware of the critical condition that prevails in many parts of our country, and I would be untrue to my constituency if I did not raise my voice in protest at the lethargy shown here. On December 8 President Harding made a masterful address from this rostrum. He emphasized the pressing needs of the 29,000,000 farmers who have daily had their eyes on this House looking for some legislation that might give them a ray of hope. He spoke plainly on the great question of transportation, and yet weeks have passed and no relief is yet in sight. Ancient history tells us that Nero fiddled while Rome was burning. clare here that the American Congress fiddles while millions in this country are suffering for relief that the leaders of this House could easily bring about.

have seen hours and days wasted here between distinguished Members on both sides as to whether the right word to use was tweedledum or tweedledee while legislation representing millions and billions of dollars to the farmers and stock growers was tied up in committees in order that a \$30,000

bridge might be built over Podunk or Pogues Run.

Now, I can hear some of you call me a notoriety seeker; but I am not. I had the notoriety before I ever came here. may call me a radical, an alarmist, a progressive, a farm bloc, or a blockhead and it matters not to me. I have been a Republican all my life. I believe in the grand old Republi-can Party. It is the best instrument of government the American people have ever had. But now is the crisis. Oh, men of the party of Lincoln, Garfield, McKinley, and Roosevelt awaken to your duty and victory will be ours in 1924.

Remember, Nero fiddled while Rome burned. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield the remain-

der of my time to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON].

Ton] is recognized for three minutes.

Mr. BLANTON. Mr. Chairman, if I had to be one or the other of the two I would rather be a wet Congressman voting liquor on other a dry ticket than a dry Congressman voting liquor on other people. [Applause.] If it were not for three Members of the House, the two gentlemen from Massachusetts and the distinguished rider of the great white charger from Baltimore [laughter] this House practically would be unanimously dry. They are the only real wets I know of in the House of Representatives

I do not believe that you can find in the whole United States In any one class of men 96 who are more sober than the Members of the United States Senate. I do not believe that in the whole United States you can find in any one class of citizens 435 men more sober than the membership of this great body. [Applause.] Then why all this noise against the Constitution? I have heard it before. I hear it every time a bill comes up that involves prohibition. To listen to the noise you would think there would not be a dry vote in this House, but when the roll is called you hear only once in a while a wet vote, but there is always an overwhelming dry majority

Let me state that my three friends now sitting there together are three of a kind. [Laughter.] And you could draw to that three from now until eternity and you will never fill your hand. [Laughter.] They have to sit together for company.
Mr. HILL. Will the gentleman yield?
Mr. UPSHAW. Will the gentleman yield?
Mr. BLANTON. I have only three minutes, but I will first

yield to the gentleman from Georgia.

Mr. UPSHAW. Does not the gentleman from Texas think that it comes with poor grace from these "wet" triplets [laughter | here to reflect on the Anti-Saloon League as the active representative of the prohibition forces-

You have to have the three together to make Mr. BLANTON.

one. [Laughter.]
Mr. UPSHAW (continuing). To reflect on the money-raising measures of the dry forces for legitimate purposes when I hold in my hand a letter from the Association Against Prohibition trying to raise \$7,000,000 to dynamite the Constitution and nullify our duly constituted law? [Applause.]

Mr. BLANTON. I can not yield for a letter. Now I will yield to my friend the distinguished gentleman from Maryland.

Mr. HILL. I simply wanted to say to my distinguished friend that we expect to draw a full house to our three in the next

Congress.

Mr. BLANTON. Your grandchildren will all be 80 years old before you do that. [Laughter.] The CHAIRMAN. The time of the gentleman from Texas has

expired. All time has expired, and the Clerk will read the bill, The Clerk read as follows:

For payment to Stanley H. Kunz for expenses incurred as contestee in the contested-election case of Parrillo v. Kunz. audited and recommended by the Committee on Elections No. 1, \$2,000, to be disbursed by the Clerk of the House.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

Page 2, line 20: "For payment to Dan Parrillo for expenses incurred as contestant in the contested election case of Parrillo v. Kunz, audited by the Committee on Elections No. 1, \$2,000, to be disbursed by the Clerk of the House."

The amendment was agreed to.

The Clerk read as follows:

For the employment of competent persons to assist in continuing the work of compiling, codifying, and revising the laws and treaties of the United States, \$4,000, to be expended under the direction of the Member-elect to the Sixty-eighth Congress who was chairman of the Committee on the Revision of the Laws of the House of Representatives during the Sixty-seventh Congress, and to remain available until June 30, 1924.

Mr. BLANTON. Mr. Chairman, I make the point of order against this section for the reason that it is legislation on an

appropriation bill and unauthorized by law.

MADDEN. The Sixty-sixth Congress passed an act authorizing this work and continuing it until it was completed.

We have acted under that act.

Mr. BLANTON. I am sure when the gentleman reflects on this he will concede that it is out of order. If the Chair will refer to the act authorizing this work to be done, he will see that it made provision for certain expenses that have already been appropriated for. The work has been done. It has been completed for nearly two years. That bill was passed in this House without objection—a bill containing hundreds of pages without even being read. The House passed it nearly two years ago, and it has been slumbering in a pigeon hole at the other end of the Capitol for two years.

I am not now complaining about the additional appropriations which run up into large sums in various bills last year and this. They might have been necessary, but this is an additional sum that runs on until June 30, 1924, and is unnecessary. I want to submit that it is not a deficiency, it is not paying for something that could be spent under the authorization of the It is clearly unauthorized by law, and I hope the gentleman will not insist on this provision in the bill. There is not a man here who is a closer friend of Colonel LITTLE than I am. I like and admire him as much as anybody does, and would like to do anything I could for him personally, but when it comes to taking money out of the Federal Treasury that is not needed, when the bill has been passed and completed for two years and would have become a law if it were not for the action of another body, we ought not to make this appropriation of \$4,000 when it is not needed.

Mr. MADDEN. The act authorizing this work was passed in the Sixty-sixth Congress. It provided that this work should be done and continued to be done until it was completed. The work so far done has only been brought up to the Sixty-sixth Congress. This appropriation is to continue under the act. It is a work in progress. There is nothing for us to do except to provide the means to carry out the law. We are not violating the law, we are not appropriating money to accommodate Colonel LITTLE. We have no interest in Colonel LITTLE. We are performing our duty under the law. Here is what the law says:

Resolved, etc., That the Committee on Revision of the Laws in the House of Representatives is hereby authorized to print additions and amendments to H. R. 9389, or other bills covering the same subject, if in its judgment necessary, in the style and form in which said bill is now printed, with such variations thereof as the said committee deems in the interests of efficiency and economy, and to so continue until final enactment thereof in both Houses of the Congress of the United States.

Mr. STAFFORD. Will the gentleman yield? Mr. MADDEN. Yes. Mr. STAFFORD. I remember when the act of this Congress was passed authorizing a clerk to the Committee on the Revision of the Laws at \$4,000 it was seriously contested by our friends on the other side. I understood that under that resolution the authorization for that clerk was to expire with this Congress. The purpose now is to continue the provision that we passed in the early part of this Congress, which was so seriously contested by the Democratic side.

Mr. MADDEN. They have used only \$100 of the money then

appropriated.

Mr. STAFFORD. That was for the authorization of an additional person, with a salary of \$4,000. Mr. MADDEN. Yes; but they have used only \$100 of it.

Mr. BLANTON. Then there is \$3,900 still available? Mr. MADDEN. But that lapses.

Mr. STAFFORD. What were the provisions of that authori-

Mr. MADDEN. The work has to be gone on with under this act. The gentleman in charge of the work is ready to go on with it now. It is a continuing work, and I think there is no question about it.

Mr. BLANTON. Mr. Chairman, will the gentleman yield? Mr. MADDEN. Yes.

Mr. BLANTON. The gentleman is for economy, I know.

Mr. MADDEN. Yes. Mr. BLANTON. Suppose the Senate passes that bill tomorrow or the next day. I understand that it is passing bills over there now at the rate of about one a minute. In that case what would be the use of appropriating this \$4,000?

Mr. MADDEN. The work still would have to be continued

and carried down.

Mr. MONDELL. Mr. Chairman, will the gentleman yield? Mr. MADDEN. Yes.

Mr. MONDELL. There is no danger of the Senate passing that bill. The Senate has had the bill for a year and a half. So far as those of us who have made anxious inquiry have been able to discover, practically nothing has been done in the Senate in respect to that bill. Very recently, however, in answer to inquiries they have insisted that there were quite a number of errors in the measure as it passed the House. have not pointed them out specifically and definitely, but they insist that they exist. They use that statement as an excuse for not passing the bill. They have notified all those who have made inquiry that nothing more will be done with the measure in the Senate this session. It will be necessary in the next Congress to take up this bill anew, reexamine it with a view to determining whether the errors that have been referred to in the Senate actually exist, and to correct them if they do.

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman will recall that the distinguished chairman of the Committee on Revision of the Laws, Mr. LITTLE of Kansas, stated that the bill now pending in the Senate brought the revision down only to March 4, 1919, and that with this appropriation he could entirely complete the work by December 1 and bring it down

to date from March 4. Mr. MADDEN. Yes.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes. Mr. MOORE of Virginia, Mr. Chairman, I happened to be a member of the Committee on Revision of Laws soon after coming here and cooperated with the then chairman of the committee, who is still the chairman of the committee, in making the compilation which embraces the laws in effect on the 4th of March, 1919. That compilation is included in a single bill, to which the gentleman has been referring and to which the gentleman from Wyoming [Mr. Mondell] just now referred. That bill has been pending in the Senate for a long time. I take advantage of this opportunity to again say that I do not think there has been any sufficient explanation given of the failure of the other body to act. There have been some very general and vague assertions that there are defects in the bill, but those defects have never been specified. If there are defects, it was the business of the Senate committee in charge of the bill to indicate them and give opportunity for a hearing,

and that has never been done up to this good hour.

I have become so hopeless of any action in the Senate at this session and so doubtful about future action that I have taken the liberty of suggesting to the president of the American Bar Association that he refer this matter to a committee of his organization for the purpose of examining the bill and seeing whether there is any ground whatever for the statement that the bill is in any material way defective, and I hope very much that before we meet here again we may have a report from the bar association on that subject, because it is really of great importance that there should be a codification, not only for the use of the administrative officials of the Government, but for the use of the courts and for the use of the public generally.

Mr. BLANTON. Mr. Chairman, by reason of the fact that our friend Colonel LITTLE is about a half Democrat, I withdraw the point of order.

Mr. ALMON. Mr. Chairman, I ask unanimous consent to ex-

tend and revise my remarks in the Record.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SEARS. Mr. Chairman, I move to strike out the last word. The gentleman from Kansas [Mr. LITTLE] has been congratulated, but the work was so well done that I think he and those who work with him should be congratulated again. If I caught the statement of the gentleman from Wyoming [Mr. MONDELL] correctly, the bill will die in the Senate although we sent it over there about a year and a half ago. If that is the case, I would like to have the chairman of this committee, who is up on all these matters, state about how much it will cost to have this work republished, reprinted at the next session of Congress?

Mr. MADDEN. It is already published. Mr. SEARS. But the bill will have to be reintroduced, and rereferred to the committee and it will have to be reprinted.

Mr. BLANTON. It will cost \$12,000.

Mr. MADDEN. I do not know how much it will cost.

Mr. SEARS. If the majority leader is correct in his statement that the Senate will not pass the bill at this session, think when we pass it at the next session the Senate should refer the bill to another committee and not put this expense upon the taxpayers. The bill has been over there a year and a half and it certainly could have been reported out and some action taken in that time. If the chairman of that committee has failed to act during all these months we may expect no action will be taken if the bill should again be referred to his committee.

Mr. MADDEN. I have not any idea how much it will cost. Mr. CHINDBLOM. Mr. Chairman, I rise in opposition to the pro forma amendment for the purpose of making this one statement: There was assembled in Washington yesterday a group of the leading jurists, lawyers, and judges of the United States, all of whom are interested in the subject of a better codification of the laws of the United States.

It is proposed to organize an American law institute, with headquarters in the National Capital. It is to be hoped that this organization after its completion will have sufficient influence to help to secure the final passage of the work for which this House has provided up to the present moment. done, it will not be necessary to continue this expenditure any

longer.

One of the main purposes of the American law institute will be to simplify and clarify the law and to seek to obtain uniformity of legislation and judicial interpretation throughout the country. A first necessary step in a movement of so great scope and importance is the proper assembling of all the statutes passed by Congress, which are now in force, into a publication which is reliable and accessible to all. Its authenticity will be guaranteed by its enactment by Congress as an entirety-not merely a compilation by authors, however able, whose work would not itself have the force of law.

The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn and the Clerk will read.

The Clerk read as follows:

To continue the employment, under the direction of the Clerk of the House, of the person named in the resolution of February 13, 1923, from March 4, 1923, to June 30, 1924, inclusive, \$3,305.56.

Mr. MADDEN. Mr. Chairman, I offer the following amend-

Mr. BLANTON. Mr. Chairman, I reserve a point of order on the paragraph. May I ask what employee that is?

Mr. MADDEN. Which one?

Mr. BLANTON. Lines 15 to 18.

Mr. MADDEN. That is Mrs. Donnelly, former secretary of

the late James R. Mann.

Mr. BLANTON. That is all right. I ask unanimous consent that the distinguished gentleman from Michigan [Mr. CRAMTON] have consent to revise and extend his remarks made a while ago.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Michigan have consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. CRAMTON. Under the leave granted me by the House at the request of the gentleman from Texas [Mr. Blanton] I insert the following:

The gentleman from Massachusetts [Mr. Gallivan] is concerned about the cost of law enforcement. Whatever its cost, a democracy can not afford not to enforce its fundamental law.

But America can well afford to enforce the eighteenth amendment. Enforcement of prohibition will bring to our country greater prosperity, greater happiness, greater progress than ever known before. Even under uncertain conditions of these first years of dry rule prohibition is daily proving its case.

VERDICT OF THE WORLD UPON ALCOHOL.

Dr. Albert Bushnell Hart recently said that one of the good reasons for the Volstead Act "is the enormous harm that has been done by drink." Such was the world-wide verdict upon the liquor traffic after terribly costly experience throughout recorded history and ages before-drink has done the world enormous harm. How much was most eloquently, as most suc-cinctly, stated a dozen years ago by one T. M. Gilmore, then publisher of Bonfort's Wine and Spirit Circular, a champion of the distillery interests, and president of the National Model License League. In an exchange of letters on the question of prohibition with the late Dr. Lyman Abbott, published in the Outlook Magazine, March 19, 1910, Gilmore said:

The people in the country consume 114,000,000 gallons of distilled spirits every year for beverage purposes * * * and this does not include imported brandles, Scotch whiskies, etc. * * The people in this country consume per capita 1.30 gallons of distilled liquors and 22 gallons of fermented liquors a year,

Doctor Abbott answered:

If the distilled liquors are used to the extent that your figures indicate, and I must assume their accuracy, that use would go far to account for the disease, the poverty, and the crime, which are three of the great burdens which the Nation is carrying.

And Gilmore said:

I agree with physicians that the excessive use of alcohol is a prolific cause of disease; with sociologists that it is a prolific cause of poverty; with penologists that it is a prolific cause of crime.

Thus was summed up by a friend and champion of the liquor business the essence of the world's verdict after thousands of years of sad experience. With this before them the people of the United States three years ago entered upon a tremendous experiment, entered upon it in the most solemn and formal way possible and with full notice to all the world-an effort of this great democracy, created as it was to secure for all its people their fullest welfare and happiness, an effort to rid its hundred million people of that which has been proven such a prolific cause of crime, poverty, and disease. This effort is written in our fundamental law, the Constitution of the United States, and before all the world this people is committed to it. Throughout the drink-crazed, crime-fettered, poverty-stricken, disease-burdened world, populations are looking to the success or failure of this great experiment. Success for prohibition in America means the world-wide doom of the liquor traffic. Failure here would be rewelding the fetters of crime, poverty, and disease on all humankind.

WORLD-WIDE DRIVE AGAINST ALCOHOL.

The President of France and the King of Italy are teetotalers. Sections of industrial Germany are declaring against liquor. England and Scotland are watching America. The two Ameri-England and Scotland are watching America. cas are alive to the importance of the experiment.

The program for the Fifth International Conference of American States soon to convene in Chile carries for the first time this topic:

XVIII

Consideration of measures adapted to secure the progressive diminu-on in the consumption of alcoholic beverages.

In connection with this the statement carried in the handbook prepared by the Pan American Union shows that prohibition measures are pending in the Argentine National Congress and in the Colombian National Congress; that the State of Sonora, in Mexico, went dry in 1915, and certain zones of temperance in Paraguay in 1919, and in Uruguay the navy and the army are ordered on the water wagon; that the supreme health council of Salvador is urging relief from the evils of increasing consumption of alcohol; that prohibition has been decreed in certain industrial sections of Chile and Honduras; that prohibition agitation is rife in Bolivia and Chile; and that more stringent regulation of the traffic or restriction thereof is in effect in Chile, the Dominican Republic, the State of Oaxaca in Mexico, Peru, and Uruguay, and is proposed in Costa Rica.

GIVE PROHIBITION A FAIR TRIAL.

The success or failure of prohibition will take time for its full exemplification. For every thousand years of the world's recorded experience with the curse of liquor we should allow at least a year of experience with prohibition.

The Detroit News in its leading editorial a few days ago said: The period of trial has been too short and the verdict entirely too indecisive to warrant any supposition that the country has changed its mind completely in a little more than three years. Ten years would appear to be a fairer test. That would permit a more solid growth of sentiment on the subject. * * * This is probibition's probation period. * * * Prohibition will try its own case if given

It is too early to ask a full account from the eighteenth amendment. Prohibition is carrying heavy burdens cast upon it from liquor days-appetites enslaved, habits dominated, and souls mortgaged.

The eighteenth amendment is founded upon experience. is not visionary idealism. It is practical idealism founded

upon our own experience. Here a town, there a county, here a State, and there another-so were the people experimenting until the sentiment of the Nation, fortified by experience, inaugurated the great experiment. A bare three the nation-wide experiment has now elapsed. Comprehensive statistics are not available even for that period, but a partial report can be made. In a general way the results sought are realized. The millennium has not arrived, enforcement has not approximated the desired degree, and crime, poverty, and disease still have Alcohol in their service. But we can report progress, and most encouraging and convincing progress.

Whether prohibition is proving a failure or a success, can reach the right conclusion only by facts rather than prejudice and propaganda. I have gathered such facts as are now available from official sources concerning the result of this new policy of government and I believe it will be of value to the Members of this House to know that national prohibition, which originated with the vote of more than two-thirds of the Members of this House for submission of the eighteenth amend-ment, later ratified by 46 out of the 48 States of the Union, is à success.

THE SALOON GONE FOREVER.

Nobody loves the saloon any more. It has not a friend in the world who will say a kind word in public for it. Not even the bartenders' union has come out to say, "He was a good fellow when he had it." From advocates of personal liberty, brewers' propagandists, wine interests, from the whole group of outlawed liquor interests, there comes one word and one only, Beer and light wines now; the saloon, never.

It all seems curious to the onlooker, for the old-time saloon was frequently a place well lighted, comfortably warmed in winter, nicely cooled in summer, equipped with comfortable chairs, convenient tables, doors that would swing to and fro at a touch, with even a rail placed at just the height best fitted to rest a weary foot. It had its attendants ready to gratify the whim of workingman or plutocrat alike. It was better furnished and more attractive by far than the homes of many of those who were its most prodigal customers.

But there was always this to be said about the old-time saloon; It was a place where they sold beverages which intoxicated, including wine and beer. Not the polished mahogany bar, not the glittering mirror nor the oil paintings which suggested how closely Bacchus and Venus are allied-none of these things made a room into a saloon. It took the beverages they sold there to do that. In Webster's words a saloon is "a place where intoxicating liquors are sold and drunk; a grog-shop,"

When the eighteenth amendment became effective 33 States were already dry; out of 3,032 counties in the United States 2,338 were dry; over 90 per cent of the area of the Nation forbade saloons, over 60 per cent of our total population lived in such arid area. And yet the eighteenth amendment outlawed 177,790 of these places. Time was, before prohibition got under way, the total number of saloons in the United States was over half a million. But the grand finale closed 177,790 of them.

We were warned it would injure business. If the undertakers, gravediggers, monument makers, and allied trades are not allowed to speak, no legitimate business has been injured. these, their business would have been increased by 500,000 more funerals if the death rate of 1917-using the last completely wet year's figure as a basis for our estimate-had continued through the three years of prohibition. If the policemen, court officers, jailors, and drivers of patrol wagons are not allowed to speak of work reduced many per cent in handling drunken men and women, brawlers, and the host of offenders who constituted over 50 per cent of the cases booked on blotters in police stations; if detectives, lawyers, court officers, hangmen, or penitentiary guards keep silent about the decrease in their work because the drop in the homicide rate for the country with the coming of prohibition has meant 634 fewer murders per year for the three years prohibition has been in effect; if pawnbrokers, loan sharks, lessors of property to brothels, or disreputable cheap hotels offer no word about the clients who now have no need of them; if social-welfare workers volunteer no explanation of the burdens they are no longer called upon to carry for the destitute wife or mother and children; if all these hold their peace, then none can speak of any legitimate business or tasks performed by man which have decreased with the closing of the old-time saloon.

The saloon was not only a place to supply the demand for intoxicating liquors, but was also a place to create and increase the demand for such liquors. It is universally admitted now to have been an ulcer on society, or, as Governor Osborne of Michigan once called it, a "social saprophyte," destructive of that which was best physically and morally. It was also the worst enemy of good government, being everywhere the resort of criminals and the center of political corruption. Never a political machine anywhere that was not in alliance with and controlled by the saloons.

Tammany and Tammany's governor do not like prohibition. There is a reason. Without the saloon there never would have been any Tammany. With enforcement of prohibition New York will learn to govern itself without any Tammany. The metamorphosis is under way inside Tammany itself.

The New York Times of February 25 carries this story:

The New York Times of February 25 carries this story:

That stirring Tammany leadership fights have passed never to return was indicated a few days ago when Charles H. Hussey was elected Democratic leader of the north end of the third assembly district, on the lower west side.

No disorder marked Hussey's campaign or that of his opponent. Hussey's victory revealed that henceforth leadership contests will be conducted without the expenditure of anywhere from \$30,000 to \$75,000. This was not unusual over a period of more than 30 years.

Men familiar with the inner workings of Tammany explained that the elimination of the saloon under the Volstead Act was the reason for the changed conditions. In the old days, they explained, contests for Tammany leaderships were financed almost exclusively by saloon keepers, with sums varying from \$250 to \$2,500 each, according to the interest of the individual saloon keeper in a particular contest.

While the followers of the rival candidates attached the old importance to the leadership, they openly expressed the view that "the day for the rough stuff had passed, and it was a case of let the best man win."

DISEASE.

The public health has so increased that the Census Bureau issued August 7, 1922, a report on the increased expectancy of human life, from 50.23 years in 1910 to 53.98 in 1920 for males and from 53.62 to 56.33 for females. Kansas, long dry, still holds the record: 59.73 for white males and 60.89 for white females.

We may expect to live longer than our fathers because the plague spot of the saloon no longer breeds contagion to the world. The last year for which mortality data has been compiled in 1921, when the death rate for the entire country, which began its drop with the coming of prohibition, reached what the Census Bureau termed "the lowest rate recorded in any year since the beginning of the annual compilations"; 1921's rate was 11.6 per 1,000 of the population. This was a marked reduction from the previous year whose rate was 13.1. But 1920 was below the rate of 14 per 1,000 in 1916 or 14.4 in 1917, both wet years. The influenza epidemic makes 14.4 in 1917, both wet years. 1918 unfair for comparison.

This decline in the death rate which has paralleled the development of prohibition has not been entirely due to the prohibition law, but the decline was so sudden and so striking, especially in such great cities as Chicago and Philadelphia, as to indicate a direct and startling effect of the dry policy.

The death rate in the United States for various years before and after prohibition, which went into effect July 1, 1919, is as follows:

Death rate, all causes, per 1,000 population in registration area.

1910	15.0	1916	14.0
1911	14. 2	1917	14.3
1912	13. 9	1918	18. 1
1913	14.1	1919	12. 9
1914	13.6	1920	13. 1
1915	13.6	1921	11.6

These figures are from the Department of Vital Statistics. Bureau of the Census. The figures are, of course, only for the

registration area.

The death rate in six leading cities of the United States for the years 1917 to 1921, inclusive, indicates the general city situation very accurately and is of particular interest.

Death rate per 1,000 in leading cities which were wet in 1917.

	1917	1918	1919	1920	1921
Chicago, III. Baltimore, Md. New York, N. Y. Philadelphia, Pa. Pittsburgh, Pa. Boston, Mass.	14.8	16. 9	12.5	12.8	11. 1
	18.5	25. 7	15.7	15.4	13. 8
	14.6	17. 9	13.3	13.0	11. 2
	16.9	24. 1	14.3	14.4	12. 7
	18.6	26. 8	16.1	16.4	14. 1
	17.4	23. 6	15.7	15.4	13. 5

I commend to the attention of the gentlemen from Massachusetts [Mr. Gallivan and Mr. Tinkham] the figures for their own city of Boston. The lowered death rate for 1921 as against 1917 means 1,000 fewer deaths in 1921 in each of the two districts represented by them. The per capita cost of Federal enforcement of prohibition, even if there were no return to the Treasury from fines and forfeitures, would be less than 15

cents per capita each year, or about \$37,500 for Mr. Gallivan's district. I trust the lives of 1,000 of his constituents are worth \$37.50 each, had the cost been so great and had no other good been accomplished.

We have similar cause for appreciation of prohibition in Michigan.

Dr. W. F. Deacon, head of the Bureau of Vital Statistics of Michigan, says:

Prohibition is to be credited with reducing the death rate from tuberculosis from 93.1 per 100,000 in 1917 to 71.6 in 1921.

The doctor also said:

With the agitation over death from alcoholic poisoning to-day it should be remembered that a few years ago legitimate beverages caused more deaths and that more children died from malnutrition and tuberculosis than at present.

Insanity commitments in three principal institutions in New Jersey show average decrease 50 per cent in three dry years as compared with last three wet years and commitments in all State institutions decrease 18 per cent.

Prohibition went into effect in Montana December 30, 1918. Four years have thus elapsed since its adoption. Montana: Deaths from diseases commonly associated with excessive use of alcoholic liquors are as follows:

	1916	1917	1918	1919	1920	1921
Bright's disease	73. 8 113. 4 - 86. 0 94. 4	71. 7 102. 8 124. 0 94. 6	61. 7 90. 9 60. 0 93. 3	49. 1 90. 3 10. 0 83. 0	48. 9 56. 6 10. 0 76. 7	49. 5 61. 8 22. 0

Upon an estimated population of 600,000 there died in Montana during the last three wet years from alcoholism 1,520 persons; during the first three dry years 252 died of alcoholism. Prohibition thus saved the lives of 1,268 persons in three years. From 1915 to 1918, 98 more murders were committed than from 1919 to 1921.

Of interest are the figures showing the rate of deaths from alcoholism. I give these figures for the years 1910 to 1921. inclusive. It will be noticed that the rate is practically uniform until 1918, in which year the war restrictions on alcoholic liquors and the absence of many men affected it. With the coming of prohibition it declined remarkably and is at present a very low figure.

(Rate p	per 100,000 population.)	
1910	5.4 1916 5. 8	2
911	4. 9 1917 5. 5	
1912	5. 3 1918 2. 7	7
913	5. 9 1919 1. 6	201
1914	4. 9 1920 1. (2
1915	4.4 1921 1.5	ALC:

The death registration area in 1921, on which above figures are based (exclusive of the Territory of Hawaii), comprised 34 States, the District of Columbia, and 16 cities in nonregistration States, with a total estimated population on July 1, 1921, of 88,667,602, or 82.2 per cent of the estimated population of the United States.

In California deaths from alcoholism in the two years immediately following the beginning of prohibition averaged 53 a year, while in the five years preceding the average was 205. In Michigan such deaths were, in 1917, 247 and in 1921 only 94.

The following table shows the total deaths from alcoholism in 14 great American cities under the two license years, 1916-17, and the two dry years, 1920-21:

Alcoholism, chronic and acute.

	1916	1917 1920	1920	1921	Average.	
City.	1910	1914	1920	1921	1916-17	1920-21
New York	687	560	98	119	623. 5	108.5
Chicago	345	187	46	99	216.0	72.5
ChicagoPhiladelphia	187	217	11	18	202.0	14.5
Boston	161	166	31	70	163. 5	50.0
Detroit	120	137	27	28	128, 5	27.5
Pittsburgh	85	103	17	26	94.0	21.5
Cleveland	80	77	11	42	78. 5	26. 5
St. Louis	36	73	8	11	54.5	9.5
San Francisco	55	39	4	5	47.0	4.5
Cincinnati	45	37	4	7	40.0	5. 5
Baltimore	28	37	4	15	32.5	9.5
Washington, D. C	28 25	21	3	3	-24.5	3.0
Milwaukee	25 19	10	3 5 7	5 7	17. 5 17. 5	5. 0 7. 6
Total			19.7	32, 4	124, 2	26.0

DECREASE, 78.9 PER CENT.

The average number of deaths from alcoholism in 14 great American cities in 1916-17 was 124.2, over six times the figure

The years 1916 and 1917 were compared with 1920 and 1921 because the influenza epidemic made mortality statistics of 1918 abnormal; 1919 was neither license nor prohibition for the entire year.

In New York the admissions to the alcoholic wards of Bellevue Hospital in 1917 numbered 6,443 men and 1,767 women, a total of 8,210. In 1921 they numbered 1,931 men and 450 women, a total of 2,381. Deaths from alcoholism in Bellevue averaged 237 per year in the last 9 wet years. In 1920 there were only 10 and in 1921 just 8. New York City did not ever have less than 560 deaths yearly from alcoholism in the last 9 wet years. In 1921 there were 141.

Counting in wood alcohol and alcohol poisoning deaths, the yearly average in New York City was 634 for the last 7 wet years and 134 for the first 2 dry years. In the nation at large, according to the figures in the Census Bureau, the number of deaths from wood alcohol poisoning in 1920 were 0.4 per 100,000 and 0.2 in 1921. Even adding these to the total deaths from alcoholism in the country at large would not bring 1921's figures anywhere near one-half the ratio for the wet year 1917.

Better home conditions, sober parents, elimination of beer from the diet of nursing mothers, these with a multitude of other beneficial factors cut the death rate for infants to the low-record mark of 76 per 1,000 living births. Until this rate was recently announced by the Census Bureau, we felt that 1920's rate of 86 per 1,000 was good. Alcohol was the arch-Herod, slayer of the innocents.

DRUNKENNESS.

Arrests of women for drunkenness has been reduced one-half. The brothel is rapidly disappearing. Arrests for offenses against chastity show by their decline the close relationship between the social evil and the saloon. The drop in the number of cases of venereal diseases reported to the board of health in State after State reveals the beginning of the end of a dread plague. The death rate from syphilis in the registration area, according to the Department of Vital Statistics, Bureau of the Census, fell from 10.4 per 100,000 of population in 1917 to 9.1 in 1920, and if the States whose reports have been compiled for 1921 are a fair average, it fell lower yet in 1921. The saloon and the brothel have dovetailed in the past. Wherever statisticians have charted a city's police statistics, the drunkenness curve, the curve of arrests for offenses against chastity and, in the later years since reports of venereal diseases have been made compulsory, the curve representing such diseases have all three been parallel. With the outlawing of the saloon the brothel is disappearing and venereal disease is les-

Why should Massachusetts complain of a little money spent in behalf of prohibition in view of the blessings she in return That State has been surveyed, and her official reports for the first three dry years compared with the seven last wet years. Comparison of annual averages for these periods show the following reductions:

For the city of Boston:	
Arrests for drunkenness	49
For the entire State:	
Arrests for drunkenness	46
To woman's reformatory— Total committed	
For drunkenness Reformatory for men—	84
Total committed	31
For drunkenness State farm—	69
Total committed For drunkenness	78 80

Warren F. Spaulding, assistant secretary of the Massachusetts Prison Association, in a study of women offenders and drunk, just published in the Scientific Temperance Journal, says:

"In the 32 years from 1885 to 1917, the population (female) had increased nearly 90 per cent; the arrests of women for all offenses had increased not quite 79 per cent, and the arrests for drunkenness only about 73 per cent. In other words, all the forces that were working for the reduction of crime, and especially to abolish public drunkenness among women, had only succeeded in slightly improving conditions, so that crime and drunkenness were a little less prevalent in proportion to the population than they were in 1885. Actually, there were 8,207 women arrested for drunkenness in 1917, the largest number ever known in the State, a startling fact for Massachusetts to consider. "The downward pull of the forces of evil had almost overcome the forces or righteousness.

"In the next 18 months there was some decrease in crime and drunkenness, but no important improvement was made until Federal prohibition began to produce its results.

"Then came, practically in a moment, a great change in conditions—almost a revolution. There are no monthly statistics of arrests of women in towns, but for cittes they are complete. In June, 1919, 424 women were arrested in them for drunkenness, a little less than the average (472) for the previous year. In July the number dropped immediately to 112, and the next twelve months the average was but 129 per month. In the next February and March there were only 60 and 67 arrests of women for drunkenness in this great State, containing nearly 2,000,000 women. The salcons had closed and the bootleggers organized, there was a slight increase to about 200 per month. Yet in the year ending September 30, 1921, there were in cities and towns but 2,634 arrests of women for drunkenness, compared with 8,207 in 1917, with a smaller population.

"In 1917, when crime among women was at its maximum, there were 14,726 arrests of women in Massachusetts. There is every reason for believing that the proportion of children to arrested women is substantially the same as the proportion of all the children of the State to all the married women of the State.

"If that be true, nearly 17,000 Massachusetts children had mothers who were arrested during the year; 9,500 of them had mothers who were arrested during the year; 9,500 of them had mothers who were arrested during the year; 9,500 of them had mothers who were arrested during the year; 9,500 of them had mothers who were arrested during the year; 9,500 of them had mothers who were arrested during the year; 9,500 of them had mothers who were arrested during the year; 9,500 of them had mothers who were arrested during the year; 9,500 of them had mothers who were arrested for crime have decreased to 8,725 in 1921; the arrests of women for drunkenness have decreased from 8,207 in 1917 to 2,634 in 1921.

"That the influence

in 1921.

"That the influence of the homes has not been overestimated is seen in the fact that there has been a decrease in juvenile delinquency with the decrease of drunkenness among women. The number of delinquent children committed to the State Board in 1918, when the homes were worst, was 191. In 1920, with fewer arrests of mothers and few bad homes, the number of delinquent children put in the care of the State Board fell to 141, and in 1921 to only 98."

In Connecticut 14 cities show a decrease of 33 per cent in the number of arrests for drunkenness in 1922 compared with 1918, the last wet year.

In New Jersey, in 40 cities answering questionnaires, arrests for drunkenness show a decrease of 21 per cent the past three years, as compared with the three years before prohibition, and for vagrancy the decrease is 33 per cent.

In New York, comparing the annual average of the first two dry years with the last eight wet years, these decreases are

Per cent decre	ase.
Arrests for drunkenness	67
Women in court for drunkenness	81
Assaults, misdemeanors	55
Penal commitments	33

Philadelphia had 37 per cent fewer arrests for drunkenness in the average of the first two dry years than the last two wet years, 51 per cent fewer cases in disorderly conduct, 76 per cent fewer arrests for prostitution.

Rhode Island's six cities, containing 71 per cent of the population of the State, had 37 per cent fewer persons arrested for drunkenness or for offenses connected with drunkenness in the average of the first two dry years than the average of the last four wet years. One might cite State after State to the same effect.

The average number of arrests for drunkenness in California declined from an average of 27,308 in the three years prior to 14,485 in the three years subsequent to prohibition. (Report of State Prohibition Director S. F. Rutter.)

In Baltimore (from official reports of police commissioner to governor), eight wet years, 1912-1919, arrests of drunks averaged 12½ per cent of total arrests; three dry years, 1920-1922, 61 per cent.

Michigan, located upon the Canadian border, has its own problems, but its officials have very generally sought to meet their responsibilities. Detroit, fourth in population among all American cities with 993,739, and one of the world's great industrial centers, presents the following.

Arrests for drunkenness 1917, the last year Detroit had

sations, and 1922.	
Number of	arrests.
1917	18, 488
1922	9, 168

The table of arrests for drunkenness in Grand Rapids, Michigan's second city, for the same years follow:

Number of a	rrests.
1917	1,900
1922	1, 388
	-

Grand Rapids had a population of 137,634 in 1920.

In 90 cities of Ohio for the fiscal year ending June 30, 1918, the total arrests for drunkenness were 33,800; for the fiscal year ended June 30, 1922, the total arrests for drunkenness were 17,655.

In considering these figures it should not be overlooked that in the days of the saloon a man had to be totally helpless or making a nuisance of himself before he was taken on a drunk charge, whereas an arrest for drunkenness is now made if a man shows signs of intoxication.

CRIME

Since the war there has been a world-wide tendency toward the more serious crimes, such as always follow as a part of the aftermath of war. That America has not suffered from this as other countries is due in large part to prohibition.

In a recent issue of the Northwestern Christian Advocate, Judge William M. Gemmill, for 16 years judge of the Municipal Court of Chicago, speaks with the authority of his position in regard to the effect of prohibition on juvenile and adult

crime:

"Twenty per cent of the jalls of the United States have been without prisoners since prohibition went into effect," says Judge Gemmill, and he continues: "I have collected the prison statistics for the last seven years in several of the leading States, and everywhere the number of prisoners had been decreased since prohibition. In New York the total number of prisoners in 1915 was 6,939; 1916, 6,685; 1917, 5,356; 1918, 5,264; 1919, 4,903; 1920, 4,783; 1921, 5,129. In Indiana, total number convicted and imprisoned in county jails: 1914, 18,130; 1915, 14,644; 1918, 4,641; 1919, 3,555; 1920, 2,192; 1921, 3,596. In all prisons: 1914, 19,207; 1915, 17,380; 1918, 6,745; 1919, 5,609; 1920, 3,991; 1921, 6,597. In Massachusetts, prisoners in all prisons: 1915, 6,663; 1918, 3,701; 1919, 2,896; 1920, 2,352; 1921, 3,252. Total arrests for drunkenness in Massachusetts: 1917, 129,455; 1920, 37,160; 1921, 59,585. In Wisconsin, total prison population: 1917, 1,299; 1919, 998; 1921, 937. Population Chicago Bridewell, January 1, each year: 1917, 1,818; 1918, 1,888; 1919, 1,214; 1920, 717; 1921, 1,087. In Iowa, Fort Madison, total prisoners: 1917, 600; 1919, 465; 1920, 465. In California, total in State prisons: 1917, 331; 1920, 2,898.

"I have not found a single State or a single prison where there was not a marked decrease in the prison population in 1919 and 1920. In most of the States there was an increase in 1921 over the year 1920, but with that increase the prison population is still from 20 per cent to 25 per cent less than it was before the war. From the last year before the prohibitory act went into effect to the first year following its enactment, the population of the Chicago Bridewell decreased over 50 per cent. During the year previous to the enactment of the prohibitory law 169 persons died in the hospital at the Bridewell from alcoholism. Last year one person died in the same hospital of the same cause."

In conclusion Judge Gemmill says:

In conclusion Judge Gemmill says:

Never before were American citizens as clean and law-abiding as they are to-day.

Juvenile offenses have decreased; the population of reformatories, State farms, almshouses, jails, and prisons have decreased materially. In California the average for the first two dry years compared with the average for the last four wet years showed a decrease of 45 per cent in all arrests in San The penal population of the State was 201 per cent less in 1922 than in 1917. The average number of commitments to prison in Connecticut was 18 per cent less for the three dry years than for the last three wet years. Cook County, Illinois, including Chicago, sent 19 per cent fewer persons to jail and 31 per cent fewer to the house of correction in dry 1922 than in Indiana has been dry for five years. Comparing the average of these years with the averages of the five preceding wet years, she notes these decreases in commitments to her various institutions: Jails, 44 per cent; prisons, 30 per cent; woman's prison, 57 per cent; boys' school, 4 per cent; girls' school, 39 per cent; or, to all institutions, 42 per cent.

The 1922 report of the District of Columbia workhouse at Occoquan is interesting. It shows the daily average number of prisoners (petty criminals sentenced for terms of one year or less) to have been as follows: 1910, 435; 1911, 448; 1912, 534; 1913, 620; 1914, 644; 1915, 622; 1916, 634; 1917, 631; 1918, 373;

1919, 433; 1920, 334; 1921, 208; 1922, 269.

The population of the District in 1910 was 331,069, and in 1920, 437,571, making the decrease in petty crime the more striking. The Board of Charities and Corrections say of this in their annual report for 1922:

in their annual report for 1922;

No special significance should be attached to such an increase or decrease for a single year, but it is a significant fact that for five years now successively the average population of the workhouse has been just about one-half what it was prior to 1918. The drop in population followed immediately the enactment of the prohibition law, which became effective November 1, 1917. The board has expressed its opinion that the enactment of the prohibition law and the increased demand for labor of all kinds attendant upon the war were the factors most largely responsible for the decrease in the number of prisoners sent to the workhouse. Now that four years have elapsed since the armistice was signed and we have passed through a period of a general increase of unemployment without any noticeable increase in the number of prisoners, it would seem almost certain that the enactment of prohibition was the potent factor in lessening the number of petty criminals who were sent to the workhouse. The experience of the District of Columbia in this regard has been paralleled by that of other communities generally throughout the country so far as we are advised.

In Ohio the number of men sent to the workhouse was

10,000 less than that of the last year during the open saloon.

Prohibition Director Rutter, of California, said recently the effect of prohibition enforcement in California, based on his survey of juvenile court statistics and testimony of prohibition officers, divorce courts, judges, and welfare commissioners ' most apparent in that broad region between private domestic

happiness and public prisons rather than in the records of more serious crime.

The Bureau of the Census has completed an enumeration of prisoners in the penal institutions of the United States as of July 1, 1922, and 1917. This enumeration covers a period before and after the United States went into the war and the period before and after the establishment of national prohibi-

Mr. Hastings S. Hart, president of the American Prison Congress for 1922, and director of the department of child helping of the Russell Sage Foundation, has commented upon the advance sheets of the summary of this enumeration in a statement which is illuminating as to the real situation:

The summary shows (omitting a small number of prisoners for whom the returns are uncertain) for 1922, 150,131 prisoners and for 1917, 140,186 prisoners, an increase of 7.1 per cent. The foregoing includes United States prisoners; omitting these, we have a total of 144,591 for 1922 and 137,163 for 1917, an increase of 5.4 per

total of 144,591 for 1922 and 137,163 for 1917, an increase of 5.3 percent.

Two opposite forces have operated to increase and decrease the prison population. War always breeds crime by loosening moral restraints, by disturbing social relations, and by cheapening human life, It is difficult to measure this influence in the present case because it is obscured by the opposing influence, but as we shall see, its influence is plainly apparent in the case of certain States of the Union, Prohibition has manifestly operated to diminish petty crimes and misdemeanors, but there is no evidence in the returns that it has diminished the number of felons sentenced for high crime to State prisons.

misdemeanors, but there is no evidence in the returns that it and diminished the number of felons sentenced for high crime to State prisons.

Fifteen out of 46 States show a decrease in the population of the State prisons, but only six, as distinguished from jails and workhouses of these, show a decrease of more than 17.5 per cent and on the whole there is an increase of 10.1 per cent. Some people have imagined that in some mysterious way prohibition would change the character of criminals so that he who stole would steal no more. On the contrary, sobriety increases the efficiency of a burglar, a forger, or an automobile thief. But prohibition does diminish mightily such petty crimes as vagrancy, assault and battery, drunkenness and disorderly conduct, with a corresponding diminution of the population of workhouses, county jails, and police stations.

The effect of the war in increasing crime is seen in 20 States which adopted State prohibition before July 1, 1917. These States are Alabama, Arizona. Arkansas, Colorado, Georgia, Idaho, Iowa, Kansas, Maine, Mississippi, Nebraska, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Virginia, Washington, and West Virginia. They had already reaped the advantage of prohibition in diminishing the number of petty criminals before national probibition was adopted. Every one of these 20 States except Arizona shows a large increase of the prison population. The total number of prisoners in the 20 States was 33,230 in 1917 and 44,025 in 1922, an increase of 10,795, or 32.2 per cent. This increase shows the effect of the war in these States.

On the other hand, the majority of the 28 States which did not have prohibition before 1917 show a marked decrease in 1922, the net decrease for the 28 States being 3.2 per cent. I note the following examples:

State.	1922	1917	Decrease.	Per cent.
Connecticut Illinois Massachusetts Missouri New York	1, 657 8, 286 4, 447 3, 958 14, 903	2, 494 8, 775 6, 438 4, 505 17, 494	837 489 1,991 547 2,591	33. 6 5. 6 30. 9 12. 1 14. 8
Total, 5 States	33, 251	39, 706	6, 455	16.3

The State prison population of these 5 States was 17.723 in 1922 and 17,801 in 1917, showing a difference of only 78 prisoners. The decrease of 6,455, therefore, occurred entirely in the county and city prisons, and was due chiefly to the effect of prohibition.

If it had not been for prohibition, these 28 States, like the 20 prohibition States, would doubtless have shown a very large increase in consequence of the war.

The extremists who believed that prohibition would do away with nine-tenths of the crime will have to revise their expectations in the light of actual facts; and the extremists who have maintained that prohibition had no effect whatever in reducing crime will have to revise their opinion in view of the manifest reduction in the number of petty criminals in many wet States.

Incidentally, these figures do not sustain the popular impression of an extensive crime wave. The report of the Census Bureau shows that there were 72.4 convicts in State prisons out of every 100,000 population in 1917, and 74.5 in 1922, an increase in the ratio of less than 3 per cent.

CRIME COST TO SOCIETY.

Each person committed to prison, jail, house of correction, or reformatory is a double charge upon society. His productive force is canceled and his earning power blotted from the sum total of human effort. The Nation's balance in industry is reduced by the removal of workers from their looms, machines, engines, tools. These prisoners had economic value. It may have been slight in each individual, but multiply the individual by the grand total of commitments to our penal and correctional institutions in the days of licensed saloons and this drain upon the industrial and productive power of the Nation is tremendous. Behind bars and walls these prisoners are not only nonproductive, they become a charge upon society. The average per capita cost of prisoners is generally in excess of the earning power of these same prisoners when free. Our crime ratio had been increasing through the

wet years. It was growing more rapidly than the population increase throughout the country. We were building prisons and jails and workhouses as well as enlarging those already in use but overcrowding was common. To-day in many States there are jails entirely unoccupied, many more with only a small fraction of their former population. We have removed from the red-ink side of our industrial ledger a liability to industry and the public wealth and a growing factor in taxes to the income and productive side of that same ledger.

INDUSTRIAL EFFICIENCY.

Another leak in our resources-not so large as that caused by our imprisonment of those who might be productive elements in our national life but none the less a leak of considerable dimensions—was closed with the saloon doors; the lowered efficiency of the worker on Monday and Tuesday, following the visit on Saturday and, too frequently, on Sunday also to the corner saloon. We have eliminated also the most fruitful source of industrial accidents, the drunken or drink-sodden worker who places his own or his fellow's life or limb in

Concrete evidence upon this is furnished by the United Poca-

hontas Coal Co., who state that-

Our mines are in West Virginia, and we have had prohibition there for about five years. We have had better service from the men than ever before, and, better than anything else, the accidents have been only about one-third as many. And when you think that the deaths by accident are but one out of three to what we had before prohibition, it seems to me that anyone who loves his fellow men will favor the cause of prohibition.

The president of the Gulf States Steel Co. has written ("The Prohibition Question," Manufacturers Record Publishing Co., 1922) that accidents in the plants of that company have been reduced since prohibition went into effect by at least

75 per cent.

The industrial folly of drink, including beer, was long ago urged by a great apostle of efficiency and thrift and his views are now widely accepted. Two centuries ago a young American was engaged as a printer with Watts in London, and in his autobiography written for his son appears this pioneer body blow for "beer and wine," from Franklin:

body blow for "beer and wine," from Franklin:

At my first admission into this printing house I took to working at press, imagining I felt a want of the bodily exercise I had been used to in America, where presswork is mixed with composing. I drank only water; the other workmen, nearly 50 in number, were great guzzlers of beer. On occasion, I carried up and down stairs a large form of types in each hand, when others carried but one in both hands. They wondered to see, from this and several instances, that the "water American," as they called me, was stronger than themselves, who drank strong beer. We had an alchouse boy who attended always in the house to supply the workmen. My companion at the press drank every day a pint before breakfast, a pint at breakfast with his bread and cheese, a pint between breakfast and dinner, a pint at dinner, a pint in the afternoon about 6 o'clock, and another when he had done his day's work. I thought it a detestable custom; but it was necessary, he supposed, to drink strong beer that he might be strong to labor. I endeavored to convince him that the bodily strength afforded by beer could only be in proportion to the grain or flour of the barley dissolved in the water of which it was made: that there was more flour in a pennyworth of bread; and, therefore, if he would eat that with a pint of water it would give him more strength than a quart of beer. He drank on, however, and had 4 or 5 shillings to pay out of his wages every Saturday night for that muddling liquor; an expense I was free from. And thus these poor devils keep themselves always under.

ECONOMIC CONDITIONS.

We have passed through one of the most dangerous periods of adjustment after a war and after a period of boom prices without disaster, in large part, because the saloon was not open to drain the national wealth through its sewer. In the last fiscal year alone we have added in the United States to our bank deposits \$2,117,423,000. The Michigan State commissioner of banking shows in his reports the following striking figures:

	Number of depositors.	Amount of deposits.	Average to each depositor.	
1917	1, 944, 936	\$752, 426, 363, 15	\$386. 86	
1921	2, 543, 107	1, 084, 187, 417, 88	589. 88	

We have increased the amount of insurance in force in 1922 over the last wet year in the States named by these per-centages: Colorado, 172 per cent; Connecticut, 47 per cent; Delaware, 51 per cent; Michigan, 84 per cent; Minnesota, 35 per cent. These are the only States whose 1922 reports have been received as yet. Add to the immense sums received by the insurance companies in premiums during the past dry period, the millions that remained in their treasuries available for use in promoting legitimate enterprises, because a falling death rate cut 500,000 from the death roll of the three dry years, and it will not be difficult to understand why America was the only great Nation to reduce its war debt during the past year. We had the money invested constructively, rather

than spent destructively in drink.

In New Jersey resources of State and savings banks, trust companies, and building and loan associations have increased 216 per cent in the three years of prohibition as compared with

the last three wet years.

Prohibition has stimulated a nation-wide spirit of thrift, according to statements of prominent Chicago bankers recently received. Savings accounts have been steadily increasing in size and in number ever since the enactment of the Volstead Act, according to the bankers, who attribute the increase in a large measure to the dry law. "Bank deposits have steadily increased ever since prohibition became the law of the land," declared James B. Forgan, chairman of the board of the First National Bank of Chicago. "The absence of the saloons is largely responsible for this growth," he said. John J. Abbott, of the Continental and Commercial Bank, declared the savings in this bank alone had increased 30 per cent since prohibition, and that he believed the increase had been general throughout the country.

The economic importance of prohibition in its broadest phase was emphasized by Sir George Paish, the noted British economist, in a statement in the New Times, October 25, 1922, in

part as follows:

part as follows:

Prohibition is an economic question. There are two reasons for this. First, we must admit that the working classes will command, from now on, a greater share of the world's goods than they have been getting before. Secondly, the difficulty of securing capital from the classes that formerly supplied capital will be exceedingly difficult because of taxes and fear of the future. Therefore unless the working people make savings and provide capital, world business will be at a standstill. They can only make savings by denying themselves pleasures, which include drink. In England to-day they spend from \$400,000,000 to \$500,000,000 on drink. If half that amount were saved in England and elsewhere among the nations, the problems of the world would be solved. As an economist I consider prohibition is necessary and inevitable.

He added that if the eighteenth amendment proved successful here, Great Britain would have prohibition in a few years. He said that if such a law were passed in England it would be obeyed, as the British stand for law above everything.

Even from New York City, the great prohibition skeptic, comes most surprised testimony of economic benefits. In the Real Estate Record and Builders Guide of New York for November 8, 1922, we find Wm. D. Kilpatrick, one of the best known real estate experts of the metropolis, writes:

The immense material benefits flowing out of the results of State or local prohibition elsewhere in the United States, which advantages undoubtedly helped to bring about national prohibition, were seemingly unknown in New York, and the big outstanding results of the closing of the New York saloons on Sundays only by Theodore Roosevelt, of revered memory, as police commissioner, were apparently forgotten.

The obvious is frequently provided to the results of the closing of the New York saloons on Sundays only by Theodore Roosevelt, or revered memory, as police commissioner, were apparently forgotten.

closing of the New York saloons on Sundays only by Theodore Roosevelt, of revered memory, as police commissioner, were apparently forgotten.

The obvious is frequently overlooked, and certainly nothing was more obvious than the fact that, if the sale of liquor were stopped, a goodly portion of the \$700,000,000 spent annually in New York for liquid refreshments would find its way into other and more useful channels. * * * Large gobs of dense realty gloom surrounded the advent of prohibition. Even such an ordinarily astute far-seeing body as the Real Estate Board of New York virtually joined in the lamentations of dire disaster.

Perhaps it is as well that the realty prophecies anent the effects of prohibition were painted in such somber, funereal tints, for the actual, tangible results of prohibition have been so startlingly salutary and profitable to real estate that the inspired character of the antiprohibition realty prediction has been clearly revealed.

Prohibition is here, and although it is anything but honestly enforced, its benefits to realty have been enormous. In the increased rents of retail stores in every part of the city it is worth untold millions to property owners. The money which formerly found its way will as luxuries. Former saloons renting for \$1,800 are now renting for \$4,800 for other lines, and \$40 stores are producing \$125. Despite these higher rents, retail dealers are at last making profits which put then in the reality purchasing class. They are buying on all the avenues for occupancy, and likewise for investment.

The big depression following the wild days of 1919 and 1920 was certainly not reflected in the retail store situation. The benefits of prohibition to the wholesale merchant, jobber, and manufacturer were reflected in the rentability of lofts, warehouses, and factories. Other lines of business, professions and trades, transportation, etc., were likewise indirectly benefited. The change in the collection of tenement rents, in spite of the rent laws (the vicious effects of wh

quent mortgage money can not be determined, but certainly it was a most important factor.

Any change in the prohibition law, except more drastic enforcement, would be a body blow to the prosperity of New York real estate and to the assessed valuation. When New York can go through a serious business depression following a period of wild inflation without a host of vacant retail stores and, in addition, the rental values of which were greatly enhanced, such abnormal but excellent condition speaks in thunder tones of the marvelous value of that most unjustly maligned national life saver, national prohibition.

Realty men should be foremost in the field to uphold the eighteenth amendment from purely selfish motives, and they will be supported by the great body of the people as it begins to be realized more and more that the staggeringly big sums uselessly and harmfully handed over to the saloon keepers to enrich a chosen few are now distributed among the people at large, so that millions benefit not only financially but in every possible good and useful manner.

The abolition of slavery has heretofore been the shining star of the United States of America, but that star now has a rival in the luster and glowing radiance of the star of national prohibition.

New York ranks lowest among all American cities in per-

New York ranks lowest among all American cities in percentage of home owners, only 12 per cent of the population living in their own homes. But prohibition and restricted immigra-

tion bid fair to Americanize New York.

And while Governor Smith, elected on an antiprohibition platform with an avowed campaign expenditure of over a mil-lion dollars, sends to Congress an idle plea for "beer and wine," there are others than real estate men in that metropolis who oppose return of booze. The Associated Press reported February 2:

Opposition to proposals for repeal of the State prohibition enforcement law and modification by Congress of the Volstead Act was expressed in a resolution adopted by the New York City Federation of Women's Clubs at their annual convention. The vote was approximately 1,300 to 100. POVERTY.

Public charity formerly expected that from 50 to 90 per cent of its cases of need-the rate depending on the thoroughness of the saturation of a city in the beverage-liquor traffic-would come from drink. To-day city after city reports that in 1921 and in 1922 keen-eyed and trained investigators find either no cases or else only a small decimal portion of the appeals for help are traceable to drink. Welfare workers, instead of repairing the damage done to families by the saloon-paying rent, buying coal or food or clothing-are to-day using their funds for fresh-air work, dental work for children, medical attendance and supervision, prenatal care of expectant mothers, in a score of constructive activities which replace the old-time repair work for the saloon's by-product.

The Boston Welfare Society reports cases in which intemperance is a factor for the past six years to have been as

*0410	14.42 A		
			984
		The state of the s	627
1922	(dry)		174

The annual report of the Massachusetts S. P. C. C. for 1921 shows a diminution of 47.7 per cent in cases in which intemperance is a factor, compared with 1916. As a side light is the statement that in 144 selected families, in which there were 216 known alcoholics in 1916, there were only 94 in 1921.

Under date of February 8, 1923, Mr. Lawson Purdy, secretary of the Charity Organization Society of New York City, writes in response to my inquiry:

Our statistics show the number of families presenting the "problem of intemperance." These figures for certain years are as follows:

Per cent.		Per ce	
1916		1921 8 1922 7	

Dr. Thomas J. Riley, general secretary of the Brooklyn Bureau of Charities, says that prohibition is justifying the expectation of its supporters that it would do much to relieve the burdens of the poor. Regarding the definite results among the poor families helped by the bureau, Doctor Riley said very recently:

recently:

Of the families that come to the Bureau of Charities for aid, the percentage in which drunkenness is a cause of their need has declined from 12 per cent in 1916 to 4 per cent in 1922. In other words, 12 out of 100 families that came to us for help in 1916 had drunkenness in some member of the family to such a degree as to constitute a disability in that family, whereas last year there were only 4 out of 100; in 1920 the percentage was 6 and in 1921 it was 5.

Drunkenness as a disability that brings people to the family welfare society has shown a similar decrease in other places, as the following figures for 1919, when national prohibition went into effect, and 1921 will show: In Cleveland the percentage dropped from 11.15 in 1919 to 2.61 in 1921; in Boston from 10.63 to 2.25; in St. Louis from 6.03 to 0.70; in Milwaukee from 9.64 to 3.45; in New Haven, Conn., from 13 to 0.3; and in Rochester, N. Y., from 15.3 to 3.8. A similar reduction is shown in 29 cities for which the figures have been compiled recently.

These figures are all the more significant when we realize that 10 or 15 years ago disabling intemperance was listed in one-fourth or one-third of all the families that came to the charitable societies of the country. This decline is coincident with the spread of State and National prohibition and one who works with families can not

escape the conviction that it is chiefly, if not wholly, due to the enforcement of prohibition, however faulty it may have been. These figures tend to confirm what Commander Evangeline Booth, of the Salvation Army, said almost a year ago, that since the enactment of the Volstead Act drunkenness among the poor has almost entirely of the Voise disappeared.

In Newark and Paterson, N. J., the decrease in charity cases due to intemperance averages 83 per cent for the three years of prohibition as compared with the three preceding wet

In considering the results of the first years of prohibition an important item for consideration is the increase or decrease in the number of public charges. One of the charges against the saloon was that it made paupers, that it brought the burden of support of hundreds on the taxpayers of the State. The following report is from records of the State of Michigan, filed by superintendents of the poor of the State. Figures are for 1917, the last year of the saloons in Michigan, and the last available compiled report, that of 1920. The figures show a substantial decrease in the number which the poor superintendents of the State find necessary to assist with the taxpayers' money:

	1917	1920
Number maintained in infirmaries. Number given temporary relief. Permanent indigent maintained outside of infirmaries. Whole number receiving assistance in any form.	9, 269 43, 727 4, 102 58, 464	6,870 29,758 3,496 41,553

There was a decrease of 20 per cent in the amount of orphan children sent to State homes in Ohio in 1922, as compared with the last wet year.

HUMAN BETTERMENT.

The agencies which make for human betterment have felt the pulse of prohibition. In our public schools the attendance in the two extremes, the kindergarten and the high school, register the change in the Nation's economic and Improved home conditions, resurgent ambition, social life. funds now available for properly clothing and caring for the younger children, have made possible phenomenal increases in attendance in kindergarten schools. Equally, diversion of the wage earner's money from the bartender's till to the home has enabled children who formerly would have been compelled to leave school at the lowest age permitted by law, in order to add their mite to the family's income, to remain in school and fit themselves for fuller lives and a higher standard of living. Our colleges can not care for the throngs who seek their advantages to-day.

Church membership has grown amazingly. The 1921 report shows an increase of 1,200,000, the greatest increase made in

Michigan has the cash, and the desire to spend it, for better schools and educational facilities now than it had during the reign of John Barleycorn in Michigan. More money is being spent in salaries for teachers, with the result that more capable people are being attracted to the profession and the children of Michigan are profiting thereby.

NATION'S AMUSEMENTS.

Even the Nation's amusements register the improvement in conditions. Not even education, savings banks deposits, insurance increases, or industry's gains absorb the productive dollars which once the brewer and distiller abstracted. Instead of drinking alone or with other topers in a saloon, men with their families are seen thronging our amusement places. A revival of common interests in families where father seldom found his diversion in former days with his wife and children is reported by welfare societies everywhere. The receipts of the moving-picture houses of America for 1921, the last year the compilation has been complete, show an increase of \$633,000,000 over the last wet year, 1918. And those receipts are taxed; taxed twice in some places, by the State as well as by the Federal Government.

"Prohibition has been the greatest blessing baseball ever enjoyed," according to Thomas J. Hickey, president of the American Baseball Association, in a speech delivered a few weeks ago in Detroit. To prohibition he attributes the increased attendance at the games last season. "The season was a record breaker," said Mr. Hickey. "The passing of the saloon increased our patronage wonderfully. Regardless of the merit of the eighteenth amendment it was a great business booster for us."

BOOTLEGGING NO NOVELTY.

Against all these advantages we hear of the ravages of the kind of beverage sold by the bootlegger to-day. The bootlegger is the best advertised factor in our American life. He exists. He always has existed since laws were first devised to control the ungovernable traffics in intoxicants. Compare the official reports showing the number of Federal liquor licenses held in any community with the number of local-State or citylicenses and you will find the reason why "bootlegger" and "speak-easy" are not new terms invented since the eighteenth amendment was ratified but are ancient if not honorable terms. Besides these who secured themselves against Federal interference while they sold liquor without a local license, there were uncounted numbers who held no license at all but sold seven days a week.

When there were 1,600 licensed saloons in Detroit there were

more than that number of "blind pigs" paying Federal license.

In Massachusetts, in the year 1910—a year uncomplicated by war, panic, or prohibition-there was one bootlegger or speakeasy holding a Federal license but having no local license for each 1,479 of the population of license towns and cities; and one for each 3,557 of the population in no-license towns and cities. Twice as many per capita where liquor was licensed as where it was not. The bootlegger is like the buffalo, a historic

but vanishing feature of our American scenery.

The toll of deaths from bootleg booze is inconsiderable, compared with the record of the licensed liquor business. These are the official figures from the United States Census Bureau: Deaths from alcoholism in 1917 were 5.2 per 100,000 of our population. Then came the influenza year. The alcoholics were carried off like flies in that year, but a kindlier diagnosis covered a multitude of sins and made comparisons impossible. But war-time prohibition cut the 1919 rate to 1.6 and 1920 dropped to 1 per 100,000. That means that if the wet year ratio of 5.2 had prevailed in 1920, 44,424 more persons would have died of alcoholism than did die of that disease. The reports from the few establishments still surviving to care for alcoholics indicate that 1921 and 1922 will show alcoholism reduced to the vanishing point as a cause of death. Bootleg whisky is dangerous; it is fatal in the long run; but where it slays its hundreds, the regular bar whisky of the wet and license era slew its many thousands.

ENFORCEMENT OF PROHIBITION,

Enforcement of prohibition is not 100 per cent efficient. Nothing that depends on human agencies is, has been, or ever will be. But its efficiency is surprising when we consider the effort expended. In the Federal enforcement there are only 2,000 field agents at work. The total staff, including stenographers, clerks, etc., is only 3,000. With these 2,000 men in the field, marvels have been accomplished. Philadelphia alone with 4,000 policemen never was able to curb the lawless although licensed saloon keeper as her court records evidence. We are policing a nation with half as many men.

Two thousand years in jail; more than \$5,000,000 in fines! These are the collective penalties paid by violators of the national prohibition law on convictions in the Federal courts

for the entire United States since July, 1921.

There have been 58,862 cases in the 18-months' period reported to the 88 Department of Justice offices in the United States. United States attorneys, acting for the Department of Justice, have secured 27,301 convictions with jail sentences aggregating 2,045 years 11 months and 24 days, and fines totaling \$5,220,558.02. There were pending on the dockets of the Federal courts 21,850 cases undisposed of on December 1, 1922, with over 3,000 new cases developing every month.

Attorney General Daugherty has been and is constantly frecting United States attorneys throughout the country to clean up their dockets and keep them clean." The reflex of the reports now being received his orders is being evidenced by the reports now being received

at the Department of Justice.

The Federal courts in States that were "dry" before national prohibition laws became effective have less crowded dockets than those in former "wet" States, the detailed reports indi-This, the Attorney General said, is due largely to the fact that most of the liquor prosecutions in the "dry are taken under the local State prohibition laws, and it is only in certain of the more important cases, notably those involving conspiracy, that it has been found advisable for the Federal

The reports would seem to indicate, it was said, that the crowded condition of the Federal dockets was due for the most part to the fact that the prohibition burden was not being shared by the State courts, except in one or two States, notably Kansas and Wisconsin. It seemed possible, Government offi-Kansas and Wisconsin. It seemed possible, Government offi-cials said, that other States could reduce the number of pending

cases if they so desired.

In Kansas, where the State laws are being enforced in preference to the national prohibition act because they provide more severe penalties, the Federal courts have the cleanest dockets. The southern district of New York, which includes New York City, shows the heaviest congestion, and to Maryland the credit is due for having brought to trial and disposed of the largest percentage of prohibition cases in any Federal

district. In the case of Maryland, however, it is pointed out that

no prosecutions are had in the State courts and that the whole burden of enforcing the dry laws is put on the Federal courts.

The small number of Federal prosecutions in the former "dry" States, including Kentucky, does not mean that the Federal prohibition agents are not kept busy in those States. They make raids and seizures the same as elsewhere, but the cases which come as a result of their activities are usually third in the State courts.

tried in the State courts.

Wisconsin is another State in which most of the prohibition cases are prosecuted in the State courts. A notable list of conspiracy and robbery cases growing out of the prohibition laws, however, have been handled in the Federal courts. The sentences given in these cases were heavy, compared with those in other districts, the average being for each conviction a fine of \$2,326 and a jail sentence of six and one-half months. The reports of the western district of Wisconsin show that over 200 cases were turned over to the State authorities and that all those instituted in the Federal courts have been practically finished.

As might be expected, the most crowded docket of all is found in the southern district of New York (including New York City). During the last fiscal year there were 64 trials with 937 convictions, showing that in most of the cases pleas of guilty were entered. The following seizures were made during the fiscal year 1922:

During the calendar year ended December 31, 1922, approximately 85,700 basic permits of all classes were issued; 3,572 applications for permits were disapproved; and 2,185 permits were recalled and revoked.

There was a marked decrease in withdrawals of distilled spirits during the fiscal year ended June 30, 1922. In that year 2,724,363.4 proof gallons of spirits other than alcohol were taxpaid for consumption, which quantity is 6,353,782.1 proof gallons less than the amount taxpaid for consumption during the fiscal year 1921. Approximately 80,000 samples were examined during the calendar year just ended in the laboratories in the

Federal fines collected, year ending June 30, 1922 \$2,824,685.01
Amounts paid in compromise, year ending June 30, 1922 1,739,622.80
Amounts collected in taxes and penalties, exclusive of taxes on legal manufacture and sale 239,964.14

This is exclusive of Alaska, although appropriation for enforcement expenses covers Alaska.

Special taxes assessed from effective date of eighteenth amendment to October 31, 1922:

 Jan. 17, 1920, to June 30, 1920
 \$10,976,648,20

 Year ended June 30, 1921
 55,900,645,87

 Year ended June 30, 1922
 53,786,699,09

 July 1, 1922, to Oct. 31, 1922
 9,868,823,73

_____ 130, 532, 816, 89

DOES PROHIBITION PAY?

The gentlemen from Massachusetts [Mr. Gallivan and Mr. TINKHAM] might well devote their study to the experience of their own State. If happiness is better than misery, if comfort is better than poverty, if reason is better than insanity, if sobriety is better than drunkenness, if clean lives lived in freedom beside happy firesides are better than crime-burdened lives darkened by prison walls, Massachusetts should raise no voice on this floor against prohibition, should never preach nullification of the eighteenth amendment to the Federal Constitution.

Only once has any careful study been made by official au-Only once has any careful study been made bliquors, and thority of the relation between beer, distilled liquors, and thority of the relation between beer, distilled liquors, and thority of the relation between beer, distilled liquors, and thority of the relation between beer, distilled liquors, and liquors generally upon pauperism, crime, and insanity. was in Massachusetts in 1895, when the State bureau of labor statistics, by order of the legislature, collected an enormous body of data which was published as Public Document No. 15, 1896, by Massachusetts. In the summary of this data, covering over 400 pages, are the following facts: Of the paupers cared for in the State, 74.19 per cent were addicted to the use of intoxicants, 15.63 per cent to excessive use of them. Their own intemperance had reduced 39.44 per cent to destitution. Beer and malt liquors only were used by 20 per cent, 2 per cent used only distilled liquors, while 77 per cent of the users of intoxicants used two or more kinds of liquor.

Of the prisoners in the State 65.89 per cent had been committed for drunkenness and 2.46 per cent additional for drunkenness joined to some other offense; 81.97 per cent had been drunk at the time the crime was committed and 43.13 per cent were drunk when it was planned, in cases where drunkenness was not the charge on which they were sentenced. Their own in-temperance was the cause of 84.41 per cent of these prisoners falling into crime. Of the total number of prisoners, 57.89 per cent had intemperate fathers and 20.49 per cent had intemperate mothers. Seventeen per cent of the users of intoxicants among the prisoners used beer and malt liquors only, 3 per cent used distilled liquors only, while 80 per cent used two or more kinds

Of the insane in Massachusetts, 37 per cent were users of alcoholic drinks, 16.94 per cent drinking to excess. Of the cases where the cause of insanity had been determined, 25.43 per cent were due to alcohol. Of the cases where the family history was known, 68.67 per cent had an intemperate parent or parents. Where history of the grandparents was known, 51.98 per cent of the cases showed that intemperance of the grandparents had led to insanity in the case considered. Of the insane in the State, 18 per cent used only beer and wine or malt liquors, 5 per cent used distilled liquors only, while 75 per cent used two or more kinds of drink.

New Jersey has protested prohibition more loudly than perhaps any other State, and yet her suffering is not intense. A study has just been made by J. Edward Tompkins, of Rahway, N. J., for the New Jersey Temperance Society, showing startling accomplishments by prohibition even where enforcement

is most lax. The summaries follow: Police department records, 1917-1919 v. 1920-1922. Per cent decrease. 26.6 29.1 24.1 Arrests for drunkenness: Newark ____ Trenton ___ Paterson ___ Jersey City Disorderly conduct:

Newark. (Methods of classification so changed under different administrations as to make comparison infeasible.) Paterson
Paterson
Jersey City
Vagrancy and begging:
Newark
Trenton
Paterson
Jersey City, unchanged. 13.1 28.5 94.3 Cases caused by intemperance:
Newark
Paterson Trenton and Jersey City have no figures for this item. In Atlantic City from figures obtainable for years 1917 and 1921, the comparison shows a decrease of 82 per cent in cases where "drink" was a factor contributing to need for charity. VITAL STATISTICS (4 YEARS) 1918-19 v. 1920-21. Per cent decrease. Deaths from alcoholism: Deaths from alcoholism: Per cent dect
In State
The four cities
Cirrhosis of liver (caused by alcohol):
In State
The four cities
Pneumonia (1918 "flu epidemic" averaged, as actual figures for 1918 were so unusual that comparison would have been unfair):
In State
The four cities
Tuberculosis:
In State
The four cities _ 16.6 FINANCIAL INSTITUTIONS (4 YEARS). Savings banks, trust companies, State banks, and building and loan associations in the State.

Total increase in resources, 1918-1921, \$377,898,431, or 216.7 per PUBLIC SCHOOL EDUCATION (4 YEARS). Jersey City not tabulated, but attendance officer made statement at there is considerable less absence for this reason than before prohibition. Working papers granted scholars :

Newark
Paterson
Jersey City Per cent decrease Alcholic psychosis cases:

Morris Plains
Trenton Hospital
Overbrook, Essex County

STATE INSTITUTIONS (4 YEARS).

State Home for Boys, State Home for Girls, Reformatory for Men, Reformatory for Women, and Morris Plains and Trenton Hospitals for Insane:

Population

New commitments

New Jersey reformatory for men; special item: In the average number of new commitments since prohibition, number using liquor has decreased 33.2 per cent.

The data in this summary was gathered from the following sources; Chiefs of police in four principal cities; superintendents of organized charity societies; annual reports of the State board of health; reports from State department of banking and insurance; annual reports of State board of education, and annual reports of four city boards of education and annual reports of the State penal institutions and hospitals for the insane under direction of department of institutions and agencies.

Where it has been insured.

Where it has been impossible to get figures for the past year—1922—the results for 1920 and 1921 are compared with

only two years preceding prohibition, or 1918 and 1919.

Jack O'Donnell, special writer for Collier's, said in that weekly for February 10, 1923: "I am a wet; I always have been and always shall be." Sent out by Collier's to find out "if the sentiment of the people is changing in favor of modification or repeal of the Volstead Act," he sums the results of his investigation:

his investigation:

I was load to admit it even to myself, but there is an abundance of evidence that a great "dry wave" is rolling eastward, slowly but surely grinding down opposition to prohibition. And, riding the crest of this wave, are the clean, substantial citizens of the Nation—the John Smiths and the Tom Browns—and always their wives and sisters and mothers are riding at their sides.

Some day we wets are going to awaken to find that an overwhelming majority of the people of the United States are weary of bootleggers and dry-law violators. Some day, and that day is not far distant, these people are going to rid the country of the bootlegger and the rum runner just as the vigilantes of the fifties rid the California mining camps of undesirable gamblers, gunmen, and prostitutes.

To secure for our neonle the fullest measure of blessings from

To secure for our people the fullest measure of blessings from prohibition, we must have enforcement. Whatever the cost we will have enforcement, and whatever the cost America will be

the gainer by effective prohibition.

We have heard Massachusetts protesting the cost of prohibition, preaching nullification, attacking organizations that stand preeminently for law and order. I am glad that it was a dis-tinguished citizen of Massachusetts, Dr. Albert Bushnell Hart, foremost living American historian, and professor of history and constitutional government in Harvard University, who recently said, speaking before the National Republican Club of New York City:

There are no more dangerous radicals than those who violate the Volstead law because they don't like it, and because they believe it infringes upon their personal liberties.

In response to country-wide call for further statement of his views, Doctor Hart gave the Boston Sunday Globe of February 25 a statement on radicalism in which he said in part:

views, Doctor Hart gave the Boston Sunday Globe of February 25 a statement on radicalism in which he said in part:

The chief dangers at present to the peace of the United States and the success of our free institutions, appear to come from various groups who actively support all the principles of the Constitution except those disagreeable to them. For instance, the most serious and widespread opposition to the Government of the United States of America and the State governments at this moment is made up of hundreds of thousands of dangerous radicals who are opposed to the eighteenth amendment.

Most of them have been opposed to it at all its stages and long before it was made a part of the fundamental law. Having been overwhelmingly defeated in that opposition, they are now attempting to undermine the confidence of the people of the United States in the supremacy of the Federal Constitution and the principle of majority rule by assailing the formal and recorded judgment of the Nation, expressed through the process of amendment.

This body of dangerous radicals is made up of two main groups: The roaring, rampant bootleggers, and the otherwise respectable customers and defenders of the bootleggers, and the otherwise respectable customers and defenders of the bootleggers, who insist upon the superconstitutional right to drink what, where, and when they please. Their objection to the eighteenth amendment is in essence exactly that of Lord Melbourne a century ago, when he went to church and the minister preached against a favorite vice of his lordship's. "Things have come to a pretty pass," said Melbourne, "when religion invades the sphere of private life."

According to their own account, the besiegers of the eighteenth amendment are poor, weak, and inept creatures, who find no means of preventing a minority in the two Houses of Congress and in each of the 45 ratifying State legislatures from putting over a measure to which the greater part of the people of the United States in all parts of the country were strong

traffic under certain conditions. Never has any amendment to the Federal Constitution been so long discussed, so hotly contested, so thoroughly aired as the amendment against the sale and public use of intoxicating liquors.

One of the most dangerous of those extreme radicals is President Nicholas Murray Butler of Columbia College, who has put himself on public record with respect to the fifteenth and eighteenth amendments to the effect that "they are not obeyed by large numbers of highly intelligent and morally sensitive people" * * "the revolt against it * * * is nation-wide," * * "the opponents of the amendment are not likely to recognize themselves as in the minority and to obey the law at least within the lifetime of any man now living."

amendment are not have an east within the lifetime of any man accurated to obey the law at least within the lifetime of any man accurated in the war he detected one of his professors in the dangerous radicalism of writing private letters to Members of Congress asking them to vote for a bill then pending before Congress. Subsequently the authorities of Columbia, with whom it must be supposed that President Butler was in sympathy, restored that radical professor to his right of a retiring allowance, paying him \$18,000 cash for withheld arrears.

On the other hand, to seek a change of government is one of the perogatives of freedom, and well our Revolutionary ancestors knew it. At the beginning of the Revolution, if we are to believe the positive statements of John Adams and Thomas Jefferson, the friends of the existing British Government were more numerous than those who insisted upon a recognition by Great Britain of the freedom that they had acquired.

Therefore, the conservatives of that time found the most dangerous radicalism in James Otis, and Patrick Henry, and Samuel Adams, and Peyton Randolph, and John Adams, and Benjamin Franklia, yes, and George Washington. Those were the men who were trying to make things different.

When they succeeded and had the majority, their first step was to set up definite written constitutions for the States and Nation. They expected obedience to their laws and made short work with the Tories, who insisted that you must not change old-established practices unless you could get something like unanimity. They began to ignore the old rights of property in slaves. Those patriots founded a splendid and lasting Government, because they built upon the idea that in an orderly community people must obey written laws. As one of them said: "If the majority will not yield, the minority must, or there is an end of government."

The friends of good government ought to stand together against all those throughout the country who, on whatever pretext, apply themselves to disobedience and violation of the law. Such men, however lofty their assertion of virtue, however tearful their appeal to the right of private judgment above the law, are hostile to the liberty of their country and are attempting to break down republican government. They are all dangerous radicals.

It is radicalism no less dangerous to oppose enforcement of the law as to others than to violate it one's own self. radicalism no less dangerous to unjustly attack, to besmirch and to be smudge those who are attempting to enforce the law, or those individuals or organizations leading in the great national those individuals or organizations leading in the great national struggle for law enforcement. It is radicalism no less dangerous to broadcast to the country insinuations and loose charges that give the country an unfair estimate of Congress and do gross injustice to the average Member of this House.

In a January issue of the War Cry, Commander Evangeline Booth made this eloquent appeal:

My God, Thou knowest it! Shall America go back?

Drink has drained more blood, hung more crepe, sold more homes, plunged more people into bankruptcy, armed more villains, slain more children, snapped more wedding rings, defiled more innocence, blinded more eyes, twisted more limbs, dethroned more reason, wrecked more manhood, dishonored more womanhood, broken more hearts, blasted more lives, driven more to suicide, and dug more graves than any other poisoned scourge that ever swept its death-dealing waves across the world.

more lives, driven more to suicide, and dug more graves than any other poisoned scourge that ever swept its death-dealing waves across the world.

Can it be that men and women are so bewildered by selfishness, and beset by appetite, that they will take again into their national life, into the bosom of their homes, this baneful, loathsome, reeking, wrecking abomination?

Shall America go back?

Let me ask you to step back to the days of the wide-swung doors of the saloon. Let me tear the film from the eyes of men who are blinded by mercenary gains and selfish appetite. Let me point the mothers and fathers of every status of life to the handwriting on the wall of the Nation, and bid you read what is written there. Such trembling strokes—such weak, shaky characters—such long spaces between the words; words ill-formed—words ill-spelled—words ill-placed. Such simple little sentences, but vastly comprehensive—such faint impress, but never to be obliterated. Whose are the fingers that have wielded the trembling pen—the thin fingers—the misshapen fingers—the twisted fingers? Whose is the writing? Why, it is the handwriting of the children—the handwriting of the children, across the wall of the Nation—stretching from sea to sea:

Ah! You can hush to silence all other voices of national and individual complaint; you may make mute every other tongue, even of mothers of destroyed sons and daughters, of wives of profligate husbands; but let the children, the abused children, the starved children, the deserted children, the abused children, the starved children, the deserted children, the nameless children, the starved children, the deserted children, the basten children, the starved children, the deserted children, the nameless children, the starved children, the deserted children, the basten children, the blind children. Omy God, this army of little children! Let their little faces, pinched by want of gladness, be heeded! Let their challenge, though made by small forms—too mighty for estimate—be reckoned with!

Let their w

flax and bruised reed, the chorus thrills on and on and on until it is caught up by ten thousand times ten thousand voices of faith and hope and love and liberty. Still on and on in jubilant song it wings its way. Mothers in the cottage sing it, the sick in the hospital join in it, the children on the school bench lift it, the convict in the prison cell catches it, the striplings of new character in this new day, shout it.

shout it.

Still on and on it rolls in volume through garret and palace, over hill and through date—on and on, ever onward and upward until the dear ones in Glory catch this refrain and with all the redeemed, their faces shining, join their silver tones that send their echoes along the everlasting hills, fill all Heaven with gladness and ring in the eternal jubilee.

America—America shall not go back!

Recently President Harding summed it up in this:

In every community men and women have had an opportunity now to know what prohibition means. They know that debts are more promptly paid; that men take home the wages once wasted in saloons; that families are better clothed and fed, and more money finds its way into the savings banks. The liquor traffic was destructive of much that was most precious in American life. In the face of so much evidence on that point what conscientious man would want to let his own selfish desires influence him to vote to bring it back? In another generation, I believe, liquor will have disappeared not merely from our politics but from our memories.

PLAY THE GAME OF SELF-GOVERNMENT PAIRLY.

Let me commend to the gentlemen from Massachusetts [Mr. GALLIVAN and Mr. TINKHAM], to the gentleman from Maryland [Mr. Hill], and to every opponent of prohibition who sits in high place anywhere in America, what William H. Taft said February 5, 1919, before assuming his present high post as Chief Justice of the Supreme Court of the United States:

Chief Justice of the Supreme Court of the United States:

This is a democratic Government, and the voice of the people expressed through the machinery provided by the Constitution for its expression and by constitutional majorities is supreme. Every loyal citizen must obey. This is the fundamental principle of free government. Those who oppose passage of practical measures to enforce the amendment, which itself declares the law and gives to Congress the power and duty to enforce it, promote the nonenforcement of this law and the consequent demoralization of all law. This was the evil result of the amendment prophesied, and they are thus doing all they can to vindicate their view. Such a course is unpatriotic and is not playing the game of self-government fairly.

Agitate for repeal all you please, though you know as I do that there is no prospect of repeal of the eighteenth amendment, but do not preach nullification. Neither by precept nor by example should any of us put any straw in the way of enforcement, but rather the blood of every patriot that has ever been sacrificed in war to establish and maintain the Republic and its institutions calls upon us daily to support as loyally and with the same spirit of sacrifice that same Republic and its institutions in critical days of peace, calls upon us to stand firm for the Constitution from the first of the preamble to its latest amendment. Prohibition welcomes the test of experience. It is puerile to measure dollars against the lessening of crime, poverty, and disease. It is madness to urge the liberty to get drunk and a free road to ruin for self and others innocent as more to be desired than a sober and happy Nation, freeing itself as much as may be from crime, poverty, and disease. Play the game of self-government fairly.

Mr. SEARS. Mr. Chairman, I ask to revise and extend my

remarks

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HICKS. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. HICKS. Mr. Speaker, in Washington's last message he expressed the hope that there will be established "an institution for the general diffusion of knowledge," and in his will he said, "I have long thought of a plan whereby knowledge could be spread in a systematic way through my beloved country.

To carry out the wish of that great leader of men, the statesman and patriot to whom not only our own people but all humanity owes a debt of gratitude, the George Washington Memorial Association was organized and incorporated. While the expression "diffusion of knowledge" naturally kindles visions of schools and colleges, libraries and forums, it is in the broader sense that the association intends to carry out this purpose. By national conventions and international conferences, by meetings of societies and organizations, whose deliberations on the subjects under discussion will be broadcasted, will the work of education be accomplished. Politics, economics, finance, history, art, literature, science, jurisprudence, and, indeed, every field of effort augmentative of knowledge is encompassed in the aims of the association.

Imbued with the purpose of extending knowledge, it will be reared as a monument to patriotism-an everlasting memorial to the heroic men and women of the land whose sacrifice and service it is our privilege to honor and emulate. It will stand an enduring tribute to those whose achievements in the great war are written in eternal glory. It will perpetuate the deeds they wrought and the examples they gave to the world-an abiding inspiration to those who follow after. Consecrated to patriotism it will link the past with the future and in commemorating the fame that has been won will give the promise that the lessons taught were not taught in vain.

To visualize this great memorial let me quote from Major

"As the curtain descends on the last act in the greatest drama of all history comes the consciousness of a demand for a fitting token in commemoration of the deeds of American

"The Nation's heart pumps quick with emotion at the sight of her returning heroes; it bleeds with the wounds which her manhood has suffered; it swells with justifiable pride at her thorough, decisive achievement. The whole Nation, as though actuated by a single mind, desires a perpetual tribute to those millions of her men who saved the day for self-government and

brought peace to a stricken world.

"And so the George Washington Memorial Association arose to the occasion. Its project already is under way—a National Victory Memorial Building, which will link the glories of Washington and Pershing, the spirit of '17 and the spirit of '76. The mettle which endured at Valley Forge triumphed in the Argonne. The men of '76 sleep in peace!

"What, indeed, more fitting than a linking up, for all time, of these great epochs of American life? Where, indeed, a place more suitable for such acknowledgment of a Nation's

debt to her men than the Nation's capital?

"Congress has granted the George Washington Memorial Association an ideal location on the Mall, in the center of the city of Washington, which formerly was occupied by the Pennsylvania Station

"On this site will be erected immediately, according to designs which have been selected, a majestic monument-not a monument in the accepted meaning of the term, but a monument in the form of a spacious and architecturally beautiful building, to be the center of both American and world activity. national memorial structure at Washington is to be apart from the many arches and columns and shafts to be erected in local communities. It is to be a practical monument to the memory and eternal honor of the Nation's men and women.

"The central feature of the edifice will be a national auditorium of spacious dimensions, thus giving to the Nation's Capital what, strangely enough, it now entirely lacks, a public meeting place of ample size. It will be completely canopied by an acoustical dome three times the diameter of the dome of St. Peter's. This auditorium will seat 7,000 people and will consist of a main floor of 38,500 square feet, and a gallery of 10,000 square feet. Here in the future will be held inaugural receptions, national and international conventions and conferences, concerts, public ceremonies, and celebrations.

"About the main auditorium will be grouped a number of small halls which will be used for the smaller meetings of various military, patriotic, scientific, educational, and like gather-

"On the ground floor, each side of the main auditorium, will be rooms set aside as museums for the archives and relics of the Nation's great struggles for liberty.

Space will be provided for public and private documents and records relating to the war, thus furnishing a repository for the preservation and study of important papers.

"On the second floor there will be a great banquet hall, where banquets attendant upon meetings or occasions of national importance may be held in surroundings of fitting dig-On this floor also will be rooms for the permanent national headquarters of military and other patriotic organiza-tions, such as the Grand Army of the Republic, the American Legion, societies of veterans, of reserve officers, and so on.
"Not only will the building stand as a memorial for the

Nation as a whole but a spacious room will be set apart for the exclusive use of each of the States of the Union and of the

Territories of the United States.

The fourth floor is arranged for additional offices for the use of various societies whose objects are to promote the welfare of the United States.

"To construct, equip, and endow the building in a manner commensurate with the high ideals and brave deeds which it is

to commemorate will require \$10,000,000.

"The George Washington Memorial Association has been authorized by Congress to raise the money with which to erect this memorial building on the site granted free by Congress.

"The association has charge of the raising of the necessary funds and also of the erection and equipment of the building. The National Society of Fine Arts has approved the plans from many submitted in competition by more than a dozen of the country's leading architects. After completion the Board of Regents of the Smithsonian Institution, of which the President of the United States is chairman ex officio, will have control of the administration of the building, and they will also be the trustees of the endowment fund. The association has already received by popular subscription over a half million dollars. Many thousands more have been pledged.

"It is intended to raise the \$10,000,000 required for this worthy purpose in a brief nation-wide campaign. From the enthusiastic responses already received there is no doubt of the

happy outcome of this campaign.

"A great war, nobly undertaken, bravely and victoriously fought, proving that after the lapse of nearly 150 years the hopes, principles, and aspirations of the founders of the Nation are still cherished, will thus receive adequate national memorial acknowledgment.

"What the Pantheon is to France, Westminster Abbey to Britain, such in some degree and manner the National Victory Memorial will be to America. Greatly conceived, nationally erected, dedicated to patriotism, it will stand through the generations as the national monument raised in the awful presence of the world's greatest political convulsion to commemorate the victorious feats of American democracy in arms. Hallowed by the passage of time, stored with the pictures and sculpturary that will record the achievements of the Republic and its conspicuous sons from age to age, it will become the mecca of American patriotism and an inexhaustible source of stimulation to national duty and service.

"You gave your sons, you gave your services, that democracy might live. The opportunity is now offered to perpetuate the memory of your sons' great deeds and your own sacrifices.

SERVICE-STAR PLAN.

"The service-star plan, by which the fund to erect the National Victory Memorial Building is to be raised, was submitted to many representative men and women and national organizations and numerous commercial, financial, industrial, and educational institutions, and was approved by them.

"It will be recalled that early in the war every family, business house, club, college, factory, community, or institution of any sort took up the practice of displaying flags with a star thereon for each member of the organization serving with the colors; hence the name 'service flag.' These flags were displayed as a mark of honor, respect, and gratitude to the service men and as a proud proof of the organization's repre-sentation in the war effort. To the boys themselves the thought that somewhere at home at least one service flag had a star that represented him individually had a tremendously inspiring and gratifying effect. It seemed as if a shining symbol of his sacrificial spirit had been left at home to cheer his dear ones. And mothers, fathers, brothers, sisters, and sweethearts and organizations did derive solace and pride from those stars. They also meant much of inspiration and cheer to all of us who remained behind. Wherever one went there was always before his eyes a stimulus to his own patriotic bit, whatever it was, in these reminders of how much more others were doing. These flags will remain indefinitely among the treasured relics and records of families and all manner of associations of men

"The central idea of the service-star plan is to have every one of the more than 4,000,000 service stars placed in the ceiling of the Victory Memorial Building, thus in effect making a great national service flag which will for all time be a visual record and reminder of what each and all of the 'boys' did; a blue star for every survivor, a gold one for each who gave his life in the service, with the initials of every man marking his own star. Supplementing the stars will be the records of honor of the men and women who sacrificed and toiled behind the lines that victory might be ours.

"In fact, the whole great National Victory Memorial Building will be, figuratively, the Nation's service flag, thus preserving in the national recollection and consciousness what is so sacredly preserved in every home, for every brick and stone in it will proceed from the idea and the idealism of the service

Three Presidents and many public men have strongly indorsed the plan.

Hon. William H. Taft:

"The memorial must be accomplished on a magnificent scale."

Hon. Woodrow Wilson:

'I have noted with genuine interest the plans of the George Washington Memorial Association for a memorial to the boys of 1917 as well as those of '76. No one could withhold approval from such plans. They undoubtedly express what the heart

The White House,
Washington, April 16, 1921.

My Dear Mrs. Dimock: There are some special considerations that have appealed to me, and which I have not seen presented to the public so often as I could wish, commending the project of the George Washington Memorial Association.

You are proposing a truly national memorial to the men and women who made America's part in the World War what it was. That in itself is very much; it ought to insure the fullest measure of popular support. But, beyond this, I have been impressed that there are special reasons in this instant for the creation of such a memorial.

In a few years there will be almost no mementoes in our own country of the service of Americans in the world's greatest struggle. Its battles were fought on foreign soil and distant seas. Other skies than our will arch over the fields where our sons and brothers won glory and splendidly served mankind.

Of our other wars we have many and appealing memorials scattered throughout our country. Of this we have few, and as the years pass we will have yet fewer. Therefore it has seemed to me especially fitting that such a national memorial as your association proposes should be created here in the National Capital as a testimony and a shrine of national patriotism.

Your plan includes features which appeal both to exalted sentiment and to the thought of substantial utility, and in this regard I feel that it has a unique merit.

You have my best wishes for the completest measure of success.

Most sincerely yours,

Mrs. Henry F. Dimock,

Warren G. Hardyne.

WARREN G. HARDING. Washington, D. C.

The cornerstone of this great edifice was laid on November 14, 1921, with fitting ceremonies, the Hon. John W. Weeks, Secretary of War, presiding.

President Harding gave expression to these inspiring

thoughts:

"There begins here to-day the fulfillment of one of the striking contemplations contained in the last will of the Father of his Country. It is an impressive fact, worthy of our especial thought, that in the century and a half since Washington became the leader, the heart and soul, of its struggle for independence and unity, this Nation has so many times found occasions to record devotion to the precepts which he laid down for its guidance. So to-day, after more than a century's delay, we are come to pay tribute to the foresight which first encouraged and endowed the institution here established—an institution which is to be alike a monument to those who sacrificed in a noble cause and a beacon to shed afar the light of useful knowledge and grateful understanding among men. For I need not remind you that Washington, in his last will and testament, first conceived the idea which we here see shaping into forms that shall combine loftiest sentiment and truest utility. He proposed and gave a bequest to found an institution to disseminate learning, culture, and a proper understanding of right principles in government. In furtherance of that purpose patriotic women and men have made possible the institution of which we are now to lay the corner. Very properly they have conceived Washington's impelling thought to have been a gathering place for Americans where American minds could meet in fruitful exchanges. We can better appraise this thought when we recall the limited publicity, the slow transportation, and the difficult process of translating public sentiment of his day.

"Mindful of this inspiration for the achievement of to-day, I have thought it might be well to direct attention to some phases of Washington's character which are not so well known as they deserve and which are wonderfully set forth in the provisions

of his last will and testament.

"It has seemed to me that our studies of Washington have been too much from those public sides from which we view him as the military chief, the inspired leader of the Colonies, the statesman and guide of Constitution-making times, welding force which hammered fragments of communities into a great Nation; as the first President, and as the author of that body of domestic and foreign policies which he bequeathed in his Farewell Address. All this we know, but we have not gathered all of inspiration that waits to reward the contemplation of the virtues and ideals that made Washington, on his private and personal side, a very model of good citizenship.

"Perhaps there has never been a nation which has owed so much to one man as our Republic owes to Washington. youth, filled with the spirit of adventure and exploration, he came early to know the Colonies and our nearest Northwest. In the epoch of the Seven Years' War, or, as we call it, the French and Indian War, his leadership was perhaps the contribution which saved this continent to assured dominion of the English-speaking colonists. Indeed, I think it may be said

that if on the one side Washington was the great personal force that wrenched apart the two chief branches of the Englishspeaking race, he was on the other the greatest personal factor in saving this continent to Anglo-Saxon domination, and, in doing that, he contributed very greatly to making possible the wide-flung family of English-speaking nations. If, as leader of the revolting Colonies in 1776, this time aided by France, he tore them from the grasp of England, it is equally true that two decades earlier he had saved them from the possible domination of France. I am sure that to-day our faithful friends and trusted allies of France and England alike would agree that in both cases, viewed in the light of subsequent events, he served mankind well.

With all these things we are reasonably familiar. We know his career as organizer and leader of colonial forces in the Seven Years' War; as generalissimo of the pendence; as chairman of the Constitutional Convention; as first President; as author of that Farewell Address whose fund of wisdom has contributed so much to shape our national poli-

cles even to this day.

"But among the documents which attest his wisdom there is one to which little study has been given. I mean his last will and testament. On an occasion such as brings us here to-day it is not inappropriate to direct attention for a few moments to

this remarkable instrument.

Washington was not only a great soldier and a great statesman; he was also a man of great business affairs, and an eminent humanitarian. Provident and always methodical, he amassed a fortune, which has been rated by many as the greatest of his time in all the country. Had it been his desire to found a monumental estate, the vast tracts of carefully selected land of which he was possessed, and in whose future value he had the utmost confidence, would have constituted its ample foundation. But plainly it was not his belief that society is best served by the transmission from generation to generation of such imposing aggregates of wealth. Therefore his will, after devising minor and largely sentimental bequests to many relatives and friends, directed that the residuary estate should be divided into 23 equal shares, to be distributed among the heirs whom he named. Thus it comes about that an estate which, if held together and wisely administered, might have become very large, was deliberately so distributed that in a few years its entity was gone, and its portions had been absorbed into the general body of the country's wealth. If that process of disintegration and absorption involved some loss, it is probable that in the sum of results the Nation was gainer by the policy of Washington.

Washington as a model citizen shines forth with a peculiar radiance from this last testament. The first provision is that his debts shall be paid promptly. All the world needs the example of kept obligations. The second item makes generous provision for his wife; and then comes the direction that at her death all his slaves shall be given freedom; that those who need it shall be cared for by his estate; and that they all 'are to be taught to read and write, and are to be brought up to some

useful occupation.'

"Next follow devises of funds to aid education of poor or orphaned children and for the endowment of a 'university in a central part of the United States.' Another specific bequest goes to Liberty Hall Academy, now Washington and Lee University, at Lexington, Va. A list of debtors are forgiven their debts. To each of five nephews he gave one of his swords with an injunction not to unsheath them for the purpose of shedding blood except it be for self-defense or in defense of their country and its rights, and in the latter case to keep them unsheathed and prefer falling with them in their hands to the relinquishment thereof.' There is no selection of words wherewith more eloquently to express the full duty and obligation of a good citizen to his country! Let us be thankful that the spirit of that injunction has been borne in upon the nation he founded and animates it even to this day.

"As a charter of good citizenship and patriotic purposes this last will and testament has been an inspiration many times to me. I commend its thoughtful reading to whoever would emulate his example. Indeed, as we are gathered here, representatives of a grateful and reverent nation, to signalize the con-summation of one more public beneficence inspired by him, I can think of nothing more appropriate than to urge the study of the Farewell Address and the last will and testament as complements of each other. Neither of them can be fully appre-ciated without the other. The Farewell Address was the final adjuration of the soldier, the statesman, the founder. The will and testament was the last word of the Christian citizen, the loving husband, the devoted kinsman—and the provident man of business. Studied together, they afford a complete key to

the exalted character of one whom all mankind has learned Beyond that I am prone to believe they contain a chart by which the captains and pilots of a world in distress, seeking harborage from battering storms and raging, unknown deeps, might well lay the course of civilization itself.

Within a brief century and a half the American people, under Washington's inspiration, have created a great Nation, added to the dominion of liberty and of opportunity, and, we may hope, afforded a helpful example to the world. It has not been accomplished without heavy sacrifices. At fearful cost we had to wipe out an ambiguity in the Constitution and reestablish union where disunion threatened. In a conflict wellnigh as wide as the world we were called to draw the sword for humanity and the relief of oppression. Very recently we have paused to speak tribute to those who sacrificed in that struggle for civilization's preservation. We can not too often or too earnestly repeat that tribute; and we consecrate this institution as a memorial and a shrine, in reminder to all the future of the services and sacrifices of our heroes of the World

The President was followed by General Pershing, who said: "Within the last few days an unknown soldier of the Republic has been mourned by a grateful people, and the sympathetic heart of the Nation has silently wept at his tomb. Throughout the impressive ceremonies we again recalled his eager preparation and training; we followed him across the sea and saw him in the trenches; we watched him enter the battle, full of confidence, at a moment more critical than has yet been told; we stood beside him when he fell.

"He is our very own. Though we can not call his name, we knew him intimately as our comrade beside whom we fought. His courage was superb, and he knew no fear. His boyish face only smiled at adversity. He gave freely of his own exalted spirit. To the war-worn allies he pointed the way The last sad rites are over. The echo of the last to victory. salvo has died away. He sleeps in beautiful Arlington, a symbol of a people's sacrifice.

The Nation now turns to the fulfillment of its obligation to him and his comrades. At no time in history has humanity been confronted with more stupendous problems. The supreme test of the judgment of men is about to be made. If this world conference should fail, then we but hand down to posterity strife more bitter than that through which we have passed, and leave our boasted civilization well-nigh stranded.

"But we shall not fail. The hearts of our people are filled with good will toward all other peoples. The spirit of the Nation was ably voiced at the opening of the conference by our great Chief Executive and leader. A frank, clear, and open declaration of our attitude and desires was made by the distinguished Secretary of State. Without doubt, these sentiments find their full echo in the breast of all peoples who have suffered the devastating evils of war. Widows and orphans cry aloud for their adoption. The demand is universal, and the hope of success runs high. Let our faith in Him who guides and directs remain unfaltering. Only the happly culmination we pray for will justify our sacrifices. It alone will be the crowning glory of those whose valor made it possible.
"And, now, we are to erect a permanent temple of remem-

brance to them. It is fitting, at this time, that we should lay the corner stone of this great building, where in the years to come our people from all over our country and the world may gather with peaceful purpose. It will be a worthy memorial to the devotion and patriotism of our victorious Armies in the Great War, and let us fervently hope that it will also be a monument to that new era of international relationship and friendliness which alone will guarantee a lasting peace

The last speaker was Admiral Coontz, whose address follows: "I consider it a high honor to be here this afternoon as the representative of the Navy in these exercises and also in my capacity as commander general of the Military Order of Foreign Wars of the United States. Being a Mason, I am always glad to attend the laying of corner stones. On several occasions I have been present when a corner stone was opened up a hundred or more years after its first being laid and, of course, things of immeasurable value are naturally unearthed. It is a great pity that they did not begin laying corner stones previous to the time of Solomon, for if we could only go back to the ancient times in Arabia and India and China, what wonderful history we could get from them. They say the Chinese records go back 4,400 years, and we imagine what we would find in Chinese corner stones.

"It must be with a feeling of pride that Mrs. Dimock and her colaborers look upon this day, because from now on there is a practical certainty that the building will be completed and the wonderful plan carried out. The part that appeals the

most to me is the plan for the stars; to think that it is possible and projected that each individual who took part in the regular forces of the Army, the Navy, and the Marine Corps can have a star placed in the building for him with his name or initials attached is wonderful to contemplate. Can you not imagine the children, the grandchildren, and the great-grandchildren of the Great War people making Washington a mecca to visit to look for their ancestor's star. I am a great believer in tradition, for it is only in the contemplation of great and noble deeds in the past that we are led to the same in the present and the future.

We are now considering the great question of the limitation of armaments, and we ill wish this good work Godspeed, but we must not forget the teachings of history, and such armament as we have left must be fully equipped, prepared, and efficient, and we must not forget that personnel is still by far the greatest controlling factor. As a celebrated Virginian said, we desire in the United States to live in amity with all, but if the occasion should come in the future when some rash intruding foe should endeavor to take away from us any of the privileges of our sacred birthright, won by the blood of our heroes, then as multitudinous as the ocean waves the swords of our young men would flash from out their sheaths and strike in their avenging arm for freedom, home, and God, deeming their lives a paltry price for the bare privilege to fight for such a heritage."

The George Washington Memorial Association has complied with all the demands required by the law in connection with the construction of the George Washington Memorial Building on the Government land.

The plans of the building were approved by the Commission of Fine Arts on May 8, 1914. Upon the opinion of the Judge Advocate General of the Army, Colonel Sherrill authorized the George Washington Memorial Association to proceed with the necessary arrangements for the laying of the corner stone on November 14, 1921.

In a letter to Hon. John W. Weeks, Secretary of War, from the Attorney General on the construction of the law by the Department of Justice as relates to the George Washington Memorial Association relative to the site for the building, " rights of the association must now be determined altogether by the terms of the act of October 6, 1917," which act provided that within two years after the conclusion of the existing war the land referred to shall again be reserved for the erection of the George Washington Memorial Hall. The joint resolution of Congress of March 3, 1921, states that this war ended on March 3, 1921, and this brings the date within which the building must be commenced to March 3, 1923.

Colonel Sherrill, directed by the Secretary of War, has granted the George Washington Memorial Association permission to start work on the memorial building upon condition that the work is started before March 3, 1923.

The amount in subscriptions in the treasury of the association is over \$500,000. This covers the provision that the actual construction of said building shall not be undertaken until the sum of \$500,000 shall have been subscribed and paid into the treasury of the George Washington Memorial Association.

It is the ambition of the earnest men and women who are carrying forward the work of the association to make the structure, and all it stands for-a true shrine of national patriotism and the center of enlightenment. It is deserving of generous, enthusiastic encouragement.

To Mrs. Dimock, its president, whose untiring zeal and generosity have been potent factors in the work thus far so splendidly accomplished, and to all who have been associated with her, is due a tribute of appreclation.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 3, after line 18, insert a new paragraph, as follows:

"For the amount required to pay the chief janitor of the House of Representatives the additional compensation authorized in the resolution of February 24, 1923, from March 4, 1923, to June 30, 1924, inclusive, \$396.67."

Mr. MADDEN. This is in reference to the resolution passed in the House this morning.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

ARCHITECT OF THE CAPITOL.

Capitol buildings: For work at the Capitol and for general repairs thereof, including the same objects specified under this head in the act making appropriations for the legislative branch of the Government for the fiscal year 1923, \$17,250.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I have never heard it stated on the floor by the chairman of any committee what the total cost was to the Government of maintaining the Capitol. Here we are appropriating additional funds of \$17,250. What does it cost really to run the Capitol Building of the United States?

Mr. MADDEN. It is quite difficult to get at, because it is distributed among the Architect of the Capitol, the Clerk of the House, the Commission on the House Office Building, and

the Senate and the Senate Office Building.

Mr. STAFFORD. How much has been appropriated for expenditures for the so-called Architect of the Capitol, formerly Superintendent of the Capitol?

Mr. MADDEN. For what period?

Mr. STAFFORD. For a year. I have been trying to get this information from different chairmen, but somehow or other the

information is not to be had.

Mr. MADDEN. The total for the Architect of the Capitol for this current fiscal year was \$802,024. That embraces the Office Buildings, power plant, and everything connected with it.

Mr. STAFFORD. I was trying to get some idea of the amount of the appropriation needed for the upkeep of the Capitol proper, regardless of employees; just its upkeep.

Mr. MADDEN. It is hard to give that without going into a lot of calculation. I would be glad to put it in the RECORD.

Mr. CHINDBLOM. The figures suggested did include empleyees, of course?

Mr. MADDEN. Everything-coal, light, heat, and everything. Mr. STAFFORD. For what is the \$17,000 to be used?

Mr. MADDEN. It has already been used. It was used for the purpose of extending the power plant of the Botanic Garden and is a deficiency

Mr. STAFFORD. That is the item on the same page, lines

Mr. MADDEN. No; this money is appropriated for putting in the new floors; changing the floors.

Mr. STAFFORD. Is there any other agency, other than the Committee on Appropriations, to supervise the accounts of the Architect of the Capitol?

Mr. MADDEN. They are audited by the General Accounting

Officer—every account.

Mr. STAFFORD. I withdraw the pro forma amendment. The Clerk read as follows:

BOTANIC GARDEN.

For repairing and reconstructing the main conservatory of the Botanic Garden, including personal services, labor, materials, and all other expenses incident to such work, fiscal years 1923 and 1924, \$117,635. The foregoing work shall be performed under the supervision of the Architect of the Capitol after consultation with the Director of the Botanic Garden.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. I think the House would be interested in having an explanation of what the policy of the committee is as to the reconstruction of the conservatory of the Botanic Garden. I thought that matter was in abeyance. Why should we go ahead and reconstruct the Botanic Garden on the present site if it is going ultimately to be moved to another site under the plans of the Fine Arts Commission?

Mr. MADDEN. It probably will have to be, as the present state of the existing building is such that there is great danger of its falling down and great danger of loss of life as a result of its condition. It is over 50 years old. I believe it was

Mr. STAFFORD. But if it is in that condition and we plan to put the permanent Botanic Garden at some more appropriate place, why would it not be economy to raze rather than expend \$117,000 on its reconstruction, which virtually means a new conservatory?

The Botanic Garden has been settled here Mr. MADDEN. as a fixed fact by act of Congress. While the hothouses exist they ought to be kept in a state of repair, and that is what

this appropriation is for.

Mr. STAFFORD. This is not only for repair but for reconstruction—\$117,000. That ought to be sufficient to provide a

new conservatory. Is not that the purpose of it?

Mr. MADDEN. Last year Congress passed an act adding

several acres to this site.

Mr. STAFFORD. The gentleman refers to the shoestring tract of land leading down through the colored district.

Mr. MADDEN. I do not know what kind of a district it leads through.

Mr. STAFFORD. It is a shoestring tract leading through the colored district to the river.

Mr. MADDEN. I went all over it, and they are building new conservatories on it, and this particular conservatory has in it plants that are said to be valued at over \$1,000,000. Their care and preservation seem to be of great importance. It seems

to me, unless we want to take the risk of somebody who is obliged to work there being injured, or some one of the public who enters the building being injured, that this money ought to be expended.

Now it may be that the Botanic Garden will have to be removed some of these days. It will have to be if we build the esplanade that we contemplate building in the future. that will take place I do not know. I have no interest in the matter further than to call the attention of Congress to the importance and the necessity of spending money as wisely as we can to preserve the property that does exist, and to prevent

danger to life and limb.

We have had a special examination made of the building. At my request the Architect of the Capitol made a special investigation. He called in one of the leading iron construction concerns of the country to make a special examination of it. He reports that all the cast-iron supports are eaten away, and that there is danger not only of the cupola falling in, but he says the sides may cave in and somebody may be killed. I think we would be negligent if we did not suggest the appropriation and leave it to the judgment of the House to say what

should be done with it.

Mr. STAFFORD. Mr. Chairman, everyone who knew, even casually, our late lamented leader, James R. Mann, knew that he took great interest in flowers. That was his diversion. In the suburbs of Chicago he had a garden on which his interest always centered at this time of the year and in April, to give inspection to that remarkable collection of peonies which he had there, where more than 2,000 varieties were displayed. He gave attention to everything that concerned the beautification of Washington. His mind was engaged as to a fitting place for the removal of the Botanic Garden. He had doubts as to the proper site for the fountain, which is there now in the center of that garden. He could not think of any appropriate place. I have forgotten now who it was he said, in the casual conversation I had with him in connection with this matter, had donated that fountain. I think it was in connection with the Centennial Exhibition at Philadelphia. I suggested to him a place between the Capitol and the Library of Congress. He looked forward to the time when the Botanic Garden would be removed, and his hope was to have it removed to a fitting place, and not have it remain in the cramped quarters that it now occupies. He had in mind its development into a real arboretum.

But here we are going ahead, at the request of the superintendent of the Botanic Garden, and reconstructing the conservatory, and virtually having the garden fixed there, when everybody knows that with the establishment of monuments there that garden will have to be removed to some more appropriate place. I do not think it wise to expend \$117,000 on

it for construction purposes,

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes. Mr. BLANTON. The gentleman said we were going to remove it. Does the gentleman know that to remove it would benefit hobody, whereas now it benefits everybody who comes to Washington?

Mr. STAFFORD. Anybody who has any real love of flowers and plants would go out to Rock Creek Park, just as they go out there to see the animals at the Zoo.

Mr. BLANTON. They have not the time.

Mr. STAFFORD. Thousands and thousands of people visit the Zoo. This place down here has outlived its location.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BEGG. If the statement of the gentleman from Illinois [Mr. MADDEN] is correct, that it is a menace to life as it is, we should either make it safe or tear it down.

Mr. STAFFORD. We should raze it. It should not be allowed to remain in the present place.

Mr. BEGG. What would you do with the plants? Mr. STAFFORD. We have in Washington, under three different officers of the Government, several places where existing conservatories can house the plants until a new site is selected. Mr. BLANTON. When the gentleman gets back here we will

see that he has flowers furnished him. [Laughter.]

Mr. COOPER of Wisconsin. I move to strike out the last word. Mr. Chairman and gentlemen, I look upon this as a matter of extreme importance not only to the city of Washington but also to the whole country, because the city of Washington is the pride of the whole country. It is the capital of incomparably the greatest Nation the world has ever seen, and it ought to be a model municipality. This Botanic Garden ought to be moved from its present location, and with the permission of the committee I will give my reasons for that statement.

When George Washington asked L'Enfant, who had been on his staff in the Revolutionary War, to make a plan for the Capital City, he brought in a plan which is conceded to be the very finest ever afforded for the building of a city. [Applause.] Washington is the only city that before any building began had a complete plan laid out for it in a wilderness. Paris, London, Rome, Vienna, all the other great capitals of the world are the growth of centuries, and the governmental features and buildings are only incidental. Those cities were not laid out for capitals, but Washington was laid out in the very beginning for the capital of a nation. When this plan was first presented it was denounced and ridiculed in various newspapers, and several critical statesmen exclaimed, "Look at the great city of New York! It does not need nor has it such streets as are provided for the unborn Capital City." But George Washington said "That must be the plan"; and although when he had passed away its enemies continued to fight it very hard, Jefferson insisted that it must remain the plan. Since that time there have been various attempts to do away with some of its most vital features, and one of the really great features will be destroyed, as the gentleman from Wisconsin [Mr. Stafford] indicated in his remarks a moment ago, if this building in the Botanic Garden is reconstructed at an expense of \$117,000 on that site. I ask your indulgence while I give my reasons for saying that. As you know, Mr. Chairman, the original plan provided for a beautiful mall from the Capitol to the Potomac River.

That was to be a park. It is now almost all of it a park. Along in the seventies permission was given to the Pennsylvania Railroad to run a track across the Mall at Sixth Street for the purpose of accommodating the crowds that came to attend a presidential inaugural. In that way the Pennsylvania Railroad obtained entrance to the Mall, and had the road remained there it would have forever destroyed the Mall as a park as Washington and Jefferson intended it to be. It took a long time to get that railroad and its station and tracks away from there and before this was accomplished the railroad company succeeded in getting from Congress a law which gave them 14 additional acres in the Mall on which to put more tracks and train sheds, and acres of cars and smoking locomo-tives. Finally, in 1901, the Fine Arts Commission succeeded, by the aid of President McKinley and Mr. Cassatt, the president of the Pennsylvania Railroad system, in removing the Pennsylvania Railroad from the Mall. A bargain was made which resulted in the location of the Pennsylvania Railroad and the Baltimore & Ohio in the Union Station, one of the most convenient and beautiful railroad stations in the world. That, in brief, is the history of the encroachment of the railroad upon the Mall and of its final removal.

The CHAIRMAN. The time of the gentleman has expired. Mr. COOPER of Wisconsin. I ask for five minutes more. The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. I thank the committee. Now, what was that Fine Arts Commission of 1901? It was a commission comprising some of the most distinguished architects and artists in the world. One of these was Burnham, who made the plan for Chicago, which will ultimately result in the great beautification of that wonderful city. He also made the plans for various other cities in this country and for Manila. He worked for the Government of the United States for nothing, out of a pure desire to help beautify and in every way improve Washington as the National Capital. With him was associated Mr. McKim, of McKim, Meade & White, one of the foremost architects of the world. Another member of that commission was Augustus Saint Gaudens, now dead, then the first of American sculptors. He worked for the Government for nothing. Another member of that commission was Frederick Law Olmsted, recognized as the foremost landscape architect. He also worked for the Government for nothing. Why did these famous men do this? Not one of them owned an inch of real estate in this town. They did all this only from the desire to see the city made worthy to be the Capital of the Republic. Their plan was simply an extension and elaboration of the L'Enfant plan. All of the main features of the L'Enfant plan were retained. And now let me invite your attention to the great feature in

It provided for an open avenue 300 or more feet wide from the Capitol to the Potomac; and as the visitor should stand upon the terrace of the Capitol and look down that tree-bordered avenue to the river he would see within it only the towering shaft to George Washington and the magnificent memorial to Abraham Lincoln. Beyond was to be the memorial bridge to

Arlington, the home of Lee, where sleep the soldier dead. The Capitol, Washington, Lincoln, the Memorial Bridge, Arlington, the home of Lee! It is a superb, glorious, conception. When carried out, as it easily can be, no other city will have, no other city in the world ever can have, an avenue that will mean so

much to lovers of liberty.

Now in the Mall to-day are temporary structures which cover many acres of ground. They are flimsy and soon to be torn down. When these are taken away there will be many acres of this great 400-foot strip all leveled and ready. The Lincoln Memorial is in place. The great reflecting mirror lagoon is in place. The Washington shaft is there for countless ries; and, to make it easy to complete the avenue, all that is necessary is to remove the Botanic Garden and make that space into what the plan contemplates, the most beautiful square of its size in the world-Union Square. That square will do more to improve this end of Pennsylvania Avenue than could any other possible improvement; and there is nothing more unworthy of the city of Washington than are the tumble-down structures now on some portions of Pennsylvania Avenue, especially the portion near the Capitol.

Mr. REED of West Virginia. Chinatown.

Mr. COOPER of Wisconsin. Why, gentlemen, you very rarely have a constituent come here who does not say to you that Pennsylvania Avenue is unworthy of this Capital City. see bows of acquiesence by Members before me.

The CHAIRMAN. The time of the gentleman from Wis-

consin has expired.

Mr. COOPER of Wisconsin. I ask for five minutes more and then I am through.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. COOPER of Wisconsin. Gentleman, I again thank you for your courtesy. We passed a law not a great while ago setting aside a number of acres across the street beginning at Maryland Avenue and running south, for the express purpose of a Botanic Garden. The Government ought to have a botanical garden in keeping with botanical gardens in other parts of the world. The Botanic Garden to-day is destroyed for its legitimate purpose. It never was half large enough. The Grant Monument is there, in accordance with the plan. Who put it there? A commission consisting of Elihu Root, William H. Who put it Taft, Gen. Granville M. Dodge, an illustrious Union soldier, and other distinguished men. Pennsylvania has located the coming statue of General Meade, the hero of Gettysburg, there, and already work is under way on its foundations. But this proposed expenditure of \$117,000 to reconstruct that building will absolutely destroy the vital feature of the great plan. Here will be Grant, here will be Meade, and here an enormous conservatory

Mr. MADDEN. The conservatory is there now.
Mr. COOPER of Wisconsin. I know it; and the old structure ought to be torn down or moved across the street onto the land which has already been set aside and is being used for the Botanic Garden, running down south-30 acres of it-ample

Mr. Chairman and gentlemen, I ask you not to permit this reconstruction at an expense of \$117,000 in that place. It will absolutely destroy the improvement called Union Square; it nue in the world. It will not cost very much to complete that

The land, as I have said, will be found leveled as soon as the temporary structures are removed. The expense will not be large. And to the millions who will come to Washington during the generations after you and I have crumbled to dust-what a lesson in patriotism it will be as they stand in that magnificent The Capitol, Washington, Lincoln, the Memorial Bridge, Arlington! Nothing else will so touch their love of country. You can read a hundred volumes, but that sight will make an incomparably greater impression than all the reading of a life-Therefore this is a vastly important matter if you love time. Washington and want it to be the Capital City that it ought

I sincerely hope that my good friend the chairman of this committee will not insist on the reconstruction at this great expense of that building in that place. I know him to be, as was said to-day, one of the ablest men in the House-indeed, I doubt if, in his particular field, he has had a superior since this Government was founded. [Applause.] He knows if he will stop to reflect-and he is accustomed to reflect-that that building ought not to be reconstructed in that place.

Mr. STAFFORD. Mr. Chairman, I make the point of order that the item violates the rule in being legislation on an appropriation bill unauthorized by law. In supplementing that posi-

tion I wish to call the attention of the Chair to the item when it was proposed to reconstruct the old Capitol Building by extending the east front several hundred feet according to plans, fathered and supported by that nestor of American politics who is about to retire from this Chamber after more than 42 years of service-our beloved Joseph G. Cannon. At that time when it was proposed to extend the east front to have it harmonize with the east fronts of the Senate and the House, it was for the reconstruction of the Capitol. That was something that had not been authorized along that plan; it was reconstruction and virtually new construction. This is for the construction of a conservatory.

This language provides for reconstructing the main conservatory. That involves a new plan, something that has not heretofore been authorized. What has been authorized heretofore is an accomplished fact in construction. If this were merely for repairs, then it might well be held that it does not violate the rule, but this is for a new project, a new public building. Suppose there is an existing public building, would anyone contend that you could provide for the reconstruction of that public building without authorization of law?

Mr. GARRETT of Tennessee. Mr. Chairman, I do not think the point of order made by the gentleman from Wisconsin [Mr. STAFFORD] is well taken, and I say that with great deference, because I know the care with which the gentleman studies the rules and parliamentary procedure. The fact is, of course, that what is proposed, and that appears from the hearings, is to reconstruct upon substantially the present foundations the large building which houses these rare tropical plants. It is absolutely necessary that that be done. Of course, that is aside from the parliamentary question and yet even in the discussion of even the parliamentary question it seems necessary to state it. It is absolutely necessary to be done if these plants are to be preserved. The words "and reconstructing" might not really be necessary, except that I assume the Committee on Appropriations wanted to deal with entire frankness with the House.

Mr. MADDEN. I will say to the gentleman that, of course, the old foundations would be used. All of the upright iron structure has rotted away. It is very dangerous. The glass, of course, will be taken down and restored, so that it would be a matter of reconstruction, but after all it would be only repairs.

Mr. GARRETT of Tennessee. It is dangerous now, as I

understand it, for a person to walk through there?

Mr. LANGLEY. I would like to state, in line with what the gentleman from Illinois [Mr. Madden] has said, that this is not the erection of a new building at all, I am entirely familiar with the conditions there, and I know that a number of pieces of iron have fallen from the roof and side of the building. 12 or 15 of them, which have been preserved by Director Hess, any one of which would have instantly killed anyone it happened to strike, and others are likely to fall at any time. Considerable of the material in the present structure, in addition to the foundations, will be used in repairs. It is obviously not subject to a point of order.

Mr. STAFFORD. The language of the provision is "and re-constructing," and when a building has been destroyed it is not within the power of the Committee on Appropriations, under prior rulings of the Chair, to authorize a reconstruction of it.

Mr. HUSTED. In this case the repairs are simply so extensive that it amounts to a reconstruction.

Mr. STAFFORD. If it does, then the word "repairs" should be sufficient.

Mr. GARRETT of Tennessee. The construction of which the gentleman speaks will not occur except in the course of the repairs.

Mr. STAFFORD. But if it were destroyed you could not authorize on an appropriation bill an item for its reconstruction.

Mr. GARRETT of Tennessee. But it is not destroyed. Mr. STAFFORD. Even in its present condition, whether half destroyed or 99 per cent perfect. Repairs are in order, but reconstruction is something that the Committee on Appropriations

has no authority under the rules to provide for.

Mr. BLANTON. Mr. Chairman, I want to cite the Chair three authorities holding that such a proposition is not subject to a point of order. I cite the Chair to decisions made by three of the most eminent and prominent parliamentarians of this House—one the distinguished gentleman from Ohio [Mr. Long-worth], another the distinguished gentleman from New York [Mr. Hicks], and the other the late lamented, distinguished gentleman from Illinois [Mr. Mann]—all three of them holding that, as continuing Government work already in progress, can even go so far as to tear down and reconstruct buildings where necessary for the public good. The latest decision was

when the District appropriation bill was under consideration a few days ago, in charge of the gentleman from Michigan [Mr. CRAMTON], with the gentleman from New York [Mr. HICKS] in the chair. The Chair will remember that I made points of order to propositions where it was intended to enlarge school buildings-for instance, at the Dunbar School and at the Armstrong Manual Training School—where there was a proposal to buy additional land, with an alley in between; and the gentleman from New York [Mr. Hicks], in the chair, held that the present school being a project already provided for you could go so far as to buy additional land, even where there was an alley between, and you could go so far as to tear down a building and recommend to a building and reconstruct it.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.
Mr. LANGLEY. As I understand the gentleman, his point is that the word "reconstructing" is what makes this subject

to a point of order.

Mr. BLANTON. Oh, no; it makes it immune to the point of order, for it has the force and effect of "repairing." It makes it safe against the point of order, because it is a building already in existence; it is a continuing work; it is to provide repairs for something that the Congress has already provided for to maintain it. I presume the gentleman from Kentucky and myself are working to-day in double harness,

Mr. LANGLEY. Yes; for the first time. Mr. BLANTON. This is not a matter of \$360,000 free-seeds appropriation.

Mr. LANGLEY. No

Mr. STAFFORD. Mr. Chairman, if the Chair wishes the precedent I referred to, I can give it to the Chair. In the Manual on page 362 we find this syllabus:

But appropriations for rent and repairs of buildings or Government roads and bridges have been admitted as in continuation of a work, although it is not in order as such to provide for a new building in place of one destroyed.

Citing Volume IV, Hinds' Precedents. The facts are these: On a diplomatic and consular appropriation bill there was an item as follows:

For the recrection of the American consular building at Tabiti, Society Islands, \$5,071.45.

Mr. James R. Mann, of Illinois, made a point of order.

After debate the Chairman said:

Was this building completely destroyed and is this appropriation to rebuild the building, or was it simply damaged and is this item to repair it?

In reply it was stated that the foundation remained but the superstructure was rendered uninhabitable. On the other hand, it was urged that the language of the paragraph specified "recrection" and not repair.

urged that the language of the paragraph specified "reerection" and not repair.

The Chairman sustained the point of order.

Mr. Edwin Denby, of Michigan, then proposed this amendment:
For the repair of the American consular building at Tahiri, Society Islands, \$5,071.45.

Mr. Mann made the point of order against the amendment.
The Chairman said:
The Chairm will have to take the language of the amendment, and unless the gentleman from Illinois desires to be heard, the Chair is ready to rule * * * The Chair would like to state to the gentleman that when the Chair ruled upon the point of order before he ruled according to the language, although the gentleman from New York said that the appropriation was "for repairs" and not "rebuilding" the building * * *. The Chair overrules the point of order.

That confirms what I stated in my former statement, that repairs are in order, but that reconstruction is not in order.

Why, it would be the most vicious ruling imaginable to hold that the Committee on Appropriations could come into the House and say, for the reconstruction of the post office at Milwaukee or Cleveland or any other city, \$1,000,000, when the original building had been constructed, was a completed project. This is for safeguarding the rights of the legislative committees of the House.

Mr. BLANTON. Will the Chair permit one other authority? When one of the Army appropriation bills was before the committee, with the distinguished gentleman from Iowa [Mr. Towner in the chair, there was up a proposition for the Gov-ernment to acquire land, which afterwards became known as the Leon Springs Training Camp, as an adjunct to, but distant from Fort Sam Houston. A point of order was made against it and the distinguished gentleman from Iowa [Mr. Towner] then in the chair held that same was part of a continuing work, and after considering the matter for quite a long time he rendered rather a lengthy decision holding it was in order as a

continuing work, and he overruled the point of order.

Mr. CRAMTON. Mr. Chairman, if the Chair will permit just a suggestion. The pending item is not to put a building in place of one that has been destroyed; that involves new construction perhaps; but here is a building that is complete and standing, and the object of the item is to take that partly to pieces, to put in new iron or steel work, then to take the same glass and reconstruct a building that is now standing. That is nothing whatever but a repair job. The gentleman from Wisconsin [Mr. Stafford] admits that so long as it is for repairs the item is in order. The hearings will disclose, what is the fact, that this is to have the same foundation, is to contain the same glass and material; but because the iron portions have become insecure and unsafe it must partly be taken down and then put together again. It is clearly within the rule.

Mr. LANGLEY. If the gentleman will permit, I want to make this observation, that the main deterioration is in the roof of the building. There is considerable deterioration in the walls also, but the glass and much other material now in the structure can be used in the repair and reconstruction work.

Mr. COOPER of Wisconsin. If the Chair will permit one brief suggestion. They might use \$5,000 or \$10,000 of this appropriation for what might legitimately be called repairs and then use \$100,000 for reconstruction, tearing down and rebuilding, using some for repairs and the balance for tearing down and putting up another building. There is no provision that it shall be the same style of building, because the provision of this item provides that it shall be under the supervision of the Architect of the Capitol after consultation with the Director of the Botanic Gardens.

Mr. LANGLEY. I want to say it would cost \$800,000 to build

a new building.

The CHAIRMAN. The Chair is ready to rule. The language of the paragraph contains both the words "repair" and "reonstruction." The Chair is of the opinion that the two words repair" and "reconstruction" must be considered together. construction.' The only point in the Chair's mind that could possibly prevail in the matter stated in the point of order is whether or not this

is a new building. Of course—

Mr. MADDEN. Will the Chair hear me briefly?

The CHAIRMAN. The Chair will.

Mr. MADDEN. Last year, late in the year, it was thought by the Appropriations Committee that we could really safeguard the building by investing \$5,000 in repairs, and Congress appropriated that sum in the last deficiency bill. Everybody who has examined the building since the appropriation was made said it would be wasted, and if it were used it would not accomplish the purpose. We have not used the money, and a further investigation shows that a complete rebuilding of the whole Botanic Garden would cost in the neighborhood of a million dollars. Further investigation showed that to make this conservatory of the same type of building, to use the same foundation and as much of the iron work as could be used in repair and reconstruction, to take the glass down would cost \$122,000. We took the \$5,000 already appropriated from the \$122,000, hence the \$117,000 which is to constitute the repairs which we are providing for, nothing more and nothing less.
Mr. LANGLEY. Will the gentleman permit me further?
Mr. MADDEN. Yes.
Mr. LANGLEY. As I understand, the Budget Commission

and the President recommend—both approved this amount.

fact I know. I have seen the documents.

The CHAIRMAN. The Chair is ready to rule. It is perfectly obvious that this appropriation is not for the construction of a new building. The language of the paragraph is quite plain. "For repairing and reconstructing" and it is quite apparent, in view of the facts that have been related and brought out in this discussion, that the reconstruction, in this instance, means nothing more than the putting in of necessary repairs. Chair is of the opinion that this is nothing more than repairs, perhaps on a large scale, but none the less repairs in the interest of the safety of the people who may have occasion to visit this institution. The Chair, therefore, overrules the point

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Illinois, did I understand him to say that we had on hand \$5.000 of appropriation?

Mr. MADDEN. Yes, sir.

Mr. COOPER of Wisconsin. For repairs?

Mr. MADDEN. For repairs.

Mr. COOPER of Wisconsin. When was that appropriation made?

On one of the deficiency bills last year. Mr. MADDEN.

Mr. COOPER of Wisconsin. On whose application? Mr. MADDEN. On the application of the director.

Mr. COOPER of Wisconsin. Mr. Hess, of the Botanic Garden?

Mr. MADDEN. Yes.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to amend by striking out the words "and reconstructing" and by chang-ing the amount of \$117,000 to \$25,000.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Cooper of Wisconsin: Page 4, line 22, after the word "repairing," strike out the words "and reconstructing," and in line 25 on the same page strike out "\$117,635" and insert in lieu thereof "\$25,000,"

Mr. COOPER of Wisconsin. Mr. Chairman, just a word on that amendment. With the \$5,000 now on hand for repairs and \$25,000 additional, making \$30,000, that ought to be ample to make all the repairs necessary. If this is so dangerous, it is remarkable that the director did not ask for more than \$5,000 a short time ago. It is also remarkable that he has allowed, as you could have seen at any time, scores and scores of people to walk through it and around it and under it, and I have done it myself.

Mr. GARRETT of Tennessee rose.

Mr. COOPER of Wisconsin. But I want to call the attention of the gentleman who is about to speak to this fact: That there are gentlemen who are absolutely opposed to ever taking the Botanic Garden away. There has been a bitter battle on, and the center of it is Mr. Hess. He has a good deal of influence, and I know he exercises it. But I think that \$30,000 is all that ought to be expended in repairing a building which ought not to be where it is and which, if \$117,000 is expended, will result in the destruction absolutely for many, many years of the splendid plan for the beautification and improvement of Washington.

Mr. GARRETT of Tennessee. Mr. Chairman, of course might as well do nothing as to adopt the amendment offered by the gentleman from Wisconsin [Mr. Cooper]. If I understand clearly the purpose that lies behind the amendment of the gentleman from Wisconsin, it is to bring about a situation in which the Botanic Garden shall be removed from its present site. Of course, you might as well appropriate nothing as to appropriate \$25,000. The matter has been carefully examined into, as I understand it, by the Committee on Appropriations. The hearings so disclose; at least, they were satisfactory to me when I went over them; and this sum, \$117,000, is the sum that is necessary to put the building in the condition that it should be put in.

Now, if it is going to come down to the question of whether you are going to remove the Botanic Garden from its present site or not, the gentleman's proper amendment would be to

move to strike out the paragraph.

Mr. BLANTON. Mr. Chairman, I ask for recognition. I

move to strike out the last word.

The CHAIRMAN. The gentleman from Texas is recognized. Mr. BLANTON. Mr. Chairman, I am one of those who have been fighting this propaganda that has been going on for three years-to move the Botanic Garden-and incidentally to let some people out here on the other side of nowhere unload a lot of land that is of no value on this Government at a high price.

You would hardly think that many people come here from Texas, but they do, and I rarely have had any of my constituents come here who did not want to go into this Botanic Garden. It is the first place of interest to people who love flowers. Why, just day before yesterday I took a bunch of Texas people in there to get some valuable information from Mr. Hess, and when I went in I found the gentleman from Tennessee [Mr. Garrett] coming out. He had been there also, indicating that he had been there for such information. It is valuable information; it is information that they can not get anywhere else concerning flowers that beautify homes in every district of this land.

I am in favor of keeping the Botanic Garden right where it is. It is accessible to every tourist who comes here. It is accessible to every constituent who comes here—rich and poor alike. There are lots of people who come here who are not able to pay \$4 an hour to some of these taxicab drivers to take them around. It is impossible for us to take out those who come in our automobiles. It is not convenient for them to walk or to ride in the street cars. This present Botanic Garden is accessible to them All of them appreciate it; all of them get benefit from it,

and it ought to stay.

Now they are putting in a new heating plant there, and they have probably torn down some of this old conservatory preparato installing their new heating plant. What is the use of making an inadequate appropriation for this necessity? Congress is presumed to adjourn until next December. Nine months will have to pass without a chance of getting any kind of a deficiency if they need it, and I hope our distinguished friend from Wisconsin [Mr. Coopes], who usually is in behind everything that pertains to the interest of this city and the interest of the Nation, will withdraw his amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentle-

man permit a question?

Mr. BLANTON. Certainly.

Mr. COOPER of Wisconsin. When was it that the gentleman was down there with his constituents?

Mr. BLANTON. I think it was day before yesterday. Mr. COOPER of Wisconsin. Did anybody warn you that it was dangerous to be there?

Mr. BLANTON. I want to say to the gentleman— Mr. COOPER of Wisconsin. Wait a minute. Answer my question. Did anybody warn you? You said you talked with him. Did anybody warn you that it was dangerous? Mr. BLANTON, Wait a minute.

Mr. COOPER of Wisconsin. Will the gentleman just answer that question?

Mr. BLANTON. I am going to answer the gentleman's question in my own way.

Mr. COOPER of Wisconsin. The gentleman can not answer

it as it ought to be answered.

Mr. BLANTON. I am going to answer it right anyway. I took my Texas constituents down there. If Mr. Hess had been there himself he would have gone with them in person, but at that time the wife of Mr. Hess was at the point of death, and he had gone away to see her. His assistant was there and I turned the Texas people over to him and he spent two hours going through that plant with them.

Mr. COOPER of Wisconsin. And the gentleman says he knew that it was dangerous and falling down and that these

things were likely to knock out their brains.

Mr. BLANTON. Does the gentleman think he would take them into a dangerous place?

Mr. COOPER of Wisconsin. What nonsense that is.
Mr. BLANTON. There are plenty of places beside this particular conservatory where he could take them.
Mr. STAFFORD. What?
Mr. BLANTON. I do not know. I left them with him, and

they came back satisfied. [Applause.]

Mr. FESS. Mr. Chairman, I move to strike out the last two words. Gentlemen of the committee, I think that the gentleman from Tennessee a moment ago stated the entire situation, that if we are going to accept the amendment offered by the gentleman from Wisconsin [Mr. Cooper], we might just as well decide to do nothing, because there would be nothing to that.

I regret very deeply the general attitude of Members in apparent approval and response to what was just now suggested by my friend, the gentleman from Wisconsin [Mr. Cooper], in his statement in argument against this item, in which he sees danger of retaining the conservatory where it now is, as if the Botanic Garden, as it is now and has always been located. disturbs the value of the Mall. On the other hand, it is a distinctive value to the Mall, a value that few parks in the world possess. There is not a spot in the city of Washington that is more significant from the standpoint of intrinsic value, and as a feature of beautifying the Capitol Grounds than this garden. It was properly located near the Capitol, as a part of the Capitol Grounds, at the head of the Mall. Within a very few weeks there will be flowers within these grounds representing many climes. There is no other such collection of flowering trees, not mere shrubs, but trees, the rarest in the world. In that garden, an expansion of the Capitol Grounds, with its historic and valuable botanical specimens, are collected the most valuable selections of rare flowering plants, flowering shrubs, and especially flowering trees that can be found anywhere in the same space in the world. What single item of landscape gardening for the beautifying of the National Capitol Grounds is of greater value? When you talk about that marring the beauty of the Mall, or destroying the plan of the city beautiful, as Washington has already become, I do not understand it. [Applause.] The wealth of this spot can not be replaced by mere money. It represents a hundred years of collection and It represents a hundred years of collection and growth of development. It seems to me you would go a long distance in order to find an assemblage of botanical richness, both from the standpoint of economic and scientific values as are here in the Capitol Grounds, a collection that can not be duplicated if once it is ever destroyed.

Now, just a word about this particular conservatory, which the committee proposes to repair and for which this item is recommended. I can see that in a sense that building might mar the artistic effect of the plan which locates the grounds for different purposes from that originally planned. The Capitol Grounds proper should be free from historic monuments. great pile of marble, housing the Government proper, should be undisturbed by other structures, it is true. Even I doubt the taste that located the monument that stands near by. The conservatory structure may be objectionable, because it would appear to be a building of some commercial value. However, it is not primarily commercial but, as in these cases, is more specifically scientific and historic. The building should be so reconstructed as to protect the rare and valuable collection that could not be replaced for a million dollars, plants that are now protected in that conservatory representing the widest range

for the study of tropical flora and of immense value to the Nation. They can not be removed. There are plants there over 100 years old. They are planted not in pots but in the ground, and many are surrounded by a protection of cement. The roots necessarily have gone down in the years of growth so deeply and so intermingled that there is no possibility of removing them and at the same time preserving them. Here is a collection, I want to repeat to my colleagues, that you could not replace for a million dollars, collected in a hundred years, representing the most careful research in this particular field; and yet we speak of it lightly, as if the space is wasted, the Capitol Grounds neglected and marred, and the entire collection removed, as if you want to abate it as a nuisance. I do not understand that attitude.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Yes. Mr. FESS.

Mr. COOPER of Wisconsin. Did the gentleman say there are plants there that have been there a hundred years? Why, the Botanic Garden is not half as old as that.

There are plants there over a hundred years old. I did not say they had been in one spot over a hundred years.

Mr. LANGLEY. I know one that is nearly 104 years old.

Mr. FESS. I am stating what I know. Some of these plants are over 100 years old. I do not want that statement questioned. You can not remove them; and my concern is the pro-tection of what can not be replaced. To suggest that this rare, tioned. rich spot—a part of the Capitol Grounds—filled with specimens of valuable beauty brought from the ends of the earth is a blot upon the parking beauty of the Mall here is a peculiar suggestion. My hope is that nothing may be done to lessen the important value of that collection which could not be replaced under any circumstances. [Applause.] Just west of these grounds, in a space now occupied by temporary buildings, we saw valuable trees which had stood for years cut down in spite of the specific promise made us from the floor of the House that they would not be disturbed.

To-day the space is an open plot of ground. Ever since I have been in Congress agitation is on to abandon the garden space. There, where trees planted by Lincoln, by Grant, Booth, and Barrett, and other historic characters, the cedar of Lebanon from the Holy Land, the oak from the grave of Confucius—all will meet a like fate of the others. If it is a question of removing the garden, that ought to be discussed fully and we should know what we are doing. But I do not understand that that is what the chairman of the committee has in mind at all. If you should undertake to build a new conservatory, to do with the plants as we would hope to do, it would take a great deal more than \$117,000. would take a great deal more than \$117,000. [Applause.]

I do not object to the plan of expanding the garden. went into that matter a year ago when we enlarged the area. I am for that improvement. Neither am I committed against the proposal of the Fine Arts Commission to ultimately develop a proper arboratum. I am strongly in favor of such move-ment in the Capital. As to the Mount Hamilton expansion, I am open to conviction. I am not prejudiced against the proposal and am willing to go into the matter in detail. But I am uncompromisingly opposed to the plan of destroying the inestimable value of the collection within the brick walls for no other reason than here given, that growing trees, flowering and ornamental trees, rich in beauty and historic significance, plants and shrubs housed within glass structures, interferes with a plan to surround the Capitol with monuments. Whether the monuments are properly placed I do not say, but I know that a botanical collection of 100 years will not mar the beauty of the Capitol Grounds.

The glass structures are old and out of repair. We have been told that it is dangerous. Such a building, adapted to the use of the public, through which pass daily hundreds of people coming to the Capitol, must not be allowed to endanger the lives of those who enter it. That could not be excused upon any ground by this great, rich country. I am hopeful that these buildings in their repair may be put in modern condition, suitable to the importance of their contents and adapted to the

place where located.

As those of us who frequently go through the garden all know that the main conservatory has two wings extending out east and west; at the end of each wing is an octagon house. The reason for this division is that plants require different

temperatures.

The educational feature of the conservatory lies mainly in its collection of plants, expressed in the layout of the planting, showing their characteristics, similar to their native habitat. The growing, feeding, flowering, and pruning are carefully planned and executed, since all plants are labeled as in their geographical distribution and economical value.

Each of these houses has, as near as can be arranged, a different temperature, corresponding to the tropical and subtropical regions. Some of the plants are planted in the soil. Needs of soil to bring out a landscape effect characteristic in tropical regions require particular attention. Some are placed in pots to be rearranged periodically.

The money value of these collections could not very well be estimated; so many plants are rare and others are of such size

that no commercial value could be attached.

Owing to the interest Members of the House have in these collections, I will append a list of some of the more important specimens which I had requested for another purpose.

This partial list will indicate why I am so intensely concerned when I hear careless and unguarded, if not intentional,

statements of Members tending to depreciate the inestimable value of this beauty spot near the Capitol Building:

RARE AND VALUABLE PLANTS IN MAIN CONSERVATORY, BOTANIC GARDEN.

value of this beauty spot near the Capitol Building:

RARE AND VALUABLE PLANTS IN MAIN CONSERVATORY, BOTANIC GARDEN,
Hyophorbe maricaulis (bottle palm).
Theophrasta imperialis.
Fleophrasta imperialis.
Coffea arablea (Arabian coffee).
Crescentia edulis.
Rhodostoma gardenioides.
Myroxylon tuliferium (tulu balsam tree).
Carludovica palamata (Panama hat palm).
Alpinia nutans (Alpine shell flower).
Gullelma speciosa (Amazon nut palm).
Carolina alba.
Araucaria glauca.
Sabal princeps.
Sabal blackburniana.
Sabal princeps.
Sabal blackburniana.
Sabal palmetto (cabbage palm).
Metrosideros chrysantha (golden myrtle).
Very fine and valuable specimens, probably 100 or more years old:
Kenta (Howea) belmoreana, Keutia (Howea) fosteriana, and Kentia
(Howea) belmoreana, Keutia (Howea)
Seaforthia elegans.
Area sapida (toddy palm).
Area lutescens.
Area baureil.
Iludenii, palms: Dracaena ensifolia, Dracaena fragrans, and Dracaena
Iludenii, palms: Dracaena ensifolia, Dracaena fragrans, and Dracaena
Iludenii, palms: Dracaena ensifolia, Dracaena fragrans, and Dracaena
Iludenii, palms: Cracaena (Homes)
Chamaerops parvilora (Chinese fan palm).
Pithecalobium dulec (Mexican sensitive tree).
Hernanda sonora (jack-in-the-box tree).
Arenintia catappa.
Drynaria quercifolia (oak-leaved fern).
Sweitenia mahogani (mahogany tree).
Mimosa alba (sensitive plant).
Sago palms: Cycas circinalis and Cycas revoluta.
Nephellum litchii (Chinese fee chee nut).
Washingtonia fliffera (California palm).
Serious reinwardii.
Arenandaria (fadde-leaved fef).
Ficus imperials (royal or imperial fg).
Ficus elastica (rubber plant).
Ficus imperials (royal or imperial fg

Miningra roussa value (rattan paim).
Brownea princeps.
Astraphaea wallichii.
Justicea rosea.
Bannisteria chrysaphylla (satin-leaved plant).
Sterculia ilata.
Pinanga kuhlif.
Adenocalyma comosa.
Cibotium regale (royal fern).
Cibotium schiede.
Pandanus utilis (screw pine).
Pandanus pancherii.
Pandanus pancherii.
Pandanus veitchii.
Posqueria longiflora.
Caryota urens (fish-tail palm).
Cocoloba pubescens (umbrella-leaf plant).
Cocoloba excoriata.
Livistona woodfordii.

Attalea excelsa,
Daemonrops palembanicus (Sumatra rope palm),
Plumeria lutea (frange panii),
Angiopteris evecta,
Parmentier cerifera (Panama candle tree),
Malvaviscus coccinea,
Piper reticulata (veined-leaved pepper),
Chamaerops elegans,
Toxicophilea spectabilis (Hottentot poison tree).

Mr. MADDEN. I move that all debate on this question do now close.

Mr. LUCE. May I speak for five minutes? Mr. MADDEN. Then I move that all debate close in five

The CHAIRMAN. The gentleman from Illinois moves that all debate on this amendment close in five minutes.

The motion was agreed to.

Mr. LUCE. Previous Congresses have seen fit to give the control of the Botanic Garden to the Committee on the Library. I want in all courtesy to suggest that the orderly processes of action here will be smoothed and made more harmonious if under such conditions the committee which has the official responsibility for this problem might at least have some knowledge of the proposals made by other committees. It was only by accident that I entered the door when this matter was under consideration and for the first time as a member of the Library Committee was informed of this indirect proposal to keep the Botanic Garden where it is for an indefinite time.

keep the Botanic Garden where it is for an indefinite time.

Mr. MADDEN. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. MADDEN. If this matter was to go to any other committee except the Committee on Appropriations, it would not be the Library Committee but to the Committee on Public Buildings and Grounds. This is a matter of construction.

Mr. LUCE. If that be the case, we have three committees with overlapping interests in the subject. I take no pride in the matter as a member of the Committee on the Library, but

the matter as a member of the Committee on the Library, but desire to suggest that if gentlemen do not wish to consult the Committee on the Library as to matters within its constrict the might be advantageous to take away from the Committee on the Library the jurisdiction. If the Committee on Public Buildings and Grounds would better control, well and good; I doubt if should raise any objection.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. LUCE. I will. Mr. GARRETT of Tennessee. I am in sympathy with the gentleman in maintaining the jurisdiction of committees, but only the Committee on Appropriations could have jurisdiction

of this matter.

Mr. LUCE. The Committee on the Library has already been asked, since my membership of it, to consider a bill relating to

a site for the Botanic Garden.

Mr. GARRETT of Tennessee. Certainly, the gentleman's committee would have jurisdiction of that, but I am speaking of appropriations.

appropriations.

Mr. LUCE. Technically the gentleman from Tennessee is correct, but this is a proposal to accomplish by indirection what the Committee on the Library should accomplish directly.

Mr. GARRETT of Tennessee. What does the gentleman mean—keeping the Botanical Garden where it is?

Mr. LUCE. The retention of the garden where it is, because

it would be long out of the question after you had spent \$125,000 here for Congress to take up the problem of a new site for the Botanical Garden.

Will the gentleman yield? Mr. BLANTON.

Mr. LUCE. Yes.
Mr. BLANTON. We have just spent \$40,000 for a heating plant there, or at least we have provided for the expenditure of that amount.

Mr. LANGLEY. And the plant is complete.
Mr. BLANTON. It is about completed for that very conservatory. Mr. LUCE.

Mr. LUCE. That is in essence a question of maintenance. Mr. COOPER of Wisconsin. Mr. Chairman, I ask leave to withdraw my amendment.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection. Mr. COOPER of Wisconsin. Now, Mr. Chairman, I move to

strike out the paragraph.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Wisconsin. The question was taken, and the amendment was rejected. Mr. MADDEN. Mr. Chairman, I move that the committee

do now rise. The motion was agreed to.

Accordingly the committee rose; and Mr. CAMPBELL of Kansas having taken the chair as Speaker pro tempore, Mr. Mc-Arthur, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14408 and had come to no resolution

GRANT OF LANDS TO ESCAMBIA COUNTY, FLA.—CONFERENCE REPORT.

Mr. SINNOTT. Mr. Speaker, I call up the conference report on the bill (H. R. 7967) granting certain lands to Escambia County, Fla., for a public park.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7967) granting certain lands to Escambia County, Fla., for a public park, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amend-

ment of the Senate and agree to the same.

N I SINNOTT ADDISON T. SMITH, CARE HAYDEN. Managers on the part of the House. REED SMOOT. I. L. LENROOT. H. L. MYERS. Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7967) granting certain lands to Escambia County, Fla., for a public park submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The Senate amendment requires the payment of \$1.25 per acre for the land granted. The bill as it passed the House re-

quired no payment.

N. J. SINNOTT, ADDISON T. SMITH, CARL HAYDEN, Managers on the part of the House.

Mr. GARRETT of Tennessee. Will the gentleman state what

Mr. SINNOTT. The House bill provided for granting this land to Escambia County, Fla., free of charge. The Senate amendment requires the payment of \$1.25 an acre. The House conferees have agreed to the Senate provision, which is satisfactory to the Member from Florida who introduced the bill.

The conference report was agreed to.

GRANT OF LANDS TO CANON CITY, COLO. -CONFERENCE REPORT.

Mr. SINNOTT. Mr. Speaker, I call up the conference report on the bill (H. R. 7053) to grant certain lands to the city of Canon City, Colo., for a public park.

The Clerk read the conference report and statement, as fol-

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7053) to grant certain lands to the city of Canon City, Colo., for a public park, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amend-

ment of the Senate, and agree to the same.

N. J. SINNOTT, ADDISON T. SMITH, CARL HAYDEN,

Managers on the part of the House. REED SMOOT, I. L. LENROOT,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7053) to grant certain lands to the city of Canon City, Colo., for a public park submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report :

The Senate amendment requires the payment of \$1.25 per acre for the land granted; the bill as it passed the House re-

quired no payment.

N. J. SINNOTT. ADDISON T. SMITH, CARL HAYDEN, Managers on the part of the House.

Mr. SINNOTT. This bill is in the same shape as the one just passed; the Senate has attached an amendment making the price \$1.25 an acre.

The SPEAKER pro tempore. The question is on agreeing to

the conference report.

The conference report was agreed to.

TAX ON STOCK OF BANKING CORPORATIONS:

Mr. McFADDEN presented the following conference report for printing in the RECORD under the rule:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11939) to amend section 5219 of the Revised Statutes of the United States, having met, after full and free conference report as follows

That the conferees are unable to agree.

L. T. McFADDEN, PORTER H. DALE. OTIS WINGO. Managers on the part of the House GEO. P. McLean, George Wharton Prpper, DUNCAN U. FLETCHER, Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11939) to amend section 5219 of the Revised Statutes of the United States submit the following statement:

That the managers have been unable to agree.

L. T. McFADDEN, PORTER H. DALE, OTIS WINGO, Managers on the part of the House.

EXTENSION OF REMARKS.

Mr. RAMSEYER. Mr. Speaker, I renew my request made earlier this morning to extend my remarks in the RECORD upon the Supreme Court decisions.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD on

decisions of the Supreme Court. Is there objection? There was no objection.

DECISIONS OF THE UNITED STATES SUPREME COURT.

Mr. RAMSEYER. Mr. Speaker, last summer and fall there was a renewed attack on the Supreme Court of the United States from various quarters and vigorous demands for a curtailment of the powers of that tribunal. These attacks centered against this court's exercise of power to declare acts of Congress unconstitutional and void because such acts, in the opinion of a majority of the Supreme Court, were in violation of some provision of the Constitution of the United States.

That the Supreme Court had the power to declare acts of Congress unconstitutional was denied by a few of the ablest statesmen who were prominent in framing the Constitution and establishing the Republic. On the other hand, during the early days of the Republic the Supreme Court claimed this power and has exercised this power from that time to this. Although constitutional amendments have been proposed and bills have been introduced in Congress from time to time to deprive the Supreme Court of this power or to curtail the exercise of this power by the Supreme Court, none ever received serious consideration by the Congress.

A little over 10 years ago there was a widespread and vigorous campaign in this country for the enactment of legislation to give the people the right to recall judicial decisions. The life of this campaign did not survive the second sober thought of the American people. The demand last year was to deprive the Supreme Court, by a constitutional amendment, of the power of final determination on the constitutionality of acts of Congress. The purpose of the suggested amendment was to give vitality to an act of Congress declared unconstitutional and void by the Supreme Court upon its repassage by a majority of both Houses of Congress. This proposal would make Congress the final arbiter of the constitutionality of its own acts. The Senator who suggested the amendment in a public address has to this day offered no resolution in Congress for such a change in our fundamental law.

It is evident to clothe Congress with the power to pass on the constitutionality of its own acts would require a change by amendment to the Federal Constitution. To give Congress this power would be a radical departure from our present constitutional government. In order to preserve our present system of constitutional government, the power to pass on the constitutionality of the acts of Congress must be vested in some body or tribunal outside of and independent of Congress.

It is not my purpose at this time, Mr. Speaker, to enumerate and discuss the powers conferred by the Constitution on the Federal Government and the powers and rights reserved under that Constitution to the people of the several States. The Federal Government is a government of limited and carefully defined powers, delegated to it by the Constitution, and has no powers except those so delegated. All other powers not so delegated by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

Neither shall I take the time to give the reasons or the necessity, in order to preserve our present system of Federal and State Governments, for empowering the Supreme Court to declare acts of Congress unconstitutional and vold, which are in violation of provisions of the Federal Constitution, and which threaten the integrity or security of either Nation or State, or both, or which violate certain fundamental and sacred rights of life or property guaranteed to the people by the Constitution.

Last summer and fall when the Supreme Court was under fire of criticism there were statements in the press calculated to lead people to believe that that tribunal kept itself busy handing down decisions declaring congressional acts to be unconstitu-tional. Early last fall I endeavored to get a list of all the Supreme Court cases which hold acts of Congress unconstitutional, but such a list was nowhere to be found. I called upon the legislative reference service of the Library of Congress for help, and that service put several of its experts to the task of going through all the Supreme Court reports for the decisions holding acts of Congress unconstitutional. Such a list was finally completed and furnished me on October 12, 1922, which I shall have printed in the RECORD.

This list contains 48 decisions by the Supreme Court declaring acts of Congress unconstitutional and void since the foundation of our Government, or on an average of one such decision in a little less than three years. It is only fair to observe that such decisions have been more frequent in the late years. For the first 50 years of our Government there were very few such decisions.

The real question to keep in mind is not how often the Supreme Court has declared acts of Congress unconstitutional, but how often the Congress has enacted legislation in violation of plain provisions of the Constitution. Whenever Congress exceeds its power in this regard, it is the plain duty of the Supreme Court to declare such acts unconstitutional and void. However, such a duty should be performed with great caution. The presumption in every case should be in favor of the validity of the act of Congress until the violation of the Constitution is proved beyond all reasonable doubt.

About two weeks ago this same reference service furnished me with a list of the United States Supreme Court decisions declaring acts of State legislatures unconstitutional. I shall also have this list printed in the RECORD. I am sure these lists of decisions will be of especial interest to the members of the bar of the country and to students of government generally.

5-TO-4 DECISIONS

A number of very important decisions of the Supreme Court of the United States declaring acts of Congress unconstitutional have been by a vote of 5 to 4. There are nine Justices voted to declare the act unconstitutional and four against. It is this class of decisions that has been the chief cause of attacks and storms of protest against the Supreme Court.

The far-reaching effect of one vote in declaring acts of Congress unconstitutional has led to a persistent demand for legislation requiring more than a bare majority of the Supreme Court to pass on so important and vital an issue as the consti-

tutionality of an act of Congress. To bring about this result the following bill is now pending before Congress:

A bill providing the number of judges which shall concur in holding an act of Congress unconstitutional.

Be it enacted, etc., That in all suits now pending, or which may hereafter be pending, in the Supreme Court of the United States, except cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, where is drawn in question an act of Congress on the ground of repugnancy to the Constitution of the United States, at least seven members of the court shall concur before pronouncing said law unconstitutional.

The authority for the constitutionality and validity of such legislation is based on the following constitutional provision:

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party the Supreme Court shall have original jurisdiction; in all other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

In my opinion there is some merit to the proposed legislation. No act of Congress should be declared unconstitutional and void unless it is very clear that such act is in violation of the Constitution, and such violation should be clear to the minds of more than a bare majority of the court. Such legislation would be in line with the words of Chief Justice Marshall in Fletcher v. Peck (6 Cranch, 87-128). He says:

The question whether a law be void for its repugnancy to the Constitution is at all times a question of much delicacy, which ought seldom, if ever, to be decided in the affirmative in a doubtful case. It is not on slight implication and vague conjecture that the legislature is to be pronounced to have transcended its powers and its acts to be considered as void.

The following are some of the well-known 5-to-4 decisions of the Supreme Court of the United States holding legislation repugnant to the Constitution :

Slaughterhouse cases (16 Wall. 36).
Virginia coupon cases (114 U. S. 269).
Pollock v. Farmers' Loan & Trust Co. (income-tax cases) (157 U. S. 429; 158 U. S. 601).
Fairbanks v. United States (181 U. S. 283).
Hammer v. Dagenhart (247 U. S. 251).
Eisner v. Macomber (252 U. S. 189).
Knickerbocker Ice Co. v. Stewart (253 U. S. 149).
Newberry v. United States (256 U. S. 232). THE NEWBERRY CASE.

The Newberry case attracted much popular attention and criticism about a year ago, and is a striking example of a 5-to-4 decision by the Supreme Court declaring an act of Congress unconstitutional and void. The act under consideration was the Federal corrupt practices act limiting the expenditures of a candidate for Representative in Congress or for Senator of the United States in procuring his nomination. Four justices held squarely that Congress did not have the power under Article I, section 4, of the Constitution to enact such legislation as applied to a candidate for Senator of the United States. Four justices, led by Chief Justice White, held squarely that Congress had such power. The ninth justice finally tipped the scales in favor of the unconstitutionality of the act in a four-line opinion found at the end of the majority opinion and reads as follows:

Mr. Justice McKenna concurs in this opinion as applied to the statute under consideration which was enacted prior to the seventeenth amendment; but he reserves the question of the power of Congress under the amendment.

The big question in this case was: Has Congress the power under Article I, section 4, of the Constitution to enact the legislation under consideration in so far as it applied to primary elections? On this question eight justices stood 4 to 4. Mr. Justice McKenna's attitude left this question suspended in the air undecided. He voted with the majority to declare the act unconstitutional but not on the ground that Congress did not have the power under said section of the Constitution to enact the legislation under consideration. A case like this illustrates what Chief Justice Marshall seemed to have in his mind when he made the statement heretofore quoted wherein he refers to "a doubtful case" and that legislation should not be pronounced unconstitutional "on slight implication and vague conjecture.

The decision of the Supreme Court in the Newberry case was carefully reviewed in an opinion by the law committee of the National Republican congressional committee, consisting of Representatives Leatherwood, of Utah, Williamson, of South Dakota, and myself, rendered March 21, 1922. On this point the opinion is worthy of a place in the Congressional Record, and I submit it here for that purpose: The opinion follows:

Hon. SIMEON D. FESS,
Chairman National Republican Congressional Committee,
Washington, D. C.

DEAR MR. FESS: The law committee of the national Republican congressional committee had submitted to it the following question: "Under existing Federal law is a candidate for Representative in

Congress at a primary election required to file sworn statements of his primary campaign expenditures with the Clerk of the House of Representatives?"

The Federal corrupt practices act (act of June 25, 1910, ch. 392, 36 Stat. 822; amended by act of August 19, 1911, ch. 33, 37 Stat. 25, 28) limits the amount of money that may be given, contributed, expended, used, or promised, or caused to be given, contributed, expended, used, or promised by a candidate for Representative in Congress or for Senator of the United States in procuring his nomination and election to a sum not in excess of the amount he may lawfully give, contribute, expend, or promise under the laws of the State of his residence, with a proviso that in the case of a candidate for Representative the amount shall not exceed \$5,000, and in the case of a candidate for Senator shall not exceed \$5,000, and in the case of a candidate for Senator shall not exceed \$5,000, and in the case of a candidate for Representative in Congress or for Senator of the United States of expenditures incurred both in the primary election and in the general election.

If Congress has the power to enact such legislation, it is based on the following constitutional provisions:

"Article I. Section I. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors of tach State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. * * *"

Section 3 is superseded by the seventeenth amendment, which provides:

Section 3 is superseded by the seventeenth amendment, which pro-

vides

"Article XVII. The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, " * The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature. * * *

"Section 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

or after such regulations, except as to the places of choosing Senators.

"Section 5. Each House shall be the judge of the election, returns, and qualifications of its own Members.

The power of Congress to enact legislation regulating primary elections was never decided by the Supreme Court until in the case of Truman H. Newberry et al., plaintiffs in error, v. the United States of America. This case was decided by the Supreme Court May 2, 1921.

In the Newberry case the plaintiffs in error were found cultured.

In the Newberry case the plaintiffs in error were found guilty of conspiracy to violate section 8 of the act of June 25, 1910, as amended by the act of August 19, 1911, in the Federal district court of Michigan.

In the Newberry case the plantitus in error were found guilty of conspiracy to violate section 8 of the act of June 25, 1910, as amended by the act of August 19, 1911, in the Federal district court of Michigan.

This case was reversed by the Supreme Court of the United States on the 2d day of May, 1921, on the ground that the grant of power on Congress to regulate the "manner of holding elections" under Article I, section 4, of the Constitution did not bestow on Congress the authority to control party primaries or conventions for designating candidates. That is, the majority of the court seem to hold that the power to regulate the "manner of holding elections" is limited to general elections and that there is no power to regulate the manner of holding primary elections or party conventions.

If there were nothing to consider in this case, except the conclusion of the majority of the court, we would have no hesitancy in answering in the negative the question submitted to us. This is a five-to-four decision. Mr. Justice McReynolds wrote the opinion of the majority. In this opinion Mr. Justice McKenna concurred with a reservation as follows: "Mr. Justice McKenna concurred with a green to the seventeenth amendment; but he reserves the question of the power of Congress under that amendment."

What would have been Mr. Justice McKenna's conclusion if the seventeenth amendment had been adopted prior to the enactment of the corrupt practices act and amendments thereto? Furthermore, the plaintiff in error—Newberry—was a candidate for the Senate and the seventeenth amendment applies only to Senators, and Mr. Justice McKenna "concurs in this opinian as applied to the statute under consideration, which was enacted prior to the seventeenth amendment applies only to Senators, and Mr. Justice McKenna "concurs in this opinian as applied to the statute under consideration, which was enacted prior to the seventeenth amendment."

As the seventeenth amendment applies on the House of Representative in Congress at a primary election.

Mr. Speaker, under leave to extend my remarks I submit for printing in the Record a letter from H. H. B. Meyer, chief bibliographer, in charge of the Legislative Reference Service, together with the lists of Supreme Court cases referred to in the course of my remarks:

LIBRARY OF CONGRESS, Washington, October 12, 1922.

Hon. C. WILLIAM RAMSEYER, Bloomfield, Iowa.

DEAR SIR: In further response to your request of September 23 for a list of all acts of Congress declared unconstitutional by the Supreme Court, I forward herewith a typewritten list of "United States Supreme Court decisions declaring Federal legislation unconstitutional." This list was prepared with great care and checked up with other existing

lists, and I have every reason to believe that it is as complete as can be made excepting for the last few months, as the note at the end of the manuscript explains. We shall, however, in the future make it a point to keep this information corrected as near up to date as the published reports permit.

We are preparing a similar list covering the United States Supreme Court decisions declaring State legislation unconstitutional. Should you be interested I should be glad to send you a copy of the list when it is completed. This is a far more difficult and voluminous undertaking, and with our present limited staff it may not be completed for some time.

Very respectfully,

H. H. B. MEYER,
Chief Bibliographer,
in charge of Legislative Reference Service.

UNITED STATES SUPREME COURT DECISIONS DECLARING FEDERAL LEGISLA-TION UNCONSTITUTIONAL,

United States v. Todd. Opinion not published (see statement, 13

United States v. Todd. Opinion not published (see statement, 13 How. 52).

Marbury v. Madison (1 Cranch, 137). Act of September 24, 1789 (1 Stat. 181). Congress has no power to give original jurisdiction to the Supreme Court in other cases than those described in the Constitution. Scott v. Sanford (19 How. 393). Act of March 6, 1820 (3 Stat. 548).

The Constitution of the United States recognizes slaves as property and pledges the Federal Government to protect it, and Congress can not exercise any more authority over property of any other kind.

Gordon v. United States (2 Wall. 561; see 119 U. S. 697). Act of March 3, 1863 (12 Stat. 765). The power conferred on this court is exclusively judicial, and it can not be required or authorized to exercise any other.

exclusively judicial, and it can not be required or authorized to exercise any other.

Ex parte Garland (4 Wall. 333). Act of January 24, 1865 (13 Stat. 424). The admitted power of Congress to prescribe qualifications for the office of attorney and counselor in the Federal courts can not be exercised as a means for the infliction of punishment for the past conduct of such officers against the inhibition of the Constitution.

Reichart v. Felps (6 Wall. 160). This has been classed as a decision declaring a Federal act unconstitutional. It determined the validity of certain patents and the power of the board issuing them, but the constitutional element or congressional act involved is difficult to determine.

The Alicia (7 Wall. 571). Act of June 30, 1864 (13 Stat. 311). This court can not acquire jurisdiction of a cause * * * though such transfer be authorized by the express provision of an act of Congress. Such provision must be regarded as an attempt, inadvertently made, to give to this court a jurisdiction withheld by the Constitution.

This court can not acquire jurisdiction of a cause " * though such transfer be authorized by the express provision of an act of Congress. Such provision must be regarded as an attempt, inadvertently many than the control of the court a jurisdiction withheld by the Constitution. On give to this court a jurisdiction withheld by the Constitution. Hepburn v. Griswald (8 Wall. 603). Acts of February 25, 1862 (12 Stat. 345) and March 3, 1863 (12 Stat. 709). The making of notes or bills of credit a legal tender in payment of precising debts is not a means appropriate, plainly adapted, or really calculated to carry into effect any express power vested in Congress, is inconsistent with the spirit of the Constitution, and is prohibited by the Constitution. United States e. Dewitt (9 Wall. 41). Act of March 2, 1867 (14 State) are also as a virtual denial of any power to interfere with the internal trade and business of the separate States.

The Justices v. Murray (8 Wall. 274). Act of March 3, 1863 (12 Stat. 755). The provision in the seventh amendment of the Constitution of the United States which declares that no fact tried by a jury shall be otherwise reexamined in any court of the United States tried by a jury in a cause in a State court.

Stat. 251). The provision of the common law applies to facts tried by a jury in a cause in a State court.

United States, to impose a tax upon the salary of a judicial officer of a State.

United States, to impose a tax upon the salary of a judicial officer of a State.

United States v. Klein (13 Wall. 128). Act of July 12, 1870 (16 Stat. 283). Now it is clear that the legislature can not change a law. United States v. Raliroad Co. (17 Wall. 322). Act of June 30, 1864 (13 Stat. 284). A municipal recrease of the common for congress, under the Constitution of the United States v. Raliroad Co. (17 Wall. 322). Act of June 30, 1864 (13 Stat. 284). A municipal recrease of the common of the control of the sovereign power of the State and the propose of the State and the propose of the stat

tentiary, but also some classes of misdemeanors the punishment of which may involve the deprivation of the liberty of the citizen.

Counselman v. Hitchcock (142 U. S. 547; R. S. 860). In view of the constitutional provision, a statutory enactment, to be valid must afford absolute immunity against future prosecution for the offense to which the question relates.

Monogahela Navigation Co. v. United States (148 U. S. 312). Act of August 11, 1888 (25 Stat. 411). It does not rest with the public, taking the property, through Congress or the legislature, its representative, to say what compensation shall be paid, or even what shall be the rule of compensation.

Pollock v. Farmers' Loan & Trust Co. (157 U. S. 429). Act of August 27, 1894 (28 Stat. 553). A tax on the rents or income of real estate is a direct tax, within the meaning of that term as used in the Constitution of the United States. A tax upon income derived from the interest of bonds issued by a municipal corporation is a tax upon the power of the State and its instrumentalities to borrow money and is consequently repugnant to the Constitution of the United States.

Pollock v. Farmers' Loan and Trust Co. (Rehearing, 158 U. S. 601). Act of August 27, 1894 (28 Stat. 553). The tax imposed by * * the act of 1894, so far as it falls on the income of real estate and of personal property, being a direct tax within the meaning of the Constitution, and therefore unconstitutional and void because not apportioned according to representation, constituting one entire scheme of taxation, are necessarily invalid.

Wong Wing v. United States (163 U. S. 228). Act of May 5, 1892 (27 Stat. 25). When Congress sees fit to further promote such a policy by subjecting the persons of such aliens to infamous punishment at hard labor or by confiscating their property, such legislation, to be valid, must provide for a judicial trial to establish the guilt of the accused.

Kirby v. United States (174 U. S. 47). Act of March 3, 1875 (18 Stat. 479). Held that that provision of the stat

Kirby v. United States (174 U. S. 47). Act of March 3, 1875 (138 stat. 479). Held that that provision of the statute violates the clause of the Constitution of the United States declaring that in all criminal prosecutions the accused shall be confronted with the witnesses against him.

Alrhanks v. United States (181 U. S. 283). Act of June 13, 1898 (400 Stat. 451). A stamp tax on a foreign bill of lading, in substance and effect, equivalent to a tax on the articles included in that bill of lading, and therefore is a tax or duty on exports and therefore in conflict with Article I, section 9, of the Constitution of the United States. Junes v. Bowman (190 U. S. 127; R. S. 5507). That amendment 15 relates solely to action by the United States or by any State and does power in respect to elections of representatives to Congress, section 5507 can not be sustained under such general power, because Congress did not act in the exercise of such power.

Matter of Heff (197 U. S. 488). Act of January 30, 1897 (28 Stat. 506). When the United States grants the privileges of citizenship to an Indian, gives to him the benefit of and requires him to be subject to an Indian, gives to him the benefit of and requires him to be subject to an Indian, gives to him the benefit of and requires him to be subject to an Indian, gives to him the benefit of and requires him to be subject to an Indian, gives to him the second of a misdemeanor of trial by a common-law fury, and that section 17 in subject to the reach of police regulations on the part of Congress.

Rassmussen v. United States (197 U. S. 516). Act of June 6, 1900 (31 Stat. 558). The Constitution is applicable to that Territory (Alaska) and under the fifth and sixth amendments Congress can not deprive one there accused of a misdemeanor of trial by a common-law fury, and that section 17 in subject to the subject to the constitution and the subject to the subject

case.)
Eisner v. Macomber (252 U. S. 189). Act of September S. 1916.
39 Stat. 756. A stock dividend * * is a tax on capital increase and not on income, and, to be valid under the Constitution, such

taxes must be apportioned according to population in the several

taxes must be apportioned according to population in the several States.

Knickerbocker Ice Co. v. Stewart (253 U. S. 149). Act of October 6, 1917. 40 Stat. 395. The attempted amendment [making State law applicable in maritime cases] is unconstitutional as being a delegation of the legislative power of Congress and as defeating the purpose of the Constitution respecting the harmony and uniformity of the maritime law.

Evans v. Gore (253 U. S. 245). Act of February 24, 1919. 40 Stat. 1062. A tax upon the net income of a United States district judge * * operates to diminish his compensation in violation of the Constitution.

United States v. Cohen Grocery Co. (255 U. S. 81). Act of August 10, 1917. 40 Stat. 276. A provision imposing penalty for making "any unjust or unreasonable rate or charge in handling or dealing in or with any necessaries" is repugnant to the fifth and sixth amendments to the Constitution. Similarly decided in Tedrow v. Lewis & Son Co. (255 U. S. 98); Kennington v. Palmer (255 U. S. 100); Kinnane v. Detroit Creamery Co. (255 U. S. 102); Weed & Co. v. Lockwood (255 U. S. 104); Williard Co. v. Palmer (255 U. S. 106); Oglesby Grocery Co. v. United States (255 U. S. 108); Weeds (Inc.) v. United States (255 U. S. 108).

Newberry v. United States (256 U. S. 232). Act of June 25, 1910. 36 Stat. 822. Federal regulation of expenditures in election of Members of Congress is a usurpation of State rights.

Note.—This report covers reports to 257 U. S. 311 only. Attention is called to the opinions reported May 15, 1922, Bailey v. Drexler Furniture Co. (child labor tax case). and Hill v. Wallace, but no cases subsequent to December 12, 1921, are included, as the material is not available in form to check for omissions.

UNITED STATES SUPREME COURT DECISIONS DECLARING STATE LEGISLA-TION UNCONSTITUTIONAL

Covering vols. 220-256, and vol. 257 to page 311.
For vols. 1-219 see: Moore, Blaine Free. The Supreme Court and Unconstitutional Legislation, 1913, Appendix II.
Oklahoma v. Kansas Nat. Gas Co. (221 U. S. 229; Okla. laws 1907, c. 67).
Hopkins v. Clemson College (221 U. S. 636; S. C. laws 1894, —).
Northern Pacific Ry. v. Washington (222 U. S. 379; Wash, laws 1907, c. 20).

c. 20).
Southern Ry. Co. v. Reid (222 U. S. 424 and 444; N. C. Rev. 1905, sec. 2131).
Louisville & Nashville R. R. v. Cook Brewing Co. (223 U. S. 70; Ky.

Louisville & Nashville R. R. v. Cook Brewing Co. (223 U. S. 10, ky. Stat. 1909, sec. 2569a).
Atchison, Topeka & Santa Fe Ry. v. O'Conner (223 U. S. 280; Colo. laws 1907, c. 213).
Oklahoma v. Wells, Fargo Co. (223 U. S. 298; Okla. laws 1916, c.

Haskell v. Kansas Natural Gas Co. (224 U. S. 217; Okla. laws 1907; see 67; laws 1909, c. 75).
St. Louis, I. M. & S. Ry. v. Wynne (224 U. S. 354; Ark. laws 1907,

Southern Ry. Co. v. Burlington Lumber Co. (225 U. S. 99; N. C. Rev. 1965, sec. 2131).
 Ohio R. R. Comm. v. Worthington (225 U. S. 191; Ohio R. R. Comm.

Order).

Eubank v. Richmond (226 U. S. 137; Va. laws 1908, c. 349).

Buck Stove Co. v. Vickers (226 U. S. 205; Kan. Gen. Stat. 1905, sec.

Williams v. City of Talladega (226 U. S. 404; Ala. municipal ordi-

Williams v. City of Talladega (226 U. S. 707, Ak. 1982) nance).

Chicago, R. L. Ry. v. Hardinck Elevator Co. (226 U. S. 426; Minn, laws 1907, c. 23).

Adams Express Co. v. Croninger (226 U. S. 491; Ky. —).

C. B. & Q. Ry. v. Miller (226 U. S. 513; Ia. —).

St. Paul Ry. v. Latta (226 U. S. 519; Nebr. Const.).

N. Y. Central R. R. v. Hudson County (227 U. S. 248; N. J. county ordinance).

St. Louis, I. M. & S. Ry. v. Edwards (227 U. S. 265; Ark. laws 1907, No. 193).

Home Tel. Co. v. Los Angeles (227 U. S. 278; Calif. municipal ordinance).

nance).

Crenshaw v. Arkansas (227 U. S. 389; Ark. laws 1909, No. 97).

Rogers v. Arkansas (227 U. S. 401; Ark. laws 1909, No. 97).

Hampton v. St. L., I. M. & S. Ry. (227 U. S. 456; Ark. laws 1907, No. 193).

Grand Trunk Western Ry. v. South Bend (227 U. S. 544; Ind. municipal ordinance).

Grand Trink Western Ry. v. South Bend (227 U. S. 657; Tex. —).

Mo., Kans. & Tex. Ry. v. Harriman (227 U. S. 657; Tex. —).

McDermott v. Wisconsin (228 U. S. 115; Wis. laws 1907, c. 557).

Etter v. Tacoma (228 U. S. 148; Wash. laws 1909, c. 80).

St. Louis, I. M. & S. Ry. v. Hesterly (228 U. S. 702; Ark. —).

St. L. & San Fran. Ry. v. Seale (229 U. S. 156; Tex. —).

Owensboro v. Cumberland Tel. Co. (230 U. S. 58; Ky. municipal ordinare.)

Boise Water Co. v. Boise City (230 U. S. 84; Ida. municipal ordi-

Old Colony Trust Co. v. Omaha (230 U. S. 100; Neb. municipal ordi-Missouri Pac. Ry. Co. v. Tucker (230 U. S. 340; Kan. laws 1905,

c. 853).

Note.—In view of the Supreme Court decision that when Congress acts on a subject within its power State jurisdiction is superseded, decisions have been included which hold State legislation unconstitutional because in conflict with Federal legislation on the same subject.

Kerner v. LaGrange Mills (231 U. S. 215; Ga. Const.).

Adams Express Co. v. New York (232 U. S. 14; N. Y. Municipal ordinance).

U. S. Express Co. v. N. Y. (232 U. S. 35; N. Y. Municipal ordinance).

(Inance).
U. S. Express Co. v. N. Y. (232 U. S. 35; N. Y. Municipal ordinance).
Chi., Mil. & St. P. Ry. v. Polt (232 U. S. 165; S. D. Laws 1907, 215).
N. C. R. R. Co. v. Zachary, 232 U. S. 248; N. C. ______).
Harrison v. St. L. & San Fran. R. R. (232 U. S. 318; Okla. Laws

1908 —).

Taylor v. Taylor (232 U. S. 363; N. Y. —).
Foote v. Maryland (232 U. S. 494; Md. Laws 1910 —).
Farmers' Bank v. Minnesota (232 U. S. 516; Minn. Laws 1907, c. 328).
Chi., Mil. & St. P. Ry. v. Kennedy (232 U. S. 626; S. D. Laws 1907, c. 215).
Stewart v. Michigan (232 U. S. 665; Mich. —).
Boston & Me. R. R. v. Hooker (233 U. S. 97; Mass. common law rule).

4570 Russell v. Sebastian (233 U. S. 195; Cal. Const., Art. XL, §19 as International Harvester Co. v. Kentucky (234 U. S. 589; Ky. Collins v. Kentucky (234 U. S. 634; Ky. Const., §198, Laws 1906, c. 117, Laws 1908, c. 8).
United States v. Reynolds (235 U. S. 133; Ala. Code 1907, §6846, 7632).
McCabe v. A., T. & S. F. Ry. Co. (235 U. S. 151; Okla. Laws 1907 Louisiana Ry, & Nav. Co. v. New Orleans (235 U. S. 164; La. Municipal ordinance).
Sioux Remedy Co. v. Cope (235 U. S. 197; S. D. Rev. Code, 1903, \$883-885).
Choctaw & Gulf R. R. v. Harrison (235 U. S. 292; Okla. Laws 1908, 1911 (25) Cov. Armour Fertilizer Works (237 U S. 413; Fla. Gen. Stat. 1906, \$2877).
Charleston Ry. v. Varnville Co. (237 U. S. 597).
Atchison & Santa Fe Ry. v. Vosburg (238 U. S. 56; Kans. Laws 1905, C. 345).
Rossi v. Pennsylvania (238 U. S. 62; Pa. Laws, 1887, p. 113).
Adams Express Co. v. Kentucky (238 U. S. 190; Ky. Stat. sec. 2569a). (It is difficult to determine whether this case should be classed as deciding a question of statutory construction or of constitutional law.) law.)
Great Northern Ry. v. Minnesota (238 U. S. 340; Minn. R. R. Comm. Great Notice of States (238 U. S. 347; Okla. Const.).

Guinn v. United States (238 U. S. 347; Okla. Const.).

Myers v. Anderson (238 U. S. 368; Md. Laws, 1908, c. 525).

Southern Tel. Co. v. Danaber (238 U. S. 482; Ark. Kirby's Dig., sec.

Southern Tel. Co. v. Danauer (238 U. S. 482; Ark. Kiroy's Dig., sec. 7948).

Chicago, Milwaukee & St. Paul R. R. v. Wisconsin (238 U. S. 491; Wis. Laws, 1911, c. 272).

Truax v. Raich (239 U. S. 33; Ariz. Laws, 1915, p. 12).

Provident Savings Ass'u v. Kentucky (239 U. S. 103; Ky. Stat., sec. 4226).

 4226).
 Johnson v. Wells Fargo Co. (239 U. S. 284; S. D. Laws, 1907, c.
 64. Laws, 1909, c. 162).
 Myles Salt Co. v. Iberian Drainage District (239 U. S. 478; La. —).
 Gast Realty Co. v. Schneider Granite Co. (249 U. S. 55; Mo. municipal ordinance).

Rosenberger v. Pacific Express Co. (241 U. S. 48; Tex. Laws, 1907,

McFarland v. American Sugar Co. (241 U. S. 79; La. Laws, 1915,

Erie R. R. Co. v. Winfield (244 U. S. 170; N. J. Laws, 1911, c.

95).
Southern Pacific Co. v. Jenson (244 U. S. 205; N. Y., ______).
Clyde Steamship Co. v. Walker (244 U. S. 255; N. Y., ______).
Seaboard Air Line Ry. v. Blackwell (244 U. S. 310; Ga. Clv. Code, 1910, secs. 2675-2677).
Saunders v. Shaw (244 U. S. 317; La., ______). (This declared a judicial ruling in enforcement of a tax law unconstitutional.) Western Oil Refg. Co. v. Lipscomb (244 U. S. 346; Tenn. Laws, 1909, c. 479).
Mississippi R. R. Comm. v. Mobile & Ohio R. R. Co. (244 U. S. 388; Miss. R. R. Comm. order).
Greene v. Louis, & Interurban R. R. Co. (244 U. S. 499; Ky., ______).

Louis, and Nash, R. R. Co. v. Greene (244 U. S. 522; Ky., —). (The decision in this case is difficult to determine. Included for refer-

International Paper Co. v. Massachusetts (246 U. S. 135; Mass., 1914, c. 724).

Locomobile Co. v. Massachusetts (246 U. S. 146; W. Va., —).
Denver v. Denver Union Water Co. (246 U. S. 178; Colo, municipal ordinance),
New York Life Ins. Co. v. Dodge (246 U. S. 357; Mo. Rev. Stat. 1899, sec. 7897).
Covington v. South Covington St. Ry. Co. (246 U. S. 413; Ky. municipal ordinance).

McGinis v. California (247 U. S. 91; 247 U. S. 95; Cal. Laws, 1913, c. 342).

Western Union Tel. Co. v. Foster (247 U. S. 105; Mass. Utilities Comm. order).

Georgia v. Cincinnati So. Ry. (248 U. S. 26; Ga. Laws, 1916, No.

539). Union Pac. R. R. Co. v. Pub. Service Comm. (248 U. S. 67; Mo.,

Flexner v. Farson (248 U. S. 289; Ky. Civ. Code, sec. 51). Detroit United Ry. v. Detroit (248 U. S. 429; Mich. municipal ordi-

Detroit United My. v. Detroit (249 U. S. 275; Ga. Civ. Code, secs. 989, 990, 1031).

Standard Oil Co. v. Graves (249 U. S. 389; Wash. Laws, 1907, c.

Standard Oil Co. v. Graves (249 U. S. 389; Wash. Laws, 1907, c. 192).

Chalker v. Birmingham & NW. Ry. Co. (249 U. S. 522; Tenn. Laws, 1909, c. 479).

New Orleans & NE. R. R. Co. v. Scarlet (249 U. S. 528; Miss. Laws, 1912; c. 215).

Yazoo & M. V. R. R. Co. v. Mullins (249 U. S. 531; Miss. —).

Northern Pac. Ry. Co. v. North Dakota (250 U. S. 135; N. D. —).

Dakota Cent. Tel. Co. v. South Dakota (250 U. S. 135; S. D. —).

Kansas v. Burleson (250 U. S. 188; Kan. —).

Burleson v. Dempsy (250 U. S. 191; Ill. —).

MacLeod v. New England Tel. Co. (250 U. S. 195; Mass. —).

Lincoln Gas Co. v. Lincoln (250 U. S. 256; Neb. —).

Penna. R. R. v. Pub. Service Comm. (250 U. S. 560; Pa. Laws, 1911, p. 1053).

Postal Tel. Cable Co. v. Warren Godwin Co. (251 U. S. 27; Miss. —).

Postal Tel. Cable Co. v. Warren Godwin Co. (251 U. S. 27; Miss. Los Angeles v. Los Angeles Gas. Corp. (251 U. S. 32; Cal. munici

Los Angeles v. Los An

order).

Hawke v. Smith (253 U. S. 221; 253 U. S. 231; Ohio Const.).
Ohio Valley Co. v. Ben Avon Borough (253 U. S. 287; Pa. _____).
Royster Guano Co. v. Virginia (253 U. S. 412; Va. Laws, 1916, c.

172).
Pryor v. Williams (254 U. S. 43; Mo. —),
Johnson v. Maryland (254 U. S. 51; Md. Laws, 1918, c. 85).
Turner v. Wade (254 U. S. 64; Ga. Laws, 1913, p. 123).
Vandalia R. R. Co. v. Schnull (255 U. S. 109; Ind. R. R. Comm.

order).
Bank of Minden v. Clement (256 U. S. 126; La. Laws, 1914, No. 189).
Bethlehem Motors Co. v. Flynt (256 U. S. 421; N. C. Laws, 1917.

231).
Bowman v. Continental Oil Co. (256 U. S. 642; N. M. Laws, 1919,

Kansas City So. Ry. v. Road Imp. District No. 6 (256 U. S. 658;

Ark. ——).

Eureka Pipe Line Co. v. Hallanan (257 U. S. 265; W. Va. Laws, 1919, Ex. c. 5).

United Fuel Gas. Co. v. Hallanan (257 U. S. 277; W. Va. Laws, 1919, Ex. c. 5).

Dalnke-Walker Co. v. Bondurant (257 U. S. 282; Ky. Stat. 1915, sec. 571).

Norw. — Attention is called to the case of Truax v. Corrigan decided.

Norg.—Attention is called to the case of Truax v. Corrigan, decided December 19, 1921, declaring Arizona statute, section 1464, unconstitutional. No decisions subsequent to December 12, 1921, are listed as the material is not in available form.

MINORITY VIEWS, FISCAL RELATIONS OF THE DISTRICT OF COLUMBIA (H. DOC. NO. 603).

Mr. EVANS. Mr. Speaker, from the minority of the Special Joint Select Committee appointed under the act of June 29, 1922, on the fiscal relations of the District of Columbia and the United States, I ask unanimous consent to submit minority views and have them printed in the RECORD in S-point type; also, in that connection, that the minutes of the meeting of January 20, 1923, together with these minority views, be also printed as a public document and distributed through the folding room, there being 1,500 extra copies so printed for the convenience of the Senate and the House.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to file minority views and have them printed in the Record in 8-point type, and to have them printed also as a public document together with the minutes of the meeting referred to, 1,500 extra copies being printed. Is there objection?

Mr. SISSON. Mr. Speaker, reserving the right to object, how many copies are for the House and how many for the Senate?

Mr. EVANS. I did not make any reservation as to the distribution. I made the same request with reference to this that was made with reference to the majority report of the

Mr. JOHNSON of Washington. Does this have to be acted

upon in the other body?

Mr. EVANS. No. The action will be presented by a bill, which has been reported from the Committee on the District of Columbia, and also by amendment to be presented to the District of Columbia appropriations bill.

Mr. JOHNSON of Washington. My impression is that the expenditure is limited to \$500, and the distribution is in the regular way, proportionately between both branches, and it be-

comes a public document.

Mr. SISSON. That is true if it takes the regular course, but in view of the fact that he asks for 1,500 extra copies to be printed, I think there would be a statement as to how many are to go to the Senate and how many to the House.

Mr. JOHNSON of Washington. The experience of the committee is that after the proportionate distribution the bulk

should go where the public can get them.

Mr. SISSON. I want to say that if it had not been for special request of the 1,500 I should not have made any statement about it at all, because they would have been distributed under the rule.

Mr. EVANS. Gentlemen will find on page 3051, I think, of the Record, exactly the same request with reference to the other

Mr. SISSON. Mr. Speaker, I withdraw the objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The minority views are as follows:

To the Senate and House of Representatives:

The minority views of your committee appointed pursuant to the act of Congress approved June 29, 1922, to inquire into the fiscal relations between the District of Columbia and the United

The undersigned is unable to agree with the findings and conclusions of the majority of the committee for the following reasons

(1) The construction of the act raising the committee as made by the majority report is erroneous, and the same objection lies as to the construction or effect of other acts bearing upon or affecting the matter investigated by the committee.

(2) The investigation made by the committee has covered neither the period nor the extent that Congress directed.

(3) The finding by the majority of a balance or surplus of \$4,438,154,92 as due to the District of Columbia is not supported by facts or law.

The language of the act under which the committee was created is clear and positive in its authorization and directions. There is, as to the points upon which the majority of the committee and the writer differ, no ambiguity in the language of the act.

The purpose Congress had in creating the joint select committee was to discover and report to Congress all facts bearing on the fiscal relations between the District of Columbia, hereinafter called the District, and the United States, hereinafter called the Government, in order that Congress might be able to determine the exact state of such fiscal relations.

covery and report has not been made.

Based on the information so to be gathered, the committee was to report the surplus, if any, in favor of the District. The reason for this inquiry was a claim that there was approximately \$5,500,000 held by the Government belonging to the This claim was questioned, and to settle this dispute and determine what, if any, surplus existed was the primary purpose in view. The alleged surplus reported by the majority of the committee is not based on such facts or information so gathered, because not all of such facts or information was gathered or searched for. In addition it was desired to have fixed accurately and authoritatively the amounts contributed by the District and the Government, respectively, for "maintaining, upbuilding, or beautifying said District, or for the purpose of conducting its governmental activities and agencies or for the furnishing of conveniences, comforts, and necessities to the people of said District." This direction of Congress has been ignored or so performed as to amount to a disregard of the congressional mandate.

The construction of the act raising the committee as made by the majority is erroneous, and the same objection lies to the construction of other acts bearing upon or affecting the investigations by the committee.

The act "authorizes and directs" inquiry into all matters pertaining to the fiscal relations between the District and the Government since July 1, 1874.

First, there is no question but that the act is mandatory. It is not left to the choice or desire of the committee or a majority of the committee to determine whether it is best or proper or just to go into the subject matter presented for inquiry, and the act is equally specific as to the extent. It covers all matters" pertaining to the fiscal relations July 1, 1874.

The proper consideration of the questions presented by the majority report and in the construction of the act of June 29, 1922, requires an inquiry into the relations existing between the District and the Government. The primary cause for the existence of the District is a seat for the National Capital. The existence of the city as a place of residence or business is

purely incidental to its existence as the Capital.

The right of suffrage or the right of representation in any legislative body in the sense that it exists in a State, county, or municipality does not exist here. Congress has the power and, so far as the Capital is concerned, the right to utterly ignore such questions. Any inhabitant of the District can urge nothing of that nature with legal force, because the welfare of the Capital is above and over all, and throughout the consideration of this subject of fiscal relations this should never be lost sight of. It is a part of our Constitution and free from local control.

On April 3, 1908, the Comptroller of the Treasury decided that the Secretary of the Treasury is not authorized to open in the books of the Treasury Department general revenues accounts of the District of Columbia. (14 Comp. Dec. 646.)

The moneys collected by taxes on real estate is paid into the Treasury not as money of the District but as "miscellaneous and it can only be drawn out by an appropriation made by Congress. Taxes so paid are no more the money or fund of the District than are revenues paid into the Treasury the property of the collector. If the money is paid to the District by an individual to construct a local improvement and is passed into the Treasury and more than the cost is paid it can only be drawn out by an appropriation. Such revenues in the Treasury are impressed with no trust, and the District is a mere agent of the Nation to perform certain duties for the sovereign. (Vol. 1, S. Doc. 247, 64th Cong., 1st sess., 933-934.)

On page 945 of the same volume Commissioner Brownlow

says:
"At the end of the present fiscal year, according to the best obtainable estimate, the District revenues will exceed one-half of the appropriations by \$1,136,286.03. For convenience it is customary to term this balance a surplus, but, as a matter of fact, it will be a part of the moneys of the United States and will be available for any purpose whatsoever. Thus it will be seen that in so far as it works at all the half and half works against the District and not for it.'

On page 320 of the same volume the conditions in the District from 1866 to 1871 and the then condition of public places in the District is set forth in so striking a manner that it is evident that the District prior to 1871 had attempted little outside of mere governmental functions. Indeed, much, if not the larger, effort and expenditure prior to 1871 had been toward making Washington so it could be lived in at all. When it is recalled that the Potomac Flats extended to Pennsylvania Avenue, the

magnitude of the sanitation problem is evident.

There was, however, on the several municipalities or organizations within what is now that District quite a considerable indebtedness. In 1874 the bonded indebtedness amounted to \$9,000,000, with a large floating debt. Without setting forth a detailed statement of the subsequent transaction between the District and the Government, but to which your attention is directed, it may with confidence be stated that in the maintenance of the District in every department the Nation has carried its full share, and in many departments more than its share. If this is not true, then let it be shown by the facts for which this act calls, and if it is true permit the truth to be known.

That there is a dispute on this point is very evident. recognized in the law we are considering. To decide that the language used therein means what the majority report claims it does is to make congressional action without force and useless.

The language of the act of June 29, 1922, relative to this committee and its duties is:

"A joint select committee, composed of three Senators to be appointed by the President of the Senate and three Representatives to be appointed by the Speaker of the House of Representatives, is created and is authorized and directed to inquire into all matters pertaining to the fiscal relations between the District of Columbia and the United States since July 1, 1874, with a view of ascertaining and reporting to Congress what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District, or for the purpose of conducting its govenrnment or its governmental activities and agencies, or for the furnishing of conveniences, comforts, and necessities to the people of said District. Neither the cost of construction nor of maintenance of any building erected or owned by the United States for the purpose of transacting therein business of the Government of the United States shall be considered by said committee. And in event any money may be, or at any time has been by Congress or otherwise, found due, either legally or morally, from the one to the other, on account of loans, advancements, or improve-ments made, upon which interest has not been paid by either to the other, then such sums as have been or may be found due from one to the other shall be considered as bearing interest at the rate of 3 per cent per annum from the time when the principal should, either legally or morally, have been paid, until actually paid. And the committee shall also ascertain and report what surplus, if any, the District of Columbia has to its credit on the books of the Treasury of the United States which has been acquired by taxation or from licenses. And the said committee shall report its findings relative to all the matters hereby referred to it to the Senate and House, respectively, on or before the first Monday in February, 1923."

What did the committee do under this authorization and

direction? It secured the services of Haskins & Sells, accountants, and secured through them an audit of the District general fund from June 30, 1911, to June 30, 1922. It secured a calculation and stating of the amount of interest on a portion only of the fund found due from one to the other. It inquired of certain persons if they knew of any other items unsettled in the accounts between these interests. It had submitted to it a report of a previous audit made by persons in no way responsible to it, and so far as known such report could not be vouched for as a complete and comprehensive audit of the

period prior to June 30, 1911.

Such items as its inquiries developed, it inquired into to only a limited extent. Outside of the audit of the District general fund for the time intervening between June 30, 1911, and June 30, 1922, it has and can produce no certified audit of any period or any account. I wish to emphasize this fact: It does not have an audit that covers fully all accounts between these interests between the dates mentioned in the act, June 30, 1874, and June 30, 1922. None was made. I assume that the construction placed by the majority of the committee, hereinafter called the majority, is measured by its acts, and hence I feel there has been a misconception of the intent of the act. No accountant or auditor, no committee or part of a committee with financial reliability back of its certificate will certify to the correctness of the surplus reported or the completeness and thoroughness of the audit reported.

The effect of the majority report boiled down is that within limits of the time given a thorough audit can not be made. To make such an audit will require more money and more time than was given to the committee. It has inquired of certain persons, former officials, or auditors of a portion of these accounts if they or either of them knew of unreported items, which, if there had been items so known to such persons it would have been their duty to report, and upon receiving an answer denying knowledge of unreported items the majority have accepted as final and complete the investigation of Haskins & Sells as to the District general fund covering the period between June 80, 1911, and June 30, 1922, and certain specific items called to their attention or which were connected with the general fund. The majority believe that more can not be found and that it is unnecessary to go further and accept as complete audits which it is stated are incomplete.

The act directs this inquiry into the fiscal relations to be made

"with a view of ascertaining and reporting to Congress what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District or for the purpose of conducting its government or its governmental activities and agencies or for the furnishing of conveniences, com-

forts, and necessities to the people of said District."

The foregoing provision is still within the mandate of the act and is descriptive of the extent to which the inquiry into the fiscal relations is required to go. That the majority did not so construe the act is evidenced by the fact that such information is not furnished, or if the tables submitted by the majority

are intended as a compliance it is done in such a way as to be useless as information on the matter inquired about.

It will be noted that this portion of the act divides purposes for which the contributions were made into three groups; First, "for maintaining, upbuilding, or beautifying the said District"; second, for "conducting its government or its governmental activities or agencies"; and, third, for "for furnishing of conveniences, comforts, and necessities of the people of said Certainly it can not be successfully claimed such information has been given; and if not, then the majority has failed to correctly interpret the will of Congress as expressed in the act. It is claimed by the majority that "beautifying the said District" should be construed to mean only such expenditures as shall have for their purpose "primarily beautifying the said District. Conceding for the moment that this is the correct construction, as there is no report of such expenditures, it follows that Congress asked for that which under the majority construction does not exist. Of course, the interpretation or construction which inserts "primarily" before the word "beautifying" must also apply to every other word of these three phrases, and when so applied would scarcely be that for which the majority would contend. The writer is of the opinion that using the language in its ordinary sense and furnishing the information such use suggests will occasion the least difficulty. It is quite apparent what this language means when you take into consideration the sentence immediately following, which excludes from consideration the cost of any structure used for the transaction of the Federal business.

It is well understood by those in contact with District appropriations and District interests that there is constantly, when the opportunity is presented, held up to Congress the fact that Washington is the seat of the Nation's Capital, that we all, District and Nation, hope, desire, and expect to make and keep it the most beautiful city in the Nation-if possible, in the That such an accomplishment is too great a burden for the inhabitants of the District and that the Nation is not bearing its fair portion thereof; that in reducing the ratio of contribution from 50-50 to 60-40 there was an injustice and even lack of good faith, that the Nation is to a large extent living off of the District inhabitants, and so forth. This alleged undue burden is held up as one of the reasons why the alleged surplus should now be made available as a credit to the District.

One of the chief purposes to be secured by this information is to demonstrate just what the facts are as to these contributions. There are persons living in the District whose chief end and aim seems to be to disseminate misinformation, and this, long continued, has misled the inhabitants of the District and Members of Congress. The effect of these facts so sought is not, in the writer's opinion, to charge any supposed surplus with the cost of the Lincoln Memorial or any similar structure, but to present the fact as to what has been the relative contributions for such purposes and to prevent a misconception of the real situation. This information Congress asked for, is entitled to, and ought to have.

In this connection it should be borne in mind that the duty of paving streets, cleaning sidewalks, and similar duties placed on the owner of adjacent property rests more lightly on the owner or occupant in Washington than in any other similar city, and until comparatively recent years was borne entirely by the District and the Nation. Excuse, if you can, the Nation paving your street and cleaning your sidewalk.

It should always be kept in mind that the District is entirely without any legal right to this surplus, and in fixing a final balance the District and the Government should submit the

entire case.

Every dollar expended by the Government in memorials, parks, and parkways, and so forth, is directly adding value to each foot of land in the District. It also increases the number of visitors to and inhabitants in the District and so increasing the income from and value of property. This is only one of many ways in which the Government bestows upon the District benefits that go to no other community and from and upon which the District and its inhabitants realize substantially.

This is the thought in the act. It is right and honest,

That the conferees on the part of the House when the provision was incorporated in the act of June 29, 1922, had this in mind is apparent from the statement before the committee of Hon. Ben Johnson on January 29-hearing, pages 202-224and also of Mr. CRAMTON, from which I quote:

There not only had been a controversy between the Federal Government and the District but there had been more or less controversy between the Senate and the House as to the proper way to settle these matters, and in different years the District bill was held up until the last minute through a dead-drawn contest of the two bodies as to the proper fiscal policy, and

this 1922 act went a long way to do away with the differences between the two Houses of Congress and between the Federal Government and the District. In working out that act the views of both the Senate and the House had to be considered in order to get a settlement that would be accepted by both bodies; and I want to urge that every provision that was included in that attempted settlement in the act of 1922 should be given equal force, is equally binding upon the committee." (Hearings, p. 252.)

"There are two things that this act provides for; First, speaking of the joint select committee to be selected in a certain way, it is to do two things. This is preliminary. They are generally to 'inquire into all matter pertaining to the fiscal relations between the District of Columbia and the United States since July 1, 1874.' That is very definite language. A date is definitely fixed, and the duty of this committee is to inquire into all matters pertaining to the fiscal relations between the District and the United States since July 1, 1874. There is no other date that this committee has any authority to accept." (Hearings, p. 252.)

"Now, what is the purpose of that fiscal inquiry? It is twofold: One, 'with a view of ascertaining and reporting to Congress what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District or for the purpose of conducting its government or its governmental activities and agencies, or for the furnishing of conveniences, comforts, and necessities for the people of said District.' That is first.

"And then we have, second, the following:

"And the committee shall also ascertain and report what surplus, if any, the District of Columbia has to its credit on the books of the Treasury of the United States which has been acquired by taxation or from licenses." (Hearings, p. 252.)

"Now, the twofold purpose of that inquiry it is my desire to emphasize. This committee is dealing with a proposition in equity, and it was the desire of Mr. Johnson and myself and others that this inquiry, dealing with a proposition in equity, should fully cover everything that might affect the equities of the case. So that this committee is to report not only its findings as to what particular financial balance there is and its findings as to what is the amount of surplus, if there is any equitably due the District from the Federal Treasury, but the committee owes a greater duty to Congress than that. They are to transmit to Congress information of all these financial transactions between the Federal Government and the District that might have a bearing on the equities of this case. So I am going to emphasize the first provision rather than the second one." (Hearings, p. 253.)

"Now, take the language In regard to the joint select committee, which is as follows:

"'With a view of ascertaining and reporting to Congress what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District, or for the purpose of conducting its government or its governmental activities and agencies, or for furnishing of conveniences, comforts, and necessities to the people of said District.'

"I am not going too far when I say that if that language had not been contained in the bill this section would not have been enacted. The House could not have accepted this provision, it being the theory of the House conferees that this is a proposition in equity. And if we are going to dispose of it, then it ought to be disposed of and out of the way; but when it is disposed of as an equitable proposition, everything that affects the equities of the Government ought to be taken into consideration." (Hearings, p. 253.)

INTEREST ON BALANCE AND ADVANCES.

The committee were directed "to ascertain and report what surplus, if any, the District of Columbia has to its credit on the books of the Treasury of the United States which has been acquired by taxation or from licenses."

An alleged balance or surplus has been reported by the majority, but in reporting that balance the following sentence, which immediately precedes the direction to find and report the surplus, if any, was entirely ignored:

"And in event any money may be, or at any time has been by Congress or otherwise, found due, either legally or morally, from the one to the other on account of loans, advancements, or improvements made, upon which interest has not been paid by either to the other, then such sums as have been or may be found due from one to the other shall be considered as bearing interest at the rate of 3 per cent per annum from the time when the principal should, either legally or morally, have been paid until actually paid."

In the surplus reported no account whatever is taken of interest except as to the item of the "\$240 bonus" paid to District employees, the \$82,500 for the land purchases, and on the amount paid from Federal revenues for the relief of Eldred C. Davis

The majority has assumed to decide as to the matter of interest on other items in direct opposition to the specific direction of the act raising the committee. The committee are without authority to find a surplus except in accordance with the direction in the act. If those directions are not in accord with the opinions or conscience of the majority, there were at least two courses open. One was to report in accordance with the directions of Congress and supplement that report with a statement of its views where they departed from the statutory directions, and present what seemed to them a proper adjustment according to the majority views; or such as could not conscientiously act might secure relief from service. But there is no excuse for refusing to furnish the information asked while remaining a part of the investigating agent,

It was also stated that the provision contained in the first phrase of the sentence under consideration rendered the provisions of the entire sentence unworkable, in that it applied to future indebtednesses. It seems only necessary to say that there could not be a future indebtedness as referred to in the sentence "upon which interest has not been reid."

sentence "upon which interest has not been paid."

The statute is properly construed as a whole and refers only to the period between June 30, 1874, and June 30, 1922, and the indebtedness "upon which interest has not been paid" refers only to indebtedness existent during some portion of that period, and it might be in point to say that had the law intended to refer to indebtedness yet in the future the phrase probably would have been, "upon which interest shall not have been paid."

Upon consideration of the entire interest proposition it must be apparent that the act does mean that interest at 3 per cent per annum should be calculated on all sums owed by the District to the Government upon which interest was not charged for the time it was held by the District, and the same should be charged on such sums as the District advanced to the Government, and these amounts should be considered in arriving at the surplus, if such there is.

I quote from the statement of Representative Johnson made before the committee:

Representative Johnson of Kentucky. The newspaper has just been handed to me. Under the subtitle of "Questions of interest," I find the following:

"The report on page 2 states that no consideration has been given by the accountants of the question of interest. The resolution provides, in part, that: 'And in any event any money may be, or at any time has been, by Congress or otherwise, found due, either legally or morally, from the one to the other, on account of loans, advancements, or improvements made, upon which interest has not been paid by either to the other, then such sums as have been or may be found due from one to the other shall be considered as bearing interest at the rate of 3 per cent per annum from the time when the principal should, either legally or morally, have been paid, until actually paid."

Now, says the author of this report further:

"It occurs to me that this clause is not capable of literal administration for several reasons, among which are the following: It seems to contemplate the calculation by your committee of interest upon sums which Congress may in the future find due."

The question there depends upon what is meant by "future." As the author of the language I intended to say, and with such of the committee at that time as I went over the matter with, thought that I had clearly said, and still think that I have clearly said, and they thought so, too, that the language there meant not after the conclusion of this report; but you see this language was written and went into a bill which was to become effective on the 1st day of the following July. Immediately following the 1st of July the subcommittee, which is now sitting, was to commence its work, and the word "future" there

meant as to what the accountants or that subcommittee might find for the past, or, in other words, the language there was intended to express, and in my humble opinion, clearly expresses, that interest was to be accounted for at the rate of 3 per cent per annum on all amounts which then had, by Congress or otherwise, been found to be due or which thereafter might be found to be due; "thereafter" or "future," whichever expression you choose to take, meaning that which thereafter or in the future would be found to be due by this committee. Consequently, I contend that it is very easily workable. (Hearings, p. 203.)

It is also suggested as a defense against this interest charge that in two cases the setting aside by act of Congress of certain sum "in full" or "in full settlement" precluded the recovery of interest, and ought to in effect estop the Government from any claim in such case against the District.

There were two cases of this character. The amounts in each case had been admitted by those representing the District. The one was carried in the sundry civil bill, and was first presented in committee by a typewritten provision, as follows (64th Cong., 1st sess., sundry civil, H. R. 15836):

"To further reimburse the United States and in full the amount due on account of one-half of the per capita cost of maintenance of indigent patients in the Government Hospital for the Insane from the District of Columbia in excess of the number charged to and paid for by said District during the fiscal years 1879 to 1912, inclusive, together with interest at the rate of two per cent per annum on yearly balance of said indebtedness from June 30, 1962, to June 30, 1912, inclusive, there shall be transferred from the revenues of the District of Columbia to the United States the sum of \$486,524.27 \$282,754.26."

The provision carried into the bill presented to the House only the language not stricken through and which removes all reference to interest. During the consideration by the House I have been unable to find any allusion to the subject of interest either in the committee report or the Congressional Record. In other words, the House never considered the matter of interest. It follows that if Congress "inadvertently" and without damage or injury to the District failed to require the interest at that time it is strictly in accordance with equity and good morals that it should now, out of this fund to which it has no legal right, make good this mistake.

The construction of the laws made by the majority is erroneous as to the matter of interest charges.

If all that is contended for on behalf of the majority construction as to the effect of appropriation acts were true, it could not avail in this case, as the act of June 29, 1921, in specific terms declares the wish of Congress and the law in this case. To refuse to accept such direction is for the majority to assume that as a committee by a majority vote it can overthrow the expressed will of the lawmaking body of the Nation. Indeed, if its position is sustained it means that one Member of either the Senate or House in such a committee can disregard the law as one in a majority can do all that the majority in this case has done.

THE 5-20 BONDS.

Under the act of June 10, 1879, there was authorized an issue of what has been known as the 5-20 bonds, the amount of the issue being \$1,002,300. To redeem these bonds cost the "interest and sinking fund" \$1,133,848.04, principal, and interest amounting to \$887,127.50, making an aggregate of \$2,020,943.54, which was paid from the "interest and sinking fund."

In this connection it is well to recall that the "interest and sinking fund" item is created and made necessary by the act authorizing another bond issue, the 3.65 bonds, for the express purpose of providing for the payment of the interest and retirement of only the last-named bonds. It was never by congressional action made available for the 5-20 bonds, nor, so far as I have been able to discover, has there ever been in the House of Representatives while this fund was used for the payment of the 5-20 bonds any mention that such payment was being so made.

Congress never intended, and no congressional action ever warranted, the payment of either the interest or principal of the 5-20 bonds. Except that it was estimated for by Treasury officials, it was never called to the attention of Congress. It should be borne in mind that the act authorizing this issue of bonds expressly provides "That this act shall not be construed to make the Government of the United States liable for either the principal or interest of said bonds or any part thereof." Not only so, but Congress, by its action each year from 1900 to 1909, expressly required that the District should pay interest on advances from the Federal Treasury to pay the ordinary expenses of the District where the District revenues were insuf-

ficient to pay the 50 per cent made chargeable to it. (See 31 Stat. 766; 32 Stat. 616, 981; 33 Stat. 391, 915; 34 Stat. 517, 1157; 35 Stat. 311, 727.)

It must appeal to all reasoning minds that Congress was not at that time charging interest against the District on advances to pay its general expenses and at the same time knowingly paying the principal and interest on the 5-20 bonds which it had expressly declared should be no charge against the Government. To have done so intentionally means following two different policies at the same moment in the same bill, one neutralizing the effect of the other.

tralizing the effect of the other.

With these acts in mind it is not reasonable to believe or suppose that, when the attention of Congress was in no way called specifically to the fact that it was appropriating to the payment of these 5-20 bonds, when the name or designation of the fund would only indicate that the appropriation was for the payment of the interest and principal of the 3.65 bonds, Congress intended by the appropriation to pay half of the bonds and interest for the payment of which it had expressly provided it would not be obligated. Another fact that seems significant is that the interest payments on these two classes of bonds, those with Government guaranty and those without, are not in any way separated in the United States Treasury accounts, and from the Treasury accounts it can not be told what interest was paid on the 5-20 bonds and what on the 3.65 bonds and what on the 3.50-10 year bonds. To obtain this information other sources of information than the entries on the Treasury accounts are necessary. It is not meant to reflect on the District or District agents by these facts, but it is intended to suggest that those in the Treasury in charge of this account were not enemies of the District and to insist that Congress did not have the information that should have been forthcoming from them, and there is sufficient proof in these facts that Congress did not intend in this respect an entire reversal of its attitude as definitely and positively expressed in the act authorizing the issuance of the bonds.

Indeed, the Comptroller of the Treasury when fixing the proportional liability as between the District and the Government on the 3.65 bonds refers to the pledge in the act authorizing the 3.65 issue and assigns such pledge as the reason for the liability on the part of the Government.

It follows that absence of the pledge would relieve the Government of liability and an express inhibition against liability ought to fix the liability of the District in a case such as is presented by the 5-20 bonds.

From the examination of the Congressional Record and the various committee reports it is apparent that in making appropriation for "interest and sinking fund" of the 5-20 bonds out of which half the interest was paid, it was never brought to the attention of Congress that it was such an item or carried supprent. The same is true of interest on the postponed payment for the maintenance of the District insane at St. Elizabeths Hospital and the Washington market rentals.

In none of these cases did Congress act directly upon the question nor was it called to the attention of the House.

In the case of the \$240 bonus for District employees the mention of the item at once called to the attention of Congress the exact purpose for which the appropriation was made. The same is true in the appropriation for land for the Zoological Park. In the latter case the majority, I believe, properly charged the District with half of the respective amounts. There was practically no objection from District sources to such charge. representative of the Department of Justice was the only one who might be said not to concede the majority action to be right. When you justify the position taken by the majority as to these cases where the items themselves suggest all that is involved in the appropriation what way of escape can there be from applying the same rule where neither in the report accompanying the appropriation bill nor in any statement in debate in the House (I did not examine the debate in the Senate) nor in the items themselves was there anything to suggest that what was there being done was to relieve the District of a lawful and equitable charge against it.

It must be apparent to every fair-minded man that when year after year the Congress by specific language was requiring the District to pay interest on the various sums advanced for its general expenses that it is unreasonable to suppose that when the District was growing more able to pay Congress decided to relieve it of all its just burdens even in cases where it had placed a positive inhibition against such relief. The fact is all of these items should be considered and charged against the District if it is once decided that there is a surplus to be considered at all.

The power to adjust the balances between the Treasury of the United States and the District is vested in Congress and no place else. (Judge Downey, 21 Vol. Comp. Dec. 393 et seq.)

Page 398 "The pledge for proportionate appropriation for payment of interest on the 3.65 bonds, therefore, was given in contemplation of a plan for a division of this obligation which, when adopted and enacted, fixed the division at 50 per cent. However, in this case the Congress by appropriation did advance the interest on the 3.65 bonds with the provision that it should be reimbursed, bearing in mind that the act authorizing the issuance of these bonds, placed on Congress the duty of seeing them and interest paid, no such duty was upon Congress with reference to the 5-20 bonds.

Judge Downey (20 Comp. Dec. 441, p. 443). "The funded debt for which this appropriation was made as shown by the 'Report of the Treasurer of the United States' on the sinking fund and the funded debt of the District of Columbia for the fiscal year ending June 30, 1912, consists entirely of what are commonly known as the 3.65 funding bonds of the District of

Columbia."

What is known as the "organic act" was approved June 11, 1878. The 3.65 bonds issued under the act of June 20, 1874, were guaranteed by the Federal Government and to be paid by the District and the United States in proportionate shares to be subsequently fixed, which was done by the so-called organic

act and subsequent legislation.

The act of June 20, 1874, ordered the creation of an "interest and sinking fund" to provide for the interest and retirement of the 3.65 bonds and applied to none other. This fund was supplied by appropriations in the bills in which appropriations for

the District were carried.

The act of June 10, 1879, five years after the act authorizing the 3.65 bonds, one year after the act of June 11, 1878, the organic act," so called, authorized the issuance of \$1,200,000, known as the 5-20 bonds, and under which authorization \$1,092,-300 in bonds were issued. The act by which the 5-20 bonds were authorized expressly provided that the United States should not be obligated for either interest, principal, or any part thereof. The act authorizing the issue of these bonds did not provide for a sliking fund or refer to that already provided for the 3.65 bonds. Congress has never so provided. The Treasurer of the United States, after the abolishing of the sinking-fund commissioners of the District, became ex officio sliking-fund commissioner, and each year when submitting estimates for the interest and retirement of the 3.65 bonds included the amount necessary to pay the interest on the 5-20 bonds, and when retiring those bonds also submitted estimates for a sufficient amount for that purpose. The appropriation bill carried as one item under the denomination "Interest and sinking fund" such an amount as not only took care of the 3.65 bonds but also the 5-20 bonds. It is certain that the House membership at no time when action was taken on the item of "interest and sinking fund" knew that It included the interest on the 5-20 bonds or provided for their retirement. Few, if any, knew that the act authorizing those bonds expressly provided that the Government should not be liable for any part of the principal or interest. Members now here who participated in those appropriations will recall their lack of such knowledge.

It is urged on behalf of the District that it has been held that the term "general expenses," as applied to the District, included interest on the funded debt and that the 5-20 bonds are a part of the funded debt of the District, and that under the act of June 11, 1878, the Government was bound to pay one-half of the "general expenses" of the District. This position entirely omits consideration of the fact that the act of June 11, 1878, is general in its character and was prior to the act of June 10, 1879, which is special in its character and contained a provision expressly negativing the intent to include the interest on the 5-20 bonds as a part of the "general expense" of the District. Thus there is no escape from the conclusion that the District owes to the Government by reason of its payment of one-half of the 5-20 bonds the sum of \$1,010,-486.77, with interest on the several sums of which it is composed or made up, from the times of payment by the Government in accordance with the directions contained in the act raising the joint select committee.

It is suggested in the majority report that congressional action by appropriation bills, on moral or equitable grounds, conclude the government. Such a statement ought to carry its

own refutation to even those who suggest it.

There is absolutely no consideration for an appropriation to the benefit of one not a creditor of the United States. It of itself deprives the person for whose benefit made of no advantage and it puts him at no disadvantage. The position of the Government in its relations to the District is most nearly analogous to that of the parent of two or more children. He can give to one of them in infancy what he thinks it needs.

He may advance to it in excess of what the other children get in the way of education or clothing or favor it in the character of duties imposed upon it, but because the father has so done is no reason why such child should object when required to perform the same duties and wear the same clothes as his brother or that he is taken from school or travel and put to work. Indeed, should the father lease him a farm, rent free, and pay for half his improvements and implements, and then permit him or aid him to make a loan which the parent re-fuses to indorse, but of which, when it comes due, he pays half of the principal and interest, it ill becomes the son in the settlement of accounts with his father to say: "I worked you, and although I have been used better than my brother, I should not be made to pay this; I repudiate my legal, equitable, and moral obligation." Such, however, is the attitude of those representing the District on the 5-20 bond. The District has more advantages given to it by the United States without charge and more gifs bestowed upon it than any other city in the United States, indeed than to all other cities combined.

The auditors or accountants, Haskins & Sells, in their report present this item as a proper charge against the District. Mayes did likewise in their report. Although the majority report claims that Congress has acted thereon, I have been unable to discover where it has been before Congress other than that it has been mentioned in the Mayes report to the subcommittee having in charge the Mayes investigation. As stated, I have been unable to discover any presentation of the item to Congress and the majority cite no such presentation. If there had been such action by Congress, Mr. Donovan, the District auditor, Mr. Galloway, or Mr. Colladay would certainly have called it to the

attention of the committee.

On pages 194-195 of the hearings, the extent of the inquiry being the subject under consideration, occurs the following:

'Evans. In order to have a specific case, there used to be the old Georgetown bonds, and there were subsequently District bonds, or Washington bonds, I guess, that were not included in the 3.65 bonds or ever guaranteed by the Federal Govern-They were upon the estimates presented to the Appropriations Committee paid 50-50. Now, do I understand that such a case as that you would consider not a proper case for the auditors to go into?

"Mr. Donovan, No. sir.

"Evans. And that they ought to go into.

"Mr. Donovan, Absolutely.

But later Mr. Donovan expressed a different opinion on these bonds (see p. 195).

This quotation, however, gives the attitude of the District

auditor on conditions similar to the 5-20 bonds.

Suppose that under present conditions, with the majority report recommending the recognition of a four and one-half million surplus for the District, and that no action should be taken thereon, even though it has been expressly called to the attention of both Houses, will it be contended that failure of Congress to act concludes the District's claim to such surplus?

Such, however, is the position assumed by the majority as to this claim for Government credit on the 5-20 bonds and interest on various items. There is no question as to the justice of the debt, but because the Government was liberal in granting time

the District pleads that liberality as a defense.

Apparently It is the claim of the majority of the committee in its report that recently Congress has been refusing to appropriate as much as the District desired and needed, and that this accounts for the surplus, the intention being to carry the thought that the difference between estimates and appropriations was in a different plane recently than that formerly adopted. Estimates since 1893, by years, are submitted herewith and are followed by the appropriations for the same period.

Note .- Total estimates, including water department :

1893	\$6:717.865.43
1894	6, 733, 544, 66
1895	16, 966, 163, 16
1896	7, 217, 934, 25
1897	7, 706, 405, 22
1898	8, 686, 616, 38
1899	28, 124, 375, 90
1900	9, 230, 807, 07
1901	0, 200, 301, 01
	7, 657, 773, 31
1902	9, 080, 703, 94
1903	410 707 407 07
1000	10, 767, 497, 97

¹ It was recommended by the Secretary of the Treasury that these estimates be reduced to \$5,381,473.91.

² It was recommended by the Secretary of the Treasury that these estimates be reduced to \$6,205,015.06.

³ It was recommended by the Secretary of the Treasury that these estimates be reduced to \$7,230,807.07.

⁴ It was recommended by the Secretary of the Treasury that these estimates be reduced to \$7,826,016.

1904	\$11, 005, 628, 00
1905	13, 017, 581, 00
1906	1 12, 556, 176, 65
1907	* 11, 625, 686, 15
	8 11, 918, 518. 63
1908	13, 798, 126, 35
1909	16, 138, 355. 52
1910	11, 180, 628. 49
1911 1912 (including \$900,000 payable wholly out of the	11, 100, 620. 49
1912 (including \$900,000 payable wholly out of the	10 070 007 00
United States Treasury)	12, 872, 985, 90
1913 (including \$389,000 payable wholly out of the	
United States Transpry	12, 954, 720. 50
1914 (including \$97,000 for certain parks)	12, 874, 297, 60
1915	14, 491, 014, 40
1916	12, 909, 434, 23
1917	15, 473, 676. 34
1918	16, 961, 092, 66
1919	17, 502, 324, 99
Supplemental and water department	1, 594, 982, 00
1920	15, 928, 819, 00
1921	19, 179, 716, 03
Supplemental	1, 149, 712, 84
Supplemental	27, 085, 167, 99
1922	4 26, 886, 866, 75
1923	20, 000, 000. 10
1923 (including \$1.624,600 of permanent annual in-	28, 511, 466, 75
definite appropriations)	28, 311, 406, 13

It is also claimed by them that Congress has very materially reduced District appropriations during the war (p. 184). This is an inaccurate statement. The appropriations by years since 1892 follows:

NOTE.—Total appropriations, including water department: 5

1892	\$5, 597, 125, 17
	5, 372, 737. 27
	5, 413, 223. 91
1894	5, 616, 138, 57
1895	5, 761, 383, 25
1896	5 000 210 49
1897	5, 900, 319, 48
1898	6, 205, 015. 06
1899	6, 586, 580. 07
1900	6, 874, 525, 77
1901	7, 577, 369. 31
1902	8, 502, 269, 94
1908	8, 586, 089. 97
1904	8, 888, 097. 00
1905	11, 023, 440. 00
1906	9, 844, 197, 62
1907	10, 346, 062, 16
1908	10, 442, 598, 63
	10, 001, 888, 85
1909	10, 699, 531, 49
1919	10, 840, 257, 99
1911	12, 061, 286. 50
1912	10, 670, 733, 00
1913	11 200 020 00
1914	11, 392, 239, 00
1915	12, 272, 539. 49
1916	11, 950, 063. 60
1917	12, 842, 216. 10
1918, including \$956,003 in deficiency acts	15, 129, 000, 85
1919 including \$830,482.80 in deficiency acts	15, 971, 001, 46
1990 including \$12,000 in sundry civil act, \$726,820.04	TO VALUE OF THE PARTY OF THE PA
in deficiency acts, \$591,281.75 in special acts, and	
\$15 264 421 in the District of Columbia act	16, 694, 527, 79
1921, including \$533,727.90 in deficiency acts	18, 881, 949, 43
1922	6 21, 039, 972, 99
1922 (deficiency acts)	1, 566, 700, 00
1922 (Army act)	200, 000, 00
1922 (Army act)	1, 380, 600, 00
1002 (permanent annuar and indentite appropriacions)	22, 459, 609, 80
1923 (deficiency act)	382, 000, 00
	10, 000, 00
1923 (special act)	1, 624, 600, 00
1923 (permanent annual and indefinite appropriations)_	1, 021, 000. 00

It will be seen that while there was a slight reduction in one or two years that there has been a gradual increase throughout

the entire period.

The majority report also challenges attention to the fact that since 1912 the appropriations have not been equal to the estimates, and by inference, if not statements, convey the impression that this is unusual and had not been the fact prior to 1912, and the statement is also made that this failure to appropriate the amount estimated and because appropriations were so reduced the surplus accumulated. The majority fails to state that for some of the years covered there was an estimate calling for expenditure of large amounts exclusively from the Federal funds, but does include those amounts in the estimates copied into the report.

Schedule 1 of the Mapes report shows that the total District revenues in 1912 were \$7,078,091.16, and that there was a gradual increase, until in 1922 the amount was \$13,917,005.62, ap-

proximately doubling in 11 years. This fact and a comparison of the preceding tables refute the majority statements referred to so far as material to the consideration of the subject in hand.

In this connection it is also urged that expenditures for public schools in the District during the war were reduced. expenditures for schools, by years, since 1914 follow:

	[Note: Total for	public schools.1		
Appropriations.		Estimates.		
1915	\$3, 382, 840, 00	1915	\$3, 781, 245, 00	
Deficiency				
1916	3, 308, 740, 00	1916	3, 362, 700, 00	
In deficiency acts_	42, 204, 00			
1917	8, 090, 299, 00	1917	3, 647, 721, 00	
Deficiency act	88, 150, 00		N. S. A. S.	
1918	3, 568, 225, 00	1918	4, 131, 180, 00	
Deficiency	103, 657, 00			
1919	3, 478, 840, 00	1919	5, 101, 253, 00	
Deficiency	92, 000, 00			
1920	3, 665, 950, 00	1920	3, 986, 300, 00	
Deficiency	175, 744, 00			
1921	5, 018, 160, 00	1921	4, 556, 915, 00	
Deficiency	69, 719, 56	Supplemental	54, 520, 00	
1922	5, 871, 140, 00	1922	7, 115, 645, 00	
1922 (deficiency)_	1, 544, 000, 00			
1000	7 240 800 00	1992	7 614 990 00	

It is apparent from this table that schools have been fairly treated. In the writer's opinion, if the people of the District should turn their energies to securing an intelligent expenditure of their own and the Nation's contributions to this fund, instead of directing floods of abuse at Congress, many of the existent evils would disappear. This comment is recognized as not material to the determination of the point in dispute, but as conditions in schools and alleged disparity between estimates and appropriations have been injected into this controversy, it is submitted for consideration of such as are really interested in schools rather than getting money out of the Treasury.

260, 000, 00

Deficiency act____

TAX RATE IN THE DISTRICT.

There is another matter which is constantly being injected into the fiscal relations, which were under investigation and alluded to in the majority report; that is, the tax rate of the District as compared with the tax rate of other cities of approximately the same population. Several methods of comparison have been used in making the comparisons. One has been by a comparison of the rates mentioned in the various legislative acts fixing the same. Another is taking the gross tax of the taxing districts, dividing that by the population of the district, and comparing the results, and is called the per capita method. Both of these are inaccurate and used by no person intelligently seeking the truth.

The only accurate method is to compare the selling price of property, fixed by actual sales and the tax paid in the year on that property in one taxing district, with that in another district measured in the same way, or in place of the selling price substitute the annual earnings of the property for the selling price, and make the comparison, or in some cases it may be necessary to take a combination of the two methods, but in every case use the same method in each taxing district and use the same class of property when making comparisons. This method is recognized by courts where a legal controversy requires comparisons of tax rates, and by business interests when it has become material in locating investments or in making comparisons.

So measured, the District tax rate is from three-fifths to onethird of the rate of cities of its class. Having in mind the fact that legally there can be no surplus in favor of the District, that its tax rate is most favorable to its inhabitants, that during recent years, while the tax rate of all other communities in our country was going mountain high to meet the ordinary running expenses of their local government and their earning power was down to almost zero, that the District still retained the same tax rate and the earning power of its wealth was soaring to heights not dreamed of heretofore, it now says, "We wish to have re-turned to us a share of what under these circumstances we did pay into the Treasury under the law, and we demand that you do not even charge us with that which you advanced to us to carry us back to financial respectability when our own lack of self-governing power and ability had made us bankrupt, and the only reason being urged in support of this position is that Congress at that time did not insist on a strict account and payment.

THE INVESTIGATION MADE BY THE COMMITTEE HAS COVERED NEITHER THE PERIOD NOR THE EXTENT THAT CONGRESS DIRECTED.

The language of the act is very plain in two particulars, i. e., the period covered, June 30, 1874, to time of the act June 30, 1922, and the matters covered; that is, all matters pertaining to the fiscal relations.

¹ It was recommended by the Secretary of the Treasury that these estimates be reduced to \$11,062,370.

¹ It was recommended by the Secretary of the Treasury that these estimates be reduced to \$11,299,364.

¹ It was recommended by the Secretary of the Treasury that these estimates be reduced to \$11,598,222.

¹ It was recommended by the Secretary of the Treasury that these estimates be reduced to \$11,598,222.

¹ It was recommended by the Secretary of the Treasury that these estimates be reduced to \$5,602,125.17.

¹ The appropriations as stated include sums appropriated in the sundry civil. deficiency, special, and legislative, etc., acts, as follows: 1893, \$54,764; 1896, \$15,940; 1898, \$18,024; 1899, \$109,700; 1900, \$40,000; 1903, \$41,620; 1904, \$250,000; 1905, \$4,900; 1906, \$5,000; 1906, \$207,370; 1908, \$2,000; 1911, \$232,230; 1912, \$4,500; 1914, \$8,500; 1915, \$100,000; and 1916, \$90,323.

¹ Includes \$1,827,560 on account of transferred items.

There has been but one fund to which the investigation of Haskins & Sells has gone—the District general fund. If there have been other items followed or investigated, it has been because such items have been connected with the District general fund or the inquiry has been made on special request of the committee or its chairman or a member. The same is true of the Mayes investigation. Nothing has been done outside of the District general fund unless the item was connected with the general fund or unless there were instructions to the accountants to investigate a particular item or group of items.

The remarkable thing about it all is that it is from items outside of the general fund that the debits against the District have nearly always been found. It will be found that when a complete and thorough investigation has been made that the oversights and omissions will be in matters not strictly within the general fund. The reason for this is plain. It is an account with the appropriations and in touch by practically daily audits by both the District and the Treasury. This is not true of the "interest and sinking fund" handled in the Treasury alone, or of an account such as the Washington Market, the District insane, or even rentals when they go into the District account without a check back.

It is because of these conditions that now is the time to check up all appropriations made wholly from Federal funds and which reach the District or benefit it and at the same time to search all receipts to their sources so as to determine whether or not the District has received revenues equitably belonging to the Government or, on the other hand, to assure to the District those millions in addition to the surplus found by the majority which is claimed for it by those representing it.

At a meeting held on January 20, 1923, and after Haskins & Sells had made their report, the committee considered what the scope of its investigations should be.

A reading of the stenographic report of that meeting (see typewritten copy, pp. 69 to 76, 91, 95, 97) will disclose what Chairman Phipps, Senator Ball, Senator Harris, Congressman Wright, and myself thought at that time. Each of the persons mentioned expressed an opinion favoring the making of only a partial or preliminary report and requesting further time and additional funds to make a complete, a thorough investigation.

At that meeting the following motion was unanimously adopted: "In order to bring something before the committee I move that the chairman be instructed to have prepared and present to the two Houses, the Senate and the House of Representatives, a report which shall in substance state the work done, without giving conclusions, and that it is the opinion of the committee that it should be continued, and with additional funds sufficient to thoroughly cover the entire work submitted to the committee," (See pp. 74 and 96 of typewritten report.)

By some inadvertence the report of the meeting of January 20, 1923, was not published with or made a part of the majority report. It is, therefore, proper to say that the meeting of January 20, 1923, was held after the Haskins & Sells report, with the comments of the District auditor, the comptroller's representative, the Department of Justice's representative, and Mr. Hodgson thereon presented separately, had been made. I shall quote from the expressions of the members of the committee made at that time:

"The CHAIRMAN. The committee will come to order.

"We are all aware of the fact that on account of the short period of time allotted us in which to make a report our decision was made that we should not attempt to begin with the year 1874 but should first have the auditors cover the 11 years from the time that audits were last submitted, although they may have been only partial audits, up to July 1 of last year. I think the wisdom of that has been shown from the fact that the auditors have found it difficult even to complete the work of the 11 years, going back, of course, into former years where it was necessary to check up the data and give us any time at all to submit a report to the Congress.

"From the data we have before us, from what little study I have been able to give it—and I have not had much time, because I have been crowded with other matters—it would seem to me that our report to the Congress will have to take the form of a partial or preliminary report in any event. I doubt that we have sufficient data before us on which to agree on a recommendation to the Congress for the settlement of all matters in dispute as between the District and the Federal Government; and, as I see it, we shall have to consider whether or not our proper course would be to make a preliminary report and to ask for additional time, during which the auditors and the

committee can work, during the recess of the Congress; and I am informed that if we do that and continue the audit so as to make it complete over the years prior to 1911, as contemplated in the act appointing us, the fund allotted of \$20,000 would be insufficient to pay the total cost of the work, and we would probably have to ask for authority to continue and an additional appropriation of about \$10,000, from the best information I can obtain.

"Senator Ball. Do you not think, Mr. Chairman, that this report, since we have commenced the investigation, should be a final report that would forever settle this matter, even though we should have to ask for additional time and funds? There have been so many reports that have not been complete. Now, if we are going to make a report I would feel that we ought to make one that would answer all inquiries in the future. That would be my feeling in the matter.

-

"The CHAIRMAN. The Members, of course, will remember that the thought of the committee was that possibly the auditors going into the affairs for the past 11 years could determine whether or not the audits previously made up to July 1. 1911, could be properly accepted by this committee as conclusive and covering the earlier years, so as to avoid performing work which has already been gone over by accredited auditors. I do not know what your personal views are since receiving the report now submitted by Haskins & Sells, but my own feelings in the matter is that the committee could not conscientiously submit a report with recommendations that they felt should be conclusive on the District and on the Federal Government, and it would leave undetermined certain items of dispute, which have been brought into question and regarding which differences of opinion have arisen as between the auditors and the representatives of the District and others, and I might say also in the minds of the committee; so that I doubt if we would be justified in attempting to formulate what would be looked upon as a final report and as expressing the views of the members of the committee. It would be inconclusive.

"Representative WRIGHT. Mr. Chairman, I am impressed that the legislation which created this committee contemplated that the entire period from 1874 on up should be covered; and if it be necessary, to render a report which would finally settle these mooted questions between the United States and the District of Columbia; in other words, when this report shall have been filed that Congress can take such action upon it as will finally set at rest these disputed items. I think that was thoroughly in contemplation when the legislation was passed.

"Now, the chairman has suggested that only 11 years of that period have been covered, and that that coupled with the formal report might clear up the situation so that a comprehensive report might be submitted by this committee.

"It has developed that the examination of those 11 years alone has consumed practically all the time—

"Representative Hardy of Colorado. And all the money.

"Representative Wright (continuing). And all the money; so that this committee has very little time to formulate a report, and the question arises as to whether we have sufficient data or information now to render that report.

"This thought occurs to me: What would be the status of this committee after the 29th of February, which is the date fixed as that upon which we should render this report. If we submit a preliminary report, would we not necessarily have to ask Congress to extend our time and make an additional authorization of appropriation for the work?

"Senator Ball. Would you suggest a preliminary report?

"Representative WRIGHT. I think that would be the sensible thing to do. I hardly see how it would be physically possible for this committee to thoroughly investigate all of these items, with the issues which have been raised here, between now and

the first Monday in February.

"Senator Ball. Personally I would rather submit no report until we were ready with our final report. We might make a statement in this preliminary report, if one were submitted, that we would find afterwards was not well founded, and it would be in existence and would be quoted in the future, probably, against our final report.

"Representative Wright. I would certainly want to avoid what the Senator suggests. If you made a preliminary report, it would not particularly bind anybody. My idea would be to have Haskins & Sells submit a preliminary report.

"The CHAIRMAN. A preliminary report could be in two forms, as I see it, one including the figures or recommendations, and another, which would be practically a report of progress, with an explanation of the situation that has developed.

"Senator Ball. That is the kind of report I would like to

"The CHAIRMAN, With a recommendation for further time and, if necessary, that further money be allowed for the pur-

"Representative WRIGHT. But the thought I have right now is, do the members of the committee feel that by the 1st of February we can submit such a comprehensive report about this situation that we can suggest that Congress act upon it? I suppose that what Congress wants is to have this committee throw some light on this question so that they can legislate Now, the quesand forever set at rest these mooted questions. tion still arises in my mind, What will be the status of this committee after the 1st of February?

"If we submit a preliminary report which will not settle anything except to state that we have made some progress, but we do not come to any definite conclusion, suppose Congress does not continue us; suppose it refuses to make a further appropriation, then has not all this gone for naught?

The CHAIRMAN, I do not think so.

"Senator HARRIS. Do you not think that this would be the best idea? We are not ready with our report. I think that we ought not to say anything. I think a preliminary report would not be worth anything, unless it would throw light on the whole question, after all these years. Had we not better determine to do this: To ask Congress to give us time within which to complete this report and give our findings or else just make a preliminary report, showing the findings of the auditors and anything that we definitely determine in regard to it? And then we are through. It seems to me we had better not do anything until we find out whether we can get time enough to finish this. I think it is important. We have already spent a lot of money, and we ought to spend enough money to complete it.

"Senator Ball. The money spent is absolutely wasted unless we make a final report that stands for the future. Now, we are not ready to do that, and we can not be ready by the 1st of February, if we are to cover this whole proposition. But if we make a report now, even though it is termed a preliminary report, giving figures, those figures are going to be referred to in future, and will always muddle the situation in the future to some extent."

It is claimed by members of the majority that these excerpts are from the proceedings of an executive session of the The facts are that besides the members of the committee there were present the stenographer, Mr. Galloway, and Mr. Hill. The motion above referred to was unanimously adopted. The chairman, by motion, was authorized to appoint a secretary and was authorized to make public various reports or comments on the Haskins & Sells report.

It is claimed that after this the members signing the majority report changed their minds as to the necessity of making further investigation and that as the minutes of a meeting held on January 27 were not published the minutes of the meeting of January 20 should not be published. This majority report evidences the change of mind and it is assumed gives reasons satisfactory to the majority for that change. No complaint is made because of the change and the minority only gives the majority's views before the changes to substantiate the minority view.

All minutes of meetings and of hearings were in the control and the possession of the chairman and the majority. As the minority, the writer received just that which he requested. He asked for the extension of the stenographic notes of the hearings and secured among others that of January 20. It includes the statements of the chairman, the members of the committee,

and of Mr. Hill and Mr. Galloway, with the action of the committee on the motions presented. It was not announced as an executive session and nothing not perfectly proper to be made

public occurred.

The majority report when urging the comprehensive and conclusive character of the Mayes report (H. Doc. 1627, 63d Cong., 3d sess.), emphasizes unduly the language of the committee in submitting it. As noted with context it is "On February 26, 1915, a finished report was submitted to the subcommittee by the accountants," etc. The majority report in stressing the phrase "a finished report" seeks to carry the impression that it was a complete report of a complete investigation. To one not acquainted with the facts such a conclusion may be logical and natural. It is not asking too much of the majority for it to have

lumbia in the Government Hospital for the Insane is not considered in this account, because the audit of said account at the Government Hospital for the Insane is not yet completed." This was specifically called to the attention of the committee by its chairman at the meeting on January 29, 1923, so that the majority knew that the Mayes report was not, as is inferred, a complete report. (Hearings, 240.) The fact was that Mr. Mayes, sr., had secured other employment and ceased to work for the investigating committee, and the report referred to finished his connection with the work. It was the close of his work and

Under the conditions now present it is scarcely to be expected that the minority can get all of the setting of 10 years ago. The majority report does show that after the "finished report" was presented Mr. W. W. Spaulding continued at this work intermittently until in 1918, and that other amounts due the Government from the District were discovered, admitted to be due, and ordered paid. The majority certainly knew that the "finished report" did not refer to a complete audit of all accounts. No man at either end of the Capitol has such thorough knowledge of the relations between the District and the Government as Hon. BEN JOHNSON of Kentucky. Certainly no one knows more of the House committee work as covered by the Mayes and Spaulding audits covering the period from 1878 to 1911 than he.

It was upon his motion that such action was taken. He was before the joint committee, and I quote a part of his comment

before the committee on those audits:

"They were not what you might call, Senator, audits in the rict sense of the word. They were supposed to look through strict sense of the word. the acts of Congress and find where Congress had made loans or advancements to the District of Columbia, with the distinct understanding that those that the District should reimburse, they should make a report as to those. Now, they did report as to several of those, and the Congress directed what they found, and which finally became undisputed, to be returned to the United States. But there was not an audit of the accounts between the District of Columbia and the United States made

by either Mayes or Spaulding.
"The Chairman. That could be termed a complete audit, you

"Representative Johnson of Kentucky. Yes.

"The CHAIRMAN. There were audits made, but you would not term them complete audits?

"Representative Johnson of Kentucky. Why, I would term

them most incomplete." (Hearings, p. 199.)

It is stated in the majority report that Mr. Johnson has spoken "against the necessity for or advisability" of "a further detailed audit" of the period between July 1, 1874, and June 30, 1911.

This is an error. Mr. Johnson stated in substance that it was not necessary to audit the portion-not the period-of the accounts audited by Mayes, which was the general fund and some special items. The Member from Kentucky does not need assistance from the majority or minority either in the expression of his views or their interpretations, and this mention is only made that this statement of the majority may not remain unchallenged.

On page 202 Congressman Johnson, in answer to a question

by Senator Ball, states:
"Representative Johnson of Kentucky. You take it for granted; your premise is laid down now that a former Congress has settled this. There I take issue with you. I do not think the former Congress ever settled it.

Now, Mayes and Spaulding made reports that they found that many advances to the District of Columbia under certain congressional acts had been paid to the District of Columbia with the provision that the United States was to be reimbursed, and then their report was as to the amounts advanced, and the report also was to the fact that no reimbursement had ever So the two naked facts of advancement to the District and nonpayment by the District to the United States of a

specified amount were the extent of their reports.

"Then the Appropriations Committee just put in the appropriation bill clauses requiring the District of Columbia to account for and pay the amounts so reported, saying nothing whatever of interest, as to whether it was to be calculated at some

other time or whether it was to be remitted.

"That condition relates to the insane asylum affairs and to a number of other items. If I had known I was coming here, I would have read the report." (Hearings, p. 202.)

would have read the report. (Hearings, p. 202.)

When Hon. Ben Johnson was before the committee he made the following statement in answer to questions then asked him:

"The amount due the United States on account of the support and medical treatment of the insane in the District of Co-

sented that report, had they covered all of the work that was referred to them?

"Representative Johnson of Kentucky. Do you mean the House District Committee?
"Representative Evans. The House District Committee.

"Representative Johnson of Kentucky. Having the accountants, Mayes and Spaulding?

"Representative Evans. The Mayes and Spaulding reports Was it supposed to or intended to investigate all items of difference between the Federal Treasury and the District of Columbia?

"Representative Johnson of Kentucky. Most certainly not.

"Representative Evans. What items, if any, were investigated by either the Mayes or Mr. Spaulding which were not specifically mentioned, and they directed to investigate, except the single subject of appropriations and disbursements under appropria-

"Representative Johnson of Kentucky. I do not believe I

caught your meaning.

"Representative Evans. The Mayes, and subsequent to them Mr. Spaulding, were asked to check up the matter of disbursements against the matter of appropriations for the period mentioned, were they not?

"Representative Johnson of Kentucky. For the purposes

mentioned; yes

"Representative Evans. Now, were there any other items investigated by either the Mayes or Mr. Spaulding except such as

were specifically called to their attention.

"Representative Johnson of Kentucky. If they went into the investigation of anything except matters to which their attention was specifically invited by the House District Committee, I am not aware of it.
"Representative Evans. Was that investigation under the

control of the District Committee?

"Representative Johnson of Kentucky. It was under the control of a subcommittee of the District of Columbia Committee.

"Representative Evans. What relation had you to the Dis-

trict Committee and to that subcommittee?

Representative Johnson of Kentucky. I was chairman of the House District Committee and I was chairman of that subcommittee." (Hearings, p. 209.)

That the Mayes report did not pretend to be a completed investigation of the accounts under consideration was called to

the committee's attention. (Id. 240.)
On January 31, being the Wednesday immediately preceding the Monday on which the majority report was filed and presented, the minority member inquired of Mr. Hill, the representative of Haskins & Sells, the accountants employed by the committee, whether or not Haskins & Sells would then, without an additional audit, cover with a certificate or under their signature the accuracy of a statement of account of the period preceding June 30, 1911. His reply was, "Absolutely not."

DISTRICT CLAIMS PRIOR TO JUNE 30, 1911.

From the hearing held on August 22, 1922 (see pp. 184-186 and 187-188 of the hearings), it is very apparent that both Mr. Galloway and Mr. Donovan are satisfied that an investigation of the period from 1874 to 1911 could not show any sum due to the Government, and that, although it might show something due the District, it is by them deemed a "dead issue," although there might be something in the accounts of that period showing a credit in favor of the District of Columbia, "because the Mayes account does not purport to cover the District's side of the story between those years." If there was no search for Dis-trict credits, its case was not closed nor is it a "dead issue."

On page 188 of the hearings it is suggested that the District has a claim of a million dollars that has merit-at least is an equitable claim for reimbursement against the Government. If

so, it ought to be considered.

Mr. Edward F. Colladay, representing the citizens' joint committee of the District, appearing before this committee, stated: "While we believe that a restatement of the account, such as a literal following of the act under which this committee is proceeding might be said to call for, would raise up millions creditable to the District of Columbia's side of the account, both principal and interest, if interest is to be treated as due in the absence of a statute or contract providing for it," he wished to have the investigation kept away from so much of the period covered by the act raising this committee as is included between the years 1874 and 1911. (Hearings, pp. 246-247.) Neither the District auditor, the representative assigned by the Department of Justice, nor the representative of the citizens' joint committee, nor any other person, association, or official, excepting only Congress, can take away from the District that which belongs to it legally, equitably, or morally under the act under which this committee conducts its investigations; and while

Congress has that power, it should not so wrong any person or. community.

Justice, equity, morals, and the commands of Congress require that this investigation should be thorough and should be so complete that no person in the future shall be able in good faith to say that the District has been deprived of a million dollars either legally, equitably, or morally its due. It will furnish to no Member of either Senate or House an excuse or justification for his action to say that the District auditor, or a legal adviser. or the representative of groups of District inhabitants announced their willingness to forego such claim. It is a claim neither one nor all of them nor this committee has the power or the right to give away or foreclose. This committee should determine the truth or falsity of such claim by conducting the investigation Congress directed it to make.

I know this investigation may secure information which will make the tax burden on the taxpayers of this Nation heavier; but if the children in the District do not have school facilities, and the District's inhabitants can not get to and from their homes because of lack of proper ways, and the District has a million dollars due it from the Government with interest thereon for at least 12 years, Congress should determine that fact and make payment. If, however, there is a million dollars due from the District to the Government, with interest on it for 20 or 30 years, I would not be averse to requiring the District to collect that money and make payment of its debt.

It is quite possible that the majority in presenting the report it has may be pulling a wooden horse into the citadel, or mayhap the Greeks still bear gifts.

SALARIES OF ARMY OFFICERS DETAILED TO DISTRICT SERVICE.

An item mentioned in the report of Haskins & Sells has not received the attention it merits-engineer officers detailed by the Army for District work whose salaries are wholly paid by the Government.

These men so detailed are men whose counterparts in similar cities as a rule receive large salaries. No other city can secure a similar detail. It has been suggested that on river work to which they are assigned they are paid by the Government, but the rivers are under the War Department. It is suggested that they are assigned to advise in engineering problems, but even in that case the service rendered is only advisory, of short dura-tion, and nothing more. In this case, however, it is all kinds of engineering work, streets, water, auto vehicles, every branch of engineering work in the city. The salary of the Engineer Commissioner might be excepted, but even as to that no sufficient reason can be given for the exception. I do not wish to be understood that where that work has anything to do with the Potomac in its navigable reaches or where that service is expended upon the conduit outside the District boundaries these services should be charged to the District and Government joint account. Where the service is expended on a subject where the District jurisdiction does not extend the District should bear no portion of the salary or expense, but for services rendered within the District for the exclusive benefit of occupants of the District salaries and expenses should be paid from the joint Government and the District budget.

In any event the amounts so paid should be reported for the

information of Congress and its future action.

PREMIUM ON 3.65 BONDS.

There seems to be no question but that the Treasury purchased, at a premium not authorized by law, bonds of the 3.65 bond issue and one-half of this premium was taken out of the revenues of the District. If, as is indicated by the act under which we are working, the District is to have set to its credit such sums as have been improperly charged against its revenues, here is an item for which it is certainly entitled to have credit. It had not control over the "interest and sinking fund or over the purchases of bonds made from it or over the estimates upon which the appropriations were based. The officers responsible for all these matters were Federal and Congress was directly responsible for so placing the control. Justice and equity would credit back to the District the half of these pre-

There was \$5,000 appropriated some years since to purchase land for the National Training School for Girls. This fund has been expended and no land purchased. One of the interests here is entitled to credit for half the amount.

This is an item which, if investigation shows "misapplication," was not discovered by any audit.

FINES AND FEES IN DISTRICT COURTS.

There is an item in the Haskins & Sells report to which it calls special attention; that is, fines and fees in the District Supreme Court. There is another item in that report to which special attention is not called: Fines in the police court of the

District, which during the period covered by the Haskins & Sells audit amounted to \$1,536,958.73. It was all covered to the District's credit and should have been divided.

These courts are supported from the joint appropriation, except that clerk and marshal of the former are paid entirely from Government funds. It is the opinion of the writer that both of these should be divided between the District and Government on the basis of their contributions.

III.

THE FINDINGS BY THE MAJORITY OF A SURPLUS OF \$4,438,154.92 AS DUE TO THE DISTRICT OF COLUMBIA IS NOT SUPPORTED BY FACTS OR LAW.

In order that there shall be a surplus in favor of the District in the Treasury of the United States under the law, it must appear that all accounts between the District and the Government from June 30, 1874, to June 30, 1922, have been audited and that the balance sheet covering that entire period shows such balance.

THE MAJORITY DID NOT SO FIND THE SURPLUS THEY REPORT.

The only period that has been covered by the majority audit is that between June 30, 1911, and June 30, 1922. The only account covered in that period is that of the District general fund. Other funds or appropriations not contained in the District appropriation acts have not been checked or audited except as to specific items, and as to the period preceding June 30, 1911, there is only the guess that it is as found by the Mayes, of whom it is established that they only completely checked the District general fund.

To arrive at the conclusions presented by the majority it was compelled to violate the ordinary canons of construction in construing the acts of Congress, and to disregard the directions of the act of June 29, 1922, under which it was supposed to act.

In arriving at its conclusions the majority omitted from consideration the following items for the Government:

One-half of the 5-20 bonds.

One-half of the interest on the 5-20 bonds.

Interest on all items of advances or credits upon which inter-

est has not been paid. One-half of the fines of the police court for the Government. One-half of the \$5,000 appropriation to buy land for the National Training School for Girls, which, it seems, has been ex-

pended but no land bought. One-half of the salaries of Army officers who work only for

the District. And for the District the majority omitted the following items:

One-half of the fines and fees in the Supreme Court of the

One-half of the unlawfully paid premiums on the 3.65 bonds. Interest on these items, not to mention the millions referred to by the District auditor and Mr. Colladay, the representative of the Joint Citizens' Association.

To the above there should be added whatever changes an audit of all other matters not audited might disclose. interest item alone on known changes shows a credit to the United States of \$1,691,889.93, as shown by the majority report.

The 5-20 bonds show a credit of over a million for the Government, and interest from the dates of payment should be

There are many other items not included in the foregoing which are known to a limited number of persons, which, when properly inquired into, will doubtless disclose other large sums that have gone from the Treasury to the benefit of the District.

It is not amiss to call attention to Congress to the conclusion of some Members of the majority embodied in their report:

"Some members of the committee believe that these laws, although binding, were in many instances more favorable to the District than they should have been if due consideration had been given to the taxpayers of the United States, and that under these laws the United States has for a long time and is now contributing more than its just proportion to the administration of the District government and the upkeep of the District; and that this is especially true when consideration is given to the limited activities and interest of the United States in the District, which are not wholly maintained at the expense of the United States, as compared to the large, expansive, and growing interests of the residents of the District or those owning property therein, and taking into consideration also the low tax rate paid on property located in the District."

The writer, having left the committee room, was not present

when this was incorporated as a part of the report.

It is assumed that it is the views of at least three of the majority, or else it would not have been made a part of the report. If this surmise is correct, then there is a clear majority of the committee, who, if the facts as to how the legislation as to failure to collect interest and as to the payment of the 5-20 bonds

are as is stated herein, will logically come to the conclusion that at least the sums representing the interest which was not collected and the portion of the 5-20 bonds and interest thereon paid by the Government, with interest on these amounts as directed in the act of June 29, 1922, ought to be deducted from the surplus as found by the majority.

The minority views as herein presented do not intend to suggest a balance or surplus for or against either the District or the Government, as in the time permitted, from February 4, 1922, to the present, even a cursory examination of appropria-

tions and accounts was impossible.

It must be conceded that without a complete checking and auditing of all items which may enter into the fiscal relations between the District and the Government there can be no true balance.

In conclusion, it should be observed that the balance for the District may be either more or less than suggested by the ma-

jority, or there may be no surplus at all.

That the fact sought for may be satisfactorily settled there should be nothing left in doubt that can be made certain. With millions in doubt on either side of the accounts and not inquired into at all, a balance or surplus based upon a careful audit of all items and a careful digest of congressional action in connection with those items must be the only proper solution of the problem which will insure accuracy, do justice, and lay, so far

as it is possible to satisfy, the various contentions.

To this end it is recommended that the committee be continued, with the directions to thoroughly audit all the matters between the District and the Government, including the interest on all items upon which it has not been charged, and to ascertain and report to Congress what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District, or for the purpose of conducting its government or its governmental activities and agencies, or for the furnishing of conveniences, comforts, and necessities to the people of said District, all as directed by the act of June 29, 1922, and that such additional appropriation may be made as may be necessary to carry out these instructions.

Respectfully submitted.

ROBERT E. EVANS, Of the Committee.

RURAL CREDITS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight to-morrow, Sunday night, to file a report upon the bill on rural credits, to be reported from that committee.

The SPEAKER pro tempore. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I understand that the majority of the com-

mittee have reached a situation now where they are willing to work on Sunday in order to help the farmer?

Mr. MONDELL. I think both the minority and the majority are of a mind on that matter.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. BLANTON. Mr. Speaker, in connection with the request of the gentleman from Iowa [Mr. Ramseyer] and the statement he received permission to insert in the Record, I ask unanimous consent to extend my remarks in the Record in 8-point type by inserting therein an address by Merton L. Lewis, former attorney general of the State of New York, on the railroad problem.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The address is as follows:

Address of Gen. Merton E. Lewis, Formerly Senator and Attornet General of the State of New York, Before Washington Board of Trade, January 18, 1923.

"There is probably no subject engaging public attention at the present time more important than the subject upon which I am asked to speak to you to-night.

"The danger of an interruption of interstate commerce is so threatening, not only to the commercial rehabilitation of our country and to a considerable extent the rehabilitation of the world, but also so full of possibilities of actual physical suffering by the helpless and innocent bystanders and outsiders, that the attention of every thoughtful mind is almost inevitably directed to a study of the problem and an effort to find a

remedy.
"First, as to the problem.

"Here in America we boast of our freedom. In no country in which there is an established government is the individual

so free to pursue his own course, so little hampered by the interference of government, as in these United States of America.

When we consider the conditions which exist here and which are guaranteed to us by the Constitution under which we live. we are not surprised that our country has grown from a feeble Confederation of 13 Independent Colonies as they existed at the close of the Revolutionary War to the great continent-wide Nation of more than a hundred million people, which has recently demobilized an army which numbered nearly, if not quite, five millions of men wearing our uniform and marching and fighting under our flag.

Having in mind the advantages guaranteed to us by our form of government and the development which has resulted from such advantages, it would be surprising had we not been able to raise the armies which we did raise and to send those armies to the fields of France there to break the Hindenburg

line previously believed to be unbreakable.

"It would have been surprising had we not been able to send across the seas the bread and beef and cotton and wool with which to feed and clothe the slowly starving people of England,

France, Italy, and other European countries.

"It would have been surprising had we not been able to loan billions of dollars to the countries of Europe, whose financial resources had been exhausted in the effort to preserve themselves from destruction as independent self-governing

"In a word, it would have been surprising had we not been able to win the war which, until we took up the task, England, France, Russia, Italy, Serbia, and their allies had not succeeded

We won because we had, under our form of government, learned to love liberty; because we hated tyranny; because we could not tolerate the upbuilding in Europe of a military power which we knew would sooner or later force us to fight to prevent the destruction of our liberties and our right to maintain ourselves as a free people.

We had the ability to win because of the wonderful growth of our population, the development of our natural resources, of our population, the development of our natural resources, the great wealth which we had accumulated, the love of freedom and justice in the hearts of our people, and the willingness on the part of our people to sacrifice when sacrifice seemed necessary in what we believed to be a righteous cause.

"This freedom, of which I have spoken, has, I think, in these more recent days, come to have a meaning in the minds of many which if conceded to a right to be subversive.

of many which, if conceded to exist, is likely to be subversive, if not absolutely destructive, of our institutions.

Men say, and are not often contradicted, that they have the right to work when they please and to cease to work when they please. To an extent this is true. As a broad general proposition it should not be true, even if it is true now. I do not mean by this expression of my opinion to indicate that I believe in industrial slavery or peonage, or any-thing of that character. I do not. What I do mean is this— that our civilization has become so complex, our industries so diversified, our activities so dependent upon the activities of others, that no single individual, no body of individuals, has under present conditions the right to cease to function as a part of the system under which we have grown great and powerful and wealthy.

"A hundred years ago men, as a rule, were independent of each other to a much greater extent than now. The farmer, for instance, generally speaking, was able to produce practically everything required for the support and upbringing of his family He produced the meat and bread, the vegetables and butter, the milk and cheese, the wool and the flax required to feed and clothe his family. A coal strike would not have affected him, for the reason that he had an ample supply of firewood. A railroad strike would not have disturbed him, for the reason that his horses were ready and able to haul him and his family

to whatever place he might want to travel.

A strike of longshoremen did not bother him, as he had no merchandise for export. The doctor had his own horse and chaise and traveled about among his patients and needed no other kind of transportation. There were no steamships rushing across the ocean, here to-day and in Plymouth or Brest within a week. There were no railroads by the use of which you could spend the business hours of to-day in your New York office and the business hours of to-morrow in Chicago. There were no telegraph lines, or telephones by the use of which we could talk with our agents or associates in San Francisco.

"All these modern inventions and modern methods have served to destroy the independence of the individual and to create instead a dependence upon others. We are dependent

for our bread not only upon the farmer who grows the wheat, but upon the miller who grinds it, the baker who bakes the bread, and the grower who delivers it at our doors; for our meat upon the packers who slaughter our cattle, the railroads which transport the meat, and the distributor who distributes it; for our milk upon the farmer who produces it, the railroad which brings it, oftentimes from far distant points, to our cities, the plant where it is pasteurized, and the driver who leaves the bottles on our doorsteps while we are still asleep.

"A strike of the men who dig the coal makes it impossible frequently for the miller to grind the wheat. Without coal he frequently is without steam. The same strike makes it impossible for the railroads to take the wheat to the mills or the

flour to the baker

"The same strike makes our cities dark at night, because without coal we are without electricity; without electricity our surface cars cease operating, and our subway systems are silent, our telegraph and telephone lines are out of commission.

"Because of this complexity of modern conditions we as individuals have lost much of our former independence. We have become more dependent than ever before. None of us is independent—neither the rich man nor the poor man. The coal strike puts us all out of business. A railroad strike is just as bad. A strike of the longshoremen in New York recently resulted in the total destruction of hundreds of thousands of dollars worth of foodstuffs. This destruction necessarily added to the already too high cost of living.
"A steel strike a few years ago resulted, according to the news-

papers, in a loss of more than a quarter of a billion dollars. The railroad shopmen's strike last July resulted in a loss, the amount of which can not be even estimated with any degree of accuracy.

"Individuals employed in the coal mines, upon the railroads, in the factories, in the mills, or in any industry which contributes to the production of the necessaries of life claim, and their claim has not been generally disputed, that they have the right to cease working whenever they may choose to do so. Not only this, they claim that they have a right to form organizations of workers and to agree that they will cease their labors at any time they may choose and for any cause which may seem to them to be good. They claim that the public has not the right to interfere; that the law does not give the public the right. Some will claim that the lawmakers have not the power to make any law which will give the public the right to interfere. I am not one of those who are willing to admit such claim.

"Self-preservation is said to be the first law of nature. It is true, however, not only as to individuals but it is equally true as to governments and nations. There is a considerable element in favor of the proposition for a general strike. By this it is understood that all workers in all organized industries shall cease on a given date to perform their allotted tasks to contribute their proportionate share to the maintenance of the existence of the human race. I deny this right. I insist that it is within the power of the Government of the United States to pass such laws as may be necessary to prevent strikes and to

prevent the stopping of the wheels of industry.

"This is not my own individual and unsupported statement. I find my authority in the Constitution of the United States and in the decisions of the Supreme Court of the United States. I marvel at the wisdom of the group of men who gathered together more than 130 years ago and immortalized themselves by the publication of the greatest, the most profound, and wisest secular document ever written by human hand-the Constitution of the United States.

"The Constitution makers declared in Article I, section 8. subdivision 3, that the Congress shall have power 'to regulate commerce with foreign nations and among the several States.' The words 'to regulate' have been and must be construed to mean the power to take such action as shall prevent inter-

ference with interstate commerce.

"There is scarcely a railroad in the country of any consequence not engaged in interstate commerce. Any attempt to interfere with the orderly operation of the railroad is an attempt to interfere with interstate commerce. The miner who refuses to mine the coal necessary for the generation of steam to drive the locomotives which haul the wheat to the mill in a State other than that in which it is grown interferes with interstate commerce. The engineer who refuses to drive the locomotive which hauls the cars from the farm to the mill and from the mill to the market interferes with interstate commerce. The longshoreman who refuses to load or unload the freight delivered at the seaport from States in which it originated interferes with interstate commerce. The telephone or telegraph operator who refuses to operate a line extending from one State into another for the transmission of messages relating to interstate commerce himself interferes with interstate commerce.

"These interferences have generally heretofore been regarded as nonpreventable. We have felt, and perhaps many of us still feel, that liberty of individual action is of the highest importance, and that such liberty must be maintained, regardless of consequences. The time is coming, and if I am not greatly mistaken is near at hand, when liberty of individual action will to a considerable extent necessarily be surrendered by those who enter into the employment of corporations, railroads, and other public service corporations.

"The sooner such laws are passed as will prevent such interferences the sooner we shall reach that state of industrial development which will make it certain that our country will continue to be the most powerful and our people the most wealthy on the

"The situation is one which can easily be corrected. gress has the power. If there is to be any difficulty at all, it will be a difficulty which will arise when the effort is made to induce Congress to exercise the power. Labor organizations control votes. Votes control elections. A statement appeared recently in one of the daily papers to the effect that not more than 3 per cent of the total population of the country are members of labor organizations. Whether this is true or not I do not know. What we do know is that labor is organized. All railroad labor is unionized. The power of the unions must not be underestimated.

"In a recent decision of the United States district court, in the case of Scott v. Frazier (258 Fed. 675), that court recognized the necessity of a change of remedies to meet changed conditions. In that case the court said:

"" What may be done by the State to protect its people and promote their welfare can not be declared by a priori reasoning. New evils arise as the result of changing conditions. If the State remains static, while the evils that afflict society are changing and dynamic, the State soon becomes wholly inadequate to protect the public. The State must be as free to change its remedies as the evils that cause human suffering are to change their forms. change their forms.'

"That the power to meet such changing conditions does exist and can be exercised has been declared by the Supreme Court of the United States. I think that all of us remember—and some of us shudder when we think of it—that in 1916 a strike was threatened by the four railroad brotherhoods. Had the strike been carried into effect it is probable that every locomotive in the United States would have been put out of commission. The members of the brotherhoods demanded what in effect amounted to a very large increase in wages.

"Alarmed by the threat, the President insisted that Congress

grant such demands. The Adamson law was enacted and soon thereafter became the subject of judicial interpretation. The opinion of the Supreme Court of the United States was written by Chief Justice White and is found in volume 243 of the

United States Supreme Court Reports. At page 348 he said:
"'If acts which, if done, would interrupt, if not destroy, interstate commerce may be by anticipation legislatively prevented, by the same token the power to regulate may be exercised to guard against the cessation of interstate commerce threatened by a failure of employers and employees to agree as to the standard of wages, such standard being an essential prerequisite to the uninterrupted flow of interstate commerce.

(Italics ours.)
"At page 350 Judge White said:
"'Again, what purpose would be subserved by all the regulations established to secure the enjoyment by the public of an efficient and reasonable service, if there was no power in government to prevent all service from being destroyed?' (Italics ours.)

"At page 352 Judge White said:

"'Here again it is obvious that what we have previously said is applicable and decisive, since whatever would be the right of an employee engaged in a private business to demand such wages as he desires, to leave the employment if he does not get them and by concert of action to agree with others to leave upon the same condition, such rights are necessarily subject to limitations when employment is accepted in a business charged with a public interest and as to which the power to regulate commerce possessed by Congress applied.'

"Judge White said that the power exists, and may be exer-

cised by the employer and the employee to agree upon a standard of wages, but he said:

"'That right in no way affects the lawmaking power to prosect the public right, and create a standard of wages resulting from a dispute as to wages and a failure therefore to establish, by consent, a standard.' (Italics ours.)

"Mr. Justice McKenna, in his concurring opinion, page 364,

"When one enters into interstate commerce one enters into a service in which the public has an interest and subjects one's self to its behest * * *.' (Italics ours.)

"Even Mr. Justice Day in his dissenting opinion in the Adam-

son case says, pages 364-65:

I am not prepared to deny to Congress, in view of its constitutional authority to regulate commerce among the States, the right to fix by lawful enactment the wages to be paid to those engaged in such commerce in the operation of trains carrying passengers and freight. While the railroads of the country are privately owned they are engaged in a public service, and because of that fact are subject in a large measure to governmental control.'

"With the authority which we find in the Constitution, con-strued as it has been by the highest court in the land, we are bound to ask ourselves this question: Does a government function properly which fails to realize the danger of the situation

which confronts the people of the United States?

"The great public interests involved furnish more than sufficient reason for the exercise of the power by Congress which the Constitution, as we have seen, confers upon that body. When the people of the United States shall come to a full realization of the fact that the power exists, then will come the demand that Congress perform its full duty to its constituents.

"Now, as to the remedy.

"We have seen from the quotations from the opinions of the judges of the Supreme Court that the power does exist; that Congress can enact laws which will operate to prevent inter-ruption of interstate commerce. Such a law should provide that any person entering the employ of a public-service corporation or of any corporation charged with a public interest should be required by law to sign a written contract; that such contract should specifically provide that under no circumstances should a strike take place.
"The Interstate Commerce Commission has complete power

to limit and restrict the amount that a railroad company engaged in interstate commerce may charge for the transportation of persons or property. The determinations of the commission have the force of law. The exercise of such power as is com-monly applied amounts to a limitation upon the income of the

company.

"Congress should confer upon the commission the power to regulate and limit the expenditures of the company in carrying on its operations. If the outflow from the spigot be greater than the inflow at the bung, the barrel is soon empty.

Under present conditions expenditures for operating costswages of employees-are regulated, if at all, by the brother-They determine for themselves the amount of wages for which they will exchange their services. If the members were engaged in private employment, in an employment not charged with a public interest, their right so to do could not be questioned. Being employed by an interstate commerce carrier. they should by the terms of a written contract be required to agree that during the term specified in such contract they would not leave such employment except with the consent of the employer.

"If there is any one thing more than another upon which the stability of human affairs depends, it is, I think, the inviola-

bility of contracts.

The peace of the world is preserved by contracts between

Such contracts are known as treaties. nations.

The most devastating and costly war in history resulted from the violation of a contract-a mere scrap of paper which was torn and cast to the winds.

"A glance at the present condition of what but a few years ago was the great German Empire should cause every nation, every government, every group of individuals, every human being to pause whenever tempted to follow the example of the German chancellor in the summer of 1914.

"The peace of the world depends upon the observance of

treaties.

"The Constitution of the United States is but a contract entered into by the States in 1787, and later accepted by other States.

"An attempt by a group of States in 1861 to nullify the contract to which they had become parties resulted in a war more

costly than any which had preceded it.

"Substantially all human relations are governed by contracts, either express or implied. The purchase of a loaf of bread, a cigar, a newspaper, each involves a contract. There is first an agreement as to the price. The contract is completed when the price is paid and the loaf is delivered. The baker, however, in selling the loaf, warrants impliedly that it is wholesome and fit for consumption. For a breach of such warranty he is liable to

the purchaser for any damage that may be sustained by such

"The borrower of a \$10 bill contracts to repay it. For his breach the lender has his remedy. A telegraph company is liable to the sender of a telegram for its failure to deliver or for unreasonable delay in the delivery of such message. A man who marries a woman contracts to support and maintain her and to support, maintain, and educate the children resulting from such marriage. A corporation chartered by the State is bound by its charter. It contracts to do those things and may only do those things which its charter permits it to do, and for a breach of its contract may lose its charter.

"A railroad corporation, by the acceptance of its charter, contracts to transport persons and property. It must perform its obligations or cease to exist. The State which grants the charfer may take it away. The charter is granted because the public interest is served by the creation of the corporation. It is, therefore, the duty of the corporation to function normally and effectively. It must do the work for the doing of which it was created. It can not cease to function at its pleasure. It must carry on. The public interest requires that there be no inter-

ruption in the performance of its obligations.

"Every prudent business man anticipates his normal business requirements and his probable future needs in the way of machinery and materials. It is not unusual for an individual engaged in a business enterprise to contract in advance for his supply of labor. It is only prudent that he should do so. This is, it would seem, particularly true as to railroad corporations.

"It is undoubtedly the practice of all railroad corporations to contract in advance for their supply of coal and their other

necessaries.

"The one thing for which they do not contract effectively is for a supply of labor. Without skilled labor a railroad corporation can not render service. The service which a railroad is required to render is a public service. It is a service in which the public has an interest. For that reason governmental control to the extent necessary for the protection of the interest of the public is hardly debatable.

"As to railroads engaged in interstate commerce, the Interstate Commerce Commission has the power to regulate the

operations within the limits fixed by Congress.

"Congress has such power under the commerce clause of the It has exercised its power and has conferred Constitution. power upon the Interstate Commerce Commission to establish rates for the transportation of passengers and property. Such rates when established are binding upon the corporations. It is unlawful for a railroad corporation to charge a different rate for service than that established by the commission. A violation by a railroad corporation is punishable in the Federal courts. The power of the courts to punish is nowhere questioned.

"As a result of the exercise by the commission of the power which it possesses, reasonable rates only are charged and collected. The income of the companies is limited by the deter-

minations of the commission.

"The operating costs, however, are not limited. No commission or board has power to determine costs of operation and

enforce its rulings.

"Railroads, therefore, are compelled to pay such wages to the skilled laborers as such laborers may demand. The result of a refusal to pay the wages demanded is an interruption or re-Either is disastrous to the public and disduction of service. astrous to those whose capital is invested in the securities of the corporations.

"Skilled labor necessary for the operation of the roads is highly organized. The demand is always for an increase in It is not a question of bargaining. It is not a question in the labor or going without it. The railroads must

of taking the labor or going without it, have it. They can not operate without it.

"An individual or a corporation about to construct a factory or a dwelling house may employ labor, or if the cost of labor is too great, may postpone such construction. A railroad corporation has no such choice. A railroad corporation must furnish constant, uninterrupted service. An interruption means congestion. Congestion means destruction of property. Food-stuffs, such as meat, milk, fruit, vegetables, quickly become valueless if allowed to stand in cars on the sidings for lack of switchmen or engineers to move the cars.

"Railroad employees organized as they now are have not only the railroads of the Nation but millions of consumers of the

great cities at their mercy.

"Not alone the consumers but the producers are compelled to The farmers of California, it is said, sustained a loss

In the event of a strike, railroads may have no engineers. As a result they can not move the cars. The Interstate Commerce Commission can render no assistance. It has no power. There is but one course open and that is to pay the wages demanded

by the engineers.
"For the prevention of strikes, strikes should be made not to declare it to be unlawful for railroad employees to engage in a strike. There are hundreds of thousands of such employees. They are everywhere. If even a few thousand of such employees were to defy the courts and flout the law, what would happen? There are not enough courts in the whole country to deal with the situation. The fails of the country could not hold those who might be found guilty.

"In the meantime, what happens? The employees have violated the law and have voluntarily ceased to render service. They are now in a position to claim that they have the right under a statute to leave their jobs when they please for any reason or for no reason whatever, and they always will have that right until a complete change of conditions shall be brought

about.

"The employees may cease to operate the roads at any time. When they cease, the train service is suspended, business is interrupted, traffic is dead, meat, milk, fruit, vegetables, and merchandise of all kinds are either ruined or damaged.

"Either the railroad companies must make good to the ship-

pers or the shippers must stand the loss themselves.

"Congress has the power to apply the remedy. It may require railroad companies to adopt the prudent course and to employ its engineers and firemen and other classes of employees for fixed and definite terms, to be specified in written contracts, to be negotiated by themselves with the companies, with the assistance of the Interstate Commerce Commission, at wages satisfactory to themselves and the companies and approved by the commission. The commission should supervise the matter of employment and determine the form of the contract. It should be declared unlawful for a railroad corporation to employ any person in the operation of a road except under the terms of such contract.

"The proposition has been advanced to declare an agree ment between two or more employees to leave the service with intent to hinder or delay interstate commerce to be unlawful.

"Merely declaring a thing unlawful does not prevent crime. "Only a minor fraction of those who are daily guilty of unlawful acts are ever arrested. Only a minor fraction of those who are arrested and charged with having committed unlawful acts are ever convicted.

"It is unlawful to expectorate on the sidewalks. In New

York it is unlawful to smoke in the subway.

"It is unlawful to charge usurious rates of interest.

"It is unlawful to drive an automobile at a speed greater than 20 miles an hour on city streets.

'It is unlawful in a public place to pour a drink of whisky

from a flask into a glass.

"Not many years ago innocent-minded legislators in New York enacted one of the Ten Commandments into statute law. Who ever heard of a conviction under that statute?

"How many respectable citizens would be able to plead not

guilty to a charge of violating the Volstead law?

"Many prohibited acts are committed because such acts are not of themselves immoral.

"A man who could not be induced to pick another man's pocket would not hesitate to buy a case of whisky from a boot-

legger.

Frequently at dinners which I have attended I have noticed men at the tables who at the time were public officers, and as such must necessarily have taken the constitutional oath of office, who had no hesitation in drinking alcoholic beverages, which they knew had not been lawfully obtained for the occasion.

We are rapidly becoming a Nation of lawbreakers. Because acts which are not immoral have been declared to be unlawful.

"Government by injunction is unpopular, and whenever possible should be avoided.

"A statute providing that two or more persons who might agree to leave the service of an interstate-commerce railroad with the intent to interrupt commerce would be difficult of enforcement except by injunction-as difficult as is the enforcement of the Volstead law.

"A just and fair agreement between employer and employee, reduced to writing, with the assistance and under the supervision of the Interstate Commerce Commission, would appeal to The rights of all parties would be thorall fair-minded men. of \$25,000,000 as a result of the railroad strike of last summer, loughly understood. Dissension would cease. Harmony would prevail. Interruption in the transportation of persons and property would no longer be likely. The danger of loss and damage to property would not continue as a menace to the shipper, and industrial unrest throughout the country would soon become a matter of history.

"No question of involuntary servitude is involved. No man could be compelled to enter into such a contract. Every individual would be free to exercise his own judgment in the

matter. He could sign or refuse to sign.

"Substantial penalties should be imposed. Violations of contractual obligations or of the statutory provisions should be made punishable by imprisonment. Employees found to be guilty of violating a contract or any provision of the statute should be disqualified from entering into the employ of a publicservice corporation for a period of time to be fixed in the act, and the court should have the power to appoint a receiver for any corporation found to be guilty of any such violation.

"Hon. Newton D. Baker, recently Secretary of War, in an article published in the American Bar Association for December, 1922, speaking of the brotherhoods composed of rail-

road employees, said:
"'The strength of these bodies of workers is such that the fundamental industries of transportation in this country could not operate a day against the combined action of the brotherhoods, and the life of our large cities and industrial centers depends in a thousand ways for its productivity and prosperity upon the determinations of the organized industrial crafts.

"'Few of us realize, I am sure, that organized labor has become not only a powerful factor in the daily industry of the country but a great physical power. The check-off imposed in the soft-coal mines of the central competitive district is estimated to produce \$15,000,000 a year. The annual receipts of the railroad brotherhoods are probably an equal amount, while into the treasury of the national and international craft organizations and of the Federation of Labor an amount estimated at \$60,000,000 is annually gathered. They are strong enough, in fact, to carry on wars.'
"Further on in the same article Mr. Baker said, speaking

of strikes and the conditions resulting therefrom:

"'It is sometimes difficult to tell who starts the conflagration and riots. The armies face one another at close range and the sentinels on both sides are jumpy. The result, however, is that any dispassionate description of American labor relations to-day would be obliged to conclude that they are frankly anarchistic appeals to brute force, restrained only by prudential considerations and wholly untamed by the ordinary moralities.

"In the same article Mr. Baker said:

"'It must be recognized, first, that there are three parties to every labor controversy—the employer, the employee, and the public. Second, it must be recognized that this public interest can not be left to be injured or destroyed by prolonged conflict between the other two parties or disregarded by both when they combine against it. Recognizing these two principles as fundamental, we ought to be able to devise industrial arrangements under which the grave problems * * * will be studied and solved. Such questions are real and vital to the worker. They are equally real and vital to the employer, and wherever they are left unsolved the public finally pays

the bill.'
"Hon. Ben W. Hooper, chairman of the Railroad Labor
Board, in an article published in the Saturday Evening Post of

October 14, 1922, said:

"'In most of the national conventions of railway employees this year strong ground has been taken in favor of the repeal of the labor article of the transportation act, and it goes without saying that any move to strengthen the act by the inclusion of an antistrike provision will be vigorously resisted. The employees demand the unhampered right to tie up the railroads whenever they consider it to their own interests. The basic reason of this is twofold: First, because they believe that their absolute power to throttle traffic will get them more than arbitration will; and, second, because the majority of them are advocates of Government ownership, and they believe that their unrestricted power to strike will soon force a discouraged and disgruntled public to adopt Government ownership. Their first conclusion is erroneous. * * * Their second conclusion

is correct.'
"The concluding paragraph of Mr. Hooper's article reads as

follows:
"'Our people should not temporize with this question. It is

"'The transportation act of 1920 was a long stride in the right direction. Results have justified its enactment but uncovered its fatal weakness. Its provisions should be clarified where

necessary to the safeguarding of the rights of all concerned, and, above all, they should be made mandatory and enforceable. Then, if abuses develop in the administration of the law, let the ballot box be resorted to for redress,

"'This is a problem that can not be solved by stagnant hesitation or timid retrogression. It calls for a forward move-

ment.'

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a telegram from the president of the North Carolina Cotton Cooperative Association relative to the Capper bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, we can not allow that. Everybody is getting telegrams. I object.

Mr. HILL. Mr. Speaker, I ask unanimous consent to insert in the Record as an extension of my remarks a speech that I made before the Veterans of Foreign Wars on George Washington's Farewell Address.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The speech referred to is as follows:

The speech referred to is as follows:

PART OF ADDRESS OF REPRESENTATIVE JOHN PHILIP HILL AT THE WASHINCTON EIRTHDAY DINNER OF THE DEPARTMENT OF MARYLAND, VETERANS OF FOREIGN WARS, IN HONOR OF THE NATIONAL COMMANDER IN
CHIEF, AT THE HOTEL RENNERT, THURSDAY EVENING, FEBRUARY 22, 1923.

One hundred and twenty-six years ago General Washington delivered his farewell address as President to the people of the United
States. This morning, in accordance with time-honored custom, this
address was read in the House of Representatives.

As we meet to-night to celebrate the birthday of General Washington
it is particularly appropriate that we consider some of the very wise
recommendations which he made to the American people for their
guidance, based upon the varied experiences of his life as the great
military commander who achieved their liberties and as their first
Chief Magistrate.

guidance, based upon the varied experiences of his life as the great military commander who achieved their liberties and as their first Chief Magistrate.

It is particularly appropriate that you who have served this country in its foreign wars should consider the great teachings contained in Washington's farewell message, not so much for your own guidance, but for transmission to those who directly or indirectly are responsible for the political destinies of this country. You have made me your toastmaster this evening, and I have therefore all the time at my disposal, but I shall only reserve for myself three minutes, and in that time I shall call your attention to one special piece of wisdom from Washington's Farewell Address. This great civilian soldier, who had helped formulate the Constitution and who had for eight years executed the laws made under that Constitution, said:

"The basis of our political system is the right of the people to make and alter their constitutions of government."

Then, having exhorted the people to stand by existing laws, he referred to the fundamental structure and theory of our libert and said:

Then, having exhorted the people to stand by existing laws, he referred to the fundamental structure and theory of our liberties and said:

"One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of Government as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a Government of as much vigor as is consistent with the perfect security of liberty is indispensable."

In these days when we are testing the radical alteration of the theory of our Government contained in the eighteenth amendment, and when there are being proposed to us that by other amendments to the Constitution the United States take control of marriage and divorce, of child labor, and such matters it behooves us to remember these farewell words of the first President.

ADJOURNMENT.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now

The motion was agreed to; and accordingly (at 5 o'clock and 42 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow (Sunday), February 25, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1023. Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a list of papers, documents, etc., on the files of this department which are not needed in the transaction of public business and have no permanent value or historic Interest, was taken from the Speaker's table and referred to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. DOMINICK: Committee on the Judiciary. S. 4324. An act to amend "An act to authorize association of producers of agricultural products"; with an amendment (Rept. No. 1702). Referred to the Committee of the Whole House on the state of the Union.

Mr. FESS: Committee on the Library. S. J. Res. 242. A joint resolution authorizing the erection on public grounds in the District of Columbia of a statue by José Clará personifying ; without amendment (Rept. No. 1703). to the Committee of the Whole House on the state of the Union.

Mr. SWEET: Committee on Interstate and Foreign Commerce. H. R. 14401. A bill to amend and modify the war risk insurance act; without amendment (Rept. No. 1704). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURTNESS: Committee on Indian Affairs. H. R. 2423. A bill authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains to submit to the Court of Claims certain claims growing out of treaties and otherwise; with amendments (Rept. No. 1705). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOORES of Indiana: Joint Select Committee on Disposition of Useless Executive Papers. H. Rept. No. 1707. report on the disposition of useless papers, etc., in the Post

Office Department. Ordered to be printed.

Mr. RODENBERG: Committee on Flood Control. 14425. A bill authorizing preliminary examinations and surveys of sundry streams with a view to the control of their floods; without amendment (Rept. No. 1708). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. S. 574. An act to amend an act entitled 'An act to save daylight and to provide standard time for the United States," as amended; without amendment (Rept. No.

Referred to the House Calendar.

Mr. McFADDEN: Committee on Banking and Currency. An act to provide for the incorporation and supervision of corporations formed for the purpose of making agricultural and live-stock loans, to amend the Federal reserve act, to amend the Federal farm loan act, to extend and stabilize the market for United States bonds and other securities, to provide fiscal agents for the United States, and for other purposes; with an amendment (Rept. No. 1712). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows

By Mr. LARSON of Minnesota: A bill (H. R. 14423) to authorize the Secretary of the Treasury to sell a portion of the Federal building site in the city of Duluth, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. SABATH: A bill (H. R. 14424) declaring a portion of the west fork of the South Branch of the Chicago River, in Cook County, Ill., to be a nonnavigable stream; to the Commit-

tee on Rivers and Harbors.

By Mr. RODENBERG: A bill (H. R. 14425) authorizing preliminary examinations and surveys of sundry streams with a view to the control of their floods; to the Committee on Flood

By Mr. SWEET: A resolution (H. Res. 556) for the consid-

eration of H. R. 14401; to the Committee on Rules.

By Mr. JOHNSON of Washington: A resolution (H. Res. 557) authorizing the Committee on Immigration and Naturalization to investigate labor conditions in Hawaii; to the Committee on Rules.

Also, a resolution (H. Res. 558) providing for expenses of the special commission for investigation of labor and immigration conditions in the Territory of Hawaii; to the Committee

By Mr. CARTER: Memorial of the Legislature of the State of Oklahoma relating to the matter of the disposal of the water rights and matters connected therewith at Muscle Shoals, Ala.; to the Committee on Military Affairs.

By Mr. MONDELL: Memorial of the Legislature of the State of Wyoming petitioning Congress to hasten the enactment of the rural credits act and amend the farm loan act; to the

Committee on Banking and Currency. Also, memorial of the Legislature of the State of Wyoming urging Congress to liberalize repayment requirements under the Federal reclamation act; to the Committee on Irrigation of

Arid Lands. Also, memorial of the Legislature of the State of Wyoming urging Congress and the Secretary of the Interior to expedite

the construction of the Guernsey, Wyo., storage and power dam; to the Committee on Irrigation of Arid Lands.

By Mr. RAKER: Memorial of the Legislature of the State of Oregon relative to amending the Federal grain standards act;

to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII,

Mr. HILL introduced a bill (H. R. 14426) for the relief of the Polish-American Navigation Corporation, which was referred to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7423. By Mr. ANSORGE: Petition of the Harlem Council of Women, New York, urging the passage of Senate Joint Reso-

lution 232; to the Committee on the Judiciary.

7424. Also, petition of New York City Federation of Women's Clubs, New York City, urging the United States Government to limit the import of the raw drug material and manufacture of same in this country to the amount required for medical purposes only, and that amount to be determined after consultation with the United States Public Health Service; to the Committee on Foreign Affairs.

7425. By Mr. APPLEBY: Petition of the Monmouth County Unit of the Reserve Officers' Association of the United States, requesting that a sufficient appropriation to provide for a civilian military training camp be included in the Army appropriation bill; to the Committee on Appropriations.

7426. By Mr. BRITTEN: Petition of citizens of Chicago assembled in mass meeting, protesting against both the Versailles treaty and the invasion of the Ruhr; to the Committee on For-

eign Affairs.

7427. By Mr. CAREW: Petition of New York City Federation of Women's Clubs, urging Congress to limit the import of raw material and the manufacture of the same in this country to the amount required for medical purposes; to the Committee on Foreign Affairs.

7428. By Mr. DARROW: Petition of the Philadelphia Board Trade, opposing further restriction of immigration; to the

Committee on Immigration and Naturalization.

7429. By Mr. FULLER: Petitions of E. F. Derwent, president Farm Bureau, and W. Frank Reid, master County Grange, of Winnebago County, Ill., favoring the Lenroot-Anderson bill; to the Committee on Banking and Currency,

7430. Also, petition of John S. Goebel, manager Mendota Auto Co. (Inc.), of Mendota, Ill., favoring the Newton bill, extending relief to the suffering and starving women and children of Austria and Germany; to the Committee on Foreign Affairs.

7431. Also, petition of the Rockford (III.) Chamber of Commerce, opposing bill for a Federal reformatory at Camp Grant,

Ill.; to the Committee on the Judiciary.

7432. Also, petition of Rockford (III.) Farm Loan Association, favoring the bill H. R. 13047, amending the Federal farm loan act; to the Committee on Banking and Currency

7433. By Mr. KISSEL: Petition of Woman's Republican Club (Inc.) of New York, favoring a limit being placed on drugs im-

ported into this country; to the Committee on Foreign Affairs. 7434. Also, petition of P. K. Wilson & Son (Inc.), New York City, N. Y., urging Congress to take action in order that the lower Mississippi Valley may be accorded protection against devastating floods; to the Committee on Flood Control.

7435. By Mr. RAKER: Petition of Cornelia McKinne Stanwood, president California State Division, American Association of University Women, urging favorable consideration of House bill 11490 relative to the Interdepartmental Social Hygiene Board; to the Committee on the Judiciary.

7436. Also, telegram by V. C. Bryant, secretary California Farm Bureau Federation, from Berkeley, Calif., urging the passage of the Lenroot-Anderson and Norbeck-Strong bills before adjournment of Congress; to the Committee on Banking and Currency.

7437. Also, petition of Napa-Lake Counties Pomona Grange, No. 7, Rutherford, Calif., relative to the construction and maintenance of a transcontinental highway; Happy Camp Grange, No. 395, Happy Camp, Calif., indorsing the above resolution, and urging action by Congress to provide for the early completion of the best and most reliable highway from ocean to ocean: to the Committee on Roads.

7438. By Mr. ROUSE: Petition of 200 citizens of Campbell County, Ky., protesting against the enactment of any legisla-tion toward the change of the present immigration laws that will permit admission of aliens other than provided by present laws: to the Committee on Immigration and Naturalization.

7439. By Mr. TINKHAM: Petition of ex-service men's committee of railway postal clerks, urging the passage of House bill 14068; to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES.

SUNDAY, February 25, 1923.

The House met at 12 o'clock noon, and was called to order

by the Speaker pro tempore, Mr. Wason.
Rev. William D. Waller, of Washington, D. C., offered the following prayer:

With reverence we draw nigh to Thee, O God, to Thee in whom we live and move and have our being.

Bless us in our service this morning. May we gather inspiration from the lives of those whom we remember to-day. We beseech Thee to sustain and bless their families and dear ones. And as our friends go out into the unseen world, so

teach us to number our days that we may apply our hearts unto wisdom.

Make us all thy willing and faithful servants, that when we are summoned to give account of the deeds done in the body Thou mayst say to each: Well done, good and faithful servant, enter thou into the joy of thy Lord.

Bless our President and Congress, and all in authority in our own land and in all lands, that Christ's kingdom of righteousness and justice, of good will and brotherly kindness, may speedily cover all the earth, and all the kingdoms of this world become the kingdom of our Lord and of His Christ, and to His name shall be the glory forever. Amen.

The SPEAKER pro tempore. Without objection, the reading of the Journal will be deferred.

There was no objection.

THE LATE REPRESENTATIVE BURROUGHS.

The SPEAKER pro tempore. The Clerk will report the special order.

The Clerk read as follows:

On motion of Mr. Wason, by unanimous consent— Ordered, That Sunday, February 25, 1923, at 12 o'clock noon, be set apart for addresses on the life, character, and public services of Hon. SHERMAN E. BURROUGHS, late a Representative from the State of New Hampshire

Mr. FESS. Mr. Speaker, I offer the following House resolution which I send to the desk, and ask its immediate considera-

The Clerk read as follows:

House Resolution 559.

House Resolution 559.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. Sherman E. Burroughs, late a Member of the House from the State of New Hampshire.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of the day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The question is on agreeing

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. FESS assumed the chair as Speaker pro tempore.

Mr. WASON. Mr. Speaker, we are assembled to-day for the purpose of doing honor to the life, character, and memory of our friend and colleague, Sherman Everett Burroughs, who died in Washington, D. C., Saturday night, January 27 last.

The deceased was born in the town of Dunbarton, N. H., February 6, 1870. His early boyhood days were spent upon a rugged hillside farm. He was educated in the district school and later graduated from the high school of Concord, N. H. He then entered Dartmouth College and graduated in the class of 1894 with a degree of bachelor of arts. During vacations from school he worked earnestly, and materially earned money to aid in obtaining his education. By early environment he incul-cated the habits of industry and responsibility, which were sup-plemented by earnest and faithful study. When he had completed his education and entered upon the stage of early manhood he was well equipped for a useful life.

After completing his course in Dartmouth College he received After completing his course in Dartmouth College he received the appointment as private secretary to Hon. Henry M. Baker, then a Member of Congress representing the second congressional district of New Hampshire. He remained with the Congressman until the spring of 1897. During this period of time Mr. Burroughs, in addition to his work as secretary, attended the Columbian University Law School in Washington, D. C., graduating therefrom with a degree of master of law in 1897. He then returned to his native State, was admitted to the bar, and began the practice of law in Manchester, where he practiced his profession and resided until his death.

Soon after entering the practice of his chosen profession he became a member of a successful law firm of that city, and was one of its active members in the preparation, trial, and management of their cases. Mr. Burroughs was regarded as one of our able lawyers and jurists and enjoyed the confidence and respect of all persons who knew him. He was also regarded as one of the substantial and influential citizens of his native State. Outside of his profession he was active in civic and political organizations. He served as a member of the House of Representatives of New Hampshire for the session of 1901-2; served as a member of the State board of charities and corrections from 1901 to 1917, inclusive; he served as a member of the State board of equalization in 1910; and in every one of those positions he measured up to the requirements thereof and discharged the duties with ability and distinction.

For 20 years he was active as a jurist in the practice of his profession, and during that same period of time in his activities in legislation and in civic affairs of the State he became well acquainted with the needs and problems of all classes of our citizenship and won their confidence and esteem.

He was known as an earnest, modest, upright, honest, and capable man who enjoyed good fellowship, and good fellowship enjoyed him.

When a vacancy occurred in the Sixty-fifth Congress by death, it was natural and logical that the people of the first congressional district turned toward him and honored him by an election to fill the vacancy.

During his first term-in the Sixty-fifth Congressassigned to membership of the Committee on the Merchant Marine and Fisheries; in the Sixty-sixth Congress he was assigned to membership on three additional committees-Education, Revision of the Laws, and Woman Suffrage; in the Sixtyseventh Congress he was assigned to membership on the important Committee on Interstate and Foreign Commerce, releasing his positions on all his former committees. He refused to be a candidate for the nomination of Representative to the Sixty-eighth Congress. Thus it will be noticed during the six years of his service in this House he was assigned to duties on some of its most important committees.

In this broader field of activity and responsibilities we found a man well equipped for the task before him. His gentle manner, his modest demeanor, his considerate treatment of his col-leagues, his fidelity, and his intellectual power early aroused confidence and won for him the respect of all who came in close association with him. We all realized his sincere thought and candor, his modesty and ability, and we all appreciated his advice and opinion. We noticed that he was reserved about becoming too confidential with his associates, but after sufficient close association and acquaintance he wisely learned who was entitled to freely share his confidence. He was patient and logical in forming his opinions; the reached conclusions after careful and comprehensive study and consideration, which were predicated upon keen analysis, earnest thought, steadfastness of purpose, and when he had reached a conclusion he would retain it unshaken. With sincerity born of conviction, he impressed it upon the minds of his associates. Having once taken his position on an issue, he was as firm as the granite hills themselves to the cause which he advocated and espoused; he could not be swerved or moved from that position. He was rather conservative until he was convinced that a new proposition possessed merit and would be beneficial to the people as a whole. He never was a demagogue; he never heeded the appeal of propaganda. He never strived for headlines in the public press. He possessed a sincere contempt for the superficial and the sensational, which seeks publicity, void of merit, and gives the impression to the public of a character which does not exist in fact. He believed and acted upon the principle that character discloses what man really is, and by that standard his life, his accomplishments, and his reputation should be measured and determined. He was a sincere man. No duplicity existed in his life at any period; he never swerved from the right as he saw the right; he stood firmly where his clear and comprehensive judgment directed him to stand. When he gave his support to a cause he became an active and faithful soldier to the end. In every position in life, in public affairs or private, he discharged the duties thereof with modesty, courage, ability, and

We mourn the loss of a trusted associate, stricken in the full vigor of life, when for him there seemed to be many years of useful service. Citizen, able jurist, statesman, husband, father, friend, colleague, the record is well written and on memory's altar will ever glow a wealth of love and affection for one who through life was loyal to home and country and measured up to the full stature of man.

In his death, or transfer to the other life, which never ends, his devoted wife and four sons, his aged father, brothers, and sisters, his neighbors, his business associates, the people of his congressional district and his native State, mourn his sudden departure, and as the days pass will miss his counselorship and his influence for right. His sincere and cheerful greetings to his colleagues will never be extended to those of us who remain on earth. We shall miss his statesmanship, his patriotism, his loyal and sincere love for country and her traditions. Our sorrow and affliction, aroused by his sudden demise, is tempered and softened by the consciousness that he has entered that life that never ends, where sorrow is unknown, and his legacy to us to remember him by is a model life, which was symbolic of a true Christian man.

And when the twilight hour drew near, He stood beside the silent sea; And in his heart there was no fear Of all its dread immensity.

He waited there in perfect faith, And while the fading day grew dim, The boatman's hail, the voyage of death, Meant only going home to him.

Mr. Speaker, I close by reading an editorial of merit, published in the Manchester Union, Monday morning, the 29th day of January, 1923, touching the life and character of Sher-MAN E. BURROUGHS:

published in the Manchester Union, Monday morning, the 29th day of January, 1923, touching the life and character of Sherman E. Burroughs:

For the life of Sherman E. Burroughs was life in the true sense of the word, life grounded upon principle, life organized into character, the life of a unified personality equipped with moral standards, intellectual integrity, and a sense of direction. And it is to his life that we must go if we are to have and hold clearly this view of him—not to his sayings about himself—for, although many of us have heard him speak in public many times, and have engaged in private or group conversations with him, who ever heard him talk about his personal ideals of private or public conduct? He lived his theory of life.

And at the core of this life, a heritage from the pioneer stock, the Puritan stock if you please, was a living, rich feeling for the right. This is not to suggest even remotely the idea of infallibility of judgment. It is simply to point out that when confronted with the necessity for decision he approached his goal not over the route of expediency but over that of oughness. And once what seemed to him to be the right course of action had been decided upon, he set his face like a flint and put himself into the doing of the right with vigor, a combativeness, and a tenacity which only action could bring out from under the urbane exterior of the man.

The outstanding case in point was his decision to remain in the contest for the congressional nomination on his prohibition platform. The present writer stood near him when group after group of professional and amateur politicians in his own party approached him at his headquarters on the night before the convention with pleas that he withdraw in order to avert just what, as a matter of fact, after wards occurred within the Republican Party here in Manchester. A decision to seek the nomination on the following day as a prohibition candidate meant that in 10 minutes his headquarters would be deserted. Yet he hesitated not a sec

Mr. DALLINGER. Mr. Speaker, we meet to-day to pay tribute to four of our beloved colleagues who have passed beyond the Great Divide. They were all friends of mine, as they were friends of yours, and they represented ably, faithfully, and conscientiously constituencies throughout this great land of As representing in part one of the New England Statesthe oldest New England State-I count it a privilege to say just a word or two in regard to our friend and colleague, Sherman E. Burroughs, of New Hampshire.

Mr. Burroughs exhibited in his life and public service those outstanding characteristics of the founders of New England, which have made such a valuable and lasting contribution to the life of this great Republic.

Like those early founders, Sherman Burroughs was a deeply religious man and he recognized that great truth pointed out

in the Farewell Address of the Father of his Country, which was read to us here a few days ago-that morality is the real foundation stone of a nation, and that morality can not permanently exist without organized religion. Our friend and colleague was deeply religious, and throughout his life he was a faithful and devoted member of one of the great historic branches of the Christian Church. Best of all, however, what he professed with his lips he practiced in his life and in his dealings with his fellow men.

Like those early founders of New England, he brought over from his religion three great ideas which he applied to everyday The first of these was the priceless value of the individual soul, and because of that idea he was a believer in and a defender of the constitution of his State and of the Constitution of the United States, both of which guarantee to every citizen, no matter how humble, protection to his life, his liberty, and his property, not only against the wrongful acts of other citizens but even against the abuse of power by the Government itself.

In the second place, he brought over from his religion and lived in his life the great ideal of real democracy. With him artificial classes and distinctions among men did not count. You and I have known him, and you know, as I know, that the proper test with him of a man's worth was his character, and

not his wealth, family, or outward appearance.

Lastly, he brought over from his deep religious belief the idea of service—constant, faithful, and devoted service to his family, to his city, to his State, and to the Nation. His whole life was a life of service, and he has left behind him a splendid example of Christian manhood that can never die, but which will live forever.

He has passed on. He has left us for a time. He has fought a good fight; he has finished his course; he has kept the faith; and we know that there is laid up for him a crown of glory in the life beyond the grave. We do not simply think, but we know that what we call death is not the end but the beginning of life. The great truth of immortality is taught in the animate and inanimate world of nature all around us. if we will but heed the lesson. But, in addition, divine reve-lation teaches us that we are always in the keeping of the great Creator of the universe, our Heavenly Father, who doeth all things well. And as we meet here upon this occasion tinged with sadness let us comfort our sorrow and strengthen our faith by repeating those beautiful and inspiring words of that grand old New England poet, John Greenleaf Whittier:

Within the maddening maze of things, And tossed by storm and flood, To one fixed stake my spirit clings, I know that God is good.

I long for household voices gone, For vanished smiles I long, But God hath led my dear ones on And He can do no wrong.

I know not what the future hath Of marvel and supprise; Assured alone that life and death His mercy underlies.

And if my heart and flesh are weak To bear an untried pain, The bruised reed He will not break But strengthen and sustain.

And so beside the silent sea I wait with muffled oar; No harm from Him can come to me On ocean or on shore.

I know not where His islands lift Their fronded palms in air; I only know I can not drift Beyond His love and care.

Mr. SANDERS of Indiana. Mr. Speaker, I feel that my own life has been enriched by having the close friendship and close association of Sherman E. Burroughs. He was a man of unusual ability, and his ability was keenly appreciated by those closely associated with him. He was exceedingly modest and reserved.

I served on the Committee on Interstate and Foreign Commerce with him during all the time that he was on that committee, and in committee he took a more active part in the discussions than on the floor. He never participated, however, unless he had something valuable to contribute. The members of the committee soon understood this and gave closer attention to what he said. He did not speak frequently on the floor of the House, although such remarks as were made by him showed careful study and comprehensive understanding of the subject and contributed to a correct solution of the problem. He was rather slow to reach a determination upon any impor-tant question, but once that determination was reached he rarely shifted his position.

His attitude on the bonus measure, his firm stand for a strong and adequate Navy, are illustrative of this trait in his character. A New Hampshire newspaper, in discussing this phase of his character in an editorial recently, said:

phase of his character in an editorial recently, said:

This is not to suggest even remotely the idea of infallibility of judgment. It is simply to point out that when confronted with the necessity for decision he approached his goal not over the route of expediency but over that of oughtness. And once what seemed to him to be the right course of action had been decided upon, he set his face like a filnt and put himself into the doing of the right, with a vigor, a combativeness, and a tenacity which only action could bring out from under the urbane exterior of the man.

The outstanding case in point was his decision to remain in the contest for the congressional nomination on his prohibition platform. The present writer stood near him when group after group of professional and amateur politicians in his own party approached him at his headquarters on the night before the convention with pleas that he withdraw in order to avert just what, as a matter of fact, afterwards occurred within the Republican Party here in Manchester. A decision to seek the nomination on the following day as a prohibition candidate meant that in 10 minutes his headquarters would be deserted. Yet he hesitated not a second. The situation offered no problem for him whatever. As he saw it, there was one right thing to do; and heredity, habit, and character drove him straight to his mark without the least evidence of effort. We think this was characteristic.

Sherman E. Burroughs had a keen intellect. After obtain-

SHERMAN E. BURROUGHS had a keen intellect. After obtaining the education offered by the common schools of Dunbarton and Bow he took the high-school course at Concord, graduating with the closs of 1890. In 1888 in competitive examination for a West Point cadetship he won highest rank and was appointed by Congressman J. H. Gallinger. Owing to the wishes of pointed by Congressman J. H. Gallinger. Owing to the wishes of his parents he declined this appointment, and in the autumn of 1890 entered Dartmouth College, graduating in 1894 with the degree of bachelor of arts. In his sophomore year he took what is known as the second "Thayer prize" for proficiency in mathematics, and in his senior year the "Rollins and Nettleton prize" in oratory. He also took honors at the end of the sophomore year for high standing in the prescribed Greek course, and in his senior year for standing in philosophy. After graduation he was offered the position of instructor in his alma mater. his alma mater.

Declining this offer he became private secretary to Congressman H. M. Baker, of the second New Hampshire district, and spent the three years next following in Washington, D. C., where he attended the law school of the Columbian University (now George Washington University). Here he received the degree of bachelor of laws in 1896 and the degree of master of laws in 1897. He was admitted to the bar of the District of Columbia in July, 1896, and to the New Hampshire bar in July, 1897, and in August of that year opened an office in Manchester, N. H., and began the practice of his profession.

Mr. Burroughs came to the Congress with experience as a legislator, since he had been a member of the State Legislature of New Hampshire. Although not an offensive partisan, he was an ardent Republican. He was active in both State and National political campaigns from 1896 to the time of his death. His service in Congress was during the most trying times in the last half century. Coming in just after the declaration of war he had to decide upon all the questions of great import which confronted the Congress during the prosecution of the war, and the questions of even greater import which confronted the Congress in the aftermath of that great world tragedy. He had earned his rest. Though our hearts are sorrowful, we shall not continue to mourn, but shall rather be happy to know that Divine Providence gave to America the services of this great and good man.

Mr. WINSLOW. Mr. Speaker, this occasion affords a fitting opportunity for some of the friends and colleagues of the late the Hon. Sherman Everett Burroughs to indicate, in a brief way, the esteem and love in which they held him. Before his illness had become known to his associates, death came to him and with it came grief and mourning to all who knew him.

Mr. Burroughs was a native and typical product of the New England country where he had always lived, and he inherited and developed with great pride the traditions of his ancestry and surroundings. In the institutions of his neighborhood he received his common school and collegiate education and practiced his profession of law. He was a worthy, beloved, and competent representative of the New England standard and ideals. Due to his inheritance and environment, he respected the virtues and substantial qualities of others, and by his own exemplification of such he was entitled to and received the full respect of all those whose good fortune it was to know him or

to know of him.

The worth of an individual is probably best attested by the evidence of value set upon him by his neighbors, who always have the best opportunity to measure his qualifications as contrasted with those of others in the same community.

Mr. Burroughs's selection as a member of the New Hampshire Legislature and various local and State bodies devoted to the public service, his election and reelections to the House of Representatives of the United States Congress, and the many other honors paid him by his fellow citizens, indicate more forcibly than I can by mere words his real accomplishments.

It is perhaps, after all, most fitting that, in the brief time allowed to me in these exercises, I make mention of Mr. Burroughs as a Member of the United States Congress, as in such capacity I came to know him and so established an acquaintance which later developed into a warm, personal, and intimate friendship. Beyond this, it has been my pleasure during the past two years to be very closely associated with him in the work of the Interstate and Foreign Commerce Commit-

No member of the committee was more dependable in the execution of his duties or more keenly interested in the work of the committee than was Mr. Burroughs. He was prompt in his attendance at our meetings, always interested in the subject matters and questions before us during sessions, and studious in respect of these matters outside of the committee room.

Mr. Burroughs was not of the demonstrative type. He was, however, thoughtful, frank, and judicial. He was a man of an inquiring mind, and he went to the bottom of things and followed every discussion through with a view to determining what the results would probably be in the event of the passage of legislation which may have been under consideration. He was highly conscientious and had real convictions and always the courage of such. These several characteristics and qualifications contributed to make him a strong and helpful associate and a loyal coworker and supporter. At no time was Mr. Burroughs a mere opportunist. He was ever courageous enough to risk, maybe, a temporary disapproval of others if, in the expression of his point of view or by his action as a legislator, it became necessary for him to proceed along lines not for the moment popular.

All summed up, I gladly declare that Sherman Everett BURROUGHS was a man in the best sense. He was a man by virtue of his courage and fine qualities, marked peculiarly by moderation, charity, and belief in his fellow man. It must be that the hereafter will furnish for him a proper reward. To his friends he has left a beautiful memory; to his loving and devoted wife, a recollection of a happy and devoted association; and to his fine boys, a record of real accomplishments and a well-established, enviable family name, which he, in his all too short life, maintained and to which he contributed additional luster and strength.

Mr. GREENE of Vermont. Mr. Speaker, those who knew Sherman E. Burroughs in the intimacy of family and social life will retain a picture of him and his many excellencies that for natural reasons is denied to most of us associated with him in the work of the Government. Whosoever is thus privileged to have memories of the unofficial man will cherish them all the more warmly because of the man he was.

However, to those of us who saw him day by day in his un-remitting labors on the hill there remains a remembrance not the less pleasant or inspiring. It is that of a sturdy, wholesome character of old-fashioned stability and dependability, firm and unyielding in matters of conscience and principle, but none the less gracious and tolerant and altogether kindly in such a resolute attitude. It is that of one who goes about the every-day duties of his position with a modest, unassertive manner that is none the less firm and determined than it is modest and unassertive, meeting with tact and smiling good will opposition here and there maybe, and sometimes battling rather strenuously for the prevalence of ideas. But always maintaining a serenity and broad-minded tolerance that were conspicuous in an atmosphere so full of eternal controversy.

SHERMAN E. BURROUGHS all unconsciously set for his colleagues an example of quiet, conscientious devotion to duty, that made their labors with him all the more comfortable and quickened and that now make their memories of him all the more sweet and inspiring.

Mr. LEA of California. Mr. Speaker, I became acquainted with Mr. Burroughs shortly after his coming to Congress six years ago. However, it was only after I became a member of the Committee on Interstate and Foreign Commerce, of which Mr. Burroughs was a member, that I learned to know him and gain a knowledge of his life. The more intimate opportunity I had of learning of his qualities during the last two years' prompts me to desire to express my friendship for him and an appreciation of his character and worth.

In discussing Mr. Burroughs with a colleague some time before his death I made the remark that he could justly be classified as belonging to the highest type of men in Congress. I believe that all familiar with his character and qualities as a man and as a legislator will concede that our public life has been enriched by the participation of Mr. Burroughs.

After having concluded to pay this tribute to his memory and meditating upon his qualities I reviewed some of the speeches of Mr. Burroughs in the Congressional Record to see if they corroborated my judgment as to the high qualities I have attributed to him. A review of these speeches fully confirmed the opinion that I entertained with less scrutiny of his congres-

sional career.

The man who spends a few years in Congress and to a reasonable degree participates in its debates leaves an unfailing index to his character, ability, sincerity, and usefulness as a legislator. Mr. Burroughs has left a record that speaks for him after he is gone, and speaks in terms that are entirely creditable to his memory. His record is free of demagoguery and insincerity that too frequently characterizes our public men. The Congressional Record furnishes imperishable evidence of the logical, candid, considerate mind of Mr. Burroughs, as well as his moral qualities, innately just, courageous, and, if need be, self-sacrificing. He brought to the public service a sincere, searching, and judicial mind. He brought to the public service a conscientious sense of duty and responsibility. Though what may be called a party man, he can never be charged as belonging to that class of public servants who look upon public questions as only party questions and see in them only an opportunity to serve party advantage or embarrass an opposing party. By instinct, training, and disposition the questions of Government were primarily problems to him to which he devoted his service for solution, seeking primarily the public good.

To his friends Mr. Burroughs has left the memory of a clean, wholesome, sincere, and likable personality. To his wife and children he has left the sad, sweet memory of a husband and father, in which they can find much of consolation, much for emulation, and much to be cherished in pride and gratitude. To

his country he gave a useful and intelligent service.

Mr. HERSEY. Mr. Speaker-

O, though oft depressed and lonely, All my fears are laid aside, If I but remember only Such as these have lived and died.

I first met Sherman Burroughs in the National House of Representatives a few days after we had declared war against Germany. Our first meeting ripened into a delightful friendship. I found him finely and efficiently equipped for his duties in Congress. A man of noble bearing, of the rugged New England type, a refined personality, a stainless character, and a lover of truth, honesty, sobriety, purity, and justice.

During his six years in Congress he represented his people and the Nation in a most faithful and satisfactory manner. A prompt and constant attendant upon his committees and at the sessions of the House. He had in his work in Congress nothing of the spectacular. He never sought to obtain large He never sought to obtain large headlines in the sensational press. He had no radical changes to be made in the Constitution of the United States. He was never the follower or slave of any special class or interest. He did not represent any radical bloc or organization that would revolutionize the Government. He seldom spoke in debate, but when he did he showed a detailed and careful knowledge of his subject and commanded always the closest attention of his fellow Members. He had at all times the respect and confidence of the House of Representatives. Everyone was his friend and he was the friend of all he ever met. was afways a true patriot and statesman. His loss will be felt deeply by the friends of good government everywhere.

Shortly before the last primary in his State he had decided not to be a candidate for reelection. He talked with me frankly and freely of his plans and of his future. He loved his work at the National Capital, but felt, as many Congressmen feel, that with no income but the meager salary given to us he could not educate his children and lay up anything for old age.

He had left, when he came to Congress, a prosperous law practice, and his old partners were constantly insisting that he come back to his first love—the practice of law in his native city—and he looked forward with great pleasure to the 4th of March when he should resume again that most congenial employment and make for himself a more prominent position at the bar of his home State. Alas for those day dreams,

We press too close in church and mart To keep a dream or grave apart. I went with him to New Hampshire in the political campaigns of 1918 and 1920. I rode with him many days and nights over the beautiful highways and across the sublime mountains of that wonderful New England State. I met with him the people who sent him to Washington and whom he so faithfully served. They loved and trusted him. They welcomed him to their homes and listened with rapt attention to his plain and honest words, words that awakened anew in their souls greater patriotism and finer resolves to perform their whole duty as citizens of this Republic.

I went with him again to New Hampshire only a few days ago—I as a member of the congressional funeral delegation, he on the same train covered with flowers. I was with him on the arrival of that train in the old home church in his native city, there where his neighbors and friends, an almost endless procession, crowded each other to gaze with sorrow upon his still.

dead face.

We tremble by the harmless bed
Of one loved and departed.
Our tears drop on the lids that said
Last night, "Be stronger hearted."
O God, to clasp those fingers close,
And yet to feel so lonely;
To see a light upon such brows,
Which is the daylight only;
Be pittful, O God!

What a mystery is life. We can not understand it. A little child falling asleep in death among his toys is the occasion of sorrow. The aged reaper found dead among his gathered sheaves fills many lives with sadness; but the strong man, in the noontime of life, with a brilliant future before him, life's great tasks and plans all uncompleted—for him to fall, this is the greatest mystery and tragedy of life.

O too swift runner, Death, Couldst thou not wait for me a little space, And I had done thy bidding?

I do not believe that this cold, dear, dead face, this coffined form, these uncompleted tasks, these fond duties, these pleasant anticipations, end with the life of Sherman Burroughs. Somewhere, somehow, in a fairer clime, in a better and eternal world the broken threads of life unite and friends and loved ones shall see him once again.

SHERMAN BURROUGHS was a man of faith. He had no fear of death. He calmly entered the boat that sailed away from this shore and was lost from human sight. There will be no return voyage. His trust was in God, and therefore he could

at all times say with Whittier-

And so beside the silent sea I wait the muffled oar, No harm from Him can come to me On ocean or on shore.

I know not where His islands lift Their fronded palms in air, I only know I can not drift Beyond His love and care.

Mr. GRAHAM of Illinois. Mr. Speaker, life is a mysterious thing. Out of what world it comes, whither it departs, is the abiding problem. I would not philosophize nor indulge in platitudes; but when we contemplate the little space of our mortal existence, the flying years, the end that hastens toward us, we are moved to often question whether it is all worth while. If it were to serve merely the physical ends of our existence, the necessity of human life might well be doubted. But if, as I thoroughly believe to be true, it is to achieve some high purpose of the Creator, then it is well for mankind to be born, to struggle, to have the urge of ambition, to achieve, and to die. To work for the purpose of making mankind better, that is worth doing; to take an honorable and useful part in the affairs of one's country and one's people is a worthy reason for existence. There are no regrets or misgivings about a life spent in useful, helpful effort. There need be no tears because of the death of the man who has done all he can in his sphere of action to advance mankind. More than this no man, even though he may be a Cæsar, can do.

This much our late colleague Sherman E. Burroughs did. His life was useful and exemplary. Coming from humble surroundings, by his own untiring efforts and with indefatigable industry he educated himself and rose to a position of

high trust and responsibility among has fellows.

His life was not one of ease but one filled with effort and striving and contest with difficulties. From these things he made of himself what we, his colleagues, found him to be, a high-minded, courageous, clear thinking, and capable public officer and man.

I first met our late colleague in the early summer of 1917, when he came to fill a vacancy caused by the death of Hon. Cyrus A.

Sulloway. I had filed on a vacant room in the House Office He being my junior was afterwards, by error of the custodian, alloted the room. He discovered the error in some way and came at once to me, insisting that I take the room, and expressing the greatest regret. I was deeply impressed by his apparent sincerity and, above all, by his gentility and courtesy. The impression I formed then was never dissipated by any subsequent conduct of his. I never knew a man who had more of the instincts of a true gentleman than did Sherman E. Bur-ROUGHS. I know that the opinion I had of him was also shared by all who knew him in the House. Whatever criticisms may be willfully made of the House of Representatives of the United States, one thing can be said, that there is no place in our great American Republic where true ability and worth is more highly regarded or where work and diligence bring greater recog-The general esteem of the membership of the House is only obtained by virtue of superior attainments or person-That Mr. Burroughs had such qualities is best evidenced by the fact that everyone here who knew him had the same high appreciation of him and was glad to call him a friend.

And I am sure these same quiet, courteous, high-minded, gentlemanly qualities of his were qualities with which his people were well acquainted. I could not help thinking of this as, in the church at Manchester, I stood near his coffin and watched the silent procession of his friends and neighbors who had gathered to pay their last respects to their Representative who had come home to lay his body with those of his forbears, in the shadow of the granite hills of his own New Hampshire. These quiet, sane, ordinarily undemonstrative people gave clear and unmistakable evidence that they knew they had lost a worthy Representative in the councils of the Nation, a decent and upright citizen, and aye, more than that, a good and steadfast

friend.

For two years I have served with him on the Committee on Interstate and Foreign Commerce in the House. The jurisdiction of that committee is very broad and it has many complicated legal questions to deal with. Mr. Burroughs was not one of those who frequently took the time of the committee in its many discussions. But one thing we, his colleagues, soon learned, and that was that when he offered any suggestion it had merit and substance in it. His arguments were terse and clear, his knowledge of the principles of law great, and his judgment conservative, sane, and sound. Such a man, so endowed by the Creator with a pleasing personality and possessing knowledge and understanding of a high character, could not fail to be a valued member of society.

There is not a great deal one can say on such an occasion as this. About all we can do is to briefly express our regard for the departed and bid him farewell. But I can not let this occasion pass without expressing my regret at his passing. He had years of useful effort ahead of him when the grim reaper came. But, brief though it was, his life was a success, measured by every rule. It was full of effort and accomplishment, and was helpful to humanity. And when our hour comes, my friends, what better thing can be said of us than We have given our late colleague back to the soil that bore him, but it is my sincere hope that the years to come may bring from the hills and valleys of old New England into the councils of the Nation many another man like Sherman E.

BURROUGHS.

Mr. HOCH. Mr. Speaker, the death of Sherman Bur-ROUGHS brought to everyone who knew him well a sense of deep personal loss. Some of his colleagues here who to-day pay tribute to his memory knew him much longer than I had the privilege of knowing him, but when the word came that he had gone I felt that I had lost a friend. For such a loss we are never prepared. For among the gracious gifts of Providence what richer gift is there than the gift of friend-

For nearly four years I have known SHERMAN BURROUGHS, and day after day during the past two years I have sat by his side on the committee of which we were members. Day by day that association ripened an acquaintance into friendship. To have known him is a privilege which I shall ever remember in gratitude, and the memory of him will abide with me

through the years.

He was clear in his thinking, high in his purposes, fair in his contentions, careful and sound in his judgments, scholarly and chaste in his utterances. And then I can not think of him without having leap at once to my thought the word "gentleman." Sherman Burroughs was a gentleman. And by that term I do not have in mind the mere trappings of conventional manner, but I have in mind those deeper, finer qualities of mind and heart which give pervading dignity to manhood. I mean that he was kind and considerate and generous and clothed withal in that courtliness of bearing which lent pecu-

liar charm to his personality.

We live and die in a world that we do not understand. wisdom of man has made its conquests, but wherever we look upon the changing panorama of the world we behold a mystery. In earth and sky and sea, in every dawn and every nightfall, in the prophecy of every springtime and the fruition of every harvest, in leaf and flower and crystal-always and everywhere the note and the breath of mystery. And greater than this mystery of the world around us is the mystery of the world within us. More compelling than the mystery of what we see is the mystery of what we are. The mystery of thought, the mystery of love, the ever-surging mystery of life, and the ever-saddening mystery of death.

At the meridian of his powers our colleague and friend took his departure from fireside and forum. Why a thing like this should be we do not know-it belongs to the endless mysteries of life. But somehow we know that in the economy of the universe and the endless years it must be well. Christian faith must speak and give meaning to these fleeting days of life and take from death its blighting tragedy. Somewhere there must be kingdom where life's deeper meanings are revealed, life's injustices corrected, life's inequalities lev-

eled, life's incompleteness made whole.

It must be so in a land of far horizons and cloudless skies. Now we see through a glass darkly, but then face to face.

Mr. SMITH of Idaho. Mr. Speaker, there are few associations in life that bind us closer in the bonds of friendship than those formed during our earlier years, and on the opening of the Sixty-fifth Congress I was greatly pleased to meet as a new Member my old college friend, Hon. Sherman E. Burnoughs, of New Hampshire, to honor whose memory we are assembled this Sabbath day. I soon discovered that the nobility of his soul and the excellence of his character which had won the admiration and love of his college associates were still his strongest characteristics. After our graduation he returned to his home State and I cast my fortune with the then new State of Idaho, and it was indeed most delightful to meet him here and to talk over with him the associations and incidents which we had enjoyed together during the years we were in college, and to relate some of our experiences which had occurred since we separated 20 years ago. It was a great disappointment to me to learn from his own lips during the last session that he would not be a candidate for reelection. I little thought then that he would not live to finish his term in the Sixty-seventh Congress.

Congressman Burroughs was a man who knew how to love and appreciate his friends. He was one who dared to maintain the right and condemn the wrong. He was a ripe scholar and a profound thinker, and his heart was as great as his mind. His geniality and sociability made him friends everywhere, and he was always ready to manifest his friendship and sympathy for the people, regardless of their station in life. The leaders in Congress very soon discovered that Mr. Burroughs's splendid scholastic attainments, his legal learning, his broad, comprehensive knowledge of men and affairs, together with his industry and determination to study the important legislative problems which come up so rapidly and so continuously, qualified him for membership on the most desirable committees; and, while under the rule of seniority he had to await his turn, he finally attained his ambition by being appointed to membership on what is considered by many the most important and influential committee in the House-Interstate

and Foreign Commerce. His reports from the committees on which he served show most careful study and a wide knowledge of the subject, and his speeches and debates demonstrated his ripe legal learning and the unusual ability of being able to attract and re-

tain the attention of the House membership.

It is impossible for us to understand why such a man should be called in the prime of life, but we bow in humility to the plans of an all-wise Creator, knowing that the time of our going across the Great Divide is not of so much importance as how we have lived during the span of life allotted to us. Truly our late colleague has wrought well and his service to his State and the country will be held in grateful remembrance by the people of the great Commonwealth he so ably represented in the various positions which he filled with such fidelity and distinction.

Our late colleague was a devoted husband and was always ready to make any sacrifice for the comfort and pleasure of his life companion. To his children he was not only a kind and indulgent father but a companion to whom they could go for counsel and in whom they could confide with an assurance of sympathy in all their trials and difficulties.

I can not say, I will not say,
That he is dead. He is only away.
With a cherry smile and a wave of the hand,
He has wandered into an unknown land
And left us dreaming. How very fair
It needs must be, since he lingers there.

Mr. WASON resumed the chair as Speaker pro tempore.

Mr. TILSON. Mr. Speaker, one of the important compensations of service in this House is that it brings Members into association with each other, thereby giving opportunity for the forming of friendships. Fortunately, this opportunity is improved by most of us. Service on the same committees brings us into even closer contact with each other, while living in the same Washington hotel is probably the best means of all for becoming well acquainted with each other. I did not have either of the latter privileges for closer association with the friend whose life, character, and public services are commemorated here to-day. There were, however, so many points of common interest between him and myself that we were not long in finding common ground whereon a real and permanent friendship grew up which lasted till he passed away

SHERMAN EVERETT BURROUGHS was born February 6, 1870. At that time I was but a tiny child; so that we were very close to each other in age. He graduated from Dartmouth just three years after I had graduated from Yale. We both studied law and were admitted to the bar about the same time. He lived in New Hampshire and I in the neighboring State of Connecticut. We both went to the legislatures of our respective I preceded him in coming to Congress by only a few years. He surpassed me by only one in the size of our respec-Our respective private fortunes were approxitive families. mately equally limited when by coming to Congress we gave up opportunity for increasing them. All of these added to our common zeal for the public service soon brought us to know each other, and with knowledge came sincere and lasting

The education, training, and experience of Mr. Burroughs, based upon fine native ability and a charming personality, fitted him for what he came—an ideal Member of Congress, He greatly respected the wishes of his constituents and strove manfully to carry out those wishes, so far as he could do so without doing violence to his own best judgment as to what was right and best; but no fear of political or personal consequences to himself ever swerved him from what his own best

judgment approved.

Early in the present Congress when there was not a cloud in the political sky Mr. Burroughs announced his determination to retire from Congress at the close of the term for which he had been so recently elected. It was not because he had grown tired of his service here. In fact, it was known that he regretted that what seemed to him a plain duty required him to make the decision. He loved his family and felt his responsibility in that direction very keenly. It was not possible when he was first elected, in the very early days of the war, to foresee what would happen to the cost of living. No one could have foretold that living costs would substantially double within the After the most mature deliberation short space of four years. he decided that he must retire from Congress in order that he might fulfill what he deemed a more sacred obligation due to those whom he loved so much.

The decision of Mr. Burroughs to leave Congress just as he was reaching the period of most effective service is one that should cause those of us who are left here, as well as the people generally, to stop and think seriously. He was still a comparatively young man. He was at that time apparently in perfect health. He liked the work and was well adapted to it. theless, in order to meet his responsibility as a man of a family, he felt it to be his duty to seek in private life a more nearly adequate financial reward for his services so that he might be able to lay by something for possible emergencies. The pay of a Member of Congress is inadequate. The loss of such men as Mr. Burroughs from Congress on this account is a distinct loss to the whole country. The loss of a few such men-and they are retiring every year for the same reason-would far and away overbalance the small amount saved by the penny-wise and pound-foolish policy now being followed.

Alas, for the plans of mortals! It was not permitted to our friend to meet in the way he had planned the responsibility he had felt so keenly. He gave freely the sacrifice of a notable public service, but it was not to be his lot to reap the rewards which his fine abilities would have doubtless brought to him in the field of private endeavor.

The death of Mr. Burroughs in the prime of mature manhood and at the height of his powers for usefulness was a great shock to all of us. It most forcibly reminds us, and we need be often so reminded, of the solemn fact that we are mortal, that life is fleeting, and that at best the days in which we may serve our country and our fellows are few. As we recall the strong and manly life of our departed friend, filled with deeds of usefulness, it should be an inspiration helping us to seize the passing hours and make them count for the things worth while.

Mr. FESS. Mr. Speaker, after listening to the many utterances in respect to our departed brother, I can only add a word of tribute, for it would be needless to repeat the many things

that have been said.

I knew Mr. Burroughs before he came to Congress, although I had never met him. It was on the occasion of a special election due to the death of his predecessor that my attention was called to the type of man Mr. Burroughs was. When he reached here we who had been interested in the result of the contest were ready to properly appraise his ability as it was represented to us. I was associated immediately with him on committees, and on the committee of which I happened to be chairman he was one of the most devoted members

If we measure success in life by the highest standard, it will not consist in years of life but, rather, in deeds accomplished, and, measuring by that standard, I think all who knew Mr. Burroughs will admit that he was an eminently successful man; successful at home as a business man, as a professional man, and added to that success his achievement in public service in his own State, not only by the tenure of office determined by election but also by appointment. Added to that, it seems to me, the one thing that would impress us most is his appreclation of what a citizen should be in not only his individual

community but in his family.

It has been my great pleasure to be at his home in Manchester. There in the midst of his family can be found the explanation of the great claim he has on the hosts of friends and his country. I had the great pleasure of going throughout his district only a short while ago, where I learned to know how his neighbors respected him; how there was such a universal admiration from the business management of the great concerns equally with marked respect of the workmen in the great concerns through which I went with him as we passed from place to place, giving me the best opportunity of seeing how he was regarded at his home. When he came to Congress he at once took high position as a man of counsel among his col-leagues. He promised a brilliant career had he decided to remain any length of time. But this decision was not to be. Having served his Nation here in three Congresses, he felt his duty in another direction. I was really shocked to be told by him that he was not going to remain in Congress, that he had fully made up his mind not to return.

I talked with him here within the Chamber and asked him why that decision, as I knew he liked the service in the House, was greatly admired at home, and could remain as long as he cared to do so. Then he told me confidentially what our friend and colleague, the gentleman from Connecticut, has just now That is a situation that impressed me most of all reneated

He said:

I owe it to my family. I have lived here during these sessions of Congress and have served my country as best I can, but I owe it to my family of boys; while two of them are fixed in their life work, placed in the work they have prepared themselves to do, I have still one in a university that must be seen through his university work, and I also have a younger son that is to be looked after. I must give some attention to my family.

That is a magnificent manifestation of the type of citizen that America owes the most to. I want to drop a word of tribute to him and say that I know of no one who knew him that disliked him or took exception to his course, but, on the other hand, everybody who has known him speaks of him in the terms of the greatest devotion to what is best in life, and with a deep admiration for his general character-it matters not whether it was in the business circle or professional circle, in one section of the State or another. It is universal appreciation from all those who knew him. He has passed from among us. family is bereft at the very moment he had decided to give up public service in order that he could give more attention to his loved ones. Language is futile to assuage the grief which has overtaken them, and yet he had completed a life short in years but wonderfully powerful in success. I believe that Sherman E. BURROUGHS represented the finest type of American citizenship.

Mr. NEWTON of Minnesota. Mr. Speaker and colleagues, there is little left to be said where so many abler men have spoken who have known our late colleague so much longer than it was my privilege to have known him. However, I want to say just a word of personal appreciation of his friend-ship during the time that I have served in the House of Representatives. I first became acquainted with Sherman E. Burroughs in the year 1919. I had been asked to serve upon the Committee on Naval Expenditures. We were conducting Mr. Burroughs appeared before our committee. Something had been done to a young man in his district which did not appear right to him and which upon the face appeared to be very unjust. He felt called upon to present the matter to the committee. While knowing him before, this was my first real acquaintance with him.

I was impressed at the time not only with his engaging personality, tact, courtesy, and knowledge of the law but his very keen sense of justice. This was accompanied by the willingness to put forth all his powers against an injustice. He there plead that justice be done this young man. This was my first acquaintance with him. Then the Sixty-sixth Congress came to a close and it was my privilege to be appointed to serve on the Committee on Interstate and Foreign Commerce. As we know, this committee is practically in session almost every morning while Congress is in session. Mr. Burroughs was one of those who were practically always there, unless there was something most important to carry him away. His services in the committee exhibited a trait which we all would do well to emulate. He liked to work, to serve for the pleasure of service. Committee work is not spectacular. The public knows little about it. But we all know it is the work that counts. Invariably we benefited in listening to his wise counsel. He talked when there was occasion for it and all listened. He himself was the best of listeners. When he announced his retirement from Congress every one of us deeply regretted it. He talked to me about it upon a number of occasions, giving his reasons for leaving here. Others have referred to them. There is no necessity of my repeating them.

SHERMAN BURROUGHS loved his work here and would have liked to continue it. He also loved the law and enjoyed the practice of this the noblest of professions. While I was at Manchester it was my privilege to talk with one of his partners. He had been looking forward to his coming home again to take up the burdens of the practice of the law in the city and State, and expressed to me the loss that he and his associates had sustained.

One could see, as we made our way into the church, that those who came to pay tribute to Sherman Burroughs were men who had held the highest positions in the State, and also those who occupied the more humble positions in life. No better tribute could be paid than that. As I look back over his life I am reminded of the words of the Master when he said:

If any man serve me, him will my Father honor.

SHERMAN BURROUGHS'S whole life from boyhood until mature manhood was a life of service-service to the family, service to the community, service to the State, service to the Nation-and while the body has passed away, the Sherman Burroughs that we knew, the one whom we loved and called colleague and listened to his counsel, his life has not gone out, but it has passed into another room and still lives as an example to us to lead us on to a better and more complete life of service.

Mr. CHINDBLOM. Mr. Speaker, some men draw attention to themselves by performances that are always audible and visible, akin to the blare of trumpets and the glare of jewels, while others attract their fellows by a quiet, invisible, and inaudible but none the less irresistible force, akin to that of the magnetic pole. Of the latter class was our late colleague, the Hon. SHERMAN E. BURROUGHS, of New Hampshire. I first met him in the Committee on the Merchant Marine and Fisheries of this House after my assignment to that committee at the opening of the Sixty-sixth Congress. And the fact that I am the only member of that committee to say a word about him is my excuse for taking time now. I learned to know and love and esteem him to the same extent as also did the members of the Committee on Interstate and Foreign Commerce who have spoken here. He was affable, genial, kindly, and helpful to the stranger. He was steadfast and loyal to his friends, among whom I subse-He quently deemed it a high privilege to count myself. He was industrious, painstaking, and thorough. He was one of those valuable members of a legislative body who do not try to express immature views on all subjects but who reserve their energy and influence for the matters upon which they are adequately informed. He made few speeches on the floor of the House, but he worked faithfully and assiduously in committee and followed with close attention all the proceedings of the House. His judgment was sound, his reasoning was logical, and his conclusions were dependable. He was the soul of honor. His heart and his mind worked together in a common impulse for the right. Many men have altogether honorable intentions. but lack the intellectual force to withstand temptation and blandishment. Not so with our late colleague from New Hampshire. He had moral courage and mental stamina. He not only saw the right, he did it. He not only felt the right, he lived it. With all of his colleagues I mourn his passing and revere his memory. A life such as his is an inspiration to his family, his friends, and to the Nation.

THE LATE HON. NESTOR MONTOYA.

Mr. THOMPSON took the chair. The SPEAKER pro tempore. The Clerk will report the special order.

The Clerk read as follows:

On motion of Mr. Thompson, by unanimous consent— Ordered, That Sunday, February 25, 1923, be set apart for ad-dresses on the life, character, and public services of Hon. NESTOR MONTOYA, late a Representative from the State of New Mexico.

Mr. COLTON. Mr. Speaker, I offer the following resolution. The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 560.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. Nestor Montova, late a Member of this House from the State of New Mexico. Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of the day, shall stand adjourned. adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved. That the Clerk send a copy of these resolutions to the family of the deceased.

The question was taken, and the resolution was unanimously agreed to.

Mr. COLTON. Mr. Speaker, Nestor Montoya was born at Albuquerque, N. Mex., April 14, 1853. He was essentially a product of the great Southwest. His training prior to his coming to Congress had fitted him for legislative duties. had had experience in both branches of his State legislature and had long been connected with public life in his native State, New Mexico. He knew the needs of his State and the wishes of his people probably as well as any man who ever did while serving his first term in Congress. He was, therefore, well fitted for the responsibilities that came to him at the beginning of the Sixty-seventh Congress.

Descended from a family of the Spanish-speaking race but who have always been loyal to the United States, he was himself noted in his State for his loyalty to the traditions and institutions of our country. He spoke both the Spanish and English language fluently. He was educated in a college of English language fluently. He was educated in a college of his native State. During the late World War he devoted much of his time, means, and energy in war activities. Two of his sons and a son-in-law served with the American Expeditionary Forces overseas. I noticed in front of the courthouse in his home county a large stone bearing the names of those in his county who served in the World War. It was a source of pride to our departed comrade that he was largely instrumental in having this stone placed.

Knowing the people among whom he spent his life and in a measure acquainted even with sentiments of his own heart by reason of frequent conversations, I am reminded of the words of the poet:

For mankind are one in spirit, and an instinct bears along Round the earth's electric circle the swift flash of right or wrong. Whether conscious or unconscious, yet humanity's vast frame, Through its ocean-sundered fibers, feels the gush of joy or shame. In the gain or loss of one race all the races have equal claim.

We entered Congress together. He was not frequently prominent on the floor of the House of Representatives, but he was wise in shaping legislation in committee. He attended closely to all the requests of his constituents, usually going in person to the departments to attend to all matters of important business. I mentioned this to him one day in conversation and he replied by saying:

During all my life, when a responsibility has rested upon me, or a duty has been assigned, I like to see personally that service is rendered in the best possible way.

This was characteristic of Nestor Montoya's life.

He went to his reward while still strong but with his work just finished. The poet has said: "There is no death, what seems so is transition," yet we marvel sometimes at the change we call death which comes so quickly and unexpectedly. Death

seems to be calling, even waiting at the door. It is the only thing of which we are absolutely sure. The high, the low, the rich, the poor, must go the way of all the earth. It is great to so live that it can be truthfully said of one that the world is better for one having lived in it. Surely this may be said of our comrade in whose memory we now meet.

We took him back to the land of sunshine, of clear skies, and laid him down for his last sleep near the Rio Grande, the river he loved so well. Amid scenes of beauty and serenity and among the people whom he loved so well his funeral was conducted. The mighty throng that attended was the greatest evidence of the esteem and affection in which he was held that could possibly have been given. It was said that the funeral was the largest ever held in New Mexico.

While he was greatly honored and respected by his friends, of course he was leved most and will be missed most by his own family. I noticed especially the evidence of deep devotion on the part of his wife and five children. Nothing can take away entirely the sorrow they bear, but the consolation of a life well spent is in a large measure a balm for a broken heart. The day we laid him to rest the wife and her children gave all that was mortal of their husband and father, but they will retain forever the real essence of his being, that which is immortal.

God bless the memory of this good man; this modest, dignified citizen; capable, patriotic, conscientious public official.

Mr. LOWREY. Mr. Speaker, from my acquaintance with NESTOR MONTONA here in Washington and from the information and observation gotten while attending his funeral and mixing with the people of his city and State, I am definitely impressed

with two things in his life and character.

First, he was a man who went quietly forward and met his responsibilities and his work honestly, without pretense of affectation. There was nothing theatrical or self-conscious about him. I think it well worth while to call attention to this admirable trait. Too often we think of the average politician as a man who likes to bask in publicity and strut before admiring throngs. I think I may venture to mention this, Mr. Speaker, because I myself did not become a "politician" until I was pretty well beyond the meridian of life. Since coming to Washington I have been impressed that the average Member of this House is not a vain seeker after the baubles of popularity. He is an honest, hard-working Representative of his people, seeking what he believes to be best for them and their country, much more courageous than we occasionally believe, even in the face of the well-nigh irresistible inertia of public affairs which makes a treadmill of his life.

And yet when we look back on the finished life of a man like our late colleague we realize that it is not purely a treadmill.

Why, all men strive, and who succeeds? All labor, yet no less
Bear up beneath their unsuccess.
Look at the end of work, contrast
The petty done, the undone vast.

And yet-

Our times are in His hand-Who saith, "A whole I planned, Youth shows but half; trust God; see all, Nor be afraid."

It is in a life such as NESTOR MONTOYA's that we begin to see the whole and begin to realize that the real effective things are done much as the temple of Solomon was built, without The man who is doing an important work sound of hammer.

has neither time nor taste for the blare of trumpets.

The second thing with which I have been impressed is that NESTOR MONTOYA was a man who loved his fellow men and who in return was loved by them. Those of us who accompanied his remains to his home city and attended his funeral had this borne in upon us unmistakably. I myself once lived for some years among those sturdy westerners. They may have the natural faults of their rugged, progressive existence, but whatever these faults may be, they are not hypocrites. They are real; they "speak right on" and they go straight forward. One is not left in doubt as to what they think of men, measures, doctrines, or propositions. In this honest western atmosphere NESTOR MONTOYA had been born and educated, and had come to manhood and attained distinguished position.

Here, after he was gone, we saw demonstrations of love, confidence, and admiration from men and women of every rank and race. There were Indians and Mexicans, there was the old Spanish aristocracy, and there were business and professional men who had come from every part of the Union to that thriv-ing metropolis of the great Southwest. All alike came to do honor to the memory of their distinguished fellow citizen and to express their grief at his taking away.

The State legislature was in session at ancient Santa Fe. From there came a large delegation of lawmakers. who bears the distinction of having been the first governor of the State of New Mexico delivered in Spanish a beautiful address expressive of the sorrow and admiration of his people. A distinguished lawyer and public official represented both the bar and the public. And the learned and pious priest gave a fervent funeral address, following the mass in the old church built more than two centuries ago.

But no less conspicuous than the honor paid by these prominent men was the unfelgned grief of the "blanket" Indian, the Mexican laborer, and the poorest people generally, who followed the procession. In fact, Jew and gentile, Catholic and Protestant, native and foreigner, seemed alike to feel the common loss and to realize that a great citizen and public servant and a

friend to all had gone to his reward.

We all love the man who loves and helps his brother. Whatever we may think of the theology we subscribe to the senti-ment of Leigh Hunt's classic poem, which within itself forms a fitting and convincing tribute to men who live as did NESTOR MONTOYA:

Abou Ben Adhem (may his tribe increase)
Awoke one night from a deep dream of peace,
And saw within the moonlight of his room,
Making it rich and like a lily in bloom,
An angel writing in a book of gold.
Exceeding peace had made Ben Adhem bold,
And to the presence in the room he said,
"What writest thou?" The vision raised its head
And, with a look made of all sweet accord,
Answered, "The names of those who love the Lord."
"And is mine one?" said Abou. "Nay, not so,"
Replied the angel. Abou spoke more low,
But cheerlly still, and said, "I pray thee, then,
Write me as one that loves his fellow men."
The angel wrote and vanished. The next night
It came again, with a great awakening light,
And showed the names whom love of God had blessed—
And lo! Ben Adhem's name led all the rest!

Mr. SMITH of Idaho. Mr. Speaker, the suddenness of the call of the Angel of Death upon our lamented colleague, Hon. NESTOR MONTOYA, certainly should impress us with the uncertainty of life. He entered this Congress strong and vigorous and with prospects of many years of further usefulness to his State and country; and none of us supposed that we would so soon be called upon to mourn his death, which came unexpectedly. Without a note of warning he was stricken down, his large, generous heart ceased to beat, and his spirit was ushered into the presence of that almighty and all-wise Being who hath the issues of life and death in his own hands. Almost

in the twinkling of an eye the strong man was brought low. Truly, "In the midst of life we are in death."

While I had never met Mr. Montoya until the assembling of this Congress, I was at once attracted to him by his genial and friendly personality, and I was glad when we were assigned to the same committee, during the sessions of which we were more closely associated. Our acquaintance rapidly grew into a firm and cordial friendship, which I greatly prized. I was soon impressed by his industry, his devotion to his constituency, and his intense loyalty to his party and his country. He was always regular in his attendance upon committee meetings and the sessions of the House, and ambitious to do his full share of work. He took a deep interest in the commercial growth of the country and the development of the Nation's natural resources, and in the advancement of all the interests that combine to make our people and our country great and prosperous. His desire was plainly manifest to do anything and everything in his power as a statesman to secure the greatest possible good to every portion of our common country.

His great ability, industry, and high ideals were recognized by the people of his own State by his selection to fill many posi-tions of honor and trust before he was sent here as their Rep-resentative in Congress; and his activity in the affairs of his State demonstrated his popularity and splendid qualification for leadership. He possessed everything to make life desirable; an honored name, the plaudits of the people, a loving wife and children to cluster about him, and to encircle themselves around his heart. He lived a noble life, and left a heritage to his children, as a cherished memory to his wife; a spotless reputation, and an honored name. His success and prominence in his State should convince the ambitious and aspiring youth

of this country that-

The heights of great men reached and kept Were not attained by sudden flight, But they, while their companions slept Were toiling upward in the night.

I was appointed by the Speaker as a member of the com-mittee to attend the funeral at the home of our late colleague, but exacting and pressing official duties prevented my absence for so long a time. I have been privileged to read newspaper accounts of the funeral in which reference was made to the great outpouring of his life-long friends and neighbors, and the expressions of regret and sorrow occasioned by the death of this great and good man, which demonstrated conclusively that the high esteem in which he was held by his colleagues in both branches of Congress was well deserved. "Truly he has not lived in vain."

Mr. CARTER. Mr. Speaker, we all deplore very deeply the passing of that splendid genial spirit, Hon. Nestor Montoya. While I have been a Member of this body for 16 years, his is the first congressional funeral I have found the opportunity to attend. I felt it a privilege to contribute in any small way to the memory of this great man by attendance on the last sad rites of his notable career. No person could gain any conception of the fond affection in which Mr. Montoya was held by his neighbors and friends except by witnessing that vast concourse which followed his remains to their final resting place.

He had lived in the public eye during most of the years of his life. He served in each branch of the Territorial legislature for many years. He was honored with the speakership of his Territorial house, as a member of the constitutional convention, and as a member of the council of defense and chairman of the draft board throughout the World War. At the time of his passing he was editor of La Bandera Americana, president of the New Mexico State Press Association, a regent of the State University, and a Member of Congress at large from the State of New Mexico.

It was a privilege for me to serve on the same committee with Mr. Montoya when he first came to this House. Now that he has gone I look back with much pleasure on the fact that I was able to assist him in several small ways as a new Congressman. During all his long and faithful public service not one word of reproach was brought against his good name, and among all that immense throng which gathered at the funeral to pay just homage to his memory nothing but encomiums of praise could be heard of his righteous life. "Señor Montoya hombre derecho" was the unanimous verdict of his friends and neighbors.

He has gone to his just reward. We shall meet his genial personality no more in this world. But may his good wife, his splendid son, his dutiful and charming daughter, all his family, and all his friends and innumerable acquaintances take comfort and courage from the upright life which he lived and from the faith of meeting him in that great

Undiscover'd country from whose bourne No traveler returns.

Mr. HUDSPETH. Mr. Speaker and colleagues, the great State of New Mexico was settled several hundred years ago by the Spanish padres, or Spanish fathers, who located missions, and were followed by the Aztecs of old Mexico, who came up along the water courses, and lighted the torch of civilization and established the Christian religion out beyond where the sun sets. From the loins of that sturdy and hardy stock, my colleagues, sprang Nestor Montoya.

Mr. Speaker, it is only on rare occasions that I attend the funeral of a friend. I prefer to remember the way my friend looked when I last saw him in the full vigor of life and health. But, Mr. Speaker, I was personally and intimately acquainted with Nestor Montova. For a number of years I ranched in his State, Perhaps I am better acquainted with the Mexican-American, or equally so with him, than most of the men who come to this House. I have been in their homes. I have broken bread with them. I have practiced in the courts of New Mexico, both in the English and the Spanish language.

Nestor Montoya was born 60 years ago in old Albuquerque, now a town of adobe houses across the arroyo from the present beautiful city of that name, out there on the Santa Fe Railroad on the main line to the California coast. There as a boy and young man he met the clod and stubble of adversity such as all had to meet who grew up in that day and time out there almost past the shadow of civilization. He made friends; he exhibited an indomitable spirit from his earliest youth—a determination to surmount obstacles, to achieve success, but never at the cost of his conscience or his principles. And there never was a day in the life of Nestor Montoya that he did not have the confidence of his fellow men. From his early youth and up to the hour of his death he had the confidence, esteem, and good will of his friends and neighbors and, in fact, the entire citizenship of New Mexico.

For 15 years he was engaged in the newspaper business in the city of Albuquerque. He established a newspaper under the name of La Bandera Americana, which means The American

Flag. Montona stood under and upheld that flag all the days of his life; and, my friends, knowing, as I do, the Mexican-American, the man who is born of Mexican parents in this country and who grows up with our institutions, permit me to state now that, from very close contact and personal observation during the World War, I have yet to recall one instance of disloyalty on the part of these people. They realize that under this great Government all men are created equal. They quickly get the ideas of our Government and our institutions, that guarantee the freedom of the individual, that protect the peasant in his hut with the same degree of protection as the millionaire in his castle. There are no more loyal Americans in this great Republic than these Mexican-Americans.

Of such stock was Nestor Montoya. With his good right hand and with his pen he helped to establish law and order in that country many years ago, when it was not so popular to stand for law and order as it is at the present time. But Nestor Montoya always upheld, with his splendid editorials in his paper, the maintenance of law and created a wholesome respect for the laws of his country. By his untiring efforts and his splendid example as a citizen he brought about that law and order that the people of New Mexico are proud to acclaim at the present time.

His district and mine adjoin. My district lies against his State, surrounding it about one-third of its boundary. The interests of his people and mine are closely interwoven. Both of us were greatly concerned with matters of irrigation, production of live stock, and mining. Naturally we were thrown together in close association. I had a little more legislative experience than my friend, having come here two years prior to his becoming a Member. I gladly assisted him in every way, and he always willingly came to my assistance. It is my recollection that he was successful in obtaining every office of trust and honor at the hands of his people to which he ever

He was speaker of the New Mexico Assembly in 1903 and also in 1910. I have had occasion very frequently in legal practice to visit the city of Santa Fe, the capital of the State. And I want to say, my friends, that while Nestor Montova was speaker of the New Mexico Legislature he presided over that body with fairness and with dignity, and that the speaker's chair was not the harsh bench of the magistrate but rather the woolsack of the chancellor. The minority respected him and admired him because he was fair and just in his rulings and, as my friend from Oklahoma [Mr. Carter] has just said about the frequent exclamations that were heard around his bler, "Este hombre Montova muy derecho." (Nestor Montova was a just man and right.)

My friends, if you want to get a true insight into the character of a man in his home, in his community, and in his State, go to the plain people—the working class, the laborers, the tender of the flocks, and the cowboy on the range, to the "mozo" and the "pelado," the peasant, the servant. Every one to whom I have ever mentioned the name of my good friend immediately said, "Señor Montoya, muy buen hombre." (Good man.) The plain people understood and loved him because he sympathized with them in their poverty and their distress, and while he acquired some of this world's goods by hard labor and close attention to his business, not one of these humble people described by my friend from Oklahoma—people clad in Navajo blankets and cowhide sandals—who sought his help and charitable assistance were ever turned away empty-handed. I regret his death, and the people of my home city, who knew him and knew his splendid qualities of heart and mind, like-

wise deeply regret his passing away.

Mr. Speaker, while Nester Montova was a consistent Republican in politics all the days of his life, first and above all he was a true American. He gave two sons and a son-in-law to fight for the liberty of the world and for universal democracy. He gave his money and his time without stint. He was chairman of the defense board of his State and also was an earnest worker in the Red Cross service and all other patriotic activities during the war.

In the death of our colleague, my friends, his State has sustained a serious loss. He always contributed to the material welfare of his people. He stood out for the right and had the confidence and esteem of both political parties in his home State. He wrought well there; he wrought well here. Peace to the soul of Nester Montaya.

Mr. STEAGALL. Mr. Speaker, it was my good fortune to enjoy the personal friendship of Representative Nestor Montona. We occupied adjoining offices and I was thrown in frequent contact with him from the time he began his service in this body. From the very first acquaintance with him I was im-

pressed with the simplicity and sincerity of the man. He was courteous, accommodating, and congenial. He was a typical westerner, with all the rugged characteristics of courage, common sense, loyalty, and chivalry. He was a hard-working man, seriously devoted to his duties. He was as regular as the clock in going and coming to his office and in attending the committees on which he served, and made it a rule when necessary to be present during the sessions of the House. He was diligent in business and faithful in the performance of every task. There was nothing of the spectacular about him. He was modest and unpretentious, and of a manner indicating much strength and unusual poise. He met the responsibilities of life with the spirit and purpose of one engaged in earnest and sincere efforts to serve his fellows.

There are rare instances in which men are elected to high office as a result of an abnormal and unusual state of public opinion or turn of the wheels of political fortune. Congressman Montona's honors never came that way. His rise in politics was not due to any of the tricks of the politician or inexplicable drift of the tide of public opinion. For many years he had served in various positions of trust and honor in his native State. He was called to serve in the House of Representatives of New Mexico, in which capacity he rose in the esteem and confidence of his fellows until he became speaker of that body. He served in that position with such fidelity and fairness, as has just been pointed out in the address of the gentleman from Utah [Mr. Colton], that he won an enviable reputation throughout the State. He was later elected a member of the State senate and made a record highly creditable to himself and his constituency. He served as clerk of the courts, and exhibited in that work the same care and efficiency which characterized all his undertakings.

In 1910 he was selected as a member of the convention that drafted the first constitution of the State of New Mexico. In that body he rendered lasting service to his people. He was a champion of the cause of education and served as regent of the University of New Mexico. He was for 15 years president of the New Mexico State Press Association and was owner and editor of a paper published in the Spanish language at Albuquerque, N. Mex., called La Bandera Americana, which means "The American Flag." The policies of the paper reflected the highest quality of patriotism and public spirit. At the outset of the entry of the United States into the war with Germany he was a member of the council of defense and chairman of the draft board of his county. So we see that his election to Congress in 1920 came as the tribute of a thoughtful people to one well known to all the voters of his State and who had been tested by oft repeated calls to public service. Such an honor might well be coveted by any citizen of this great Republic. Upon entering this body he at once displayed the same characteristics and capabilities that marked his career from its beginning.

Those of us who understand the struggles of congressional life do not expect a man to reach a position in this House that commands the attention of the country until he has had opportunity to make his way. But it does not take long for Members of the House to measure the worth of a new Member and forecast his possible growth and usefulness. The older Members remember full well men who upon entering this body set about the discharge of the routine duties of office and who faithfully and unostentatiously entered into the labors of the committees to which they were assigned and who performed their daily duties without show or pretense. But in a few years such a Member would become chairman of an important committee or fall into some larger responsibility and almost in a day the country would discover a national figure on the rolls of the House. Such instances may cause surprise to outsiders, but not so with Members of the House. Representative Mon-TOYA possessed the qualities which mark him as one capable of reaching a commanding position in the Congress. Throughout his public career his progress was steady and sure. No one can doubt that he would have continued to grow in power and usefulness had Providence spared him to continue his labors.

Representative Montova did not make politics the goal of life. Politics was only an incident. Official place appealed to him only as a means by which to render public service. He was so forgetful of his own political fortunes and so disregardful of selfish political aspirations that he chose the newspaper profession as his chief life work, thus daring the proverbial danger of writing a book. He was a man of too much courage and too high order of patriotism to hesitate to make known his position at any time when any question arose affecting his country's welfare. He rose to the best type of American citizenship and embodied the highest qualities of a public official. His record and his service will long be held in grate-

ful memory by the people whom he served with loftiest patriotism and devotion.

Splendid as was his public service and high as were the honors bestowed upon him, it was in the circle of the home and family that the best and noblest of his attributes found expression and there it was that life for him loomed to its richest and best. He was a good father, a faithful and affectionate husband, and happy in the fullest trust and devotion of his family.

Death came to him all too soon. The mystery of it we do not understand. At the age of 60, with the appearance of one much younger, in the midst of his greatest activities and usefulness, with great designs unaccomplished, thinking only of continued service to his family and to his country, without even a moment's warning, he was stricken down and taken from us! We stand appalled and helpless in the presence of such a decree of divine Providence. With our poor human eyes we can not penetrate the mystery of it. But some time, somewhere, beyond the shadows of the dark valley where falls the light of eternal truth, it will all be made clear, where we hope to meet and know again all the loved and lost who await our coming there—

We'll catch the broken threads again And finish what we here began, Heaven will the mystery explain, And then, at then, we'll understand.

Mr. COLE of Ohio. Mr. Speaker, we are here for the purpose of paying tributes of respect to the memory of a few of our Members who have recently fallen in the battle of life. Mr. Montova has been taken away from us in the fullness and vigor of stalwart manhood. Such a dispensation is not humanly understandable. All life and all death are wrapped in veils of mystery. We are ushered on to this stage, we know not from whence; we are taken away, we know not whither. We can but stand in the golden dawn of the rising sun of a human soul, earnestly note its radiant ascendancy into the widening canopy of life, with the high hope that until the fullness of time its brilliancy shall not be dimmed, its glory not attenuated; and in that dread hour when the effulgent beams of that sun shall have been dispelled by the gloomy mists of death we can but stand upon the broad basis of the full faith that in yon far realm where immortal spirits dwell, God in his infinite wisdom had need of it.

I did not know Mr. Montova intimately. I served with him

on one of the committees here and have known him only since he came to serve as a Member of this Congress. He was, so far as I know, an unassuming, unpretentious gentleman, but equipped with all those things that are necessary to make one a valuable and a valued citizen among his people. He was a son of the wide plains of the West, born, I understand, in the midst of penury and privation, but with a resolute determination, with an invincible fortitude, with an unswerving loyalty, with a deep-seated conviction of right and a great reverence for Almighty God, he struggled through those early adversities and developed into that character of man of which our Nation is in sore need, and took his place among the leading men of his part of this great Nation. But he has been suddenly called away from us, as I say, in the fullness of life. His work seemed to be incomplete and unfinished here, and therein lies one of the strong reasons why I believe in the immortality of the soul. I know the heavens declare the glory of God, and the firmament showeth His handiwork, that day unto day uttereth speech, and night unto night showeth knowledge, bespeaking in unmistakable language the existence of a Supreme Being, but as to the immortality of the human soul, when the somber shadows of death are falling and the cold dews of eternal night are moistening the aged and furroughed brow, we stand in awe and witness in silent solemnity the inscrutable work of the Great Conqueror. Or when one who has fought the battles of early existence, and standing upon the threshold of the higher possibilities of life, looking with eager, anxious eye upon the broad expanse of a brightly illuminated future, is suddenly enveloped in the mantle of death and taken away, with bowed heads and aching hearts and tearful eyes we stand in the overwhelming atmosphere of the sad spectacle. Or when a little child, like a tiny dewdrop sparkling in life's morning sun, falls to the earth and is no more, compassion robs us of language and we sit in silent submission to the Divine command. Yet, in that sad, solemn hour none of them seemed complete. When the angel of death gently kissed their seemed complete. When the angel of death gently kissed their pallid brows and bore their kindly spirits to the All-Wise God who gave them, right well might we have written at the end of their life's history the last words "unfinished, unfinished." And may we not hope and believe that somewhere, it may be

beyond the moon, beyond the sun, beyond the stars, but somewhere in Illimitable space they shall be permitted to continue the work that was unfinished here, for-

When the vast sun shall veil his golden light, Deep in the gloom of everlasting night; When wild destructive flames shall wrap the skies, When ruin triumphs and when nature dies, Man shall, alone, the wreck of worlds survive, 'Mid falling spheres immortal man shall live.

Miss ROBERTSON. Mr. Speaker, so much has been said covering all the life of our colleague, Mr. Montoya, that I come with only one little tribute to the humanity of the man, and the bravery of him. We came into the House together, I did not know how finished a politician he was. He did not assert himself but, like myself, sat over to one side waiting, perhaps, to earn a more conspicuous place in the House. We used to exchange opinions briefly about matters as they came up. Almost invariably he said: "I shall vote with the committee," but he always had the bill, always looked it over, always knew why he should vote with the committee. I sat very near him in the Committee on Indian Affairs, where he faithful in attendance. Always he went through the work carefully, marking changes in bills and voting intelligently. remember him with greatest admiration as the best and bravest loser I ever saw. After having had such an enormous vote in his election to this Congress he was defeated-no; not defeated, but New Mexico gave the Republican nomination to a woman. When he came back and told me about it, he did so in the most beautiful, most chivalrous, and most courteous way, speaking in highest terms of the lady and his hopes for her election. He was loyal to his party, his State, his Nation. His loyalty to the Senators of his State made me feel that the predominating characteristic of the man was loyalty to his ideals. He was a good soldier. He helped me by his brave party loyalty that bore defeat like victory. You have with finished oratory given his wonderful life history. It has only remained for me to say that I shall be always stronger for my brief acquaintance with him.

Mr. COLTON assumed the chair as Speaker pro tempore.

Mr. THOMPSON. Mr. Speaker, I ask permission that all Members who have spoken may be permitted to revise and ex-tend their remarks, and also that Members who wish to extend

their remarks be permitted to do so.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio? [After a pause.] The

Chair hears none.

Mr. THOMPSON. Mr. Speaker, I also ask permission to have incorporated in this day's proceedings an address written by Hon, B. C. Hernandez, a former colleague and a Member of the Sixty-sixth Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio? [After a pause.] The

Chair hears none.

Mr. THOMPSON. Mr. Speaker, much mention has been made here to-day of the great funeral held in the city of Albuquerque. I was one of the Members appointed by the Speaker of the House to attend that funeral, and I also delivered an oration at the grave, complying with the Spanish custom of the Southwest, and in order to preserve in the RECORD a history of that great funeral, I desire to be permitted to incorporate in the RECORD the local press accounts of the papers of Albuquerque and also ask permission that my own oration at the The SPEAKER pro tempore. Without objection the request of the gentleman will be granted.

There was no objection.

Mr. THOMPSON. Mr. Speaker, the 13th of January, 1923, at the Nation's Capital, while apparently in the fullness of health, Hon. Nestor Montoya, New Mexico's Representative in the Sixty-seventh Congress, was stricken from the roll of the living. God's finger touched him, and he slept.

Born April 4, 1853, he was the descendant of a long line of pure Spanish ancestry, tracing beyond the days of the con-quistadores, whose descendants prior to 1846 ruled New Mexico and adjacent territory under the flag of Spain. He was the sole Member in the House of Representatives from the fortysole Member in the House of Representatives from the Polyseventh State of the Union, whose capital city was important more than three centuries ago, before New York, Philadelphia, or Washington were thought of and before the Pilgrims landed at Plymouth Rock. The Spanish were brave men then, and are loyal and patriotic Americans now. Don Nestor Montoya rang type to that brilliant adventurous remantic yet study stock. true to that brilliant, adventurous, romantic, yet sturdy, stock from which he sprang and which pioneered that part of America

now known within the borders of the Union as the great Southwest. He was known among his fellows and associates for distinguished abilities and achievements, and his life was an example of manly worth and moral integrity that reflects honor upon his people and entitles him to their affectionate remembrances. He was a true example of their religious, social, and industrial life and a representative of the convictions and principles they adopt as their guides in their participation in the affairs of State and National Government.

On the 14th of January his death was officially proclaimed. in Congress by the unanimous adoption by the House of the customary and appropriate resolution and arrangements for the funeral. The official party, consisting of a son and daughter, a Senator, and five Members of the House of Representatives, left Washington, accompanying the remains, Monday evening, January 15, 1923, and after continuous travel ar-rived at Albuquerque the following Thursday evening, January 18. In the glorious afterglow of a rarified western sunset, when the heavens seemed to be filled with slain sunlight, his mortal remains approached home. Home—a place dear in life, precious in death—more genuine pleasures therein to be found than in all the splendors and glories of the earth. There, at home, were the wife, children, and grandchildren, dear rela-They never go back on us to the end. They never turn their backs on us. And the people, his constituents, who also loved him well, were there.

The following Saturday, beginning at 8 a. m., starting from the Montoya residence in the old town of Albuquerque, thousands formed a procession to the little Church of San Felipe de where our late colleague worshiped many years. building was erected prior to the year 1706-more than 217 years ago-when what is now known as old Albuquerque was one of the most important towns in New Mexico. Its historical antiquity has passed. It is now but a suburb of the new and modern American city of Albuquerque—a mile distant-which has usurped the old town's name and importance. Thousands crowded within, without, and about the church

during the requiem high mass.

Immediately following the services the cortege proceeded through the main thoroughfare of old and new Albuquerque to the place of interment, and the multitudes lining the streets stood with bared heads while the procession passed. Every flag on every building was at half mast.

We laid him away on a hillside sloping up to the mesa, which extended to the not far distant snow-capped mountains—and the cemetery was called "Little Santa Barbara." Following the beautiful Spanish custom, funeral orations were delivered at the open grave. Multitudes filled the cemetery and silently listened, and by their presence paid their loving tribute.

The next day the Albuquerque (N. Mex.) Morning Journal said:

The funeral of the late Congressman NESTOR MONTOYA was probably the most impressive ever held in Albuquerque—perhaps the most impressive ever held in the State of New Mexico.

He was held in high esteem by his colleagues in the Congress as well as by the people of New Mexico. He died at the height of his fame. He is to be envied in that he did not live too long, for-

When 'tis given us to choose the time, If we choose aright, 'Tis best to die our honor at its height.

He is gone from us—gone before us. Strength and beauty, kindness and wrath, wisdom and folly, laughter and frown—all the elements of life and his living of it have ceased their visible play and action.

Said despairing Villon-

Where are the snows of yesteryear?

Vanished, he would have us believe. Yes; but vanished only in form. "The snows of yesteryear" are in the stream, in cloud and rain, in sap of tree and bloom of flower, in heart and brain of talent and of beauty. Nothing is lost even here on our ancient kindly earth. So the energies of our friend, and those of all men, have touched into activity forces that,

influencing still others, will move on forever.

The address of Mr. Hernandez and the clippings are as

ADDRESS OF HON. B. C. HERNANDEZ, FORMER MEMBER OF CONGRESS FROM NEW MEXICO.

"When divine Providence removed from this world the Hon. NESTOR MONTOYA He took a good, kindly, and lovable man, a type of man who had the faculty of making friends wherever he went, a type of man that in life's rough pathway always finds time to sow a flower here and there in order to make the journey more agreeable and pleasant. Moreover, when so removed from among us, this splendid public servant, one of New Mexico's gifted sons was taken from our midst, we ourselves find that an uncommon man has been suddenly summoned before his Creator by that grim reaper, death.

NESTOR MONTOYA'S personal history is naturally interwoven with New Mexico's history for the last 45 years. We find him in the early eighties, as soon as he had graduated from St. Michael's College, taking his place among the public men of his time; first as translator and interpreter in the district courts. He developed the qualifications of interpreter until he was considered one of the most efficient of his day.

"In the early nineties we find him at the head of a Spanish publication in San Miguel County, with headquarters in the city of Las Vegas. About that same time his public career really commenced by being elected from that county to the legislature during Territorial régime. Four or five years later we find him engaged in what he had chosen as his profession, newspaper man and interpreter, in Bernalillo County, where he had established the paper that was part of his life for the last 20 years. La Bandera Americana, which he edited and managed successfully. He was chosen president of the New Mexico Press Association, where he served up until the time of his death with efficiency and distinction, always alert, energetic, and a clean-cut gentleman.

"Later on we find him in the Territorial council of the legislative assembly, a position equivalent to that of State senator in these days, wherein by his experience as a legislator and newspaper man he had become a very useful public servant. When New Mexico was admitted a State in 1910 and a constitutional convention had to be chosen he was elected as one of the delegates from Bernalillo County, and in that important body he played a very useful part, always alert for the rights of the Spanish-American people, because he realized that they needed his defense and his services, and that fundamental law of New Mexico bears the imprint of his intense patriotism and

love for his fellow man in many of its provisos.

"Later on we find him during the World War with all the intensity of his soul defending the rights of his country; going among the people and with his wonderful oratorical powers persuading them to buy bonds and to place themselves at the disposition of their Government. His three sons, following the

advice of their good father, served honorably in the World War.

"Montoya was a patriot first; an efficient and faithful public servant always. During his career, like a good many men who take part in the public affairs of the State, he had his ups and downs; but to his credit be it said that whenever he was defeated, or his friends thought that he ought to take a back seat, he accepted their verdict with the grace of a

natural-born diplomat.

"He had his difficulties in life's rough pathway, but his do-mestic life was a complete success, always kind and considerate to his family. He lived a happy life in his home, and to-day his wife and family mourn the death of a kind and considerate husband and a good father. Neighbors miss the advice of a wise and kindly counselor; his friends a faithful and loyal

"New Mexico has lost one of its gifted sons. His death, like his life, was impressive, and around his bier the people gathered and, with sincere grief in their hearts and tears in their eyes, accompanied by the distinguished company appointed by the Speaker of the House of Representatives and the President of the Senate, a delegation of his former colleagues, laid him at rest beside his beloved mother, who had preceded him to the grave a few years before, and paid their last impressive tribute to this good man.

For the first time in the history of the Territory and State of New Mexico one of our Congressman has died while in office and buried with all the honors worthy of a great and useful public servant. Although we have been part of this United States for the past 75 years, and not less than perhaps 40 of New Mexico's distinguished citizens have served as legislators and Senators and Congressmen, for the first time the Congress of the United States through its delegation has been called upon to pay the last tribute of love to one of our Representatives in the Congress of the United States.

"The family of the deceased as well as the people of New Mexico wish to express their appreciation for the honor thus paid to our distinguished son, and from the bottom of their hearts wish to thank the honorable Senate of the United States and the House of Representatives for the kindly, although sad, tribute paid to this distinguished son of New Mexico."

[From the Albuquerque (N. Mex.) Morning Journal, issue of January 21, 1923, and the Albuquerque Herald, same date.]
THRONGS ATTEND THE FUNERAL OF NESTOR MONTOYA—SERVICES HELD AT SAN FELIPE DE NERI CHURCH—THOMPSON, LARRAZOLO, AND ORTIZ SPEAK AT CEMETERY.

"'NESTOR MONTOYA was loved and respected by his colleagues. in Congress. He was true to his party and loyal to his Government. He kept the faith. He was neither trimmer nor fawner, but frowned upon everything he deemed unwise or against the best interests of the public. He was an honest man."

"Speaking as representative of the congressional body, Con-

gressman C. J. Thompson, of Ohio, rendered a glowing funeral oration at the grave of Nestor Montoya as the former Congressman was lowered to his final rest, just after noon yester-

day, in the little Santa Barbara Cemetery.

"The funeral of the late Congressman was probably the most Impressive ever held in Albuquerque, perhaps the most impressive ever held in the State of New Mexico. Starting at 8 o'clock yesterday morning from the Montoya home, the services lasted four and a half hours.

"From the family home the cortege proceeded to the little Catholic church in Old Albuquerque, the San Felipe de Nert Church, where Nestor Montoya worshiped for many years. The little church was crowded with friends of the late Congressman, while hundreds stood outside unable to gain entrance to the church, but paying homage as best they could to the esteemed dead.

PLAGS AT HALF-MAST.

"Following the services the cortege proceeded through the streets of Old and New Albuquerque and on to the little ceme-tery on the hillside of Martineztown. There was a host of notables in the procession; along the route of the funeral thousands stood with barred heads as the procession passed, while every flag on every building in the city was at half-mast. All traffic across Central Avenue was halted during the passage of

the procession.
"The funeral procession covered more than six city blocks. In front 75 members of the S. N. M. A. M. P. marched in double Then came the old-town society, Alianza Society. The car with the priests officiating and the altar boys, the congressional car, committee from the New Mexico Senate, committee from the New Mexico House of Representatives, honorary pallbearers, active pallbearers, hearse, family cars, and friends. There were 57 automobiles behind the family cars.

"In addition to the oration rendered by Congressman Thompson orations were offered by former Governor Larrazolo and M. C. Ortiz. The latter, a lifelong friend of Nestor Montoya, delivered an oration in both Spanish and English. Former Governor Larrazolo, a magnificent orator, delivered one of the most powerful addresses of his career. He pursued the theme that Nestor Montova has merely moved on to greater glory in another world, there to await the arrival of his friends. address was delivered in Spanish."

LAST TRIBUTE TO MONTOYA IS IMPRESSIVE EVENT—HUNDREDS TAKE PART—FIRST TIME IN STATE'S HISTORY THAT NEW MEXICO REPRESENTATIVE HAS DIED WHILE IN ACTIVE SERVICE—CONGRESSMAN THOMPSON PAYS ELOQUENT TRIBUTE TO COLLEAGUE.

"The last respects paid to NESTOR MONTOYA, New Mexico's deceased Congressman, which began with funeral services early Saturday morning and were not completed until 1 o'clock Saturday afternoon marked an unusual event in New Mexico history.

It is the first time in its history that New Mexico has lost Congressman by death when he was actually serving in the Nation's governing body. It is the first time in the State's history that Members of Congress have traveled so many miles to join hands with Albuquerque and State legislative committees to pay a final tribute to one in the first rank of citizenshipa New Mexico statesman.

"Persons in all walks of life stood with uncovered heads besides the Nation's Representatives as early as 8.30 o'clock Saturday morning at the Montoya home. As was told in Saturday night's Albuquerque Herald 2,000 attended the service at the night's Albuquerque Heraid 2,000 attended the service at the San Felipe de Neri Church after the procession had gone from the home. Hundreds, in one of the longest funeral processions on record here, went to Santa Barbara Cemetery, where ora-tions were given by former Gov. O. A. Larrazolo, Modesto C. Ortiz, and Congressman C. J. Thompson of Ohio.

DETAILS OF IMPRESSIVE FUNERAL

"A few minutes after 9 o'clock Saturday morning the procession left the Montoya home for the old Albuquerque Church, where requiem high mass was said by Father Peter J. Weeks,

S. J.
"This procession was led by members of the old Albuquerque societies of which the Congressman was a member. The Washington delegation on foot, committees from the house and senate at Santa Fe followed in line. Then came Father Weeks and the altar boys, the auto overloaded with floral tributes, thence the honorary pallbearers and the cortege and active pall-The service at the chuch lasted more than an hour. It was filled to capacity, some not trying to gain an entrance.

"It was later in the morning that the procession, nearly a

mile in length-one of the longest on record-left the church for

Santa Barbara Cemetery.

"The procession from the church was headed by the S. N. M. D. M. P., No. 1 Chapter, of Old Town, and members of the Alianza Hispana-Americana. Thence came the car of the funeral directors, Father Weeks, the flower car, autos containing the Washington delegation, the senate committee from Santa Fe, the house committee, the honorary pallbearers, in the order named.

"They were followed by the cortege and active pallbearers and mourners and immediate friends. Innumerable cars and carriages of friends completed the procession. At the grave, where the body of the Congressman was laid to rest beside the deceased's mother, Mrs. Encarnacio Montoya, impressive serv-

ices were again heard.

"The active pallbearers were Jesus Romero, M. C. Ortiz, Aleandro Cervantes, Ignacio Cervantes, Carlos Cervantes, and Salvador Cervantes. The honorary pallbearers were Robert Purney, B. C. Hernandez, B. Ruppe, Elfego Baca, O. A. Larrozolo, and Charles Chadwick.

"Besides the two committees of State senators and State representatives, there were other representatives from Santa Fe also, among them being State Land Commissioner Baca.

LEGISLATIVE REPRESENTATIVES.

"The committee of State senators at the funeral were Col. D. K. B. Sellers, chairman; Manuel Martinez, Raefel Garcia, Demetrio Quintana, and T. E. Mitchell.

"The house committee consisted of Manuel Martinez, Eduardo Salazar, Oliver M. Lee, Donovan M. Richardson, Juan D. Casados, Stanley M. Foutz, Jose Jordi, and Dennis Chavez.

THE WASHINGTON DELEGATION.

"The delegation from Washington, as formerly announced, consisted of United States Senator H. L. Myers, of Montana; Congressman C. D. Carter, of Oklahoma; Congressman D. B COLTON, of Utah; Congressman C. J. THOMPSON, of Ohio; and Congressman B. G. LOWREY, of Mississippi; John Andrews, of the disbursing office at Washington; H. A. Hustid, an official of the Pennsylvania Railroad, and Miss Mary E. Laughlin, of

The Washington delegation, with the exception of Congressman Thompson, of Ohio, departed from Albuquerque Saturday night. Mr. Thompson remained over so he may visit his son, Lewis B. Thompson, and Mrs. Thompson. The younger Mr. Thompson is chief office deputy at the internal revenue office." (Albuquerque Herald, January 21, 1923.)

ORATION DELIVERED BY HON. C. J. THOMPSON AT THE GRAVE OF HON. NESTOR MONTOYA, ALBUQUERQUE, N. MEX., JANUARY 20, 1923.

"As Members of the Congress of the United States, we are here to-day beside an open grave uniting with those of New Mexico who mourn the loss of a distinguished citizen.

"NESTOR MONTOYA was born in old Albuquerque and lived his life among you. You know him well. He was a useful citizen and a devoted husband and father-devoted to his country, de-

voted to his family.

"In whatever capacity called upon to serve-whether as an official interpreter of district courts in Territorial days, or member or speaker of the Territorial legislature, or State senator, he was never found wanting. As founder of the daily-La Bandera Americana-he performed a useful service to his city and State, and it was so recognized when he was elected president of the New Mexico Press Association. He was regent of the University of New Mexico, and only yesterday its president, Doctor Hill, testified to Nestor Montoya's zeal and helpfulness to the institution. As clerk of courts he carried into his work there his well-known accuracy and ability. In 1911 he became a member of the State constitutional convention, and during the World War he was a member of the local council of national defense and chairman of the local draft board. It was because of his activity and usefulness as a citizen that he was called to the higher duties in the legislative branch of the Federal Government. On the 4th of March, 1921, he entered the Congress of the United States. From the very first he was singled out as a fitting and true representative of his people—diligent, painstaking, courteous, attentive to his duties. He was made a member of the Committees on Public Lands and Indian Affairs. In the exacting and responsible work of those com-

mittees he attracted the favorable attention of his colleagues. He became respected for his accurate information, sound judgment, and the wisdom that he brought forth in counsel.

"NESTOR MONTOYA was loved and respected by his colleagues In Congress. He was true to his party and loyal to his Gov-ernment. He kept the faith. He was neither trimmer nor fawner, but frowned upon everything he deemed unwise or ill advised or against the best interest of the public. He was an honest man.

"A little more than a week ago he was in the fullness of health, looking forward longingly to the 4th of March, when he might return to dear old Albuquerque to enjoy life with his family, children, and grandchildren, not realizing that the angel of death was hovering near. On the morning of the 13th of January, without a moment's warning, the brittle thread of life was broken and his noble soul was ushered into the great unknown. Destiny ordained that from the Nation's Capital, from the midst of his colleagues who loved him well, he should cease his labors and start on the long, long trail. The ineffable Spirit of Wisdom and Love decreed it. He lived a useful and honorable life, and therefore a successful life, and had attained high honor of state reached by comparatively few men.

We, his colleagues, in the busy days and closing hours of the Sixty-seventh Congress, left our work, traveled westward over thousands of miles of plains and mountains to exemplify the love and esteem in which NESTOR MONTOYA was held at Washington, and to aid you, his family, neighbors, and friends

in the last sad rites due the distinguished dead.

"Not crowns of gold nor diamonded gifts, nor song, nor speech, nor loud acclaim can fittingly express the honor that is his due. All that strong arms and beautiful hands can do is to aid in the silent ministries of the hour. Under the laurels and the lilies, under the roses and green boughs and fragrant blossoms we leave the mortal parts of him whose immortal spirit has passed on to the reward which awaits him.

'Friend, comrade, colleague, good-bye!"

THE LATE HON. JOHN I. NOLAN.

Mr. CURRY took the chair as Speaker pro tempore. The SPEAKER pro tempore. The Clerk will report the special order of the day.

The Clerk read as follows:

On motion of Mr. Curry, by unanimous consent— Ordered, That Sunday, February 25, 1923, be set apart for addresses on the life, character, and public services of Hon. John I. Nolan, late a Representative from the State of California.

Mr. BARBOUR. Mr. Speaker, I offer the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 561.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. JOHN I. NOLAN, late a Member of this House from the State of California.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of the day, shall stand editorread.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The question was taken, and the resolution was unanimously agreed to.

Mr. KELLY of Pennsylvania. Mr. Speaker, John Nolan presented to this Congress and to America an outstanding example of what a great thing a real man may make of a life. Out of the matter-of-fact materials which are ready to the hand of every man Congressman NoLAN builded a noble structure upon the enduring foundations of service.

In the days when the Spanish Empire was the mightiest power in the world the pillars of Hercules were regarded as the uttermost points of solid land. The Emperor of Spain had on

his coins a representation of these twin crags of two continents and, underneath, the words "No more beyond."

Then there came a day when Christopher Columbus, flying the colors of Spain, sailed out on the blue Mediterranean, past the pillars of Hercules, and westward into the uncharted sea. He discovered a new world and his achievements made the old motto an absurd and ridiculous tribute to ignorance. The discovery of America compelled the Spanish ruler to strike from his coins the first word of his motto and make it "More beyond."

If we were to symbolize the life and career of the man in whose memory we have gathered to-day, we should have to strike another word from that old Spanish motto and make it "Beyond."

All his life this son of the Golden West kept his eyes fixed upon the sunrise and planned for the future. His spirit was in tune with the urge eternal for brotherhood and social justice. He looked beyond the rugged rocks and stinging briers in the pathway of to-day to the solid roadway built by cooperation for the bannered march of crowned humanity to-morrow.

All men are engaged in the quest for happiness, and, alas, there are many who find it not. John Nolan was engaged in the quest of justice for humankind, and in that search he found

happiness

There can be no holier grail than the justice which comes from the practice of the Golden Rule and the rendering to every man his due. In illuminated letters around the great capitol at Harrisburg may be read its meaning as defined by James Madison.

Justice is the end of government. It is the aim of civil

society

It always has been pursued and always will be pursued, until it be attained or until liberty be lost in the pursuit.

That priceless boon will be attained and liberty will not be

lost in the pursuit because of choice spirits and loyal hearts like John Nolan who are willing to do and dare and die for

JOHN NOLAN held no diploma from university or college but he was educated in the highest sense. For what is education save training to think clearly and act wisely? It is not a collection of shreds and patches of useless arts, but the wisdom of the heart which is better than the merchandise of silver and the gain thereof than fine gold. Education is found in love for truth and the ability to see and appreciate the beau-tiful and the true in humblest mankind. It is an enthusiasm for liberty and a spirit of sympathy for the unfortunate and oppressed. It is the cultivation of the mind through friendship with noble purposes and fellowship with noble ideals. It is love for labor and desire for knowledge. If a man have not these he is not educated, though he number his degrees by the score. John Nolan had such an education, garnered and gleaned from every field of life he traveled from the cradle

Scan his record of 10 years' faithful service in the American Congress and you will read in every line his devoted service to his fellow men. He shared the burdens of his brothers and was earnest with heart and hand to make others free

As a worker in industrial plants, as an officer in labor unions, as a Member of Congress, and as chairman of the Committee on Labor in the House John Nolan used his influence for the workers, who, with toil-furrowed faces and calloused hands, man the mighty army of industry

He fought the battles of all toilers wherever they might beof the seamen driving the vessels over the ocean ways, of the railroad workers carrying the commerce of the Nation over

glistening rails.

No class of tollers was too humble to enlist his sympathy and support. He urged a minimum wage for the poorest-paid Government employees. He waged vallant fight to prohibit child labor and to give little children a right to life and love and

JOHN NOLAN put the man above the dollar. He counted factory workers of more importance than factories. He believed that machinists are greater than machines. He counted the molder more valuable than the molds. Above the building he put the builders, and above the things of money he put the things of manhood, wrought of human blood and brain and brawn.

He worked out measures to increase home owning, believing that the average man should have a stake in the soil of America.

He introduced bills for a comprehensive employment service, so that the jobless man and the manless job might be brought together and the fear of enforced idleness be removed from the

workers of the country.

He was never supine and satisfied when he saw unfairness, injustice, and cruelty in our industrial system. Splendidly he struggled for remedy and in sure faith that America will finally achieve the true progress which means lessened contrast between the house of have and the house of want. Such men are sometimes called agitators, but they perform the supremely important task of marshaling a nation's conscience to mold its

So long as there is one man degraded by involuntary and undeserved poverty; so long as there is one child dwarfed by enforced toll, men like JOHN NOLAN are needed in public life. And only when there are left no such defenders of social justice to whom we may pay the tributes we pay to-day to our hon-ored friend will the downfall of America be assured.

JOHN NOLAN was a believer in democracy, in rule by all the people. That was the guiding star in his political career, and he followed it in triumph and defeat. He was a follower of Theodore Roosevelt, the greatest American of our times, and he was a progressive in all the word implies.

Mr. Speaker, the influence and inspiration of the life of John Nolan are not dead because his mortal remains have been laid to rest in mother earth. They will live on, duplicating and reduplicating themselves in the lives of others, who, like him, will catch the glory of the ideal of justice between man and man and will follow the gleam. Other tollers and thinkers and statesmen and seers will strive for the same goal, and they will find the path smoother and easier because of his unyielding courage and undaunted faith.

I knew John Nolan intimately for 10 years and valued his friendship most highly. Witnessing his consistent efforts for human betterment through those years, I have felt many times that in his life and career he was the very embodiment of Kipling's idea of what a man should be. You remember that

great poem descriptive of real manhood-

If you can keep your head when all about you Are losing theirs and blaming it on you; If you can trust yourself when all men doubt you, But make allowance for their doubting, too; If you can wait and not grow tired of waiting, Or, lied about, don't deal in lies, Or, being hated, don't give way to hating, And yet don't look too good nor talk too wise.

If you can dream and not make dreams your master, If you can think and not make thoughts your alm. If you can meet both triumph and disaster, And treat those two imposters just the same. If you can bear to see the truth you've spoken, Twisted by knaves to make a trap for fools, Or see the work you gave your life to broken, And stoop and build it up again with worn-out tools.

If you can talk with crowds, but keep your virtue. Or walk with kings nor lose the common touch. If neither fees nor loving friends can hurt you. If all men count with you, but none too much. If you can fill each unforgiving minute. With 60 seconds' worth of distance run, The earth is yours and everything that's in it; And what is more, you'll be a man, my son.

Such a man was John Nolan, who conquered circumstances through the ability which is a poor man's goal and the ambition to serve his fellow men. His motto was "beyond," and through to serve his fellow men. His motto was beyond, the helphts where morning is breaking for mankind.

And in the great beyond, to which he has journeyed, may he be given royal welcome home by that master servant of hu-manity who said: "I am come to preach good tidings to the poor, to heal the broken hearted, to set at liberty them that are

Mr. ZIHLMAN. Mr. Speaker, one of the gifted writers of America has scattered along life's pathways a series of literary gems depicting the hopes and aspirations of our people, and among the lines she has written are these words:

Let me to-day do something that shall take A little sadness from the world's vast store, And may I be so favored as to make Of joy's too scanty sum a little more.

Let me not hurt, by any selfish deed Or thoughtless word, the heart of foe or friend; Nor would I pass, unseeing, worthy need, Or sin by silence when I should defend.

However meager be my worldly wealth, Let me give something that shall aid my kind, A word of courage, or a thought of health, Dropped as I pass for troubled hearts to find.

Let me to-night look back across the span "Twixt dawn and dark, and to my conscience say Because of some good act to beast or man, "The world is better that I lived to-day."

Surely it can be said of him whom we mourn here to-day, "The world is better that JOHN I. NOLAN lived in it."

After 14 years in public life I have come to the conclusion

that the men who come up from poverty and obscurity through the long lane that leads to responsibility and power never forget the human element in the great questions which come before them, and weigh them in the light of the hopes and the welfare of those who struggle under the handicap of privation and adversity. Our departed friend had this trait to a marked degree.

He approached the problems which came before him as a Member of the American Congress with courage and a sincere sense of justice and fair play, and if there was any doubt in his mind he gave the benefit of the doubt to the class who were handicapped and who he felt were at a disadvantage in the struggle for existence. And that fact became known to his colleagues in the House-that he was usually found on the right side of great questions-and scores of us who knew and trusted him were glad and proud to follow his example and leadership.

He brought to each problem a clear mind and an honest heart, and the good he did will live long after he has passed away Surely he exemplified that life which was depicted by Alfred

Austin, once poet laureate of England:

But if in unheroic days

No great deed may be done,
Let me at least deserve this praise:

"He lived and died as one
Who looked on life with fearless eyes,
And with intrepid mind;
So leaves, where now he silent lies,
An honored name behind."

JOHN I. NOLAN was looked upon by organized labor as their special friend, champion, and pleader. From the day when as a sturdy young workman he entered the foundry down to the time of his death his voice was raised in behalf of those who earn bread in the sweat of their brow. He believed in the dignity and the power of labor; he was proud to fight their battles, and he brought to the task a keen, analytical mind and a determination which made him a worthy foeman. Labor in return held him in the highest esteem and honored him as their champion and friend.

His colleagues on the Committee on Labor, of which he was the chairman, esteemed him for his ability, honored him for his courage, and loved him for his kindness and courtesy, and join with his family and friends in paying tribute to his

Men of great responsibility and power also recognized his ability, courage, and steadfastness of purpose, and his judgment was sought and respected by the leaders of the House among his great friends and admirers being the great parliamentarian and statesman from Illinois, Hon. James R. Mann, who so soon followed him on the long journey into the great beyond.

An example of this was shown at a great banquet held in New York City in December of last year, which was attended by more than 300 of the patent attorneys of the country, as well as many prominent financiers. Hon. Thomas Ewing, former Commissioner of Patents, paid a tribute to the departed Member, labor leader, and statesman, and resolutions were unanimously adopted expressing the sympathy of the gathering to his bereaved family.

Mr. Nolan was a member of the steering committee of his party, and his name was considered by President Warren Gi

Harding for the post of Secretary of Labor.

His life was another example of the great opportunities which abound here in America, and the story of the life and work of this young, enthusiastic Irish worker reads like a romance, and his record of constructive achievement has indelibly impressed his name upon the hearts of his fellow men of every station of life.

And better by far to have walked through life as he did, to have made some life brighter, some home happier, to have earned the love and respect of one's fellow men than to reach the heights of earthly glory over the torn hearts and crushed bodies of one's fellow creatures here below.

What, after all, profit it a man if he gain the whole world and lose

what, are the wall bis called, this once strong man answereth not.

The silver cord has been loosed, the golden bowl broken, and the pitcher broken at the well.

Out of the darkness from whence he came he has gone.

"The Lord gave, and the Lord hath taken away," but he has not taken the good deeds done, the memory of the tender sympathy of full manhood which manifested itself to some one who needed it far beyond their power to express.

O for the clasp of a friendly hand, and the sound of a voice that

"Rest in peace," saith those who knew and loved him. The lengthening shadows of eternal darkness overtook and encompassed him when the sun of life was near its meridian, but it has not blotted out, and never will, the sacred place he has enshrined upon the loving tablets of memory.

He played a man's part in the struggle in the se-called game of life and he carried the banner of the right as he saw it, and was twice armed in that security which right alone gives. In

the words of a gifted bard:

What boots it, that thou stand'st alone, And laughest in the battle's face When all the weak have fled the place And let their feet and fears keep pace? Thou wavest still thine ensign high, And shoutest thy loud battle cry; Higher than e'er the tempest roared, It cleaves the silence like a sword.

Right arms and armors, too, that man Who will not compromise with wrong; Tho single, he must front the throng, And wage the battle hard and long. Minorities, since time began, Have shown the better side of man; And often in the lists of Time One man has made a cause sublime!

Mr. HARDY of Texas. Mr. Speaker, I have taken a great. interest in this day's ceremonies and in the tributes which have been paid to our departed Members. Except Mr. Montona, I was fairly well acquainted with all of them. The reaper has been busy in our ranks, and sometimes on occasions like this it may be a test of our faith if we try to repeat sincerely, "God is in His heaven, all's well with the world." Listening to the trib utes paid to-day, I am not so sure we have not found an answer to our doubts in the very tribute to these departed colleagues. It is good to hear the virtues of our friends truthfully recounted. Those who loved him present the character of our good friend. from New Hampshire, and even now, though dead, he liveth. He was a Christian without guile. He was a patriot without knowing sections. I conceive that could all our different sections of the country meet with such men as Burroughs, aye, meet with such men as Osborne, aye, meet with such men as John I. Nolan, and meet with such men as from his character portrayed here I understand was Montoya, the sectional hate and feeling that once existed, if not now buried, would be buried forever. I, too, was on a committee with Mr. BURROUGHS, and I subscribe to all that was said by those who preceded me. He was a gentleman, he was an able man, he was a faithful man, and so was Captain Osborne, of California. spent two delightful months with him in 1920 on a trip to the He was a delightful companion. He was a Union soldier, but in his love of country he knew no North, no South. He lived for a short time in the South and loved her people as his own. But, perhaps, I knew better than either of the other gentlemen whose memory we are now consecrating with our tributes John I. Nolan, of California. He, too, was a gentleman. Born in poverty though he was, it may be, poor at least, every instinct and feeling of a gentleman was his. Gentlemen are not made by wealth or station, or education even. Gentlemen are born with that innate quality of heart that gives kindness and human brotherhood, and with that quality John I. Nolan was well bestowed. It was because I knew him, and I. think knew him well, that I asked to-day to be permitted to pay this brief tribute to his memory. He was not so much a Demo-crat or a Republican as he was simply the workingman's friend, and yet he was no extremist. He was always poised and clear, and the rich as well as the poor could look to him for justice.

I think I had the pleasure of taking with him his bridal trip. In the morning of young manhood he had found a companion and helpmeet, and I think it was in 1913 or 1914 that he went on his trip down to the Panama Canal. His little lady was with him, cheerful, joyous, and bright, not dreaming that in a few short years, less than a dozen, the light of her life would go out and he who was then its cheerfulness would

slumber in his last sleep. Mr. Speaker, I deem it rather a peculiar privilege that I have had to have been somewhat of an intimate friend with two men in this House whom I have regarded as the ablest representatives of labor that have been sent here. I was intimately acquainted with William B. Wilson, Secretary of Labor under the late administration, and no more loyal defender of the cause of the workingmen and the brotherhood of man existed. than William B. Wilson; and JOHN L. NOLAN was another just like him. I really hoped that when the new administration succeeding that of President Wilson took power they would clothe John I. Nolan with the garment that designated that member of the Cabinet who represents labor as Secretary of Labor. But these men are gone. NoLAN's work is ended. He who rules in heaven has written to his life "Finis." Captain Osborne was past three score and ten, Mr. Montona a little younger; Mr. Burroughs was in the prime of life; Mr. Nolan had scarcely reached the zenith of his powers. But the grim reaper knows no age.

Oh, it inspires us to hope-nay, more, it inspires us to believe-that there is a land beyond, where the souls that lingered not longer here will take up the march and go onward and onward to the perfect day. And this is the lesson to us from what has been said here. Let us live as these have lived, so that when our days are numbered and we sleep with our fathers, all who knew us can truthfully say the world is better that we lived.

Mr. GALLIVAN. Mr. Speaker, in my 10 years of congressional life I never had a finer friend than John I. Nolan, whose loss we mourn here to-day. It was my privilege to

know him well almost from the first week I entered Congress, and as the years have passed I got to know him better. With all his friends and with his family I am saddened almost beyond expression when I realize we shall no more look upon

his honest face.

JOHN NOLAN was not born with a silver spoon in his mouth. From early in life he had to make his own way in the world, and he became a genuine horny-handed son of toil. He was an iron molder by trade and he boasted of it. His fellow workmen saw in him qualities of leadership which made them love him, and it was at their unceasing requests that he entered public service, first as a member of the board of supervisors of the city and county of San Francisco, and then he came to Congress in 1913. He served his fellow citizens of San Francisco in these legislative halls for 10 years with devotion, integrity, ability, and loyalty rarely surpassed.

Keen and vigorous always in the pursuit of his legislative

calling, he was never so engrossed in the thoughts of his work that he would not halt to speak the cheering word, and, if occasion recommended, to do an act of helpfulness to his

fellow legislator.

He was called a "labor Representative," and he was truly the friend of labor. Yet, men of affairs and business knew the richness of his gentle, manly soul and they respected, ad-

mired, and esteemed him,

His gospel always was that of good fellowship, with none of its detractions. John Nolan, without much book education, was a man of intellect, and he was always high-toned in character. Generous, kindly natured, he was always a devoted friend, a gallant gentleman. His friends in the city of his birth were legion, and it may be truly said of him that "none knew him but to love him, nor named him but to

praise.

When I stop to think of the ceremonies here conducted in this Sabbath day in memory of John Nolan and our other colleagues who have passed to the great beyond, I am reminded of the words of the eloquent Ingalls, long a Senator from the State of Kansas, who said on an occasion similar to this, the lives of these men we mourn to-day are as a taper that is burned out, then we treasure their memories in vain, and their last prayer has no more sancity to us who soon or late must follow them, than the 'whisper of winds that stir the leaves of the protesting forest or the murmur of waves that break upon the complaining shere."

But, Mr. Speaker, this we know in our hearts can not be. The mind, perhaps, may quail before so stupendous a theme, and fret and chafe at its own limitations; but the soul receives its illumination more simply, by rays direct from the sources Two objects of contemplation," said Kant, "excite of things. ' my wonder-the starry heavens and the moral law' '-to which

the world has added a third, "Life after death!

For this is the faith that has healed a myriad sorrows and persuaded a myriad mourners to the resumption of bitter tasks after the heartbreak of the newly opened grave. This is the truth, seen through tears, that has decked great cities with monuments and inspired mighty chants of hope, triumphant over grief. A Milton and a Shelley, a Tennyson and an Arnold, easing their soul's anguish in rhythmic lamentations, voice for humanity the universal loss and its sole consolation.

What life is led in the undiscovered country none may presume to declare. We visit it only in imagination, blindfolded, as it were, by these wrappings of mortal clay. But visit we must, now and then. Like Orpheus searching among the shades for his lost Eurydice, like Demeter descending to embrace once more her stolen daughter, we, too, are led by irresistible impulses to enter the world of the departed; and we know after such communions, brief though they be, that it is a higher and nobler world than this, for we have beheld our dear ones there, beatified and exalted; and we ourselves return radiant with a tenderness and a tranquillity not of earth.

The very last word of human sympathy is spoken by us-day. We come together out of the dazzling day into a dimmer light, with voices a little lowered and heads a little bent, our hearts caught and entwined in fluttering ribbons that stretch, we know not how, over space and time to the invisible world, and we know that the granite of the hills shall

pass away sooner than the tenants of that realm.

Let us then here and now publicly commune with those immortals and acknowledge it our noblest privilege to do so. Let each of us here summon vividly the image of those dearest to They differed while on earth; perhaps one was greater, one was less; but the least of them now holds the key of a wisdom which was denied to Solomon and Socrates. So, doubtless, while among us he filled his place and was, if we but knew it, indispensable. Without him there would have

been a little gap in the circumference; the great circle would

have been notched and marred.
"Exaltavit humiles!" He has exalted the humble! These are the profoundest words ever speken, the seal and motto of eternal progress. They express the deepest lesson which

we may learn from our colleagues who are here no more.

And to those Members of Congress who knew and loved JOHN NOLAN may I humbly say that some day, and not so far away, each and every one of us will be recalled only as a away, each and every one of as will be recalled all memory; for we know that "every life, no matter if its every hour is rich with love and every moment jeweled with a joy, will at its close become a tragedy as sad and deep and dark as can be woven of the warp and woof of mystery and death."

Again I summon to my aid the immortal words of Senator

Ingalls, when he said.

My only hope is that when the last survivor of us all recalls the vivid memories of those who have gone before, no grief may dim his vision, save that which separation always brings, and that he may confidently and gratefully anticipate the hour which shall summon him to a brighter world than this; a world which shall seem as the glorious wakening from a fevered dream, where sorrow has no dominion, where distance can not separate, where time can not chill, and the tragic limitations of earthly being are forever unknown.

Mr. LONDON. Mr. Speaker, the true man can afford to defy death. Both the brain and the heart repudiate the suggestion that man is a perishable commodity. The brain refuses to admit that that which exists can cease to be, and the heart in its love refuses to concede that those we cherish will disappear

NOLAN represented an epoch in the life of the United States, the great Republic, the wonder of nations. He began his career when the prejudice against labor organizations was intense, when unrestrained individualism, taking full advantage of the inexhaustible resources of the land, flaunted every idea of cooperation among men; and while dollar and dollar were free to unite into corporations, it was deemed wrong for men and men to unite their hearts and souls in a common endeavor to improve the lot of the worker. The labor leader was treated with contempt. "The labor delegate" was a term of reproach. It was an honorable thing to be a director of a business corporation. It was a disreputable thing to be an agent of

Noran challenged that prejudice. He was a believer in applied religion in the best sense of that term. Anyone can whisper a prayer inspired by the hope of future reward or by fear of future punishment. Anyone can go through the conventional forms of religious ceremony, but very few men lead a true religious life. Nonan devoted himself to the poor and oppressed. He gave them his talents, his energy, his soul. He was one of them; he never forgot them. Descending from a people who had suffered martyrdom at the hands of history, he allied himself with those who were handicapped in the struggle for existence. It is a privilege to trace one's origin to those who have known the pain of persecution. He who suffers loves, and he who loves is a man.

He understood the real value of education. He knew that the true object of acquiring knowledge should be the promotion of human happiness. Of what avail are our colleges and mu-seums and universities, of what good is it to ride the air and to put the eagle to scorn, of what value is it to plow the ocean with giant steamships, to cover the globe as with one nervous system by cable and by wireless, of what aid are all our inventions and discoveries, if we have not learned to live the lives of true men, if we have not learned to live the life of brotherhood, if we have not helped to establish cooperation between man and man? NoLAN was a devotee of the real religion—the religion of humanity. When I pay tribute to him I also pay tribute to the hosts of nameless comrades of his with whom he worked and who worked with him in the cause of labor, the cause of the human race,

Mr. WALTERS. Mr. Speaker, I do not come to-day to pay a perfunctory tribute to a Member of the Congress who passed away during his term of service. I come to say, in a formal way, and that they may be of record, a few of the expressions I am glad to have uttered during the lifetime-during the period of my association with John I. Nolan. I would not paint the life and career of our friend as that of a superman. Rather, it is better to note his intense human nature, his devotion to home, friends, and duty. It is better that we recall here the John NoLAN who worked along intensely practical lines, ever holding in view the betterment of humankind.

I met John I. Nolan in 1913, when we came to the first session of the Sixty-third Congress. We were members of a group which constituted a third party in this House. Those of us who hailed from the East were attracted to the earnest, eloquent, and always practical Member from San Francisco. Known to be a prominent figure in the labor-union movement, we expected to be associated with a radical exponent of the principles of that movement. Instead we found a level-headed, sane, practical man, firmly devoted to the interests of labor, contesting boldly and efficiently for those things demanded as a right by labor, yet always considerate, always regardful of the interests rights and privileges of all the people

a right by labor, yet always considerate, always regardful of the interests, rights, and privileges of all the people.

An intimate association with John I. Nolan, official and personal, gave me a very high regard for his character and career. Making his way from the floor of the foundry to a high place in the union of his craft, overcoming difficulties and obstacles due to his lack of opportunity, he achieved leadership in his trade. He became an executive of one of the leading tradeunions of our country. In this high place his administration of the duties devolving upon him brought not only the confidence and trust of his fellow craftsmen, but the respect of employers. Firm in his relations with both workers and employers, always having in mind the welfare of the men in the foundries, he was regarded by employers as most just, as a safe counselor, and always a strict interpreter of agreements, demanding from those whom he represented the same scrupulous regard for a contract he expected from the employers.

Rightfully regarded as an able representative of labor, John I. Nolan did not assume that a great constituency expected him to devote all of his time and talents to the protection of the workers or the solving of industrial problems. He took care to be informed on all the leading questions of his day. As a legislator he ranked as one of the best informed men in the House. His connection with the organized-labor movement did not serve to dwarf his interest in all the problems which our Government was called upon to deal with. And, perhaps, no other tribute to his memory is more suggestive than that the people of the fifth California district voted him as their Representative in six Congresses practically without opposition. No finer tribute can come to a citizen than this exhibition of profound trust by a great body of his fellow Americans.

One's observation of home life, of the family relations and everyday work of a friend are not, as a rule, to be dwelt upon. I shall only remark that our friend Nolan fulfilled his obligations in these respects with a devotion of rare quality. We do

One's observation of home life, of the family relations and everyday work of a friend are not, as a rule, to be dwelt upon. I shall only remark that our friend Nolan fulfilled his obligations in these respects with a devotion of rare quality. We do not attempt to pose John I. Nolan as the superman. We wish to preserve his memory as a type of the American who rises superior to obstacles, who holds strong opinions without prejudices, who labors with intelligent zeal for the things he believes best for those with whom he is associated, yet ever has in mind duty and responsibility to all the people. So far as I am concerned, I hold John Nolan as a sincere and faithful friend. In the estimation of the world he must be held as, first, an American, sound to the core; and second, a considerate champion of labor, a skilled and impartial legislator, a man without guile, fearless and fair.

Mr. LINEBERGER. Mr. Speaker and ladies and gentlemen of the House, the great State of California since it became a member of the galaxy of Commonwealths which go to form the American Union has produced many men of ability and distinction who have graced the Congress of the United States with membership therein, but among these not one has occupied a more unique position than that of our distinguished and beloved, departed colleague and friend, the late Hon. John I. Nolan, whose death we mourn and in whose memory these services are being held to-day.

His life was one of achievement and high purpose, not only because of the great zeal with which he served his State and Nation in his capacity here but for his unstinting devotion to the cause of the common people of which he and most of us in this body are a part.

He believed literally that this Republic of ours, founded upon the principle that the people of the United States who had first proclaimed the Republic and then ordained and established it under the Constitution, were those in whose interest the Government should be conducted, and that the preservation and perpetuity of our institutions depended upon the interpretation in thought and act which we, as representatives of the people in Congress, give to this theory.

Possessed of high ideals and patriotic enthusiasm for the

Possessed of high ideals and patriotic enthusiasm for the cause of these plain, average citizens, not only of his district but of the Nation, his efforts were translated into practical achievements and were not merely confined to the sphere of academic contemplation.

His colleagues soon recognized his ability, grasped his pure purpose, and came to know that the man who possessed these fine qualities had a heart of pure gold. Having begun life at the bottom of the ladder, having toiled and labored as a mem-

ber of that great mass of the common people who are the backbone of the Republic and who furnish the bone and sinew of its throbbing industrial life, he was one of them and knew as few men did their aims, hopes, and aspirations. These plain people, who, when he became a candidate for Congress in the first instance, backed him almost to a man, never had cause to regret their choice, and with each succeeding year gained in their enthusiasm for the loyalty, great ability, and high purpose of a member of their own ranks who had risen to high place in the councils of the Nation.

Not only did he maintain and increase the unfaltering devotion of labor and those who leaned toward it in their sympathies but he recruited to the cause many new adherents, and won the friendship and respect through the charm of his personality of all who came in contact with him. His position in this House at the time of his death, when he was not only the chairman of the great Committee on Labor but also a member of the powerful steering committee, is a mute tribute to the recognition which he received at the hands of his colleagues here.

He was an indefatigable worker, and with the dynamic energy and force which he threw into his work here he shattered his health and brought about his untimely end. He was truly a martyr to the cause of unselfish devotion to his fellows. His most precious possession—his life—he offered up on the altar of public service.

It is well known by those who knew him best that he was the very soul of modesty and was devoid of all pretense and ostentation. No boastful words ever passed his lips; no vindictiveness or bitterness ever contaminated his heart or mind. Forceful in expression, consistent in his views, he fought all his battles and met life's problems straight from the shoulder on the "live and let live" basis. Informed as few men were on the intricate problems affecting labor and industry in the complicated industrial age in which he lived, when he took the floor of the House to discuss this or any other kindred matter his colleagues knew that he knew what he was talking about and listened with close attention and in large measure followed his His master mind, tempered by legislative experience and fortified by the logic of facts which he had at his finger tips, seemed to endow him with the magic ability to rally support to the cause which he sponsored as few men could; and doubt if there has ever been a Member of this House who, single handed, wielded an influence to a cause to which he was devoted in such a degree as did John I. Nolan.

His loss not only to labor but to the Republican Party, of which he was a member, and to the Republic, of which he was a distinguished citizen, is almost irreparable. I prophesy it will be many years before his equal in knowledge and experience shall sit in his place here, and the voice that is stilled will long be felt in these halls in the influence which he left to this body as a heritage of his membership.

We are glad, indeed, that his wife has been selected to take his place and carry on the work which he left unfinished. She who was his helpmate and knew and sympathized with his point of view as no one else could can perhaps do more to perpetuate his memory and achievements in the years to come than anyone else, and I feel that it is the unanimous opinion of this body that his constituency honored itself when it honored her in electing her as his worthy successor.

It was my delight and pleasure to have known Mr. Noland in perhaps as intimate a way as it is possible for a new Member to know an older colleague. His helpful advice and counsel to me as one coming for the first time to take his place as an humble Member of the greatest parlimentary body in the world will long be remembered and always appreciated.

As a fellow Californian I had long known of his outstanding achievements here and of the high esteem in which he was held by the citizens of our State. Having been among those whose convictions and concepts of government had led to the political shrine of ideals sponsored by that great American, Theodore Roosevelt, where Mr. Nolan also had taken his inspiration, I found that we had been friends in purpose and comradeship long before we had become personally acquainted. We understood each other and spoke the same language.

The outstanding feature of Mr. Nolan's life was that in his private as well as his public life he placed human rights above property rights, and no measure which could not qualify under this and pass the acid test of his searching brain could obtain his support or approval. He dealt in fundamentals and believed that only when the welfare, life, prosperity, and happiness of the average citizen of the Republic was secure could the Republic endure and prosper and truly reflect the purposes for which it was ordained and established in the preamble of our Constitution.

Had he lived undoubtedly, in the course of time, he would have arrived at still higher pinnacles of achievement-the United States Senate, or membership in the Cabinet. It is well known that he was very favorably considered by President Harding for the position of Secretary of Labor under the present administration, but this only aroused a passive interest on the part of Mr. Nolan. He felt he had his work to accomplish here in the House and would not permit his friends to press his nomination.

Mr. Speaker, the 18th day of November, 1922, when our colleague departed this life to take up his abode eternal in the mansions of rest, was one upon which the Republic lost a distinguished citizen whose life, character, and public service will stand out in bold relief in the years to come as a beacon light and as an example to the youth and citizens of the Nation. He wrote his name high on the scroll of fame and it will live

long in the annals of the Republic.

Farewell, friend; sacred be thy memory and peace eternal to thy soul.

Mr. O'CONNOR. Mr. Speaker, we have assembled here to-day in accordance with a resolution adopted by the House of Representatives, and in pursuance of a custom of parliamentary assemblies and legislative bodies, to commemorate the life, character, and services of John Nolan, once Member of Congress from the State of California.

This custom is derived from the past, and its origin is lost in the remoteness of time, for even from the twilight of history there come stories and traditions of great ceremonies and funeral rites suggesting the customs which we observe as a mode of expressing our grief and woe for the loss of those who at

one time walked amidst us in glory.

From the antiquity of the ceremonies which are observed among all peoples it would appear that there has always existed a tendency to reverence the noble dead whose earthly existence became an inspiration to those who followed them and to give that tendency an outward form and expression. In Egypt's celebrated Book of the Dead, written more than 2,000 years before Joseph was sold into captivity and long before the dawn of Judaism had begun, there appeared these sublime words, taken from an inscription or epitaph on a monument erected to commemorate the virtue of some noble soul;
"He hath given bread to the hungry; clothes to the naked;

he hath given a boat to the shipwreck; he hath buried the dead and made due offerings to the gods."

Memorial services certainly have now and will always in all probability have a powerful appeal to the imaginations of those who are left behind and who love to dwell upon the memories that come back like burning stars to dissipate the gloom of the day when the lamented one departed for the unknown country from whence no traveler ever returns. On such occasions it is impossible to repress our tears. Choking with heart sobs we endeavor to recall the touch of a vanished hand and the sound of a voice that is still. We grieve, we mourn for him who has bade the earth good-by forever. But we know that he is on another shore doing an even greater service than he performed

For it is impossible to believe the human mind is so consti-tuted that it staggers at the thought that the tongueless silence of the dreamless dust is the end of all our hopes and aspirations. God pity the man, God pity the woman, who believes that the grave is the end of all. For such a man, for such a woman, there is no peace in the twinkling of the stars, no lullaby in the prattle of children, no yearning in the soul to dwell beyond the milky way. In every age and in every clime and among all people there has always existed the pleasing hope that there is a land fairer and more beautiful than this. And the prophet who saw the coming of the new Jerusalem, with its gates of pearl, its streets of gold, its foundation of blazing jewels, its star-studded sky, corruscated with beautiful rainbows and gorgeous oriflames, only saw the vision that has been before the eyes of millions of human bubbles that have come and gone since creation's dawn.

The shepherd lad long before the days of the patriarchs witnessed the death of the wild flower beneath the chilling blast of a wintry wind, and he mourned not, for he knew that it would have a glorious resurrection under the influence of a gentle and balmy spring. Long before astronomy became a science he watched the stars in "their tracks" cross the heavens and disappear beneath the horizon, but he knew with a rapturous joy that he would behold them again. And to-day, when we are standing in the dazzling splendor of the strenuous life, when the ruthless hand of the iconoclast is on every altar, millions of the faithful answer the sneering agnosticism of the unbeliever with a sign of the cross and in the solemn grandeur of Him who died on Calvary Hill.

I am the resurrection and the life. He that believeth in Me, though he be dead, yet shall he live.

If an all wise Father deigns to touch with divine power the cold and pulseless heart of the buried acorn and make it burst from its prison walls will He neglect the soul of man, who is made in the image of his Creator? If He stoop to give the last rose of summer, whose withered petals float upon the autumn's wind, the sweet assurance of another springtime, will He withhold the words of hope from the sons of men when the frost of winter comes? If matter, mute and inanimate, though it may be changed by the forces of nature into a multitude of forms, can never die, will the imperial spirit of man suffer annihilation after the tenement of clay has been resolved into earth again?

Rather let us believe that the Creator, who in his apparent prodigality wastes not the raindrops, the blade of grass, or the evening breeze, but makes them all carry out His great eternal plan, will direct, transport us to the land that is fairer than this, and which by faith we can see from afar, and vision through the whisperings and intimations of immortality.

death does not bring annihilation.

The terrible worldiness of the Persian poet, to take the cash and let the credit go, nor heed the rumble of a distant drum, receives an answer in his own immortal lines:

I sometimes think that never blew so red the rose, As where some buried Caesar bled, And every hyacinth the garden bears Dropped in her lap from some once lovely head.

Volney, Voltaire, Paine, and Ingersoll are confused and confounded by the meditations of Cato contemplating death:

The stars may fade away,
The sun himself grow dlm with age,
And nature sink in tireless years,
But thou, O Immortality,
Shall live on forever
Unburt amid the wreck of matter
And the crash of worlds.

And it must be so, else what a mournful picture is presented to the human mind by the purposeless existence of the innumerable caravans that have come and gone since paradise, and will come and go-

Until the sun grows cold, And the stars are old, And the leaves of the judgment book unfold.

Even to the most stoical or philosophical when there is no hope of another life the picture is infinitely pathetic and picturesque. Life is a little plot of light. We enter, clasp a hand or two, smile, drop a tear, sing a song, send forth a sigh, and then go out into the everlasting darkness again. The great consolation, however, is that we do know with our declining

years that our shadows reach the stars.

God moves in mysterious ways His wonders to perform. He did not send out the great benevolent soul of John Nolan on its wonderful mission until He saw fit in His inscrutable wisdom and have His servant do the noble things which he did in the brief time that was allotted to him on this earth. But that immortal spirit would have been a hero in the strife and would have worked unceasingly for the elevation of his brother and would have been a blessing to mankind had he been sent into the world at the very dawn of history or had his coming been delayed until that remote period which will be the last days of man on this earth, just before the sun will lose its grip upon the globe and our old world goes flying out of its orbit and speeds on to its destruction and oblivion through trackless space. His would have been the voice lifted in behalf of justice, fair play, benevolence as the best means of justifying one's existence, as bringing contentment, peace, and happiness as far as they may be achieved on this earth to the hearts and minds of men and women. He loved his fellow man and therefore loved his Creator. While he reverenced the God we all adore with touching humility, he was always mindful of the wondrous beauty of the attitude that makes for the doing of a great and noble act without hope of reward or fear of punishment. I remember relating to him on one occa-sion a story which I heard years ago and which I have never been able to trace to its literary source. It is the story of the virgin who in a day of remote antiquity walked the walls of an ancient city carrying in one hand a blazing torch and in the other a pail of water, chanting and singing incessantly her great, alluring song:

With this torch I will burn the heavens, And with this pail of water I will extinguish the fires of hell, So that God may be loved for himself alone, Without hope of reward or fear of punishment.

My friend, for he was my friend, immediately said to me: "Jim, that is a beautiful story and I wish when you find the book in which it is that you will give me its title." I know you will believe me when I tell you that that refrain, though perhaps not those words, has been ringing in my ears from my earliest days. Yes, he lived to bless mankind, to make the world a little better and brighter for his presence; he struggled, worked, and toiled to let in the light where darkness had been, to bring hope where sorrow frowned and dwelled, to dry the eye of the orphan, to subdue discord, to still the heartaches of myriads, to alleviate the anguish that tortured the soul of millions. That was the great soul-inspiring task that appealed to his imaginative and benevolent nature. Oh, it was great—and there is no other greatness. Such a life so spent and in such a work lifts one nearer, nearer to the great white throne of God.

Aye, death does not mean annihilation. Buddhism, with its Nirvana, which seeks through the door of life death and extinction, is a creed to us repellant. What a contrast there is between it and the Christian faith which teaches that through the shadow of the grave there comes life—everlasting, eternal life!

Our friend is not dead; he lives and in a wider sphere seeks growth and development and service and achievement. His life was rich in service and his labors enriched his State and the Nation and added to the great reservoir of humanity's achievement. A strong, brave, chivalrous man has gone from our midst. His memory we will cherish in our hearts; his labors will live after him. He has gone to join those illustrious spirits who in the night of despotism foresaw the glories of the coming day. We miss the friend we loved, whose memory we reverence. Our hearts are sore and heavy and there is no adequate speech for the deep emotions of the soul. The staff has been taken from a strong right hand and the left is cold and smitten. Next to his fireside the world had his loving regard and solicitude.

In this historic Hall the association of years cluster, and here he consecrated his power with the sacrament of unstinted toil in the interest and for the advancement of the wage-earning hosts of his country. A tower of strength has left us, but he still speaks to us from the tomb. His whisper is again in our ears:

Let all the ends thou aim'st at be Thy country's, thy God's, and truth's. Be noble and the nobleness that Lies in other men, sleeping, but Never dead. will rise in majesty To meet thine own.

My dirge hath ceased, my eyes are dim, my voice will soon be with the echoes. Let me close with a recitation of the immortal Thanatopsis, lines that will never die, a sermon in deathless verse that will sustain men and women in all the centuries to come with an unfaltering hope that they will meet their pilot face to face when they have crossed the bar. Wonderfully philosophical, they inspire one to dream and to think not only of the manly part we should play upon this earth, which John Nolan played out in the grand drama of life, but they inspire us to look beyond and to contemplate our journey into that new land of adventure, into that higher sphere of action, bravely and embark as the gallant souls of the world would have us go. That vision of death would have immortalized William Cullen Bryant and added to the literature of the English-speaking people if he had never written anything else, though his other poems place his name high among the choice spirits of America:

of America:

To him who in the love of Nature holds
Communion with her visible forms, she speaks
A various language; for his gayer hours
She has a voice of gladness, and she glides
Into his darker musings with a mild
And healing sympathy that steals away
Their sharpness ere he is aware. When thoughts
Of the last bitter hour come like a blight
O'er thy spirit, and sad images
Of the stern agony, and shroud, and pall,
And breathless darkness, and the narrow house,
Make thee to shudder and grow sick at heart,
Go forth under the open sky and list
To Nature's teachings, while from all around—
Earth and her waters and the depths of air—
Comes a still voice: Yet a few days, and thee
The all-beholding sun shall see no more
In all his course, nor yet in the cold ground
Where thy pale form was laid with many tears,
Nor in the embrace of ocean, shall exist
Thy image. Earth, that nourished thee, shall claim
Thy growth, to be resolved to earth again,
And, lost each human trace, surrendering up
Thine individual being, shalt thou go
To mix forever with the elements,
To be a brother to the insensible rock
And to the sluggish clod which the rude swain

Turns with his share and treads upon. The oak Shall send his roots abroad and pierce thy mold. Yet not to thine eternal resting place
Shalt thou retire alone, nor couldst thou wish
Couch more magnificent. Thou shalt lie down
With patriarchs of the infant world, with kings,
The powerful of the earth—the wise, the good,
Fair forms, and hoary seers of ages past,
All in one mighty sepulcher. The hills,
Rock-ribbed and ancient as the sun—the vales
Stretching in pensive quietness between;
The venerable woods—rivers that move
In majesty, and the complaining brooks
That make the meadows green; and, poured round all,
Old ocean's gray and melancholy waste,
Are but the solemn decorations all
Of the great tomb of man. The golden sun,
The planets, all the lininite host of heaven,
Are shining on the sad abodes of death.
Through the still lapse of ages. All that tread
The globe are but a handful to the tribes
That slumber in its bosom. Take the wings
Of morning, pierce the Barcan wilderness.
Or lose thyself in the continuous woods
Where rolls the Oregon, and hears no sound,
Save his own dashings—yet the dead are there:
And millions in those solitudes, since first
The flight of years began, have laid them down
In their last sleep—the dead reign there alone.
So shalt thou rest, and what if thou withdraw
In slience from the living, and no friend
Take note of thy departure? All that breathe
Will share thy destiny. The gay will laugh
When thou art gone, the solemn brood of care
Plod on, and each one as before will chase
His favorife phantom; yet all these shall leave
Their mirth and their employments, and shall come
And make their bed with thee. As the long train
Of ages glides away, the soms of men,
The youth in life's fresh spring, and he who goes
In the full strength of years, matron and maid,
The speechless babe, and the gray-headed man—
Shall one by one be gathered to thy slée,
By those who in their turn shall follow them.

So live, that when thy summons comes to join
The innumerable caravan, which moves
To that mysterious re

Mr. MOORES of Indiana. Mr. Speaker, when death has taken from us a friend whom we esteem and love, there remains only for us the sad but sweet privilege of laying flowers upon the grave of the dead. In that sense I want to pay a tribute to the memory of a trusted friend. John Nolan, as has been said again and again to-day, was an iron molder. He was, however, an educated man; not educated in the schools, but educated like Washington, like that Connecticut shoemaker, Roger Sherman, who helped draft the Declaration of Independence and to frame our Constitution; like Andrew Jackson, the great soldier; and like Abraham Lincoln, taught in the hard school of experience, and self-taught. But he was for all that an educated and cultivated man, with a broad knowledge of books and of men and of the world.

He came to Congress from a district which appreciated him.

He came to Congress from a district which appreciated him. He came six times by a practically unanimous vote of his constituents. His district knew him and it trusted him. He represented not only the wage earners but every man in his great district, and he represented every citizen of his great State. He was broad enough and great enough and true enough to represent the whole country. We know it; and we who knew him loved him because he did it. He was wise; he was tactical; he was brave; he was truthful; he was loyal; and he knew men. He had the art of persuasion; he understood how to get results in this great body, where it is harder to get results for the individual than from anything on earth, but he got them.

He was in the Sixty-fifth Congress chairman of the Committee on Patents, a committee which requires technical knowledge and knowledge of mechanics, a knowledge of the law, a knowledge of invention, a knowledge of a great many things which are not common knowledge, and all of these John Nolan had and had taught himself. He was a great chairman of that committee. He left it to become chairman of the Committee on Labor, and he made a great chairman of the Committee on Labor.

When he was the ranking member of the Committee on Labor in the Sixty-sixth Congress he got through his minimum wage act, he got through many other bills in the interest of wage earners, which occupied much of his time and much of his effort, and yet, as chairman of the Committee on Patents, it was my privilege to go to him for the American Bar Association (being a member of one of its committees) to discuss with him certain laws which he himself drafted, which he him-

self introduced, and which he himself succeeded in persuading the House and the other body to enact into law that which the lawyer chairmen who had preceded him as chairmen of that committee had for 20 years failed in passing. Two or three laws passed in the Sixty-sixth Congress through the wisdom, knowledge of mankind and knowledge of mechanics and knowledge of human nature, tact, and diplomacy of John NoLAN became laws and are the laws to-day, for which he is entitled to the credit, and which are a benefit to every citizen in America. He has done much for labor, he has done much for the whole country, and we honor him and love him for what he did. There is left to his widow, who sits with us to-day as his successor, and to his daughter the assurance that a Christian gentleman awaits them beyond the Great Divide. left to everyone of us the knowledge that you and I take pride in the fact that we knew and loved a brave, great, and

Mr. BARBOUR. Mr. Speaker, the career of Congressman JOHN I. NOLAN might serve as an inspiration to any young His was a typically American career. NOLAN at his birth was not endowed with the proverbial silver spoon. He first saw the light of day under circumstances similar to those of many of his countrymen. He was not born and did not grow to manhood amidst luxurious surroundings. mosphere of his birth and of his youth was such as to impress upon him the necessity of hard work in any undertaking and in the accomplishment of any worth-while end. John Nolan worked hard during his lifetime and won for himself honor and success. The opportunities that were his are the oppor-tunities of every young American. What he accomplished others can accomplish by emulating his honesty, courage, and

JOHN I. NOLAN loved his country and his fellow man. I once heard him say on the floor of this House that in no other country was the opportunity afforded for a man to rise as he country was the opportunity afforded for a man to rise as he had risen and to reach a position of trust and influence such as he had attained. In making that statement John Nolan was not glorifying himself. He was attesting his love and admiration for his country and the opportunities that it affords.

I had learned to admire John Nolan before I knew him. When he was first elected to Congress I was impressed by his attitude toward legislation. As his career continued I even more favorably impressed by his activities and the things for which he stood. When later I joined him as a member of the California delegation in Congress I was glad to know personally the man whom I had already come to admire, and I soon counted him as one of my best friends in this House. He was ever graciously helpful, and his ideas and opinions were always enlightening.

JOHN I. NOLAN was one to whom the human element in legislation and government always appealed. He was the earnest advocate of laws which would better the conditions under which men and women labor and live. His heart was always with those who toil and bear the burdens of civilization. He sought to bring greater comfort and happiness into the lives of the people who labor. They have lost a real friend.

He was known as a spokesman of labor on this floor, and as such his record was one of accomplishment. His honesty and courage and withal his absolute fairness won for him the respect and admiration of every Member of this House. He was always broad-minded and generous, and his views were accepted, and he succeeded where a less tolerant advocate would have failed. He occupied a position of strength and honor in the Congress of the United States.

JOHN NOLAN'S home life was in every way worthy of admiration. His love for and devotion to his wife and child and his consideration for their happiness and comfort evidenced his true He was a lover of athletic sports, and I recall with pleasure the occasions upon which I attended such events with

The esteem in which he was held by his constituents and the people of his State is made manifest by the positions of honor and trust that were conferred upon him. His elections to Congress, practically without opposition, attest the high regard in which he was held by his people and their confidence in him.

By his death the people of his district and the State of California have lost a worthy and capable Representative. Labor has lost an effective and honored advocate; the men and women who toil, a true and ardent friend. In the passing of John I. Nolan the Congress of the United States has lost a Member whose place will be difficult to fill. His work here will live long and men and women will be benefited because he lived and served in this House.

Mr. FREE. Mr. Speaker, for the fourth time since the elections of 1920 the Angel of Death has appeared at the door of the California delegation, and to-day we are here to honor the memory of one of those who has been taken. In a service of this kind we are face to face with death. Death is always accompanied with broken hearts and tears. It is always an occasion of sadness. Death, this thing that is universal, the thing that is just as certain to come to us as the fact that we are born; death that has taken countless millions who have gone before, stands to us an unsolved problem, and although orators have declaimed and preachers have explained, somehow out of the distance we get but the echo that some day we will understand. It is always hard for those who are left; it is hard to understand why it was their loved one who was taken, as in the case of John I. Nolan, a man in the most vigorous manhood, mentally and physically, serving a human purpose, doing a good to this world, fond of his family, devoted husband and father. Yet the hand of death has fallen upon him. We might question whether it is right, whether it is just, why it is so? We might have our doubts about the fairness of the make-up of life, but if we turn for a moment in this winter season, when all is bleak and dark, do we throw away hope? Do we abandon ourselves to the thought that never again will the flowers bloom? We are just as certain that after this cold, bleak, and barren winter has gone there will come awakening spring, and then will follow summer with its flowers, which in turn will wither in the fall, and again will winter come. Do we ever look upon the setting sun in the west and doubt that again on the morrow it will rise in the east? Do we ever look into the great firmament of heaven and see the myriads of stars and not wonder at the amazing regularity of it all? If we would but think of these things we must realize that above and be-yond our own minds and fancies there is a great and control-ling power that directs our activities, as it directs all the affairs of life.

I feel that in some way the eyes that have been washed with tears will come to have a clearer vision of the beauty of holi-ness and of service and of God. I saw in the gallery to-day a loyal Californian, Doctor Wilbur, president of the great Leland Stanford Junior University, and as I saw him here it brought to my mind one of the great things that came out of grief and Senator and Mrs. Stanford were perhaps in their early life in a way a bit self-satisfied. They had all of the world's goods that they wanted. God gave to them a son. In educating that son they took him to Europe that he might have every advantage of travel. While there the lad was stricken with fever and their boy was taken away from them. Then it was and over his bier that they declared they would give to the children of California an opportunity to make something of themselves in life, and they gave up their fortunes to that end. I well remember the time when on account of a legal situation that had arisen Mrs. Stanford took the very jewels from her breast and pawned them in order that the university might be kept open. I remember when she dismissed her help in order that she might devote the funds she had to that great institution. So I say, my friends, that out of this thing called death, this thing we can not understand, and out of aching hearts, come some of the greatest things and the greatest treasures and the greatest thoughts of life.

So, John I. Nolan is gone. He was born in the city of San Francisco, overlooking San Francisco Bay, out upon the great Pacific, born there in a land that he aways loved, born, as has been said to-day, with no great advantage for a youth.

At the age of 9 he could have been seen as a cash boy in a

San Francisco department store. At the age of 20 he was an iron molder, standing well in his trade. At that time he had seen the human side of life and had determined that through organization his coworkers might succeed, and this boy of 20 his way to recognition in the union to which he belonged. What might have been considered his goal was reached in 1912, when he was elected secretary of the San Francisco Labor Council. Another goal was attained when in 1911 he was appointed to the board of supervisors of the city and county of San Francisco, but no—his goal had not been reached, and in 1913 he was elected a Member of Congress. As has been said here to-day he was reelected to the Sixty-fourth, the Sixty-fifth, the Sixty-sixth, the Sixty-seventh, and to the Congress that has not yet come into existence. When he came here he did not abandon the thoughts of his younger life, but he sought a place upon the Committee on Labor, where he thought he might do good for those with whom he had labored and whose problems he understood, and it was the crowning ambition of his life when he ultimately became chairman of that committee.

He has always remained a member of the board of the International Molders' Union; never did he turn away from the occupation of his early youth. He was always proud of the fact that he had come up by effort. It is difficult to describe a man of the type of John Nolan. He was fearless, he was never afraid to say what he thought, he was forceful, he was gracious, he was well informed and observing. He was one of the hardest fighters I have ever known, and yet he was one of the kindest and one of the most humane men it has ever been my privilege to meet. He always espoused the cause of the distressed and those who needed help. He was always helping those who were not as fortunate as he had been.

His home life was ideal. No hours of his life were so happy as when he was in that home. It was in this very Hall, when the Queen of Belgium sat in the gallery and called for his little daughter to come to her, that he had one of the happiest moments of his life. He was loyal to the State in which he was born; he loved it. He advanced its interests. May I conclude with just these few words and in them epitomize the life work.

of John I. Nolan:

When your life of toll is over,
And you've done all you can do,
Did you treat the other fellow
As you would have him treat you?

If you did, your life's a blessing,
For how often we forget
To meet the other fellow
As we wish to be met.

Mr. LEA of California. Mr. Speaker, Mr. Nolan took an active interest in all legislation coming before Congress during his membership here. Naturally alert and interested in public affairs generally, he took his part with other Members in all matters of general interest. However, the outstanding feature in the congressional career of Mr. Nolan was his devotion to the cause of the man who toils. Mr. Nolan himself reached mature manhood in the ranks of labor. He understood the human, practical, and life problems of the men who toil. The cause of labor, the ideals for which the laboring men may legitimately aspire, found sympathetic, zealous support in the heart and mind of Mr. Nolan. His aggressive espousal of the cause of labor placed him in a position of leadership in labor's cause.

Before Mr. Nolan came to Congress, however, he had a background of experience in public affairs that prepared him for the larger duties and opportunities that congressional membership afforded. He had the sympathy, understanding, and devotion to the laboring man's cause. He had the experience, tactfulness, and sense of proportion that can be gained only by contact with

men in the broader affairs of life.

Mr. Nolan represented one of the strongest labor districts in the United States. By training, disposition, and duty he became peculiarly a missionary advocate and defender of labor in the Halls of Congress. Experience has shown that such is a difficult responsibility. Ordinarily the Member who is so committed to the advocacy of an especial cause finds it difficult to maintain his prestige in this House and avoid extreme and impossible positions that detract from his ultimate usefulness. But now, when the career of Mr. Nolan is ended, it is the unanimous judgment of the membership of this House that he pursued a course unquestionably loyal to those he represented and gave a service useful and effective not only in their behalf but to his country generally.

What is this cause of labor to which Mr. Nolan was devoted? It is an old cause, a great cause. Six centuries ago laborers were serfs, denied the privilege of working for wages, and the right to their labor passed with the transfer of the lands of their masters. The black death ran its course in England, and when its ravages ended more than half of the population had perished. In many instances masters of great estates, with all their heirs, had perished. Their serfs were released from their bendage for the lack of a master. Under these circumstances our system of free and competitive labor originated. Still for great periods of time the free right of labor to contract or compete or combine for higher wages was limited or contested by

law.

Mr. Nolan knew that for a century or more the effective cause of the workingman's advancement has been organized labor. He knew that it was largely through the cooperative efforts of laboring men that better working conditions had been provided, that sanitary and safety equipment and appliances have been required by law, and that through such united efforts labor has received a larger proportion of its product. Mr. Nolan knew that organized labor had given to the individual workingman a higher degree of respect and new strength for his advancement and the redress of his wrongs.

Mr. Nolan espoused labor's cause not because it furnished an easy opportunity of self-promotion but because of his deep conviction of its merits. In his devotion to the cause of labor, to any cause, and to his friends, his effort was ever characterized by the sincerity and positive loyalty of an upstanding man.

The conflict of labor into which Mr. Nolan entered, as I have indicated, is not a new one. It is not one that is soon going to be ended. To a considerable degree what labor secures in the way of more favorable conditions and better wages is gained at the expense of the employer. The advancement of labor means a different division of the products of labor, the employer taking less and the employee taking more. There is a conflict of interest that is inherent and that can not be eliminated by any legislation or administrative provisions. Organized society may justly restrain each and protect innocent, nonparticipating third parties affected by resulting controversies. Manifestly each side should be justly restrained. Employment can not continue without appropriate return, and labor, too, is entitled to a fair proportion of that return; but that is beside the question of this hour. Sufficient to say that labor has had a real cause and rights to be advocated and defended. Of those Mr. Nolan

made himself a champion.

If we judge organized labor only by its mistakes, it would be utterly condemned; but, like all other movements, that organization must be judged as we judge an individual man. average man does good; he inflicts wrongs; he makes mistakes; he is sometimes ungrateful; he neglects opportunities; sometimes he is cruel in his judgment of others; sometimes he lacks courage to do his duty; selfishness may sometimes dominate his These faults are all chargeable to the average man, motives. but on the whole he has been a good husband and father, a useful man and a good citizen. We grant him two sides of the ledger; we subtract his deficiencies and judge him by his aggregate worth. Mr. NoLAN sought to be the advocate of the just causes of labor. He sought to avoid and minimize its mistakes and contribute to its just success. He, too, like all men, might err in his judgment; but he well earned the tribute due those who have the fidelity and the courage to perform their duty as it was given to them to see it. Those who knew him best appreciated him most. We may justly claim for him a high place of appreciation in our memories.

Mr. SWING. Mr. Speaker, it is not easy for me to find words to express the promptings of my heart when I rise to speak in honor of the memory of a man I loved. JOHN I. NOLAN Was my friend, and the friendship of such a man was worth while having, for he was a real friend. No one in his presence could speak disparagingly of a friend of his without at once evoking a vigorous reply. To some he may have seemed to have had a rough and rugged exterior, but if so, it only partly concealed a heart as big, as warm, and as tender as ever beat in the breast of any man. It is easy to praise him, for all who knew him speak well of him, even those who differed most sharply with him in his views on public questions. And yet John Nolan never trimmed his sails for any man. He was a naturalborn fighter, for his whole life is the story of a constant uphill fight. I have never seen on the floor of this House a better example of an upstanding, outspoken, hard-hitting, two-fisted fighter. And yet he always fought fair and in the open. He was so honorable and aboveboard in his dealings, he was so sincere and conscientious in his convictions, that he won the respect and esteem of even those who opposed him most,

Early in life he was thrown on his own resources and left to make his own way in the world. Thus he came to this Chamber without having had many of those early advantages that most Members have been privileged to enjoy. But he was a rugged and sturdy oak and possessed enduring qualities that soon made him one of the outstanding figures of this

House.

In these legislative halls he soon became the recognized leader of labor, from whose ranks he sprang, and the toiling, inarticulate masses who work with their hands never had a more loyal and faithful friend, a more valiant defender, and a more zealous and forceful advocate. And yet while he was sent here as the representative of labor, he took no narrow or partisan view of the issues that affected the welfare of the Nation, but charted his course by a compass which indicated where the best interests of the whole people lie. He was big enough, broad enough, and statesmanlike enough that when he differed with the labor organizations, as he sometimes did, as to the wise course to pursue, he did not hesitate to tell them, and if he was unable to persuade them to his way of thinking, he followed the course dictated by his own conscience.

We have all had frequent occasions to admire his courage and devotion to his cause and observe with what tenacity he stood up for the things he believed to be right, unmoved by the fact that the crowd thought otherwise, and having once chosen his ground, he stood there, undismayed, even though alone, buttressed about by the consciousness that he was doing the right as God gave him the light to see it. Would that there were more men to serve their country like John Nolan did! In his untimely death the State of California has lost an honored Representative, labor a champion, and the Nation a statesman. It was a just and fitting tribute to his memory and a proper token of the love and esteem in which he was held by the people who knew him best that on his death his constituency should have promptly and by a large majority chosen his widow, whom we all know and respect, to fill his place and to carry on the work to which his life had been dedi-

Mr. MacLAFFERTY. Mr. Speaker, it would seem that further words on the subject of our friend and colleague would be simple verbiage, but I do want to express one thought here that will apply in the case of all of our colleagues, and I wish, if possible, that my remarks be made particularly to apply in the ceremonies for John I. Nolan and Mr. Osborne. You know, Mr. Speaker and gentlemen, I believe that those men are just as busy now as when they were here. To me anything else would seem to be but a ghastly joke, and I refuse to think that a man who has come up from boyhood through hardships, a man who has been taught by adversity, by hard knocks, and reaches his maturity and is called on-I refuse to believe that he has entered into the mansions of rest, or that he has gone to oblivion. But I believe he is but carrying on the work for which he was fitting himself. I can not believe anything else. And I think I know enough about John I. Nolan and I think I know enough about Henry Z. Osborne to know that somewhere they are busy doing the work that they prepared them-selves for when among us. That has been a belief of mine for a long time, and I am going to repeat just a few lines—I am going to offer them-as a tribute to these two men, and as a thought which I hope will be a consoling one to those who mourn, because most of our mourning is selfish; we mourn most for ourselves. Who of us would, if he had the power allowed him, call back one who has gone on?

It is not fitting I should seek thee, Death; And yet 'tis seemly I should welcome thee When thou shalt call, and greet thee as a friend. And kindlier is my thought of thee, because For years I feared, misjudged, misunderstood Thy meaning, nor did comprehend the boon so oft conferred by thee.

Thus being held Before my sight a terror, sund'ring wide, Dissolving tend'rest ties, I heard thee called "Grim Reaper," a "Destroying Angel"; so, I feared to look upon the face of one On whom thy hand was laid. I shunned to walk E'en near the brink, to dart a furtive glance Into the self-created gloom we call The Valley of thy Shadow.

Now I know Thee as thou truly art. Methinks I see Thee through the eyes of those who long have prayed That thou wouldst come to end a hopeless day Of pain, unending till relieved by thee. And I have watched beside the bed of one Whose years were many, and whose light had burned So deep within its socket that the flame Itself appeared the shadow of a flame. Each new-born day I saw him grieve because Thy wings had not been folded o'er his couch For one sweet moment, then thy flight renewed, His weary spirit borne by thee afar To other worlds, and hope for better things. And I have seen thee fold in thy embrace A form so fair my words could ill describe Her beauty; yet where dwelt a soul who longed To be away with thee; who saw the sea Of years ahead, then saw the dream of life A shattered wreck along its breaking shore, And shrank to breast the storm. And when thou cam'st To her I saw the answering smile o'erspread Her face and heard her answer unafraid. Yea, Death! To hosts unnumbered hast thou been A messenger of light, an angel fair Of mercy. Thou hast freed the hopeless slave, And ended weary exile by thy touch.

The martyr at the stake hath prayed for thee, And happy in his torture, raised his song Because of thine approach.

So. Angel Death, Though life is sweet, and while I seek thee not, Inough the is sweet, and while I seek the I pray that I may yet abide thy call In perfect peace; in calm tranquillity Of soul; while not rejoicing, yet as bold To go as to remain. As glad to solve The riddle as to blindly thread its maze; And with abiding faith that I may trust, As now, so then, the One whose messenger Thou art, to lead me through the open gates Of immortality.

Mr. BARBOUR. Mr. Speaker, the gentleman from Pennsylvania [Mr. Burke] had hoped to be present to-day and pay a tribute to the memory of Congressman NoLAN. He has, however, been detained to-day by illness, and I ask unanimous consent that he be allowed to extend his remarks, if that re-

The SPEAKER pro tempore. Without objection, it is so

ordered.

Mr. BURKE. Mr. Speaker, we have assembled here to-day to pay tribute to the memory of one of California's noblest

sons and one of America's great statesmen, John I. Nolan.

Summoned to his eternal home in the very prime of life,
John Nolan went to his Maker with a record of untold good

JOHN NOLAN went to his Maker with a record of untold good and of duty well and faithfully performed.

A man of ability; a man of integrity, he commanded the respect and admiration of everyone with whom he came in contact. Emanating from the great throbbing masses of humanity, he still in high life remained part of the masses, and was true to the cause of the masses. Actuated by high ideals, animated by lofty purposes, John Nolan stood out a commanding figure in the work of the Nation. On the floor of this House he was ever found fighting for the cause of justice and righteousness. Where principle was involved, where justice to the common people was concerned, there was no comtice to the common people was concerned, there was no com-promise with Nolan, and those of us who served with him here and heard his voice knew when he spoke he advocated the cause of justice.

Mr. BARBOUR assumed the chair as Speaker pro tempore.

Mr. CURRY. Mr. Speaker, there are times when words fail to express the feelings of the heart and the sentiments of the mind. This is one of those occasions for me. I knew John I. NOLAN intimately and well from his boyhood to the time of his death. We were friends, companions, and associates during all those years, and I never knew a better, a truer, a more conscientious, or a more loyal man in private or in public life.

It has been said that Republics are ungrateful. John I. Nolan's career refutes that statement and proves that the people are delighted to honor with their trust and preferment trustworthy and dependable men, such as he. His constituents, his State, his country, and humanity suffered a personal loss in what seems to us his untimely death.

JOHN I. NOLAN was born in San Francisco, Calif., January 14, 1874, being the son of James and Sarah Nolan. His parents were honest, sober, industrious, God-fearing people. His father was unexcelled in his line of work. He was a good provider. His family was loving and harmonious. James and Sarah Nolan were consistent members of the Catholic Church and by example and precept they raised their children as good Christians. The faith of his fathers JOHN I, NOLAN carried with him through life with an unquestioning belief. He lived and died a good Christian, devoting his extraordinary talents to bettering the mental, moral, and material conditions of the wage earner and in advocating and initiating humanitarian

He received a common-school education in the public schools of San Francisco. At the age of 9 he was for a time employed as a cash boy; at 14 he entered the molding trade as an apprentice and became so expert that he had no superior at his As soon as he was eligible he became a member of the Molders' Union. His extraordinary talents as an organizer and harmonizer, his ability in debate, his logical mind and his fund of accurate information on industrial conditions were soon recognized by his associates and he was elected sec retary of the local union of the craft and later an officer of the International Molders' Union of North America, which latter

position he held for 14 years and until his death.

For a number of years he was secretary and legislative agent of the San Francisco Labor Council. In that capacity

he advocated, supported, or initiated much of the humanitarian legislation on the statute books of California, and which has caused that State to be recognized as one of the most progressive States in the world. His first public office was that of supervisor, to which he was appointed by Mayor P. H. McCarthy in 1911 to fill a vacancy caused by the resignation McLaughlin, who had been appointed State labor commissioner by Governor (now Senator) HIRAM W. JOHNSON. Mayor McCarthy had been elected on the labor ticket. one of the organizers of the building trades council and was its president from its organization until 1922, when he refused to be a candidate for reelection and retired. He made a great mayor; one of the best San Francisco has ever had. There were many candidates for the vacant supervisorship, but JOHN I. NOLAN was not one of the number. He was surprised when the position was offered to him, but he accepted and his appointment was pleasing to all. Labor and capital were both satisfied, and even those who had sought the appointment commended the mayor's action.

John I. Nolan never encouraged a strike. He knew they were occasionally necessary, but believed a strike was only justifiable after all other recourses had failed. He settled many strikes and threatened strikes. In those settlements the rights of labor were always protected, but he was so eminently fair and just, and he had the confidence of employer and employee to such an extent that in the end both sides to the controversy accepted his decision as an arbitrator.

As a supervisor John I. Nolan made good. He performed his duty with courage, ability, and with incorruptible honesty. He soon became a leader in the board. He studied and mastered the details of the city's business and was the friend and defender of the common people. He soon had a state-wide reputation as an authority on municipal government.

In 1911 the Legislature of California reapportioned the congressional districts of the State on the basis of the 1910 census. A new district—the fifth—was carved out of a portion of San Francisco. The people, by an overwhelming majority, nominated John I. Nolan as their Representative in Congress as a Republican and Progressive at the 1912 primary. He was elected by an immense majority at the general election in November of that year and was reelected every two years thereafter by increased majorities, usually without serious opposition.

Last year while confined to his bed with a fatal illness he was renominated and reelected a Representative to the Sixtyeighth Congress without opposition on any ticket. At the organization of the Sixty-third Congress he was made a member of the Committees on Labor, Patents, Insular Affairs, and Woman Suffrage, of which committees he continued to be a member until his death. During this Congress he was also a member of the powerful partisan steering committee. He from the first took an active interest in legislation and particularly in matters referred to those committees. He took a great interest in legislation affecting the Philippines and our other insular possessions, assisted materially in reporting and passing the nineteenth or so-called woman suffrage amendment to the Constitution and in humanitarian and labor bills referred to the Committee on Labor. The reporting and passing of much of the beneficial legislation referred to that committee was due to his untiring efforts and able arguments. He initiated many of the humanitarian laws now on the statute books of the Nation. He made an unremitting fight against child labor, for laws providing for the welfare of women in industry, for his \$3-a-day minimum Federal wage bill, and for that portion of the Federal employees that are underpaid. During the last two years of his life he was chairman of the Committee on Labor of the House; during the previous term he had been the chairman of the Committee on Patents.

John I. Nolan was born with an iron constitution. He was mentally, morally, and physically strong, but his unceasing and tireless work for the people overtaxed his strength, strong man as he was. For years he was in failing health, but when his friends and physicians advised him to take a rest and recover his health he replied that his duty to the people and to labor was of more importance than his health, and he continued his work for them as long as his physical strength would permit. Three months before his death he became so weak and sick that his wife took him home to San Francisco, where he died November 18, 1922.

JOHN I. NOLAN was a hero, a martyr to duty; by overwork in the line of duty he sacrificed his life for the welfare of the working classes of his country and of the world. He was the great leader of labor in Congress and was at the same time one of the foremost statesmen in the country—ready, plausible, insistent, tireless, and fair in debate.

His minimum wage bill and the child labor amendment to the Constitution he did not live to see enacted; but his minimum wage bill passed the House three times and a child labor law was enacted twice, both to be held unconstitutional by the Supreme Court. We regret he was not spared long enough to see the fruition of his labor, for the ultimate success of both measures are morally certain.

While not unexpected, his death was a shock to Congress and to the people of his native city and State. He was buried on Wednesday, November 22, with impressive military and civic honors, in which city, State, and Nation joined. The body lay in state at the city hall, with military and police guards of honor. The Nation's and the city's tributes were expressed in addresses by United States Senator Hiram W. Johnson, and by Hon. James Rolph, jr., mayor of San Francisco. Religious services were held later at St. Mary's Cathedral, where a requiem high mass for the repose of the soul of the dead was celebrated by Archbishop Edward J. Hanna. It was one of the most impressive and largest attended funerals ever held in San Francisco. The interment was in Holy Cross Cemetery, in San Mateo County. Among the mourners were members of the Molders' Union, Knights of Columbus, Loyal Order of Moose, Twin Peaks Parlor Native Sons of the Golden West, and the Hibernians, and the leading business, labor, newspaper, and professional men and officials of the city. State, and Nation.

professional men and officials of the city, State, and Nation.

John I. Nolan was married to Miss Mae Ella Hunt at San Francisco March 23, 1913. To them was born in the city of Washington on March 3, 1914, a daughter, Corlis Theresa. They were a congenial couple. Mr. and Mrs. Nolan's married life was ideal and was a model of felicity and love. She was intimately associated with him in all his work. She was a helpmate, indeed; and it was a fitting tribute to our departed colleague and to Mrs. Nolan that without any solicitation on her part—in fact, against her earnest protest—his constituents insisted on electing her to fill his unexpired term in the Sixty-seventh Congress and also to the Sixty-eighth Congress, believing her to be the best equipped of any person in the district to carry on his work. Her sister, Mrs. Theresa Glynn, was secretary of the Committee on Labor and thus associated with Mr. Nolan in his work in Congress. She will be her sister's secretary and assist her in her congressional work.

The Members of the House of Representatives know Mrs. Nolan. They are her friends; they know her worth and ability and how intimately she was connected with her husband's work. As a tribute to her as well as a tribute to him who has gone she has been elected a member of the Committee on Labor so that she may be in a position to carry on his work for labor and for mankind.

JOHN I. Nolan was one of the most courageous and kindlest of men. Always ready to fight for the right as he say the right, always ready to help those who needed help, and always ready and willing to do a kindness, he was tireless in doing good. He spent himself and sacrificed his life for others, and when he passed the shores of the dark river of death he was undoubtedly welcomed on the eternal shore of peace and bliss with the greeting—

Well done, thou good and faithful servant, enter thou into the joy of thy Lord.

For his bereaved widow and family and his orphaned daughter the Members of the House of Representatives offer their sympathy and unite with them in their sorrow.

Farewell friend, companion, and colleague; may you rest in

peace

Mr. Speaker, I have letters from Senators Johnson and Shortridge, of California; from Mr. Samuel Gompers, the president of the American Federation of Labor; and from Mr. William M. Doak, vice president of the Brotherhood of Railway Trainmen, who were all close friends of Mr. Nolan, and I wish to insert them with my remarks in the Record in 8-point type.

The SPEAKER pro tempore. Without objection, that will be

There was no objection.

Following are the letters referred to:

UNITED STATES SENATE, COMMITTEE ON PATENTS, February 24, 1923.

Hon, CHARLES F. CURRY,

House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN CURRY: I regret exceedingly that I can not be with you Sunday in the memorial exercises for the late John I. Nolan.

JOHN I. NOLAN'S rugged character, his love of fair play, his refusal to count the cost in any contest against wrong or intrenched dishonesty, his high purpose, his unerring instinct for

justice, his ability and intrepidity in fighting the good fight for the right won him the almost unanimous support of those he represented and the love of those of us privileged to know him intimately. He was of the people and, though he walked with the great, he never lost his touch with those from whom he came. Faithful to his trust he ever was; valiantly true to just folks and to himself. In the passing of John Nolan California has lost a commanding figure, a Congressman of rare fidelity and accomplishment; the Nation has lost one of its ablest and most patriotic sons; the people have lost an aggressive, fearless champion. John I. Nolan's name is written indelibly in the hearts of the men and women and children who needed aid and hope, and who never failed to obtain it from With you, I pay the last sad loving tribute to him. Sincerely.

HIRAM W. JOHNSON.

UNITED STATES SENATE, COMMITTEE ON THE JUDICIARY, February 25, 1923.

Hon. CHARLES F. CURRY,
House of Representatives.

DEAR MR. CURRY: In the death of John I. Nolan California loses an honored and beloved citizen and the fifth district a splendid Representative. His life was a life of duty done, and he deserved the confidence reposed in him by the thouand he deserved the contact of the c the true friend and intrepld champion of human labor and strove to aid its cause. His own life was an example and an inspiration, and his career a tribute to our country.

join with you and others in regret and sorrow over his untimely departure, but comforted by the hope and belief that she who loved him most will be able to carry on his work.

I have the honor to be,

Sincerely yours.

SAMUEL M. SHORTRIDGE

TRIBUTE TO JOHN I, NOLAN BY SAMUEL GOMPERS, PRESIDENT OF THE AMERICAN FEDERATION OF LABOR.

No tribute in words at this time can constitute too full a recognition of the services so freely and ably rendered in the cause of humanity by John I. Nolan.

During his entire active life he was a consistent champion of every constructive effort which had for its purpose the improve-

ment of life and labor for the masses of all people.

His untimely passing from the sphere of human activity came during his tenth year of service in the United States House of Those whom he had so long represented had Representatives. just returned him to his seat with a magnificent vote of con-

What his friends and associates in the trade-union movement find most difficult to realize is, however, not his loss from the Halls of the National Legislature but his departure from the ranks of the trade-union movement itself. Until his death he was a member of the executive board of the International Molders' Union of North America. This office with him was not one of mere honorary recognition, but it was one to which he gave the most active attention until the very end.

He participated in the affairs of labor as faithfully, as actively, and as earnestly as though he still worked at his trade. He was a conscientious and thoroughgoing trade-unionist

His service in behalf of underpaid employees of the Government will long be remembered by them. In furtherance of their

just cause he made a pioneer and effective effort.

His patriotic services to the country in its hour of supreme need will long be remembered, and these alone would commend his memory to all who revere human devotion to high prin-ciples. He was in every respect high minded and fearless. He was loyal to his principles and to his friends; to his opponents he was fair, but unyielding in principle. He brought his splendid, manly characteristics into every activity and into every sphere of life into which he was led by his wide and humane impulses and interests.

For my own part I can not fail to express a keen personal feeling of great loss. John Nolan was my warm friend and

in so many projects my colleague and collaborator.

All trade-unionists who knew John Nolan, and particularly those who were intimately associated with his life and work in the cause of labor, justice, freedom, and humanity and in public life will remember him as a type of trade-unionist of whom our movement is proud and in whose service and achieve-

ment it rejoices. His life was a life of service and devotion. His ideals deserve emulation.

His loss is irreparable but his life's work constitutes a memorial of magnificence and permanency. The trade-union movement, in sorrow, gives tribute to his memory.

SAMUEL GOMPERS.

William N. Doak, vice president of the Brotherhood of Railroad Trainmen, a close personal friend of Mr. Nolan, has handed me the following, which I will insert in the RECORD:

"My close association and intimate personal friendship with Hon. JOHN I. NOLAN has indelibly impressed me as to his sterling worth to his country and in particular his devotion to the interests of the great masses of our people. He was fair, honest, and reasonable, yet extremely manly and courageous in his convictions. He had his country's interests above all others and could not be swayed nor changed in his course as a representative of the people. The American labor movement, of which he was a lifelong member, has lost not only a consistent member but a tower of strength for good in its cause. He never was a radical but believed in conservative and orderly means to accomplish his aims and almost invariably won by such methods. His passing means the loss to his country of a patriot, to his family of a model husband and father, to the labor movement an ardent supporter of the rights of the masses, and to his associates, both in public and private life, a loyal friend and companion. We all loved, honored, and respected him and greatly mourn his loss."

Mr. CURRY. I have also received a tribute to Mr. Nolan from Mr. Cooper of Ohio, who was unexpectedly called out of town yesterday. I ask that it also be included in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. COOPER of Ohio. Mr. Speaker, when I came to Washington in 1915 as a Member of the Sixty-fourth Congress one of the first Members of the House of Representatives with whom I became acquainted was our departed friend, John I. NOLAN, whose life and service we commemorate here to-day. There have been few men that I have known in my life

for whom I have had greater respect than JOHN I. NOLAN. At all times I found him an honest, trustworthy friend who was ready to make any sacrifice to help others. He came from the common people. From his early boyhood days until he came to Congress he earned his living by the sweat of his brow. Early in his young manhood he became affiliated with organized laber, first as a private in the ranks and then working his way up until he attained the high position of an officer in one of the great international labor unions of our country.

JOHN I. NOLAN'S loyalty to the workingmen and women of his country is best expressed by his untiring efforts in their behalf during his service in Congress. In this connection I would like to add a word to what has already been said by thousands who mourn his passing. I know that the laboring men and women of the United States never had a stauncher friend than Congressman NoLAN.

Speaking for myself, I want to say that I consider the death of JOHN I. NoLAN as a great personal loss. For he was my true and loyal friend and on many occasions he assisted me in such a manner as to make my pathway more pleasant and easier to travel. His life, his sterling honesty and integrity, his love for his fellow man, have been inspirations to me.

Mr. Speaker, I desire to have inserted as part of my remarks, in 8-point type, an article on the life and service of John I. Nolan, by Thomas F. Flaherty, which appears in the Union Postal Clerk of December, 1922.

CONGRESSMAN NOLAN, OF CALIFORNIA, PASSES ON-DEATH ENDS BRIL-LIANT CAREER OF LABOR LEADER.

[By Thos. F. Flaherty.]

Congressman John I. Nolan, of California, beloved throughout the country because of his vigorous advocacy of legislation beneficial to the workers, died in San Francisco on November 18. While we mourn the life of a friend, we may find comfort in the fact that of such men as JOHN I. NOLAN little is taken away by death. Their spirit and character live after them and in the contemplation of their lives we feel the force and truth of Webster's words:

How little there is of the great and good that can die. They live in all that perpetuates the remembrance of men on earth; in all the recorded proofs of their actions; in the offsprings of their intellects; and in the respect and homage of mankind. They live in their example; and they live and will live in the influence which their lives and their efforts, their principles, and their opinions exercise and will continue to exercise on the affairs of men.

Congressman Nolan was widely known as the spokesman for organized labor in the House. He endeared himself particularly to Government employees by his fearless exposure of deficiencies in Government wage standards and his fight for the

needed remedy, an adequate minimum wage.

The life history of John Nolan reads like an Horatio Alger story. At the age of 9 he was a cash boy in a San Francisco department store. At 20 he was an iron molder and already showing his mettle in the affairs of his local and international union. It was in the labor movement that John Nolan developed his great talents. His ability was recognized first by his immediate associates, who chose him as their business agent. This work brought him in contact with other unionists and he was later elected secretary of the San Francisco Labor Council. His first political position came to him as an appointment from Mayor McCarthy, another laborite, to membership on the board of supervisors in San Francisco.

With a background of years of activity in labor and municipal affairs in his home city John Nolan came into national political life in March, 1913, as a Member of the Sixty-third Congress, elected as a Progressive. He was reelected to each succeeding Congress since then. The universally high esteem in which he was held by his constituency is evidenced by his unanimous reelection as the nominee of both political parties in

the recent election.

The same high purpose and unimpeachable character—a character resting upon a foundation laid deep in human love—which carried John Nolan upward in the labor movement brought him still wider recognition in the larger forum of the National Congress. With the passing of the Progressive Party as a political unit Congressman Nolan aligned himself with the Republicans. But he was never a narrow political partisan; he was partisan only to principles.

In the House he sought and secured membership on the Labor Committee, knowing that it offered him the best opportunity to carry out his purpose to advocate legislation bettering the working conditions of the wage earners. In the Sixty-seventh Congress he reached his goal, the chalrmanship of the Labor Committee. There also came to him the honor of a place on the select steering committee of the House, the committee that maps

out the legislative program of the party in power.

But no political honors, no matter how high they might be, could induce him to sever his direct contact with the labor movement. He retained until his death his membership on the executive board of the International Molders' Union and at-

tended regularly its meetings.

The foregoing outline of this remarkable man's life history tells inadequately the real story. How cold are words. I would like to speak of John Nolan as my friend. The past nine years I have known him intimately. I have watched closely this big and brave and generous and wholesome man as he met the storms of life. He never flinched from any task. His intimates loved him for his humanness.

His first reaction to the manner in which the Government transacted its routine business was typical of John Nolan and shows his outstanding attribute—a passion for justice and fair play. While other new Members of the Sixty-third Congress marveled at the beauty and size of the magnificent public buildings, all evidencing the Nation's wealth and security and greatness, the California laborite began studying the working conditions surrounding the humble tollers who were retained to care for the buildings and to work in them at the multiferous tasks incidental to the conduct of governmental affairs. From the facts developed by this investigation came his intense interest in the question of Government pay standards.

In the eyes of many these inconspicuous Government workers were as inanimate and as impersonal as the furniture or equipment. To John Nolan they were human beings, with the same ideals and aspirations as other normal humans. "Not in its parks or buildings or statues will our Nation find greatness, but in its men and women," was his retort to the banter of associates who, lacking his vision and sympathy, could see no necessity for concern at the old practice of governmental exploita-

tion of helpless workers.

While many of his associates in Congress would frequently wax eloquent in their support of measures for the relief of peoples in remote corners of the world, Congressman Nolan's pointed suggestion that the United States first assume a more sympathetic mandate over its own employees met with no wild acclaim. There was no romance or glamour in the job of fixing adequate wage standards for charwomen or elevator operators. But John Nolan was not disturbed by the fact that he had to start single handed the fight for higher Government pay standards. He introduced his bill; he conducted hearings. For the first time in the history of our Nation a committee of Congress listened sympathetically to the sordid details of the lives of the

submerged Government workers. Congressman Nolan succeeded in his objective—he directed public attention sharply to a condition that needed remedying.

The printed hearings on the Nolan minimum wage bill have been called "The Book of Heart Throbs." Quite appropriately it has been said:

We live in deeds, not years; in thoughts, not breaths; In feelings, not in figures on a dial. We should count time by heart throbs. He most lives Who thinks most, feels the noblest, acts the best.

Congressman Nolan was largely instrumental in the formation of the organization of Government employees that has evolved into the National Federation of Federal Employees. In his district in San Francisco the first unit of the organization was formed. Repeatedly I have heard him tell audiences of Government employees, "You can help yourselves through intelligent organized effort more than I or any other Member of Congress can help you. You must collectively advertise the existence of a human element in the Government service. Only in this way can you arouse and keep informed a sympathetic public opinion, which is your safeguard against oppression or worse—industrial oblivion."

The Nolan \$3 minimum wage bill passed the House three times only to be defeated in the Senate by a small group of reactionaries. But its underlying principle—the fixing of \$1,080 as a minimum wage for Government employees—has been accepted and is embodied in the pending reclassification bill, which appears assured of early passage by the present Congress.

As spokesman for the labor group in the House Congressman Nolan's influence was a great force in shaping remedial legislation. Dozens of his fellow legislators, regardless of party affiliation, followed his lead without question. His steadiness, his integrity, and his wide knowledge of industrial subjects brought him into a sort of unofficial leadership of the progressive forces in Congress. One Congressman, a Democrat from the South, recently said to me, "My name is after John Nolan's on the House roll call. I always vote as he does on labor measures, knowing I can not go wrong in following his judgment."

Occupying a conspicuous place on the wall in his office in the House Office Building is a framed envelope bearing the address, "Hon. John I. Nolan, somewhere in the good old U. S. A." Congressman Nolan was in Arizona when the letter was delivered directly to him. It was sent by the late Daniel C. Slattery, a member of Local No. 2, N. F. P. O. C. The Congressman always pointed to it as evidence of the efficiency of a postal system that could deliver a letter so indefinitely addressed. He did not realize that his name was nationally known because of his sturdy insistence that the rights of the humble and lowly be recognized. He was not conscious that his faithful service and inspiring deeds were exerting a good influence throughout the land.

It is hard to write of John Nolan's life. There is so much to tell, and yet in the telling so much is lost. He was a delightful companion. How he hated hypocrisy. As an antidote to the boasting of a social climber or a descendant of a "first family," he loved to tell in company of his experiences as a young molder, out of employment and riding the "rods" or foraging for food.

In his family circle he was ideally happy. A loving wife and idolized young daughter were always his first concern. One of the proudest moments of his life was the occasion when the Queen of Belgium, from her place in the House gallery, saw little Miss Nolan seated with her father and requested that the child be brought to her. The queen complimented Miss Nolan, a beautiful golden-haired child with much of her daddy's winning personality, for having "brought the sunshine from California."

JOHN NOLAN has gone to a rich reward. He acted well his part in this life. The world is better for his example. His high character and great record of deeds well done have assured him an enduring place in the memory of men and eternal happiness in the beyond. Whatever a supreme being holds for the good he is now enjoying.

Thou sleepest not, for now thy love hath wings
To soar where hence thy hope could hardly fly.
And often, from that other world, on this
Some gleams from great souls gone before may shine,
To shed on struggling hearts a clearer bliss,
And clothe the right with luster more divine.

Mr. CURRY. Also, our colleague from California [Mr. Kahn], who has been ill but who is getting better, as the membership of the House will be glad to hear, has prepared an address, and I ask that his tribute be inserted in the Record.

The SPEAKER pro tempore. Without objection, that will be

done.

There was no objection.

Mr. KAHN. Mr. Speaker, never could the encomium "Well done, good and faithful servant," be more fittingly applied to the life work of any man than to our friend and colleague, JOHN I. NOLAN, to whose memory we pay our tribute to-day. In his death the people of the fifth congressional district of the State of California have lost an industrious, faithful, able Representative, and the country a man who gave freely of the best in him to whatever furthered the interests and welfare of the Nation.

For more than a decade, which embraced one of the most important epochs in our history, he held his place in this House. Almost instinctively he discerned the right or the wrong of any question, rarely his judgment at fault, and on his path as legislator ever shone the guiding star of rectitude. Our friend had barely passed the meridian of life when the

angel beckoned. At the very pinnacle of an abundant manhood he was stricken down. Yet death did not come to him until

after a life replete with achievement.

From childhood, through all the years of adolescence and man's full estate, he faced the stern demands of toiling for his daily bread. When but 9 years of age he found employment as a cash boy in a San Francisco department store. By the time he reached 20 he was an iron molder and active in the affairs of local and international unions. He became not only an apostle but a protagonist of labor.

Men soon recognized his preeminent ability, his strength of purpose, his stern honesty of intention and action, his undeviating efforts to attain the end he aimed at. Where he led they were eager to follow. Withal he not only commanded respect, but won the affection of all who were brought into close contact with him. In 1912 he was chosen secretary of the San Francisco Labor Council. For 14 years he was an officer of the International Molders' Union of North America. The only political office he held prior to his advent here was as a member

of the board of supervisors in San Francisco.

Mr. Speaker, the election of Mr. Nolan to the Congress of the United States was the logical outgrowth of his association with and leadership among the sturdy workers who surrounded him day after day. They had learned to appreciate the clear thinking that showed in his daily conversation. They recognized the straightforwardness of his course in all the relations of life. It needed no effort on his part to inspire them with confidence in him. That grew spontaneously. They trusted him. They felt that their interests could not be confided to safer hands than his. And out of this trust grew love and devotion. How fully John I. Nolan deserved this trust and affection his whole career in this body bears witness.

The first mandate as a Representative in Congress came to him from the Progressive Republican constituency of his district. For his second term he carried the standards of the Progressive Republican and Democratic parties. From his third term on to the end he is ranged with the Republican Party, but the remarkable fact is to be noted that in several of the successive elections he was the nominee of the Democrats as well as the Republicans of his district. In this we may again dis-cern the most convincing proof of the confidence with which men regarded him irrespective of political affiliations. They must have felt that no matter how intricate the problems might be that would present themselves to John Nolan, his native good sense would discover the truth and his honesty would not

permit him to take any but the straight path.

A brief diversion into the realm of moral and political speculation, Mr. Speaker, springs from the recital of the facts just narrated. Ours is a government by parties; and under divine dispensation the Nation has grown and prospered, no matter what party was at the helm for the time being. The old ship of state has weathered many a severe storm while at the helm stood Federalist or Whig, Democrat or Republican. In our cities, in our States, in congressional as well as in national elections, we have seen at various times the wiping out of party lines and the amalgamation of political bodies of opposing tendencies. In these occasional upheavals, Mr. Speaker, may we not discover the fundamental good sense of the American electorate, the discernment which enables it to cast aside a man for a prin-Is it not a sign of sound political morality that, as in JOHN NOLAN'S case, Democrats placed in nomination a Republican whom they knew they could trust rather than one of their own party of whom they could not be sure? To my thinking, Mr. Speaker, this is a shining illustration of the native honesty of the American citizen and of his shrewdness in deciding when it is "better be sure than be sorry

No more splendid tribute could have been paid to John I. Nolan than these repeated expressions of the confidence and trust reposed in him by his fellows; no greater testimonial of their affections could he have desired. They knew that, having been true to himself, he "could not then be false to any man." He had passed through the acid test of daily intercourse in the same field of labor under like conditions for all; not only figuratively but actually, physically, he and they together had passed through flery furnaces. In those furnaces John Nolan molded the metal of his character and cast it into form. Need we wonder that men who stood side by side with him and saw this form expand under the hammer blows of life's turmoil felt secure in selecting and electing him to represent them in the Congress of the Nation?

From the very moment of his entering upon his activities in this House to the last day John Nolan ran true to form. was a foregone conclusion that he would be assigned to the Committee on Labor, and there he did splendid, effective work. Of this some of his colleagues on that committee will speak more in detail. I will content myself with a general review of his

efficient labors.

From the very first he evinced great interest in the men and women of the lower grades of Government service. It is related that his attention and sympathy were first directed to the cleaners in the corridors of the House Office Building. may or may not be true, but it would be so characteristic of JOHN I. NOLAN that I am more than ready to believe it. At any rate he bent his efforts toward an increase in the pay of these most poorly paid of Uncle Sam's army of workers. It was but natural that his experience in the labor unions should lead him to favor similar organizations among Government employees. His desire to better their economic condition first found an outlet in his congressional district. There he advised the formation of associations of Government employees and there the movement was initiated which has resulted in the organization of the National Federation of Federal Employees. Throughout the length of his service in Congress he never failed to aid in every possible way. Several times he framed and introduced minimum-wage bills. Three times such a bill passed the House of Representatives, only to be defeated in the Senate. The basic principle of these bills, however, the fixing of \$1,080 as a minimum wage for Government employees has found a footing in the reclassification bill now pending and successful action on which is no longer in doubt.

When this measure shall have been placed on the statute books the name of John I. Nolan will be imperishably associated with it, for he may be said to have been its progenitor. Certainly he gave the first impulse to the movement of which

the law will be the culmination.

In many other directions did he show his solicitude for the welfare of those who labor with their hands. He proposed an amendment to the Constitution relative to the employment of children under 18 years of age. He introduced bills to restrict convict labor in competition with free labor in interstate commerce; to prepare systems of public works for future cyclical periods of depression and unemployment; to encourage ownership and to stimulate the buying and building of homes, and other measures of like far-reaching social and economic importance, enactment of which into law will come as surely as men's minds come to realize that the principles underlying these propositions are the very foundation stones of social order and prosperity.

His speeches on these and related subjects were frequent and always commanded attention, for all that knew him knew also that his utterances were not the mouthings of a demagogue currying class favor or votes but the outpourings of a spirit striving for betterment. His pleas were for the workers on farms and in forests and fields, for the workers in factories and shops and stores, for the toilers of the sea, and for those who in Government offices delved in scientific investigations for inadequate pay. He was an earnest speaker, and his arguments were driven home by logical deductions from incontrovertible facts.

When we turn to his personality we behold one whom to know was to esteem and to love. Firm in his convictions, he was ever gentle in his intercourse with his colleagues. litical differences did not lessen personal affection. I doubt if there was anyone on either side of this House but had a kindly feeling for John I. Nolan. He was the best of good fellows; always compassionate, kind-hearted, open-handed, generous, and considerate in thought and speech-loving and beloved.

Think not the good.
The gentle deeds of mercy thou hast done,
Shall die forgotten all. The poor, the pris'ner,
The fatherless, the friendless, and the widow,
Who daily own the bounty of the hand,
Shall cry to heaven and bring a blessing on thee.

Mr. FREAR. Mr. Speaker, our fellow men judge us by other standards than our own. The personality, ability, and character we present to them are poured into the crucible for analysis and the result is the estimate by our fellows. We may differ, some-times radically, in estimates of a man, for every individual judgment is governed by its own standards, but I do not believe material difference will be found among the friends and colleagues of John I. Nolan when his record, ability, and accomplishments are submitted to the test.

We all knew him as few men become known here, respected him for his independence, fairness, and strength of character, and valued his advice and judgment. We knew his life struggle, his hard climb up the ladder, until he reached an honorable place in public life that any man, however gifted or great, might well be proud to fill. A splendid Representative in all that the term implies, charged with equal share of responsibility for legislation affecting the whole country, he never faltered or halted, but often led the way. individual triumph over circumstances will be found among all the membership of the House than the career of John I. NOLAN, and no higher tribute can be offered than this simple statement of fact.

What better preparation for the special legislation to which his energies were directed? Was it a question affecting human oppression or the rights of men expressed in constant appeal made in the name of humanity, John Nolan's heart was touched and he enlisted others in the cause until corrective legislation was had, if to be reached by law.

When problems were presented where party policies or expediencies were urged contrary to his judgment of right, he never hesitated what course to pursue, and in that independence lay his strength, for he never asked or permitted others to do his thinking. As he thought so he acted with all his might, and few men brought equal force or energy to a cause when once he was enlisted.

I knew John Nolan as many others knew him, and to me he afforded a striking example of simple courage, of high ideals, and a broad love of humanity. Hunt's story of Ben Adhem's vision might well apply to him, for John Nolan's highest ambition was to serve his fellow man, and we may well believe the recording angel has written his name high above the rest.

The great work which he begun, and which has been left to others to continue, must go on, but his strong leadership, great faith and energy, will be missed when most needed.

Life and death are impossible for finite minds to fathom. can only believe the Infinite has planned all things well, and that the compensation for John Nolan's loss lies in remembrance of the good he did and knowledge that the world was made better through his life. With those who grieve, I feel a deep sorrow and personal loss that can not be expressed in words.

Mr. SIEGEL. Mr. Speaker, when a few weeks ago Congressman John I. Nolan passed to the far beyond this country lost one who typified American opportunity in the full sense of the word. No one can charge him with being a hypocrite. He was sincerity personified. He worked his own way up to the point where he won the respect of every one of his colleagues, because of his indomitable courage and love for work. emplified the American citizen who tried to do the best that was in him for his fellow men. He died poor in the sense that he left practically no financial resources. He died rich, however, in the esteem which his fellow citizens and his col-leagues held him. The people of his congressional district loved him. They paid him the greatest tribute that could be paid to man when they sent to Congress as his successor his dear and beloved wife. If John Nolan were able to speak to his fellow Americans to-day, he would have expressed himself in the language of a distinguished preacher, who said:

"He who wants to help shape the life and thought of coming generations must become the teacher of those that are young, expecting that these little ones will become the channels through which his own personality will journey forward, Bacon said that a book was a ship that carried the intellectual treasures of one century down to another. And the child is a kind of ship that floats the argosies of character forward, bearing them to the generations yet unborn. To what extent, then, do we love children? Are we teaching them? Are we in-terested in the schools either for the intellect or the conscience on the weekday or on Sunday? And upon how many children and youth are we impressing ourselves, and how deeply?
"'Shall I be remembered?' asked the wounded and dying

President; and every man approaching the end of his own

career puts that question to his own soul. It is a pathetic fact that nearly all of the things that men achieve perish with them and can not be left to society. Solomon may be the wisest of men, but, reading many languages, his child must begin just where his father began and learn the alphabet for himself. Some Burke as statesman may acquire such knowledge of human nature that he can read the flitting emotions that pass over an enemy's face as he would read an open book, but the great orator could not bequeath his knowledge of men to his The growing boy looked upon men's faces and tried to interpret their moods, at first as helpless as the savage who looks at the hieroglyphics on the page of a book and wonders what they mean. The outer masks that belong to the bodyclothes, furniture, gold-a man can leave, but the real treasure of his soul dies with him.

"There is one thing, however, that he may bequeath to his children. If the parent will take the time for it; if he will deny himself his ease and intelligence, and perhaps some of his culture, if walking abroad or reading, or sitting down or rising up, he makes a companion of his child, harvests for him all the wisdom of his long experience, teaches him self-control, and finally reproduces himself in the child, to that extent he can influence futurity. Children are wax to receive and steel to hold the writings of teachers. That is why all strong men feel so great a debt and obligation toward their parents and early teachers. Many a man here cherishes the features and name of some instructor, who did for him all that Arnold or Rugby did for Stanley. There are some of you who never think of that professor with whom you once studied, save with tears and tender thoughts. It is this that explains the hold your mother and father have upon you. In your middle life the era of science came in and skeptics and doubters and philosophers pulled down the philosophical structure that you built in your youth. It seemed as if the flood had come and swept all the But there was one thing that held youold structures away. your father's beautiful life, while your mother's face was to you the face of an angel, that from time to time shone forth with unexampled loveliness. Other influences come in to wreck boys and ruin them, but at last, either here or there, the influence and teachings of mother and father reassert themselves and draw the wanderer back to integrity and virtue. That which all other influences together can not achieve it is given to the teacher and parent to accomplish. Here we take short looks, like mariners who sail from cloud bank to cloud bank, instead of steering by the stars, but in the long look and the long run, when the child is old, and time, either here or there, has passed, the youth will not depart from the path made beautiful to him in childhood.

Compulsory study kill spontaneity! Look at this "What! calla lily! Why, the very freshness, beauty, and perfection of this flower stands for a rigid rule. By strict adherence to a set formula nature prepares the flavor of the strawberry. By rigorous rule nature paints the apple blossom; never varying her formula, she lends spice and tang to peach and pear. In the intellectual realm, also, in proportion as men have put themselves under rule and rigid compulsion, have they gone toward spontaneity of genius. Burns is a lyric poet, but David is the child of creative inspiration. 'Morning and noon and night do I pray.' For system feeds the springs of inspiration. Those orators, too, who have been most famous for spontaneous and extemporaneous eloquence in maturity-Webster and Gladstone and Beecher-have been given many years in youth to drill and compulsory training in voice and posture and Mr. Beecher tells us that for four years, in Amherst College, he was under the care of one of the great teachers in elocution, Professor Lovell, and that during the mild weather he spent two hours a day splitting the air with the explosion of vowels and consonants, and that he kept up his breathings and drill until he was 30, at which time his method was fixed.

"No youth is fitted to inherit an institution whose forehead is not on a level with the inventor thereof. To create wealth, social and material, requires great intelligence and wise ad-ministration. Watt's engine and Jacquard's loom incarnate their genius. No man can take charge of the loom whose intelligence is not equal to the automatic intelligence in the loom plus the brain power equal to all the crises of that loom. In like manner our social and political institutions incarnate the genius of an Adams, Washington, or Lincoln. No youth is fitted to lay hands upon this social mechanism who has not carried his brain and conscience up to the level of Hamilton and Jefferson when they invented their instruments. To give a throbbing engine into the hands of an inexpert child is a crime. Nor can it ever be right for the State to give its forceful tools to youth stupid and unwise through the State's neglect. Constitutions may make suffrage universal, but it is easier for the State to legislate aside the nature of things, or lead the Almighty to the edge of His universe and bow Him out of existence, than to give ignorance, weakness, and vice the right to go up to the judgment seat and through the ballot lever determine destiny for multitudes. In founding these institutions our fathers assumed that the people would see to it that there should never be a body of ignorant or untrained youth. But while much is being accomplished in moral training, it must be confessed that, relative to the advance in the creation of wealth, the development of intellectual tools, with press, public schools, and academies, the invention of instruments for moral training is far and away behind all others.

"The instruments for the moral training of youth are two-

fold. First are the common schools-jackscrews under the sills of the Nation by which all the people are slowly being lifted. Our fathers founded these schools not alone in the interest of wisdom and learning but of ethics and morality. Their schools exercised a triple function, to wit: Trained the child's reason to perceive the truth; his taste to admire the beautiful; his moral sense to judge between acts right and acts wrong. Casting out theology, they enthroned ethics. They taught the youth how to read and write and also how to carry himself in the home, the market place, the forum, and at the polls. Daniel Webster believed with them when he said: 'The right of the State to punish crime involves the State's duty to teach Ethics concern man as man. Moral principles are not denominational. They are no more ecclesiastical than the principles of breathing, or walking, or eating, or sound thinking. To render the youth's mind keen as a Damascus blade without teaching him how to carry his instrument through the crowded street is to work injury toward the child and disaster toward his fellows. The three R's are not so vital to the child's welfare as the moral principles that teach the art of right living. Disobedience to law is always slavery. Obedience is liberty. Disobedience is the law of fire, water, acid, is death. Obedience to the law of color gives the artist's skill; to the law of eloquence, the orator's power; to the law of iron, the inventor's engine. Disobedience to the moral laws means waste, wretchedness. Want turns cities into heaps and renders society a herd. Thus the common schools become the real promoters of civilization-the bulwarks thereof. They teach patriotism. They destroy clannishness. They unify the races. It has been said that 'The State rests upon a tripod-a free school, a free church, a free State. When one leg falls the whole structure will come crashing down."

Mr. RAINEY of Illinois. Mr. Speaker, in accordance with a time-honored custom we are met to-day to pay the last tribute of respect to one of our colleagues who has joined "the innumerable caravan that moves toward the realms of death."

It is most appropriate that the House of Representatives should perpetuate this custom, for in this era public men are subjected to so much criticism and so much that is evil is attributed to their every act that it is eminently fitting for those who served by their side in public life to testify to the good they have done and to place a wreath of honorable memory upon the name of one who is not longer here to speak for himself.

JOHN I. NOLAN was a Member of this House for a very short time before the "grim reaper, Death," called him from the activities of this life to that "bourn from whence no traveler returns," but in the short time he was with us those who had the opportunity to meet and know him found a genial and kindly personality, united to a strong and forceful character, and had he lived but a few years more he would have undoubtedly left an impressive reputation as a legislator and statesman, for he had a wide grasp of all public questions and a clear discernment of the duties and obligations of his office such as few men show.

But it was not to be, and we are reminded again that in the midst of life we should be prepared for the summons that has been prepared for all of us and that may be served at any moment.

Fortunately, as we stand beside the bier of a loved one who has gone before we hear the gentle voice that reaches us through the centuries and bids us recall His promise in those words of never-failing cheer: "I am the resurrection and the life."

never-failing cheer: "I am the resurrection and the life."

It is this reflection that comforts us when we contemplate the many who have left us to go to that land of shadows and find through the valley of the shadow of death the way to the realms of everlasting peace.

It is then, as we recall the losses we have suffered in the past, that we may say with the poet:

Life's shores are shifting
Every year,
And we are seaward drifting
Every year,
Old places, changing, fret us;
The living more forget us;
There are fewer to regret us
Every year;
But the truer life grows nigher
Every year;
Earth's hold on us grows slighter
And the heavy burden lighter
And the dawn immortal brighter,
Every year.

The regard and esteem in which he was held by his associates in the Congress of the United States has been attested by others here to-day. John Nolan was a man of strong character and determination; when he took a position and made up his mind with reference to any question, he stood for it with that unfailing determination that marked him, in deed and in truth, as a man through and through, upon whom you could depend not only when the sun was shining but when the thunders rolled and darkness came. He stood like a beacon light for the principles he loved and which in his heart he believed were for the welfare of the people. He was ready and willing to listen to suggestions and to arguments, and if convinced that he was wrong he had the manhood and courage to acknowledge his error and correct his position.

Great as are the words and expressions that have been offered here to-day in tribute to the respect and memory of John Nolan, they must fade into insignificance when compared with the wonderful testimonial given to him by the people of his district when they selected his beloved widow as his successor in this legislative body.

There is no death here. The flowers which wither and die with the expiring year, as the cold blasts of winter come, merely sleep through the months of cold and fog and snow until the warm breath of May brings them back to life again. The rocks, as they decay, simply sustain the mosses that grow upon them. The sun, as it sets in the western sky, merely rises to shine in splendor on other seas and on other shores. The stars, as they move in brilliant procession across the skies during the night hours and disappear beyond the western horizon, simply rise again to shine in all their beauty upon other scenes. And so, upon occasions like this, there is always left to the friends of him who has departed the consolation and the faith that what we call on this earth death is merely the passing through the portal to a world we do not understand, but to a world which we are sure is more splendid, more magnificent than this, to a career which is longer than this, and there is left the hope that this life has been but a mere period of preparation for a newer and a fuller and a larger life which lies beyond the grave.

Therefore, in conclusion, let me say I desire to pay this tribute because of the fact I believe Congressman NoLAN deserves it by reason of the fact that he stood close at all times to the people and was in deed and in truth a true representative of those who intrusted him with their commission. He was a good citizen in life; he was a true friend; he was a faithful public official; he was a patriot, and a devoted husband and father; and therefore, in the end of his life, these characteristics all combine to make a consummation of a life which is an honor to him, which is a heritage to his loved ones and to his family, which is a gratification to his friends, which is a fond remembrance to the citizens of his great city and of the community in which he lived, and which being now made of record in the annals of this House will be in days to come a fitting memorial of a true American citizen, and when it is said of a man that he is a true American citizen it is saying of him that he represents the great principles for which this marvelous Republic stands, and no greater compliment or honor can be paid. May God bless and comfort his loved ones and help them to look forward to the coming of the perfect day when we shall meet those who have gone before and await us in the city beautiful.

THE LATE REPRESENTATIVE HENRY Z. OSBORNE.

Mr. CURRY resumed the chair as Speaker pro tempore.
Mr. LINEBERGER. Mr. Speaker, I offer a resolution, which
I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 562.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. Henry Z. Osborne, late a Member of this House from the State of California.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of the day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the

Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The control of the send a copy of these resolutions to the family of the deceased. Mr. LINEBERGER. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER pro tempore. Without objection, the resolu-

tion will be adopted as read.

The resolution was unanimously agreed to.

Mr. LINEBERGER. Mr. Speaker, I ask that the Members be granted a period of five days in which to revise and extend their remarks, and in behalf of such other Members as desire to extend their remarks in the RECORD, I ask that they may have that privilege within five days. I also ask that any insertions in the Record that may be requested by Members presenting them may be extended in 8-point type. That applies to speeches regarding both Mr. Nolan and Mr. Osbonne.

The SPEAKER pro tempore. Is there objection to the re-

quest of the gentleman from California?

There was no objection.

Mr. LINEBERGER. Mr. Speaker and distinguished colleagues, at 3 o'clock and 5 minutes post meridian (Pacific time), February 8, 1923, in the beautiful city of Los Angeles, known in the days when the Spanish dons held sway over the broad domains of California as "La Ciudad de Nuestra Señora de Los Angeles," meaning, translated, the City of Our Lady of the Angels, there passed from the membership of the Parliament of this Great Republic to the Parliament of eternal life gathered around the throne everlasting one of God's mightiest noblemen, our beloved friend and colleague, Hon. HENRY ZENAS OSBORNE, of California.

There, surrounded by members of his family, including his children and grandchildren, amid the sunshine and flowers of the great city and State which he loved and had served so long and faithfully in such a distinguished manner, his life passed out with the ebb of the tide of the mighty Pacific, into whose shining waters sank the sun of the glorious western sea, as if

in sorrow bowing in tribute to his memory.

His colleagues here know how he met the great ordeal. He who, on the field of battle, as a mere youth, had faced the murderous onslaught of shot and shell under circumstances that try men's souls-he who had fought life's battles and scaled the difficult ladder which, for him, led to achievement, fame, and distinction-did not falter in the hour which God in His wisdom had allotted that his soul should take its flight. We know in that supreme moment of transition he met life's greatest crisis as we who knew him and loved him expected that he would-unflinchingly, calm, and unafraid. His loss is universally mourned by all who knew him, and particularly so in this House, where his exceptionally fine qualities of mind and heart attracted men to him and caused them at once to discern his worth and to be proud to call themselves his friends. To me his friendship and association were particularly dear, not only because of my deep admiration for him personally as a man but because of his high intellectual qualities, broad experience, and well-balanced knowledge as a legislator.

Captain Osborne was more than a mere lawmaker; he was a statesman of the old school who grasped the problems of the hour and, with his keen perception and yardstick of unselfish, patriotic Americanism, read with unerring judgment their import to the present and future welfare of the Republic. Like the great Lincoln, of whom he was an intense admirer, he never swerved from his faith in our institutions and believed with his whole soul that our Government is, and should forever continue to be, of the people, by the people, and for the people; that it should be conducted for the greatest good to the greatest number and not for the few as against the many. His great heart throbbed with the spirit of democracy and equality—a tradition transmitted to him, no doubt, as a worthy descendant of a long line of American ancestry dating back to pre-Revolutionary Without bitterness or malice he was the upstanding days. protector of the weak and without ostentation carried into his daily life and contacts the teachings of the Master.

His life was one of unselfish service to community. State, and Nation, and last, but not least, to his God. He was soldier, citizen, and statesman, and his life and public services stand out in bold relief not only to be emulated by his own children, their children, and their descendants but by the youth of Cali-

fornia and of the Nation.

I shall always treasure the memories of my close association with Captain Osborne here in Congress, for it was here that I grew to know and appreciate him best. To me, as a new man

in the House, his ever helpful counsel and advice, which was always sincerely given when asked for but never ventured un-solicited, was of inestimable value. We worked in the closest cooperation; and while we separately represented two great congressional districts which are comprised within the confines of Los Angeles County, forming almost an empire, our relations were most harmonious and pleasant, and together we meshed without friction our efforts to serve the constituencies which had so highly honored us and which he reciprocated in such full measure.

These personal recollections I shall treasure within the innermost recesses of memory, enshrined about the image of one who has permitted me to drink a cup of kindness from his hands at life's most rare and beauteous fountain-the fountain of

true friendship

To show the value which Congressman Osborne himself placed on friendship and the service to one's fellows inspired by it, I quote from a letter he wrote to all his friends, asking his son to let it reach them. This was written only a short time ago, when he realized his time was nearly up. It is indeed characteristic of our colleague as we knew him; his words were as follows:

Life is made happy only by friendships. My own life has been a treasury rich in friendships, and whatever I may be credited with accomplishing has been staunch friends, true friends, and their confidence and support have always been a comfort to me.

I have never counted as very important among life's ambitions the accumulation of worldly riches. Money is good only in its wise expenditure and for others. But I always felt that services for my fellows, so far as in my ability lay, brought me the greatest reward, and I have felt repaid that I devoted my life in public service.

Cicero, among the ancients, and Shakespeare, Moore, and Emerson, of later fame, understood and wrote of "the mysterious cement of the soul," of which fine texture Captain Os-BORNE wrote and paid tribute in his philosophy of life based upon his own life's experiences.

If I were to be asked in a few words to define our departed colleague's most outstanding virtues, the ones which towered high above all the rest-and he had many-I would say that

they were loyalty, integrity, and friendliness.

He was loyal to a fault and never forgot the friends and principles which were near and dear to him before he achieved power, position, and influence.

His integrity was unquestioned, and he was the soul of honest purpose in thought and deed, in public as in private life.

His friendliness to all mankind in general and the friend-ship which he bestowed upon his friends was boundless, and clear and deep like the slient waters of the swift-flowing stream, carried on down life's pathway till the last. His words to me, on the bed where he lay, as I clasped his hand and left his presence for the last time, in November, 1922, were "Good-by, friend."

Among the many distinguished Members from all of the States of the Union gathered here to-day to pay public tribute to the life, character, and distinguished public services of our departed colleague are gentlemen who have perhaps known him longer, and who have the ability to express in words more fitting the universal sense of sorrow and of loss felt by the House on this occasion, but there are none who feel these

emotions more deeply than I.

If there was any one thing for which Congressman OSBORNE was more noted in the way of a personal characteristic before the public than another, it was for his inherent modesty; it was intensely characteristic of the man. Shortly after the death last year of another distinguished colleague from California, Hon. John Arthur Elston, and perhaps realizing that one knoweth not the day nor the hour when the grim reaper cometh," and in keeping with his businesslike, methodical handling of his private as well as public affairs, he dictated in the third person to his faithful and efficient secretary, Mr. Chlide Nelms, a concise, impersonal, and authentic statement, characterized from beginning to end by its modesty, divorced from all egotism, a chronological sketch of his life and varied activities down to that time. Its concise and faultless diction, devoid of all blandishment and embodying in its entirety only the modest and simple statement of fact, all in the inimitable style of Congressman Osborne himself, speak the very spirit of the man whose memory to-day we honor, and bring him back to us as we knew him when he stood before us here on this very floor in full possession of all his manly force and vigor.

I feel, Mr. Speaker, that the biographical sketch which I shall read into the RECORD should form a permanent part of the proceedings of these memorial services, and that it should be preserved in the Congressional Record as a monument to our friend that future generations of Americans, long after we who are gathered here shall have passed from the scenes of

life's activities, may read and ponder, and in so doing be inspired to emulate his example.

The sketch to which I refer is from the original dictation of Mr. Osborne with one or two very slight additions of fact inserted to bring his congressional career down to date. The sketch with the accompanying explanatory memorandum from his secretary, Mr. Nelms, is as follows:

[Memorandum for Mr. LINEBERGER.]

FEBRUARY 15, 1923.

This little sketch was dictated to me by Mr. Osborne in November, 1921, shortly before he departed for California when Mr. Elston's body was sent back there for burial. The copies made at that time were exhausted in supplying the various newspapers, and this has been reproduced from my shorthand notes. The only change made was where I mentioned the fact that Mr. Osborne was appointed a member of the Committee on Appropriations last spring, whereas at the time the sketch was dictated he was still on the Rivers and Harbors.

Although Mr. Osborne was opposed in the primary last August by another Republican candidate, he was nominated without opposition by the Democrats, and was written in by the Prohibitionists to the extent to nominate him and tied the Socialist candidate. He had no opposition whatever in the election. Mr. Osborne, as you know, left here in September last and never returned.

If there is any other information I can give you, I'll be only too glad to furnish it if you will only suggest.

CHLIDE NELMS.

"Henry Z. Osbobne, printer, editor, gold miner, and Congressman, born at New Lebanon, Columbia County, N. Y., October 4, 1848, eldest son of Rev. Zenas Ward Osborne and Juliette (Bristol) Osborne. At 13 years of age he was apprenticed to learn the printers' trade in the office of the Buffalo Christian Advocate. This was during the period of the Civil War, at the beginning of which he was but 12 years of age. He desired to volunteer into the military service as a drummer boy, but his parents would not permit him to do so. Late in 1864 his mother passed on, and in February, 1865, he enlisted as a private in Company E, One hundred and ninety-second New York Volunteer Infantry, responding to the last call for troops of President Lincoln. At that time it was presumed that the war might last a year or two longer. His regiment was dispatched to the Shenandoah Valley and became a part of the Third Provisional Division of Hancock's Veteran Corps, under the general command of Lieut, Gen. Phil Sheridan. Throughout his military service he was on duty at all times, excepting three weeks, which he spent in a field hospital at Summit Point, Va. He was mustered out of the military service at Cumberland, Md., August 28, 1865, but was held in service until October 2, 1865, when he was given his final discharge at the Troy Road Barracks, near Albany, N. Y., two days before his seventeenth birthday.

"Immediately thereafter he obtained employment as a printer in the office of the Utlca (N. Y.) Herald. In the following summer he worked in the office of the Titusville (Pa.) Herald, the Clincinnati Gazette, the Memphis Avalanche and Appeal, the Jackson (Miss.) Clarlon, and the New Orleans Daily Crescent, where he lived for more than 10 years. At 24 years of age he was president of the New Orleans Typographical Union—in the year 1873—and three years later, at 27, he was first vice president of the International Typographical Union. In the meantime he was New Orleans correspondent of the Chicago Tribune, from 1873 to 1878, and was a legislative reporter in New Orleans and for a time reporter of the Associated Press.

"In 1877 he had a severe attack of pneumonia at New Orleans and moved, in 1878, to California, where he became editor and publisher of the Bodie Daily Free Press, which he published for six years. In 1884 he published the Los Angeles Evening Express, and removed to that city of which he has been a citizen ever since. At that time there were about 15,000 people in Los Angeles. He edited and published the Evening Express until the year 1897. His life has been intimately connected with the growth of the city of Los Angeles, He participated in the organization of many of the civic, social, and commercial organizations of the city, was a charter member of the Chamber of Commerce in 1888, a member of the board of directors for several years, vice president in 1911, and president in 1912, was a charter member of the Chamber of Mines and Oil in 1907, charter member of the California Club, Union League Club, and Sunset Club, president of the latter club in 1905. He was vice president of the California Press Associa-

tion in 1888; president of the Southern California Editorial Association in 1889; was senior vice commander in chief of the Grand Army of the Republic in 1912 and 1913; member of California Society, Sons of the Revolution; served six years as captain in the National Guard of California, retired in 1897; was worshipful master of Southern California Lodge 278, F. & A. M., in 1888, and eminent commander of Los Angeles Commandery No. 9, Knights Templar, in 1891; was a charter member of Al Malaikah Temple, Nobles of the Mystic Shrine, and one of the committee who selected its name; held many positions of trust and confidence as executor of estates, etc.; United States receiver of public moneys of Bodie, Calif., third district, six years-1878 to 1884-United States collector of customs for the Los Angeles district four years-1891 to 1894-United States marshal, district of Southern California, embracing the southern half of the State eight years-1898 to 1906was commissioner of the board of public works of Los Angeles, 1914 and 1915; took an active interest in politics and was a delegate to the Republican State conventions about 20 years, commencing with the convention of 1882, when Hon. Morris M. Estee was nominated for governor the first time; served 10 years as member of the executive committee Republican State central committee of California, five terms of two years each, from 1890 to 1900, in 1896 presiding over combined committees of southern California in the successful campaign for the election of President McKinley; was a delegate to the Republican national convention of 1888 which nominated Gen, Benjamin Harrison for President.

"At the age of 24, in 1872, he was married to Miss Helen Annas at Cazenovia, N. Y., and has four sons and one daughter. The sons of Sherrill B. Osborne, attorney; Henry Z. Osborne, jr., a civil engineer, and connected many years with the engineering department of the city of Los Angeles and later as chief engineer of the board of public utilities; Clarence B. Osborne, geologist and mining engineer, located at Denver, Colo.; and Raymond G. Osborne, testing engineer, with chemical and physical laboratories in the Marsh-Strong Building, Los Angeles. The only daughter, Edith Helen Osborne, married Samuel S. Stahl, highway engineer. All were attendants and graduates of Stanford University.

He was first elected to the Sixty-fifth Congress in 1916 as a Republican by 63,913 votes, a majority of 30,688 over his opponent. He entered Congress immediately before the commencement of the World War, and his first vote was cast for the declaration of the state of war, as advocated by President Wilson on the first day of the session of that Congress. His votes throughout the war were without exception in favor of its prosecution and in support of the administration which has been charged with responsibility, and without reference to partisan considerations. He voted for the selective draft bill, the various supply bills, including all the Liberty loan acts, for giving the Government all the power that it asked of Congress in order to successfully conduct the war. Near the end of his first term in Congress he received a letter from about a dozen or 15 of the leading Democrats of Los Angeles, stating that they had noted with satisfaction his speeches and votes in favor of standing by the administration in the prosecution of the war, and that they desired to attest their appreciation in some substantial way. He was asked that in the event that he should be made the regular candidate of the Democratic Party, without effort on his part and without obligation either political or otherwise, would be decline such nomination. that if there was a substantial feeling of that kind among the Democrats of his district he would not only not decline such a nomination but would regard it as a great honor.

"Accordingly the leading Democrats of the district circulated petitions required by law and he was without opposition made the candidate of the Democratic Party as well as of the Republican Party. His name was also written in on Prohibition ballots in such numbers that he became also the candidate of the Prohibition Party. This resulted in his receiving a vote in the election of 1918 of 72,773 to 9,725 for the Socialist nominee, a majority of 63,048, for the Sixty-sixth Congress.

"In 1920 he was again renominated by Republicans, Democrats, and Prohibitionists, and received 97,469 to 20,439, a majority of 77,030,"

In this connection I wish to insert that again last year he was renominated by the Republicans and indorsed by Democrats and Prohibitionists for the Sixty-eighth Congress and was elected almost unanimously, having received 98,739 votes.

"During the World War Congressman Osborne was very

"During the World War Congressman Osborne was very active in Congress in participating in the legislation for the carrying on of the war. In the Sixty-sixth and Sixty-seventh Con-

gresses he was also prominently connected with the legislation to restore the country to a condition of peace by the reduction of taxes and the bringing down of the expenses of the Government to peace conditions. He was a member of one of the major committees of the House, that on Rivers and Harbors, and was ranking member of that committee when he resigned to accept appointment on the Committee on Appropriations in the spring of 1922. His work has been potential in bringing to Angeles and southern California many public utilities. During the war he assisted in the location of Camp Kearny, March Field, and the balloon school at Arcadia, known as Ross Field. He secured the final appropriations for constructing the silt-diversion plan of discharging the Los Angeles and San Gabriel Rivers into the ocean in such a way as to prevent the deposits of silt in Long Beach and Los Angeles Harbors. He secured an appropriation to connect Long Beach Harbor with the Los Angeles Harbor through a waterway, also an appropriation for the dredging of the West Basin and for widening and straightening the entrance to the harbor which will eventually increase the width to 1,000 feet. He also worked diligently for the establishment of the submarine site at Los Angeles Harbor. He secured for the city post office the terminal substation, which is now the principal workshop of the post office and which added immensely to the postal facilities of

"During the Sixty-seventh Congress he was the last soldier of the Civil War on the Union side to serve as a Member of Congress. There was also one Confederate. When he entered the Sixty-fifth Congress there were four Union soldiers and four Confederates.

"His interest in the conduct of the war extended to the soldiers engaged in the war, and he was always a consistent friends of the soldiers of the World War and of all soldiers and sailors who served the country in time of war. When the League of Nations controversy was before the country he advocated reservations to the covenant that would prevent the Nation from being involuntarily plunged into war and which would preserve the integrity of the Nation. He was a warm advocate of the Limitation of Arms Conference called by President Harding.

"He formed a very widespread acquaintance in both House and Senate and enjoyed a high degree of personal popularity, as well as with the President, members of the Cabinet, and ad-This acquaintanceministrative officers of the Government. ship enabled him to be of more than usual service to the citizens of the tenth congressional district."

And so it is, Mr. Speaker, that earth's last picture was painted in the sketch which I have just read by the hand of him who fashioned from humble beginnings the deeds which characterized his life of distinguished achievements, making it so worthy of emulation.

In this connection I recall that Captain Osborne was of a deeply literary and contemplative mind, and I am sure that he felt that the activities of this life were only to be the stimulus for growth and achievement in the one to come.

Knowing his fondness for the lines of Kipling embodied in that magnificent piece of verse, "When earth's last picture is painted," wherein the contemplative soul of Captain OSBORNE found such happy reflections, if I may be permitted, I shall quote it herewith as a tribute to his memory:

WHEN EARTH'S LAST PICTURE IS PAINTED.

When Earth's last picture is painted and the tubes are twisted and

When the oldest colours have faded, and the youngest critic has died, We shall rest, and, faith, we shall need it—lie down for an acon or

Till the Master of all good workmen shall put us to work anew.

And those that were good shall be happy, they shall sit in a golden

chair; shall splash at a 10-league canvas with brushes of comets' hair; They shall find real saints to draw from—Magdalene, Peter, and Paul; They shall work for an age at a sitting and never be tired at all!

And only the Master shall praise us, and only the Master shall blame; And no one shall work for money, and no one shall work for fame, But each for the joy of the working, and each, in his separate star, Shall draw the thing as he sees it for the good of things as they are!

In meter and in cadence similar to the poems of his favorite Longfellow, whose pure and primitive poetic style appealed to Congressman Osborne's untarnished soul, I have humbly attempted to compose and dedicate these parting words to our friend, who, when he was with us, squarely faced the east and fought life's battles. Having nobly completed his task, he silently folded his tent and turned to the west, where sinks the setting sun, only to be followed by the quiet and peaceful slumber of the night in preparation for the great awakening of the glorious resurrection morn on eternity's shining shore:

Farewell colleague, comrade, brother, friend,
When the Great Architect of the universe,
In conformity with life's eternal plan,
Shali have raised us to a higher and sublimer sphere
To complete the work begun but left unfinished here,
In that far-distant land to which you have traveled,
When we, too, have passed from labor to refreshment plane,
We feel, we know, that we shall meet again.

Mr. DUPRÉ. Mr. Speaker, when HENRY ZENAS OSBORNE died at his home in Los Angeles, Calif., on February 8, 1923, the House of Representatives for the first time in possibly more than 50 years found that its roster of membership did not include the name of a single man who had served in the Union Army during the Civil War. Captain OSBORNE was the last, as he was one of the most gallant, of that long list of Federal soldiers who were Members of this House, and he will probably be the last, except for Gen. ISAAC R. SHERWOOD, of Ohio, who returns, always welcome, with the advent of the Sixty-eighth Congress. May for many years to come remain with us Maj. CHARLES M. STEDMAN, of the Fifth North Carolina district, the sole survivor of the lost cause in either branch of Congress

Captain OSBORNE enlisted in the Civil War at the age of 16 private in Company E, One hundred and ninety-second New York Volunteer Infantry, and served until the close of the when he was honorably discharged. He had been apprenticed to the printers' trade, and in the late sixtles found himself in New Orleans, where he became president of the New Orleans Typographical Union, and also served as vice president of the International Typographical Union, and where he remained until 1878, as New Orleans correspondent for the Chicago Tribune, and, from 1873 to 1878, as a reporter and writer on New Orleans papers.

He is not to be confused with the parasites who came at that time to prey upon the broken South. He came to New Orleans as one who had fought against the Confederate forces but who, when the war was over, sympathized with the troubles of his late opponents in arms, sought to rebuild and reconstruct the part of the United States that he had fought to keep in the Union and to make its people happy and contented in that Union that he had helped to preserve. How different from that large post-bellum army, most of whom, stragglers and sutlers, had never smelt powder, who had come to trample and batten upon the conquered!

He left Louisiana for California five years after I was born, and it so happened that in 1917 he came to membership from the Los Angeles district in this body in which it had been my privilege to serve since 1910. He looked me up, having seen probably in the Congressional Directory that I was one of the Representatives from the city of New Orleans. He told me of his old associations in that historic city, of the delightful recollections that he had of the years he spent there, of his sympathy for the people of the South and for Louisiana in those horrid times, and of his never-forgotten interest in the Crescent City and his desire always to be of service to it and to the State of Louisiana. He made good that assurance. He was assigned to membership on the Rivers and Harbors Committee, of which I was then and am now a member, and he never failed, in any preparation in committee of the rivers and harbors bill and on the floor of the House, to give his ald to the waterways of my State.

It was at a time when rivers and harbors legislation had

fallen under the ban of newspaper criticism, when some old jibe, taken from Jo Miller's Almanac, went a long way in committee and on the floor in deciding whether a project was worthy of improvement. Because, faithful to history and tradition, we call large streams in Louisiana "bayous," because some of them have names strange to the ears of would-be jokesmiths-Tchefuncta, Bogue Falaya, Atchafalaya, Barataria—it was easy to get into the RECORD with supposedly witty quips and wanton wiles about these waters. Captain Osborne, who evidently in his stay in Louisiana, had not strictly confined himself to the Typographical Union, but had learned much of the wonderful system of waterways in that State, which nature had given it and which the Government, lately recognizing its tremendous value and benefit, is now seeking to develop, would put a stop in committee and on the floor to these "merry jests," and would tell what he knew of this stream or that, how important it was, and how susceptible of development and benefit to the adjacent community. That generous service neither I nor the people from Louisiana and New Orleans can forget.

Captain Osborne made it a point at least once a session to take the southern trip en route from his home in Los Angeles to Washington, so that he could linger for a few days in New Orleans. He would tell me after one of these visits how he looked over the old city, how much he found unchanged, and how much he found modern and up to date. He whispered to me once that during one of these "stop-overs" he had gone to call on the daughter of a young lady of the sixtles, with whom he was then boyishly in love. How good a man he was to remember the fleeting affection of early youth, after a lapse of half a century.

I think one of the most characteristic and beautiful things he did was when, learning in some way or other that my present secretary, William H. Fulham, of New Orleans, was a grandson of his old newspaper friend of the seventies, Thomas S. McGovern, for 50 years connected with the newspapers of New Orleans, and, at the time of his death, dean of the news-paper men on the old Times-Democrat, he called at my office to make the acquaintance and to shake the hand of his old comrade's grandson.

Mr. Speaker, I limit these remarks in memory of Capt. HENRY Z. OSBORNE to the time that he fought in the war between the States, to his pleasant recollections of the years that he spent in New Orleans, as printer, reporter, and journalist, and to the great service he rendered to Louisiana and New Orleans when many years after in Washington he showed that he was loyal to the place he had once called home. I would add only this: He was a good man and a true one, and I sorrow that he is dead.

Mr. LEA of California. Mr. Speaker, others will speak of the public life and service of Mr. Osborne. I shall speak more of his personal life and qualities. It is a privilege and honor to hold high public position and perform its duties with credit and distinction. However, I am sure that the greatest rewards of life are found in its homely relationships. The human mind is so constituted that it highly prizes the unusual thing or the one difficult of attainment, and fails to fully appreciate the ordinary blessings of life because they are common. In my mind I picture an ordinary American home, blessed with health and reasonable comforts. The father is at work earning the family living and preparing for its future; playing in the yard are bright-eyed, happy children bearing on their faces the images of mother and father; the mother goes cheerfully about her homely duties, with now and then snatches of old songs upon her lips. Surrounded by friends and blessed by wellearned good names, who can tell me what this world has to give that is a greater reward? In a man's friends, in his home, in his brother, sister, father and mother, child and grandchild, and in his good name he has the greatest reward of life.

I never knew Mr. Osborne until I met him in Congress six years ago. When the parting time came I respected, admired, and appreciated him to that degree of attachment we call

When I first knew Mr. Osborne he and his wife were living in the same hotel as I. The first thing that drew me to him beyond an ordinary friendship was the constant, kindly, attentive solicitude for his invalid wife. I then had the opportunity of close association with them for many months. I learned of relationship that was finely admirable to an unusual degree. looked upon Mr. OSBORNE and his good wife and saw the ripened fruit of an ideal love-old age beautiful.

Shortly before the failing health that finally led to his passing, Mr. Osborne wrote a little Christmas story that gives an insight into the character of his family life. This is what he

wrote:

As I look back, the Christmas that is most distinct in my memory was not connected with the Civil War, but it immediately followed the close of the Civil War—Christmas, 1865.

I left the little seminary town of Cazenovia, N. Y., to do my soldiering, but went to work on the Utica Herald on my return. I was then 17 years old. I concluded to spend my holidays at Cazenovia, and I went to the home of dear old Mrs. Ives, with whom I used to board. It was evening, and I knocked at the door. I was surprised and delighted to have it opened by a young lady whom I thought the most beautiful I had ever seen. In those days there was neither gas nor electricity, and she had a kerosene lamp in her hand. I had never seen her before, and I commenced to explain who I was. I was very nervous and she must have been nervous, too, as between us we managed to shake off the chimney from the lamp and break it on the floor. I made a resolution that I would marry this beautiful girl, but that I must make \$10,000 before I could think of starting life. As Jacob served seven years for Rachel, so I worked seven years to get my \$10,000 together, without results. I gave up the financial limit that I had placed upon my hopes, and this lady did me the honor to become my wife.

my wife.

We now have, grown up and heads of families themselves, four sons and one daughter and 10 grandchildren.

I think that was one of the most important events in my life, the Christmas when the lamp chimney broke.

The secretary of Mr. OSBORNE told me of the circumstances under which this story was written, shortly before Christmas, 1921. Mr. Osborne proceeded with his usual calmness and self-possession until he spoke the words: "And this lady did years and ten, and still we were very reluctant to see him go.

me the honor to become my wife." There his voice broke and a lengthy pause ensued. Then, dictating the two final sentences, he hastened to the train for California, on which, within 48 hours, he was in the grip of the malady that finally ended his earthly career.

The vivid bond of love that Mr. OSBORNE had for his wife he also shared with every member of his family. Interest and pride in his children and grandchildren was a buoyant force of his life. Practically every week of his sojourn at Washington he prepared a letter to be distributed to each member of his family. These letters constitute an interesting review of his observations of public life at Washington and give an unfailing index to his attitude in a wide field of personal activities and relations. All bear a marked portrayal of his appreciative character, his devotion and loyalty to his loved ones and his friends, of the wholesome things that brought happiness and concern to him, of his human sympathy and desire to contribute to the happiness of others and serve public welfare.

Mr. OSBORNE appreciated and loved nature. The clear sky, the flying clouds, the smooth, reflecting lake and the roaring, tumbling ocean, the green sward, the great stretches of the desert, the flower-strewn fields, and the rugged mountains alike brought joyous responses from his soul.

What is the compensation of a life? Not the extent and quality of rewards conferred, but rather the faculty and disposition to utilize and enjoy one's opportunities. In his disposition to observe, appreciate, love, and find happiness in nature, friends, every virtue, every noble quality, Henry Z. Osborne had a fullness of life's rewards far beyond the average man.

The quality of appreciation was perhaps the key to the real life of Mr. Osborne. Those without intimate contact with him recognized his pleasing personality, his sincerity, his rectitude, and his usefulness, but only those in intimate contact with him will fully appreciate or understand Mr. OSBORNE, the man.

That same quality of appreciation was applied to his human associations. As he was made glad by the beauty of flowers and fields and birds, so, too, in a greater degree did he find pleasure and happiness in the beauty of human conduct and character. If his friend showed courage, he applauded; if wisdom, he praised; if kindness, he responded; if sympathy, he concurred; if well-doing, he cooperated. In the recognition of

every human virtue, in beauty of character, he found delight.

But I would not conclude without referring to the public service of Mr. Osborne. He had long been schooled by interest and participation in public affairs. He was free from petty prejudice and localized selfishness. His mental qualities were not hedged about. He had a vision that lifted him above those handicaps that detract from the usefulness of many men. He had that breadth of view, catholicity of thought, and innate sense of justice that made his mind an open forum for every problem of his country. The determination he reached was never the assertion of a prejudice, but the product of his heart and his brain.

These qualities enabled him to give an attentive ear and a considerate courageous judgment to every matter that came before him in committee or in this House. They made him a servant and representative of a Nation. He conceived this as great Republic, with many and varied conditions and problems, to all of which he devoted the best qualities of his mind and heart.

Mr. SWING. Mr. Speaker, on such occasions as this we are reminded that there is an omnipotence that presides over the destinies of man and nature and that all must bow to His supreme law. He has ordained rules that we can not transcend, He has established boundaries that we can not pass. Everything on this earth must take its allotted course. The seasons have their allotted time, and we know that the warmth, the verdure, and the promise of spring must in due course be followed by the bleak and cold of winter. We recognize that the rising sun of every day, no matter what the splendor of its dawning, only foretells the coming of another night. The waters that babble so merrily in the brook to-day must to-morrow run on down and finally be consumed in the all-embracing sea. So with man. We, too, must bow to the same inevitable law, and after we have run our alloted course, the body must be returned to the earth from whence it came and the spirit to God who gave it. Yet knowing all this, we find ourselves ill prepared on occasions like this to meet the shock when the Grim Reaper has called a friend and companion from our midst, as he did when he beckoned our colleague to the great beyond.

We need his kindly friendship, his genial comradeship, and his mature and helpful judgment and advice. And if our kindly thoughts and good wishes could have stayed the hand of fate, he would have been spared to us for many years to come. He passed away after a lifetime of honored service to his community, to his State, and to his Nation. It was fitting that his last days should have been passed in the bosom of his family, amid the flowers and sunshine of southern California, which he loved so well, surrounded by a constituency which he had served with distinction and which had learned to love and respect him, as shown by the fact that they returned him to Congress time after time with ever-increasing majority, until at last the good people of his district made it unanimous with a vote nearly 100,000 strong. Such a triumph would seem the crowning climax to the life work of any man, leaving little more for which to aspire in this world. And it was then that God in His infinite wisdom spoke to Henry Zenas Osborne and said:

Well done, good and faithful servant, enter thou into the joy of thy Lord.

Mr. BARBOUR. Mr. Speaker, in the passing of HENRY Z. OSBORNE the Sixty-seventh Congress has lost not only one of its most highly respected Members but the only veteran of the Civil War on the Union side who was a Member of this House. Congressman Osborne was the only representative in this body of those gallant men who from '61 to '65 offered their all upon the altars of their country. His death marks an epoch in the history of this Congress.

Captain Osborne was one of the true men of this House. An earnest advocate of any cause which he believed to be right, he fought fairly and in the open, and when the contest was ended he retained and enjoyed the friendship and admira-

tion of those who differed with him.

He was a man of wide experience-soldier, journeyman printer, frontier newspaper man, owner and editor of a city daily, Federal official, and Congressman. He was one of the pioneers of California, where he went as a young man to Bodie, one of the famous old-time mining camps of the Golden State. He lived through the rough ploneer days of California and his

kindly and genial nature remained unchanged.

Congressman Osborne's speech in this House describing a trip to the Orient was one of the most interesting addresses that I have heard here since I have been a Member of this body. It was a valuable contribution to the knowledge of Congress and the country upon that subject. His address on "Ulysses S. Grant as a Soldier," delivered at McKeesport, Pa., on April 27, 1922-the one hundredth anniversary of the birth of General Grant-was a masterly tribute to the great leader of the Union armies, one that can be read with interest and profit by any friend or admirer of the military genius of the Civil War. I am glad that it has been preserved to posterity in the CONGRESSIONAL RECORD.

Congressman Osborne was a lover of little children and seemed to be happy in their company. I have heard him conversing with little ones and through those conversations I have seen and observed traits of character that one could perhaps

learn in no other way.

Captain Osborne was always interested in the development and upbuilding of his State and his home city. Long identified with the Chamber of Commerce of Los Angeles, and at one time its president, he contributed much to the marvelous growth that his city and the State of California have enjoyed.

He was the ideal type of public official. Receiver of public money at Bodie, Calif., in the early mining days, collector of customs at Los Angeles, United States marshal for the southern district of California, he filled all of these positions with credit and honor to himself and with the approbation of the people.

Captain Osboane was first elected to Congress in 1916 and reelected in 1918, 1920, and 1922. The district which he represented contained a population considerably in excess of 500,000, or about twice as many as the ratio of representation prescribed by the present law. The very high esteem in which he was held by his constituents is shown by the large majorities with which he was honored, having received nearly 100,000 votes in

the last election.

Congressman Osborne was a fine type of legislator. He was honest, industrious, and courageous. Steadfast in his own views, he recognized the right of anyone to differ with him. These characteristics together with his genial, pleasant nature won for him the love and respect of his colleagues. The Nation has lost an able and honorable legislator, his colleagues a true friend and companion, and his State and district a strong, conscientious, and earnest Representative. He will be missed both at home and at Washington.

Mr. FREE. Mr. Speaker, we are here to-day to honor the memory of our deceased colleague, Henry Z. Osborne, of California.

It was his privilege to live beyond the span of years usually allotted to mortal man, and during all of that long period of time by his pleasant ways, gracious manner, and thoughtful disposition he scattered along the pathway of life love and ten-derness and has left behind him memories of a life well spent.

derness and has left behind him memories of a life well spent. He was born in New Lebanon, Columbia County, N. Y., on October 4, 1848. At the age of 13 he was apprenticed to learn the printer's trade. At the age of 16, imbued with the necessity of preserving the Union indivisible, he enlisted as a private in Company E of the One hundred and ninety-second New York Volunteers and joined the Army of his country to fight during the Civil War.

After the war was over he followed his trade of a printer in New York, Cincinnati, Memphis, New Orleans, and Austin

New York, Cincinnati, Memphis, New Orleans, and Austin,

Tex.

In 1873, at the age of 24, he was elected president of the New Orleans Typographical Union, and in 1876, while then only 27 years of age, was elected vice president of the International Typographical Union.

From 1873 to 1878 he was New Orleans correspondent for the Chicago Tribune, also reporter and writer for New Orleans papers, and during this period contributed much to the recon-

struction of the South.

In 1878, at the age of 28, he moved to Bodie, Calif., which was then one of the liveliest mining camps of the West, and until 1884 was editor and publisher of the Bodie Daily

In 1884 he moved to Los Angeles, Calif., which then had a population of only 15,000 people, and there he lived until the time of his death.

From 1884 to 1897 he was editor and publisher of the Los

Angeles Evening Express.

Many positions of honor were his to hold:

In 1912 he was president of the Los Angeles Chamber of Commerce; in 1889 he was president of the Southern Caltfornia Editorial Association; in 1888 he was vice president of the California Press Association; in the years 1912-13 he was senior vice commander of the Grand Army of the Republic. For six years he acted as captain of the National Guard, from which position he retired in 1897. From 1878 to 1884 he acted as receiver of public moneys at Bodie, Calif.; from 1891 to 1894 he was United States collector of customs at Los Angeles, Calif.; from 1898 to 1906 he performed the duties of United States marshal for the Los Angeles district. In 1914-15 he was commissioner on the board of public works for the city of Los Angeles. He was elected to the Sixtyfifth, Sixty-sixth, Sixty-seventh, and Sixty-eighth Congresses, but died before the sessions of the last were convened.

He has always been an active Mason, and at his death was a member of the blue lodge of Free and Accepted Masons, a Knight Templar, and a member of the Order of the Mystic

In 1872 Mr. OSBORNE married Miss Helen Annas, of New York State. This proved to be a most happy union, and was blessed with four sons and a daughter, all of whom are grown and survive him,

Mr. OSBORNE loved all of California, but as he had cast his lot in southern California it was his great pride to see it grow

from a mere town to a thriving metropolis.

During his whole life he enjoyed the respect and esteem of all of those with whom he came in contact. He was gentle of manner and exceedingly kind, yet behind it all was a persua-siveness and forcefulness that spelled success.

Having met him you respected him; having known him you loved him. Always kindly, always just, always willing to help his fellow man, it certainly can be said of him that he scattered flowers along life's pathway and made the world better as he

His wife has lost a faithful husband, his children have lost a devoted father, his friends have lost a loyal friend, and California has lost an able, honored, and respected Representative.

Mr. LINEBERGER took the chair as Speaker pro tempore.

Mr. CURRY. Mr. Speaker, to be elected by a constituency as its Representative in Congress is one of the greatest honors that can come to an American. But to represent a constituency term after term ably, acceptably, and well, forgetful of self-interest and with an eye single to the welfare of the public is achieved by few. Henry Zenos Osborne so represented the tenth California district, and his constituents honored themselves by so honoring him.

The life, achievements, and public services of our friend and late colleague have been fully dwelt upon by others, and I shall try as far as possible to avoid repetition of their remarks.

HENRY ZENOS OSBORNE lived a long, honorable, upright, and useful life. He was born the son of a country minister in New Lebanon, N. Y., October 4, 1848. In that Christian home he was raised "in the fear and admonition of the Lord" and was taught a patriotic love of country and zeal for human liberty that he carried with him through life; and when he laid down life's burden at his home in Los Angeles on the 8th of this month and passed the border that separates time from eternity his "mortal put on immortality," and he entered into the reward of the just.

Captain Osborne was the only Civil War veteran on the Union side who served in the Sixty-seventh Congress; and Maj. Charles M. Stedman, of North Carolina, is the only veteran who served in the Confederate Army who is a Member of this Congress. They were both reelected as Members of the Sixty-eighth Congress. They had an affection for each other that was touching, and they both rejoiced that this is a united and happy country, dedicated to human liberty under the Constitu-

tion and the law. Mr. OSBORNE received a common-school education in his home town. At the age of 13 he was apprenticed to learn the printing business, and at the age of 16 had mastered the trade. The Civil War was in progress. At that tender age he enlisted as a private in Company E, One hundred and ninety-second New York Volunteer Infantry, and served with distinction to the close of the war, when he was honorably discharged and immediately obtained work as a printer in a newspaper office. Our country and our institutions are safe and will remain safe as long as the manhood of America Is not too proud or cowardly to fight, not too proud or lazy to work, and not too weak or

vicious to lead moral God-fearing lives. For a number of years in cities of the North and of the South Captain Osborne worked at the case as a typesetter and on newspapers as a reporter and editor and as a special correspondent, always learning, always advancing, always making good. In 1873, at the age of 24, he was president of the New Orleans Typographical Union and three years thereafter was elected first vice president of the International Typographical Union, and he remained a member of the Typographical Union,

either active or honorary, until his death.

In 1878 he removed to Bodie, Calif., where for six years he published the Daily Free Press, engaged in gold mining, and was the United States receiver for public moneys. In 1884 he removed with his family to Los Angeles, which at that time had a population of but 15,000, and for 13 years edited and published the Evening Express. He soon became one of the business, fraternal, and political leaders in the State, and more particularly in Los Angeles. He was one of the most important factors in the development of the State south of the Tehachapi and in the marvelous development of that wonder city, Los Angeles, that in the brief space of 40 years has grown from a village to a metropolitan city of nearly 800,000 prosperous and happy people. The Los Angeles Chamber of Commerce is the most effectively organized and the most efficient of any chamber of commerce in the country. He was one of its charter members and one of its early presidents, and much of its success is due to his energy and advice. He was one of the organizers of the chamber of mines and oils. He served a term as collector of customs, as United States marshal, and as commissioner of the board of public works, was an active member of the Grand Army of the Republic, Sons of the Revolution, Masonic fraternity, Knights Templars, and Shriners; was one of the organizers of the Southern California Editorial Association and the California Press Association, and held office in all of the civic and fraternal societies of which he was a member. He was a delegate to the Republican National Convention in 1888 and for 10 years was a member of the Republican State central committee of California.

He was married in 1872 to Miss Helen Annas, of Cazenovia, I. Y., and to them were born four sons and one daughter.

They all, with a number of grandchildren, survive him.
Captain Osborne was a thorough American and a genuine Christian gentleman. He was not carried away by present-day fads, fancies, and fanaticisms. He did not follow false gods in religion, politics, or government. He had an abiding faith in gospel christianity, the Republican Party, and in American constitutional government. The outstanding traits of his character were his love for his family, his loyalty to his friends, his personal and political honesty, his intense patriotism, and his liberality. He was one of the solid, sound, dependable Members of this House. He thought straight and acted right, and during the three terms he served in Congress no one had a better record for hard, intelligent, constructive work. He has left to his family the record of a well-spent life.

When the end approached, Captain OSBORNE realized death was near, so he wrote a letter of farewell to his friends, asking his son, Sherrill B. Osborne, to see its contents was passed on to them to show his appreciation of their "staunch friend-The letter read in part as follows:

Life is made happy only by friendship. My own life has been a treasury rich in friendships, and whatever I may be credited in accomplishing has been because of the true friends in so many walks of life. They have been staunch, true friends, and their confidence and support have always been a comfort to me. I never counted as very important among life's ambitions the accumulation of worldly riches. Money is good only in its wise expenditure for others. But I always felt that service for my fellows, so far as my ability lay, brought me the greatest reward, and I have felt repaid that I have devoted most of my life in public service.

To his aged bereaved widow, to his children and his grandchildren, and to his constituents we extend our sincere sympathy at their irreparable loss, but we hope it may comfort them to know how highly he was regarded by his colleagues in the House of Representatives of the American Congress.

> UNITED STATES SENATE. COMMITTEE ON PATENTS, February 23, 1923.

Hon. CHAS. F. CURRY, House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN CURRY: Hon. HENRY Z. OSBORNE, of whom you speak to-day, ably and zealously served the people of the tenth congressional district of our State. He was a kindly, considerate, and gentle man. With a high appreciation of his trust, he conscientiously fulfilled its every duty and requirement. His service has been long, characterized always by fidelity and ability. He justly held a high rank among the people of our State, and he maintained that high rank by the splendid ability with which he performed his duties. He won and deserved the gratitude and deep appreciation of his constituents.

Sincerely yours,

HIRAM W. JOHNSON.

UNITED STATES SENATE, COMMITTEE ON THE JUDICIARY, February 25, 1923.

Hon. CHARLES F. CURRY, House of Representatives.

MY DEAR MR. CURRY: I crave the sad privilege of joining with you and other Members of the House of Representatives in paying tribute to the late HENRY Z. OSBORNE, of California. To observe him in private or in public life was to admire him; to know him was to love him. It may be truthfully said that his long and useful life was devoted to his country. As a mere youth he served his country on battle field; in his mature manhood he served his country here, in National Legislative

Hall, and his record is one of honor, without blot or stain. His memory will long be cherished by the State he in part represented and by the great district he served so vigilantly and so well. And now, "after life's fitful fever," he rests. Peace to his manly, gentle soul, and consolation to relatives and friends who mourn.

Yours in all sincerity,

SAMUEL M. SHORTRIDGE.

Mr. STEDMAN. Mr. Speaker, many centuries ago the title of a Roman citizen carried with it both honor and protection. To-day, whosoever can say "I am an American citizen has a distinction which is grander and enjoys privileges which are greater than ever granted by the imperial city in the days of its supreme power and grandeur.

HENRY ZENAS OSBORNE Was a representative of the highest type of American citizenship. He united in his character the gentleman, the soldier, the legislator, and the citizen, all in the most perfect harmony of those qualities which challenged admiration in both his public and private life. He was absolutely truthful and thoroughly honest in his business relations, charitable in judgment toward those with whom he differed,

and his fortitude in adversity was unstinted.

Another predominant trait of his character was his great desire for active military life. He was devoted to the cause of the Union of the States, and at the age of 16, in the War between the States, enlisted as a private in Company E, One hundred and ninety-second New York Volunteer Infantry, and was honorably discharged at the close of the war. He was entirely free from sectional bias, and numbered amongst his warmest friends those who had fought under the banners of Lee and Jackson. What were the causes which produced the mighty

struggle between the Northern and Southern States, and how far we of the South were justified in the course pursued by us in that unhappy strife, he cheerfully left to the judgment of future

Mr. Osborne's spirit of enterprise carried him to Bodie, Calif., in 1878, and from that year until 1884 he was editor and publisher of the Bodie Daily Free Press, when he removed to Los Angeles and became one of the pioneers in the organization of the commercial activities of that beautiful and wonderful city. He contributed very largely toward molding the sentiment upon which was founded the character of the people of that section of our country, which, within itself, is a mighty empire—a land of health, of industry and of freedom, of ardent zeal, dauntless energy, and great aspirations. Nature has marked it out for an exalted destiny.

He possessed to an unlimited degree the confidence and esteem of the people amongst whom he dwelt. He was elected to the Sixty-fifth, Sixty-sixth, and Sixty-seventh Congresses by unprecedented majorities. As a Member of the House of Representatives he enjoyed the friendship of all who had the good fortune of his acquaintance and association.

On the 8th day of February, 1923, surrounded by friends, he died at his home in that beautiful land he loved so well, leaving a name unsullied and without reproach, respected, and honored throughout our common country.

Mr. HAWLEY. Mr. Speaker, Representative Henry Z. Os-Borne was a valuable Member of this House. He was worthy of the high esteem in which he was held. In personal character genial, courteous, lovable, and above reproach; in the public service diligent, capable, and a soldier of the common good.

He was a public-spirited citizen and entered actively into the community life in the various places of his residence. He was responsible in a notable degree for the remarkable growth and development of the city of Los Angeles. In his trade as printer and his business as editor and publisher he exerted a beneficial influence from New York to California.

Imbued with a youthful patriotic fervor, he enlisted in the Civil War at the age of 16 years and served until its close. The sense of a call to the public service for the good of his country never left him, and his activities were untiring for the common good in local and general political matters

He held many offices of honor, profit, and trust with honor to

himself and benefit to the public.

His long life was one of unusual distinction. He was a man the people delighted to honor. He was a public servant in the most exalted sense in which that term is used in the Republiche served the people well.

We all were glad when we knew that he had been elected a Member of the Sixty-eighth Congress and sincerely lamented

his departure from our membership.

He will be cherished in memory by a grateful Republic for what he was and did as citizen, soldier, patriot, and statesman. He has fought his good fight; he has finished his useful course; he has kept faith with the public; henceforth there is laid up for him a right reward by the Lord, the just Judge.

Mr. CURRY. Mr. Speaker, I have here several letters, one from Senator Johnson and one from Senator Shortridge, of California. With the permission of the House, I will print them with my remarks in 8-point type.

The SPEAKER pro tempore. Without objection, the permis-

sion is granted.

There was no objection.

Mr. CURRY. I have also been requested, Mr. Speaker, to be permission of the House for the gentleman from Illinois [Mr. Madden], chairman of the Committee on Appropriations, of which Mr. Osborne was a member; Mr. Dempsey, chairman of the Committee on Rivers and Harbors, of which Mr. Osborne was formerly a member; Mr. Byrns of Tennessee, ranking member of the Committee on Appropriations; the gentleman from California [Mr. RAKER], who is detained at home by sickness; and the gentleman from Oregon [Mr. McArthub] to extend their remarks in the Record on the life, character, and services of Captain OSBORNE.

The SPEAKER pro tempore. Without objection, that permis-

sion is granted.

There was no objection.

Mr. CURRY resumed the chair as Speaker pro tempore. The SPEAKER pro tempore. In accordance with the resolution heretofore adopted, the House will stand adjourned.

Accordingly the House (at 5 o'clock and 50 minutes p. m.) adjourned until to-morrow, Monday, February 26, 1923, at 12 o'clock noon.

SENATE.

Monday, February 26, 1923.

The Senate met at 11 o'clock a. m. The Chaplain, Rev. J. J. Muir, D. D., offered the following

Our Father, we come to Thee this morning, grateful for Thy goodness and seeking help according to the duties that may demand our attention. Enable us always to feel that Thou art ready and accessible to us in every hour of need and when emergency confronts us. So guide us along the pathway of duty that Thy will may be fulfilled. Through Christ, our Lord. Amen.

The reading clerk proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. Curtis and by unanimous consent, the further reading was dispensed with and the Journal was approved.

BALTIMORE & OHIO RAILBOAD SIDING IN THE DISTRICT.

Mr. BALL. On last Thursday I gave notice of a motion to reconsider the vote by which the Senate concurred in the amendment of the House to the bill (S. 3083) authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracks in the city of Washington. I now ask leave to withdraw that motion.

Mr. ROBINSON. What is the request of the Senator from

Delaware

The VICE PRESIDENT. To withdraw the motion to reconsider the action of the Senate in concurring in the amendment of the House to Senate bill 3083.

Mr. FLETCHER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The reading clerk called the roll, and the following Senators answered to their names:

La Follette Lenroot Lodge McCormick McCumber McKellar McKinley McLean McNary Moses New Norbeck Norris Ashurst Ball Bayard Ernst Fernald Fletcher Ransdell Reed, Pa. Robinson Robinson
Sheppard
Shields
Shortridge
Smith
Smoot
Sterling
Sutherland
Swanson
Townsend
Trammell
Wadsworth
Walsh, Mass.
Walsh, Mont.
Warren
Watson
Weller Borah Brandegee Brookhart Broussard France Frelinghuysen George Gerry Glass Hale Harreld Harrison Heflin Bursum Calder ameron lapper laraway Colt Heffin Norris Oddle Couzens Culberson Cummins Johnson Jones, N. Mex. Jones, Wash. Kendrick Oddie Overman Page Pepper Phipps Pittman Pomerene 'urtis Dial Dillingham Weller Willis

Mr. PHIPPS. I wish to announce that my colleague [Mr. NICHOLSON] is absent on account of illness

The VICE PRESIDENT. Eighty Senators have answered to

A quorum is present. their names.

Mr. ROBINSON. Mr. President, I suggest to the Senator from Delaware that he withhold his request for the present and let the Senate proceed with the regular order of business in order that some of us may have an opportunity to investigate the subject matter of the motion to reconsider.

It will be recalled that a few days ago the Senator from Delaware entered a motion to reconsider the action of the Senate on the amendment of the House to Senate bill 3083, stating that a serious error had been made in concurring therein. Now the claim is made by some persons who are interested in the measure that the construction of the railroad tracks contemplated would operate to annoy patients in the hospital adjacent. I do not know whether that is true or not. They claim that they have been denied a hearing. In view of all these circumstances I ask the Senator to withhold his request for the present, and I demand the regular order.

Mr. BALL. Mr. President, I would like to make a statement relative to the matter. I made the motion to reconsider when an appeal was made to me that the tracks constructed on the square involved, as authorized by the bill, would materially affect the comfort of patients in the Methodist hospital. I did not have the time to go down and inspect the physical conditions there and still allow myself sufficient time to make the motion within the rule. So I made the motion to reconsider before going to inspect the place.

On Saturday I inspected the conditions surrounding the hospital and the square involved and all other matters connected therewith. I find that there are 25 railroad tracks nearer the hospital than would be any of the tracks constructed on this

When the hospital was built the Baltimore & Ohio Somare. Railroad had its tracks covering this square. The hospital was built in 1896. The Baltimore & Ohio changed us tracks, I think, in 1903. The square is at least one-third of a mile away from the hospital. Two squares filled by tracks lie between the square and the hospital. It is impossible for anybody inspecting conditions there to conceive that the tracks proposed to be constructed in this square merely for switching will affect the hospital in the least.

Mr. KENDRICK. Mr. President-

Mr. BALL. Some of the Baltimore & Ohio tracks are less than half the distance from the hospital than would be the tracks to be constructed on this square. I yield to the Senator from Wyoming

Mr. KENDRICK. I want to ask the Senator from Delaware if it is not true that to deny the right of trackage to the railroad would be to increase a sort of monopoly of property that now has the trackage

Mr. BALL. It would be.

Mr. KENDRICK. And to make it more difficult for the people who require railroad conveniences and facilities of that kind to secure at a reasonable cost property which could be

used for that purpose.

Mr. BALL. That is true. The tracks are to be used for the purpose of increasing facilities for the distribution to the city of coal and other materials. I can not conceive of any person having any objection to the construction of the track if he would make an inspection of the surroundings.

Mr. JONES of Washington. Mr. President, may I ask the Senator if it is the Lucy Webb Hayes Hospital?

Mr. BALL. It is. Mr. JONES of Washington. I received a protest from that institution this morning-

Mr. BALL. Every Senator has received one.

Mr. JONES of Washington. I have not had time to examine I think the matter should be very carefully looked into. From what the Senator has said, he has looked into it carefully; but I have not had the time to do so.

Mr. ASHURST. Mr. President, I call for the regular order. The VICE PRESIDENT. Petitions and memorials are in

order.

Mr. ROBINSON. Mr. President, a parliamentary inquiry. The VICE PRESIDENT. The Senator will state the inquiry. Mr. ROBINSON. The Senator from Delaware announced his

purpose to withdraw the motion to reconsider. Having entered the motion to reconsider, that motion can not be withdrawn except by unanimous consent.

The VICE PRESIDENT. The Senator is correct.

Mr. ROBINSON. I object to the withdrawal of the motion for the present.

The VICE PRESIDENT. The regular order is the presenta-

tion of petitions and memorials.

Mr. BALL. Mr. President, a parliamentary inquiry. The VICE PRESIDENT. The Senator will state the inquiry. Mr. BALL. Objection is made to the withdrawal of my motion to reconsider. Unless the motion is withdrawn, of course the bill is killed. I made the motion with the understanding that there was some possible objection by the hospital authorities to the construction of the tracks. I find upon inspection that there can be no real objection. I do not wish my motion to hold up the bill. After having thoroughly considered the conditions there, I am convinced the motion should be with-It is unfair to place me in the position of killing the bill. I would like to withdraw my motion to reconsider, and then if the Senator from Arkansas wishes to make such a motion, well and good.

No; that is the difficulty. By making the Mr. ROBINSON. motion himself the Senator precluded other Senators from exercising that privilege, and now, after the expiration of the two days within which such a motion could be made, if his motion be withdrawn it would be too late for any other Senator to There is no disposition to defeat the bill if make the motion. upon further investigation it appears that the bill ought to pass. But the Senator himself, after having reported the bill and caused its passage through the Senate, requested the Senate to reconsider its action on the ground, as he expressly stated at the time, that a mistake had been made. Now, every Senator

has received a communication-

Mr. McNARY. Mr. President, I call for the regular order. The VICE PRESIDENT. The regular order is the presentation of petitions and memorials.

EUROPEAN CONDITIONS-ARTICLE BY SENATOR M'CORMICK.

Mr. JOHNSON. I ask unanimous consent that there be printed in the Record, in the regular Record type, an article by the senior Senator from Illinois [Mr. McCormick] which

appeared in the Saturday Evening Post of February 17, 1923, entitled "Political panaceas or economic remedies for Europe."

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The article is as follows:

[From the Saturday Evening Post.] POLITICAL PANACEAS OR ECONOMIC REMEDIES FOR EUROPE. (By Medill McCormick, Senator from Illinois.)

"Europe is sick. We all know that. But what is the matter with her? In five years I have been to Europe three times—in 1917, when I visited England, France, and Italy; in the winter of 1919-20 again, when I visited Hungary, Austria, Czecho-slovakia, Serbia, Poland, Germany, Italy, France, Belgium, and England; a third time this winter, when I visited France, Germany, Belgium, and England. On each of these visits, of course, I talked with responsible leaders of opinion in the world of politics, business, and journalism. Many of them were old friends. From all of them I know I heard the absolute truth as they saw it and believed it. It is from these visits and from these contacts that I derived the impressions that I venture to set forth here as representing the present posture of affairs on the Continent of Europe.

"Europe is sick with a variety of ills, due to many causes, none of them curable by anything which the American people or their Government might do, unless and until the peoples and the Governments of Europe have first decided to put aside political panaceas in favor of less palatable but more effective economic remedies. It would be fruitless to cancel the debts due our Government from other governments; it would be fruitless to add to the \$8,000,000,000 or \$10,000,000,000 that we have advanced them from public or private credits since the armistice, so long as there obtain on the Continent the policies which have actuated the majority of the financially embarrassed Governments since the signing of the armistice. It has been hard for the vanquished to acknowledge their defeat and its consequences, as it has been hard for the victors to realize that in a great war victors and vanquished, wrongdoers and wronged, all must pay, even as the people of the United States, remote from the war center, not even party to the political and commercial rivalry that preceded the war, have paid and are

"In western Europe, and more especially upon the Continent, there is very generally an attitude toward the United States that is not easy for us to understand. There are in Europe sensible and presumably informed people who think and talk as if we had been saved by the allied effort, forgetting their perilous position in the winter of 1917-18; there are people who seem to believe that because we have suffered less than the European peoples who were involved in the European war we have suffered none at all, and have even waxed rich as a result of the war. Throughout Europe there is a certain articulate element, encouraged by the outgivings of certain New York bankers, who would make it appear that America has played the rôle of a Shylock. Consequently, not only among the peoples of western Europe and the Central Empires but among those of the neutral States there has been engendered against America a real though unreasoning irritation because she does not open her purse strings, because she does not incontinently lend more—without security—to those who are now unable to pay, and who are still unwilling to reform their finances and to curtail their expenditures, civil as well as military.

HISTORIC RIVALRIES AND PRESENT POLICIES.

"I do not mean to compare the feeling toward America with that which old allies, as well as old enemies, bear toward one There are European peoples who fought side by side another. who are animated by a hateful jealousy of one another as bitter as the rancor which they still treasure against their enemies in the Great War. Their historic rivalries—like that between France and England-the wars, the feuds, the alliances, which for 500 years have marked the flux of their fortunes, all contribute to present policy. During the last three or four generations Germany, Italy, and probably Poland, have been added to the number of great powers. France has suffered a relative decline in population. Italy is a more populous State than France. To-day they are jockeying for to-morrow.

"A traveler would be very cocksure to set down absolutely and in sequence the relative stability of the various European States, but looking back to 1919 and 1917, the British are farthest on the road to recovery. Conditions—political, social, and economic, all considered together—are more nearly normal in England than in any other European country that took part in the war. Belgium follows second, France third, and Italy fourth. Germany is in a grave, perhaps desperate condition, and until she begins to advance it is useless to attempt to appraise the present as a basis for the future in any of the States

to the east and to the south of her.
"The recovery of Europe depends upon a definitive and reasonable settlement of the relations between Germany and France, and the beginning of their economic and financial recovery. If that is not accomplished this year, no man dare predict how serious the future may be or how far the processes of disintegration may go or how far the mark, the lira, and the franc may fall. The Austrian crown, which to-day sells for 70,000 to the dollar after the heroic efforts of the allied governments to stabilize it, once was worth 20 cents; the mark, which was worth a fraction less than a quarter, at this writing is selling at 10,000 to a dollar; the franc, which was worth 20 cents, is now worth 7 cents. Unless a settlement be reached there is no more reason why it should sell for 7 cents than for 5 cents or for 3.

"The chronic deficit in the French budget is met not by

printing francs but by printing issues of bonds. What must happen when bond buying ceases? The disorder in the finances of the Governments, the collapse of their credit and the depreciation of their currencies increasingly paralyze industry and trade, because they drive the producers of Europe to wasteful, primitive barter for the exchange of goods. It is a miracle that Europe has been able to buy from us as much as she has since the war. She could not have done it but for the billions in credits which we risked abroad while there was some security available, hundreds of millions of which doubtless we

have lost.
"It was presumed by some of the European and by practically all the American supporters of the treaty of Versailles that the Reparation Commission, created under the treaty, would be an independent body, its members free from the domination of political cabinets, at liberty wisely to discharge their functions. their functions. They were to have been, so it seemed, a commission of receivers in bankruptcy. If they had been that, discharging their duty conformably with established practice in business, they would have regarded Germany as a great enterprise, her capital impaired, her railways and her factories out of repair, her soil depleted for want of its accustomed annual fertilization, but none the less a great enterprise which, once rehabilitated, could pay large sums by way of reparations.

We know perfectly well that the commission has not been free; that its members have been mere mouthpieces for the several prime ministers who guided their every act and dictated the terms of their every statement; we know that it has not been guided by a consistent policy, by prudence, or by economic wisdom; that it has not had the confidence of the several allies; it has not made a plan and has not been per-mitted to make a plan that would inspire the German people to pay and thus win their ultimate economic and political free-dom, and so induce them to labor, to produce, and to save.

"Now that England has parted from her continental allies upon the issue of reparations it is worth taking note of the fate of the reparations clauses under the other treaties, those of Sevres, St.-Germain, Neuilly, and the Trianon. The Turks have torn up the treaty of Sevres; according to the press dispatches Bulgaria and Hungary, in view of their territorial losses, have refused to pay reparations in cash, credits, or kind; Austria is not merely unable to pay any reparations whatever, but, saved from starvation by America, to-day is seeking to re-establish her finances with credits granted her by the allies.

"If four States, each of them with less than 10,000,000 population, can successfully resist the collection of reparations, what effort must the three Latin powers, now drawn away from Great Britain, put forth to coerce the Germans to attempt payments beyond the resources of Germany to pay? It seems only the other day that supine Egypt, by persistent passive resistance to the British administration of the country, compelled the British to abandon their protectorate established by the treaties of peace and to withdraw British complexes. of peace and to withdraw British garrisons and British ad-ministrators from the valley of the Nile.

"It is only yesterday that the military, political, and economic forces of 40,000,000 British were unable to continue the 700-year-old British Government of 4,000,000 Irish. If Italy, France, and Belgium, in collaboration with Great Britain, could not enforce uneconomic terms as against German bank-ruptcy or German passive resistance, how can the three con-tinental States do so when they not only have lost British support but when British opinion is against them? Here we are, three years after the signing of the treaty of Versailles, and for the first time the allied prime ministers have fixed as an amount within the capacity of Germany to pay the sum of 50,000,000,000 gold marks, a sum a little in excess of the amount within the capacity of the excess of the amount within the capacity of the excess of the amount within the capacity of the excess of the amount within the capacity of the excess of the amount within the capacity of the excess of the amount within the capacity of the excess of the amount within the capacity of the excess of the amount within the capacity of the excess of the amount within the capacity of the excess of established three years ago by J. M. Keynes, and something less than the amount proposed by B. M. Baruch and the other

American advisers to President Wilson during the Paris conference. Note the sum was fixed by the prime ministers, not by the Reparation Commission. Whenever any important thing is done-at Spa, London, Paris, anywhere-the prime ministers agree or disagree. The Reparation Commission has become a

rubber stamp.

Of course, a great deal more than time has been lost during these three sad years. If the German railways and some of the German plants have been restored, the fertility of her soil has not increased, her currency and credit have terribly depreciated, capital has taken flight from her borders, and the whole German people have lost confidence in the solvency and efficiency of their own Government. At the same time, French finances have gone from bad to worse, and worse. Economists and bankers who have studied the French revenues, and the ability of the country to support increased taxation as against the annual national interest charge, and the costs of the civil and military establishments, are unable to find any way in which France can balance her budget unless she writes the franc down to a permanent value of 5 cents gold. This would permit a very considerable increase of taxation in terms of francs without any increase of goods produced. It would be a form of capital levy upon the holders of Government bonds.

THE FRENCHMAN AND HIS SAVINGS.

"France suffers directly and indirectly from most of the ills that affect the other European States. She suffers mentally, not only because she consciously fears the renascence of German power, and therefore the prospect of another German invasion, but because unconsciously the mass of the people are beginning to be alarmed by the ominous financial outlook. This is not apparent at first, partly because it does not jump to the eye, and partly because the newly arrived traveler at first is not capable of appreciating the evidence. When I landed at Cherbourg last November, the franc bore about the same relation to the dollar that it bore two years ago. made no impression on me when for a second time in three years I bought three times as many francs for a dollar as I could have bought before the war or even in 1917. I had no understanding that the French for three long years had anxiously hoped that the franc would steadily rise toward its pre-war value.
"When I came to my hotel in Paris and was made welcome

by the old manager, whom I knew and who eagerly and hospitably sought to arrange my quarters conveniently, he asked me at once if I did not feel that the franc was very weak and pretty bad. It had dropped during 48 hours, I discovered, from cents to 6 cents in value. If he thought upon the franc, he was thinking of the mark and wondering if the franc would start in precipitous pursuit of the diminished currencies of

central and eastern Europe.

"The depreciation of the franc for the time being has wiped out a large part of the savings of the French people, all of whom practically are investors in bonds of the French Government or of a multitude of municipalities, prefectures, and public utilities of France, in which great numbers of Frenchmen and Frenchwomen invest to the exclusion of securities of any other But more than that, the French are a proud and sensitive people. They may be individually indifferent to instance of public corruption and political inefficiency; they may individually criticize their Government bifterly and cynically, but none the less they can not bring themselves to accept the idea that although the pound sterling during two years has risen from 60 to over 90 per cent of par of the dollar, the franc remains at 33 per cent of its gold value, and may forever remain at that ratio unless German reparations are paid in an amount which French-

men begin to realize never can be paid.

"Two years ago, as compared with the capitals of central Europe, Paris had made an astonishing recovery. light, which in 1917 had been dark and cold, with unheated houses and ill-swept streets, in the winter of 1919-20 was as clean and brilliantly lighted as before, while Vienna, Warsaw, and Berlin were still dark, cold, shivering, and shattered. Paris, visibly then, is no more brilliant to-day than it was two years ago, except that there are not so many people in mourning on the streets, in the shops, or other public places. I am not an experienced and accurate judge of the displays in shop windows, but this year my wife noticed with renewed surprise each day that nowhere on the Rue de la Paix or the Avenue de l'Opéra were the window displays so varied or so rich as those, ample, which she had seen in New York before sailing for Europe, or as those which she saw again in London before returning home. Plainly, the well-to-do shopping public in Paris, not only French but foreign, has less collective purchasing power than the shopping public in London or in New York. Whatever may be said of the burden of taxation and the wealth per capita in France, I know from what I saw and heard that many, many French people, no matter what their fortunes and incomes may be, no matter how the foreigners who crowd their watering places may live, are living more frugally, more modestly than ever before, thinking all the while upon the present and ultimate

value of their investments in French securities.

"We were interested in the other shops, but we were concerned about the toy shops, where we wished to gather a little Christmas bundle to carry to our young people at home. I remembered the times which as a boy I had spent in Parls, when with the little French boys we launched exquisite little ships, steam driven and sailing, upon the ponds in the Tulleries Gardeus, and the windows of the toy shops in the Rue de Rivoll were crowded with ingenious mechanical toys. We were disappointed in the shops that we discovered. We went, upon the advice of French friends, to the best toy shop in Paris, but could find no toy engine—stationary, locomotive, or marine—which would match the realities of my youth and meet my promises to my small son. The toys, like the other displays in the shop windows, made it evident that even here the French, who are devoted and generous parents, are not buying toys as they did before.

FRENCH FRUGALITY.

"We dined, my wife and I, with an old friend of mine and his wife. As French fortunes go, theirs is large. They are serious, active, public-spirited people. During the war Madame acquitted herself with great credit as a volunteer nurse, and her husband with equal credit as an officer. They feared a second invasion; they believed that in the Rhine there should be set up either an independent Rhenish State or at least a Rhenish Province, as independent of Prussia as is Bavaria. They were concerned by the failure of the reparations policy; like very many others, they recognized the apparent insolubility of the problem of the French debt, but none the less were resolutely, courageously, magnificently confident in the ultimate solution of the problem and the restoration of the franc to par. My friend held up a piece of paper as if it were a French bank note, the better to emphasize his assertion to my wife, and insisted that if his bank note were locked up to-day, in 50 years it would have a better value than a note for the same sum in pounds sterling. He saw France restored and in the future drawing great wealth from her prosperous and loyal colonies in Northern Africa, while he looked forward with equal confidence to the dissolution of the British Empire, the establishment of the Dominions as independent States, and to the ultimate disintegration of British rule in India. But his great town house, which had been open three years ago, was closed.

"It is very easy for the foreigner and casual traveler to fail to appreciate the domestic and frugal character of the average Frenchman. Deauville and Dinard, Paris, Cannes, and Monte Carlo no more represent to the traveler a true picture of France than Atlantic City and Newport represent America. It might be said that the Frenchman lives to save a competence and dies to bequeath it to his one or two children. There are French publicists who believe that the equality of successionthat is, the absolute requirement of the law that an inheritance must be equally divided among children-is the cause of the low French birth rate, for no French farmer who has inherited or acquired land can bear to see that land so divided that it no longer constitutes a sufficient and efficient farm. If he inherits a farm he must save enough aside, assuming that he has two children, so that he may leave the farm intact to one and his rentes or Government bonds to the other. Now, manifestly, the depreciation of the franc has not affected the prosperity of the farm. The vegetables, the poultry, the cattle or the crops are as rich as before, and are sold for three times as many francs as before. But that part of his property which was invested in Government securities when francs were at par or over par brings him no more francs in interest than be-

"The small bourgeois, too, has seen the great part of his savings wiped out. It is not merely that his comfort in his old age is threatened; that his prospect for retiring with his wife from Lyon or Marseille or Paris to a villa just beyond the suburbs is gone, but his self-esteem, his position, and the position which he had thought to assure his children—all may be jeonardized.

"It is difficult for the rest of the world to understand France; so it is difficult for France to understand the rest of the world. The French, who have an old and a great civilization, are intellectually, geographically, physically, and personally, shall I say, the most self-contained people in the western world. They do not emigrate; they travel very little; their newspapers carry but meager dispatches from abroad; they feel that they

do not need to know any language but their own, the old language of diplomatic intercourse. If they do not leave France they seldom leave the neighborhood in which they are born and reared. Their foreign investments have not been commercial or varied, and a very large part of them in Mexico, Turkey, Bulgaria, and Russia have proved bad. Thus they live almost unto themselves alone, and feel that the civilization and security of France constitute the quintessence of all civilized peoples. France has been a great power, and they are resolute to maintain her position as a great power despite her crippled finances and her stationary population. There are many reasons for the French determination to maintain a great army, but among them certainly is its weight as a diplomatic counterpolse against the British fleet. Hence their decision to levy legions in Asia and Africa—those in Africa including not only shock troops from Madagascar and the Senegal, but some Semitic and Berber battalions from Tunis, Algeria, and Morocco. Hence, also, their failure to appreciate the feeling engendered in other countries, and especially in England and America, against the garrisoning of German villages by Mohammedan troops. This intellectual and economic isolation of France in the heart of Europe not only explains her indifference to American and British opinion but explains in part also her attitude toward reparations.

"There are no new business enterprises launched every day in France, as with us. Real estate does not change so frequently as in the United States. The bonds of the treasury or the bonds of the State or municipal rentes afford to the average Frenchman his chief opportunity for investment. It was precisely because he had this habit of investment in public securities that it was so easy during the 10 years before the outbreak of the war to sell him the bonds of the Government of the emperor and autocrat of all the Russlans. Here, of course, is the reason for French bitterness against the Bolshevik Government, which has repudiated the bonds held by hundreds of

thousands of small French investors.

DEBTS AND DEBTORS.

"I remember an evening spent in a small company of diplomats, politicians, and bankers, one of whom was all three. He is important enough as a politician to be a statesman, and as a banker had had not a little to do with investment in Russia before the war. He said that he considered that recognition of Russia was of no present economic importance. He told me, to my surprise, that before the war the average annual export of Russian wheat was little more than twice the average annual consumption by little Belgium. I asked him with what Russia paid for her large imports which the British were anxious to reestablish—with her raw hides and raw flax which she sold in central and western Europe? He said no; that Russia had bought abroad with the earnings of the French people, constantly lent to Russia through Russian bonds sold in France.

"Here, then, the French people are confronted with the hitherto insoluble reparations problem. They charge that the Germans have sought to evade payment; they have insisted that Germany was not devastated during the war; they have proved that with the currencies of the two countries reduced to a common basis, Germany has paid far, far less in taxes than France. But they have not been willing to receive, except to a limited extent, German labor in France or German deliveries in kind. Certainly it is intelligible to us Americans that French tile manufacturers, or French brick manufacturers, or French cement manufacturers, who since early in 1919 have been producing on a prodigious scale for the reconstruction of the devastated region, should resist the influx of a great quantity of German tile, brick, or cement, with the consequent effect upon the French market for those goods. It has been the official opinion of the French Government-now strongly denied by some individual Frenchmen-that the population of the restricted region would never tolerate in their midst the presence of German workmen, laboring to rebuild the ruln that the German general staff wrought. I have heard, of course, from countrymen and countrywomen, who have spent the summer in French watering places or traveling leisurely through France, that many French people were no longer friendly to Americans. Certainly the bitterness toward Wilson, although not comparable with that toward Lloyd George, is general. The French feel that both have let them down. But I can not remember any American who told me that he had been discourteously used. Certainly old friends whom I saw, and who disapproved and absolutely condemned the opinions I held upon the treaties and upon the reparations question, were generous and hospitable. None the less, one only has to remark the note on the French budget that the debt of the French Government to the American Government is regarded as political; one only has to recall the allusions of Clemenceau and Longuet to cancellation; one only has to remember the references of Clemenceau and others to an economic imperialism as dangerous as any military imperialism, to realize that the French contemplate as inevitable the cancellation of the French debt to America and wish us to agree to it. It was the theory of some of the most distinguished Frenchmen in 1917 that all the allied debts should be pooled and prorated to the several countries in proportion to their natural wealth and natural resources. Under this French plan we would have assumed the greater part of all the international war debt, and thus what cancellation contemplates now would have been accomplished. In 1919 there were responsible Frenchmen who hoped for another loan of a billion dollars from our Government.

FRANCE'S INTERNAL DEBT.

"I think that to-day there is no French financial expert-I speak now of professional economists and financiers-who will say that he can sit down with a pencil and paper and find a solution of the problem of the French debt. The debt is growing. Practically all the revenue of the country is now absorbed in the service of the debt, while the annual deficit, now amounting roughly to \$500,000,000 gold a year, is equal to the annual outlay upon the French military and civil establishment, exclusive of all reparations charges. There is no impartial judge who believes that Germany can pay more than \$10,000,000,000, and that over a period of 20 years, with little or nothing annually to begin with, and the greater part of it during the second decade. What then, your French financier may ask, can France do in the matter of her debt to America, if she can not balance her own budget except by the permanent depreciation of the franc, which in itself is an indirect repudiation of, say, a third or a half of that internal debt which is in the hands of the small French investors in every community in France?

PARIS TO THE RHINE.

"The road from Paris to the Rhine cities carries the motorist through Belleau Wood and Verdun, past villages and farmsteads in course of reconstruction to Metz, past Treves, where are quartered the Moroccan troops. Verdun in winter is still a waste, like Gustave Dore's picture of the Frozen Hell, but in the summer, the commandant told me, the scrub brush and other verdure which has sprung up have filled the shell holes and covered the once blasted hillsides. Verdun, the Morte Homme, Souville, still stand as witnesses to the ruin and waste of war. The countryside presents less evidence of the damage done by the Germans. You may, of course, notice new tile roofs among the old and know that they cover rebuilt cottages and houses. You will at intervals find frame dwellings-temporary shelters certainly beside the stone cottages in which the French peas-ant has been accustomed to dwell—but as weatherproof and as comfortable as many a settler's shack which not so many years ago we saw in western Kansas and Nebraska or upon hilly clearings in the canyons of the Rockies or the Sierras. You will see fewer ruined or unfinished warehouses and factories than you will see unfinished or ruined cottages, for a great number of factories have been rebuilt, as many proportionately as there are proportionately few cottages reconstructed. I do not pretend to know whether influence secured the reconstruction of the buildings of the large manufacturer rather than those of the small peasant, or whether France was unwise in rebuilding factories beyond present needs, or whether in the long run it will prove to have been sound policy. Whatever the truth may be, there is have been sound policy. Whatever the truth may be, there is very considerable discontent on the part of the peasants, who have seen the factories rebuilt while they still are living in temporary cottages, and on the part of very many more who sympathize with them. This discontent, as you may hear public men say in France, requires the Government to secure reparations or to take other steps to make good to the peasants what already has been made good to the manufacturers.

"The countryside in the autumn is plowed and prosperous.

You may see grazing in the farmyards dairy cattle of German The names of the villages and those over the shops on the narrow streets slowly change as you pass through Alsace until they become absolutely all German. When your passport has been examined, your automobile number registered, and your baggage ignored, you find yourself across the border and under the government of the International Commission of the Saar. The economic assimilation of the Saar to France con-The franc is driving out the mark, and a steadily increasing portion of the trade is with France; the whole population is infinitely busy mining coal for France, and enjoying a prosperity that the French hope will lead them to vote themselves French in a few years, as the treaty requires that they may have an opportunity to do. They are busy and prosper-ous, and I am certain that their numbers are increasing, for at frequent intervals and on both sides of the road there were new buildings and buildings in the course of construction which a good many French business men in the hotel. Frankfort

could only have been put up to house an increasingly prosper-ous and growing population.

At first after we left the frontier there was little evidence of French occupation. As we were driven gingerly over the snow-covered hills about the valleys tributary to the Rhine, the great numbers of children-children everywhere, in the streets, in the school yards, and on the doorsteps—forced themselves on our attention. In France there are less than 40,000,000 people; in Europe, within and without the new frontiers of Germany, there are between eighty and ninety million Germans, and the disparity is still growing.

A FANTASTIC CURRENCY.

"The German countryside looks prosperous, better tilled, and better kept than it was three years ago, but, in western Germany, noticeably bereft of cattle. The people in the villages, as in the cities, have been, I will not say well nourished, but better nourished than when I visited in 1919, at which time they had not recovered from the long period of semistarvation. Then the American relief mission was still feeding thousands upon thousands of children in the larger cities. If you stop, as we did, to break your fast and spend the night, you have the first arresting proof of the change. The mark was still worth a couple of cents when I was in Germany three years ago. Your pocketbook was not inconveniently bulky. The currency amused you or gave you reason to think, according to your temperament. Now it is fantastic and tragic. The penciled prices on the printed bill of fare are changed sometimes daily and always weekly. You pay several hundred marks for a piece of fried carp or for a quart of mineral water. You pay an unimaginable sum, in marks, for your room, which you are formally advised includes the municipal tax and the national tax and the stranger's tax and the tip. You are likely to have been told by the manager or a friend that things are greatly changed and that whereas when he last had the pleasure of seeing you, before the war, you could leave your room unlocked with the certainty that nothing would be touched, now he would beg you to lock bags and room day and night. As a matter of fact, at Treves some one-I do not know whether it was a policeman, a traveler, or a sneak thief-softly tried our bedroom door twice during the night and found it bolted.

"The atmosphere in the restaurants at Treves was depressing. The tables were equally occupied by German business men and by French officers of the Moroccan and Algerian regiments in their brilliant uniforms. The conversation was hushed. There was no merrymaking or even a semblance of gayety at the tables occupied either by the Germans or by the French officers and

their families.

"We stopped at Coblenz only long enough to lunch, for we had been delayed by engine trouble. I had been there before and we expected to see General Allen later. The doughboys, since ordered home, were few, not so many as French soldiers. I noticed that the principal hotel, which before had borne the common French name of the Grand Hotel Bellevue, was now the Coblenzer Hof. At lunch we were joined by some American officers, who in the course of the conversation told us of the never-ending friction between the French military and the German civilian authorities. We hurried from Coblenz to Mainz, the French bridgehead, where we saw General Degoutte, whom I had last met when I spent the day with him at the bombardment of La Malmaison. He was not so young as he had been, but as calm, painstaking, and patient as ever, rather more harassed, I thought, by the responsibilities of his command on the Rhine than he had been by those of his command in front of the Chemin des Dames during the war.

TRAVELING IN GERMANY.

"I have said that for many months the German population had been relatively well fed. It was about Christmas that considerable numbers of the industrial population began again to feel the pinch of hunger. In German cities like Cologne and Dresden there have been riots because of high prices. we were in the Rhine country the French military authorities had made ready to serve to a hungry civilian population as many as 250,000 military soups a day. Although Germany's exports now amount to less than 40 per cent of her pre-war exports, she has 90 per cent as many mouths to feed as she had before the war, and so must have between New Year and August 15, 1923, when the harvest is in, \$100,000,000 worth of American breadstuffs.

"You could travel in November from Frankfort to Berlin, sleeping compartment included, for about \$3. We had missed train and put up at the familiar Frankfurter Hof, we found first that the staff of the hotel was less attentive and obliging than in the old days, and second, that there were was and ought to be one of the most prosperous cities in Germany. Now, although the pedestrians were numerous, the vehicles were few, and those which were motor driven hardly to be mentioned at all. During the course of a two-hour stroll my wife and I saw, I think, four or five privately owned automobiles and something less than a dozen noisy, noisome old taxicabs. By way of contrast to the empty streets and the bundles of lithographed currency the shops made a rather brave show, but the purchasers going in or out of them were few.

few.

"At train time the rallway station was crowded, but on the train the third or second class compartments outnumbered the first class by 20 or 30 to 1. We shared a compartment with two German gentlemen, one in the forties, a business man returning from a journey to Zurich, and the other a man of 65, who was soon immersed in the study of a folio full of papers. There was a little confusion about the reservations. Some other people came with the train guard to lay claim to our seats, and the two German gentlemen, who had a little more English than I did German, very considerately and effectively interested themselves to see that we should not be disturbed.

"At one of the stations we heard an American voice say good-by to some Mr. McCormick who left the train there, and I spoke to my wife of the coincidence in our names. Thereupon the elder of the two gentlemen asked me if I were the American political man, and we all in a moment and in a mixture of languages began to discuss the state of Germany and of the world. 'The mark,' I said, 'had some buying power when I was here two years ago.'

"When the present American ambassador arrived in Berlin in the spring it was still worth a cent, but it had fallen so far during the six months prior to my second visit that a thousand marks were then worth about a dime. What this meant in human terms the elder of the two men brought out.

"'What do you think is the prospect of a man who in the sixties has retired from business with a snug fortune of a million or two marks, enough to keep him and his old wife and to stake his sons in the continuance of the old business or the establishment of a new one, and who now finds himself in his old age, with his family, in possession of an income rather smaller than that of a young stenographer? He must go back to work.'

"With that he resumed the study of his folio of papers. He had given us an authentic autobiographical note.

EFFECTS OF THE DEPRECIATED MARK.

"At first I was less depressed by Berlin than was my wife. It is true that two years ago, coming from Vienna to Warsaw, the sounder currency, the greater commercial capacity and commercial experience of the business men in Berlin, the smaller number of children proportionately dependent upon American relief—all made one feel that in arriving in Berlin one was leaving the morass for miry but firmer ground. But after all, at that time, those who had known Berlin before the war could never shake off the feeling that before them was the spectacle of a great, highly organized, and highly energized political and industrial machine wrecked. That has become familiar now, but there are other and depressing changes.

We could criticize and complain two years ago that while America, through the Quakers, was feeding the poor the profiteers made the cafes, the restaurants, the theaters, and the shops gay with high living. They did, and they gave a superficial brilliancy to Berlin, of which I saw no trace this year. It is all dark now, and to-day, as in Vienna two years ago, the men and women whom you meet in the professional, commercial, and political world seem helpless and hopeless. very striking, for bad as things were in 1919-20, dependent as the hungry children were upon American aid, bewildered as was the commercial world of Germany by the unmeasured and immeasurable indemnity, by the ineptitude of their new government-none the less they were moved by a real will to do, to find at home, in Russia, or in southeastern Europe the means to reestablish their economic independence and to win their economic and political freedom.

"Now the property of thousands of small business men has been Bolshevized, confiscated indirectly by the depreciation of the mark and by the growing uncertainty of the value of anything. If 200 marks bought a dollar a little while ago, and it takes 10,000 to buy one now, you can understand how a business man or any other investor has lost faith in anything but land and brick and mortar. If a man had a few railway or Government bonds or a mortgage which paid him so many marks a year at a fixed rate, what was once a tidy income will not keep him a month to-day: a mortgage or a few bonds.

which were negotiable security and which assured capital for a new enterprise, are now of no value whatever to a business man.

"We were told that there are a dozen or fifteen great captains of industry, of whom Stinnes is the most conspicuous, who stand to profit greatly by what has happened in Germany. But the smaller business men, the small investors, the great bulk of the professional people, have had their savings very nearly wiped out. If I say that the German workman is better off than they because his wages have more nearly kept pace with the depreciation of the mark and the consequent increase in prices, do not imagine that he is well off. The counselor of the American Embassy told me that he paid his chauffeur a dollar a week and the cook and the maid in proportion; that he could not do otherwise on account of the many German families living in the same apartment building, and that his wife was therefore put to it to recompense them in some proportion to what they did for her by giving them presents of clothing and food.

"As I was once a newspaper publisher, I was interested to learn that a German linotype operator was paid about \$1 a week and the editor of a large daily from \$15 to \$20 a month. If the German economic organization is weakened, the political organization is very far from strong. The world, I think, has never appreciated the task which the Germans, and, indeed, all the newly enfranchised peoples, face in organizing governments, representative and efficient, strong and responsible to public opinion. Rumania, Poland, Yugoslavia share the problem that confronts the Germans of Austria and the Reich. It takes time to train experienced democratic statesmen, to organize administrative departments anew, to develop parliamentary practice and parliamentary habits. Consider the government of these States under the Articles of Confederation and prior to the adoption of the Constitution.

"Certainly travel in Europe east of the Rhine is not comfortable, measured by the standard of American express trains; but the experienced wayfarer can go by wagonette from Berlin to Brussels without any great discomfort. It is agreeable in Brussels to emerge on the station platform in a realm of physically manageable bank notes and manageable nickel coins. Two years ago, when I had come from Vienna and Warsaw to Berlin, from the capitals of starved children and from countries where good coins had given way to rotten paper, it was as if one had climbed up out of a morass onto a higher and drier level, from which, in turn, one was to climb farther in going to France or to Belgium. Now that Germany has slipped down into the economic swamp, among all the continental States touched by the war Belgium gives the greatest impression of progress, the greatest promise of recovery and solvency. The Belgians have been industrious, where some others have not: they have been more prudent than others are. In Theunis, the prime minister and minister of finance, they are blessed with a public servant whose talent rises to the level of true statesmanship. Among the prime ministers of the northern States chiefly concerned with reparations-for I do not speak of the Italian prime minister, Mussolini, whom I have not met—M. Theunis is indubitably the ablest. This is not only my humble Theunis is indubitably the ablest. opinion but that of very nearly all the persons with whom I have talked who know Poincaré, Law, Cuno, and Theunis.

BELGIUM'S DIFFICULT POSITION.

"If Belgium gives the greatest promise of economic recovery among the continental States which engaged in the war, her political situation is none the less difficult. It is not merely that she sorely needs reparations, as does France; it is not merely that her frontiers on the east march with those of Germany, but that geographically, strategically, economically, politically she is in a situation made difficult by the growing differences between her two great allies, the French Republic and the British Empire. If her prudence, her practical commercial instinct, would lead her to vote with the British as against the French in the matter of reparations, her geographic and military situation compel her to vote and even to march with the French into the Ruhr.

"Look at the map. If French troops in considerable numbers occupy the territory from Mainz to Essen, Belgium would have the French Army to the east of her in Germany and to the west of her in France. Thus, despite the industrial activity general throughout Belgium, there are added to the anxieties about the Belgian budget and about reparations due perplexities about their relations with their former allies as well as with their former enemies.

land and brick and mortar. If a man had a few railway or Government bonds or a mortgage which paid him so many marks a year at a fixed rate, what was once a tidy income will not keep him a month to-day; a mortgage or a few bonds, nothing of the generous fare, which beckoned and welcomed

one to the European country that has traveled farthest along the road to economic recovery. I have visited England three times since the outbreak of the Great War. The English point of view and the problems of the English are more complex now than they were during the terrible days when aircraft above darkened the streets of London and U-boats below made perilous the watery lanes to the English ports. Things seemed simpler even three years ago, because men were still uncertain, expectant, and sanguine about the near future.

'Now, here we were in London, where we saw streets crowded with taxis, with well-dressed people, and yet we were told that the army of the idle had dispersed only the day before and that the unemployed in the Kingdom probably numbered 1,500,-000 among a population of 40,000,000. It is as if we had had for years the millions of unemployed who sought jobs in the great cities of the country during the crisis of depression in 1920-21.

"Here we found the pound almost as good as gold, and every day read in the newspapers accounts of the appalling Irish civil war just across the channel; here the shops were rich with costly and varied stores, were thronged by Christmas shoppers, while we read in the newspapers grave accounts or heard from statesmen's lips still more ominous reports of civil disorder and resistance or fiscal disarray in India.

"The British, like ourselves, almost from the moment of their entry into the war, levied great taxes and have continued them, so that to-day they bear at least a little more heavily upon all incomes than do the corresponding income taxes of the United States. The English bear the great burden of taxation, on the whole, very cheerfully. Their financial men and economists are not so certain that they have been wholly wise in restoring the par value of the pound. Across the channel they behold the pic-ture of countries with large and continuing deficits, increasing debts, and unchecked inflation of the currency, busy, with no problem of the unemployed. How can it be otherwise than that the whole British Nation should be troubled about the idle thou-

THE PROBLEM OF UNEMPLOYMENT.

"Two authorities told me that before the outbreak of the Great War the annual exodus from the British Isles, in round numbers, amounted to half a million souls a year-to the four Dominions, to the United States, and a fraction to other parts of the world. That is to say, since 1914, 4,000,000 who might have gone overseas have stayed at home. Two and a half millions were killed or maimed in the Great War, and there are 1.500,000 unemployed. That is, the number of unemployed is exactly equal to those who have stayed home and who were neither killed nor maimed. The Dominions, whose total population of European stock is approximately equal to that of New York and Pennsylvania combined, are not able to absorb very many, and yet in a section of the British press there is carried on a continuing agitation about conditions at Ellis Island, calculated to discourage emigration to the United States.

"This attitude toward emigration illustrates the perplexing and conflicting feelings which the British bear America to-day. They are cordially hospitable to their American friends; the utterances of their public men and the opinions of most of their great newspapers give every evidence of good will; sentiment and self-interest unite in seeking the most cordial relations with the United States; but, none the less, they can not but envy our financial and military security, contrasted with the financial difficulties that beset them at home and the military difficulties that beset them abroad.

"I think that three-quarters of the English men and women with whom we talked, including bankers, manufacturers, politicians, and journalists, asked if we believed that in the long run they would pull through. Secondly, they were eager to know if the ship subsidy bill would succeed or fail. When Germany was crushed the British at one and the same time closed the most important continental market for their goods and eliminated their most important commercial rival, only to find raised up across the Atlantic a more formidable rival, whose market was largely closed to them by a protective tariff. than this, the tremendous merchant tonnage built by the American Government for the prosecution of the war has made us, in point of the number of floating keels and their tonnage, a far, far more serious rival as a merchant carrier than Germany ever was if we keep our merchantmen at sea.

Thus they see that America has taken the place of Britain as the principal money market in the world; that it has outstripped Germany as Britain's competitor as a manufacturer of exports and the potential carrier of ocean freights; and that finally America's wealth and geographic security are such that it promises in a short time to become more formidable still.

This condition is aggravated by the collapse of the markets of continental Europe, and English bankers, traders, and politicians, who move with a unity of purpose which has not been achieved in America, are eagerly seeking markets outside of Europe—in South America and in Asia—and look forward with some apprehension to an era of bitter competition with the United States

"They have not wholly appreciated, I think, that the promised commercial rivalry between the two countries wears no military aspect like that which characterized the competition between the British and German Empires before the Great War. Our commercial aims abroad are not dominated and directed by the Government; nor are they carried forward for the purposes of governmental aggrandizement. The Washington conference made certain that we are not going to enter into a naval competition like that between the fleets of Britain and Germany in the crowded waters that wash their shores. will be no Agadir as a prelude to a Serajevo. They have not understood, I think, that it is incredible that our Government should seek any military-commercial concession like that of the Anatolian Railway secured by the Germans, or that of the Anglo-Persian Oil Co. which Winston Churchill secured in the Basra oil fields. None the less, I do not want to give the impression that the fear of impending friction may not itself engender friction. I remember that after spending some hours at the House of Commons one evening with some friends one of them told me that he feared that our tariff policy, our competition with them as carriers at sea and sellers of goods from Buenos Aires to Bombay and Shanghai would become so acute as to put a severe strain upon the political friendship between the two countries. It is not always easy immediately to recognize the other man's point of view.

'The present state of Europe, then, so depressed as to touch our prosperity, after all is due to no single cause, economic or political. Plainly it is attributable in great part to the waste of war, which can be made good only by years of toil and frugal living on the part of millions; it is attributable in part to the ruin of Russia, where more millions have died since the peace of Brest-Litovsk than ever were killed while Russia fought Germany; it is attributable in part to the Bal-kanization of Europe by the peace treaties, which added new boundaries, new governments, new armies, new customs borders, new traffic tariffs to the many which threatened peace and thwarted trade in Europe before the war; it is attributable in part to the ambitions and aborted policies of shortlived cabinets throughout Europe; to the planless purposes of inexperienced parliaments seeking to govern talented and dauntless peoples long denied self-government.
"The world seeks a remedy for its ills. Remedy by the league?

Remedy by conference?

"The members of the league have met in conference in Geneva. The governments of Europe met in conference at Genoa. The prime ministers have met in conference, political and economic, at San Remo, Cannes, Paris, Spa, Brussels, London, and Bou-Sometimes they have accomplished nothing; sometimes they have accomplished a little. They have not been willing to seek the realizable. They seek the impossible. As I heard a prime minister remark the other day, "One of the great powers has assiduously fished behind the net." Time and again they have been willing to do to-day that which to-day was no longer realizable, although it could have been done six months before.

"If the governments can not agree upon a sound and realizable program for the definite and final settlement of the total sum of reparations that Germany shall pay and can pay, if they can not agree among themselves and with bankers and investors upon a plan that will stabilize German currency, we may expect the franc and the lira to start down the declivity in pursuit of the mark, the crown, and the ruble.

"The terms of the new reparations settlement manifestly ought to include priority of payments for the reconstruction of the ruins of northern France and a moratorium to Germany several years, conditional upon an adequately secured bankers' loan to stabilize the mark, to balance the current German budget, and to contribute to French reconstruction this year; a plan devised upon these general bases is indispensable to the solvency and credit of the State in France and Germany, to the rehabilitation of industry in Germany, and so to the recovery of reparations by France. More important to the rehabilitation of Europe than any conference, than any agreement between statesmen and financiers can be, is the exorcism of the spirit of hate which animates governments and peoples. Unless the peoples are moved by a Christian will to peace and by Christian comity there can be no real peace in Europe."

REGENT OF THE SMITHSONIAN INSTITUTION.

The VICE PRESIDENT appointed Mr. Lodge a member of the Board of Regents of the Smithsonian Institution, in ac-cordance with the provisions of section 5581 of the Revised Statutes, to fill the vacancy occasioned by the expiration of his term.

DIRECTOR OF COLUMBIA INSTITUTION FOR THE DEAF.

The VICE PRESIDENT appointed Mr. Couzens a member of the board of directors of the Columbia Institution for the Deaf, pursuant to law, to fill the vacancy occasioned by the resignation of Mr. Pomerene, to take effect March 1, 1923.

PETITIONS AND MEMORIALS.

Mr. WALSH of Massachusetts. Mr. President, I have a communication from Rev. Stanley Manning, director of young people's work of the Young People's Christian Union, protesting against the use of the franking privilege by Senators for circulating matter not directly part of the Senate's proceedings. For the information of Senators, I should like to have the letter printed in the RECORD and referred to the Committee on Printing.

There being no objection, the letter was referred to the Committee on Printing and ordered to be printed in the RECORD,

as follows:

THE UNIVERSALIST CHURCH,
EXECUTIVE OFFICES,
Boston, Mass., February 15, 1923.

Hon. DAVID I. WALSH, Washington, D. C.

Washington, D. C.

My Dear Sir: There has just come to my desk, under the frank of a Senator, a copy of an article reprinted in the Congressional Record of January S regarding the report of the Inter-Church World Movement Committee which investigated the steel strike and the recent book by Marshall Olds attempting to effect its influence.

Leaving aside entirely the truth or faisity of the report, or of Mr. Olds's book, or of this article, I wish to register a very emphatic protest against the use of Government funds in printing and distributing such articles, which form no integral part of the deliberations of Congress. It is, to my mind, distinctly unchical to print and distribute at public expense reprints of this sort which give only one side of controverted questions, unless at the same time equal publicity is given to a presentation of the other side. I know that it is a matter of "senatorial courtesy" to allow such printing by unanimous consent, but in that kind of courtesy there is too little regard for the rights, intellectual and financial, of the public. It is unfair to use public funds for the distribution of partisan pamphlets, as is done during political campaigns and as has been done in the present instance.

I trust you will use your influence to bring about a discontinuance of this custom, which is both intellectually unfair and financially a waste of public funds.

Very truly yours,

Mr. McNARY presented the following joint memorial of the Legislature of Oregon, which was referred to the Committee on Agriculture and Forestry:

Agriculture and Forestry:

Senate Joint Memorial No. 4.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

States of America in Congress assembled:

We, your memorialists, the Senate of the State of Oregon, the House of Representatives concurring, respectfully represent that—
Whereas United States Senator Gooding, of Idaho, has introduced a bill in the Senate of the United States guaranteeing the price of wheat and providing a fund to handle the same; and
Whereas the State of Oregon is largely engaged in the raising and marketing of wheat, and we deem it to the best interests of the citizens of the State of Oregon that legislation of that character be enacted: Therefore be it
Resolved by the senate (the house of representatives concurring), That the Congress of the United States be, and it is hereby, memorialized to enact said bill or legislation of similar character; and be it further

further

Resolved, That the secretary of state be directed to transmit by mail
a copy of this memorial to the President of the United States Senate
and to the Speaker of the House of Representatives and to each of the
Senators and Representatives from the State of Oregon.

Concurred in by the house February 10, 1923.

K. K. KERLI.

K. K. KUBLI, Speaker of the House.

Adopted by the senate February 9, 1923,

JAY UPTON, President of the Senate.

[Indorsed: Senate Joint Memorial No. 4. Introduced by Senators Taylor and Ritner. John P. Hunt, chief clerk. Filed February 17, 1923, Sam A. Kozer, secretary of state.]

UNITED STATES OF AMERICA STATE OF OREGON,
Office of the Secretary of State.

Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of Senate Joint Memorial No. 4 with the original thereof adopted by the Thirty-second Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 17, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol, at Salem, Oreg., this 19th day of February, A. D. 1923.

[SMA A. KOZER.

[SNAL.]

Sam A. Kozer, Secretary of State.

Mr. McNARY presented a joint memorial of the Legislature of Oregon, which was referred to the Committee on Finance, as follows:

THIRTY-SECOND LEGISLATIVE ASSEMBLY,
Regular session.

House Joint Memorial No. 8.

o the honorable Senate and House of Representatives of the United States of America in Congress assembled:

To the honorable senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the joint assembly of the Legislature of the State of Oregon, respectfully represent that—
Whereas the United States Spruce Production Corporation is a corporation organized and existing under the laws of the State of Washington;
Whereas the United States Spruce Production Corporation acquired and purchased from the Blodgett Timber Co. in Lincoln County, Oreg., more than 13,000 acres of timberland prior to November 11, 1918, the title thereof passing to the Government in connection with its program for the production of airplane material during the late World War, thereby taking from the tax rolls of Lincoln County, Oreg., one-tenth of all of the assessable property in said county; and Whereas the said United States Spruce Production Corporation built and constructed a railroad from Yaquina Bay, Lincoln County, Oreg., south for a distance of 26 miles connecting said timberland, and at a cost of approximately \$2,500,600; the title of said property being in the United States Spruce Production Corporation was not taxable by Lincoln County in the State of Oregon; and
Whereas said United States Spruce Production Corporation during 1918 built and constructed 15 miles of railroad commencing on the north shore of Yaquina Ray, running north 15 miles into the great spruce beits situated in the Siletz country in Lincoln County, oreg., at a cost of approximately \$1,500,000, which property is nontaxable; and
Whereas the United States Spruce Production Corporation pur-

at a cost of approximately \$1,500,000, which property is nontaxable; and

Whereas the United States Spruce Production Corporation purchased and acquired a large amount of real estate at Toledo, Oreg., and has constructed thereon one of the largest sawmills in Oregon, and has spent vast sums of money thereon; and

Whereas on December 17, 1920, the United States Spruce Production Corporation entered into a contract with the Pacific Spruce Corporation, a Delaware corporation, under which all of the interests of the United States Government were sold to the Pacific Spruce Corporation; under the terms of said contract of December 17, 1920, the title to said property is to remain fixed in the United States Spruce Production Corporation until complete performance and full payment of the purchase price has been made by the purchaser, the Pacific Spruce Corporation;

By virtue of the above transaction a vast amount of property has been removed from the tax rolls of Lincoln County, the effect of which has been the placing of an unjust and unreasonable tax levy against the said property in said county remaining subject to taxation; and Whereas it was reported that certain payments are being made by the Pacific Spruce Corporation under said contract of December 17, 1920, of the small annual payment of \$50,000 per year; that said corporation has proceeded since the date of the contract purchased to sever the timber from the said lands and to market the lumber therefrom;

That the transfer of the title from the Government under the above contract is contributed to the contract of the contract is contributed to the contract of the contract of the contract is contributed to the contract of the contract of the contract is contributed to the contract the contract of the contract is contributed to the contract the contract is contributed to the contract the contract is contract to the contra

to sever the timber from the said lands and to market the lumber therefrom;

That the transfer of the title from the Government under the above contract is contingent upon the full compliance with the terms thereof, which is said to be 10 years, sufficient time will be allowed for said completion and in which time the timber will all be removed and forever exempt from taxation, and Lincoln County will have lost thousands of dollars; and

Whereas it is inequitable, unfair, and unjust that said county and its municipality should suffer such depreciation in their tax value and consequent loss; and

Whereas Lincoln County has bonded itself in the sum of \$1,000,000 for building and construction of the harber on Yaquina Bay in order that the timberlands aforesaid and other timberlands in the county may be piaced upon the markets of the world, her tax bundens are almost unbearable and the county is facing bankruptcy: Now, therefore, be it

Resolved by the joint assembly of the senate and house of representatives. That the Congress of the United States of America be, and the same is hereby, memorialized in order that any doubt of the right of the State of Oregon, Lincoln County, and its several municipalities to tax as other property all property which is owned by the United States Spruce Corporation, and also all other property which may have been sold by the United States Spruce Production Corporation under contract or otherwise, including improvements placed thereon, or that in lieu thereof Congress, in the event that the tax upon said property be determined to be illegal, appropriate funds from the National Treasury in a sum equivalent to the amount of such taxes from year to year.

Mr. NORBECK presented the following concurrent resolu-

Mr. NORBECK presented the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Banking and Currency:

A concurrent resolution memorializing Congress to give immediate and careful consideration to Senate bill No. 4130.

careful consideration to Senate bill No. 4130.

Be it resolved by the Senate of the State of South Dakota (the House of Representatives concurring):

Whereas a bill raising the limit on Federal farm loans from \$10,000 to \$25,000 has been introduced in Congress, and which is now in the Committee on Banking and Currency:

Therefore we urge our delegation in Congress to do their utmost to secure speedy and favorable action by the committee, and thereafter its prompt passage by Congress, so that it may become the law before March 1, 1925, at which time there are many Federal farm loans to be closed exceeding \$10,000 in amount.

That the passage of this bill will not in any manner impair the operation nor the credit of the Federal land bank, but will result in extending its scope of usefulness so that a larger number of borrowers can be reached.

That all loans are made on the basis of the security offered, and borrowers of large amounts often offer the best security, owing to their executive ability and industry in the management of farm operation.

That the Federal land bank is seriously hampered in its operation owing to the \$10,000 limit; be it further

Resolved, That engrossed copies of this resolution be prepared by the secretary of state, signed by the presiding officers of the senate and house of representatives, and forwarded one copy each to Senators Norbeck and Sterling and Congressmen Christopherson, Johnson, and Williamson, to the Secretary of the Senate and the Chief Clerk of the House of Representatives of the United States, and to His Excellency the President of the United States, Warren G. Harding.

CARL GUNDERSON,

President of the Senate.

A. B. Blake.

Secretary of the Senate.

E. O. Frescoln,

Speaker of the House of Representatives.

WRIGHT TARBELL,

Chief Clerk of the House of Representatives.

Mr. NORBECK presented the following concurrent resolution

Mr. NORBECK presented the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Agriculture and Forestry:

Mr. NORBECK presented the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Agriculture and Forestry:

A concurrent resolution requesting and demanding modification and revision of the present Federal standards for grading grain.

Be it resolved by the Senate of the State of South Dakota (the House of Representatives concurring). That the Bureau of Markets of the United States Department of Agriculture, in the spring of 1917, promujated certain standards for grading wheat which revolutionized the secondary of the state of South Dakota and unsatisfactory in commercial transactions; and as subsequent attempts by the said Bureau of Markets to amend the original standards and inspection rules have not removed the features objectionable to the wheat producers of South Dakota and the rural shippers of grain, with the result that the present standards are regarded by the farmers of the Northwest as unfair and unreasonable; and

Whereas the grades so established do not meet with the approval of the grain growers and shippers of this State and are believed to confer an undue advantage to the buyers, with a consequent discrimination against the farmers, thereby causing heavy losses every year; and

Whereas the States of Minnesota, South Dakota, North Dakota, Montana, Idaho, and Washington, at a meeting held in Helena, Mont., March 16, 1918, by formal resolution proposed standards for grading spring wheat which were declared to be fair to all interests directly concerned; and

Whereas the South Dakota Farm Bureau Federation, the South Dakota Farmers Grain Dealers' Association, and other farm and grain organizationers grain bealers' Association, and other farm and grain organizationers of the Northwest having appeared before the Federal Department of Agriculture and the Committee on Agriculture of both Houses of Congress advocating and urging action favorable to the requests and needs of the farmers of South Dakota; and

Whereas the Logislature of Minnesota and North

CARL GUNDERSON,
President of the Senate.
A. B. BLAKE,
Secretary of the Senate.
E. O. FRESCOLN,
Speaker of the House.
WRIGHT TARBLL,
Chief Clerk of the House.

Mr. NORBECK presented the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Interstate Commerce:

concurrent resolution requesting and demanding modification and reduction of the present freight rates for grain and live stock.

reduction of the present freight rates for grain and live stock.

Whereas the present freight rates for shipment of grains and live stock by the railroads are excessive and of such a nature as to render the prices received by producers of such commodities less than the cost of production; and

Whereas several efforts have been made by the railroad commissioners of the State of South Dakota to secure reductions that are necessary for the preservation of the great industry of agriculture in the State of South Dakota; and

Whereas the rates now in force are approximately 20 per cent higher than the rates in force prior to 1918; and

Whereas the prices of farm products to the producer in this State are approximately 20 per cent lower than the average prices received by such producers for such commodities during the 10-year period just preceding the year 1918: Be it

Resolved by the Senate of the State of South Dakota (the House of Representatives concurring). That it hereby, in behalf of the people of the State of South Dakota, requests and demands that the Congress of the United States, by appropriate legislation or otherwise, and the Interstate Commerce Commission and all other bodies of the Federal Government having in their power or discretion to modify, reduce, revise, or amend the present freight rates, perform such duties as to comply with the requests of the farmers of the State of South Dakota and the Northwest and thereby remove this menace to the prosperity and welfare of the agricultural interests of South Dakota and the Northwest; and be it further

*Resolved**, That copies of these resolutions be prepared by the secretary of state and forwarded to our Representatives and Senators in Congress, to the Secretary of the Senate and the Chief Clerk of the House of Representatives of the United States, to the Interstate Commerce Commission, and to His Excellency the President of the United States, Warren G. Harding.

Carl Gunderson, **Devident of the Senate of the Senat

CARL GUNDERSON,
President of the Senate.
A. B. BLAKE,
Secretary of the Senate.
E. O. FRESCOLN,
Speaker of the House of Representatives.
WRIGHT TARBELL, Chief Clerk of the House of Representatives.

Mr. NORBECK presented the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on the Judiciary:

A concurrent resolution.

Be it resolved by the Senate of the State of South Dakota (the House of Representatives concurring), That—
Whereas a resolution introduced by Hon. W. R. Green of Iowa for the submission of an amendment to the Constitution of the United States, eliminating the exemption from taxation of National, State, and municipal securities, has passed the National House of Representatives; and

States, eliminating the exemption from taxation of Representatives; and

Whereas such exemption has provided an avenue of escape from taxation of billions of dollars invested in such securities, thus increasing to an unwarranted degree the burdens imposed upon other classes of property; and

Whereas if this plan of exemption from taxation is to be continued, the burden of taxation will fall most heavily upon productive capital and will relieve nonproductive capital from its fair share of taxation: Now, therefore, be it

Resolved, That it is the sense of the Legislature of the State of South Dakota that provision should be made against the further continuance of this form of tax exemption, and that said resolution should be adopted and an amendment should be made to the Constitution of the United States, as proposed in said resolution; be if further

Resolved, That engrossed copies of this resolution be forwarded to the President of the United States and to the Hon. Thomas Steriling and to the Hon. Peter Norbeck, Senators of the State of South Dakota.

CARL GUNDERSON,

President of the Senate,

A. B. Blake,

Secretary of the Senate,

A. B. Blake,

Secretary of the Senate.

E. O. Frescoln,

Speaker of the House.

Which were reforred.

Mr. NORBECK presented the following concurrent resolu-

Mr. NORBECK presented the following concurrent resolutions of the Legislature of South Dakota, which were referred to the Committee on Commerce:

A concurrent resolution.

A concurrent resolution.

Whereas South Dakota is almost wholly dependent upon agriculture and, consequently, the market for agricultural products is of prime importance in our affairs; and

Whereas water transportation will reduce the cost of the carriage of wheat to the seaboard no less than 7 cents per bushel, and proportionately upon other cereals, a saving that would add many millions to the market value of the products of our farms, to say nothing of the reduced cost of merchandise by reason of bringing the seaboard to the interior; and

Whereas the proposed Great Lakes-St. Lawrence deep waterway will bring South Dakota 2,000 miles nearer to the Atlantic and European markets and will result in substantial advantage to our markets and the consequent improvement to agricultural conditions and the general prosperity of the people: Therefore be it

Resolved by the Senate of the State of South Dakota (the House of Representatives concurring), That the Congress of the United States be, and it hereby is, memoralized and petitioned to promptly take such action as will result in immediate development of the Great Lakes-St. Lawrence deep waterway; be it further

Resolved, That engrossed copies of this resolution be forwarded by the secretary of state to our Senators and Representatives in Congress, and to the Secretary of the Senate and Chief Clerk of the House of Representatives of the United States, and to His Excellency the President of the United States, warren G. Harding.

CARL GUNDERSON,
President of the Senate.
A. B. BLAKE,
Secretary of the Senate.
E. O. FRESCOLN,
Speaker of the House.
WRIGHT TARBELL,
Chief Clerk of the House.

concurrent resolution memorializing Congress and our Senators and Representatives in Congress to amend section 2 of House Resolution 8744, approved December 21, 1921, and enact in lieu thereof an act to require the completion of a steel bridge at Chamberlain, S. Dak., as required by act of Congress approved April 28, 1916, said bridge to be completed during the year 1923.

Whereas, by an act of Congress dated April 28, 1916, the Chicago, Milwaukee & St. Paul Rallway Co. was authorized to construct a steel bridge across the Missouri River at Chamberlain, S. Dak., and permission granted to continue the use of a pontoon bridge for the trans-

portation of freight and passengers across said river until the completion of said steel bridge; and

Whereas the right to construct said bridge was extended by act of Congress approved February 25, 1919, and by a further act of Congress approved December 21, 1921, which last-named act extends the time for the completion of said bridge to April 28, 1925; and
Whereas said Chicago, Milwaukee & St. Paul Railway Co. began the construction of and completed a portion of said bridge in the year 1918 but has wholly failed to do anything toward the completion thereof since the early part of 1919; and
Whereas the use of said pontoon bridge is believed to endanger the lives of the employees of said railroad operating trains thereon and the lives of the traveling public; and
Whereas serious and costly accidents and delays in transportation have already occurred, to wit:

First. That on or about June 21, 1922, while a gravel train was crossing said bridge, the pontoon used as a draw upset and caused the engine and several cars to be thrown into the Missourl River, together with the engineer, who was seriously injured.

Second. That during the spring of the year when the ice is going out and during the June rise and in the fall of the year and when the ice is forming or floating in said river it is impossible to operate the draw in said bridge, and by reason of that fact all passenger, mail, freight, and express traffic to points west of the Missourl River is greatly delayed, especially when said bridge is out or draw open, and the development of the country deterred, and the business interests of the people located between Chamberlain and Rapid City, 8. Dak., jeopardized: Therefore be it

Resolved by the Senate of the State of South Dakota (the House of Representatives concurring), That the Congress of the United States and our Senators and Representatives in Congress of the United States and to our Senators and Representatives in Congress of the United States and to our Senators and Representatives in Congress and to the S

CARL GUNDERSON,
President of the Senate.
A. B. BLAKE,
Secretary.
E. O. Frescoin,
Speaker of the House,
WRIGHT TARBELL,
Chief Clerk.

Mr. NORBECK presented petitions of sundry citizens of Hitchcock and Tulare, all in the State of South Dakota, praying for the passage of legislation granting immediate aid to the famine-stricken peoples of the German and Austrian Republics, which were referred to the Committee on Appropriations.

Mr. WARREN presented resolutions adopted by the Admiral Robert E. Peary Ship, No. 427, Veterans of Foreign Wars, of Washington, D. C., favoring the passage of House bill 7864, the so-called naval omnibus bill, which were referred to the Committee on Naval Affairs.

Mr. KEYES presented a resolution of the congregation of the First Congregational Church of Concord, N. H., favoring an amendment to the Constitution governing the passage of legislation regulating child labor, which was ordered to lie on the table.

Mr. CAPPER presented petitions of sundry citizens of Meade, Lafontaine, and Melvern, all in the State of Kansas, praying for the passage of legislation regulating radio broadcasting, which were referred to the Committee on Interstate Commerce.

Mr. LADD presented a resolution of the Ellendale Nonpartisan Club, No. 352, of Ellendale, N. Dak., protesting against the passage of the so-called Strong bill amending certain sections of the Federal farm loan act, which was referred to the Committee on Banking and Currency.

Mr. TOWNSEND presented petitions of sundry citizens of Mount Clemens and members of the Zion Evangelical Church, of St. Joseph, all in the State of Michigan, praying for the passage of legislation granting immediate aid to the faminestricken peoples of the German and Austrian Republics, which were referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. STERLING. Mr. President, on Saturday last there was reported from the Committee on Appropriations, with an amendment, House bill 8928, to provide for the classification of civilian positions within the District of Columbia and in the field services, and it was referred to the Civil Service Committee. The Civil Service Committee now reports back the bill forwardly and again that it go to the columbia. bill favorably, and asks that it go to the calendar; and I desire to give notice that at the earliest opportunity I will ask that

the bill be taken up for consideration by the Senate.

The VICE PRESIDENT. The bill will be placed on the

Mr. ROBINSON, from the Committee on Claims, in compliance with the leave formerly granted, submitted a supple-

mental report (No. 1216) to accompany the bill (S. 4608) for the payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, and under the provisions of section numbered 151 of the Judicial Code, which had previously been reported from that committee.

Mr. BURSUM, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (H. R. 12019) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept.

No. 1217); and
A bill (H. R. 13980) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of

said war (Rept. No. 1218).

Mr. BALL, from the Committee on the District of Columbia, to which was referred the resolution (S. Res. 419) providing for an investigation of traffic conditions in Washington, D. C., and of accidents resulting therefrom, and better measures for protecting the public against injury and damage arising from negligence, reported it with an amendment.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without

amendment and submitted reports thereon:

H. R. 1227. An act for the relief of Frank G. Emmes (Rept. No. 1219) :

H. R. 4653. An act for the relief of Allie Melinda Outterside (Rept. No. 1220);

H. R. 6601. An act for the relief of the Great Lakes Engi-

neering Works (Rept. No. 1221); H. R. 8051. An act for the relief of the Commonwealth &

Dominion Line (Ltd.), owner of the British steamship Port Phillip (Rept. No. 1222)

H. R. 8221. An act for the relief of the Chinese Government (Rept. No. 1223); H. R. 8733. An act for the relief of Harold L. McKinley (Rept.

No. 1224)

H. R. 9160. An act for the relief of John Anderson (Rept. No. 1225)

H. R. 12315. An act for the relief of the owners of the schooner T. K. Bentley (Rept. No. 1226); H. R. 12584. An act for the relief of Alice Loeber (Rept. No.

1227); and H. R. 13903. An act for the relief of the New York State Fair Commission (Rept. No. 1228).

Mr. CUMMINS, from the Committee on the Judiciary, to which was referred the bill (H. R. 14222) to amend the trading with the enemy act, reported it with amendments and submitted a report (No. 1229) thereon.

Mr. CALDER, from the Committee to Audit and Control the

Contingent Expenses of the Senate, by unanimous consent, withdrew the report heretofore submitted by him on the concurrent resolution (S. Con. Res. 37) creating a joint commission to be known as the joint commission of gold and silver inquiry and reported a joint resolution creating the joint commission of gold and silver inquiry.

The joint resolution (S. J. Res. 287) creating the joint commission of gold and silver inquiry was read twice by its title.

BELLS FOR ST. ANN'S CHURCH, KENNEBUNKPORT, ME.

Mr. McCUMBER. From the Committee on Finance I report back favorably without amendment a bill to remit the duty on a carillon of bells to be imported for St. Ann's Church, of Kennebunkport, Me. We have just passed a couple of these bills, and I ask unanimous consent for the present consideration of this one.

Let the bill be read. Mr. ASHURST.

The VICE PRESIDENT. The Secretary will read the bill. The reading clerk read the bill (S. 4622) to remit the duty on a carillon of bells to be imported for St. Ann's Church, Kennebunkport, Me., as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to admit free of duty a certain carillon of six bells to be imported for St. Ann's Church, Kennebunkport, Me.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GERRY;

A bill (S. 4628) to amend section 5908, United States Compiled Statutes, 1916 (R. S., sec. 3186, as amended by act of Mar. 1, 1879, ch. 125, sec. 3, and act of Mar. 4, 1913, ch. 166); to the Committee on the Judiciary.

By Mr. KENDRICK:

A bill (S. 4629) to permit the relinquishment of farm units heretofore entered on a Federal reclamation project, that may be found unfeasible of reclamation, and the repayment of construction, operation, and maintenance charges without impairing the right of the entryman to make further entry; to the Committee on Irrigation and Reclamation.

By Mr. BALL:

A bill (8, 4630) to authorize the Commissioners of the District of Columbia to prescribe penalties for violations of municipal regulations or ordinances involving vehicular traffic; to the Committee on the District of Columbia.

By Mr. SHEPPARD:

A bill (S. 4631) granting consent of Congress to the countles of Bowie and Cass, State of Texas, for construction of a bridge across Sulphur River at or near Paces Ferry in said counties and State; to the Committee on Commerce. By Mr. SHORTRIDGE:

A bill (S. 4632) to amend section 4 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes," approved August 23, 1912; to the Committee on Appropriations.

By Mr. NORBECK:

A bill (S. 4634) for the relief of William E. Snyder; to the Committee on Claims.

By Mr. BURSUM:

A bill (S. 4635) to amend the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended; to the Committee on Education and Labor.

By Mr. WADSWORTH: A bill (S. 4636) for the relief of Samuel T. Hubbard, jr.; to the Committee on Military Affairs.

By Mr. JONES of Washington:

A bill (S. 4637) for the relief of certain disbursing agents under the Department of Commerce; to the Committee on Com-

BUREAU OF COMMERCIAL ECONOMICS.

Mr. OWEN. Mr. President, I introduce a bill to grant a charter to the Bureau of Commercial Economics, whose headquarters are at 1108 Sixteenth Street, Washington, D. C., which I ask be read by title.

The bill (S. 4633) to incorporate the Bureau of Commercial Economics and grant it a corporate form and powers under the laws of the United States, and to receive the assets of a State corporation of the same name and assume its liabilities, was

read twice by its title.

Mr. OWEN. This wonderful altruistic bureau is a great pub-With the cooperation of many of the leading lic servant. nations of the world it has gradually put in free circulation over 60,000 reels of exceeding 60,000,000 feet of film, showing the cities and scenic beauties of many countries, their customs, their industries, and social habits; all kinds of manufacturing ses, vocational instruction, and all forms of life of man, beast, birds, and fishes from all parts of the world. These reels come to the bureau from all over the world for free distribution and go to schools, community centers, and localities without easy access to moving-picture theaters.

These pictures without money and without price are being shown all over the world by the bureau in every State in the United States, in every State of Europe, in South America, in

Africa, in Asia, and the South Sea Islands.

They are teaching the people all over the world to understand and respect each other, perhaps to love each other when they do understand. All that is noble, all that is truly constructive, all that is ideal, whether in things of the spirit or the intercourse of nations or of man with man, is founded on kindliness, on human sympathy. Across the ages or across the continents and seas such sympathy is engendered when mind meets mind in mutual understanding and respect, an understanding based on the tangible, concrete facts of the enfoldment of life in its joys and sorrows, its defeats and triumphs, be it among the bushmen of Australia or among the enterprising people of the

United States; and a respect born of the consciousness that the individual, the community, the Nation, and the congress of peoples is but seeking, each according to his environment, the happiness and progress of those within the scope of his vision, and striving for the unfoldment of soul. Contact of East and West, of the pharonic ages and the twentieth century is not impossible of accomplishment. Through the eye, the immediate gateway to the mind, the picture conveys, portrays the life of one nation to another, delineating with equal skill the motivating principle, the embodiment of the thought in the deed, and the resultant fact and its concomitants, in a language that all but the blind can read and comprehend.

To be effective in the fostering of human sympathy and understanding such pictures must have broad distribution, must be available equally in the remote mountains and jungles as in the crowded cities, in community houses as in the universities, and the price for viewing them must be within the reach of all. There is but one such price, and that is free; free as the picture that nature places for all to admire, to understand, from which

to draw wisdom and experience.

Life is larger than the making of a profit, which in its legitimate place is desirable, and the amity of nations and peoples will be accomplished only when each truly understand himself, the other and the relation of each to the whole. Such is the work of the Bureau of Commercial Economics which has quietly and effectively been introducing nations to each other, in their work and in their play, in their home environment wherever their argosies may venture, in pursuit of trade or pleasure, through its motion pictures and lectures, sent all over the world free to the people.

FACTS TO REMEMBER ABOUT THE BUREAU OF COMMERCIAL ECONOMICS.

The Bureau of Commercial Economics is purely altruistic. It is not operated for profit and has no capital stock.

The bureau is a chartered association cooperating with many governments, institutions, manufacturers, producers and transportation lines of America and other countries, formed for the purpose of disseminating geographical, commercial, industrial, and vocational information by means of motion pictures.

The bureau's films are shown free of charge to the public.

This is an invariable rule.

Although international in scope, the bureau is designed to make better citizens by teaching men how to get more out of life

The bureau has the indorsement of the officials of the United States Government, including President Harding; of foreign governments, leading industries, railroads, churches, and nearly all of the American universities and social welfare organiza-

The efficiency and economical management of the bureau has been amply proven on numerous occasions to Government officials and others who investigated its work before lending their cooperation.

The work of the bureau is directed by officers elected by the trustees and is assisted by an advisory council composed of college presidents and men of international distinction in science and letters.

At different times I have called the attention of the Senate to this great work and its possibilities but, never, until now, have I had a full and complete knowledge of all the details of its operations as I now possess after a full and exhaustive study and investigation of the matter.

The Bureau of Commercial Economics is the living story of one man's gratitude one of the most inspiring tales of self-

sacrifice in the history of education.

In 1893 Mr. Francis Holley, after a life of great activity and success, found himself totally blind. Then began a fight that was to last through several years of night, during which time Mr. Holley was to resolve again and again that if ever his sight was returned he would show his gratitude by devoting his life to the service of mankind.

In that vow, made in the darkness when even the light of hope was burning low, lay the beginnings of the Bureau of

Commercial Economics.

Mr. Holley was in Aix-la-Chappelle taking treatment for his eyes when he discovered a way in which to make his vow effec-The German Government at that time was holding in Dusseldorf its biennial exhibition of the various manufacturers represented in the German Empire. Not only was it an exhibition but it also was a vocational guide to the youth of Germany. German boys who could show high school certificates were sent to the exhibition from all parts of the Empire, and had their expenses at Dusseldorf paid by the Government for two weeks. The boys were allowed to inspect and study all

the different crafts exhibited, and after this were expected to

decide which vocation in life appealed to them most.

This, of course, was a much more intelligent way of picking one's life work than merely being pushed into any kind of work by the driving force of circumstances. But even so, Mr. Holley had a better way. If the exhibition were successful, would it not be even more successful if taken to the homes of the boys by means of motion pictures? He laid his idea before the German minister of education and before the Kaiser himself. Both were enthusiastic over the plan, and told him to go ahead. He did; and despite the inadequacy of motion pictures in those early days he met with considerable success. Failure to get suitable pictures of several important industries, however, led to temporary defeat.

But the feasibility of the plan had been proven. Success waited only on the perfection of the motion-picture camera

and projection machine.

The rapid development of both gave him an opportunity sooner than he had looked for, and 10 years ago he began to organize the bureau of commercial economics with Miss Anita Maris Boggs, whose high ideals, broad conception of world affairs, and expert economic training and organization ability have contributed to its present world-wide usefulness and influence.

Now, what is this bureau of commercial economics? This can best be explained by a brief outline of its operations and

purposes.

As soon as the bureau had been incorporated and had opened an office in Washington Mr. Holley started to put the idea into operation. He first went to the Bureau of Education of the Interior Department and told them he wanted all the motion pictures they could give him. He said he wanted to show them to the people, to make better citizens of them.

The Government officials, especially the late Secretary, Franklin K. Lane, were enthusiastic and promised their heartiest help. Then he went to the largest industrial concerns and begged the privilege of getting motion pictures of their plants. The purpose was to show the people how things in common use were made. He went to the foreign embassies in Washington and from them got films showing industries and customs in foreign lands.

Then came the question where to show these pictures. With boundless optimism and energy the universities and colleges, State granges, social settlement houses, community centers, and churches from one end of the country to the other were

canvassed and agreed to show the pictures.

In all this work he laid down only two conditions: To the industries and Governments he stipulated that no picture should contain advertising. To the universities and other institutions he stipulated that the pictures must be shown free of charge to everybody.

The growth of the bureau was amazing. Nearly every university in the country was soon showing the bureau's pictures in its extension work. Dignitaries of the church got behind it; public officials went to its aid, and in a little while Mr. Holley's motion-picture programs, carrying their message of education and Americanism, were in circulation from Maine

to California.

But to show them in buildings was to show them only in populated communities. This was not enough; there were backwaters of American life where buildings were not available. So Mr. Holley had special trucks made by which the bureau's films could be carried off the beaten paths of civilization and shown in the open air to men and women whose vision on life had been hemmed in by poverty and loneliness. Into the mountains of Tennessee and Kentucky, far out on the prairies of the Dakotas, in the negro settlements of the South, down into the teeming streets of New York's East Side the bureau's trucks, equipped with powerful projectors, rumbled their way, stopping frequently to put on a show out under the stars for the enlightenment of men.

So successful was the work of the bureau that Mr. Holley soon cast about to make the scope of the pictures take in the whole world. Through the State Department at Washington it was arranged to have the films sent free of charge through the American diplomatic pouches. Then with the cooperation of foreign Governments the bureau's message of education and patriotism began to march around the globe.

The infant mortality rate in India was soaring. Immediately several prints of a picture teaching the proper care of infants were on their way to India to be shown before crowds of amazed native mothers, and the films accomplished their purpose.

In the lonely steppes of Sberia the bureau's films are shown nightly on screens slung between telegraph poles of the Eastern Chinese & Siberian Railroad. At the mouth of the copper mines in Chile and Peru the bureau's pictures are teaching the peons the lesson of decent living and honest craftsmanship. The natives of Zululand, huddled in black, wondering groups about a white screen, learn how to make butter by modern Vermont methods. The weavers of Manchester, England, are shown the methods in use in the woolen mills of Manchester, N. H.

And the bureau's pictures are shown in theaters, too, but not for profit. Through an arrangement with the motion-picture theater owners of the United States, the bureau's pictures are exhibited at special matinee performances to children, free of

charge.

The lesson of decent living and true Americanism is written in shadows and light before the inmates of State prisons. The bureau's pictures, speaking the simplest and most understandable of all languages, carry solace and reason into the warped minds of insane asylums. To patients in hospitals, seeking relief from pain, the bureau's films come with their message of cheer and hope.

In a word, wherever instruction and entertainment can advance the cause of civilization the bureau's pictures are knitting

the races of man closer together.

The brotherhood of man is a big term, even if loosely used. But surely the bureau has caught hold of something that is every day bringing this brotherhood a little nearer to reality. The language of pictures is the language of men of all races. They have the same meaning on the Bund in Shanghai that they have on Broadway. And by showing the man of Shanghai how the man of New York lives, how he works, how he plays, you are destroying distance and making these two men neighbors—just two human beings seeking peace and happiness.

just two human beings seeking peace and happiness.

But just as it is bringing the races of man closer together through understanding, so is the bureau's work making better citizens of them. The ignorant mountaineer of Tennessee is a better American citizen if he is taught how to market his crops more scientifically. The French peasant is a better Frenchman if he improves his mode of living by learning through pictures the lessons of sanitation. Your prisoner in Sing Sing will be less of a liability after his release if pictures have taught him

a trade in prison.

So these are the purposes and the work of the bureau: To make better citizens of men and women, to bring the races of men closer together through understanding, and to lift the plane of living just a little bit higher among the people down near the bottom of the ladder.

I move that the bill be referred to the Committee on the Judi-

ciary.

The motion was agreed to.

PROPOSED WORLD CONFERENCE.

Mr. KING. Mr. President, I introduce a joint resolution, and ask to have it read and lie on the table.

The joint resolution (S. J. Res. 286) providing an international conference for reduction of land and naval armaments, the improvement of commerce, and the promotion of world peace was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the President is authorized and requested to invite the Governments with which the United States has diplomatic relations, to appoint representatives to a conference to be held in the city of Washington, which shall be charged with the consideration of the causes and purposes of present military and naval expenditures and the formulation of measures for the reduction of land and naval armaments, for the improvement of industry and commerce, the assurance of public order, and the promotion of peace throughout the world,

The VICE PRESIDENT. The joint resolution will lie on the table.

PENSION TO JOHN L. LIVINGSTON.

Mr. PHIPPS submitted an amendment intended to be proposed by him to the bill (H. R. 12019) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, which was ordered to lie on the table and to be printed.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. LENROOT submitted an amendment providing that the appropriation of \$40,000 for the fiscal year 1923 for the establishment of a fish-rescue station on the Mississ'ppi River, made by the deficiency appropriation act approved July 1, 1922, be continued and made available during the fiscal year 1924, intended to be proposed by him to House bill 14408, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and order to be printed.

Mr. CAMERON submitted an amendment providing for 43 messengers at salaries of \$1,800 each under the office of the Sergeant at Arms and Doorkeeper, etc., intended to be proposed by him to be inserted at the end of the amendment of Mr. Townsend to the amendment of Mr. Moses, providing increased salaries to certain Senate employees, and intended to be proposed to the House bill 14408, the third deficiency appropriation bill, which was referred to the Committee on Appropriations

and ordered to be printed.

Mr. ROBINSON submitted an amendment proposing to pay \$900 to Leslie L. Biffle for services rendered to various committees of the Senate in addition to his regular duties, intended to be proposed by him to House bill 14408, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

CHARLES I. O'NEILL.

Mr. McCUMBER submitted the following resolution (S. Res. 450), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, to Charles I. O'Neill, the sum of \$500 for expert services rendered by him to the Senate Committee on Finance during the Sixty-seventh Congress in compiling, editing, and indexing hearings, special reports, and bills relating to the revenue act of 1921, and the tariff act of 1922.

FEDERAL AND STATE DEBTS.

Mr. NORRIS. I offer a Senate resolution, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read,

The resolution (S. Res. 451) was read, as follows:

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 451) was read, as follows:

Whereas the public debts of the United States and of the several States and their political subdivisions, many of which are exempt from taxation, have reached enormous proportions of the total wealth of the country; and

Whereas many of the agricultural, manufacturing, and other industries, or trades, of the country are suffering from heavy indebtedness and from burdensome taxation; and

Whereas the situation as to international debts in relation to the revival of preductive enterprise throughout the world presents a problem of great complexity, and a general accounting with regard to the economic position of this country is necessary in order to formulate an intelligent policy: Now, therefore, be it

Resolved, That the Federal Trade Commission is hereby directed to make an inquiry into, and to compile data concerning, the total amount of the chief kinds of wealth in the United States, including land, improvements, movables, and other tangible and intangible goods, and also the ownership thereof, and the various liabilities incumbent thereon, including public and private debts, of various kinds, corporation stocks and other choses in action, and to make inquiry into, and compile data concerning, the amount of the annual increase in national wealth in recent years in different lines of economic activity and of the income received by different classes of the population, including data as to the amount of the income from securities exempt from taxation under the Federal income and profits taxes; and to make report on the aforesaid matters, as soon as practicable; Provided, however, That in respect to such data no information shall be reported or published which would reveal the amount of wealth, property, indebtedness, or income of any person, partnership, or corporation. And be it further

Resolved, That in accordance with section 8 of an act approved September 26, 1914, entitled "An act to create a Federal Trade

Mr. NORRIS obtained the floor.

Mr. McCORMICK. Mr. President-

Mr. NORRIS. I yield to the Senator from Illinois. Mr. McCORMICK. I sought to ask the Senator from Nebraska whether the resolution contains a request that the commission prepare a comparison of expenditures and taxes by States and local taxing bodies to-day and, say, five years ago?

Mr. NORRIS. No, Mr. President; that is not included. Mr. McCORMICK. Would the Senator object to the addi-

tion of such a provision?

Mr. NORRIS. I would not. I think that would be of a great deal of value. Then, if the information is secured that the resolution calls for, it will be very easy to make a comparison. I should have no objection to having it amended in

Mr. McCORMICK. Mr. President, it has been stated that the annual sum of State and local taxation amounts to some five billions a year, or more than is now collected by the National Government. Many of us know from personal knowledge that within our own States the cost of State government or municipal government has trebled and quadrupled with a four years. Relief from taxation by Congress will not lighten the burden of the people unless the States and local taxing bodies desist from the vast expenditures in which they are now en-

gaged. If the Senator will permit me, I will draft a brief amendment covering the matter I have suggested, and send it to the desk

Mr. NORRIS. I will say that I shall have no objection to that kind of an amendment. It will add just a little work to the Federal Trade Commission, but I can see that it would

be very valuable.

Mr. SMOOT. Mr. President, I will ask that the resolution go over for the day. Then the Senator from Illinois can prepare his amendment more carefully.

The VICE PRESIDENT. The resolution will lie over for one day.

IMPURITIES AND MISGRADING IN ANTHRACITE COAL.

Mr. WALSH of Massachusetts. Mr. President, I offer a Senate resolution requesting certain information on the subject of coal impurities, and ask that it be read.

The VICE PRESIDENT. The resolution will be read. The resolution (S. Res. 452) was read, as follows:

The resolution (S. Res. 452) was read, as follows:

Whereas there is general complaint of the marketing to the public of anthracite coal of misgraded sizes and containing a large proportion of impurities; and

Whereas the purchasers of anthracite coal are entitled to know what sizes they are buying and to what extent they are obliged to pay for slate, slag, and other fuelless material; and

Whereas the Bureau of Mines has inspected coal for purchase by the Government for a number of years, and through the Government fuel yards purchases coal for the Government buildings in the District of Columbia, and has carried on extensive studies of the quality and size of market grades of coal: Therefore be it

Resolved, That the Bureau of Mines is directed to report to the Senate (1) the result of such studies, particularly giving such information as would indicate the extent to which impurities and misgrading have been found in domestic sizes of anthracite coal; (2) what information that bureau has as to the extent to which impure or misgraded anthracite coal of domestic sizes has been generally marketed to the public; and (3) whether or not it is the opinion of the bureau that legislation should be adopted seeking to establish market grades as to the size and quality of anthracite coal shipped in interstate commerce.

Mr. WALSH of Massachusetts. I ask unanimous consent

Mr. WALSH of Massachusetts. I ask unanimous consent for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection? The Chair hears none, The question is on agreeing to the resolution.

Mr. FRELINGHUYSEN. Mr. President, I simply wish to point out to the Senator from Massachuset: that those provisions were included in a bill which I introduced, and which is now on the calendar, not only to study the cost of production and distribution of coal but also to make a survey and provide for the classification of coal, placing the authority for the enforcement of the sale of coal under proper classification with the Department of the Interior. I think this resolution does not go far enough, although it would provide very valuable information on the subject. I heartily approve of the resolution, but I hope some future Congress will pass a fact finding bill such as the one that I proposed and that is now in the morgue of the Senate Calendar.

Mr. WALSH of Massachusetts, Mr. President, I am in hearty sympathy with the bill introduced by the Senator from New Jersey. I think it should have been passed by Congress long ago. This resolution, however, does not seek to make legislation. It simply seeks information, and information which would have been available had the Senator's bill been passed. The information sought may help to get some legisla-

tion on this subject of fireless coal.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSENGER TO FINANCE COMMITTEE.

Mr. SMOOT submitted the following resolution (S. Res. 453), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Finance be, and is hereby, authorized to employ a messenger at the rate of \$1,200 per annum, to be paid out of the contingent fund of the Senate during the Sixty-eighth Congress.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

Mr. KING. Mr. President, I offer a resolution which I ask to have read and lie upon the table until to-morrow.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 454) was read, as follows:

The resolution (S. Res. 454) was read, as follows:

Resolved, That the Senate approve of the adherence by the United States to the protocol of December 16, 1920, accepting the adjoining statute of the Permanent Court of International Justice, excepting therefrom the optional clause for compulsory jurisdiction; said adherence to be made upon the following conditions and understandings, to be made a part of the act of adherence;

(1) That such adherence shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the covenant of the League of Nations constituting part of the treaty of Versailles.

(2) That the United States shall be assumption.

(2) That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with

the other States members, respectively, of the council and assembly of the League of Nations, in any and all proceedings of either the council or the assembly for the election of judges or deputy judges of the Permanent Court of International Justice or for the filling of

(3) That the United States will pay a fair share of the expenses of the court as determined and appropriated from time to time by the Congress of the United States.

(4) That the statute for the Permanent Court of International Justice adjoined to the protocol shall not be amended without the consent of the United States.

The VICE PRESIDENT. The resolution will be printed and lie on the table.

FACTS REGARDING EXPORTS FROM THE UNITED STATES.

Mr. McCORMICK submitted the following resolution (S. Res. 455), which was referred to the Committee on Foreign Rela-

Resolved, That the President be, and hereby is, authorized to appoint a commission of five persons to ascertain the facts regarding the present distribution, volume, and value of the agricultural and manufactured exports of the United States and the commercial problems related thereto, and that he is requested and authorized to assign to the service of the commission such officers and employees of the Department of State, the Treasury, Agriculture, and Commerce as he may deem necessary to the performance of the duties of the commission. The commission shall report not later than November 1, 1925.

THE MERCHANT MARINE.

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the American Economist discussing Government operation of ships for a limited period.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[From American Economist of February 23, 1923.]

FLETCHER'S SPEECH FAVORING GOVERNMENT OPERATION OF SHIPS.

From American Economist of February 23, 1923.]

Senator Fletcher's Spech Favoring Government Operation of Shiffs.

Senator Dungan U. Fletcher, of Florida, ranking Democratic member of the Senate Commerce Committee and formerly chairman of that committee, made a notable speech in the Senate recently on the pending ship subsidy bill, in which he undertook, with considerable success, to brush aside a number of errors that have crept into the discussion of that historical shipping bill and which have tended to obscure the facts. Senator Fletcher used as his text certain expressions made by President Harding when he delivered his message a short time ago on the British debt funding bill to the Congress in joint session, at which time the President made some rather pointed references to the ship subsidy bill in an effort to secure action on it and the Senate, in which body the bill is still pending. Senator Fletcher, has, for the past six or seven years, developed a stronger and stronger has in favor of Government operation of the ships it opinishes, ships to private owners. He has felt, and frequently said, that Government ownership has not had such a test of Government operation of dealing with that vast tonnage. Senator Fletcher's speech closely followed one delivered by Senator W. L. Jones, which was in part reviewed in the last issue of the American Economist.

The statement is made in the press," said Senator Fletcher's speech closely followed one delivered by Senator W. L. Jones, which was in part reviewed in the last issue of the American Economist.

The statement is made in the press," said Senator Fletcher in an effort to prevent a vote being taken on the bill. I do not feel called upon to consider the circumstances in which a fill-buster would be justified in eligible to the president to Congress on the 7th of this month that those opposed to the pending bill have been employing obstructive tactics, wasting time, and engaging in what is commonly called a not feel called upon to consider the circumstances i

There can be no doubt whatever that the President stands on sirn ground in claiming that the public has a right to expect "deciring action" on important legislative matters; but Senator Flexchen on important legislative matters; but Senator Flexchen on important legislative matters; but Senator Flexchen on the continued Senator Flexchen, "that there is no Government operation of the ships except in the case of one line that is of recent establishment, the United States Line, in charge of Mr. Robsottom, and except of the Government, of course, from the beginning and long before we were had ships built by the Government. These are the only two instances of Government operation." This is technically correct, that they are allocated by the Shippping Beard, which bears all of the losses of operation and pays the private operators a percentage on the money carried with the Shipping Board is losing \$50,000,000 a year through its coperation of ships, and this loss is emphasized in order to discredit Government operation and to emphasize the need of the ships being turned over to private operators at the carliest moment pressible, the losses of the Shipping Board only total about \$3,000,000 a month, wherefore he declares that, inexcensible as they are, they 'do not approach the figures which have been given to the President, and chides the President night have been given to the President, and chides the President shipt have he mind when he goes to scold Connection and errors of fact, but raps him rather sharply when he said: "The President speath have him which he has refused to do not him to do by express enactment, which he has refused to do not him to do by express enactment, which he has refused to deen the searcely warranted, I think, in holding up to the country the eventual stream of the country the country free to adopt the early, successful American policy of discriminating import duties and tonus with which what he was trade treatless country free to adopt the early, successful American policy of the present t

providing should be done.

Senator FLETCHER's speech covers more than a score of pages of the CONGRESSIONAL RECORD, all of it in small type, and much of it in extremely small type, being in the latter case copious quotations from speeches, acts of Congress, and communications he has received from those interested in pending legislation.

As sustaining the Senator's position that Government operation of merchant ships have never had a fair test, he quotes at length from a communication from one Nelson Collins, who spiritedly describes at great length and in much detail the operation of Government ships by the Government while the war was on, only a brief extract from which we have space to reproduce. Mr. Collins described the "New York office" of the United States Shipping Board, "that actually ran all the ships—165 of them at the maximum—that the Government held in one great civilian fleet throughout the war." "Lest we forget," as we are so

liable to do with so much crowding into the events of the World War, and our own participation in it, the following, descriptive of our Government's war-time activities in the operation of merchant ships, is de-

liable to do with so much crowding into the events of the World War, and our own participation in it, the following, descriptive of our Government's war-time activities in the operation of merchant ships, is descripting of space:

"The ships of 'the New York office' were on the runs to France and England and Italy and Russia; went coastwise to Atlantic South America; ran down to Cuba and Porto Rice; carried coal from Newport News to New England. Its ships carried 20 per cent of all supplies taken to Europe under the United States flag for both our own armies and the allies. The office devised and executed its own repair system for both the incidental voyage repairs and the semiannual general overhaul. It had its own legal bureau. It maintained a system of guarding its ships in port under W. H. Moore that kept the fleet throughout the war without a single serious fire or theft. Its commissary operated in 1918 at 86 cents per man per day, with satisfied crews and a variety and value in its food that led to many inquiries from private companies. It handled its own manning problems, and its shipping office at No. 5 Greenwich Street, under John J. Daly, never failed to keep the ships supplied with crews, in regular routine or emergency call. This shipping office was used as the basis of the Government's shipping-office system when the Shipping Board reorganized its operations in a peacetime program. It established a complete system of medical inspection and treatment under Dr. W. H. Meiners."

Capt. Charles Yates, inexperienced in the handling of a large fleet of ocean-going ships, in which quick turn around was a prime essential, a man of unusual executive ability, nevertheless, developed and handled this vast fleet, which began in May, 1917, a month after our declaration of war, with six ships of but 28,523 tons, a fleet that in a year grew to 128 ships with a dead-weight tonnage of 810,552. "It was the greatest fleet of merchant ships that ever has been gathered into one operating unit," said Mr. Collins, "beside

operating.

We feel sure that Senator Duncan U. Fletcher will be pleased to send a complete copy of his speech, from which we have quoted, to anyone asking for it, and no friend of American shipping can afford to omit a careful reading of this speech, which clears up so many points that are obscure in the ownership and operation of Government ships in foreign trade.

MONTHLY REPORTS OF CONDITION OF RAILROAD EQUIPMENT.

Mr. LA FOLLETTE. Mr. President, if the morning business has been disposed of to the point where it is permissible for me to do so, I wish to call up Senate Resolution 438, which is lying on the table, and ask to have it read.

The VICE PRESIDENT. The resolution will be read. The reading clerk read Segate Resolution 438, submitted by Mr. LA FOLLETTE on the 12th instant, as follows:

Resolved, That the Interstate Commerce Commission be, and it is hereby, requested to report to the Congress, and when Congress is not in session, to the President, as soon as possible after the first day of each month the condition of railroad equipment as revealed by the reports of the carriers and by the inspections of the commission, the number of persons killed, the number of injured upon the railroads, and any other available data bearing upon the physical condition of the railroads, and of railroad equipment, together with a statement of what action, if any, has been taken by the Interstate Commerce Commission within its statutory power to remedy the situation.

Resolved further, That such monthly reports as soon as transmitted to the President or to the Congress shall be available to the public.

Mr. LA FOLLETTE. Mr. President, I am reluctant to take up the time of the Senate discussing this resolution unless it is in the Record, as follows:

desired on the part of Senators that it should be explained. think manifestly, upon its face, it ought to be passed at once by I am aware of the fact that many Senators desire to have consideration of bills during the morning hour, and I will not enter upon a discussion of the resolution unless some one

wants to have it explained.

Mr. WATSON. May I see it?

Mr. LA FOLLETTE. It is a resolution calling upon the Interstate Commerce Commission to furnish information to the Senate from time to time with regard to the equipment of the railroads; in short, to report once each month, and when the Congress is not in session to report to the President, and that such reports shall be open to public inspection. I can set forth in the discussion I am prepared to make upon this resolution the reasons for it.

Mr. TOWNSEND. Did I understand the Senator to say he

wants a report every month?

Mr. LA FOLLETTE. The first of every month.

Mr. TOWNSEND. How much work will that require?
Mr. LA FOLLETTE. It will impose but very little work
upon the commission, I am advised. I believe it is very important that such reports be made each month, because the increase in the number of locomotives and of cars that are out of repair month by month is very startling. More people are being killed and injured upon the railroads in 30 days now than were killed and injured for the six months' period preceding, and it is increasing very rapidly.

Mr. TOWNSEND. Does the commission now get this infor-

mation?

Mr. LA FOLLETTE. The commission obtains the information under authority of law, and they have authority of law for requiring that the improvements and repairs be made. I am asking in this resolution that they report to Congress monthly when it is in session, and to the President when Con-gress is not in session, with regard to the condition of the equipment, with reference to the persons injured or killed, and what the Interstate Commerce Commission is doing, if anything, under existing law, to bring about the repair of the equipment.

I ask leave to incorporate as a part of my remarks tables and statistics furnished by the Interstate Commerce Commission and

data bearing upon this question.

Mr. WATSON. Has the Senator found out how many additional employees it will take to gather this information?

Mr. LA FOLLETTE. I have not asked that question, nor

do I think it very important, because the data are collected, and by the terms of the resolution the commission will be required to compile and report monthly.

Mr. WATSON. They are constantly collecting information in regard to that matter, are they not?

Mr. LA FOLLETTE. They are required to constantly collect this information and to make the inspections. It is a part of their duty.

Mr. WATSON. That was my understanding.

Mr. LA FOLLETTE. If there is any failure upon their part to do it, I am confident that the remissness is chargeable to Congress in not furnishing them with a sufficient appropriation to employ the necessary number of inspectors. This resolution will bring out all the facts, and I think a statement of the facts should be in the possession not only of the Congress and of the President but of the country.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wisconsin for the insertion in the Record

of certain tables and statistics?

There being no objection, the matter was ordered to be printed

Statement showing number of locomotives inspected, number found defective, number ordered out of service, and number of accidents, killed and injured, period January 1, 1922, to November 30, 1922, both inclusive, on roads listed below.

Name of road.	Periods.	Number locomotives inspected.	Number found defective.	Per cent inspected defective.	Number ordered out service.	Number of acci- dents.	Number killed.	Number injured.
Atlantic Coast Line	Jan. 1 to June 30	1, 117 780	401 438	36 56	8 20	7 13	1 0	
Boston & Maine	Dec. 1 to Feb. 26	375 738 806	263 194 481	36 56 80 26 60	14 5 72	5 5 9	0	
Central R. R. of New Jersey	Jan. 1 to Feb. 25. Jan. 1 to June 30. July 1 to Nov. 30. Dec. 1 to Feb. 26.	328 257	189 184	70 58 72 86	72 38 22 33 30	1 2	0	
Delaware, Lackawanna & Western	Jan. 1 to June 30. July 1 to Nov. 30. Dec. 1 to Feb. 26.	201	401 438 263 194 481 265 189 184 70 22 180	86 11 66 70	30 1 29 17	1 1 4 3	0 0 0	

Statement showing number of locomotives inspected, number found defective, number ordered out of service, and number of accidents, killed and injured, period January 1, 1922, to November 30, 1922, both inclusive, on roads listed below—Continued.

Name of road.	Periods.	Number locomotives inspected.	Number found defective.	Per cent inspected defective.	Number ordered out service.	Number of acci- dents.	Number killed.	Number injured.
Lehigh Vailey	Jan. 1 to June 3 0	457	199 330 221	44 72 70	24 93	3 18	0 2	j
Louisville & Nashville	Dec. 1 to Feb. 26	554	300 390 113 323	54 75	36 84 28	14 19 20	0	1 1 1 2
New York, New Haven & Hartford	Jan. 1 to June 30	826 568 174	323 396 137	60 31 69 79 56 74	24 50 24	7	0 0 1	1
Pennsylvania	Jan. 1 to June 30	2, 445 2, 163 155	396 137 1, 375 1, 605 865	82	112 187 162	15 9 36 56 57	2 1 3	1 8
Texas & Pacific	Jan. 1 to June 30	267 188 129	54 119 103	20 65 80	38 41	0 3 1	0 1 0	

NOTE.—The figures from Dec. 1 to Feb. 26 cover all reports in so far as they have been received by the Interstate Commerce Commission to date. Record for period July 1 to Dec. 1 does not include accidents taken from Bureau of Statistics for September, October, and November.

resolution.

The resolution was agreed to.

ATTORNEYS EMPLOYED BY SHIPPING BOARD.

Mr. KING. Mr. President, on the 16th of January I offered a resolution, which was adopted, asking the Shipping Board to submit various items of information. I am advised at the desk that no response has been made to that resolution. I want to give notice that if the information is not forthcoming by tomorrow I shall ask for the adoption of another resolution requesting immediate response by the Shipping Board to the resotion heretofore adopted by the Senate.

Mr. JONES of Washington. Is that a resolution the Senate passed calling upon the Shipping Board for certain information?

Mr. KING. It is.

Mr. JONES of Washington. Of course, I do not know just how they are progressing in preparing the information, but I do know that Chairman Lasker told me some little time ago that they were working on it just as expeditiously as possible; that it called for a tremendous amount of information, and that it would take them quite a little while to get it. I feel that there is no neglect on the part of the Shipping Board to furnish the information as soon as possible.

Mr. KING. I shall be under obligation to the Senator if he will ask Mr. Lasker to communicate with the Senator from

Washington and myself in regard to it.

Mr. POMERENE. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Ohio?

Mr. KING. I yield. Mr. POMERENE. I wish to say in that connection, too, that some time ago I presented a resolution calling for details as to the facts regarding the sale of certain ships, the terms of the sale, and other matters relating to it. That resolution was answered, but later another resolution was presented calling for the same information and for a statement as to all ships sold prior to March 4, 1921. That resolution has not as yet been answered. Again, there was a third resolution calling upon the Shipping Board for information as to the probable cost of equipping these steel ships with Diesel engines. That is a matter of very great importance, I think, and the information would be of very great value to the Senate in determining what should be done with those ships.

I have been very anxious to have that information and I hope that we may be favored with a report on those two reso-

lutions by the Shipping Board.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on February 26, 1923, the President had approved and signed acts of the following titles:

S. 1829. An act for the relief of Walter Runke;

S. 2563. An act to provide for the completion of the bridge across the Little Colorado River, near Leupp, Ariz.; S. 3048. An act for the relief of L. D. Riddell and George W.

Hardin, trustees of Milligan College, Tennessee; S. 3614. An act relating to the official bond of the United States marshal for the southern judicial district of the State of New York;

S. 3690. An act for the relief of Lowe Hayden Bibby;

S. 4061. An act authorizing the Secretary of the Interior to enter into an agreement with Toole County irrigation district,

The VICE PRESIDENT. The question is on agreeing to the | of Shelby, Mont., and the Cut Bank irrigation district, of Cut Bank, Mont., for the settlement of the extent of the priority to the waters of Two Medicine, Cut Bank, and Badger Creeks, of the Indians of the Blackfeet Indian Reservation;

S. 4113. An act for the relief of Helene M. Layton;

S. 4333. An act for the relief of Howard R. Gurney; and S. 4468. An act to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the settling of New Netherland, the Middle States, in 1624, by Walloons, French and Belgian Huguenots, under the Dutch West India Co.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had approved the designation of Hon. Philip P. Campbell, a Representative from the State of Kansas, as its Speaker pro tem-

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7053) to grant certain lands to the city of

Canon City, Colo., for a public park.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7967) granting certain lands to Escambia. County, Fla., for a public park.

ENROCLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker pro tempore of the House had signed the following enrolled bills and joint resolution and they were thereupon signed by the Vice Presi-

S. 107. An act for the relief of Robert Edgar Zeigler;

S. 419. An act for the relief of the owners of the steamship Esperanza:

S. 726. An act for the relief of George Emerson;

S. 937. An act to reimburse Isaiah Stephens, postmaster of McMechen, Marshall County, W. Va., for money and postage stamps stolen;

S. 1405. An act for the relief of William Collie Nabors:

S. 1502. An act for the relief of Thomas E. Owen;

S, 1516. An act for the relief of Lewis W. Flaunlacher; S. 1599. An act for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased;

S. 1670. An act for the relief of Buffkin & Girvin

2168. An act for the relief of Jesse C. Dennis and William Rhett Eleazer;

S. 2323. An act for the relief of Anna M. Tobin, independent executrix of the estate of Frank R. Tobin, deceased;

S. 2632. An act for the relief of Martin Cletner;

S. 2746. An act for the relief of William Howard May, exmarshal of the Canal Zone; William K. Jackson, ex-district attorney of the Canal Zone; and John H. McLean, ex-paymaster of the Panama Canal, now deceased;

S. 2853. An act for the relief of persons suffering damage by reason of proceedings for the condemnation of land for Camp

Benning, Ga.;

S. 2034. An act to provide for the issuance to John W. Stanton by the Secretary of the Interior of patent to certain land, upon payment therefor at the rate of \$1.25 per acre; S. 3118. An act for the relief of Herbert E. Meilstrup;

S. 3154. An act for the relief of C. M. Rieves;

S. 3171. An act for the relief of the trustee of the estate

of Hillsboro Dredging Co., a corporation, bankrupt;
S. 3256. An act for the relief of A. L. Gramling;
S. 3351. An act for the relief of G. Dare Hopkins;
S. 3594. An act for the relief of Anton Rospotnik and the exchange of certain lands owned by the Northern Pacific Rall-

S. 4028. An act for the relief of John N. Halladay; S. 4345. An act for the relief of E. J. Reynolds;

H. R. 13660. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes;

H. R. 14254. An act to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922; and H. J. Res. 460. Joint resolution accepting the sword of Gen.

Richard Montgomery.

CAPT. NORMAN BANDOLPH.

Mr. LODGE. Mr. President, I ask unanimous consent to take from the calendar Order of Business No. 1203, House bill 14317, granting permission to Capt. Norman Randolph, United States Army, to accept the decoration of the Spanish Order of Military Merit of Alfonso XIII. It is a House bill, and its consideration will take but a moment. It carries no appro-

Mr. ROBINSON. What is the Senator's request? We could not hear one word that he said on account of the confusion in the Chamber.

Mr. LODGE. My request is that we take up House bill 14317. It is a bill simply to permit the acceptance of a deco-

Mr. ROBINSON. Is it on the calendar?

Mr. LODGE. It is on the calendar.

Mr. OVERMAN. Is there any precedent for it? Mr. LODGE, Yes; there are plenty of precedents. We passed a similar bill the other day.

Mr. OVERMAN. That is what I wanted to know. I am

rather against such legislation.

Mr. LODGE. I am, too.

Mr. OVERMAN. If there are precedents for it I shall not

object. Mr. LODGE. We passed a similar bill the other day. It is

simply permitting a soldier to accept a decoration.

Mr. WALSH of Montana. Will the Senator advise us as to

the particular public service for which the decoration is to be conferred? Mr. LODGE. It is stated in the House report. It is a House

bill. I have not a copy of the report here.
Mr. JOHNSON. Mr. President, while we are waiting for the

Mr. LODGE. The House committee made a report on the

bill. It is not on our files, and I have no desire to keep the Senate waiting any longer.

FRANK A. JAHN.

Mr. JOHNSON. Mr. President, I ask unanimous consent to call up Order of Business 1138, Senate bill 4152, for the relief of Frank A. Jahn, upon which there is a report on file. The passage of the bill is recommended by the Secretary of the Navy and the Assistant Secretary of the Navy. It simply puts a man upon the retired list who passed the requisite examination, but concerning whose request for the taking of the examination there was some question at one time. There is no more than that in the bill.

The VICE PRESIDENT. Is there objection to the considera-

tion of the bill?

Mr. BORAH. Mr. President, I do not desire to object to the consideration of this bill, but I hope that after it is passed we may be permitted to go to the calendar instead of calling up bills by unanimous consent.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as

follows:

Be it enacted, etc., That the President is authorized to appoint Frank A. Jahn a lieutenant (junior grade) in the United States Navy and to retire him and place him upon the retired list of the Navy with the retired pay and allowances of that grade.

Mr. KING. Is this a bill the Senator from California introduced'

Mr. JOHNSON. It is.

Mr. KING. I would like to ask the Senator from California whether this man was a reserve officer or one who had a regular naval status.

Mr. JOHNSON. He served for 13 years in the Navy, was incapacitated in the service, was retired, his disability having been determined by a board regularly called together, and then upon a technical question as to whether the request for examination had been made by him in proper form the order retiring him was revoked; and now both the Secretary of the Navy and the Assistant Secretary of the Navy say this bill should

be passed, in justice to him, because of his incapacity.

Mr. KING. I have no objection to the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE CALENDAR.

The VICE PRESIDENT. Morning business is closed, and under the unanimous-consent agreement the calendar, under Rule VIII, is in order.

Mr. KING. Where do we commence on the calendar?

The VICE PRESIDENT. With the first number on the calendar.

Mr. HARRELD. Mr. President, I ask unanimous consent to call up Senate Joint Resolution 278, which is a very important joint resolution. It affects a land office in my State, and a report was filed on Saturday.

Mr. BORAH. I do not see why we should not go to the

calendar.

Mr. HARRELD. This is a joint resolution which I think is important. We will have to get the resolution through the House, and I would be very glad if we could give it present consideration.

Mr. BORAH. There are several bills we will have to get through the House. I shall not object to the consideration of this joint resolution, but I want it distinctly understood that this is the last one I shall consent to until we go to the calendar.

The VICE PRESIDENT. What is the number of the Sena-

tor's joint resolution, and where is it?

Mr. HARRELD. It is Senate Joint Resolution 217. A favorable report was made on the joint resolution on Saturday by the Senator from New Mexico [Mr. Bursum].

Mr. SMOOT. What is the calendar number?
The VICE PRESIDENT. The Chair is informed that the joint resolution is on the calendar, Order of Business No. 1666. Mr. MOSES.

We shall reach it in due season.

The VICE PRESIDENT. The Chair understands the Senator from New Hampshire objects, and the Secretary will announce the first bill on the calendar.

The bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, was announced as first in order on the calendar.

Mr. KING. Let that go over. Its consideration will take

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 7) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913, was announced as next in order.
Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.
The bill (S. 2228) to amend certain sections of the Judicial Code relating to the Court of Claims was announced as next in order.

Mr. SMOOT. Let that go over. The VICE PRESIDENT. The bill will be passed over. The bill (H. R. 8331) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

The VICE PRESIDENT. This bill has been considered in the Committee of the Whole, and has been amended.

Mr. ROBINSON. It seems to be a very important bill. I think at least there ought to be some consideration of it.

Mr. CUMMINS. I think it ought to go over.

The VICE PRESIDENT. The bill will be passed over. The joint resolution (S. J. Res. 41) authorizing transportation for dependents of Army field clerks and field clerks, Quartermaster Corps, was announced as next in order.

Mr. SMOOT. I ask that the joint resolution may go over.

The VICE PRESIDENT. The joint resolution will be passed over

The bill (S. 2589) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

The VICE PRESIDENT. This bill was passed on January 8, and a motion entered to reconsider. The question is on reconsideration.

The Senator from Delaware [Mr. Ball] is not Mr. SMOOT.

present, and I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 67) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. SMOOT. Let that go over. The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1539) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. JONES of Washington. Let that go over. The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1861) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions was announced as next in order

Mr. SMOOT. Let that go over.
The VICE PRESIDENT. The bill will be passed over.
The joint resolution (S. J. Res. 133) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. WADSWORTH. Let that go over.
The VICE PRESIDENT. The joint resolution will be passed

The bill (S. 14) providing for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over. The bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adju-tants general of the several States and the District of Columbia, and making an appropriation therefor, was announced as next in order.

The VICE PRESIDENT. This bill was passed on April 3,

1922, and a motion entered to reconsider.

Mr. McKELLAR. Let it go over. The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3254) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. McNARY. I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1343) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1345) to amend an act entitled "Interstate comapproved February 28, 1920, was announced as next

Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1346) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, including the safety appliance acts and the act providing for the valuation of the several classes of property of carriers subject to the Interstate Commerce Commission, approved March 1, 1913, was announced as next in

Mr. NEW. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 188) creating a commission to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade was announced as next in order.

Mr. WADSWORTH. Let that go over. The VICE PRESIDENT. The joint resolution will be passed

The bill (S. 171) to extend the provisions of the act of May 11, 1912, was announced as next in order.

Mr. DIAL. Let that go over.
The VICE PRESIDENT. The bill will be passed over.
The joint resolution (S. J. Res. 227) rejecting bids for the acquisition of Muscle Shoals was announced as next in order.

Mr. McKELLAR. I object to the consideration of the joint resolution.

The VICE PRESIDENT. The joint resolution will be passed

The bill (H. R. 13) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 3146) to amend section 5 of the United States cotton futures act was announced as next in order.

Mr. NEW. Let that go over. The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2388) for the relief of Augusta Reiter was announced as next in order.

Mr. NEW. Let that go over.
The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3858) to define butter and to provide a standard therefor was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 211) to extend the provisions of the pension act of May 11, 1912, and May 1, 1920, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes, was announced as next in order.

Mr. KING. Let that go over. The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3995) to authorize the Secretary of Agriculture to exterminate bean beetles in the State of New Mexico, and authorizing expenditures therefor, was announced as next in order.

Mr. WADSWORTH. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

LIEUT, JOHN L. LIVINGSTON.

The bill (S. 2792) for the relief of John L. Livingston was announced as next in order.

Mr. DIAL. I would like to ask the author of the bill when

the disability occurred.

Mr. LODGE. That bill was quite fully discussed when it was last reached. It is a case which I think is singularly deserving. I listened to the debate on the bill in the Senate. officer received injuries to his back which made him a cripple for life, and the case was fully explained by the Senator from Colorado.

Mr. DIAL. How long ago was it?

Mr. LODGE. I have not the date. Mr. KING. Will the Senator yield?

Mr. LODGE. I yield.
Mr. KING. The Senator from Colorado [Mr. Nicholson] intended to offer a substitute for the bill to which no objection whatever could be made.

Mr. NEW. The Senator from Colorado is Ill in a hospital here, and it is evident that he will not be here to-day at least.

Mr. LODGE. No; he can not be here. Mr. NEW. If the Senator from South Carolina [Mr. DIAL] will give me his attention, I will say that I have no special interest in the bill, but I recall very well that the Senator from Colorado in explaining it said that the accident happened a few days after the armistice was signed.

Mr. KING. Mr. President, will the Senator from Indiana yield?

Mr. NEW. I have not the floor.

Mr. LODGE. I yield to the Senator from Utah. Mr. KING. Mr. President, this bill was before the Senate a few days ago, and there was some objection based upon the ground that it was in contravention of the policy announced after due deliberation upon the part of Congress of denying to reserve or temporary officers the benefits and privileges of retirement provided by law for regular officers of the Navy. was a unanimous feeling favoring adequate relief and most generous compensation for the beneficiary named in the bill. Objection to the bill was not the result of any opposition to granting a liberal pension or liberal compensation to the injured person. I understood that the Senator from Colorado [Mr. Nicholson], who introduced the bill, would submit a substitute which would meet this objection and provide in a just way for the person named in the bill. The Senator is absent to-day, and in his absence I suggest that the bill be passed. It can be taken up upon his coming into the Chamber.

Mr. LODGE. The Senate is not acting alone on unobjected bills. Therefore I move that the Senate proceed to the consideration of the bill. I think it would be very cruel action not

The motion was agreed to: and the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That John L. Livingston, who while serving as a lieutenant, United States Naval Reserve Force, was found by a naval retiring board to be permanently incapacitated for active service by reason of physical disability incurred in the line of duty as the result of an incident of the service, but not in time of war, shall be eligible for retirement as if his physical disability was incurred in time of war; and the Secretary of the Navy is hereby authorized to place him upon the retired list with three-quarters pay of the grade held by him at the time such physical disability was incurred.

Was it a unanimous report from the committee? Mr. LODGE. It was. It was one of the most deserving cases that ever came to the notice of the committee.

Mr. KING. There is no objection to compensating this man, and perhaps he should have been given all the retirement privileges. But I want to invite the attention of the Senate to the fact, as I understand the facts in the case, that we are establishing a precedent that reserve officers who have been separated from the service are to have the benefits of retirement the

same as regular officers of the Navy.

Mr. LODGE. The man was in the service when the accident occurred. I shall not read the whole of the report, but just a sentence or two from the medical report. There was a fracture of the fourth lumbar vertebra. Further along in the medical report it is said:

There is a definite tendency toward improvement in the function of the limbs, but progress is slow, and the restoration of power will probably only be effected up to a certain degree. The ultimate chances of complete recovery are not favorable. At present the patient can stand on the right leg and assist himself a short distance about the bed. The outlook for complete recovery is doubtful. Probable condition: Unfit for service. Probable future duration: Permanent.

Recommendation: That he be ordered before United States Naval Retiring Board for retirement.

His disability was 100 per cent for naval service and 100 per cent for civil occupation. The injury was incurred subsequent to his enrollment as lieutenant in the Naval Reserve Corps, class 5, general service. It happened in March, 1921. He was humanity that the bill be passed in his interest.

Mr. WADSWORTH. Mr. President, may I ask the Senator

from Massachusetts a question?

Mr. LODGE. Certainly.
Mr. WADSWORTH. May I ask if he can prompt us as to the date that was fixed as to the upset date after which time Naval Reserve officers should not be placed upon the retired

Mr. WALSH of Massachusetts. I can answer the Senator's question. It was March 3, 1921, and the date of filling applica-tions October 1, 1921. I rose for the purpose of saying that this is a very deserving case, but there ought to be general legislation to cover similar cases. I know of at least four cases among naval reserve aviation officers similar to this, none more worthy than this, and I am not going to oppose the passage of the bill. There is in the District here a young man badly injured, whose throat has been paralyzed, who can not speak above a whisper, who can not distinguish between different foods, who has a wife and two children, and who has not the benefits of the retirement provisions of the law because he was permanently injured after March 3, 1921.

The Naval Committee ought to have introduced a general bill giving all the reserve officers who have been permanently incapacitated an opportunity to come within the provisions of the law. Its provisions should be extended from March 3, 1921, to July 1, 1922. All naval reserve officers were retired in July last. A general law ought to be enacted extending the law to cover that period of time between March 3, 1921, and July 1,

1922

I do want to say, however, that the Livingston case is a very deserving one, and I am making no objection to it at all. think it is a bill that ought to be enacted into law at once.

Mr. LODGE. He was injured within the time. Mr. WADSWORTH. Why was he not retired?

Mr. LODGE. Because he was not within the time covered by the provisions of the law, and we are trying to bring him within that provision.

Mr. WALSH of Massachusetts. May I ask if it is not true that he was in the service after October 1, 1921, and that is why he has not been retired?

Mr. LODGE. The Secretary of the Navy advised the President that the act of July 12, 1921, governing the retirement of officers of the Naval Reserve Force and temporary officers of the Navy limited such retirements to those who had incurred I

physical disability in time of war, and as Lieutenant Livingston did not incur his physical disability in time of war he was not eligible for retirement. The President on October 29, 1921, approved the proceedings and findings of a naval retiring board and directed that Lieutenant Livingston be not placed on the retired list. The Secretary of the Navy recommends the

passage of the bill.

WADSWORTH. Mr. President, I am not going to oppose the bill, but it is perfectly apparent to any Senator who understands the history of legislation, especially so-called private legislation, that only the former reserve officers of the Navy who have pull enough, influence enough, to get a favorable report from the Committee on Naval Affairs will get the retirement privileges. Others will not. We either should pass all these special private bills without any limitation whatsoever or pass none of them and enact general legislation instead. There are several bills on the calendar involving individual cases, probably all of them worthy, but it is a most unscientific and in the end will be a most unfair way of proceeding to take up individual cases and special bills and pass them, with some men having good luck and other men having bad luck.

regret exceedingly that the Committee on Naval Affairs, if it proposes to treat these men in this way, has not reported general provision taking care of them. The Committee on Military Affairs of the Senate has reported such a provision. Personally I thought it was a mistake. I opposed it. committee reported it and the Senate passed it. The House Committee on Military Affairs has refused to report the bill. That is the emergency officers' retirement bill. Now we are proceeding to do by piecemeal the very thing which ought not to be done by piecemeal. Either the policy is good or bad, and

ought to be established or rejected as a pelicy.

Mr. LODGE. As far as "influence" or "pull," to which the Senater has referred, I never heard of Mr. Livingston until the bill was brought before the Senate. I am not able to attend the meetings of the Naval Affairs Committee as constantly as I should like to do, and I never heard of this case until it was taken up and discussed on the floor of the Senate. I do not know who Lieutenant Livingston is. I do not know where he comes from. So far as I am concerned, I am taking the case simply as a matter of humanity. I do not see why this man, whose case is like the case stated by my colleague, should be deprived of relief because Congress has not passed general legislation. A man with a broken back, who is lying in bed helpless and can do nothing for himself, who has been announced as permanently injured, appeals for help; and yet we are told that we must not relieve him because the proper laws of a general character have not been enacted. I think the only way to get by the deficiencies of congressional action is to pass this bill, which involves such a deserving case.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. LODGE. Certainly.

Mr. WADSWORTH. The trouble is that Congress repealed the general law only one year ago.

Mr. LODGE. The Senator means that they are in that way deprived of relief?

Mr. WADSWORTH. It was only last year that we repealed the law.

Mr. LODGE. If that happened only a year ago, I call attention to the fact that this man was injured before that was done. Mr. WADSWORTH. That is true; but, as the Senator said, he was injured after the war was over and did not fall under the general provisions of the law. This particular case did not fall within the general provisions of the law. Then the Congress even repealed the general provision. We either ought to reenact the general provision and extend it to take care of these

cases, or else we ought not to make exceptions. Mr. LODGE. He had been in the Navy for some time, and he was injured on the 14th of March, 1921, which was much more than a year ago. The law to which the Senator referred

had not been repealed at that time.

Mr. LENROOT. Does he receive any compensation of any kind now?

Mr. LODGE. None of any kind. This is an effort to retire

Mr. PAGE. Mr. President, is not this an especial case? Here is a report from the Secretary of the Navy which says that the injury was incurred in line of duty as a result of an incident of the service-

Mr. LODGE. I have read that. I know it is a special case, and I have been trying to make it clear to the Senate why I think it ought to be made special. There was a statement made by the Senator from Colorado [Mr. Nicholson], who went into it very fully and the matter was discussed here. I think it is a deserving case. Until we get proper general legislation I

believe in doing something for men who have been in the Navy during the war and rendered military service, and who, subsequent to the war, while still in the service and acting under orders, are injured.

Mr. NEW. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. NEW. In answer to the question asked by the Senator from Wisconsin [Mr. Lenroot] whether the man is in receipt of any compensation in any form, the Senator from Colorado [Mr. NICHOLSON] stated that he was not, but that he was living on the charity of friends. He has no compensation of any kind whatsoever.

Mr. COUZENS. Mr. President—
Mr. LODGE. I yield to the Senator from Michigan.

Mr. COUZENS. I wish to say, as a member of the Committee on Naval Affairs, that the committee went into the details of this case very thoroughly. In reply to the Senator from New York, I wish to say that no one had any influence and no one had any "pull" with the committee. I am fully justified in saying that no one had any influence and the case was dealt with on its merits.

Further, I wish to say that in dealing with cases of injuries which are so apparent as in this case, it is a small part for the Senate to refuse relief because of the fact that some committee has been negligent in reporting general legislation. There is no excuse for a human being who, in the service of his country, was injured as this man was injured, being refused relief by the Senate of the United States. I think the Senator from Vermont [Mr. Page] will verify what I have said, and I hope the Senate will not go on record as refusing to grant proper relief to the soldiers and sailors of the country.

Mr. PAGE. The Senator did not state that there was an

absolutely unanimous report from the committee.

Mr. COUZENS. That is true. Mr. PAGE, We found there were only 11 days between the time the man was injured and the time when he otherwise would have been retired without any question. I have a long letter from the Secretary of the Navy, and here is his closing para-

From the above it would seem that had the disability in this case been incurred 11 days sooner, Lieutenant Livingston would have been eligible to retirement under the law. This department regards this case as a meritorious one and is of the opinion that the bill should be enacted into law for his relief. This proposed legislation has been submitted to the Director of the Bureau of the Budget, and the director advises that this request for legislation is not in conflict with the financial program of the President.

Mr. WALSH of Massachusetts. Mr. President, this is a very deserving case, and I hope the bill will be passed. I have risen at this time, however, for the purpose of asking the Committee on Naval Affairs to extend the same treatment to all reserve officers of the Navy who are now suffering from permanent disabilities incurred while in the service of their country. The fact is that up to a given period of time every reserve officer who became permanently incapacitated in the service could be retired with pay in the same manner as regular naval official termination of the war, which was March 3, 1921. Navy Department held many reserve officers in the service after that date; indeed, until July 1, 1922. This particular individual for whose benefit this bill has been reported by the Naval Affairs Committee was a reserve naval officer and was injured a few days after the time when the war was officially terminated. In all fairness he is entitled to the same benefits extended to those reserve officers permanently injured prior to March 3, 1921, and he ought to be retired with pay just as he would were he a regular naval officer. But there are other reserves in the same situation, others who have become permanently disabled since March 3, 1921. They all should be given retirement benefits just as if they were regular officers.

I ask the Naval Affairs Committee to report a bill to extend the time for giving the retirement benefits to reserve officers to July 1, 1922, when all naval reserve officers were displaced. There are no reserve officers in active service now. Therefore the benefits of the general law which reserve officers who were injured prior to March 3, 1921, enjoy should be extended to those injured in the interim from March 3, 1921, to July 1, Why should not reserve officers injured between March 3. 1921, and July 1, 1922, after the time expired for coming within the general provision of the law, be given the benefits enjoyed by their brother officers who were unfortunate enough to be injured before March 3, 1921? It seems to me that a general bill ought to be reported taking care of all the deserving cases of naval reserve officers permanently injured and found by the retirement board to be permanently incapacitated while in the service of their country. Let us make no distinc-

tion between naval reserve officers permanently injured between November 11, 1918—Armistice Day—and March 3, 1921, and those injured between March 3, 1921, and July 1, 1922, when all naval reserve officers were retired from active service.

Mr. KING. Mr. President, it is a very unpleasant task to criticize the pending bill, because the serious injuries sustained by a brave soldier are such as to provoke sympathy and to require that generous relief be promptly awarded him. I do not rise for the purpose of opposing a proposition to grant to the injured person a pension or just and fair compensation for the injuries which he has sustained. I am merely opposing the manner by which it is proposed that he shall obtain re-The Senator from Michigan [Mr. Couzens] indicated that the Senate ought not to oppose this bill or go on record in opposition to granting relief to soldiers and sailors injured in the line of duty. I most heartly agree with the Senator to the effect that we should not oppose measures that bestow suitable pensions or compensation upon those who have been so injured

Mr. President, I have uniformly contended that those who were injured in fighting the battles of their country, or incurred disabilities while in the military service of their country, should be generously treated by a grateful Nation, and I have further insisted that those who gave their lives upon the battle fields or in the service of their country should be gratefully remembered, and that their families and dependents should be granted liberal pensions by the Government.

But that is not the important and precise question before us. No one is suggesting that this injured soldier be denied relief. As I have heretofore stated, when this bill was brought before the Senate a few days ago, the fact was developed that the beneficiary named in the bill was a reserve officer and that he had received his injuries after the war and after the repeal of the temporary measure inadvertently and improperly passed, which gave certain retirement privileges to reserve officers of the Navy. It was my understanding that the Senator from Colorado would offer a substitute for the pending measure which would generously provide compensation for Mr. Livingston.

Mr. President, there is a very important principle involved in this proposed legislation, and Senators should be fully advised as to the point involved and what the results might be if a precedent were established, the influence of which it is impossible to estimate. I repeat, the question is not whether Mr. Livingston shall be compensated for his injuries, but rather what form that compensation shall take. It is not a mere academic question nor a mere technical question, but it involves a broad national policy which will affect thousands, and perhaps tens of thousands, of individuals and involve tens of millions of dollars.

Mr. President, we can amend this bill, and do it now, and grant to the injured man a very large lump sum or a monthly pension or compensation to be paid through the Pension Office or the compensation agency of the Government.

Briefly stated, the question involved is this: When the World War terminated the question was presented as to the manner of dealing with the temporary or reserve officers and the ex-service men who had been drafted or who had enlisted for the purposes of the war. As I am advised, that question was considered by the War Department and the appropriate committees of the House and the Senate, and it was decided, and I think properly, that the temporary officers and the ex-service men should be treated alike and receive compensation not according to rank but based upon the injuries received. seemed to appeal to the people and to be just and fair. meant that the young men who went from a community and were fortunate enough to be sent to the officers' training schools or to obtain commissions were to be accorded no greater benefits and emoluments than their neighbors and friends and rela-

tives who were privates, but who served their country gallantly.

The same view was taken by the Senate Naval Affairs Committee; but in some way, largely if not wholly through the activities of some officers in the Navy Department, a bill was pushed through Congress which gave to reserve officers of the Navy retirement privileges. I doubt whether half a dozen Senators knew that such a measure had been enacted into law until months after the appropriation bill containing this provision had gone into effect. Congress, when it learned of the measure and of the discrimination which it created, repealed it. The matter was fully considered by the Senate, and the view prevailed that the legislation was unwise, impolitic, and unjust. It was felt that it was an unfair discrimination against the ex-service men who were not fortunate enough to obtain commissions. It was perceived that under its provisions temporary officers who were but slightly injured could be reprivates in the World War.

tired and obtain three-quarters pay for life. Under its operations it was apparent that soldiers who were seriously injured fighting in the ranks would receive a certain sum as a sion, whereas an emergency officer, who never was within a thousand miles of the battle field, and who incurred some disability ratable as 10 per cent, could be retired and as such retired officer would be entitled for life to three-fourths of his annual pay of the grade in which he had served. The application of this law was manifestly unjust. It gave compensation, not in proportion to the injuries received, but based upon grade and even resting upon, as I have indicated, very slight disability.

We announced a principle when we repealed the law to which I referred, the same principle as that announced by the Military Affairs Committee. The Senate took the position that reserve officers, in both the Army and the Navy, should not have the benefit of the retirement law, but that they should be treated, for any injuries received or any disabilities from which they were suffering, just as generously and to the same extent as were their brothers and neighbors and friends who fought as

I shall not enter into a discussion of all the reasons which prompted the committees referred to in reaching the conclusion which they announced or which induced Congress to repeal the measure which slipped through Congress without consideration, and, as I have stated, without the knowledge of Senators. But it does seem to me, let me add in passing, that there is a marked distinction between persons who enter the Army as boys and give their lives to the military service of their country and those who served but temporarily. We are all acquainted with officers who, when they were 16 or 17 years of age, left their homes, gave up every opportunity for success and advancement in civil life, and consecrated their lives and their services to their coun-Their calling denied them all opportunity to engage in sess pursuits. They were chained, as it were, to the milibusiness pursuits. tary chariot of their country. They were promised, as a partial recompense for the sacrifices which they were making and which their profession called upon them to make, that in their old age, or in the event of sickness or wounds which would disable them from further service, they would be retired and paid, during the remainder of their lives, three-fourths of the compensation which they were receiving at the time of their retirement. I submit that these officers occupy a different position from those who in an emergency entered the Army for a limited time, expecting soon to return to their homes and resume their former vocations.

Mr. President, that was the view, at any rate, taken by Congress, and that policy is the one which now obtains. This bill now before us seeks to contravene that policy. And because of the severity of the injuries of the soldier in question strong appeals are made and our emotions are aroused in order that the Senate may breach the wall which surrounds this policy. Senators know that hard cases make bad law and the appealing circumstances of the case before us provide most powerful arguments to aid those who are fighting to overthrow the established

policy.

As I have stated, Congress, after full consideration, announced a policy that there would not be extended to reserve officers the retirement privileges that may be extended to the Regular Army and Navy officers.

Mr. BRANDEGEE. Mr. President—

Mr. KING. One moment. Having announced that principle, it follows necessarily that we must deal with the cases of reserve officers upon their merits; and I am perfectly willing to deal with this case upon its merits; and to give to the injured

officer a generous compensation.

Mr. McNARY. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state his point of order

Mr. McNARY. It seems apparent that the Senator from Utah has exceeded the time allotted to him under Rule VIII; and he has spoken twice on the same subject.

Mr. KING. The Senator ought to know that this bill was taken up on motion. The rule does not apply.

Mr. LODGE. Oh, yes; the five-minute rule applies.
The VICE PRESIDENT. The Senate is not proceeding under the five-minute rule.

Mr. BRANDEGEE. Mr. President-

Mr. KING. I yield to the Senator.

Mr. BRANDEGEE. Suppose Congress has declined to pass a general law making it the policy that all reserve officers may be retired. That is the effect, as I understand it, of the legislation to which the Senator has referred as having been repealed. Congress did establish that policy, and then it re-pealed the act by which it was established. Supposing that

to be the case, can not the Senator conceive that Congress can act affirmatively in any special case?

Mr. KING. Oh, undoubtedly Congress can do as it pleases.

It knows no law—not even the Constitution.

Mr. BRANDEGEE. I did not intend to raise the question of power; but I mean there are many general laws. There are sometimes exceptional cases. If there is an exceptional case, not of retirement simply because a man served but of retirement to compensate him by increased pay and rank for a serious injury incurred in the service, can not that be dealt with as an exceptional case? And if Congress passed the bill upon the ground that it presented an exceptional case, as shown in the debate, does the Senator consider that it would constitute a precedent which would establish the right of every reserve officer to be retired by special act of Congress?

Mr. KING. The Senator is an able lawyer, and he knows the value of precedents perhaps better than I, and he knows what would be the effect of legislation of this character.

Mr. BRANDEGEE. I am speaking not as a precedent to govern all cases in the future but where, as I especially stated, in view of the peculiar circumstances of a particular case, Congress adopts legislation and states that it is not to be considered as a precedent for all cases, but only for exceptional cases, does the Senator think we have established a precedent which would throw down the bars and let in all cases?

Mr. KING. I think this would be a precedent. I will say to the Senator that if this were the only way by which this injured man could obtain relief I should gladly support this bill, notwithstanding the precedent which it would establish; but I suggested to the Senator from Colorado [Mr. Nicholson] the other day, and he finally acquiesced in the suggestion which I made, that he amend this bill and offer a substitute giving to the injured officer full and complete compensation; and if the Senator from Colorado had been here to-day he would have offered, I am sure, an amendment along these lines.

I have submitted to the Senate the facts. It is for the Senate to determine whether it wants to violate the rule which it has established, break down that policy, and establish a precedent which will return to embarrass it in the future.

Mr. WADSWORTH. Mr. President, I remind the Senator that there are 1,200 Army emergency officers who will be entitled to the same kind of treatment.

Mr. KING. And the Senator knows that there will be 12,000 a little later. I have received letters from reserve officers, both in the Army and Navy, who want the retirement privilege, and if we extend the retirement privilege in this case we will be required to do so in other cases. We can not differentiate and say: "This man was hurt a little more than you are and therefore should be retired, while you should not." Some of them to whom I refer have been injured, and injured for life, and are wholly incapacitated. They must be cared for liberally, and I shall be very happy to vote for the enactment of legislation here, if there is not adequate legislation now, to care for them liberally; but I am not willing to break down or attack the policy which, after full consideration, was announced by the

Mr. NORRIS. Mr. President, it is admitted that this man was injured in the line of duty in the military service. It is admitted that if the same thing had happened to him under the same conditions before we had technically reached a stage of peace, he would have been entitled to what we are trying to give him by this bill; so that those who are opposing it are opposing it on technicality. Even the Senator from Utah [Mr. King], who opposes this legislation, says that he is in favor of giving this man pay, but he wants to do it in a different way; and then it is said that if we pass this bill there will be others in similar conditions who will demand the same relief.

If that argument is any good, it applies to any system of compensation that we might devise. If that is any defense, we could say the same thing when the Senator proposes to pay this man \$10,000, or any other sum. We could say: "Why, if we do that we will have to do it with the others." It is just as broad as it is long, and while we are jangling and arguing and quarreling over how we shall relieve the distress that is admitted to exist in these few cases, the men are dying. While we are quarreling as to whether we should pay them money, whether we should retire them, whether we should give them a pension, or whether we should put them under the compensation law, they are dying.

Mr. President, it seems to me that if the Senator from Utah will think of the matter for a moment, he will realize that the suggestion he has made is not a practical one. We will not be able to get that kind of legislation through both Houses of Congress. If this man is entitled to relief, why not give him relief in this way? It is conceded that he is entitled to it. It is conceded that the fact that he does not come under the general law is only a technicality. It was a long time after hostilities ceased before we technically had peace between our country and Germany. During that time we were as much in actual peace as we are now; and yet a man having an in-jury on one day would be entitled under the general law to relief, whereas if it happened the next day, technically, he would not be entitled to anything.

I admit that there are other cases. It does not make any difference how many there are. In the case of a man who was injured in the service of his country in the line of duty, whether we were technically at war or not, or in the case of these men who went into the war and served a little while after the war, often at the request of their superior officers, why should we take refuge behind a technicality and say that we will not pay them anything? We ought to have a general law, as the Senator for New York has suggested, but we have

Mr. LENROOT. Mr. President, will the Senator yield at that point?

Mr. NORRIS. In just a moment. The Secretary of the Navy in writing these letters, and in another case that is on the calendar here, has said that if certain legislation of a general nature now pending shall be enacted, this man will be entitled to relief under it. That is true; but that general legislation has failed. We shall not be able to get it passed during this Congress. It is going to be a long time before we meet again. Some of these men are in abject poverty, being sustained friends and relatives. The man that I know most about, whose bill is on this calendar, is absolutely incapacitated for any kind of labor, and his condition is permanent, according to the officers of the Navy.

I now yield to the Senator from Wisconsin.

Mr. LENROOT. The Senator states that he is in favor of a general law, and so am I; but would the Senator favor a general law that would give to an officer four or five or six times the compensation that an enlisted man would receive for a like disability?

Mr. NORRIS. No. Mr. LENROOT. That is exactly the effect of this legislation. Is the Senator aware of that?

Mr. NORRIS. No; I am not aware of that.

Mr. LENROOT. Well, that is true.
Mr. NORRIS. I am not aware of that, and I would not make any discrimination.

Mr. LODGE. If the Senator will allow me, officers of the Regular Army get higher retired pay than enlisted men.

Mr. LENROOT. Yes; I understand that.

NORRIS. Mr. President, we are up against this proposition: These men must either get relief by special legislation, or they can get no relief for practically a year, and have no certainty of getting it then. It seems to me that we ought not to stand on a technicality when all the facts are admitted. They ought to have relief. This man ought to have relief, and we ought to give it to him,

Mr. McCUMBER. Mr. President, may I ask the Senator from Nebraska how we lose any time or lose anything in principle if we simply provide that this man, giving his name, shall be placed on the pension rolls and be paid a pension at

the rate of so many dollars per month?

Mr. NORRIS. I would not have any objection to that. Mr. McCUMBER. In that way we would have a pension bill, and we would not break the law which we passed.

Mr. NORRIS. I will say to the Senator that I would not have any objection. If we had that kind of a bill before us now, I would support it. It is a question as to how we are going to meet it. We can not do that now; that is conceded. It is too late.

Mr. WADSWORTH, Mr. President, I desire to offer an

amendment.

Mr. CURTIS. Mr. President, I should like to submit a

request for unanimous consent before that is done.

I ask unanimous consent that at 1 o'clock the unfinished business be temporarily laid aside, and that we continue with the call of the calendar under Rule VIII until not later than 3 o'clock; and that at 3 o'clock, or before if the calendar is completed, we proceed with the consideration of the unfinished business

The VICE PRESIDENT. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

Mr. WADSWORTH. Mr. President, I offer the amendment which I send to the desk, and which is somewhat in the nature of a substitute. I ask to have it read.

The VICE PRESIDENT. The amendment will be stated.

The Assistant Secretary. It is proposed to strike out all after the enacting clause and to insert in lieu thereof the following words:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Livingston, late lieutenant, United States Naval Reserve Force, and pay him a pension at the rate of \$100 per month.

Mr. WADSWORTH. That is the total disability allowance that a man would get under the war risk insurance act.

Mr. LENROOT. Mr. President, I hope this amendment will be adopted. I shall be glad to support it; but I do want to say a word with reference to the statements made by the Senator from Nebraska. He looks upon this matter of retirement and the objections that have been made to the original bill as a technicality. There is no technicality about it. I want to say to the Senator from Nebraska that the retirement privilege for naval officers crept into a bill; it was never considered on the floor of this House or the other House; it has never been granted to Army officers, and the matter was deliberately repealed something over a year ago.

Mr. NORRIS. Mr. President, will the Senator yield? not care what the method is that is pursued here. If you object to paying this with the right hand, I have no objection to paying it with the left hand. I am perfectly agreeable to the amend-

ment that is offered by the Senator from New York.

Mr. LENROOT. I am very glad the Senator is; but the point I wanted to make was that the Senator was contending for a principle that would pay to an officer a great deal higher sum for disability than to an enlisted man, and that is what I object to.

Mr. NORRIS. I object to that, too. I am perfectly willing to put them all on the same basis. I have no objection whatever to that; but we are confronted, or were until this amendment was offered, with a specific case; and the man is helpless, dependent upon friends and relatives for his support and livelihood, while we jangle about a technicality as to whether we shall pay him, when he was injured in the line of duty just a few days after the treaty of peace was signed.

Mr. SMOOT. Mr. President, I think there ought to be some consistency in the appropriations that are made for these unfortunate cases. The case of Mr. Lancaster passed the Senate a short time ago. No human being could be in a worse condition than he. He was deformed in every way, shape, and manner, and he was a sight repulsive to behold. The Senate passed a bill giving that man \$5,000. It went to the House. The House reported it back for \$50 a month. This man is in a condition that is in no wise comparable to that of Lancaster. I do not see why this man should have \$100 a month and Lancaster have only \$50 a month.

Mr. President, I had a photograph of Lancaster here in the Chamber, and some Senators saw it. I want to say to you that if any living soul ever should receive compensation from the Government of \$100 a month, he should. The House, however, would not agree to over \$50 a month for that man; and it seems to me that it is unjust to pass a bill in a case like the Lancaster case for \$50 a month and then give this man \$100 a month. There is no consistency whatever in it.

Of course this is a Senate bill, and I am not going to object now to its passage. This man ought to have compensation of some kind. I like compensation better than I do retirement pay, but I hope the House will have a little better judgment as to the consistency of the amounts appropriated than we have in

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

Mr. BURSUM. Mr. President, I agree entirely with the statement of the Senator from Nebraska [Mr. Norris]. I think his position on this matter is correct. I do not agree that it would be a violation of any sound principle to retire emergency officers when wounded or disabled in line of duty and give them the same privileges given to officers of the Regular Army. it is in accordance with a sound policy to do that. There was a law on the statute books granting retirement to naval and marine officers, but that law was repealed. In my judgment very few Members of the Senate were advised when the repeal was voted on. It was not discussed; it was not brought up on the floor as a separate measure. It was included in a general bill, as I recall. Under the law on the statute books for the retiring of emergency naval and marine officers several hundred were retired, and the fact that the law was repealed did not vitiate the proposition that the principle was right and correct

I can not understand why we should discriminate against the emergency officer, who provided his own training, at his own

expense, and who may have suffered injuries in line of duty. It seems to me that it is eminently fair that he ought to be given the same treatment that is given to the Regular Army That question was tried out here in the Senate under the provisions of Senate bill 1565, when the Senate went on record and voted 50 to 14 in favor of the principle of retiring emergency officers upon the same basis, under like conditions, as is accorded to the officers of the Regular Army. The principle is absolutely right.

The present case is an unfortunate one. I would not like to stand in the way of some compensation being given this man, but it is wrong in principle to discriminate; there is no reason why the officer to which the bill relates should not be given the identical treatment given another officer who might have come from the Regular Army and suffered injuries under like conditions. It is true that the House has not passed on Senate bill 1565, but it is also true that a petition signed by 235 Members of the House requested the Military Affairs Committee of the House to report that bill out and give the membership a chance to vote on it. They have not done so. This question will no doubt be brought up at the next Congress, and be brought up on the principle of according emergency officers the same treatment, under like conditions, when suffering disability incurred in line of duty accorded to officers of

the Regular Army.

Mr. HEFLIN. Mr. President, I do not know whether this \$100 a month will be sufficient to take care of this poor, unfortunate soldier and ex-officer or not. I got the impression that he was a man of family. If he has a family, this amount will not take care of him and his family. The author of this bill, the Senator from Colorado [Mr. Nicholson], is sick. This measure was before the Senate a week ago, and I had something to say about it then. I thought we had an agreement by which the bill was to pass, but it seems there is some misunderstanding about that.

This Congress ought to pause here to-day long enough to see that justice is done this man. He is disabled, his back is broken, and we are quibbling here over a technicality, about whether we will set a precedent in trying to do justice and provide ample means for this poor unfortunate boy who offered to die for his country.

I never hear these technicalities invoked when big special interests are concerned. I never hear the unconstitutionality of a measure suggested here except when special interests are at stake. But when a soldier, coming from the ranks of those who are without great influence with those in authority, just one of several million, who put on the uniform and went out to die for his country, meets with misfortune, is stricken down, the Government is afraid, we are told, that it will set a precedent. I am not afraid of the precedent. If there are other cases seeking relief at the hands of the Senate which are not as worthy as this man's case, we can pass on each case and determine its merits when it comes before us. It will not frighten me to vote for this bill as presented by the Senator from Colorado,

This young man is sorely afflicted, his back is broken, and he is unable to get about, unable to do anything. At best, Mr. President, it seems that he must eke out a miserable existence, and it ought to be the desire of this Congress to make things

just as comfortable as possible for him.

I can see this poor fellow now with my mind's eye, coming out I can see this poor fellow now with my mind's eye, coming out from his humble home when the tocsin of war was sounded. I can see him in the uniform of his country. I can see him at the battle front, with the flag in his hand. I can see him directing his men and planning a charge against the ranks of the German army. I can see him—an upstanding, brave, young American officer—ready to die for this, the greatest Government in all the world; and now, when he is stricken down, when his back is broken, and his friends are contributing money by piecemeal to support him, you are hesitating in the Senate and quibbling over technicalities. and quibbling over technicalities.

God, what are we coming to in this Chamber? I suppose I will infringe the rules in a moment, and somebody will make a point of order against me; but I am going to continue to plead for what I think is right and just in this body, for this soldier and every other soldier, regardless of the gag-rule methods that are resorted to frequently when Senators dare to speak the truth into the Record and to the country. What provision does the Senator from New York make for this boy's expenses, dating back to the time he was run over and knocked down and his back broken on the aviation field? None. \$100 a month is to begin when the bill becomes a law. to take care of all the expense he and his friends have incurred in keeping him up and keeping him alive? Nobody has made provision for them.

Here is what the report says about this case:

Lieut. J. L. Livingston was an expert at adjusting the delicate mechanism which controls the flow of machine-gun bullets between the spaces traveled by an airplane propeller's whirling blades, and it was while engaged in this work that the accident occurred which has entirely incapacitated him for further service in his special line of work, or, in fact, of any further manual labor.

He is stricken, broken in body, unable to work and get around, and the Senate of the United States is quibbling over the matter of paying this poor fellow \$1,800. They are going to put him off on a pension roll at \$100 a month, to be laid away in a niche somewhere, fed scantily, and provided for in a measly way, instead of trying to do something to make this boy's life comfortable and make him at least feel that the Government he served so well and offered to die for is grateful to

him, and that its tender sympathy goes out to him.

What will he think if the amendment of the Senator from New York is agreed to, merely putting him on the roll at \$100 a month from the time this bill becomes a law? What will he think when the news reaches him, if it does, that this bill has been turned down and that a makeshift arrangement has been palmed off on him, and that the Congress that called him into the service, now in its closing hours, sends that message to him?

Mr. President, I think we ought to pass the bill as it came from the committee, as it has been reported to the Senate. I appeal to the Senate in behalf of this unfortunate boy, as the Senator who is the author of the bill is sick and can not be here to plead for him to-day. I do not know this man; I never heard of him until his claim came up in this body for consideration; but the fact that he is an American boy who fought for his country is enough for me; the fact that he is badly crip-pled, as the testimony shows, is enough for me. I think the Senate ought to grant this amount. We will take care of the precedent. Whatever may come hereafter, the Senate can pass

on other cases when they come before us for consideration.

The VICE PRESIDENT. The question is on agreeing to the amendment offered 'y the Senator from New York.

Mr. HEFLIN. I would like to have the amendment reported.

The VICE PRESIDENT. The Secretary will report the amendment.

The Assistant Secretary. It is moved to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Livingston, late lieutenant, United States Naval Reserve Force, and pay him a pension at the rate of \$100 per month.

Mr. HEFLIN. What did the original bill provide? I did not hear that read a moment ago.

The VICE PRESIDENT. The bill will be reported.

The Assistant Secretary. The bill as reported from the Committee on Naval Affairs reads as follows:

Committee on Naval Affairs reads as follows:

That John L. Livingston, who, while serving as a lieutenant, United States Naval Reserve Force, was found by a naval retiring board to be permanently incapacitated for active service by reason of physical disability incurred in the line of duty as the result of an incident of the service, but not in time of war, shall be eligible for retirement as if his physical disability was incurred in time of war, and the Secretary of the Navy is hereby authorized to place him upon the retired list with three-quarters' pay of the grade held by him at the time such physical disability was incurred.

Mr. HEFLIN. Mr. President, I hope the Senate will pass that hill. I hope the smendment of the Senator from New York.

bill. I hope the amendment of the Senator from New York will be voted down. It does not even provide that he shall be paid one 5-cent piece from the time the injury was received down to the time the bill shall become a law. Surely we can down to the time the bill shall become a law. Surely we can permit this boy to be put on the retired list. We put men on the retired list who are as vigorous and strong as I am, or as any other Senator in this body, and surely we can afford to put this crippled man, lying in his bed, upon the retired list, and give him this sum asked for. I ask for the yeas and nays on the amendment of the Senator from New York.

The yeas and nays were not ordered.

Mr. REED of Pennsylvania obtained the floor. Mr. HEFLIN. Mr. President, I suggest the absence of a

The VICE PRESIDENT. The Secretary will call the roll.
The reading clerk called the roll, and the following Senators answered to their names

result to our offer Fo.	Section Sections and a		
Ball Bayard Borah Brandegee Brookhart Bursum Calder Cameron Capper Cott	Cummins Curtis Dial Dillingham Edge Ernst Fernald Fletcher France Frellinghuysen George Gerry	Glass Gooding Hale Harreld Harris Harrison Heffin Hitchcock Johnson Jones, N. Mex. Jones, Wash. Kendrick	Keyes King Ladd Lenroot Lodge McCormick McCumber McKellar McKinley McLean McNary Moses

New Norbeck Norris Oddie Overman Owen age Pepper

Phipps Pittman Poindexter Ransdell Reed, Pa. Sheppard Shields Shortridge

Smith Smoot Stanley Sterling Sutherland Townsend Trammell Wadsworth

Walsh, Mass. Walsh, Mont. Warren Watson Willis

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, being House bill 12817, the shipping bill. Under the unanimous-consent agreement it is temporarily laid

Mr. WADSWORTH. I desire to modify my amendment by adding at the end the phrase to which the Senator from Massachusetts called attention.

The VICE PRESIDENT. The modification of the amendment will be stated.

The Assistant Secretary. After the words "\$100 per month," it is proposed to add the words "dating from his discharge from the Nary" charge from the Navy

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New York as modified.

Mr. WALSH of Massachusetts. Mr. President, I shall vote against the amendment proposed by the Senator from New York, because I think our incapacitated reserve officers ought not to be labeled as pensioners, but should enjoy the distinction, honor, and benefits conferred on retired regular officers. shall vote against it, because I think the bill is more favorable and more honorable to our injured reserve officers; that the reserve officers injured prior to July 1, 1922, enght to have the identical rights that every reserve officer had who was injured and filed an application prior to October 1, 1921. If we were still keeping Naval Reserve officers in active service something could be said against extending the provisions of the original law, but every reserve officer who was permanently incapacitated and filed application prior to October 1, 1921, has been retired on the same status as the regular naval officers and the active service of all reserve officers were continued until July 1, 1922. How can we distinguish between a reserve officer injured on the 11th day of March, 1921, and a man injured on the 2d day of March, 1921, who were both reserve officers? This man ought to have the same right as other reserve officers injured since the signing of the armistice.

I shall therefore vote for the bill and against the amendment. I shall also propose that the time be extended for all reserve officers, so that every man injured who was a reserve officer up to July 1, 1922, shall receive the same treatment that reserve officers receive who were injured prior to March 3, 1921. There is a decided distinction between receiving money for incapacitation as a retired officer of the Navy and being a pensioner.

Mr. REED of Pennsylvania. Mr. President, I think before the Senate votes on the amendment it ought to understand what has been done by the Congress heretofore in regard to the general policy in such cases. By the act of 1920 the general policy of retiring disabled temporary and reserve officers was adopted. By the act of 1921 that policy was con-tinued, except that it was limited to officers who were disabled in time of war and to those who had made application before October 1, 1921.

So the proposed relief to this officer in putting him on the retired list at three-fourths pay is not a departure from the previous policy of the Congress in regard to disabled naval officers but is an extension of that policy to a very unfortunate individual who happened to be injured 11 days too late to take advantage of the prior policy and the prior law, and whose application did not come within that brief space of six months within which applications had to be made.

We can not denounce the pending bill as a departure from policy, because it is not. We must not confuse the con-gressional policy with regard to the Navy with the other and the much more drastic and stingy policy which has been adopted in regard to the Army. We have been rigid in excluding officers and men of the Army from retirement privileges if they were temporary or reserve or National Guard officers. I think we have been too rigid. But we have been liberal with the Navy, and it seems to me that in a case of such extreme hardship as this it would be niggardly for the Congress to deny this privilege to a man because he got hurt days too late and because his application was not filed within that brief space of six months, when he was lying helplessly paralyzed throughout the whole six months. So I hope the amendment proposed by the Senator from New York will fail and that the bill will be passed as originally drawn.

The PRESIDING OFFICER (Mr. Moses in the chair). The question is on agreeing to the modified amendment proposed by the Senator from New York.

Mr. BURSUM. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. LENROOT. Mr. President, before the vote is taken I want to say a word with reference to the statement of the Senator from Pennsylvania. He has stated that this is no departure from the policy adopted by Congress. If the bill is enacted into law, it will leave the Congress without any policy. Congress has now adopted a policy that will not afford any retirement privilege to the officers such as the bill now seeks to provide. I am very much surprised that my good friend from Massachusetts should favor a policy that would give to one who happens to be an officer a very much higher compensation than should be given to an enlisted man with the same disability.

Mr. WALSH of Massachusetts. But we have already done that. Mr. LENROOT. . We did it, but we realized that it was

wrong; and it is now proposed to continue it.

Mr. WALSH of Massachusetts. I want to continue it until the time when all reserve officers shall get out of the service, and not distinguish between reserve officers who happened to get injured in 1921 and 1922.

Mr. LENROOT. There is just one sound foundation, and that is to give compensation for injury to everybody alike, whether it be military officers, naval officers, or enlisted men of either branch of the service. That I am willing and anxious to do; but why would the Senator from Massachusetts favor giving to a man who happens to be an officer with a broken back, we will say, a very much higher compensation

than he would favor giving to a private, an enlisted man, with a broken back

Mr. WALSH of Massachusetts and Mr. BURSUM addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wis-

consin yield; and if so, to whom?

Mr. LENROOT. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I would favor giving the reserve officer exactly the same treatment that I would favor giving the regular officer. The regular officers are given the right to retire with pay when permanently injured, and I see no distinction between a civilian or reserve officer and a regular naval officer when it comes to extending benefits for disabilities incurred in the service of our country.

Mr. LENROOT. I am very much surprised that the Senator from Massachusetts does not see the difference in the case of a regular officer. We promise him, if he will go into the service and make that a life profession, that in case of injury the Government will take care of him and at a certain age will retire him, in any event. He gives up all opportunity to gain a competence for himself in civil life. What is the case with the reserve officer? Is there any such condition existing with reference to him? He goes in as a matter of patriotic service, happens to be injured, having come from the same walk of life, perhaps, as the private or enlisted man. Why should that officer receive a very much higher compensation for a disability than an enlisted man should receive upon the one hand, and why should he receive that compensation when, in the case of regular officer, the Government in the beginning held it

out to him as an inducement for him to make it his life work?

Mr. WALSH : Massachusetts. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin further yield to the Senator from Massachusetts?

Mr. LENROOT. I yield. Mr. WALSH of Massachusetts. There is this distinction: The regular officer usually enters the service of his country in time of peace. He does not know whether he will ever be engaged in the service in time of war. The reserve officer in time of war, in time of danger, leaves his civilian employment and offers his life to his country. He faces danger to life and limb right at the start; he goes into war in the very hour of his country's danger; and we should give him the same rights and privileges that are extended to all regular officers.

Mr. LENROOT. But this disability occurred in time of

peace

Mr. POINDEXTER. Mr. President-

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Washington?

LENROOT. In just a moment. I want to ask the Senator from Massachusetts whether he would be willing to give the same compensation in dollars to the enlisted man

that he is pleading to give to the officers?

Mr. WALSH of Massachusetts. If the question were new and being presented to me for the first time, I think I would

agree with the Senator from Wisconsin. But we have already adopted a policy and been giving to reserve officers injured in time of service after the armistice was signed the same privileges that we gave to regular officers. Why, if we want to be consistent, do we not give to enlisted men in the Regular Navy and Army the same benefits we give to regular officers

when incapacitated in the service?

Mr. LENROOT. The Senator is mistaken. The reason why the law was repealed was because we believed it was wrong; and we gave a short period in which to give those who were not taking advantage of the law an opportunity to take advantage of it. It was not upon the ground that there would be no more reserve officers. I yield now to the Senator from Washington.

Mr. POINDEXTER. I think the Senator from Massachusetts is mistaken in his assumption that there have been any cases in which reserve officers injured in time of peace were put upon the retired list.

Mr. WALSH of Massachusetts. Practically in time of peace. Mr. POINDEXTER. Pardon me; let me state my position

Mr. WALSH of Massachusetts. It was after November 11, 1918, that he was injured, and the other reserve officers have been retired. It was true the law continued through a period to the technical ending of the war which was in March, 1921, but men injured in March, 1921, before we passed the joint resolution terminating the war, and in time of real peace, have received the benefits of the general act giving them the privileges of retirement,
Mr. POINDEXTER. That may be true. Nevertheless, the

intention of Congress was, as expressed in the act, to give the benefits of retirement to those who were injured in the war. The disbursing officers of the Government in the construction of that act, as the Senator from Massachusetts stated, very likely did hold that we were actually in a state of war up until the time the joint resolution of peace was adopted, and we were still in a state of war. Now, if we enact a law putting upon the retired list a reserve officer who was not injured in time of war, I would like to have the Senator from Massachusetts tell us how Congress, in justice or in consistency, can refuse to put upon the retired list all the reserve officers injured in time of peace. If one is put on the reserve list, why deny that privilege to others under the same circumstances?

Mr. WALSH of Massachusetts. Is it not a fact that all reserve officers in the Naval Reserves are now out of the service? Is it not true that on July 1, 1922, every reserve officer ended his term of service? So I am asking that the law be extended to the time that we got through with the reserve officers. We kept them as long as we needed them; we used them as long as we could. We kept them months and years after the war really ended, because they were useful to us, because they were necessary, especially those like this man Livingston, who was an aviator. We kept them to train other aviators, to train men for the permanent service. We kept them from their vocations and professions, and yet we say, "Because you were injured the day after the time we fixed for terminating the right of reserve officers to the retirement privilege, you shall not have the privilege of retirement extended to the regular officers." How can anyone justify such action?

Mr. POINDEXTER. If the Senator from Wisconsin will allow me briefly to reply, we allowed retirement to naval reserve officers, who were injured in time of war and who made application for retirement on or before October 1, 1921. was necessary to fix some date, and to fix some conditions under which those benefits should accrue. Would the Senator propose to extend that privilege to the man who was injured in time of peace and who failed to make his application on or before October 1, 1921-to throw down the bars, to open the doors so that a reserve officer injured at any time in the service in time of peace and who makes his application to Congress at any time hereafter shall be entitled to the same privileges? Under similar circumstances, if this precedent is set all would have the right to appeal to Congress for the same relief.

I am in favor of compensating this man Livingston because he was badly injured in the service, though not in time of war, in any sense of the word, either actually or technically. But the amendment of the Senator from New York would provide for his compensation and put him upon the pension roll of the Government, and pay him \$100 a month. There is a great question as to whether or not temporary officers called to the service of the country in an emergency, who are taken away from their business for limited periods of time, whose entire career is not destroyed by virtue of being in the military service of the country, should have the same benefits of retirement as should regular officers who give up their

entire lives to the military service of the country, who consequently can not engage in any civil employment, and who, under the policy which the law has established, founded upon very substantial reasons, after they have served throughout their career, and have arrived at a certain age, or are injured in the service, have the benefit of retirement. If we are going to extend the benefit of retirement to temporary officers, to reserve officers, we open up a distinctly new policy and reverse the policy of the Government. It can not be said that there is any precedent for it at all. In vote after vote here it has been denied, even at this late date, to volunteer officers of the Civil War.

All I have to say, in conclusion, is that if we establish this precedent, in my opinion, we can not avoid the inevitable consequence of doing the same thing for all other officers under

similar circumstances.

Mr. LENROOT. The amendment proposed by the Senator from New York, if adopted, would give to this man exactly the same compensation that an Army reserve officer receives for a like disability, exactly the same compensation that an enlisted man would receive or does receive for a like disability, and much larger compensation than men in civil life receive for disabilities incurred in the service, and I sincerely hope that the amendment will be adopted. We will then have a consistent policy whereby we can afford relief to all deserving cases. But if the amendment be not adopted, we would give, first, a preference to naval reserve officers over military officers, and, secondly, a preference over the enlisted men.

Mr. WALSH of Massachusetts. Mr. President, will the Sena-

tor yield a moment?
Mr. LENROOT. Certainly..
Mr. WALSH of Massachusetts. What would Livingston receive under the bill?

Mr. LENROOT. One hundred dollars a month. Mr. WALSH of Massachusetts. No; he would receive that under the amendment of the Senator from New York. What would be receive under the provisions of the bill?

Mr. LODGE. He would get \$1,800 a year.

Mr. WALSH of Massachusetts. So the amendment would give him \$1,200 a year, while the bill would give him \$1,800

year. Mr. HEFLIN. Mr. President, the Senate can take care of all the other cases that come up hereafter. We are not setting a precedent that is a hard and fast one. This is the only means that we have now to do justice by this badly crippled American soldier. Surely we can strain a point and suspend the rules, if necessary. I would favor that, rather than do an injustice to this poor soldier who is now in bed, who is now being cared for by the charity of the community in which he lives. not understand the position of Senators who stand here and talk about setting a precedent when this is the only means of reaching down and helping this poor unfortunate man.

I do not favor the position taken by the Senator from Wisconsin [Mr. Lenroot] of doing alike by all, regardless of the injury received. I would not give as much compensation to a man who had his toe cut off as I would to a man who had his back broken. Who would? We will let these other cases stand upon their merits. We will do justice by all these soldiers. That is my position.

Senators need not be afraid of setting a precedent. We will take care of that situation, but something has got to be done for this poor boy to-day. That is why I am voting for the bill as amended. He gets the same amount through the amendment as amended that he would have gotten if the bill had passed as reported.

Mr. LODGE. Mr. President, I only want to say this in conclusion: The Senator from Pennsylvania has shown conclusively that reserve officers have been put on the retired list in time of war. This young man was 11 days too late. He was an aviator injured in a dangerous pursuit while performing his duty.
Mr. POINDEXTER.

Mr. President-

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. LODGE. One moment. If he had twisted his ankle going down the department stairs 12 days before, he would have been entitled to retirement; but as he was injured 11 days later, he has to take \$1,200 a year instead of \$1,800. Of course, I understand that the Senate wants to save \$600 if it can.

Mr. President, I know that the proper thing is what the Senator from New York proposed—that there should be general legislation both for the Army and for the Navy. It has not been passed. Whose fault is it that it has not been passed? The fault of the Congress; and we are to stand by the bedside of that crippled man-crippled for life, a man who has given

more than life, who has given all that makes life pleasant and all that makes life possible, and all ability to earn—we are to stand by his bedside and say: "The Senate of the United States will not give you anything because, technically, you were 11 days late in getting hurt. We will not give you anything, because it is not logical. We have not passed the necessary general laws, and you must wait until Congress passes general

I for one do not propose to vote to make that man pay for the faults of Congress. I think that man has earned his retirement. I think he has earned his \$1,800 a year. Who would take \$1,800 a year to lie crippled in bed probably for the rest of his life? Certainly all the medical boards and the board of examination testified that he had no chance of recovery. I think that was her read a secretic for his country. I think that man has made a sacrifice for his country that entitles him to his \$1,800 a year; and I for one am not going to throw him out on a technicality because Congress has failed to pass the legislation that it ought to pass.

Mr. POINDEXTER. Mr. President, there are a great many

men dying of injuries and disease incurred in the service who are not put upon the retired list as officers. I agree with the Senator from Massachusetts [Mr. Lodge] that this man should be taken care of, and should be taken care of liberally; and if the Senate is of the opinion that he should have \$1,800 a year instead of \$1,200 a year, as is proposed by the amendment of the Senator from New York, all that is necessary to accomplish that purpose is to strike out "\$100 a month" and insert "\$150 a month" in the Senator's amendment. By doing that we will act in accordance with precedent, under which men who are injured in the military service of the country in time of peace are compensated in accordance with the extent

of the injuries which they receive.

The Senator from Massachusetts says that a man who sprained his ankle while walking down the steps in time of war would be put upon the retired list. That is a compliment to the generosity of Congress, but it is not a tribute to its judgment. In the case of a man who received an injury to his ankle, if he is put upon the retired list under the law, as it is proposed that this man shall be put, although he was only slightly injured, he would receive the same identical compensation that it is proposed to give to a man whose back is broken, whereas under the pensions laws the compensation is adjusted to the extent of a man's injury, as determined by the machinery the Government has set up for that purpose in the Pension Bureau.

There is just one other phase of the remarks of the Senator from Massachusetts to which I want to call attention. He says this injury occurred 11 days too late. Of course this man would not have suffered any injury at all if he could have prevented it. He would not have hastened his injury to have been in time, as the expression is, to receive a benefit, if he could have controlled the fact. He would have received no injury at all; but he was just as safe in the aviation service of the Navy 11 days after the war ended as he would have been six months after the war ended. That is the point. One day after the war ended, a man engaged in the aviation service of the Navy-when we were at peace, when there were no hostile operations going on-was serving his country under the same conditions in which all other reserve officers were serving the Government six months or six years after the war ended. It is the difference between war and peace.

Mr. WADSWORTH. Mr. President, will the Senator yield? Mr. POINDEXTER. That difference does not depend upon the length of time that elapses. It occurs instantaneously when hostilities cease. There is the great distinction between a man provided for liberally by legislation of Congress who was injured in front of the enemy, or when hostile operations were being carried on between this country and its enemies, and a man who was injured in the routine service. Although we admit that the service is dangerous and precarious, and that there should be compensation for such injuries, nevertheless the distinction is as perfectly complete 11 days after the cessation of the war as at any other time.

Mr. LODGE. Mr. President, if a man is in the regular service

of either Navy or Army, and meets with an injury, no matter how incurred, if it was not his fault, and he was on duty, he gets his three-quarters retirement. There is no sin in that.

Mr. POINDEXTER. No; but-

Mr. LODGE. Why is it wrong for the reserve officer rendering service in the Navy—he was in the Navy, and on active service—why is it wrong as it applies to him, when we apply the same principle to the Regular Army? I know, of course, that he does not give his life. He gives a great deal more than his life.

Mr. POINDEXTER. I understand from the Senator's question that he favors putting temporary officers, temporarlly serving the Government, upon the same basis as regular and permanent officers.

Mr. LODGE. That is what we have done already.

Mr. POINDEXTER. No; I beg the Senator's pardon. We have only done that in the limited case of those who were injured in time of war, and who made their application by a certain date; and when that legislation was criticized it was repealed.

Mr. LODGE. Nevertheless, it became a law.

Mr. POINDEXTER. It became a law without the knowledge of the Committee on Naval Affairs. It was legislation in an appropriation bill, and passed Congress, so far as I know, with-out any member of the Naval Affairs Committee having his attention called to it. Whether the Senator from Massachusetts is right about that or not, if we are to put the reserve officers upon the same basis as permanent regular officers as to retirement, it is a question that ought to be considered by a committee, and it ought to be thoroughly discussed.

The principle ought not to be established under the pressure of the appeal to sympathy in a particular case where a man is grievously injured and a case which appeals to everybody's sensibilities. Because we want to take care of that particular case, we ought not to give the benefit of such a principle to every man who may have laryngitis, or may have hurt his finger, or may have become in some respect incapacitated for military service under the strict rules as to fitness for military service, and put him upon the retired list and permit him to draw for the balance of his life three-quarters pay. It is not the case of this man only; it is a question of the principle that is involved.

Mr. LODGE. Mr. President, of course, the severe strictures of the Senator from Washington apply with particular force to the statement of the Secretary of the Navy, who says:

The department regards this case as a meritorious one and is of the opinion that the bill should be enacted into law for his relief.

Mr. WADSWORTH. Mr. President—
The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. LODGE. I yield.

Mr. WADSWORTH. Does the Senator think that the department insists that granting the retirement privilege is the only way of taking care of this man?

Mr. LODGE. I do not say anything except what the Sec-

retary said, that he approved this bill.

Mr. WADSWORTH. I have noticed that the Navy Department always approves this kind of a bill.

Mr. LODGE. I beg to contradict that, because I know they do not.

Mr. WADSWORTH. It is the Navy Department that is sending other amendments here affecting the pay for the Navy alone when we have balanced in standing statutes the pay of all the services. I am a little weary of it. The Navy De-partments knows that there is no retirement privilege for emergency officers of the Army. Why does not the Navy De-partment propose to join with the War Department, if it sees fit, in having a uniform statute, if there is to be any?

Mr. LODGE. It is open to Congress to do it.

Mr. WADSWORTH. I know it.

Mr. LODGE. It is not the fault of this man.

Mr. WADSWORTH. But the Senator quotes the Navy Department as an argument.

Mr. LODGE. I do. I quote the Navy Department for its opinion, and it is worth just as much as the opinions given here and no more

Mr. WADSWORTH. Certainly; but does the Senator think that this man can not be taken care of by being put on the pension rolls?

Mr. LODGE. I think he is entitled to his retirement like those men who were injured earlier.

Mr. WADSWORTH. Even though the money allowance is the same?

Mr. LODGE, Yes; even though the money allowance is the Mr. WADSWORTH. Then every reserve officer injured in

time of peace is entitled to retirement.

Mr. LODGE. If he was in the service

Mr. LODGE. If he was in the service of the Navy, of course. Mr. WADSWORTH. Of the Army, too?

Mr. LODGE. Oh, yes,
Mr. WADSWORTH. Well, now, let us see where we end.
Thirteen thousand reserve officers of the Army are to be ordered to active service for 15 days' training camp this summer. Mr. LODGE. Yes.

Mr. WADSWORTH. Does the Senator hold that any one of those officers injured in that 15 days' training camp, in the service of the Government, on active service, should be put on the Regular Army retired list?

Mr. LODGE. I think so; if he is retired for disability in-

curred in the line of duty.

Mr. REED of Pennsylvania. Mr. President, just to follow out the suggestion of the Senator from New York, at the training camps of last summer one of the reserve officers who was called into the temporary service of his country to train young men had his back broken in much the same circumstances as this man Livingston. He is lying to-day in a hospital; and under our present policy, or lack of policy, his Government can not even pay his hospital bill, much less any pension or compensation or retirement pay, or anything else.

Mr. WADSWORTH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from New York?

Mr. REED of Pennsylvania. I do. Mr. WADSWORTH. The Senator knows, of course, that there is a bill upon this calender which will authorize and pro-

yide for his hospital care.

Mr. REED of Pennsylvania. There is for that particular man; but my protest is against the shortsighted policy which the Senator from New York has pointed out. We have granted some favors to some officers of the Navy. We are trying to cut off the line clearly and deny these favors to men like Livingston, who deserve just as much, and we have barred every Army officer from the same kind of relief; and Congress must take action on it, or these cases will come back to plague it in increasing numbers

As for distinguishing between time of war and time of peace, you can not do it. A man who has his back broken in peace time suffers just exactly as much as if he had it broken at the front in France; and we must remember that a lot of these efficers who get relief because their injuries occurred in time of war were not anywhere near the scene of hostilities. Livingston, who was a naval aviator, an expert in machine guns, was hurt while on active duty. He was running thousands of times the risk of many a staff officer who fell downstairs and got a similar hurt in time of war. Livingston, in time of peace, was exposed to more danger than many of his fellow naval officers Washington in time of war; and it is absurd to distinguish between them and say that one should have relief and the other

Mr. KING. Mr. President, I do not quite comprehend the feeling and, indeed, the heat exhibited by some Senators in the discussion of this measure. The injuries sustained by the beneficiary named in the bill are grievous, and not only call for sympathy but also for compensation. I have indicated that there is no disposition to deny relief, but have only criticized the plan provided in the pending bill for the extension of relief. The Senator from Pennsylvania [Mr. Reed] has just denounced as "absurd" the position taken by Senators who have not indorsed his view. Mr. President, such statements do not settle this question, nor do they aid in reaching a correct solution of the matter. Some Senators seem to be unable to appreciate the principle involved in this As I have stated, no one has contended that an appropriation should not be made that will adequately care for this brave and gallant soldier. He is entitled to relief. Senators seem to proceed upon the theory that if he is not placed upon the retired list there is no way by which he may be compensated. Of course, that position is wholly untenable. debate has clearly demonstrated that Congress has taken the view that temporary or reserve officers are to be differentiated from those officers who are permanent and who have given their lives to military and naval service. Moreover, the facts in the case show that the injuries received by Mr. Livingston at a period after a temporary statute, one which was inadvertently passed, had been repealed.

President, the question before us, briefly stated, is this: Shall we discriminate between the brave soldiers who entered the Army and the Navy during the World War, and give to those who were fortunate enough to obtain commissions different ratings and greater privileges and advantages than those who were privates? I believe that justice and fair dealing require that there shall be equal treatment accorded to all. Let me present a concrete case to illustrate what discrimination would exist if the position of the Senator from Pennsylvania and the Senator from Massachusetts [Mr. Longe] was to be accepted. Two young men enlisted, perhaps brothers, of equal ability and courage and worth. One happened to be made lieutenant or captain or major and was assigned to some clerical position or to a safe place in the commissary department. He never went overseas or encountered any dangers, but

met with a slight accident and lost a portion of his finger, or during the epidemic of influenza suffered from its attacks, and was declared by medical officers to be 10 per cent disabled. though, perhaps, the disability is not permanent. Of course, the injuries to the finger are permanent and would be rated as a disability entitling the officer to retirement with twothirds pay for life. The second soldier enlisted as a private, crossed the seas, and fought gallantly in the Argonne and in other sections at the front. He was wounded, losing an arm or a leg. He would receive no retirement privileges but only a pension of \$50 or perhaps \$75 a month.

Those who are contending for this bill in its original form justify this discrimination and support a policy that would deal thus unequally and, as I believe, unjustly with our soldiers who participated in the great conflict. I insist that they shall all be treated alike. Those who happened to be officers and to have had temporary commissions should not be rated higher and be awarded greater benefits than their brothers and neighbors who were fighting for the same cause. I am told that most of the reserve or temporary officers insist upon legislation giving them the same retirement privileges as are accorded to regular officers. I hope my information is incorrect and that these men who served their country so ably and with so much valor will not seek for themselves advantages and benefits which they are unwilling shall be bestowed upon their brothers in arms who happened to be privates.

Mr. President, the Senator from Massachusetts [Mr. Lodge] made a fervid appeal, but he did not fairly meet the question involved. He indulged in implications that are wholly unwarranted and presented arguments unsound and fallacious. I do not wish to be unkind or unparliamentary, but I respectfully submit that he indulged in casuistry which the occasion did not call for and which was not entirely creditable to the able Senator. Of course the grievous injuries sustained by this soldier strongly appeals to the sympathy of everyone, but it is not, in my opinion, the commendable thing to distort the situation and pervert the facts in the case. The Senate will deal fairly with this injured man, and they can do so without repealing pro tanto legislation enacted after the fullest consideration; nor need they establish a precedent which may prove of great disadvantage in the future.

Mr. STERLING. Mr. President, I move-and I take the suggestion from the Senator from Washington—that in the amendment of the Senator from New York [Mr. Wadsworth] the figures "100" be stricken out and "150" inserted.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota [Mr. Sterling] to the amendment proposed by the Senator from New York [Mr. WADSWORTH].

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is upon the amendment of the Senator from New York as amended. On that the yeas and nays have been ordered.

Mr. HEFLIN. Mr. President, does the amendment provide now that this boy shall be paid \$150 a month?

The PRESIDING OFFICER. It does.

Mr. HEFLIN. From the time he was injured?

The PRESIDING OFFICER. It does. Does the Senator from Alabama still want to have the yeas and nays called?

Mr. HEFLIN. No; I think not. Mr. LENROOT. I ask unanimous consent that the order for the yeas and nays be vacated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The question is on agreeing to the amendment of the Senator from New York as amended.

Mr. BURSUM. Mr. President, I object to the roll call being done away with. This bill embodies a matter of principle. I object to substituting a pension for retirement, because it is a discrimination. It is denying this officer the same treatment that has been accorded other officers rendering the same service under like conditions. I say they are entitled to retirement, and I am in favor of their having it. The proposal for a pension is nothing more than a policy to avoid giving the emergency officer a recognition to which he is entitled.

I ask for the yeas and nays.

The PRESIDING OFFICER. By unanimous consent, the order for the yeas and nays has been vacated.

Mr. BURSUM. I object to the request. Mr. LENROOT. I call for the regular

Mr. LENROOT. I call for the regular order, The PRESIDING OFFICER. The Senator did not object until after the Chair had asked if there was objection and the order had been entered.

Mr. BURSUM. I demand the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were once ordered upon the amendment offered by the Senator from New

York, and by unanimous consent the order was rescinded. The Senator speaks too late.

Mr. BURSUM. I again demand the yeas and nays.
Mr. BORAH. Mr. President, the fact that it was rescinded does not prevent us from asking for the yeas and nays again.

The PRESIDING OFFICER. On the same question?
Mr. BORAH. Certainly, Why should it? I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk pro-

ceeded to call the roll.

Mr. CURTIS (when his name was called). I transfer my pair with the senior Senator from Missouri [Mr. Reed] to the junior Senator from Missouri [Mr. Spences], and vote "yea." The roll call was concluded.

Mr. CURTIS. I desire to announce that the junior Senator from West Virginia [Mr. Elkins] is paired with the senior Senator from North Carolina [Mr. Simmons].

Mr. STERLING (after having voted in the affirmative). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Minnesota [Mr. Nelson] and let my vote stand.

Mr. LODGE (after having voted in the affirmative). I desire to announce my pair with the senior Senator from Alabama [Mr. Underwood], which I transfer to the junior Senator from Colorado [Mr. Nicholson], and let my vote stand.
The result was announced—yeas 58, nays 18, as follows:

	IL	A5-95.	
Ball Bayard Brandegee Broussard Calder Cameron Caraway Couzens Cummins Curtis Edge Ernst Fernald Fletcher	Glass Hale Harreld Heftin Johnson Joues, Wash. Keyes King Ladd Lenroot Looige McCorfhick McCumber McKetlar	McLean Moses New Norris Oddie Page Pepper Phipps Poindexter Pomerene Ransdell Reed, Pa. Robinson Nheppard	Smoot Stanley Sterling Swanson Townsend Trammell Wadsworth Walsh, Mout, Warren Watson Weller Williams Williams
France	McKinley	Shields YS-18.	
Borah Brookhart Bursum Capper Culberson	Frelinghuysen George Gerry Harrison Jones, N. Mex.	Kendrick McNary Norbeck Overman Pittman	Shortridge Sutherland Walsh, Mass.
	NOT V	OTING-20.	
Ashurst Colt Dial Dillingham	Gooding Harris Hitchcock Kellogg	Myers Nelson Nicholson Owen	Simmons Smith Spencer Stanfield Underwood

So Mr. Wadsworth's amendment as amended was agreed to. The bill was ordered to be engrossed and to be read a third

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill

Mr. BURSUM. I demand the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

Mr. WALSH of Massachusetts. Mr. President, I want the RECORD to show, before the vote is taken, that I voted in the negative on principle on the last roll call. I believe in giving this man the amount of money which the bill as amended provides for, but I voted in the negative because I want a reserve officer to have exactly the same status as a regular officer.

Mr. JONES of New Mexico. I voted with the same end in view as announced by the Senator from Massachusetts. That is why I favored the calling of the roll upon the final passage of the bill. I sincerely trust that there will be a yea-and-nay vote on the final passage, because there were 18 who voted "nay" upon the amendment, and they did so in support of a principle which they thought should obtain, and now they should be permitted to go upon record in favor of the final passage of the bill.

Mr. OVERMAN. May I ask the Senator if anyone thinks this bill if passed will set a precedent for putting persons on the pension rolls at \$1,800 by the House of Representatives?

Mr. JONES of New Mexico. I would prefer that this case should be taken care of by a retirement bill, rather than by a pension bill. That is the reason why I voted against the amendment; but I do not want to be put in the attitude of opposing compensation to this disabled officer, and I hope that there will be a yea-and-nay vote upon the final passage of the bill.

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the

Mr. HEFLIN. Just a moment, Mr. President. I do not intend that any injustice shall be done to the reserve officers. There will be no injustice done to them hereafter if I can prevent it. I am voting now in an emergency case. I am voting for a measure which, I believe, affords the only means of relief for this unfortunate officer. We are acting purely and wholly, singly and solely, upon the merits of this particular case. are not setting a precedent so far as I am concerned. I am in favor of putting this man on the retired list, but we can not do that in the Senate to-day. Congress is to adjourn on Sun-day, and nine months will elapse before we meet again. I want this young man to have something to live upon, and this is the only means by which we can give it to him. It is for that reason that I suggested that this amendment be put on, giving him \$150 a month, dating back to the time he was injured. When I voted to give him that I was trying to do justice by him, to give him something to live upon. We are not now barred from taking the case up again and putting him on the reserve list. I do not intend to do an injustice to other reserve officers. I am for fair treatment for all of them and shall so vote when the matter is presented.

The reading clerk proceeded to call the roll.

Making the same Mr. CURTIS (when his name was called). announcement as before as to the transfer of my pair, I vote

I also desire to announce that the junior Senator from West Virginia [Mr. Elkins] is paired with the senior Senator from North Carolina [Mr. Simmons].

Mr. LODGE (when his name was called). Making the same announcement as to the transfer of my pair as before, I vote

Mr. REED of Pennsylvania (when his name was called). I transfer my general pair with the junior Senator from Delaware [Mr. BAYARD] to the junior Senator from Minnesota [Mr. Kelloge] and vote "yea."

The roll call having been concluded, the result was announced-yeas 65, nays 1, as follows:

YEAS-65.

Ball	George	McCumber	Shields
Borah	Gerry	McKellar	Shortridge
Brookhart	Glass	McKinley	Sterling
Bursum	Hale	McNary	Sutherland
Calder	Harreld	Moses	Swanson
Cameron	Harris	New	Townsend
Capper	Harrison	Norbeck	Wadsworth
Caraway	Heffin	Norris	Walsh, Mass,
Culberson	Jones, N. Mex.	Oddie	Walsh, Mont.
Cummins	Jones, Wash.	Overman	Warren
Curtis	Kendrick	Pepper	Watson
Edge	Keyes	Phipps	Weller
Ernst	Ladd	Poindexter	Williams
Fernald	La Follette	Ransdell	Willis
Fletcher	Lenroot	Reed, Pa.	
France	Lodge	Robinson	
Frelinghuysen	McCormick	Sheppard	
	NA	YS-1.	

Smoot

NOT VOTING

	2107	1 O TATELON INC.	
Ashurst Bayard Brandegee Broussard Colt Couzens Dial Dillingham	Elkins Gooding Hitchcock Johnson Kellogg King McLean Myers	Nelson Nicholson Owen Page Pittman Pomerene Reed, Mo. Simmons	Smith Spencer Stanfield Stanley Trammell Underwood

So the bill was passed.

The title was amended so as to read, "A bill granting a pension to John L. Livingston."

RECLASSIFICATION OF GOVERNMENT EMPLOYEES.

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate concludes its business today it adjourn until 11 o'clock to-morrow morning, and that at the conclusion of the morning business to-morrow H. R. 8928, the reclassification bill, be taken up for consideration.

The PRESIDING OFFICER. Is there objection?

Mr. ROBINSON. Pending the request of the Senator from Kansas, I desire to say that my understanding is that he proposes that at the conclusion of the morning business the Senate shall proceed to the consideration of the reclassification bill, and he does not request an agreement to vote upon the bill?

Mr. CURTIS. I do not.

Mr. ROBINSON. He merely desires that the bill shall be considered? I think the bill should be considered and, if possible, acted upon during the present session. I shall not,

therefore, object to the request.

Mr. CURTIS. I may state that the deficiency appropriation bill, of course, should be passed. The reclassification bill

should be disposed of before the deficiency appropriation bill is reported to the Senate.

Mr. BORAH. Mr. President, may I ask the Senator what he proposes to do with reference to disposing of the calendar? We have spent two and a half hours this morning on a bill that ought to have been disposed of in five minutes.

Mr. CURTIS. As the Senator well knows, I asked for an extension of two hours on the calendar this afternoon, hoping to get through with it. I am perfectly willing that to-morrow, we can arrange it, we shall put in some more time on the calendar, but I thought we had better wait until the reclassification bill was acted upon, because it is vitally important that that bill shall be acted upon as soon as possible.

Mr. SMOOT. Mr. President, I want also to say to the Senator that I do not think it will take very much time to dispose of the reclassification bill.

Mr. LA FOLLETTE. Mr. President, I want to inquire of the Senator from Kansas if it is anticipated that the bill known as the filled milk bill will be disposed of or that the Senate will, at least, have an opportunity to consider that bill before the reclassification bill is taken up?

Mr. CURTIS. Of course, I know nothing about what may happen, but I have understood that after the motion to recommit the shipping bill has been acted upon there would be a motion made to take up the filled milk bill. I have spoken to the Senator in charge of the filled milk bill, and he is not opposed to the unanimous-consent request I have submitted.

Mr. LA FOLLETTE. Well, I am as much interested in the filled milk bill as is the Senator who is in charge of it.

Mr. CURTIS. That is true.

Mr. LA FOLLETTE. And I propose to exercise such power as I can here on the floor of the Senate to insure a consideration of that bill to its final disposition.

Mr. CURTIS. If the reclassification bill is not disposed of by 1 o'clock to-morrow, a motion could be made to that effect.

Mr. LA FOLLETTE. What does the unanimous-consent proposition of the Senator from Kansas contemplate with regard to the balance of the time to-day?

Mr. CURTIS. Nothing at all. After 3 o'clock we can go on

with the motion to recommit the shipping bill.

Mr. LA FOLLETTE. I would like to have the unanimousconsent agreement restated with respect to the remainder of the time to-day.

Mr. CURTIS. The unanimous-consent request is that at the conclusion of the business of the Senate to-day the Senate adjourn until 11 o'clock to-morrow morning, and that immediately after the routine morning business to-morrow the reclassifica-

tion bill be taken up for consideration.

Mr. LA FOLLETTE. If I understand the application for unanimous consent, all it means is that it reaches ahead into the session to-morrow and singles out the one bill and gives it

special consideration.

Mr. CURTIS. It does not make it the unfinished business. Mr. LA FOLLETTE. I understand it does not. I think there is other legislation quite as important as that which might well be selected for consideration to-morrow.

Mr. CURTIS. Does the Senator object?

Mr. CURTIS. Does the Schatch object.

Mr. LA FOLLETTE. I do.

The PRESIDING OFFICER. Objection is made.

Mr. STERLING. Mr. President, I wish the Senator from Wisconsin would not make the objection in view—

SEVERAL SENATORS. Regular order!

Mr. LA FOLLETTE. I understand the position of the Senator from South Dakota, and I want to see the reclassification bill pass, but there is other legislation on the calendar just as important

The PRESIDING OFFICER. The regular order is demanded. The Secretary will report the next bill on the calen-

BILLS PASSED OVER.

The bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes, was announced as next in order.

Mr. McKELLAR and others. Let the bill go over. The PRESIDING OFFICER. The bill will be passed over. The bill (S. 3247) to transfer to the classified service agents and inspectors in the field service, including general prohibition agents and field supervisors appointed and employed pursuant to the national promotes announced as next in order.

Mr. OVERMAN. Let the bill go over.

Mr. OVERMAN. Let the bill go over.

Mr. OVERMAN OFFICER. The bill will be passed over. to the national prohibition act, and for other purposes, was

farm products, was announced as next in order.

Mr. KING. The bill would take considerable time for consideration.

Mr. CALDER. Let the bill go ever.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4012) to control the possession, sale, and use of pistols and revolvers in the District of Columbia, to provide penalties, and for other purposes, was announced as next in

Mr. KING. Let the bill be read.

Mr. OVERMAN. There is no use to read the bill, because I have a message from a Senator asking that objection be made to its consideration to-day. Therefore I object. The PRESIDING OFFICER. The bill will go over under

objection.

Mr. STERLING. I hope the Senator from North Carolina will withhold his objection long enough to permit me to make a brief statement.

Mr. ROBINSON. I call for the regular order.

The PRESIDING OFFICER. The regular order is demanded. The Secretary will report the next bill upon the calendar.

The bill (S. 3252) to amend paragraph 8 of the act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, as amended, was announced as next in order.

Mr. McKELLAR. Let the bill go over. The PRESIDING OFFICER. The bill will be passed over. The bill (S. 799) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. LODGE. Let the bill go over.

Mr. CAPPER. Mr. President, this is the bill known as the "truth in fabrics" bill. The time remaining for the consideration of the calendar to-day is so short that I shall not make a motion to take it up, but I want to say that at the first opportunity I shall undertake to have the bill brought before the Senate for consideration.

The PRESIDING OFFICER. On objection, the bill will be

passed over.

JOHN CALVIN STARR.

The bill (H. R. 10287) for the relief of John Calvin Starr was considered as in Committee of the Whole, and was read, as

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Calvin Starr the sum of \$5,000 in full settlement against the Government for personal injuries sustained as a result of being struck by runaway Government-owned mail

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FILLED MILK.

The bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce was announced as next in

Mr. OVERMAN. An absent Senator has sent me word to object to the consideration of the bill to-day, which I do.
The PRESIDING OFFICER. The bill will be passed over.

WILLIAM J. EWING.

The bill (S. 3226) for the relief of William J. Ewing was considered as in Committee of the Whole, and was read as heretofore amended, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William J. Ewing, or his legal representatives, the sum of \$1,560, as full compensation for permanent injuries received by the said Ewing on the 18th day of December, 1901, at San Francisco, Calif., while in the performance of his duties as an employee of the United States Life Saving Service.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading,

read the third time, and passed.

EDITH B. MACON.

The bill (S. 1678) for the relief of Edith B. Macon was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

SOPHIE K. STEPHENS.

The bill (S. 1528) for the relief of Sophie K. Stephens was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, in line 5, to strike out "\$7,500" and insert "\$512.75"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Sophie K. Stephens, of 2107 Beverly Road, Brooklyn, N. Y., the sum of \$512.75, out of any money in the Treasury not otherwise appropriated, as compensation for and in full satisfaction of all claims for damages against the United States for injuries sustained on December 4, 1918, by falling over United States mail sacks which had been left on the sidewalk in front of the Kensington post office, Brooklyn, N. Y.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RILLS PASSED OVER

The bill (S. 129) to provide for election contests in the Senate of the United States was announced as next in order.

Mr. FRELINGHUYSEN. The sponsor of the bill is not in

the Chamber. It is a very important measure; and I object to its consideration

The PRESIDING OFFICER. The bill will be passed over. The bill (H. R. 7761) to amend the Revised Statutes of the United States relative to proceedings in contested-election

cases was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4283) to authorize the Commissioners of the District of Columbia to require operators of motor vehicles in the District of Columbia to secure a permit, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let the bill go over.
The PRESIDING OFFICER. The bill will be passed over.

REDUCTION OF NIGHT WORK IN THE POSTAL SERVICE.

The bill (S. 3773) to reduce night work in the Postal Service was announced as next in order.

Mr. DIAL. Let the bill go over. Mr. TOWNSEND. Mr. President, notwithstanding the objection of the Senator from South Carolina, I move that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That hereafter 50 minutes' night work performed by clerks and special clerks in first and second class post offices, railway mail clerks assigned to terminals, and letter carriers in the City Delivery Service shall be computed the same as one hour's daywork: Provided, That for the purpose of this act night work shall be defined as any work done between the hours of 6 o'clock postmeridian and 6 o'clock antemeridian.

Mr. DIAL. Mr. President, I would like to have the Senator

prove the necessity for the passage of the bill.

Mr. TOWNSEND. The Senator from South Carolina listened to the testimony that we took on the subject on several different occasions. It is known that there is a large amount of night work required in the various post offices in the first and second classes. We also know that much of the night work would be covered by the proper regulations in reference to the management of the post offices. It is also known that night workers are not as efficient as day workers. That was ad-mitted by all those who testified before the committee.

Mr. NORRIS. Mr. President, will the Senator yield for a

question?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Nebraska?

Mr. TOWNSEND. I yield.

Mr. NORRIS. I want to ask the Senator whether the bill

would apply to all classes, and if not, to what classes would it apply?

Mr. TOWNSEND. It would apply to clerks and special clerks in the first and second class post offices, railway mail clerks assigned to terminals, and letter carriers or city delivery

Mr. NORRIS. It would apply to no post office except those

of the first and second class?

Mr. TOWNSEND. It ought to apply, and I am going to propose an amendment to make it apply, to supervisory officials in the offices the same as it does to clerks who are obliged to work at night.

It has been difficult to determine from the department just Mr. SMOOT. I will say to the Senator that a great many exactly what this would cost the Government. As I said, it is employees prefer night work in the other departments of our

known that we can reduce night work. Since the report of the Joint Committee on Postal Affairs on the subject night work has been materially reduced. Night work is caused largely by the failure of people to deposit their mail before the un-reasonable hour of 6 o'clock. It is also known in the department that they are giving the same attention to second-class mail matter at night that they do in the daytime. Now, the committee believe that the second-class mail matter, or much of it, should not be handled at night, but should be handled in the daytime. If this were done, the night work would be materially reduced.

Now, the question comes up to us, where it is necessary to have night work, ought there not to be a different compensation or recognition from that accorded those who work in the daytime? The difference in opinion among the committee members, and among those who acknowledge there should be some differential, rested in that some believe we should have shorter hours for night work, while others believe we should have greater compensation for night work, the same as is now paid to those who are employed in the Government Printing Office. They get a higher compensation for work done at night.

The consensus of opinion, however, seemed to be that a plan to have shorter hours was the more desirable of the two plans. Instead of increasing the pay, it was believed we should shorten the hours. The request was that six hours instead of eight hours should constitute a day. Your committee agreed that 50 minutes should constitute an hour in figuring compensation for night work between 6 p. m. and 6 a. m. So the bill was reported and advocated on the theory I have mentioned, that something ought to be done to compensate the night workers in the interest of more efficient service to the Government, and in the interest of humanity to the men and women who are employed to work at night, in the interest of good government itself, that we should have the shorter hours for night work. It is on that theory, I repeat, that the committee have reported the bill

Mr. SMOOT. Mr. President, will the Senator yield for a moment?

Mr. TOWNSEND. Certainly.

Mr. SMOOT. Will the Senator explain why the bill would not encourage night work rather than tend to eliminate it? It seems to me on the face of the bill it would be an encouragement rather than a deterrent of night work.

Mr. TOWNSEND. I think I can show the Senator where it would not have that effect. It stands to reason, after looking over the history of the Post Office Department for a number of years, that they could reduce night work; but they have not seen fit to do so until very recently. They do not want to expend the money. The Post Office Department officials are out for economy as no other department in the Government is, it seems to me. They are not going to employ any more night workers if they have to pay more—that is, if they get less work out of it than otherwise they would, and they are going to reduce the force; that is admitted. has been done since the joint commission on postal affairs reported against so much night work and recommended that it should be reclassified so that many of the employees could be transferred to day work.

Mr. CALDER. Does the department recommend its passage?
Mr. TOWNSEND. The department makes no recommendation, although their testimony is here as to what the situa-

tion is in the service.

Mr. SMOOT. It may work that way, but I can not, for the Mr. SMOOT. It may work that way, but I can not, for the life of me, see how it will do so. It seems to me if we are going to give our workmen an hour's pay for 50 minutes' work, the Senator must acknowledge either one of two things, that to-day the man does not do the work he can do in an hour, or else the new basis will cost the Government more If he will do more work in 50 minutes than he is money. now doing in 60 minutes, then the Senator's argument is good; but if that argument is made, it demonstrates beyond a question of doubt that the men are not doing what they ought to do to-day.

Mr. TOWNSEND. It is possible that is true. It has always been true that the night workers have not done the same amount of work for the same pay that the day worker has done; that is always true. Now, I am assuming it is going to cost the Government a little more, gradually to be reduced as night work is reduced, and I am assuming also that it is going to make for better feeling in the Post Office Department among all the workers to have some recognition by reason of the fact that they are working shorter hours than they had worked hereto-

ore. I believe we will get better results.

Mr. SMOOT. I will say to the Senator that a great many

Government. Personally, I would not, but I know that many of them do.

I will not say anything more about the matter; but I shall be very much surprised if it works out as the Senator says.

Mr. TOWNSEND. Mr. President, I should like to ask that an amendment be made in the bill at the proper place including supervisory employees in the Post Office Department in these same places. We did not include them, and I want to have them included.

Mr. DIAL. Mr. President, to my mind there is no necessity whatever for passing this bill. It is on the wrong lines. It was discussed before our committee some time ago, probably a year ago, certainly many months ago, and I thought it would go over at this session. I did not think it would come up any more. Another bill which was up at the same time was passed. I therefore have not read the hearings in a long time, and I have not refreshed my memory about the testimony; but the bill says, Mr. President:

That bereafter 50 minutes' night work performed by clerks and special clerks in first and second class post offices, railway mail clerks assigned to terminais, and letter carriers in the City Delivery Service shall be computed the same as 1 hour's day work: Provided, That for the purpose of this act night work shall be defined as any work done between the hours of 6 o'clock post meridian and 6 o'clock antemeridian.

Mr. President, my recollection is that the Post Office Department did not ask for this legislation, and did not advocate it. I am not positive about it, but I think they thought it was entirely out of place and uncalled for, and setting a very bad precedent. That is my recollection of the general testimony, or at least the general atmosphere in the room at the time the testimony was taken.

Anyway, it is a bad precedent for Congress to change the number of minutes in an hour. I never expect to vote for any such law. Sixty minutes is an hour, and now we are asked to declare that 50 minutes shall constitute an hour to apply to this kind of employees! Why, it will not be long before employees in other departments of the Government will be asking the same favor; so we would be setting a very dangerous precedent, indeed, and we would never know "where we were at," to use a common expression, if we set a precedent like this.

My understanding is that there was no big demand for the passage of this bill. They are trying to decrease night work. Not only that but the bill proposes to change daytime into nighttime. Talk about nighttime beginning at 6 o'clock in the summer time! Why, it is two hours before nighttime, and the object of the bill is simply to give more pay for less work.

Mr. President, I am in favor of paying employees reasonable compensation, but I do not believe in a camouflaged way of doing it. If we want to increase the pay, let us increase the pay; but let us not declare by an act of Congress that 50 minutes shall constitute an hour. There was very little demand before the committee for this legislation. It was requested by the representatives of a few of the larger post offices in the United States, and my recollection of the testimony is that they left this very question to a vote of the employees of some of those post offices, and that a majority voted to let the law stay as it was. The idea of working at nighttime was not obnoxious to a great many of the employees, as appeared by the testimony in the case. To use the expression of Judge Watts, of the supreme court of South Carolina, "the milk in the coconut" embraced as follows:

On page 83 of the hearings this is a proper diagnosis of their The witness on the stand here was named E. J. Cantwell, I believe. This occurred before the committee:

Senator Dial. I would like to ask a question. Assuming that a man works 6 hours a day, what do you expect him to do the balance of the 18 hours, after he sleeps a reasonable time?

Mr. Canywell. Well, I would not care to render any opinion on that, Senator. I do not view this question from the standpoint of the time that would be left at the disposal of the employee.

Senator Dial. He sleeps about eight hours only?

Mr. Canywell. Yes. The thing is the hardships and inconveniences and disagreeable things that men are subjected to who are required to do this night work.

Think of the absurdity of any such proposition! This witness complains of the "hardships" and the "disagreeable things" and the "inconveniences" of doing night work. If you want to work at night, you are prepared to undergo the inconveniences of working at night. As I said before, my recollection of the testimony of some of the witnesses was that the employees had taken a vote, and they preferred to work at night instead of in the daytime. The question was presented of rotating them, so that some of them would work a certain number of weeks in the daytime and some of them would work a certain number of weeks in the nighttime; but the employees themselves decided that they preferred to work at night instead of changing to the day shift.

Mr. ROBINSON. Mr. President, will the Senator yield to a question?

Mr. DIAL.

Mr. ROBINSON. If that reflects the viewpoint of the employees, how will this bill reduce the amount of night work that is being done? Will it not, by paying them more, tend to encourage the performance of more night work than is now being done?

Mr. DIAL. Of course it will. Now let us go down further:

Senator Dial. I do not see any difference between night work and day work, as to hardship, except the fact that it is night instead of day. They work at the same desk and in the same building, do they not, with the same surroundings and the same heat?

They are on swivel chairs, you know. They are not out in the elements. They are moving around there, with plenty of the elements. electric light.

Mr. CANTWELL. Of course, in so far as the ordinary things are con-

Mr. CANTWELL. Of course, in so far as the ordinary things are concerned—
Senator Dial. Let us get down to hard tacks. Is it not true that with that extra time they will seek other employment and be more fatigued at night than they would if they worked longer hours in the post office? Is that true or not?

Mr. CANTWELL.
Well, if you put a man at work and concentrate his mind and energy on his work, and have him working under conditions that are agreeable with a contented mind, he will do much more work if he feels—

This witness lays stress on "a contented mind" in handling the mails. That is not a physical hardship. It makes me tired people to come here and say that employees are always balking at a little work. If they do not want to work, they can When they are handling a few letters and working a little stamp it is a different proposition from going out and running machinery where brain and muscle are taxed-quite a different proposition.

I am astonished that Congress should be so silly as to listen to a man who says that the employees would be "better contented" if they got what he asked. After a while they will not be contented if they have to do more than four hours' work It reminds me of the Russians. After we had contributed \$20,000,000 to send over there, donated it to them, I saw some time after that where they had struck for seven hours' work instead of eight hours. They did not want to distribute what we had given to them. We are just about on the same parity here. In fact, the employees are doing a little less work They want six hours' work only. The object of this, Mr. President, is to reduce night work down to, six hours, so that a man shall have two employments within the 24 hours.

I rode upon a street car here some time ago and overheard a conversation. One fellow told his neighbor on the car that he had two employments, a double shift, and was getting double pay. I believe in work. I am a sort of glutten on work myself; but I say let the Government fix reasonable and fair rules. If a man is going to work six or seven hours at one place and then go to another, or sleep a while and go to another place and work seven hours and go back to the Government office, he is not in nearly as good condition then to work for the Government and perform good service as he would be if he had to work eight hours for the Government.

We can not improve much on the old division of time, dividing the day into three eight-hour shifts. That is little enough, especially where a man does not use his muscles and where there is no strain on his brain. I appeal to the common sense of the Senate not to go ahead and establish a standard of 50 minutes for an hour. I want to warn you of the precedent that you are setting. You might just as well declare 50 minutes to constitute an hour in all the branches of the Government as to come here and say it as to one branch. The whole tendency is to make your employees dissatisfied. We ought to be men enough to establish just laws, just rules, just working condi-tions without coming here and listening to the whim of somebody just before a presidential or a senatorial election and try to make friends out of a certain vote.

Mr. President, according to my recollection, this testimony before the committee fell flat. There was no demand behind it except by a little organization or two.

Now let us go on down. This man speaks of having a contented mind, and so on.

Senator Dial. That is not the point. My point is, if he has to work for the Government only six hours, he is not going to want to loaf all the balance of the time; he is going to want to do something else, and he won't be resting.

The CHAIRMAN. It is sometimes restful to do something else besides the work that you are doing regularly, where it is continuous work.

Mr. President, we stay here pretty continuously, and I do not know that we are much more fatigued than these men in the Post Office Department, handling a little mall.

Mr. CANTWELL. It is problematical as to how that would work out, I think that is about all I have to say.

Mr. President, this matter concerns the rest of the Senate just as well as it does me. I am sorry that I did not know the bill was coming up. I would have had the testimony of these different witnesses ready; but if Senators care to read it they will find that it is a very doubtful experiment from the side of the employees alone, it is more doubtful from the side of the Post Office Department, and it is still more doubtful from the standpoint of the common good of the country. There is no ground for it; there is no good, just reason for it; and we

certainly ought not to establish any such precedent.

Mr. ROBINSON. Mr. President, I do not think this bill, being a Senate bill, has a substantial chance to pass the body at the other end of the Capitol during the present session. It is a very extraordinary piece of legislation. The language of it, as pointed out by the Senator from South Carolina [Mr. Dial.], is very unusual. If it is desirable to increase the compensation of these persons who work, I have no objection to doing that. I should be willing to take the conclusion of the Senator from Michigan [Mr. Townsend] and his associates on the committee as to whether there is a necessity and justification for increasing the compensation of these employees; but the bill is brought forward under the justification that it will diminish night work, and in the limited time that I have had an opportunity of studying it I am unable to see how it is calculated to accomplish that end.

If the statement just made by the Senator from South Carolina is correct—namely, that many of these employees prefer to do night work—and if the amendment proposed by the Senator from Michigan as I heard it read is adopted, it will be to the interest not only of the employees themselves but of the supervisors of these employees to perform more night work instead of more day work, because the practical effect of this legislation is to give them for 50 minutes' work the compensation that would otherwise be received for an hour's It is an increase, as suggested by the Senator from Utah [Mr. SMOOT], of 20 per cent.

Inasmuch as it does not seem probable that final action can be had. I believe that the measure ought to be recommitted to the Committee on Post Offices and Post Roads for further consideration. I shall make that motion when the opportunity arises

Mr. TOWNSEND. Mr. President, I do not care to discuss the testimony referred to by the Senator from South Carolina [Mr. Dial], because copies of it are before all the Senators. The Senator seems to assume that the case is not a good one and was not made out. Of course I do not agree with him. I do not think anybody who read the testimony would agree with him.

The Senator from Arkansas [Mr. Robinson] says there is no chance of passing the bill at this session, because it is a Senate bill. The House has had introduced a bill identical with the one I introduced, and it is now on the calendar of the House, so that there is a prospect of passing upon it. It is not a new matter. It has been discussed in the Congresses for a number of years, and I think there is a general conclusion that something ought to be done on this subject.

I am satisfied, as I said a moment ago, that the passage of the bill will result in reducing night work. I do not say that it will abolish all night work, because we shall have to have some night work-there is not any doubt about that-in whatever way we have a mind to manage the post offices; but the fact that your Joint Commission on Postal Affairs investigated this matter and reported to the department and to the Congress that it ought to be reduced and suggested some ways whereby it could be reduced resulted in accomplishing to a large extent the reduction we were after. The bill can do more. There is not any doubt about it.

I hope this bill will not be recommitted to the committee. The Post Office Committee have considered it over and over again. We have had extensive hearings on the subject. I do not care to occupy the whole time of the Senate on this one bill. but I should like to get a vote on the subject. I think we ought to have a vote on it. We ought to have a vote directly on this bill. There is not any question about it. It ought not to be recommitted to the committee, because, as I said, it has been there for several Congresses, and our committee considered it very

Before that motion is made, if the Senator is going to make

Mr. ROBINSON. Mr. President, if the Senator prefers to have a vote directly on the bill, I shall not object to that action, but I do think it ought to be a yea-and-nay vote, and for the purpose of bringing in Senators and giving them a chance to understand it, I will suggest the absence of a quorum,

Mr. TOWNSEND. May I first ask that the bill be amended to

Mr. ROBINSON. I think we had better determine the amendment a little later. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Lodge McCormick McCumber McKellar Bayard Frelinghuysen George Gerry Glass Gooding Hale Borah Brandegee Broussard Bursum Calder McKinley McNary Moses New Norbeck Norris Oddie Harris Harris Harrison Heffin Cameron Capper Caraway Overman Owen Page Colt Couzens Culberson Cummins Hitchcock Jones, N. Mex. Jones, Wash. Kendrick Pepper Poindexter Pomerene Ransdell Reed, Pa. Robinson Curtis Keyes King Ladd Dillingham Edge Ernst Lenroot

Sheppard Shields Shortridge Smith Smoot Stanley Sterling Sutherland Swanson Townsend Wadsworth Walsh, Mass. Walsh, Mont. Warren Watson Willis

The senior Senator from Wisconsin [Mr. LA Mr. McNARY. FOLLETTE] and the junior Senator from Iowa [Mr. Brookhart] are absent from the Chamber in attendance upon a committee

The VICE PRESIDENT. Seventy-seven Senators having an-

swered to their names, a quorum is present.

Mr. HARRISON. Mr. President, just a word before we vote. I have given very little consideration to this bill, but I am in favor of the principles enunciated in the bill. It would affect my State very little, because we have no cities there of over 30,000 population, but I know that in the large cities of this country, because of inadequate pay to many of the postal clerks and employees, their wives are forced to work in order that sufficient means may be accumulated to educate their children.

Will the Senator yield? Mr. ROBINSON.

Mr. HARRISON. Certainly.

Mr. ROBINSON. Why not, then, increase the compensation of those employees, as I suggested a few moments ago, rather than violate the mathematical process by which time is ordinarily computed by declaring 50 minutes to constitute an hour? Why not do the thing frankly and courageously? If an increase in compensation is necessary, as I have already suggested, I am ready to vote for it, but I think we should proceed in that way rather than by declaring 50 minutes to be an hour, or requiring that that be computed as an hour.

Mr. HARRISON. I do not see much difference in getting at the object desired whether we increase the compensation of the night employees or reduce the number of hours they have to work. I take it we will get at the same result, no matter which road we travel. I notice in the report that while there was a difference of opinion in regard to the proposition, a majority of the committee felt that this was the best way to get at the mat-The end is arrived at whether we reduce the time the employees shall work during the night or increase the salaries.

Mr. TOWNSEND. Will the Senator yield?
Mr. HARRISON. I yield.
Mr. TOWNSEND. We asked the Post Office Department to determine some facts for us with reference to this matter, and they sent questionnaires out to a hundred principal post offices in the United States. The postmasters took canvasses of the employees, and the postmasters themselves expressed their opinions upon the subject. While it is true, as the Senator from South Carolina has said, that there might have been one post office where there was some difference of opinion, and two or three of the postmasters expressed themselves in favor of better compensation, the great majority of them are in favor of shorter hours, and the representatives of the Post Office Department said it would be simpler to make the change by a reduction of hours than by changing the compensation.

Mr. HARRISON. It is immaterial to me which road we travel, as I said. I believe these employees in many instances

are obtaining inadequate pay. A man who works in the daytime is at home with his family at night, if he is a good husband. In thousands and thousands of instances in the cities the wife works during the day and the husband at night, and consequently the man is oftentimes prevented from seeing his wife and his children, and associating with them as a man should. I believe that a man who works at night and is kept away from his family is entitled to more pay or shorter hours. I do not care which is decided on, than the man who works in the daytime, and for that reason, and believing as I do, I shall vote against

any motion to recommit, and I shall vote for the bill, Mr. SMITH. May I ask the chairman of the committee if the object of this legislation is, primarily, to give the same wage but for shorter hours? Under the bill as written, one who puts in 50 minutes at night gets the same compensation as one who puts in 60 minutes in the daytime. Does this bill mean that the hours will be shortened with the same pay?

Mr. TOWNSEND. It means that for 50 minutes of night work a man will get the same compensation he would get for

60 minutes of day work.

Mr. SMITH. I understand that; but does it contemplate that the employees shall work a shorter time at night, or is it just for an increase in pay for the same length of time?

Mr. TOWNSEND. They will work a shorter term for the same pay. That is the object of it.

Mr. ROBINSON. Will the Senator yield to me?

Mr. SMITH. I yield.

Mr. ROBINSON. The bill expressly defines night work as any work done between 6 o'clock post meridian and 6 o'clock ante meridian, so that under the bill itself there are 12 hours in which night work may be performed; and if we make compensation for 50 minutes of work done at night the same as the compensation for an hour's work done during the daytime, we will have more night work done hereafter than is being performed now, because in addition to these circumstances the Senator proposes to make the provisions of the bill applicable to supervisory employees; and instead of carrying out the purpose which the committee seems to have in mind, namely, of reducing the amount of night work now being done in the Post Office Department, it seems to me to encourage and increase it.

Mr. SMITH. The idea I had in mind was this: Suppose an individual has to work three hours in order to get a certain amount accomplished. Under this bill he would have to work two and a half hours and would get identically the same pay. Does it mean that he will be allowed at the end of two and a half hours to finish his work-that is, to go home-or is he to go right on and work the same number of hours but get an

increase in pay based on the 10-minute difference?

Mr. TOWNSEND. It means that the day's work ends when

hours, with 50 minutes to the hour, expire.

Mr. SMITH. That is getting to the point I desired to make. Under the eight-hour law, a man has to work eight hours in order to make his eight-hour day. Those whose shifts come at night will have about seven and one-half hours' work to do.

Mr. TOWNSEND. Six and two-thirds hours. Mr. ROBINSON. May I ask the Senator a question?

Mr. SMITH. Certainly.

Mr. ROBINSON. If it is the desire to reduce the hours of work to be done by an employee, why not do it by providing that persons working at night shall work so many hours and minutes, rather than complicate the question by outraging the calendar and the laws of nature and every other principle that

ordinarily governs mankind?

Mr. SMITH. That is exactly what confused me about the matter. A man will work six hours and a fraction at night, and it will be counted as eight hours' work in the daytime. It seems to me the provision in the bill is better, for this reason, that you do not disturb the eight-hour day. Under the law when six and two-thirds hours are put in at night it is a constructive eighthour day, but eight full hours are required during the daytime. The object is to give the employee the same compensation for a legal day's work at night as he gets in the day; or, in other words, by this legislation to construe six and two-thirds hours as eight hours.

It simply means this, and I can construe it in Mr. SMOOT. no other way: That if this becomes a law, there will have to be 20 per cent more employees to do the same work at night than are employed now. That is exactly what it means, in my opinion, and I can not see it in any other way. If the night employees now, doing all they can do, perform a certain amount of work, and the same amount of work has to be done in the future, if they work only 6 hours and 40 minutes we will have to have 20 per cent more employees to do the same work.

Mr. SMITH. But the point I was making was this: The work done at night is done under adverse circumstances, and as I take it, the object is simply to construe the legality as six and two-thirds hours as against eight hours in the daytime. In order to have the work done as efficiently as it is now done, it will be necessary to supplement the number of employees in order to make up for the remitted time.

Mr. SMOOT. These two questions will come up-

Mr. SMITH. Before the Senator goes into that, let me state my question again. Before an employee could get pay for eight hours, he would have to stay on the job eight hours, at least constructively, or he would not get eight hours' pay. Suppose at night he should work six hours and a few minutes and accomplish all the work he had to do. Under the law he would not get paid for the eight hours if he were at home. Why then, force him to stay the balance of the night, constructively on the

job, when he could get all the work done within the length of time and get a day's pay, under the circumstances that attend night work?

Mr. SMOOT. There is only one answer to that-that if Government employees now doing this night work of the Post Office Department are working six hours and forty minutes and loafing an hour and twenty minutes, then, of course, it would make no difference, but if those employees are working eight hours and doing what they should do for the Government under the law, then, of course, we will have to increase the number 20 per cent.

Mr. SMITH. Theoretically the Senator is correct, but practically the Senator knows that there are conditions, especially in the mail service, governed as it is by the schedules of the trades, when the employees could get through with the work and go home and save that length of time, whereas in the daytime it would not make so great a difference. But it seems to me that if those who are on the night shift can get through with their work and accommodate themselves to certain schedules, there would not be any serious objection to it.

Mr. DIAL. If we establish this precedent in this department, does not the Senator think there will be a plea to follow it in

any other department where they do night work?

Mr. SMITH. I do not know whether there would or not. It seems to me we have strained this idea of precedent too far. All of us understand the difficulty of legislating for exceptions, but when we are providing rules and regulations for a department we ought to treat them in a spirit of humanity and fairness and justice, and not bind ourselves up too much with

Mr. McCUMBER. Mr. President, I want to ask a question of the Senator in charge of the bill. I presume the measure is based upon the assumption that night labor is more exacting than day labor and therefore ought to command a higher price than the day labor. If that be true, I want to ask the Senafor high work than for day work, if that is what he wants to accomplish, instead of mixing the hours up into 50-minute periods instead of 60 minutes, and making a rule based upon the 50 minutes. If the purpose is to increase the pay, it is a simple thing to say that the pay shall be so much more per hour for night work than for day work.

The VICE PRESIDENT. The hour of 3 o'clock having ar-

rived, the Chair lays before the Senate the unfinished business,

which will be stated.

The READING CLERK. A bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas [Mr. Robinson] to recommit the bill to the Committee on Commerce.

Mr. TOWNSEND. May I ask unanimous consent that we proceed to vote merely by division on the bill which has been under discussion? I understand that the yeas and nays will not be called for, and that we can vote on the bill now before us and dispose of it.

Mr. ROBINSON. And that the unfinished business be tem-

porarily laid aside?

Mr. TOWNSEND. Yes; until we vote on the bill.

Mr. JONES of Washington. Has the Senator any assurance

as to the length of time it will take?

Mr. TOWNSEND. I had supposed everyone who wanted to speak on the bill had spoken. If it is going to take several hours and the object is to defeat it by talking and we can not come to a vote directly on the bill itself, of course I do not want to occupy the time of the Senate. But I am assuming that we ought to have a vote on it if the Senate is ready to vote. If that is so, I simply make the unanimous-consent request that we vote on the amendment and then on the passage

of the bill by division instead of by roll call.

Mr. WALSH of Massachusetts. Mr. President, I hope the unanimous-consent request will be granted. Personally, I wanted to speak on the bill and express the sentiment of the minority members of the committee who were strongly in favor of this method of taking care of night work in the Postal Service. After considering the question from all angles we concluded this was the best way of dealing with the problemto make the time shorter in view of the character of the work, the night work being more physically exhausting. I hope we can vote at once and that the bill will be passed.

Mr. ROBINSON. I have no objection to taking the vote, and I think the bill may pass. I shall not insist upon the yeas

and nays, but I shall insist upon a division.

Mr. SMOOT. Mr. President, I want to say that if the bill passes there is no telling what it is going to cost the Government of the United States. This will be a precedent established,

and it will be carried through every one of the departments of our Government before we know it. I think it is a dangerous bill, establishing a bad precedent. If we are going to increase the pay, let us do it directly and not indirectly, because by the indirect method we establish a bad precedent which would be

carried through all the departments of the Government.

Mr. JONES of Washington. Mr. President, we apparently can not get a vote on the bill without further discussion. If we could do so, I would be perfectly willing to lay aside the unfinished business temporarily, but if we can not I think we

had better proceed with the shipping bill.

Mr. TOWNSEND. Mr. President, will the Chair present my unanimous-consent request, that in case we can proceed to vote the unfinished business will be temporarily laid aside until we can vote? If there is to be any discussion I am perfectly willing to withdraw the request.

Mr. DIAL. I shall have to ask that the bill go over. I object.

The VICE PRESIDENT. There is objection, and the bill goes over.

CAUSES OF DEPRESSED PRICE OF COTTON (S. DOC. NO. 311).

The VICE PRESIDENT laid before the Senate a communication from the acting chairman of the Federal Trade Commission, being a preliminary report of the commission on the cotton trade.

Mr. DIAL. Mr. President, I am the author of Senate Resolution 262, upon which the Federal Trade Commission report is based. I ask that the report be printed as a public document and referred to the Committee on Agriculture and Forestry. understand there is an accompanying synopsis by the Federal Trade Commission, and I ask that the synopsis may be printed

There being no objection, the report was referred to the Committee on Agriculture and Forestry and ordered to be printed as a document, and the synopsis was ordered to be printed in the RECORD, as follows:

[Letter of submittal.]

FEDERAL TRADE COMMISSION, Washington, D. C., February 26, 1923.

To the PRESIDENT OF THE SENATE:

Washington, D. C., February 26, 1923.

To the President of the Senate:

There is submitted herewith a preliminary report dealing chiefly with the causes of the decline in cotton prices, made pursuant to Senate Resolution No. 262, of March 16, 1922. In a subsequent report it is expected to discuss certain other aspects of the cotton trade, particularly those relating to the operations of the exchanges.

The large cotton planter sometimes sells his cotton directly from the plantation by sample, or through a commission merchant, but most growers sell either to a local general merchant or to the representative of a cotton-buying concern, either at a neighboring town or at a compress point. Among the very numerous regular cotton-buying firms a relatively few concerns handle a large proportion of the cotton crop of the United States. For the crops of 1919, 1920, and 1921, 19 concerns sold the equivalent of from 29 to 50 per cent of each of these crops. Large markets for cotton are found at various points in the South, while "futures" are dealt in on the two chief exchanges, which are located at New Orleans and New York. About half of the crop is exported, which gives to the foreign markets, especially Liverpool, a great influence on domestic cotton prices. Cotton is used chiefly by textile mills at home and abroad, but there are other minor uses, especially for inferior cotton.

The average spot price of middling cotton in 1913, the year before the war, was 12.7 cents per pound, which was somewhat higher than the average price for the 12 preceding years. During the war there was, of course, a great increase in the price of cotton, but the maximum came after the armistice. The monthly average spot price of middling cotton at New Orleans reached 39.6 cents per pound in November, 1919, and from that time up to and including July, 1920, it did not fall below 39.4 cents in any month. The average was over 40 cents in five of these nine months and reached the maximum of 41.4 cents in April, 1920. The highest closing price w

New Orleans from June 20 to 24, 1921, a drop of over 75 per cent within little over a year.

The price of cotton fell from 226 per cent above the 1913 level in April, 1920, to 13 per cent below in June, 1921. The Department of Labor prices for farm products and for all commodities show no such decrease in relative market value. Farm products fell from 147 per cent above the 1913 level in January, 1920, to 14 per cent above the 1913 level in January, 1920, to 38 above in January, 1922. Later, cotton prices advanced again and in August, 1922, averaged 21.6 cents. Although at that time the purchasing power of cotton was somewhat above what it was in 1913, in March, 1922, at the time of the passage of the resolution, it had been slightly below the 1913 average. Since then, it may be noted, the price has risen still further, and in December averaged 25.5 cents.

noted, the price has risen still further, and in December averaged 25.5 cents.

From 1913-14 to 1920-21 the domestic cotton crop ranged from a little over 16,000,000 bales in 1914-15 to somewhat over 11,000,000 bales in 1915-16, 1916-17, 1917-18, and 1919-20. The average crop was about 12,500,000 bales. The world crop, averaging 20,200,000 bales, showed substantially similar variations. There were comparatively large domestic crops in 1913-14 and 1914-15 and thereafter smaller crops, but the changes in production after the crop year 1914-15 were not very pronounced until the crop year 1920-21, when there was a marked increase. In 1921-22 the domestic crop showed an extraordinary decrease; it amounted to only 8,000,000 bales; the world crop came to a little under 15,000,000 bales.

As to domestic consumption the quantity ranged from a little less than 7,000,000 bales in 1916-17, to a little less than 5,000,000 bales in 1920-21. The domestic comsumption averaged 6,000,000 bales for this period. It was relatively small in 1913-14 and 1914-15 when the crops were large and relatively large in the three following years (which were all war years), as well as in 1919-20, a period of rising prices. In 1920-21, however, the consumption declined sharply while production increased markedly. This was the year when the great price decline occurred, which has been dwelt on in a foregoing paragraph. In 1921-22 domestic consumption increased about 1,000,000 bales over the very low figure for the preceding year. The world consumption did not follow the trend of domestic consumption consistently, but it showed a great increase in 1919-20, the year of maximum prices, and a very marked decrease in 1920-21, the year in which the great price decline occurred. The price movements were also undoubtedly influenced in an important way by the stocks of cotton, and particularly by the annual carry over, so that the external factors of supply and demand were rather complex to say nothing of the psychological influence of forecasts regarding both production and consumption.

The chief causes of the general movement of prices since 1913 referred.

The chief causes of the general movement of prices since 1913, referred to above, are familiar. The increase during the war period and in 1919-20 was due in a considerable degree to the inflation resulting especially from the war policy of the Government of borrowing at low interest rates, which involved maintaining low rates in the money market also and reset of fearer-large-great presents.

The chief causes of the general movement of prices since 1913, referred to above, are familiar. The increase during the war period and in 1919-20 was due in a considerable degree to the inflation resulting especially from the war policy of the Government of borrowing at low interest rates, which involved maintaining low rates in the money market also, and related financial measures.

For particular commodities various other factors were important, so that there were decided differences in the extent of these changes, which were particularly evident in the disordered price advances of 1919-20. The culmination of this advance about May, 1920, was due to a recognition of the overdeveloped credit structure, the great increase in high prices inventories and consequent strain on working capital, and the growing dissatisfaction of consumers which developed into the so-called buyers' strike. The raising of interest rates, the calling in of bank loans, and the rapid break in prices in 1920 were movement was of a world-wise characteristic production. This movement was of a world-wise characteristic production. The appeared in Japan early in 1920. For particular committees the developments naturally varied more or less from the general average results, and, as already noted, for cotton the price went higher before the break and fell lower immediately afterwards than for farm products generally or than for all commodities combined.

The relatively high price of cotton in 1919-20 seems to have been due in part to the expectation that there would be a world shortage of cotton. There was a heavy increase in consumption which seemed to portend the much greater increase which would be involved, if there should occur a return to the pre-war standard. The extraordinary rise in the price of cotton in 1919-20, as compared with other commodities, appears, therefore, to have been due largely to marked increases in consumption, and to anticipated further increases.

The most important factors in the sharp decline of prices in 1920-21

tion agreed during that period to finance approximately 1,000,000 bales of cotton.

In conclusion, as to prices, it may be said that while it does not appear that cotton prices, compared with the general level of prices, are depressed at the present time, it is evident that this does not mean that therefore cotton prices are at a level which affords a compensation to the grower which justifies such an extensive use of land and labor in its production.

The resolution outlining this inquiry also directed the commission to ascertain the respective quantities of linters and untenderable, unspinnable, and unmerchantable cotton. The last two mentioned terms are, according to the trade, very loosely and inaccurately employed, and no satisfactory statistics of quantity are obtainable. In May, 19:1, the Bureau of the Census reported the quantity of untenderable cotton in public storage in the United States at 970,230 bales, exclusive of linters, or 24 per cent of the holdings in such storage places. During the last four crop years the volume of interes produced ranged from 398,022 bales in 1921-22 to 929,516 in 1918-19.

The volume of cotton-future trading, concerning which information was called for by the resolution, ranged during the last four crop years from about 104.5 millions bales in 1920-21 to about 124.5 millions bales in 1921-22. Very roughly stated, in 1918-19 the volume of future trading was nine times the size of the crop; in 1919-20 nearly eleven times the crop; in 1920-21 something less than eight times; and in 1921-22 something over fifteen and one-half times.

In accordance with the resolution, inquiry was also made into the existing laws affecting the cotton trade. The cotton futures act of 1914 apparently has brought about a marked improvement in the methods of trading on future exchanges. The principal criticism from the cotton trade regarding it appears to be that the method of deter-

mining the commercial differences of spot cotton for use in settlements made by delivery has in some instances resulted in differences for the New York market which appeared to be artificial.

The cotton futures act, for the ordinary seller's option contract, grants the seiler of a contract for future delivery of cotton the option of delivering any one or more of 10 grades, the money payment being adjusted to equalize the difference in value, and also the option as to the day of delivery in the delivery month. The commission believes that the effect of these options on the part of the seller, as distinguished from the buyer, is generally to make the futures price lower than it probably would be if corresponding buyer's option were used instead. The seller is given a right by law to determine under the contract both the time of delivery in the delivery month and the grade of cotton, and no corresponding contract is provided for with options for the buyer, although provision is made for contracts for delivery of specific grades in the law, which latter provision is practically never used. While a balance between buyers and sellers with respect to value of grade contracted for and grade delivered under present methods may be made by a money payment, the element of quality of goods sold and the option of the seller to choose the qualities delivered may affect the future price.

While traders in futures under these seller's option contracts may be

option of the seller to choose the qualities delivered may affect the future price.

While traders in futures under these seller's option contracts may be able to take care of themselves in this matter, and thus the situation may be equitable as between buyers and sellers of futures merely, the matter of fundamental importance is the relation between future prices and cash prices. Both in New Orleans and New York there is generally an absence of parity between daily spot prices reported to the Department of Agriculture and daily closing future prices and cash prices. Both in New Orleans and New York there is generally an absence of parity between daily spot prices reported to the Department of Agriculture and daily closing future prices as recorded by the exchange throughout the month of the maturity of the future contracts. This is not an entirely satisfactory basis of comparison; a better test would be the daily average spot quotation of middling upland cotton of average staple or quality and the daily average future quotation. In the last three years the future, according to the best data now available, however, has been generally lower. But a part of the difference may be due to differences in staple, etc., of the spot cotton, compared with that which is delivered on future contracts. Such deliverymonth discounits, from whatever cause due, probably are reflected also in the general spread between cash and future prices in prior months. This situation, for the reason stated in the next paragraph, may have a tendency to affect unfavorably the prices received by producers of cotton.

Enture prices made on the exchanges are more broadly disseminated.

a tendency to affect unfavorably the prices received by producers of cotton.

Future prices made on the exchanges are more broadly disseminated than spot prices, partly because of the interest in them of a broadly distributed speculative public and partly because the future price is more standardized or easier to describe adequately for commercial purposes. Spot prices are largely quoted on the basis of futures (that is, so much on, or off) and probably they are absolutely influenced by them to some extent. Competition may compel the local buyer to pay a better price than the futures seem to warrant, but the small-town dealer is generally not so well informed as the large buyer of the actual character of the connection between spots and futures and the producer may not fully appreciate the apparent tendency of the future prices to fall short of parity with spot prices. Under these conditions the price received by the producer who has actual cotton to sell in the spot market would logically seem to be unfavorably affected.

Respectfully submitted.

FEDERAL TRADE COMMISSION, By HUSTON THOMPSON, OMPSON, Acting Chairman.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

The VICE PRESIDENT. The pending question is on the motion of the Senator from Arkansas [Mr. Robinson] to re-

commit the bill to the Committee on Commerce.

Mr. RANSDELL. Mr. President, I wish to present a brief discussion of some of the phases of the shipping bill which have not been brought before us for some little time. We are to vote pretty soon, I believe, upon the motion of the Senator from Arkansas to recommit the bill.

Mr. McKELLAR. Mr. President, may I interrupt the Senator to ask him if it is in the nature of a funeral oration that he is

presenting the matter?

Mr. RANSDELL. That would depend upon the vote. I do not know whether the Senator and his associates are going to murder this very important piece of legislation. Of course, if it is put to death in such an unlawful manner, perhaps what I say might be treated as preliminary to the funeral eration. But I shall not say it with that end in view, because I am one of those fellows who never knows when he is licked until clear down and badly beaten up. I do not think we are whipped yet. The vote has not been taken, at any rate.

Now, Mr. President and Senators, I would deeply regret the failure to pass the shipping bill at this session. I sincerely hope that it is not going to fail. We have had so much said on the subject, we are so close to the end of the session, and there are so many other matters which are pressing, that I am frank to say I am fearful that a good many Senators, who would like to support the legislation if they had a chance to amend it somewhat, will feel almost compelled to vote against it in its

present shape.

If the bill be defeated, I do not think it can be treated as a partisan proposition. The debates on the floor have developed in both parties quite a number of enemies of the measure. There are in the Democratic Party quite a number of Senators

opposed to the measure. There are in the Republican Party a number of Senators opposed to the bill in its present form. it can not fairly be said, no matter what the result of the next vote may be, that it is a partisan question. I am very glad of that fact. I know, as a good Democrat, that I am strongly in

favor of the measure, and always have been.

Mr. POMERENE. Mr. President, I am sitting within 5 feet of the distinguished Senator from Louisiana, and, although he has a very powerful voice, I have to strain my ears to hear what he is saying. There is too much confusion in the Chamber.

I call for order.

The VICE PRESIDENT. The Senate will be in order.

Mr. RANSDELL. I thank the Senator from Ohio. I doubt if many of the Senators wish to hear what is said on the subject. I am afraid that most of them have already made up their minds. But there are some things that ought to be considered by us, if not now, then in the privacy of our chambers after the 4th of March, and some things which I believe the people of the United States should consider and will consider after that

Senators, there is one place in the world where, in my judgment, there will be great rejoicing if this bill fails, and that place is Great Britain. I can not believe there will be much joy anywhere in the United States at the failure of this measure, but there will certainly be intense rejoicing across the water. I hope Senators will think about that when they come to

vote on this very important bill.

Mr. President, I have no criticism to make of any Senators who oppose the measure. I accord to them the same sincerity of purpose which I claim for myself. I deeply regret the opposition that has developed to it, and express the hope that some time in the future the men who are destroying this measure will develop a better piece of legislation to upbuild and maintain

our American merchant marine.

Every speaker who has had anything to say on the subject has admitted the necessity of an American merchant marine. We have tried hard for several years, without success, to frame legislation on the subject that would be effective. party came into power in 1913 one of its first great laws was a tariff bill, and one of the sections of that bill provided for a discriminating duty on goods brought to this country in American vessels. The Supreme Court decided that the provision could not be put into effect because it contravened our solemn treaties with many lands.

In 1920 we passed the merchant marine act, and in section 34 thereof we authorized, and not only authorized but instructed, the President of the United States to denounce those treaties, so that we might put into effect the discriminating duties of the tariff law and thereby build up our American merchant marine

as we did in the early days

Mr. Wilson, who was then President, did not obey that instruction, taking the ground, as I have been informed, that it was not a practical thing for him to do. Mr. Harding has been President now for about two years, and he has made no attempt, so far as I am informed, to enforce the provisions of section 34 of that act. So we got no benefit whatsoever from those provisions.

We therefore were left in the situation of men with an immense asset to take care of, a tremendously big, valuable, and most costly property, and no means of handling it. So it seemed necessary to do something, absolutely essential to do some-

thing.

Mr. POMERENE. Mr. President—
Mr. RANSDELL. Just a moment. The Shipping Board and many friends of shipping in the country collaborated together, and a number of the leading shipping experts and scientists of America put forth their very best efforts to prepare suitable legislation. The result was the pending bill. I am assured that in the preparation of this measure there was no politics. There were a great many Democrats among the men who helped to frame the measure. I know there are three good, true, and tried Democratic members of the Shipping Board, which was the principal agency in the preparation of the bill.

I now yield to the Senator from Ohio.

Mr. POMERENE. If I understood the distinguished Senator correctly a moment ago, he made the statement that the Su-preme Court held that the provision of those treaties providing for reciprocity in ocean rates was not repealed by the tariff act. I have heard substantially that statement made several times heretofore during the discussion.

I think that the Senator has not—and I say this with all due respect—accurately stated the holding of the court in that behalf. It is true that the court did say that the differential provided for in the tariff act was not applicable in the cases which were then before it. But that was because of a proviso in that law, and if it will not interrupt the Senator-because I know he wants to be right, as we all do-I should like to call attention to the decision.

Mr. RANSDELL. I shall be very glad, indeed, to have the

Senator state exactly what the decision was.

Mr. POMERENE. The decision will be found in the Two hundred and forty-third United States Supreme Court Reports at page 97. With the permission of the Senator, I will read the syllabus. This was in what was known as the Five Per Cent Discount case. The syllabus reads:

Section 4, paragraph J. subsection 7, of the tariff act of October 3, 1913 (ch. 16, 38 Stat. 114, 196), after declaring that a discount of 5 per cent on all duties imposed by the act shall be allowed on such goods as shall be imported in vessels admitted to registration under the laws of the United States, adds, by way of proviso, "that nothing in this subsection shall be so construed as to abrogate or in any manner impair or affect the provisions of any treaty concluded between the United States and any foreign nation."

That is what I desired to call to the Senator's attention.

Held that the grant of the discount is confined to goods in American bottoms, and the effect of the proviso is to respect the treaty privileges with which such a grant would be in conflict, not by extending the grant to goods borne in foreign vessels, but by suspending the grant entirely while such privileges exist.

In other words, the tariff law was so framed that it preserved to foreign nations every right which they enjoyed under other treaties and other conventions. It did not attempt to abrogate either those treaties or those conventions. That was the point

to which I wished to call the Senator's attention.

Mr. RANSDELL. I thank the Senator for his contribution to my speech. It is very helpful. But no matter what view he or anyone else may take of it, the simple fact remains that we have not placed in effect the tariff provisions which would give us the discriminating duty; and the further fact remains that Congress found it necessary to enact section 34 of the shipping act of 1920, the avowed purpose of which was to authorize and direct the President to denounce all of these treaties in order that we might be free to enforce such a discriminating provision. Unless the treaties are denounced, in some way and reenacted I do not see how we are ever going to enforce a practical discriminating provision in the law. Perhaps the Senator could suggest some method; and if so, he would prove himself a wonderful friend of American shipping.

Mr. POMERENE. Mr. President—
Mr. RANSDELL. I will yield in just a moment.
Let me say that this country built up a great merchant marine in the early days through the medium of and with the aid of a discriminating duty. There is absolutely no doubt about that, as all students of American shipping admit; and I say here and now, as I have said before on the floor of the Senate and many times in private conversation, that a discriminating duty giving reasonable discount in tariff rates on all goods brought to America in American bottoms would please me a great deal better than the direct-aid plan proposed in the pending bill.

It is only because I became convinced that we could not get the discriminating duty, because I felt that the imperative necessity was so great, because it is so necessary to act, and act now-not next year, or two years from now, or four or ten years, but now-in order to preserve the mighty fleet of ships which are going to destruction so fast that I gave my consent to support the direct-aid feature of the pending bill.

I now yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, I do not care to interrupt the distinguished Senator during the progress of his argument. I expect to touch upon that subject a little bit later. perfectly simple proposition to get a system of preferential rates. Congress had that in mind when the shipping act of

1920 was passed.

Under section 34, the Congress of the United States commanded the President to serve notice upon the nations of the world that these treaties and conventions were to be abrogated. The distinguished President at that time, as well as his successor, refused to carry out the mandate of Congress. Of course, if a President will not carry out the mandate of Congress, then that legislation can not be made effective, perhaps; but it was none the less the duty, as I conceive it, of both of those Presidents to carry out the will of the Congress of the United States.

Mr. RANSDELL. I agree absolutely with the Senator from Ohio. We have that legislation; it is on the statute books; and I sincerely hope the Senator will be able to devise some means to require the President to obey the law in that rehe can not do that, that he will suggest means by which a discriminating duty can be put into effect; for, Mr. President and Senators, it is absolutely essential that something be done without delay to assist the American merchant the policy they have followed.

marine. It is not possible, in my judgment-and I have studied the subject closely—for us to compete on fair, equal terms with the other nations of the world, where labor is cheaper. where the conditions of shipping are altogether different from ours, where the space required for people to live is much scantier than ours, where everything, in substance, is on a lower scale than in our country-it is impossible for us to compete, especially with those countries which for centuries have been building up their merchant marines, unless we give some immediate, direct aid.

I do hope sincerely that the Senator from Ohio or some other Senator will evolve a successful method which can be enacted into law; and when you have found it and convinced me of its merits, Senators, let me say to you it will have no more enthusiastic supporter than myself. What I desire with all my heart is to build up a real effective American merchant marine, and I do not balk at methods so long as they are honorable. I wish to have American goods carried in American bottoms flying the American flag to every sea in the world, and whatever gives reasonable promise of accomplishing that purpose will receive my support. I particularly wish, sirs, to conserve, maintain, and make available the great fleet of ships we were forced to build under the exigencies of the late World

I think, also, Mr. President, in this connection, that the country is going to expect something of the people who kill this bill. When you oppose a thing that may not be perfect in itself, but which does propose to correct a very important evil, you are expected to offer something better. You can not afford to be merely a destructionist. You must be a constructionist. The country is not going to have any patience with those Senators who oppose this measure and offer nothing better in lieu thereof.

Mr. McKELLAR. Mr. President-

I yield to the Senator from Tennessee.

Mr. RANSDELL. I yield to the Senator from Tennessee. Mr. McKELLAR. Does not the Senator know that I have offered a complete substitute for the bill, which includes every-thing that is in the present bill except the cash-subsidy pro-visions thereof, and that in lieu of those provisions I have offered a provision that fixes a discriminating duty of 5 per cent upon all goods brought in in American vessels? Does not the Senator believe that such a provision would help build up our merchant marine, and has he not in the past voted for such a provision?

Mr. RANSDELL. I was aware of all of that, Mr. President. Now, may I ask the Senator from Tennessee a question?

Mr. McKELLAR. Yes. Mr. RANSDELL. Did the Senator from Tennessee make any effort to secure a vote on his amendment? Has he not joined with a number of other Senators here to prevent a vote being had on this bill at this session; and has he not exercised the prerogative which belongs to him and every other Senator of filibustering against the bill and admitting that he and others were going to talk it to death because they did not believe in it? If he really believed in the merits of his own proposition, why, sirs, did he not secure a vote on his proposition?

Mr. McKELLAR. I will take pleasure in answering the

Senator. Inasmuch as the administration had committed itself to the original bill, it was impossible for me to get a vote on it. I did everything possible to secure a vote on it. I offered it; I sent it around to Senators; I even submitted it to the Senator from Washington, the chairman of the committee, who, I believe, is very favorable to it; but he was in a position where

he could not take it up.

I believe that the cash subsidies of the present bill are so out of harmony with what we believe in in this country, I believe that those provisions would so injure the merchant marine we now have and so prevent its building up, that I felt that it was my duty to prevent in every honorable way the pasage of

Mr. RANSDELL. Mr. President, I am not going to debate all of those points with the Senator. The fact is apparent to all of us who were here and followed this debate that no serious attempt was made by any one to have a substitute adopted for this measure. No attempt of any kind was made before the Commerce Committee to have a substitute adopted for it. No real effort that I ever heard of was made in the House of Representatives to have a substitute adopted for it. There are

undoubtedly some good things in the Senator's provision, and I would favor them if I thought they could be put into effect, If I were convinced right now that they could be passed in lieu of this bill and become law I would take them, because that would be at least a step forward. That would be construction. It would not be merely a denial of everything, such as the Senator and others have succeeded in bringing about by

Mr. McKELLAR. Mr. President, I am quite sure that if the Senator from Louisiana and his colleague and the Senator from Ohio [Mr. POMERENE], who voted against the return of this bill to the committee, would join the other Democrats, they could easily get a vote on my substitute; and I want to say that by this time next year there will be no differences between the Senator from Louisiana and myself. We will both be fighting for the substitute.

Mr. HARRISON, Mr. President, will the Senator yield for

a question?

Mr. McKELLAR. I yield, with pleasure.

Mr. HARRISON. How are we going to be able to give very much further consideration to this ship subsidy bill when the President only Saturday, in a message reinforced by a communication from the Secretary of State, asked the Congress to take up the important question of entering the international court? It seems to me that if we are to get that through we shall have to begin work on it pretty soon.

Mr. RANSDELL. I do not suppose the Senator from Mississippi is very anxious for an answer to that question. It is pertinent, of course. Everybody knows there is going to be a vote very soon on the motion to recommit the shipping bill

which may dispose of it for the session.

Mr. President, I think we should realize what we are dealing with. This is not a political issue, as I have said. It is not a question of Republican or Democratic advantage. It is a question of the future, not only of American shipping but of American commerce. National prosperity and national security are in the balance with the shipping bill. Let us be partisans, not Republican or Democratic partisans, but partisans of America.

We have voted nearly \$50,000,000 this year for many affairs of national importance. I concur heartly in most of these appropriations, but if we fail to vote the scanty millions—few by comparison—involved in the shipping bill, what will be the result? The American merchant marine will be throttled and the vast sums already expended on it will benefit, in the main, foreign shipowners, for there will be but a shadow of our present fleet left in the carriage of our foreign commerce.

In all the world to-day there is hardly one maritime nation

whose vessels transport so insignificant a portion of their country's trade as ours do; and yet, in all the world there is only one nation with a greater mercantile fleet than we have. A few years ago we were building more ships than all the rest of the world put together. Last year we had fallen to fifth place; and unless something is done to enable us to maintain our ships on the seas, American shipbuilding will become an almost extinct industry. We still stand second to Great Britain among nations in the tonnage held, but that position, too, is menaced. Germany is creeping steadily to within striking distance, and Japan, France, Italy, Holland, Norway, and other countries are potential rivals.

Month by month less of our imports and exports are carried by our own vessels, and more by those of the foreigners, until now barely more than a quarter of our actual overseas trade moves in American bottoms. Who is the gainer by this? Will

anyone say that it is the American people?

There are those who declare that it makes no difference who transports our goods so long as they are carried as cheaply as possible; but will anyone claim that with the American flag driven from the seas through legislative neglect, and with foreigners in absolute monopoly of our ocean commerce, freights will remain at the low levels at which they have been held solely because there has been a supply of American ships that has prevented the fixing of extortionate. rates?

Mr. President, let me remind the Senate of the situation in the summer and fall of 1914, when Great Britain, Norway, and other shipping countries were obliged, because of the ravages of the German submarines, to withdraw many of their ships from the seas. What was the result upon the American commerce which had to be shipped abroad in foreign vessels, as we had no American ships to take it? Freight rates bounded forward with tremendous pace. I can not give you exact figures, Senators, but several hundred per cent increase in the freight rates on all our foreign shipments immediately came about. The result, sirs, was that the farmers of America, the people who are said to oppose this legislation to a great extent, were obliged to pay these very exorbitant freight rates to get their goods shipped abroad.

Let me remind you of another situation. When the war occurred between Great Britain and the little Boer Republic in South Africa, a small country that put up a wonderful fight, Great Britain was obliged to withdraw from its overseas trade at least 250 of her commercial vessels. Did Great Britain and her colonies suffer by this withdrawal? Not so far as I know: but the American shipper of goods to foreign lands did suffer materially. I shall not attempt to go into details, but ask to publish as part of my remarks, in 8-point type, a brief ex-tract from a prize essay entitled "Our Merchant Marine," by Naval Constructor T. G. Roberts, United States Navy, published in the Naval Institute Proceedings of 1910, which describes this situation and explains how essential it is to every country to have its own merchant marine.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[Excerpt from the United States Naval Institute.]

"To control is to fix and to determine; to be controlled is to be dependent upon and await the pleasure of. Foreign steamship companies determine our shipping freight rates; they determine the ports through which shipments are made, thereby building up one port to the detriment of another; and in case a foreign war breaks out these ships are subject to be withdrawn and employed in the war, in which case our goods would lie upon the wharves awaiting the further disposition of the remaining foreign shipping of countries not engaged in the war. At the outbreak of the Boer War, in 1899, Great Britain wit-drew 250 steamships, of about 1,000,000 tons, from commerce and converted them into use for transport and supply service. The ships of the North Atlantic being, as a rule, large and swift and most suitable for this service, were drawn upon for the most part, and the export trade of this country was the hardest hit. It was then we had a rude lesson of our dependence upon foreign ships. When the best ships had thus been withdrawn to undertake profitable Government charters, some were replaced by a few old, cheap, and inefficient craft with which to carry our goods. In the port of Boston alone the number of sailings in 1900 with grain, flour, provisions, and cotton, was 46, or 13 less than the year before, and some of these were in inferior vessels of smaller tonnage. According to the Boston Chamber of Commerce, the tonnage cleared at that port in the first four months after the outbreak of the war was 215,960 tons. The Boston Commercial Bulletin stated that in the year the export in corn had been reduced from 2,107,694 bushels to 302,924 bushels, the actual decrease in cereals having been 1,750,000 bushels. The American shipments elsewhere were demoralized. The cattle shipments were reduced by about 4,000,000 head, out of about 30,000,000, England being our chief customer. Our export breadstuffs, going all over the world and carried mostly by British ships, shrank from \$318,000,000 in 1898 to \$270,000,000 in 1899 and \$251,000,000 in 1900, in round The freight rates, however, were increased by 30 per cent, and the British shipowners lost nothing on the deal; but our farmers and merchants thereby contributed many millions of dollars to the subjugation of the Boer Republic. And yet our farmers and their representatives in the West are opposed to ship subsidy, while they are said to have contributed enough in the Boer War to subsidize our own foreign shipping for 20 years! The total of our losses in that war can not be fully estimated, but the effects were felt throughout the entire country; and that was in a war directed against a small country possessing not a single privateer or cruiser. What, then, if two large countries like Germany and England should go to war? We would be left high and dry upon the beach, without shipping to carry our commerce." (Naval Institute Proceedings, 1910. Prize essays, "Our Merchant Marine," by Naval Constructor T. G. Roberts, U. S. N.)

Mr. RANSDELL. Let us look at the situation squarely. We think of ourselves as a great creditor Nation in international designs of the process of

tional trade because we export more than we import. In 1921, it is true, we sold 11,000,000 tons more of cargo than we bought: but in 1922 we bought 4,000,000 tons more than we sold, and the ratio is increasing. It is also true that the value of those exports was greater than that of the imports. the gross balance in our favor was \$1,976,000,000, while in the year just ended it was only \$804,000,000 greater. And the money that went out of this country last in payments to foreigners for freight, insurance, and other shipping services was almost sufficient to wipe out our credit balance and transform us to a debtor nation. This would not be the case if our ships could carry a fair share of our commerce, for then much of the millions that now flow from us to other countries would be retained here. It is in our power to bring this about by passing the pending measure and restore us to the position of a creditor

the world's commerce.

To whose advantage is it that this legislation should die? There are not lacking Americans who are opposed to subsidization, aside from political reasons. We have been told that American agriculture is against the bill, and farm papers have declared that the farmers stand overwhelmingly in oppo-

sition. The same publications have attacked the proposed legislation, but the arguments used are so utterly at variance with the facts, so based on misconception or misinformation, that the American farmer who has formed his opinion from these utterances is not to be blamed for hostility to the shipping bill.

At this point I ask leave to print in 8-point type as an appendix to my remarks, a very interesting address delivered before the annual convention of the National Merchant Marine Association in this city on the 7th day of this month by the senior Senator from Washington [Mr. Jones]. It is brief and to the point. The speech was entitled "The shipping bill from the farmer's standpoint."

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

(See Appendix 1.)

Mr. JONES of New Mexico. Mr. President-

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from New Mexico?

Mr. RANSDELL. I am delighted to yield.

Mr. JONES of New Mexico. I would like to get unanimous consent to have published in the RECORD, at the conclusion of the speech of the Senator from Louisiana, a very able speech delivered on February 22, at Topeka, Kans., by the Hon. Cordell Hull, on "The farmer and the tariff-Stable foreign markets necessary for American farm prosperity." I ask that it be printed in 8-point type.

The VICE PRESIDENT. Is there objection? The Chair

hears none, and it is so ordered.

(See Appendix 5.)

Mr. RANSDELL. We have been told that American labor is against the shipping bill. I deny it. It is true that the American Federation of Labor and the International Seamen's Union are on record in opposition. But both these organizations have in their ranks thousands of naturalized and unnaturalized members. Is this "American" labor? I prefer to believe that the true picture of the attitude of our workers is presented by such action as that taken by the National Association of Marine Engineers, real Americans all, who have broken away from the Federation of Labor to give their support to the legislation designed to make an American merchant

marine possible.

I shall do no more than touch on the stand of the radical elements in this country in opposition to national aid to shipping. Their very denunciation of the measure is a tribute to its constructive value. But I do want to deal briefly with another class of antagonists within our borders. high places men nationally known who have declared themselves against any plan that would serve to develop the American merchant marine. They never give the real reason for their opposition, however. This lies in their pockets and its roots are hidden in a tangle of international commercial relationships. The farmers of America have been told that Wall Street is strongly behind the shipping bill; but I say to them that Wall Street, and especially that great dominating factor in it which may be called international money is bitterly opposed to anything that will take from foreign shipping any portion of the great bulk of our trade which it now carries. American shipping has no stronger fee than the international American, while the American American—the real American—is its friend.

So much for the enemy at home. Those who abet him must know that they can no longer do so unwittingly. And now a word for our opponents abroad. Let us look at the situation through the eyes of the foreigner; say, through the eyes of the

Briton, for he is concerned in the greatest degree.

For a long period of years, Great Britain, although possessed of considerably less than half the world's tonnage, has been carrying considerably more than half of the total sea commerce of the world. Two-thirds of her own exports and imports have moved in British ships, nine-tenths of the commerce with the British possessions, and a third of the trade between non-British nations. The gold brought to Britain through the earnings of her vessels alone has been sufficient to more than offset the excess of the value of her imports over her exports and to make her a creditor and not a debtor nation in world trade. She has therefore viewed with a jealous eye any development that would tend to reduce her huge share in ocean transportation.

But nothing occurred to arouse her jealousy until after the war. It was in response to her urgent cry for war aid that the bulk of the American merchant marine in existence to-day came into being. She was anxious that we should turn out as many merchant ships as possible to aid her in the war; but immediately the conflict was over our newborn shipping became a menace in British eyes. With a volume of cargoes much less than before the war, and with a world shipping much greater, due chiefly to our new tonnage, it was manifest to her that if employment was to be found for our merchant ships it must mean a lessening in the proportion of the world's commerce British carried. The ships that she had clamored so loudly for us to build she was now anxious to see eliminated from trade competition. If only the American merchant marine was out of the way, she figured, there would be cargoes enough for all the existing tonnage and she would be able not only to hold but to tighten her clutch on the control of the world's sea trade. Any legislation on our part to enable our vessels to compete with the cheaper built and operated foreign ships she was certain to regard with hostile eyes. To compete with unaided American ships, she knew, would be an easy matter, for the slow elimination of the great bulk of our trade fleet under these circumstances was certain.

The steady shrinkage in the proportion of our trade carried by our unprotected ships in the past three years is proof of the accuracy of that estimate. With ten times the ocean-going tonnage we had before the war we are carrying less than three times the proportion of our exports and imports that we were then. Is it any wonder that Great Britain, satisfied that we are on the road to maritime extinction under a continuance of the present conditions, should be bitterly opposed to anything that would tend to change those conditions, as the pending bill would? We could make no greater gift to Great Britain than to withhold aid from our shipping. The remission of her war debt to us would be slight in comparison with it.

I have said before that to defeat this measure would be to play Britain's game for her. I repeat. I read to you some months ago proof of Britain's sentiment toward us, as outlined in the leading organs of British opinion. I have shown from the reports of the British Government itself that the loudly professed British policy of "free and equal opportunity on the seas" is a policy based on cold, business principles, because it puts money in her pockets and not because of any international idealism. I have shown you from the records of British shipping how great the hold of that shipping is on the trade of other nations. I have told these things and I do not propose again to go into the details of them, nor to repeat the British threats I have previously cited of what they would do to us if we dared to take steps to help our own shipping, to safeguard our country, and to increase our commerce. however, to read one very recent and very typical sample of the British attitude toward us. It is from the leading British shipping publication, Fairplay, in its issue of January 11 last, and note how the sword of enmity rattles under the cloak of friendship. Fairplay states:

Fair commercial rivalry is the breath of life to us. It is its friendly friction that has kept the people of this effete old country awake. And if our shipowners have to meet nothing worse than an American mercantile marine run on the same principles as our own [italics mine], they will be ready enough to give and take a reasonable amount of buffeting with the utmost impartiality. Of course, should it so happen that as a consequence of direct aid [Italics mine] American vessels were able to offer rates which our shipowners could not possibly accept, something might have to be done ly the Government [italies mine], and if this were to occur and if public opinion were favorable, the results might be lamentable, for nations call each other's bluff passions easily flame up."

Here, then, is the issue as Britain sees it. She will be content if we run our merchant marine on the same principles as they run theirs. What are some of these British marine principles? Lower wages, poorer food, cheaper ships. How shall we obtain them? By cutting Americans down to the level of cheap foreign labor, by reducing their meals in quantity or quality, or both, or by scanting on the construction of our vessels? Is that what we want-to lower the standards of American living and American safety? That is one way to do it, but it is not the way we purpose to take. The right way lies in the passage of the pending legislation which provides offsets for the cheaper scale of foreign operation without taking it out of the pay and

out of the food of American seamen. Mr. CARAWAY. Mr. President— The VICE PRESIDENT. Does the Senator from Louisiana

yield to the Senator from Arkansas?

Mr. RANSDELL. I yield. Mr. CARAWAY. The Senator does not mean to say that there is any material difference between the cost of operating a British ship and the cost of operating an American ship, so far as wages and food and maintenance are concerned, does he?

Mr. RANSDELL. My understanding is that there is a very

material difference.

Mr. CARAWAY. I happen to have heard Mr. Rossbottom say the other day that there was not any, and he is operating

ships successfully in competition with the British. If the Senator would read all the testimony, even including that of Mr. Lasker, he would find that there is very little difference. I am just curious to know if the Senator has made all of his speech totally disregarding the testimony, as his last paragraph seems to indicate he did, because if he had read the testimony he would have known that all the witnesses who testified about it were against his position.

Mr. RANSDELL. I do not understand it that way at all. Mr. CARAWAY. If the Senator will take three minutes to read the testimony, he will understand it so.

Mr. RANSDELL. We had a great deal of testimony— Mr. CARAWAY. And all of it was agreed that there was

practically no difference.

Mr. RANSDELL. I do not understand that to be a fact. If the Senator thinks that way, I suggest that he put the testi-mony in the Record in his own time; but I do not understand it that way. I am always just as courteous to the Senator as I can possibly be, and I have answered his question. I was on the committee, just as he was. I attended a number of the hearings and I have gone into this question as closely as I can go into it. I understand that the British ship furnishes a much smaller space as living quarters than is furnished in our ships; I understand the cost of constructing ships in Great Britain is very much less than in America, and hence the overhead is a great deal less than it is in this country. I understand, from the best evidence I am able to examine, that the food furnished the British sailors is not as good or as expensive as the food furnished our sailors, and that the wages also are less. I admit that some of the witnesses differ in regard to that, but the preponderance of the evidence, as I understand it, proves those facts.

Mr. CARAWAY. Let me ask the Senator another question, because I want to get the facts. If the Senator has in mind somebody who was informed, who made a statement different from that I have made, who was the witness? Evidently I

have overlooked him.

Mr. RANSDEILL. I have not that testimony before me. Mr. CARAWAY. I remember so many who testified to the

Mr. RANSDELL. We had a great many witnesses in regard to that. Certainly the Shipping Board gave evidence of the kind I have indicated. All of the conclusions of the board lead to that end. The people I have talked with lean that way, and those are the facts as I find them. The conclusions are exactly as I have stated, and I do not think the Senator can disprove

Mr. CARAWAY. If the Senator did not feel as if it would be an intrusion on his time I could tell him of some who testified to the contrary.

Mr. RANSDELL. I would prefer to have the Senator bring that out in his own time.

Mr. CARAWAY. Very well. Mr. RANSDELL. To resume the line of my remarks, if we pass the shipping bill, however, Britain serves notice on us— the British Government may be obliged to "do something," and decidedly so if our vessels are able to best theirs in competi-tion. And, in that case, we are assured "the results will be lamentable."

There is the threat-bald, naked, unmistakable. Shall we haul down the American flag from our ships because of that? Shall we continue to do as we are doing now, stand idly by and see foreign vessels drive our own ships out of our own trade? Shall we cower at Britain's bluff or shall we give aid to our own ships in our own trade, preserve our rightful place on the seas, and safeguard our commerce and provide for the national

security?

With whom shall we stand? On the one side we have the strange medley of radicals and foreign-born laborers masquerading as Americans; and the forces of international money, also under an American mask, joining hands with our foreign rivals to scuttle the American merchant marine. On the other side are the representatives of real American industry—the men who fought for us in the World War, the Americans on our ships—and not a foreign element of any description. I have said it before and say it again with the highest respect for the Senators who differ in opinion from me that a vote against the shipping bill is a vote against America and a vote for the aliens to whom the destruction of our commerce and our national safety will be all the greater triumph because it is wrought by ourselves.

Mr. President, the shipping bill has been before the Senate now-intermittently of course, because of the necessity of passing the appropriations measures-for more than two months. In that time the debate has brought forth many interesting angles of the American shipping question, some of them informative, others, I regret to say, most misleading and fal-lacious. It is of the latter that I propose to speak to-day frankly and dispassionately and without intent to offend those Senators who have put forward arguments I may question. The time has come, it seems to me, that the situation should be so clarified that there can be no question as to the issue. Believing this, I should be remiss in my duty as a Senator if I did not attempt to correct some of the many misapprehensions about the shipping bill, its purposes, and its probable effect upon the Nation at large.

It is a regrettable thing, Mr. President, that in our member-ship to-day we have not one single active shipping man. I doubt if that fact is known to the Senate, but, nevertheless, it is true that we have not one active shipping man amongst the membership of this body. Not one Senator, sir, can speak with the valuable first-hand information gained from actual shipping experience. We have our lawyers, our farmers, our bankers, our manufacturers, our business men, but not one shipping man. That fact alone is an important handicap in considering shipping legislation. Our great rivals on the seas, however, have in the British Parliament 41 actual shipping men as members. And I am informed that, officially connected with the British Government, there are more than 150 other shipping men lu the several departments that concern shipping. It is due to this reason, perhaps, that needed action to foster British shipping is readily obtainable abroad, no matter what move any other nation may make.

This condition is due to generations of neglect of our own merchant marine. Frankly our ship-minded people are in the minority, because this important branch of American industry never has received the Government aid it deserves on account of its relation to the welfare of the whole country. American shipping, fighting the hardest battle of all our industries, been compelled to fight that battle alone and unaided. has been the result? I need only point to the less than 10 per cent of overseas commerce carried by American ships in 1914 to provide the answer and to reiterate that out of the Senate membership of almost 100 there is not one shipping man.

Mr. CARAWAY. Mr. President, may I ask the Senator a

question?

The PRESIDING OFFICER (Mr. ODDIE in the chair).

the Senator from Louisiana yield to the Senator from Arkansas?
Mr. RANSDELL. I am delighted to yield.
Mr. CARAWAY. There are just about as good shipping men as is Mr. Lasker, whose advice we are asked to follow, and who

himself testified that he did not know anything about running Mr. RANSDELL. That may possibly be. I have no doubt

the Senator from Arkansas would be just about as capable of legislating in regard to shipping as Mr. Lasker is in regard to running ships, but Mr. Lasker, at least, tried his level best to do something, and I do not know of any effort the Senator from Arkansas has made to bring about the passage of legislation on this subject, which seems to me to be of colossal importance.

Mr. CARAWAY. Let me ask the Senator another question. If the Senator from Arkansas had taken as much time in discussing the shipping bill as has the Senator from Louisiana-

Mr. RANSDELL. The fourth.

Mr. CARAWAY. And as the Senator from Washington [Mr. Jones] has taken, there would not have been any time to pass the shipping bill or any other legislation whatsoever.

Mr. RANSDELL. Possibly not.
Mr. CARAWAY. There are 96 of us, and the Senator is making his fourth speech on that very question, all of them alike and prepared, and the Senator whom he is criticizingmyself-has not taken a minute on it.

Mr. RANSDELL. I have devoted a great deal of time, I will say, not alone on the floor of the Senate but outside, in committee and elsewhere, to try to assist in framing some sort of legislation on the subject. I will say to the Senator that the combined time of all my four speeches was not anything like as much as that consumed by a single speech made in op-

position to the measure. I have not taken very much time.

Mr. CARAWAY. If the Senator will pardone me, I am, of course, glad to hear him talk. He is always interesting and

instructive.

Mr. RANSDELL. I thank the Senator for the compliment, Mr. CARAWAY. I really wanted to get a vote on the matter, but as between the Senator from Washington and the Senator from Louisiana there has not been time to discuss anything or do anything except to listen to their speeches, four of the Senator from Louisiana and six of the Senator from

Mr. RANSDELL. If the Senator would listen carefully he would hear many things that would do him a lot of good,

Mr. CARAWAY. There is no question about that; but the trouble is the Senator from Louisiana is saying the same thing

Mr. RANSDELL. The Senator may think so, but if he would read the speeches he would learn differently. I shall send copies of the speeches to the Senator, and will assure him there is a great deal that is new and a great deal of value in every one of them.

Mr. CARAWAY. Let me ask the Senator a question. He is discussing the same facts. How does he get something new from the same facts?

Mr. RANSDELL. The Senator must know that this shipping is a great big affair, one which cost upward of \$3,000,000,000, an enterprise such as has been interesting mankind since Noah built the ark, the first ship of which we have any record. Shipping was an important business in all the world before we had highways, railways, airplanes, or anything of the kind. Shipping has been an art in all the ages. Recently we spent over \$3,000,000,000 for ships to get our boys across the sea and to carry commerce to our allies. An asset of that value is far-reaching and comprehensive, and it takes time to cover it in a discussion of this sort. It can not be treated in a few minutes.

If the Senator will pardon me, I remem-Mr. CARAWAY. bered the fact that Noah built the ark, but I did not remember

that he got a subsidy.

Mr. RANSDELL. I do not know just what aid he got from on high.

Mr. CARAWAY. He got no cash subsidy, did he?
Mr. RANSDELL. But I imagine that the authority which told him to build that boat and to carry all those animals on it, two of each kind, encouraged him a great deal, and if it did not give him money it gave him something that was equivalent to money-an absolute monopoly in the shipping of the earth.

Mr. CARAWAY. I thought the question of a subsidy was up, and I thought perhaps the Senator, who is such an author-

ity on that question, might perhaps know.

Mr. RANSDELL. There are sometimes equivalents of a money subsidy. Noah enjoyed one of them-a monopoly of transport. If the Senator had been in the Chamber a while ago he would have known that I stated that I was very much in favor of a discriminating duty and would prefer it to direct The distinguished Senator from Tennessee [Mr. McKel-LARI has a discriminating duty proposition; that is, it amounts to that. He does not call that direct aid, but a rose by any other name smells as sweet to me. If shipping is going to get money under the proposal of the Senator from Tennessee, we may go ahead and operate against our British rivals

Mr. McKellar. Oh, Mr. President— Mr. RANSDELL. Pardon me just a moment. If we could get a merchant marine under the discriminating duty proposed by the Senator from Alabama [Mr. UNDERWOOD], just as we got it in 1789 when we enacted our first discriminating duty law and built up a marvelous American merchant marine, which carried more than 90 per cent of all our commerce and a great deal of the commerce of other lands as well as our own, we could then go ahead notwithstanding our foreign rivals. now yield to the Senator from Tennessee.

Mr. McKELLAR. In the first place, I want to say that the Senator is evidently mistaken in the purpose of my substitute, because it does not provide that the shipowners shall get anything at all out of the matter except cargoes at the usual rates. They get no subsidy, cash or otherwise. It is a mere aiding in the matter of getting business for the shipowners. ator complains that nobody on this side of the Chamber has

offered another plan.

Mr. RANSDELL. A plan to build up shipping. Mr. McKELLAR. I shall ask unanimous consent to take a vote on my substitute, which the Senator says he indorses.

wonder if the Senator would object to that?

Mr. RANSDELL. As soon as I finish speaking, I shall not have any objection to that at all. The Senator occupied six or eight hours on the matter three or four days ago. His voice is mellifluous and sweet, and it was with a great deal of pleasure that I listened to him. I do not intend to take very long, and I would like to give expression to the few thoughts that I have on the subject

Mr. CARAWAY. Mr. President, will the Senator yield to me again?

Mr. RANSDELL. I yield. Mr. CARAWAY. What I was getting at was that the Senator is taking the rest of us to task for not permitting the ship subsidy bill to be voted on, and here now he will not even give

the Senator from Tennessee a chance to get unanimous consent to vote on his substitute until he-the Senator from Louisiana-

can make his speech.

Mr. RANSDELL. The Senator is trying to place me in a false position. I had not taken very much of the time of the Senate until it had been demonstrated beyond the possibility of a doubt that the opponents of the shipping bill had succeeded in killing it. Then I thought I might say just a little bit before the funeral oration was actually preached by the Senator from Arkansas or some of the other opponents of the measure. wanted to say a few words before the sick man was actually dead. He is not quite dead yet, although I admit he is not far from it.

Mr. CARAWAY. I thought we set aside Sundays for pronouncing eulogies over the dead.

Mr. RANSDELL. The Senator will have a chance. I am

going to finish in a very little while.

With the passage of the pending shipping bill, however, it is easy to see that in a few years there would be in America a competent shipping community and, with the bill in full operation, hundreds of active shipping men where there are only a few to-day. The far-reaching provisions of the shipping bill, with its mandate to foster new trade routes and new lines and to discourage monopoly in water transportation, promises to broaden the present limited shipping industry into a great national business, one that will rival our great railroads in the extent of commerce handled and bring to America its rightful share of its own ocean-carried commerce, with its annual reward of hundreds of millions of dollars.

It is said that we should hold our Government-owned ships until a better market for them could be obtained: shipping bill is passed no such market can be obtained, for the operating differentials against American ships will be just as existent five years from now, or even greater, as they are to-One of our southern Senators suggests that the ships be tied up in southern ports instead of northern harbors. I am from the South, but I would urge no such action, for it is a well-known fact that the warm southern waters deteriorate vessels of all kinds far faster than the cooler northern ports with their lesser marine growths. And while on this angle of holding our Government-owned ships indefinitely, let me say that a ship out of service-out of commission, I believe the seafarers call it-runs down far faster than one that is in constant use, well manned, and intelligently kept in repair. still another side of this that should be considered;

Our ships-the people's ships-are not being replaced as they wear out; instead, in its efforts at economy in repairs, the Shipping Board is compelled to withdraw run-down ships from service and use others from the reserve fleet. That can only result in one thing, the elimination of the fleet eventually. Mind you this is no criticism of the Shipping Board. That body of able men only is carrying out the expressed orders of the Congress to keep down operating losses as much as possible, orders emphatically given in the passage of the appropriation bills. Turn these ships over to private owners at world-market prices for tonnage, make up the operating differential by the direct aid; and we would see this Government-owned fleet, or the bulk of it, in the ocean-carrying trade earning hundreds of millions yearly for our citizens and being replaced from time to time with vessels of more modern design and of more economical type before a decade had passed.

One of my able friends on the other side has said that the policy of the shipping bill has been "overwhelmingly repudi-I must disagree with the Senator and would point out in justification of my belief the memorial presented to Congress few days ago, a memorial signed by representatives of the Nation's leading industries, many States and cities. I would point to the more than 200 resolutions passed by leading cham-bers of commerce and other commercial bodies in almost every State in the Union and would call the attention of Senators to the fact that not one commercial organization has gone on rec-

ord against the shipping bill.

It also has been said that "three-fourths of the people" are against the bill. I must confess I can not see that when the business men of the country are so unitedly in favor of it, when American laboring men working on the sea go so far as to secede from the parent labor organization, and the representatives of American labor-not international labor, mind you-appear before the joint committee holding hearings on the bill and testify that they favor it. I can safely say that real American labor is for the shipping bill (the record shows that), but that international labor, as well as international finance and international politicians, are against it. It has been said that the farmers of this country stand 30 to 1, 40 to 1, even 60 to 1, against the bill, and so-called polls have been produced to prove this.

this connection an Ohio farm paper recently conducted a poll of its readers on this very question and the vote was 49,000 and odd in favor of the bill as contrasted with 84,000 and odd

against, a mere matter of less than 2 to 1.

Much has been said about the low price the ships would bring after the bill is passed as compared with their original cost. Grant that. They would bring a comparatively small amount—10 per cent, or perhaps 20 per cent. But what other war material, bought at war prices, brought any more than that? In one or two scattering instances, perhaps, some articles sold for something near what the Government paid for them; but taking the average run of salvaged war material, I think it is safe to say that it has not realized a bit over 5 per cent. In the case of the ships it is wholly imperative that they be disposed of speedily, because their value lessens faster and faster each year they remain idle. Shipping men tell us, too, that the industry is in process of a great change, the Diesel engine supplanting the old reciprocating engine. This may be likened to the change from horse-drawn vehicles to automobiles. This parallel is especially apt, for the Diesel engine is an internal-combustion engine, with oll furnishing the power direct. Hundreds of our ships are capable of being transformed into Diesel-engined ships at once, but if we do not sell them to owners who will improve them this way the now stanch hulls will rust and they soon will be fit only for the junk dealer.

It has been sald that we would have ships sailing the ocean

It has been said that we would have ships sailing the ocean empty. I wish some one could tell me how this could happen under scaled payments provided in the bill. In respect to cargo carriers, it is estimated by the experts that the direct aid will barely cover the wage differentials. If the ship were to sail empty, who would be paying its coal bills? Not the American people under this bill, and certainly not the owner. No! This bill avoids just that very thing, and the American people are only asked to pay for what they will get; no more, no less—the equalizing of operating costs of American ships with their standards of American living, American wages, and American ideas of safety over the cheaper operating costs, with their lower standards of living, lower standards of wages, and lesser safety due to more lax requirements of foreign navigation laws

and smaller crews, often of orientals.

There has been a great outcry that the direct aid would go to the Shipping Trust. The Shipping Trust. Where is it? Who is its head? From whence spring its octopuslike arms? I have studied American shipping for some time, and I have yet to find an American shipping trust. Our paltry tonnage in the overseas trade is scattered in ownership among threescore companies or individuals. Our pitifully small privately owned fleet in overseas commerce is fast being driven from the seas, as I pointed out to the Senate only recently, and unless aid comes to it quickly it will disappear forever.

Much to-do has been made about the passenger liners getting so much more under the shipping bill than do the cargo carriers of slow speed. Suppose they do. What of it? Why shouldn't they? A slow cargo boat, burning little coal and less oil, with few in its crew, costs little to run when compared with the swift passenger liner with its large crew, fuel costs mounting in arithmetical progression as each additional knot is added to its speed. A 12-knot vessel does not cost half as much to run as a 24-knot ship. We all know that, so it is only fair that some of the extra costs of having speedy ships be made up, for it is those speedy ships that we need the most in our American merchant marine. Every maritime nation in the world seeks to have speedy vessels in proportion to its cargo carriers, seeks to have speedy vessels in proportion to its carriers, so that the well-balanced fleet may carry a share of all its own business, freight and passenger. It is in the swift passenger ships that we are weak; hence the graded scales of payment according to speed. It can not be too strongly emphasized how vital these fast ships are to the national defense, more espe-cially since the naval treaty has been negotiated. More than once I have pointed out to the Senate that the 5-5-3 ratio would mean less than nothing to the United States unless we possessed an adequate fleet of fast liners comparable to the fleet now owned by Great Britain and being rapidly built by Japan. If for no other reason than this, the shipping bill should be passed, and I could not speak on this subject without again bringing this fact to the attention of the Senate,

Mr. President, on this subject I wish to say that I have especially inquired from several of the highest officials of the Shipping Board, including three of the commissioners and several of the most prominent experts. They all tell me that the bill is so framed in its direct-aid provisions as to equalize the increased cost of the fast vessel over the cost of operating the slow vessel by giving it a larger amount of pay; that, beyond question, no favoritism is shown to the fast vessels. They are put on terms of absolute equality, so far as the direct aid is

concerned. As in that particular, there is great misconception on the part of very many people I take pleasure in correcting it.

In further explanation I ask to print in 8-point type as part of my remarks a letter on the subject from a prominent official of the Shipping Board.

The PRESIDING OFFICER. Without objection, it is so ordered

The matter referred to is as follows:

[Interoffice memorandum.]

UNITED STATES SHIPPING BOARD, February 12, 1923.

From: R. T. Merrill.

Subject: Justification of higher rate of subsidy for higher speeds.

The subsidy, as you stated, was designed to compensate for two differentials under which American ships suffer—(a) higher first cost, which is reflected each year in the carrying charges or capital charges; (b) higher wages paid to crew.

The subsidy was also designed to reflect the value of the ship to the Nation, and the measures of this value were taken to be (a) the activity of the ship, (b) her size, (c) her speed.

Laymen do not always grasp the cost of speed, not only in operation but in first cost. Careful tabulation was made of the cost of building ships to make different speeds, which resulted in the following table of cost per gross ton:

	gross ton.
10-knot cargo ship12-knot cargo liner	\$120
15-knot combination liner	150
18-knot combination liner	325
20-knot and above express passenger liner	. 400 to 475

The owner pays from 15 to 20 per cent of his first cost in carrying charges each year—i. e., interest, insurance, and depreciation or amortization.

The formula finally decided upon after much scientific study of the matter with experts of the merchant service, naval architects, and officers of the Navy was as follows:

(Size) × (days at sea) × (speed)1.

As days-at-sea times speed-per-day equals distance covered, the formula was written:

(Size) × (distance) × (speed).

This formula gave the rate of change of compensation, or the curve of compensation rate. The actual amounts in the rate were determined by comparison with actual cases. These checked very closely.

checked very closely.

For example, bids were gotten in this country and abroad on the George Washington. It was found that the average of the bids differed by \$1.875,000. Fifteen per cent of this—which would represent the annual excess carrying charge the American owner would have—is \$281,250. The wage differential was \$58,000, based on the same crew paid the British wages. The total handicap, then, for this type vessel would be \$339,250. The subsidy for this size ship worked out \$307,000 per year. In the case, for example, of the Resolute the first cost handicap was \$195,000 per year and the wage differential \$33,000, or a total of \$228,000. Subsidy for this ship would have been, under the American flag, \$210,000.

It is possibly not relevant, but as a matter of interest I compared our curve with that which was produced by the British Admiralty committee convened in 1902 to determine a proper rate of subsidy for British ships, and whose findings were the basis on which the Cunard subvention and loan which resulted in the construction of the Lusitania and the Mauretania were made. The rate of change of compensation per knot, or, in other words, the increase in the angle of tangency to the curve, was almost identical with our own. Naturally the actual amounts were lower than ours, because of the British costs of construction and wages. This merely checked, to my mind, the correctness of the different increments which we had allowed for the higher speeds.

I hope that this is the information that you desire, and, needless to add, I am entirely at your service if you wish something

further along this line.

R. T. MERRILL, Director Bureau of Research.

Mr. RANSDELL. Mr. President, while on the subject of the relation of the shipping bill to foreign affairs there comes to my mind another phase that should have the most careful consideration. This is in relation to the British debt, and I wish to call attention to this fact in connection with it:

If we do not pass the shipping bill and by so doing permit the American merchant marine to sag back to the ignoble posi-

tion it held in 1914, when we carried only one-tenth or less of our overseas trade, we will be making a virtual gift to England of the annual interest she is to pay us on our \$4,600,000,000 war loan. Ocean freights paid in the fiscal year 1921-22 on American overseas cargoes aggregated \$510,000,000. Britain's share of this totaled \$170,000,000, or about one-third. With the elimination of the American merchant marine by failure to pass the shipping bill, it is safe to assume that Britain would resume her old position of carrying more than 60 per cent of our foreign Do a little figuring, Senators, and you will find that she will take from us in ocean freights another \$136,000,-000 in addition to the \$170,000,000 she got last year. The debt interest under the agreement is \$138,000,000 annually for the next 10 years, so you can easily see we would be taking that amount from Great Britain with one hand and paying back to her in ocean carrying an almost equal amount.

That payment is only for ocean freights. It does not take into account the other items of the invisible trade balance Great Britain annually piles up against us, the money spent abroad by tourists, the money we pay in marine insurance, interest on investments here, and so on. Our old mother country is a wise old lady, and no doubt this possibility entered into her calcula-

tions for the future.

Previously I referred to the unanimous indorsement of commercial organizations of the shipping bill. I have before me, and ask that they be printed in the RECORD in 8-point type, as an appendix to my remarks, the opinions of 18 prominent Americans on the shipping bill. These views were sent to the recent convention of the National Merchant Marine Association, held in this city on the 7th instant.

The PRESIDING OFFICER. Without objection, it is so

(See Appendix 2.) Mr. RANSDELL. Mr. President, seven of these expressions are from governors of widely scattered States; five are from members of the Cabinet, and the others are from such men as Henry J. Allen, former governor of Kansas; Gen. John J. Pershing, head of our Armies; Admiral W. S. Sims; Julius H. Barnes, president of the Chamber of Commerce of the United States; John E. Edgerton, president of the National Association of Manufacturers; and Charles M. Schwab, a man known to all

Mr. President, I desired to read to the Senate a statement I have here containing extracts from the press of several of the Southern States; but trust I may be permitted to print them with a very few running comments, without reading them, as an appendix to my remarks, in 8-point type.

The PRESIDING OFFICER. Is there objection? The Chair

hears none, and it is so ordered.

(See Appendix 3.)

Mr. RANSDELL. I will now conclude by asking permission to print as an appendix to my remarks a letter from Mr. Elliott Goodwin, resident vice president of the Chamber of Commerce of the United States, addressed to me, dated the 13th of this month. It is a reply to an article which appeared in the Con-GRESSIONAL RECORD some days ago, and referred in a rather critical way to the National Merchant Marine Association, of which I have the honor to be president. I ask that this be printed also in 8-point type.

The PRESIDING OFFICER. Without objection, it is so

ordered.

(See Appendix 4.)

APPENDIX 1.

(Paper by Senator WESLEY L. JONES of Washington, chairman of the Senate Committee on Commerce, read at the annual convention of the National Merchant Marine Association, Wednesday, February 7, 1923, Washington, D. C.)

There may be no farmers here to-day, but I want to discuss the shipping bill from the farmers' standpoint. I was raised on a farm. My people have been and are farmers. I have two small orchards, and everything I have to sell comes from the farm. If I have any selfish interest to serve it is the farming interest, and so I consider this question from the standpoint of the actual farmer. I am one of them in interest and association

Special appeals are made to the farmer to get him against the shipping bill. Why I do not know. It has seemed to me that they think the farmer less patriotic, more ignorant, and more swayed by prejudice than others. This is not so. No man is more genuinely American, no man is more generally intelligent, no man is more fair, just, and reasonable than the American farmer, and when he knows the situation and understands the bill and the purpose of it he will come as nearly forming a cor-

rect judgment of it as any set of men in the country. They tell him that it is framed to put money into the pockets of the wealthy shipowners. This is not true, and those who say it know it is not true. There are but a few present owners of American ships who will get any of this money, because there are but a few of them. About \$4,000,000 of this money will go to present owners of American ships. It does not go to them as a profit. It goes to them to equalize the difference in the cost of running their ships with the cost of running the ships of their competitors. If we do not give it we may expect them to get less and less in number as they are now.

Most of it will go to men who will buy or build American ships and operate them in competition with already established foreign ships or lines. It will go to them not as profit, but to put them on an equality with their competitors. It will lead to American transportation instead of foreign transportation for the products of the American farm. What American farmer does not think that is a valuable thing to have? It is well worth the comparative small cost. Not only does it furnish him transportation at reasonable and stable rates, but it establishes shipyards furnishing employment to labor and a market for his products and the employment of capital and labor in

many different ways.

A favorite charge is that this bill will aid the Shipping Trust and the subsidy will go to fill its coffers. They never name the trust. They never give its headquarters except at Wall Street. As a matter of fact there is no American shipping trust. There are a few large companies that own ships. They no doubt have interlocking directorates and in that sense may be called a trust. They almost wholly carry their own products in their ships and under the express terms of our bill would get none of the subsidy. We know the tonnage under the American flag. Its ownership is known, down to

the individual ship.

There are 452 ships of 2,518,206 tons privately owned in the foreign trade. Of these there are 268 of 1,664,750 tons carrying oil in bulk or otherwise devoted exclusively to carrying cargoes owned by the owners of the ships. Under the shipping bill there would be no compensation paid on those ships. This leaves 104 vessels of 853,456 tons operating in the foreign trade. Of these 65 are passenger ships of 338,014 tons and 119 are cargo vessels of 515,442 tons. Forty-four of these passenger ships of 183,031 tons and 61 cargo ships of 180,568 tons are engaged in the West Indian and Caribbean trades, leaving passenger ships of 154,983 tons and 58 cargo ships of 334,874 tons engaged in the ocean overseas trade. But this is not all of these 65 passenger ships. Twenty-one of 99,383 tons and of the 119 cargo ships 31 of 162,538 tons are vessels owned by persons who use them largely for carrying products of their own. Assuming that these ships would be used to the of their owners, we have a total of 288,322 tons of passenger ships and 434,173 tons of cargo ships eligible to a subsidy under this bill, or 722,495 tons in all. This would take in round numbers \$3,500,000 a year. extent of one-half of their capacity for carrying the products

Of the 17 overseas passenger ships, five belong to the International Mercantile Marine Co., on the North trans-Atlantic route; two belong to the Oceanic Steamship Co., now running between San Francisco and Australia and receiving a special postal pay or subsidy nearly three times what they would receive under this bill; two belong to the China Mail, running between San Francisco and the Orient; one belongs to Stephenidis and runs between New York and Constantinople; and the other four run between the Atlantic and Pacific ports for the Pacific Mail, but are considered foreign going because they touch at Mexican ports. From this it will be seen that our privately owned shipping in the foreign trade is small in

The United Fruit Co., the United States Steel Co., W. R. Grace & Co. are large owners of these ships, it is true. They may be more or less connected with each other. maintain their ships and do maintain them in competition with foreign ships largely because they carry the products of their other businesses. This bill is not for aid of these large companies, but it is intended to promote the establishment of new companies who will compete with these companies as well as with foreign companies. This bill is in the interest of smaller capital units in the shipping business. It is intended to give those who may want to go into shipping a fighting chance to compete in foreign trade.

It seems to me that this demonstrates to a mathematical certainty that there is no such thing as an American shipping trust that will be benefited by this bill. The shipping trusts of today are under foreign flags. They will benefit by the fallure to pass this bill. They hail with delight the opposition to it. Those who oppose this bill are fighting the battles of the foreign shipping trusts and placing at their mercy the American farmer and the American business man. It is done innocently, of course, but the results are none the less certain and dis To save a few dollars now for a few years they will put our farmers for years to come at the mercy of allen shipping that will take from him in carrying charges all the traffic will bear, all under the guise of friendship for the farmer. I want my farming interests saved from such friendship.

They say the farmer is opposed to a subsidy in principle. Official representatives of farm organizations say this. It sounds like the declaration of a Democratic platform. I can see how these men can speak for their Democratic members but they can not speak upon principle for their Republican membership. The Republican farmer, and there are millions of him, believes in the principle of protection to American industry. fundamental principle of this bill is the principle of protection and the application of it to the shipping industry, and the Republican farmer who opposes this bill because of opposition to the subsidy principle repudiates the formulation of his party

Now, I want to consider this measure from the standpoint of the farmer's selfish interest. I want to speak as one farmer to another

What instrument does the farmer need above all else? He must have cars to transport his products to the domestic market. If he can not get them, his crops waste away and he faces poverty and bankruptcy. His surplus crops seek foreign markets. These can be reached only by ships. If there are no ships there is no market for this surplus and this very fact reduces the market price for his whole surplus. If foreign ships alone are available to take his crops to market he must await their pleasure or convenience and he must pay such freight as they see fit to charge. If there must be any delay in getting to market he will suffer it, instead of his farmer competitor of the country that has the ships. If British ships are to serve American and British farmers and they are not sufficient to serve both promptly, who will be served first? The British farmer, of course. If special rates are needed to get a certain market, who will get those special rates? The British farmer, of course. I do not think that it is good for my interests as a Do you, my farmer neighbor, think it is good for you? I would rather have American ships, not only to keep the rates down, but also to give me a preference if a preference is needed either in prompt sailings or in special rates. Neighbor, do not you think so, too? Ponder this well. This is not all. I think that shipping is more important to me as a farmer than it is to anyone else. Why? Because of the character of farm products. If they can not be carried to market they rot and waste away. If there are no cars to take them to the domestic market they are soon a total loss. If cars carry to the port and there are no ships to carry them to market they waste away and my loss is a double one. If I were a miner I would lose by a lack of cars or ships for my coal, but I would not lose the coal because it would keep indefinitely. So, if I were a manufacturer, I might lose my market for a time but my product would keep. As farmers we need ships. Our interests will be better served by American ships. They can not be had under present conditions without some aid to equalize conditions for a time until we can establish ourselves in competition with a well-intrenched merchant marine. The profit to us will be many times the actual cost to us.

During the last 21 years we have exported farm products of the value of over \$33,000,000,000. Foreign ships carried about \$28,000,000,000 of it, leaving \$5,000,000,000 for American ships. During the same period we imported farm products worth \$21,000,000,000, of which over \$17,000,000,000 was carried in foreign ships, leaving \$4,000,000,000 for our ships. other words, during those 21 years alien ships carried \$45,000, 000,000 worth of our agricultural commerce. It is estimated that the cost of such service under normal conditions would be from 5 to 15 per cent. Estimating it at 10 per cent, alien ships received \$4,000,000,000 during that period for carry-

ing that class of our foreign commerce.

These ships pay none of our taxes. They bear none of our burdens of local, State, or National Governments, nor can they be taken in case of a national emergency. They received for the services rendered over \$190,000,000 a year. Estimating 10 per cent of this as a profit, they have been paid from the people of this country an actual subsidy of \$19,000,000 a year, and our farmers and other citizens have borne all the burdens of Government, including those of a great war. Over \$26,000,000,000 of this business has been done since the war began. The high rates which the people had to pay before American ships were built went largely to alien ships owned or controlled by great trusts, over which we had no control. If we had built a merchant marine our farmers and business men would have been saved hundreds of millions of dollars that went into the coffers of those foreign shipowners, and would have been saved hundreds of millions of tax burden in the State, and, in addition, much of this money would have been spent at home in the development of our interests and the employment of our own labor, thereby adding greatly to the domestic market for the farmers' products.

The farmers' grange is a fine organization. It has declared against a subsidy. It evidently favors an American merchant marine. How does it propose to get it? It says if our laws put our people at a disadvantage those laws should be repealed. As a farmer I would not stand for that any more than would the labor of the country, and my farmer neighbor would not either. What does it mean? It means substantially that we should not permit our ships to be manned with Chinese, Japanese, Hindus, Lascars, living under conditions that they accept and are used to. Does the grange really favor that? I do not

think so.

We want a merchant marine.

The farmer, the business man, and the laborer agree in this. The measure we urge is a concrete proposal to establish what we all want. We will not pay out the money unless we get results. That is a certain fact that must not be overlooked. the payment of \$30,000,000 is required, there will be 7,500,000 tons of ships flying the American flag and carrying the products of our farms, our mines, and our factories all over the world in an ever-expanding commerce.

APPENDIX 2.

OPINIONS OF PROMINENT AMERICANS ON THE NEED OF AN ADEQUATE AMERICAN MERCHANT MARINE READ AT THE ANNUAL CONVENTION OF THE NATIONAL MERCHANT MARINE ASSOCIATION, WASHINGTON, D. C., FEBRUARY 7, 1923

Warren T. McCray, Governor of Indiana: "I am very much interested in the proposition of the merchant marine and am using what influence I have in that direction. I think it is highly important to the commercial interest and the general prosperity of the United States that this measure should carry."

Edwin P. Morrow, Governor of Kentucky: "I desire to express my sincere belief in the movement to establish a merchant marine and my faith in the attainment finally of the purposes of this movement. I believe in the capacity of America to hold its own in world trade with any land and on any sea. Once the great business of a merchant marine is put upon its feet and permitted to meet competitive conditions, American-made goods being carried in American ships under the American flag will move over the face of the waters of the world, and we will be in a position to meet economic and industrial conditions as they arise in the future. I believe most heartily and most earnestly in a merchant marine and in every reasonable plan to secure it."

John M. Parker, Governor of Louisiana: "It is a pity to see the greatest producing nation on earth dependent upon foreign bottoms for the transportation of our agricultural and manufactured products, and my personal judgment is strong that every possible effort should be made to assure a national merchant marine which would be a splendid investment and of untold value to agriculturist, producer, and manufacturer, and my sincere hope is Representatives, Senators, and the National Government will appreciate the benefits certain to accrue quickly to State and Nation by assuring transportation for our products.

E. Lee Trinkle, Governor of Virginia: "It is needless for me to say that, like all other Americans, I am intensely interested in having an adequate trade fleet under our flag. I hope this meeting may result in much good, and as a result of it our flag will be seen in many ports, carrying our products back and forth

to all parts of the world."

Albert C. Ritchie, Governor of Maryland: "Every true American desires to know that the flag of his country sails on every sea. In the past, with a great continent awaiting development, it has been but natural that the ambitions of our youth and the minds of our business men should have been turned inland. The time now has come to look toward the sea.

"In my judgment the possibilities of profit will not alone accomplish the fine object you have in mind. We must develop a seafaring people, and prove them to be as efficient on sea as they have been on land. If I were to venture a suggestion to-day it would be to begin a campaign of education of our American youth in order to reawaken in them the leve of the sea. With thoroughly capable and efficient men to man and manage our ships many of the economic difficulties now in the way would be solved."

William D. Denney, Governor of Delaware: "I am heartily in sympathy with the American merchant marine movement,

and you have my best wishes for its success."

Charles R. Mabey, Governor of Utah: "President Harding said recently, in referring to aviation, 'The history of civilization is largely the history of communication.' This is true, then, of every form of transportation. It is therefore palpable that the United States should spare no effort to retain the volume of shipping which is her just portion and constantly endeavor to keep her ranking position among the great nations of the world in commerce and navigation."

Henry J. Allen, former Governor of Kansas: "We of the Middle West are interested in good roads-in transportationfor we realize that without transportation our products are

practically worthless.

Inasmuch as a healthy foreign market is essential to American farm and commercial prosperity, we realize that our highways must extend out over the plains to the sea and over the

sea to foreign shores.

The Federal Government in times past has found it necessary to grant aid to farmers in the form of the homestead law, reclamation projects, irrigation enterprises, and other valuable and constructive things. It has granted aid to the railroads and paved roads, since farms without railroads and highways would be dead and unproductive property. It seems to me, therefore, that we ought to take the next necessary step and grant encouraging aid to the merchant marine which travels the extended highways of the Middle West out across the seas. This policy seems all the more advisable since the granting of this aid would actually reduce the expenses of the Federal Government by eliminating the burden now imposed by the maintenance of Government ships.

I believe that before long the majority of the people of this section will come to a full realization of the necessity of keeping an American merchant marine on the high seas and will rally to the support of this clean and legitimate project which

means so much to the ultimate prosperity of the whole Nation."

Charles E. Hughes, the Secretary of State: "I greatly regret that the demands of the department are such that I can not attend the convention of the National Merchant Marine Assoclation. It gives me pleasure to comply with your request for a brief word with respect to the essential national interest involved in the maintenance of a national merchant marine.

"I do not see how anyone can be blind to this interest. adequate merchant marine effectively maintained would not only promote the commerce but would support the influence and prestige and constitute a bulwark of the safety of the Nation. It would testify to the national capacity in one of the most important spheres of human endeavor with which initiative, hardiness, enterprise, and the ultimate resources of national strength and distinction have always been associated. It is a sphere of effort to which we are called by our seafaring traditions of the past, our extensive coasts, our enormous ca-

pacity for production, and our vast foreign trade.

"The question now before us is not whether we should enter upon this activity but whether we should abandon it. We now have a great merchant fleet at our command and an unprecedented national opportunity. To forego this opportunity would be a great national misfortune. It would be to confess in-competency and to make an abject surrender. The question is simply whether American enterprise is equal to this task with a fleet which awaits its bidding. The question is reduced to a practical one of method, and this has received the most competent expert attention in the formulating of the measure which is now before Congress. I believe that this proposal to maintain a national merchant marine deserves, and I trust it will have, the support of your association.

Andrew W. Mellon, Secretary of the Treasury: "All patriotic Americans wish to see our country restored to her rightful place on the sea, and I, for one, have an abiding faith that American genius and energy will find a way to build up and

maintain a real American merchant marine."

John W. Weeks, Secretary of War: "Human progress has been possible largely through development of commerce, and to-day transportation is one of the vital needs of society. equally important to all professions and trades. For a nation to endure with success through the disruptions of war and the competition of peace demands that it be able to retain effective control over its essential commerce on sea as well as on

"We have been taught many times that we can not with impunity neglect our own merchant marine. A most recent lesson in this respect threatened the defeat of our purposes in the World War. A continuation of such neglect would perpetuate the danger of humiliation and defeat for our aspirations and

our ideals. We would face this danger not only as a participant in war but also in the preservation of neutrality during wars in which we were not involved and yet during which we must

maintain our foreign trade relations.

"It was with my deep regret that I declined an invitation to attend the annual convention of the National Merchant Marine Association. I desire to emphasize my assurance that your proceedings will command my closest attention. It is my hope and belief that your discussions will bear the fruit of success for your purposes."

Hubert Work, Postmaster General: "I realize the desirability of encouraging and fostering an American merchant marine, and I hope that your meeting will be successful from every stand-

"Our policy in the Post Office Department is to provide for the transportation of our mail on ships of American registry, except when the holding of mail for such ships would seriously

delay its expeditious move abroad.

"In addition to this preference in the matter of allocation of our foreign-mail traffic, we also pay to the American steamers carrying our mail abroad more than twice as much money per pound as we pay to foreign steamers rendering the same service. The extent to which we in the Post Office Department favor American shipping is best reflected in the figures for the past fiscal year, which show that we have paid to American-owned shipping companies \$4,034,719, while during the same period we only paid to foreign-owned shipping lines \$1,858,191."

Edwin Denby, Secretary of the Navy: "Domestic industrial needs, overseas trade expansion, and naval requirements, as well as a strong sentimental impulse, all tend to make necessary the creation of a merchant marine to carry the American flag and show the peoples of the earth the outward symbol of our strength and commercial greatness. I am one of those who has always stood for Government aid to shipping for the sake of the whole country, and I still earnestly believe in such aid."

James J. Davis, Secretary of Labor: "If the United States is to retain its exalted position among the nations of the world. it must continue to have its flag carried into the foreign ports of the seven seas. The activities of the National Merchant Marine Association should for this reason have the support of every American in its efforts to build up the American merchant

"Through the State Department we maintain a corps of ambassadors, ministers, and consuls in all parts of the civilized world. We are proud of this fine set of representative Americans and their achievements abroad. Yet the real contact between the American industrial and commercial interests-and we pride ourselves upon the excellence of these institutionsand those of foreign nations is most often made effective by those who carry our flag across the seas and wave it at the doors of maritime nations.

'America, too, boasts of its high state of civilization, its high standard of citizenship, and the excellence of the institutions which are a part of its ideal of comfort and happiness for in-The standard for the American seamen, their working conditions, their hours and wages should be representative of the ideals we maintain at home. Unless the life and work of American seamen can be made as attractive as the average vocation within our territorial limits, we can not expect to attract the worth-while representative youth of the country to follow the sea and carry our flag with honor into the far corners

"Every ship is an envoy and every member of its crew an ambassador carrying the message of American standards and efficiency to the commercial interests abroad. It is just as important that this corps of American agents be truly representative of America as that our diplomatic emissaries be of the highest type of American manhood and citizenship.

"I trust that Congress will soon devise some method of insuring that our merchant marine continue honorably to carry

the Stars and Stripes into every port of the globe."

Gen. John J. Pershing, United States Army: "Your invitation for me to participate in the convention of the National Merchant Marine Association is very much appreciated, and it is a mat-

ter of genuine regret that I can not accept.

"On several occasions recently I have strongly urged the necessity for developing an adequate American merchant marine in discussing the national defense. The latter is the issue to which my official position and my lifelong service dedicate my support and championship. For this reason I do not feel free to make a special issue of any other question, much as I deplore the tragedy of our present position on the high seas among the nations of the world."

Admiral William S. Sims, United States Navy: "In my capacity as a naval officer, my interest is naturally first a mill-

tary one, and the more so because, as a commander of our naval forces in Europe during the Great War, I, of course, realized very keenly that the question of cargo ships was of no less than vital importance; that the chief mission of the allied and associated navies was to afford those essential vessels the maximum possible protection; and that the success of the armies depended upon continuously maintaining adequate sea lanes of communi-

"Had the flow of supplies over these lanes been interrupted or the available tonnage reduced below that necessary to sustain the armies and the civil populations of the Allies, no conceivable military force could have saved our cause from defeat, since no navy or no army, however powerful, can operate against an enemy without adequate and continuous supplies amounting to many thousands of tons a day; and when the bulk of those supplies are of necessity sea borne, the imperative need

of merchant shipping in war is apparent.

"We all depended for these supplies largely upon the shipping of the Allies. Had we been alone in a war against a powerful enemy, we would have been fatally handicapped by our lack of shipping. It follows that if our present merchant marine is allowed to disappear through deterioration, the aggressive power of our fleet must disappear with it, for under these conditions it could no more carry out war operations than an army could advance against an enemy without railroads and motor lorries continuously supplying its necessities; it could not proceed beyond half its steaming radius from its land bases of supply; it would be nailed down to our coast. The interdependence of the navy and the merchant marine in war is com-

"As for the necessity for a merchant fleet for trade purposes, it would seem that from a purely economic point of view there could be no doubt of its advantages to our country. lions of freight on our increasing exports must be paid to shipping. Quite independently of the difference between foreign and domestic freight charges, it would seem apparent that at least a reasonable proportion of this great sum should be expended in the country in maintaining and developing our own ocean carriers and our shipbuilding and its allied industries.

"Every manufacturing city in the United States is in reality a seaport in the sense that its exports must flow to and across the sea, and all are directly interested in any measures that will enable them to send their cargoes to their foreign destina-

tions under the most favorable conditions."

Julius H. Barnes, president Chamber of Commerce of the United States: "The greatest trading Nation in the world today must depend on foreign carriers for its transportation to its Maintaining at home a wage scale and a overseas customers. standard of living higher than its world competitors, but protected by tariff imposts, it nevertheless expects that standard of wage and of living to compete on the open seas against lower standards, which produce lower operating costs. It is illogical, and the failure of this policy is being demonstrated month by

"A surplus-producing country ourselves, and particularly raising annually a surplus of grain, the agricultural community should, in its most intelligent self-interest, favor the establishment of an American fleet with every facility for lifting the export surplus from our market so that it will not unduly depress as well the home market, which, because of its own pro-tection on a higher standard of living, is well able to pay profitable farm prices.

There is, besides, the broad question of encouraging the creation and maintenance of privately owned American fleets available in time of emergency. It is inconceivably dangerous that in the event of war we must largely depend on foreign

carriers to transport our own troops and supplies.

Every proper encouragement should be extended to equalize the unfair competition against American carriers in the open ocean routes.

John E. Edgerton, president National Association of Manufacturers: "Transportation has built the world; it has built the United States. It does the pioneering; it makes great production possible; it produces and sustains prosperity.

"Just as our railroads have pioneered for industry throughout our great Nation, so our American merchant marine-our railroads across the sea-must pioneer for American industry

in the markets of the world.

"Our greatest prosperity will come when our complete production is consumed, and that will be when our surplus goods are being bought fully in the large consuming countries of the world. Our foreign trade is slowly recovering its pre-war level and soon must develop to even a higher level because of the impetus given it by the war.

"We should have an adequate merchant marine sufficient to meet the present needs and gradually expanding commensurate with out overseas trade. Under the restrictions of our present laws the American shipper is at a disadvantage in competition with the shippers of other nations. Our Government must give real aid to our shipping, just as other foremost nations have done, whether that aid be in the form of more liberal laws, bounties, bonuses, or a flat subsidy. The manufacturers believe that in the present emergency of a deteriorated merchant marine the Government should grant a subsidy, but that such subsidy should definitely provide for a proper return to the Government after a reasonable profit has been made by the shipping companies.

"Unless our Government takes a definite interest in its merchant marine, supports it, and backs it up with determination in every quarter of the globe, we shall always be subject to unequal competition in delayed cargoes, port complications, and discriminations that are bound to be imposed, intentionally or otherwise, when our producers are forced to ship in

vessels of another country."

Charles M. Schwab, chairman Bethlehem Steel Corporation: Unfortunately, I will be in Europe at this time, but if you have the opportunity I wish you would convey to the members of your association my best wishes for success in their efforts to place the merchant marine of this country on a

sound and profitable basis.

I am convinced that a strong merchant marine is essential to the business prosperity of the country. This country has attained a foremost position in business and industry throughout the world, and there is no reason why we should be compelled to have our merchant ships built in foreign shipyards and our manufacturing products and other goods shipped under foreign flags.

To abandon our merchant marine at the present time would be disastrous, to say the least. It would throw out of work thousands of trained men skilled in the art of shipbuilding, who would have to commence anew to learn other trades.

"Hundreds of shipyards, built up at a cost of millions of dollars, will have to be scrapped. But by far the greatest injury would come to our country in placing our foreign commerce in the hands of our foreign business rivals. For this is certain to happen if this country is compelled to ship its goods under foreign flags.

"Nor is there any doubt in my mind that the same American enterprise and aggressiveness, which have made this country the workshop of the world, will soon place our shipping and shipbuilding on a profitable basis, and a basis which will mean increased prosperity to the country, if our shipping interests receive the same cooperation from our Government that the merchant marine of other countries receive from their governments.'

APPENDIX 3.

I DEMOCRATIC PRESS ON THE SHIPPING BILL.]

If the Democratic press of the South properly reflects the sentiment of that section, and they are in intimate contact with their Democratic readers, a strong sentiment exists in the South for the bill, for leaders in southern press opinion have

been vigorous in their advocacy of the measure.

Taking first my own community, the three Democratic newspapers of New Orleans I know are earnestly for this measure; and these New Orleans papers are among the leaders of editorial thought in the South. The Times-Picayune does not hesitate to say that it hopes "the Democratic Senators will not fall into the obstructionist pit that the hostiles on the majority side have digged for their own feet"; further saying that the bill "should be permitted to go to final vote with a reasonable promptness. And unless some better plan is presented for development of an American merchant marine on a permanent footing, it seems to us that sound and constructive statesmanship counsels congressional consent to a test of the plan proposed by the administration." The Times-Picayune is very clear in its editorial opinion as to the marine bill being a national rather than a party question when it says, "the issue is not one of the kind that should be fought out upon party lines." The Times-Picayune says that discussion on the merits will be helpful but that "the attempt to force partisan line-ups and to 'play' politics with a question of greater national importance than many of us realize should be discouraged by thoughtful citizens." Among the editorials in the Times-Picayune they touch upon the obligation of the party, saying that "Unless the party has a sound and defensible alternative course to offer, their undertaking to destroy the plan presented by the administration will impress open-minded observers as bad statesmanship."

The New Orleans Item in a thoughtful editorial touches concretely upon the economic effect, and after reciting the experience of the southern section as a result of artificial discrimination the Item says that if the Government surrenders "control of the movement of this vast commerce, represented in the products of the Mississippi Valley, at the sea line, then we surrender our assurance that it will not be taken from us under stress of war or under stress of that competition in peace time." Item says, "We must keep the flag on the seas, that the farms be kept prosperous, the mines and factories busy, the boats moving on the waterways, the trains upon the railroads, and the trucks and wagons on the country roads"; closing the editorial by saying it is the duty of the southern people "to see that all Members of the House and Senate at Washington from the Southern States support the proposed shipping measure.

The New Orleans States, whose publisher has been widely identified as an aggressive member of the Democratic Party, says that "In a situation such as now confronts the Nation individual Democrats ought not to be held to rigid obedience to party tenets. A real emergency exists, and it ought to be met as best accords with national interests. As a hidebound Democratic paper the States does not hesitate to say that patriotism must rise above party policies." Realizing the importance of this issue as a nonparty measure and saying that it speaks as a party newspaper, the States says that the Democratic Party "owes a patriotic duty which the lessons of the war seem to impose on Americans," the States being for a subsidy "because only thereby can the American flag be kept on the seas and the Republic be provided with essential marine reserves for national

The States, after asking the question, "Do we want to go back to the old conditions under which foreign flags dominated our foreign commerce?" proceeds to make answer to that by saying it does not believe "any American does. Yet it is inevitable that this will be the consequence of our failure, at least temporarily, to pass the subsidy bill." The States, speaking as a strictly party journal, asks of the Democrats in Congress, "What is going to be their excuse if for the want of governmental support the American flag disappears from the seven seas? Is the party to take the responsibility of destroying about the only asset which came to us from the war? the subsidy is not passed, we shall ultimately see the marine we developed out of the war completely dissipated and the American flag disappear from the seven seas. It would be a matter for profound regret that the Democratic Party, under whose administration we once possessed the greatest merchant fleet in the history of the world, should take the reactionary position of opposing this subsidy on grounds which once but in this emergency do not presently exist."

No one can question the democracy of the newspapers in the Texas, such as the San Antonio Express, the El Paso Herald, the Galveston Tribune, and the Fort Worth Record, papers that are not only published on the seaboard but in the interior. The San Antonio Express, referring to the charge that the subsidy would cost a large sum of money, makes the ironical statement that this is "frightful! But before the war what was the annual cost of carrying 91 per cent of American exports and imports in foreign bottoms?" The Express does not hesitate to state unequivocally that "Congress should heed President Harding's advice and pass the ship subsidy bill promptly, as it is the only way to insure that 50 per cent of import and export trade shall be carried in American ships. Otherwise foreign craft will drive them from the seas."

The El Paso Herald sees in the situation a fear that the fleet may pass into foreign hands, and says that "this is a real danger. Our ships can not compete without a subsidy, even as many foreign lines are subsidized."

The Fort Worth Record, a paper of large circulation and influence, insists that the issue should be approached "from a national and economic angle," which it indicates is not the angle with which some of the Texas Representatives approach the question, for the Fort Worth Record says that Texas delegation in Congress is inclined to play politics rather than face the issue on its merits." The Record does not lay this blame altogether on the Democratic Members from Texas, but says that "many of the Republican majority are doing the same thing," proceeding further to say: "That is equally against the public interest. Facing the matter as one of business and common sense, Congress should either provide a better plan or play ball."

The Galveston Tribune, published in one of the great ports of the Gulf, points out one very elemental thing when it says that "one dominating fact appears to have been largely over-

looked in arguing against the subsidizing of an American merchant marine, and that is the proposition is not one for helping any particular individual or body of individuals but is for the good of the entire Nation. The people want a merchant marine, they demand it, and in offering a subsidy as a means to an end the suggestion is one way in which it can be brought into active service."

Another one of the Gulf States which is keenly interested in port development and a merchant marine is the great State of Alabama. Last November the voters of that State voted the immense sum of \$10,000,000 for the construction of ship terminals at Alabama's only seaport, Mobile. This vote of the people was so overwhelmingly in favor of this port development that the vote against it was negligible. This indicates the interest of the people of Alabama in the movement of Alabama commerce in American ships for the protection of the Alabama cotton farmer and manufacturer. They want an open gateway to the sea and they stand behind their desire by the huge sum of \$10,000,000 to develop port facilities at their only seaport. Published at the capital of Alabama is a newspaper, the Montgomery Advertiser, which is widely quoted. It is a stanch Democratic newspaper, but it does not hesitate to say that "It seems to be a simple solution of the problem facing the administration in disposing of the fleet of ships and in obtaining by private ownership and operation a mercantile fleet under the American flag which will be an adjunct to the Navy, if war should again confront the Nation, and also supply the vital necessity of extending American trade throughout the world in time of peace.

The Birmingham News, published in a city destined to be one of the great cities in the Central South and whose policy is vigorous for progress, says that "The question of subsidy no subsidy actually is reduced to this: Have Americans pride enough and business sense enough to want to deliver the goods sold to Europeans and Asiatics in our own boats?

The News shows discriminating judgment and utters a wholesome truth when it says that the bill " is a matter of business strategy, of investment to safeguard our future development in world markets. And to those who may object to the idea of a ship subsidy it is only necessary to refer to the building of the great transcontinental railroads, when princely grants of the public domain and bonds of cities, counties, and States were voted the projects in order to help get them functioning, to reap the tremendous interest the country has obtained later in the way of development and general wealth. The situation is much the same to-day as regards the merchant marine. If we do not lend a strengthening arm our young merchant navy can not float alone; if we abandon the seas to our rivals it will come back to us in cold smokestacks and furnaces and closed-down manufactories for lack of foreign outlet at a fair chance.

The Birmingham Age-Herald, the Mobile Register, and the Mobile News-Item-one published in the great industrial city of Alabama and two published in the only port of that State— are newspapers controlled and directed by Frederick I. Thompson, the commissioner on the United States Shipping Board from the Gulf division. Therefore it could be expected that these newspapers would stanchly support the pending marine bill, for Mr. Thompson's position, as a Democrat, in advacacy of this bill is as well known as is such advocacy of the measure by the other two Democrats on the board-former Senator George E. Chamberlain, of Oregon, who served with such distinction in this body, and Admiral W. S. Benson, of Georgia, who made a dis-tinguished and enviable record during the World War. It can be asserted that the belief of these Democrats in this bill is one born of conviction and study of this question, and not from any thought of their political position, for the intention of Mr. Chamberlain and Mr. Thompson to voluntarily retire as commissioners of the Shipping Board, regardless of the fate of this bill, is well known.

The Birmingham Age-Herald says that "It would be folly for this Nation to come into position where, with great and costly cargoes to export, it must be at the mercy of foreign steamship lines which may be controlled by competitors in the world's markets, for rates made by the foreign competitor could alone be made to ruin our commerce. Therefore the producing centers, above all others, have their welfare at stake. We have not yet forgotten how tragically we were made to realize during the war the fact that a merchant fleet is an indispensable adjunct of the Navy. The very safety of this Nation may depend upon what action Congress now takes on this pivotal question."

The Age-Herald cites particularly the actual situation with respect to the movement of cotton from Alabama and shows how beneficial an American merchant marine would be to the Alabama cotton planter through the fact that formerly the Alabama cotton planter on export movement from the cotton farms was at the mercy, as to steamship rates, of the British interests, which was as much the interests of the British spinner as the British steamship operator, saying that "It is conceivable that under a combination of the British spinner and the British steamship operator the farmers of Alabama could be penalized in the movement of their export cotton from the port of Mobile, which is now guarded against in the service rendered the Gulf by American flagships, and which protection should be continued, but which can only be continued through the subsidy bill unless the Government would embark on a policy of Government operation in perpetuity, a policy not consonate with the merchant marine act, 1920."

The Age-Herald in a subsequent editorial touching upon the local benefits that would accrue to the State of Alabama says that "It is imperative and to the national advantage that this question come to a vote and that the vote be favorable."

The Mobile Register, a newspaper that in its entire life for more than 100 years has stood unflinchingly for the Democratic Party, says that "Unless the measure is approved, there will continue for some time a direct levy for the maintenance of the fleet. Therefore, the subsidy offers a business way out of shipping." The Register further says, "To cry 'subsidy!' is no argument. The questions are: Do we want American goods to be carried in American ships? Do we need American ships to serve as transports and naval auxiliaries if we are again compelled to go to war? If the answer is yes, then the merchant marine bill must be passed and our merchant fleet given a helping hand. The fact remains that if we want the ships we must encourage private ownership. On the face of it, the proposition looks good business, and there may be cause to regret that the only piece of broadly national and nonpartisan legislation the Republicans have brought forward under this administration is being opposed by the Democratic minority and what appears to be filibuster tactics are being directed against this measure." The Register, speaking as a member of the Democratic Party organization, says that "The Democratic Party must meet the issue of an American merchant marine with the same true courage that is exhibited by the President, whose program is that the present measure be adopted unless its opponents submit a better measure. Certainly there should be no delay in reaching a decision. The alternative is, as the President well says, one of national humiliation.

The Mobile News Item, also a Democratic journal, says that "There is but one common-sense course open. The need of the hour and the duty of Congress is adoption of the merchant marine bill, so that the way can be paved for a privately owned American merchant marine that will compare favorably and compete equally with the ships of any other nation."

In Georgia, another State with several important ports, is published a newspaper whose journalistic achievements is known to every Senator in this Nation, and that newspaper is the Atlanta Constitution, whose editor, Mr. Clark Howell, is a Democratic national committeeman from the State of Georgia and everywhere recognized as one of the influential members of his party. The Constitution says that the measure "is a reconstruction problem, and should be appraised carefully and broad-mindedly as such. And whatever may be the views of any individual member of the Senate, to be expressed by his vote, under the circumstances certainly there can be no justification for deliberately blocking a fair vote simply to play politics." The Constitution further says "The pending bill is intended to cure an economic problem, and it should not become a political football."

The Atlanta Georgian points out that "Democratic newspapers, Democratic organizations, and individuals have urged it"; and the Georgian in vigorous language asks "Who is it behind the lot of propaganda against the bill?" and seems to give the answer when it says that "You will find the source to be the Anglo-New York papers, which are the voice of the house of Morgan." "Why does Morgan want the American ship subsidy bill defeated?" asks the Georgian. "Because Morgan has bet on the British merchant marine. His 'American' International Mercantile Marine Co. has 12 per cent of its tonnage under the American flag, 88 per cent under the British flag. Morgan doesn't want American steamers to take away the millions of freight money which his British ships are earning in carrying our exports. Morgan is the shipping agent—as he is the fiscal agent—of the British Government to America."

in America."

Farther up the south Atlantic seaboard is North Carolina, and one of the leading papers in that State is the Charlotte Observer. The Observer says that "under the plan proposed we are to have an American marine in the best sense of the

word," closing with the expression that "it is going to be a great day for the country when our merchant marine is restored to its ancient prestige."

At Richmond. the historic capital of the Confederacy, the Times-Dispatch, a leader in thought and southern journalism, says that "The continued existence of a disposition on the part of Democrats in Congress to oppose the plan of Government aid, principally on the ground of traditional prejudice against any form of subsidy, has operated for more than 50 years to deprive America of a merchant marine. It seems that the wiser policy for the Democrats to pursue would be to give support to the President's plan," the Times-Dispatch closing its editorial with the statement that "The Democratic minority faces a great opportunity to render effective service for the common good."

The Times-Dispatch in another editorial says that "If the mercantile fleet is to be kept alive it must be subsidized for a few years at all events; there seems to be no escape from this." The foregoing expression was from a newspaper published in the interior.

Senators know the high position of Norfolk and Newport News in the ports of the United States. The Norfolk Ledger-Dispatch says that "The country is confronted with a necessity which can not be met in any other way than by a subsidy, The Nation's commerce and the national defense both demand it"; the Dispatch going further and saying that "It is easy to understand the opposition to the principle of subsidies; it is not difficult to understand the opposition to this proposed subsidy, though the Ledger-Dispatch believes the arguments supporting it are convincing, even in the face of the arguments opposing it." "But it is beyond our understanding," says the Dispatch, "at least, how a majority of Democrats can bring itself to say to a minority of Democrats no matter how small a minority: 'You shall not vote for this bill, no matter what you believe will be the consequences to the country of its rejection, because we have decided it is not good party politics for Demo-crats to vote for it." "Unless we do grant a subsidy in some form," says the Ledger-Dispatch, "we must prepare for the time when the seas will be swept clean of our merchantmen, when our commerce will be hampered, and when our Navy will be crippled. We need an American merchant marine to meet the demands of our commerce and to fulfill the requirements of national defense." Speaking directly against the rumor that there would be an effort to delay a vote on the bill, the Ledger-Dispatch says that while discussion is good "there comes a time when discussion is not for the purpose of information but for obstruction."

The Newport News Press says that newspaper is "opposed to any Government aid to private enterprise," but that it had "given the question of the merchant marine careful study and it has become a conviction that it is as truly a necessity of this Republic as a navy. So believing, we are for the most practicable way, whatever that may be, to secure for the United States a merchant marine adequate to all our demands and capable of competing with the ships of the world on the high seas." The News Press further says that "Objections are raised to the only bill in Congress to ald American shipping, but no other means of relief is even proposed. The opponents of the bill offer nothing to save the merchant marine from wreck."

In the building of the great industrial South one of the chief exponents of that section's progress has been the Manufacturers Record, of Baltimore. That publication has been a conservative force fighting for the industrial and commercial development of my section. It perhaps would be proper to close this summary of what leading newspapers of this Democratic section think of the pending bill with an editorial from the Manufacturers Record. I have attempted here to reflect southern sentiment as indicated by their chief journalistic spokesmen. But I have been unable to gather all expressions that have been in favor of this bill.

Under the heading "Why the South should favor subsidy for an American merchant marine," the Manufacturers Record

says:

"Of all sections of this country the South preeminently should be active and aggressive in favor of the development of an American merchant marine, and this can only be brought about by an adequate subvention or subsidy to American ships. The South has three-fifths of the coast line of the United States; it has vast potentialities for the development of foreign commerce. For the fiscal year 1921 the total exports through southern ports amounted to \$2,294,000,000, which largely exceeded the total value of exports from the United States for any year prior to 1913 and were nearly double the total value of foreign exports for the entire country as

late as 1900. For the same year the value of imports at southern ports amounted to \$391,489,000, giving a total commerce in and out of over \$2,800,000,000. The exports from five leading southern customs districts for that year amounted to \$1,867,000,000, as compared with a total of \$356,000,000 from the entire Pacific coast. The exports, for instance, from Galveston for that year were \$550,000,000 or nearly 000,000 more than the total exports for the entire Pacific The exports from New Orleans that year were \$614,-000,000, or nearly four times the total exports from San Francisco, or \$240,000,000 more than the combined exports from San Francisco, Los Angeles, and San Diego. These figures, startling as they are, as indicative of the enormous expansion at southern ports, are merely suggestive of the possibilities of foreign commerce through these ports. They do not, of course, include the enormous coastwise commerce to and from all the southern ports. They merely serve to show what the South is beginning to do in the way of exporting its own products through its own ports and how the West is also seeking an outlet through the South. Every dollar of foreign trade through southern ports is an argument in favor of the development of our own merchant marine.

'It seems scarcely conceivable that the people of this country, with its resources so boundless as to stagger the mind, with a growth already great enough to give us one-half of the world's railroad mileage, one-half of the world's coal and iron and steel output, with other things in proportion, should for one moment be satisfied to permit our flag to be driven from the

"' Commerce follows the flag,' is an old saying as true to-day as when uttered. Unless our flag floats in all the ports of the world the respect for it will be lessened on the part of other nations, and our power to command the trade of other countries will be greatly decreased. The ships of every other nation give first attention to the trade of their own people regardless of all denials which may be made by foreign shipowners. As a German steamship line some years ago in fighting the efforts of this country to develop a merchant marine was found by congressional investigation to be carrying on its pay roll a Washington agent of one of the leading press associations in order to mislead the public as to the need of an American merchant marine, so influences of many kinds are at work to-day to mislead the people of the country and to fill many newspapers with propaganda, the origin of which some of them do not themselves understand, against the necessity of a subvention for the up-building of a merchant marine. Without a merchant marine this Nation would lose many of its commercial potentialities and would be, in time of peace and in time of war, at the mercy of other countries, and its flag would be despised by the peoples of many nations because it did not have the courage to see that the Stars and Stripes floated in every port and on every sea.

"The South, of all sections, should unite in favor of legis-lation for the maintenance of American shipping against the foreign shipping interests, which are vigorous and aggressive in

trying to prevent the passage of such a measure.'

APPENDIX 4.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, Washington, D. C., February 13, 1923.

Hon. Joseph E. Ransdell, United States Senate, Washington, D. C.

Dear Senator: An article was, according to the Record, read in the Senate yesterday which, in attacking the Chamber of Commerce of the United States, lugged in the organization of which you are president, the National Merchant Marine Association, by the ears. Of course, you and your organization had nothing to do with chartering a ship, American or British, to carry delegates of the Chamber of Commerce of the United States on a trip to the principal ports of the Mediterranean and then landing them in Naples in time for the general meeting of the International Chamber of Commerce—I doubt if you ever heard of it-but in placing the position of the National Merchant Marine Association in its proper light before the Senate, I would ask you, in fairness to this organization, which has no representative in the Senate, to have this letter read in answer to what was presented yesterday.

The article accuses the Shipping Board of stating "rank nonand the Chamber of Commerce of the United States

with "inconsistency."

Out of the mussy thought of this statement one is able to work out a presumption that it was intended to criticize the national chamber for supporting (as it has been supporting) whole-heartedly the ship subsidy bill while at the same time members of this chamber sail on a mission on a British ship.

Here is the alleged "inconsistency," in spite of the fact that the author states that he was informed by an official of the Shipping Board that they did not have a ship available. declared to be "rank nonsense," because "Great Britain always has a ship available where there is any business," and attention is called to the fact that "the Shipping Board has hundreds of ships tied up and idle."

The statement of a few facts is all that is necessary

First, the Shipping Board has no passenger ships tied up, except several that could only be put in condition at an excessive expenditure that the board has not felt justified in incur-

ring, and passengers are not carried on freight ships.
Second. The Shipping Board has but few passenger ships, anyway, in comparison with foreign fleets. The "hundreds of referred to in the article, constst of 97 per cent of cargo ships. To be exact, the Shipping Board has 40 passenger ships, both in and out of commission, and 1,324 cargo ships.

Third. Not a Shipping Board passenger ship has gone to the Mediterranean this season, nor since the early part of 1922, and the Shipping Board is not in the touring or cruising business.

Fourth. The Chamber of Commerce of the United States made inquiry of the Shipping Board to ascertain if an American vessel was available for this trip prior to deciding on another vessel, and none was forthcoming.

Fifth, The instruction that a British ship was selected because British ships are "wet" and American ships are "dry" is absolutely false, for prior to October, 1922, American ships were as "wet" as British ships, and the contract for the Caronia was closed in June, 1922.

These five facts leave the article with nothing upon which to base its unworthy insinuations.

Very sincerely yours,

ELLIOTT H. GOODWIN. Resident Vice President.

APPENDIX 5.

[The address submitted by Mr. Jones of New Mexico to follow the speech of Mr. RANSDELL is as follows:]

THE FARMER AND THE TARIFF.

STABLE FOREIGN MARKETS NECESSARY FOR AMERICAN FARM PROSPERITY. (Address of Hon. Cordell Hull at Topeka, Kans., February 22, 1923.)

It is a most pleasing privilege to visit the historic State of Kansas on this interesting occasion. I am deeply thankful for the high honor and courtesy implied by your kind invitation to be present to-day and to participate in the patriotic observance of Washington's Birthday. For more than a century and a quarter, lovers of liberty here and everywhere have delighted to pay highest tribute on every suitable occasion to the life and services of Washington, who was the outstanding advocate and defender of liberty, justice, and equality. During the month of February in every year the names of two patriots and champions of human rights—Washington and Lincoln—are on every American tongue. Their services to their country and to humanity have rendered their names immortal. gathered his political philosophy almost entirely from the Declaration of Independence written by Thomas Jefferson. The people of this generation could pursue no wiser course than to apply the fundamentals for which Washington and Lincoln stood to our present-day conditions. I doubt not that if these two world-renowned patriots were alive to-day they would be among the principal critics of the course of our governmental affairs at Washington during the past two years, and among the principal champions of the great fundamentals of the polifor which the recent Democratic administration stood. There is no more appropriate time than this occasion offers for us to take stock of the present and to plan for the future.

The Harding administration has now consumed one-half of its allotted time, and with these first two years have gone threefourths of its entire opportunities for accomplishment. Past experience teaches that the first two years practically tell the full story of whether a national administration is a success or a failure. Failure during the first half of its existence spells even greater failure during the remainder. If the Harding administration is a success, the administration of John Tyler was a howling success. If the wholesale failure either to perform preelection promises, or to meet the reasonable expectations of the people, or to make the Government function with any sort of efficiency, or to maintain prosperity, constitute success, the Harding administration will stand out in history without a

If it was the better part of wisdom that the affairs of this Nation should drift during the past two years for the complete lack of vision, initiative, leadership, and constructive service at Washington, the Harding administration is entitled to all praise for its exercise of almost supreme wisdom.

the consistent championship of Newberryism, Daughertyism, Nat Goldsteinism, if the character-assassinating midnight raid on the innocent officials of the Bureau of Engraving and Printing, and the private exploitation of the Tea Pot Dome exhibit a suitable standard of public morals and decency, the Harding administration has earned the lasting admiration and thanks of the country for its superb moral examples. If the espousal of a wholly unsound position on every great economic question, both domestic and international, constitutes statesthe Harding administration has risen to greater heights of statesmanship than any of its predecessors.

The demoralized condition of the present Republican administration during the past two years owes its origin to the false, insincere, and partisan attitude assumed toward all vital questions by the Republican national leadership in control during 1919 and 1920. During that period Republican leaders made no effort to formulate any definite, affirmative policies, either foreign or domestic. Their sole policy was one of negation, criticism, denunciation, and misrepresentation of the Democratic national administration, which had put forth a practical, timely, and comprehensive program of reconstruction and readjustment embracing all essential phases of both domestic and foreign affairs. The logical outcome of this blind and bitter attitude of partisanship, selfishness, and greed for power was a radical departure from the true party course suggested by statesmanship and patriotism, resulting in irreconcilable elements in the Republican Party, which have made it impotent as an agency of government during the past two

In order temporarily to discredit and break down the Democratic administration, the Republican Congress felt constrained by every sort of opposition and impediment to deadlock the Government during 1919 and 1920, thereby defeating or indefinitely delaying most of the great Democratic program of postwar readjustment and rehabilitation, nationally and internationally. During this tragic period Republican national leaders boasted that only they had the "best minds" and the supermen who could conduct the Government with capacity, efficiency, dispatch, and credit.

At this stage and since there were only two policies that the United States could pursue in relation to domestic and world affairs-" isolation " or "international cooperation." and are separate, distinct, and irreconcilable. The Democratic administration, rejecting isolation as shortsighted, disastrous, and even absurd, boldly and resolutely proclaimed the principle of international cooperation to the extent of America's responsibilities and enlightened self-interest.

Republican leaders during 1919 and 1920 pursued the one plan of defeating even the fundamentals of the Democratic proposals and of confusing and beclouding the whole situation, thereby hopelessly mystifying the American voters. They talked in many directions. They offered cryptic solutions, leading everywhere and nowhere. These Republican leaders, after November election of 1920, awakened to the fact that they had jockeyed their party into a definite position of opposition to the entire principle of international cooperation and of support of the absurd policy of isolation. This calamitous consequence meant that the Harding administration would have nothing to do with world problems of reconstruction and readjustment to the extent of any sane or practical international cooperation-economic, social, moral, or political. This, in brief, is the underlying cause of the humiliating failure to meet every big opportunity which the Harding administration presents today. President Harding glibly announced in 1920 that "government is a very simple thing after all," and his political assoclates joyously indulged in every shade of jazz politics during this period. The inevitable result has been that during the past two years the Harding administration has been wholly unable to extricate itself from the policy of drifting, facing both ways—or rather every way—muddling, lack of purpose, and in-

The Republican Party in control of the Government has degenerated into various discordant groups and irreconcilable elements, with every sort of divergent views and cross purposes, with the natural result that innumerable blocs, such as the "farm bloc," the "labor bloc," the "soldier bloc," and the "business bloc" have been forced into existence in bitter protest against the incapacity and inability of the Harding administration to function. This is in striking contrast with the situation presented by the Democratic Party and its administration during its first two years beginning with 1913. national, unified, cohesive party in charge of the Government in the prices of certain farm products during past months, but proceeded speedily and without the asking to enact a long list the prices of commodities the farmer must buy have also gone of wonderfully constructive legislation in the interest of the up in almost the same proportion, with the result that the

farmer, the laborer, the business man, and the American people

That band of Republican political conspirators who undermined and broke down the only program that has yet been offered for the satisfactory dealing with our domestic and international affairs has much to answer for. They held the Nation and the world by the throat in 1919-20. This was the most disgraceful period of partisanship in our history. direct result of their assault on the program and policies of the recent Democratic administration, of their failure to offer any substitute policies, and of their championship of the abominable doctrine of aloofness, has involved greater losses upon the people of America than America's total cost of the World War. They decreed, in effect, that America should turn away from Europe, although Europe is our biggest debtor and our best customer; that America should embrace the doctrine of isolation-economic, moral, social, and political-although we send our commodities to every country in the world, and receive commodities from every country in the world; that America is not a part of the world, although every banker, business man, and economist agree that domestic prosperity and international prosperity go hand in hand. Even many Republican national leaders, who for four years have talked, gestured, and done nothing, now admit that our domestic welfare is bound up with that of Europe and the world. Secretary Hughes, in a speech on December 29, said:
"The economic conditions in Europe give us the greatest con-

cern. It is idle to say that we are not interested in these problems, for we are deeply interested from an economic standpoint, as our credits and markets are involved. We can not dispose of these problems by calling them European, for they are world problems and we can not escape the injurious consequences of a failure to settle them."

Secretary Hoover, in a speech made July 13, 1921, said: "We are mightily concerned in the recuperation of the entire world. The hard times that knock at every cottage door to-day come from Europe. No tariff, no embargoes, no navies, no armies, can ever defend us from these invasions. The recovery of our foreign trade can march only in company with the wel-fare and prosperity of our customers."

It has, notwithstanding, been a matter of supreme indifference to arrogant Republican national leaders that the farmers and other producers of substantial surpluses in this country are wholly dependent upon sound reciprocal foreign markets for their chief prosperity at home, and that the American farmers to-day are the principal victims of European chaos. At no time during the past two years has the Harding administration recognized the economic fact that the American farmers are more vitally interested in the economic stability of Europe than all other classes combined.

What is the condition of the American farmer, his place in the general economic situation, and what are the remedies for the staggering losses he has recently suffered through the dis-ruption of his foreign-trade markets? The farmer should at all times have suitable and adequate long and short term credits and cheaper transportation. Cooperation in transportation, distribution, and marketing, is a most important factor in making farming a success. The one big thing which the farmer needs, however, and has needed during the past two years and more is suitable foreign-market conditions. The vast surpluses of the American farmers have been going to waste during much of the past two years, while the 300,000,000 people in Europe were either hungry or actually starving for want of our surplus foodstuffs.

Had America extended even moral and economic cooperation to our European customers so as to stabilize the credit, exchange, and general economic conditions, our farmers would have had a steady flow of all their surplus products to markets abroad at top prices, with the result that the need for credits at home would not have become at all acute. Credits alone will not bring prosperity to the farmer. The restoration of his foreign-market facilities is the key to American farm pros-This outstanding fact should by this time be burned deeply in the memory of every American farmer in the light of his sad experience during the past two years.

Lower costs for the necessities of life is a second great need of the American farmer. If under such artificial stimulants as the Fordney-McCumber high tariff the prices of what the farmer must buy are increased to a much higher level than the prices of farm products, as is the situation to-day, the farmer's condition becomes desperate. There have been some increases

farmer has experienced but slight relief from the awful conditions created by the slump in farm prices in 1921. The prices of commodities, for example, advanced 14 per cent during the months prior to October, 1922. These surprising advances were chiefly due to the unspeakable Fordney-McCumber high tariff

law, which took effect September 22, 1922

The American farmers comprise about 26 per cent of our total population, own almost one-third of the wealth of the country, and more than 30 per cent of our population derive their living from the soil. The gross value of agricultural production for was \$23,783,000,000; for 1920, \$18,263,000,000; for 1921, \$12,366,000,000; for 1922, less than \$15,000,000,000. ican farmers exported \$4,107,000,000 worth of agricultural products during 1919, \$3,466,000,000 during 1920, \$2,119,000.000 during 1921, and a much less amount during 1922. It is thus seen that from 12 to 20 per cent of our agricultural products must find suitable foreign markets.

The big fact in this connection is that the foreign prices for this surplus constitute the chief factor in fixing the domestic prices of the farmer's products. This economic law applies to every industry in America which produces a substantial surplus above domestic consumption. The price of wheat in Chicago and Minneapolis, for example, has for generations been gov-erned by the world price in Liverpool. The domestic price of cotton is controlled by the world price in London. The price of American wool for 50 years has, with few exceptions, hovered closely around the world prices in the London markets, not-

withstanding an absurdly high tariff rate at home.

The farmers of America, for further illustration, received good prices for wheat, corn. meats, and other farm products at home during 1919 and 1920 because similar high prices were being received in Europe for all their surplus. When the European market went to pieces late in 1920 and in 1921 through failure of America to cooperate in maintaining stable exchange, credit, and trade conditions, a great price slump immediately occurred in farm products at home. Here was demonstrated the direct connection between stable foreign markets

and American farm prosperity.

Republican politicians sometimes attempt to minimize the value and importance of our agricultural exports by pointing to the much larger quantity the farmers sell at home. For example, they omit the vital fact that 20 per cent to 25 per cent of our wheat must be exported, 8 per cent to 15 per cent of our meat products, 60 per cent of our cotton. It is clear that with no stable foreign markets for these classes of surplus these three great industries would collapse in America on account of congestion, stagnation, and slump in domestic prices. The destruction of these three industries would work havoc not only to other branches of agriculture but to the entire industrial situation in America. Another grossly misleading suggestion which Secretary Hoover publishes from time to time is that the quantity of agricultural exports during the past two years has in some instances been greater than that of 1919 and 1920, and that therefore the farmer should be immensely pleased. fact that the farmer has been receiving panic prices for this larger quantity of exports during 1921 and 1922 is carefully overlooked, although the farmer is interested in the prices received rather than the quantities sold.

Our farmers could ship their entire annual production to Europe and other countries and dispose of it by gift, or at a nominal price, and, according to the philosophy of Secretary Hoover, they should be immensely gratified with the large vol-ume of their foreign trade. According to Hoover, the American farmer was better off engaged in the work of raising and exporting wheat at \$1.30 a bushel in 1921 and 1922 than raising and exporting wheat at \$2.60 to \$2.80 a bushel in 1919 and 1920; or that it was better that he should receive two-thirds as much for 20,000,000 tons in 1921 as he received for 16,000,000

tons sold abroad in 1920.

All these facts confirm the economic truth recently proclaimed by an able Republican, "that American business can not be permanently prosperous, American labor can not be permanently employed at good wages, and the American farmer can not hope to get adequate prices for his products until there is economic stability and recuperation in Europe. The great problem in Europe since the war was to secure our surplus foodstuffs and raw materials in order promptly to go to work to the end that she might produce and thereby maintain her credit situation, strengthen her Government finances, balance her budgets, and in other essential ways progress toward normal conditions. Failing to secure these necessities at the critical stages on account of the Republican doctrine, practice, and preachment of isolation and aloofness, Europe slipped back in the opposite direction and gradually lost her chief purchasing power. Republican leaders, to the extent that they are now

suggesting any international proposals for the restoration of sound and permanent conditions of prosperity in America, suggest in principle the same methods and remedies proposed by the Democratic administration in 1919 and 1920 before our farmers, laborers, and business men had suffered the awful panic losses of 1921 and 1922 and before Europe had approached economic ruin. Hon. Nicholas Murray Butler, extreme Republican partisan that he is, was recently forced to admit, almost in so many words, that if the fundamentals of the foreign policies of the Democratic administration had been carried out. it is highly probable that the conditions of peace, economic and other affairs, would have been much improved by this time.

The American farmers, who were the first and chief victims of Republican isolation and Harding normalcy, fell for the claptrap and vagaries preached to them by Republican leaders during 1919 and 1920. The manner in which politicians, scheming alone for power, thus duped this (reat body of patriotic, wellmeaning American farmers can not be characterized as an ordi-

nary crime.

The value of all farm property increased from \$40,991,000,000 in 1910 to \$77,924,000,000 in 1920. Prior to 1913, when the Democratic administration began, the farmers of America had an annual savings of nearly \$1,200,000,000. These annual savings were increased until they became \$5,000,000,000 in 1917 and \$7,000,000,000 in 1918. From 1913 to 1920, inclusive, the annual savings of the farmers must have averaged more than \$3,500,000,000 each year, or an aggregate of \$27,000,000,000 as compared with an aggregate pre-war level for the same period of \$8,800,000,000. The Republican industrial panic not only swept away most of these increased savings but operated to reduce the values of farm property some 25 per cent. In the face of this unheard-of economic disaster to the farmer then taking place, President Harding's administration assumed control of the Government in March, 1921, without a single suggestion on its program, except a tariff, for the relief of the farmers against imminent industrial ruin. No steps were taken until the Demo-crats in Congress, aided by a few western Republicans, fur-nished the votes which forced the passage of legislation during the latter part of the year for the revival of the Federal Finance Corporation, with the result that it did not resume operations until October, 1921, after the farmers' economic situation had been virtually destroyed. At this stage of incalculable losses the farmers were suffering, President Harding, Secretary Weeks, and other Republican leaders in control, took pains to denounce so-called farm blocs at every opportunity. The farmer must suffer in silence under stand-pat Republican rule. It mattered not that in December, 1921, corn sold 28 per cent below the pre-war level; hogs, 22 per cent; beef cattle, 11 per cent; while household goods sold at 118 per cent above the pre-war level; building materials, 103 per cent, and clothes, 85 per cent above. And there has since been no substantial improvement in this relative disparity of price levels, because, as I have already indicated, the prices of what the farmer must buy have increased almost in proportion to such increases of certain farm products as have occurred during past months.

The fact is most significant that the Harding administration has been content to invoke three important Democratic agencies for farm relief, namely, the Federal reserve system, the farm-loan system, and the War Finance Corporation, and the two latter after the chief losses had been suffered. They have offered nothing new except some kind of additional credit legislation which they threaten to enact during this month. latter proposal excludes any plan or purpose to restore foreign market conditions or to secure cheaper freight rates for the farmers. With the exception of a tariff nostrum, this is the sum total of the shameless record toward the farmer made by the national Republican leadership, whose party has been in overwhelming control of Congress for four years, and of all

branches of the Government for two years.

Republican leaders not only fooled and almost destroyed the

American farmer in the manner already pointed out, but they unsuccessfully endeavored to fool him with an absurd tariff remedy during 1921 and 1922, as they had successfully done for 40 years prior thereto. While millions of farmers were drifting into bankruptcy or toward industrial ruin in the spring of 1921. the Republican Congress and administration prescribed a dose of high tariff protection as a sure and immediate cure. This they could not avoid doing for the reason that they had preached this quack remedy to the farmer for two generations. A so-called farmers' emergency protective tariff law was enacted in May, 1921, carrying virtually prohibitive rates on the chief farm products. The high rates of 35 cents a bushel on wheat, farm products. 15 cents a bushel on corn, 25 cents a bushel on potatoes, 25 per cent on meat products, and 30 per cent on cattle, were imposed upon the Republican theory and assurance that they would increase prices in corresponding amounts and immediately restore

permanent farm prosperity.

Under the operation of these new tariff rates no sophistry or claptrap was ever more completely exploded than the old Republican fraud that the tariff would bring the farmer prosperity. The value of farm products fell off 334 per cent in 1921 despite this so-called emergency tariff. Wheat was selling at \$1.53 a bushel when this tariff law was enacted in May, 1921, but it went down each month following until it reached virtually \$1 in December. For many months after the passage of this law wheat was higher in Canada than in Minnesota.

The American farmer discovered that tariffs had no remote effect on prices of wheat, corn, cattle, hogs, and so forth; that our large surplus of each is marketed abroad, if at all; and that the prices received there fix prices at home. Farmers discovered that our 200,000,000 bushels of wheat exports for 1922. for instance, met Canada's 340,000,000 bushels of wheat exports in the world market at Liverpool, where ours competed with that of Canada, and where the prices received operated as a chief factor in fixing domestic prices both in the United States and in Canada. The Federal Trade Commission made an exhaustive investigation of wheat prices for 1920 and in its report said:

"To say that the price of American wheat is normally fixed by the export demand is substantially true, in general, and has been especially true this season."

Corn was selling at 58 cents a bushel in May, 1921, but constantly declined until it reached 30 to 46 cents six months later. Instead of the prices of agricultural products rising by the full amount of the tariff, or any amount, they fell almost double the amount. Potatoes till this day are worth almost nothing. The same low level of prices on all farm products thus highly protected " continued for an indefinite time. This "farmers' tariff was enacted upon the ridiculous theory of excluding imports of farm products, although the world had and has none to

send here but was and is crying for every ounce of our surplus.

The complaint among the farmers at the utter failure of the Republican tariffs soon became so loud that President Harding. in his message to Congress on December 7, 1921, was obliged to confess that the Republican tariff humbug, so long practiced successfully upon the farmers, had been completely exposed. In this message he said, "Something more than tariff protection is required by American agriculture." In vain the Democrats proclaimed, during this period of unparalleled distress to the farmers, that tariffs were not the remedy but that the restoration and maintenance of sound foreign-market conditions, lower freight rates, and adequate credits were the measures of relief which the farmers' condition imperatively demanded. Harding administration ignored these pleas until after the great losses befell the farmers, and even since they only suggest belated credits as a remedy.

The American farmer can render himself a more lasting service and do more to promote his permanent prosperity than any other agency can effect, if he will but ignore the false Republican propaganda and make an impartial investigation of the effect of protective tariffs on American agriculture. Recent tests of such tariffs should completely satisfy the farmer, but the sooner the farmer decides that he has been the victim of Republican protective tariffs for two generations, and in no sense the beneficiary, the sooner will he return to stable conditions of prosperity. A protective tariff, speaking generally, is immoral and dishonest, because its sole purpose is to increase prices artificially, in certain instances, thereby enabling one citizen to levy unjust tribute from another. There is some dishonest plausibility for the practice of this unjust and unequal policy by a provincial country, but a high protective tariff system in America at this time flies in the face of every sound economic law. It will be the chief domestic issue in 1924.

It is economic suicide for any important commercial country, producing vast surpluses which must be exported and sold in the markets of the world, to maintain a system of high protec-tive tariff taxation. The operation of such system creates an artificially high level of costs of production, with the result that surpluses thus produced can not be shipped and sold in world markets in competition with similar products manufactured in countries not afflicted with such tariffs and such artificially high production costs.

The tariff record of the Republican Party, under the control

of its reactionary leadership, reeks with bad faith, duplicity, corruption, and misrepresentation. Their position has been based on wholly unsound economic law, and upon the practice of selfish extortion by legal sanction. The high tariff system was originally invoked upon the plea of protection of infant industries. At a later stage, when the full-grown industries rendered this excuse absurd, the theory was modified so as to

pretend to seek the protection of American labor. In 1908, after American labor and the public generally had unanimously decided that the manufacturer was retaining for himself all or most all the tariff benefits, Republican reactionary leaders adopted a new formula which declared for a tariff measured by the difference between the cost of production at home and abroad, plus a reasonable profit to the manufacturers. This bald demand for excessive tariff profits became ridiculous during the four years that followed and brought forth from Colonel Roosevelt bitter denunciation and a demand that labor's share of tariff benefits should thereafter be inserted in the pay en-

The present-day Republican reactionary leadership does not offer any definite tariff rule or formula, except some vague reference to the difference in the cost of production at home and abroad. Business, industrial, and general economic conditions during and since the war have rendered it utterly impossible to ascertain either domestic or foreign production costs. The result under the Harding administration has been that high-tariff rates have been written without rhyme or reason, and have only been limited by the greed of the manufacturers who contributed to the Republican campaign fund in 1920.

The American farmer has suffered unmeasured injury from typical Republican high-tariff systems of the past for the reason that it was and is impossible for him to derive any tariff benefits from the production and sale of such staple products as wheat, corn, oats, hay, cattle, and hogs. Republican politicians, however, have pursued the policy of giving the farmer high rates on these products, and in turn demanding that the farmer stand for rates far higher on most all finished manufactured products, which rates, in most instances, have the effect of greatly raising the prices which the farmer, in common with all other consumers, must pay. The farmer, for example, has already learned from recent experience that high tariffs have had no effect on the staple products just named. cite an instance where it does have a serious effect on prices to the injury of the farmers and all other American consumers. The Fordney-McCumber tariff law increased the tariff on sugar 76 per cent over the Underwood law. Under the operation of existing sugar rates the American people each year pay \$98,500,000 into the Federal Treasury, and at the same time pay \$98,500,000 into the pockets of the beet and cane sugar The price of sugar was promptly raised to a manufacturers. figure corresponding precisely with the increase of the tariff.

A small group of large woolgrowers in the Rocky Mountain States were given a tariff of 31 cents a pound on scoured wool, which carries with it a potential tariff advantage of \$34,-200,000, and assures to the Treasury \$33,000,000 of tariff taxes. These, however, are the least items in the transaction. producers and manufacturers of woolen cloth and like products caused high compensatory tariff rates to be inserted in the woolen schedule for their benefit, under the operation of which the American public is compelled to pay them \$130,000,000 in tariff profits over and above a reasonable profit. In other words, the American people are taxed at least \$200,000,000 under the operation of the woolen schedule of the Fordney-McCumber law, only \$33,000,000 of which reaches the Treasury.

Similar high tariff rates and resulting tariff extortion applying to hats, clothing, cutlery, iron and steel products, women's wear, gloves, corsets, and most all other necessities of life, have been heaped upon the backs of the American people under the present outrageous system of Republican high-tariff taxation. The very minimum of cost of the Fordney-McCumber tariff to the American people in the way of excessive prices is \$3,500,000,000. Almost every month the Aluminum Trust, the Woolen Trust, the drug and chemical concerns, and most all other industries that were favored by this tariff outrage are marking up prices, and will continue to do so for some time to come.

The conservative American Farm Bureau Federation is reported in the press to have carefully figured out the net gain to farmers from all agricultural duties, which they place at \$25,900,000. The farmers and those who derive their living from the soil, on the other hand, according to most conservative calculations, will pay to the manufacturer of all the articles they must buy to wear or use near \$900,000,000 in excessive tariff prices. These tariff benefits accruing to the manufactariff prices. These tariff benefits accruing to the manufac-turer in excess of a reasonable profit include such rates as 60 per cent on undecorated china, 60 per cent on window curtains, 90 per cent on laces, from 75 to 400 per cent on pocketknives and other cutlery, 75 per cent on cotton gloves, 70 per cent on toys for the children, from 30 to 50 per cent on hosiery, 40 per cent on umbrellas, and 45 per cent on cotton underwear.

It is thus seen that in order to get \$450,000,000 of tariff taxes into the Treasury each year the American consumers must pay not less than \$3,500,000,000 in excessive prices to the domestic manufacturer. The present tariff system on dutiable merchandise averages near 40 per cent. The annual output of our manufacturers should now approach \$45,000,000,000. If they should only increase prices on an average of 6 per cent under the tariff, they would reap a bounty of \$2,700,000,000, to say nothing of the effects of corresponding increase of prices by retailers. The farmers must now realize that since virtually no corn, wheat, cattle, hogs, or meats are brought to this country under any conditions a tariff of 1,000 per cent on each would not increase his prices.

No nation is better equipped in natural resources, production, and transportation facilities to compete with all the world than America is to-day. A competitive tariff for revenue carrying such rates as would insure reasonable competition, prevent domestic monopoly, and at the same time not destroy or seriously injure any industry which it may be economically profitable to conduct, offers the only sound policy of customs taxation. Our benighted stand-pat Republican leaders can not realize that a wonderful change in our financial, commercial, and industrial affairs has taken place during recent years; that we are a great creditor Nation, with a foreign debt of \$15,000,000,000; that we possess nearly one-half of the world's gold supply, a wonderful merchant marine, a productive output of 30 to 40 per cent above the capacity of the country to consume; the most improved machinery, the highest skilled labor, and by far the largest output per man of any other country. Reactionary Republican leaders still cling to the old high tariff, which is based upon the modern absurdity that commerce is not chiefly exchange of commodities; that we will sell but not buy; that our debtors can pay us in gold which we and not they possess; that our merchant marine should only carry freight in one direction-everything going out and nothing coming in-and that our increased productive capacity of more than 30 per cent, involving an annual income of \$15,000,000,000, should be cut down to equal our home consumption, thereby throwing a vast amount of capital, farm lands, and labor out of employment. Under the blighting threat of this archaic policy our foreign trade fell from \$13,200,000,000 in 1920 to nearly \$7,000,-000,000 in 1921, and to \$6,000,000,000 in 1922. A high tariff here is a challenge to every law of international trade. It hopelessly obstructs the flow of commerce both ways. It prevents Europe, for example, from paying us for our surplus foodstuffs, raw materials, and manufactures with any kind of barter in the known absence of both cash and credit. high tariff says: "If we can not sell our surplus abroad for cash, we shall not exchange goods we do not need for goods we do need."

The most casual observer must conclude, in the light of the economic developments of the past few years, that America can not sell unless she is willing to buy, and that our future prosperity lies beyond the seas. The farmer must now see that his products sell both at home and abroad at world prices, which he does not fix, plus the cost of marketing, while manufactured products sell in America at prices the manufacturer himself arbitrarily fixes, which is added to both the cost of marketing and the high-tariff benefits.

The Harding administration occupies a wholly unsound position on every economic question, both domestic and international. The present Republican policies of inordinately high-tariff protection and of commercial isolation will forever prevent the recovery of the purchasing power of Europe, will suppress our foreign trade, and will operate as a most serious handicap to satisfactory business conditions at home.

The American people are now realizing that the so-called accomplishments of the Harding administration are but commonplace when compared with its many really big duties and opportunities for service and its bigger failures. They can only turn to the great historic Democratic Party for relief—a party which when in power always stood for definite policies, both foreign and domestic; a party which always proclaimed a clear-cut program, and, with vision, constructive ability, and aggressive leadership, prosecuted it to a conclusion.

Mr. CAPPER and Mr. POMERENE addressed the Chair.
The PRESIDING OFFICER (Mr. Oddie in the chair). The
Senator from Kansas. Does the Senator from Kansas yield to
the Senator from Ohio?

Mr. CAPPER. I just want a very few minutes.

Mr. POMERENE. The Senator has been recognized. I thought there was an understanding that I was to be recognized at the conclusion of the remarks of the Senator from Louisiana; but go ahead.

Mr. CAPPER. I just want a very few minutes, but I will yield to the Senator.

Mr. POMERENE. No; go ahead.

Mr. CAPPER. Mr. President, the ship-subsidy propagandists have declared that the farmers are for a subsidy.

I have received resolutions and memorials from more than 300 farm organizations and letters from more than 500 individual farmers protesting against the passage of the shipping bill. Not one farmer has written to me in favor of this measure, and, so far as I am able to learn, no farm organization has gone on record for this legislation.

The subsidy propagandists have declared that the farmers are for a subsidy. The truth is that the Farmers' Union, the National Grange, the Farm Bureau, the Society of Equity, and every other big farm organization in the country is on record against it. Some time ago the Iowa Farm Bureau Federation and the Iowa Farmers' Union took a poll of their membership on the question. The total number of farmers for the measure was 491; the total number against it was 14,000. That shows how strong the farmers are for a ship subsidy. They have fought this un-American policy every time it has shown its head.

The subsidy propagandists are all things to all men. In the West they tell the farmer that a bonus for shipowners will assure him a foreign market. In the East they tell the manufacturer that a subsidized American merchant marine would enable him to sell a 40 per cent surplus of manufactured goods in South and Central America, and that these ships returning would bring back cheap wheat and meat from Argentina and Brazil, sugar from Haiti and San Domingo, besides coffee, cocoa, and raw materials like rubber and tropical woods, whereby these manufacturers would have cheap raw materials and food for their big industrial population on the eastern seaboard, and so be enabled to compete more successfully with Germany and Britain.

With this country's advantages in natural resources and its advantages in machinery and in more efficient, more industrious, and more sober labor, we should be able to compete with the rest of the world without an artificial stimulant like a ship subsidy; but if we are going to use our own raw materials and these natural resources, we have got to have the farmer, and we can not put him out of business and keep him, too.

The subsidy propagandists also hold out the lure of cheaper shipping rates to farmers and manufacturers, although one of the reasons for asking a bonus for shipowners from the public is because lower rates are made by foreign ships than our American shipowners are willing to meet. Advocates of the subsidy allege discrimination by these foreign carriers against American products. The American farmer's foreign market is mainly in the manufacturing countries of Europe, which are not competitors of the American farmer but are eager for his products. If there is discrimination shown against American products in favor of foreign exports, it would logically be almed at goods of American manufacture with which foreign countries compete in trade. It is a question whether any serious discrimination is practiced. It has not cut much of a figure in the subsidy debate.

But suppose we should embark on this subsidy proposition. Where would it end? If the ocean shipping business is unprofitable just now, so is wheat and potato growing and other kinds of farming. Far sounder reasons could be advanced for subsidizing the farming industry. Samuel Rea, president of the Pennsylvania Railroad, in a letter to the Pittsburgh Chamber of Commerce, makes the point that he sees no reason why the Government should not subsidize the railroads, although declaring himself personally a disbeliever in the theory of subsidies.

Reference often is made to the fact that England supports a ship subsidy. The amount, all told, comes to \$3,000,000 a year and is chiefly for mail service. The United States Postal Department pays our shipowners more than that for mail contracts.

However, suppose this country should subsidize its shipping: What is to hinder England, Japan, and others from soon being at our heels with other subsidizing measures. In a contest of this kind one subsidy would be quite likely to lead to another. Possibly our great ship companies hope for something like this to happen. One of the clinching arguments of the ship subsidists is: "If we do not pass the subsidy bill we can not self these war built ships." Suppose we pass the subsidy bill and sell these ships, what will we get for them? Two hundred million dollars. The subsidy would cost us \$200,000,000 in three years or less, and we would only have begun paying it. What is there to that argument? We might better sink the ships.

During hearings on the bill Chairman Lasker of the Shipping Board conceded that the direct charges on the Treasury would amount to \$52,125,000 a year. This is an underestimate if we consider the probable sum that the bill's exemption from income taxes allows shipowners and the innumerable indirect aids provided. The subsidy, if enacted, may easily cost the American taxpayer \$75,000,000 a year, or \$750,000,000 in 10 As a consumer of funds and revenue it has unlimited possibilities. On its face, it provides for paying a subsidy almost double the total of mail pay, construction bounties, subsidies, and subventions paid to shipowners by all other nations combined. Their combined total is only something like \$46,000,-000 a year.

Mr. President, in dealing with the ship subsidy bill as legislators it becomes us to consider the facts deliberately from the viewpoint of the general public we are here to serve. its front of fair promises the ship subsidy bill is, in my judgment, a most astounding piece of legislative legerdemain and iniquity. In effect it proposes to tie the hands of this and other administrations, of Congress, and of the public, and to deliver all three bound and helpless to the shipping interests, to be dealt with about as these gentlemen see fit. I am utterly opposed to the payment by the Government of a subsidy to any private interest. It is a dangerous principle.

A ship subsidy would be of decided advantage to the speculators, who are willing to take a chance when the Government puts up the money; but of what advantage could it be to the public, which sank \$3,000,000,000 in building the emergency fleet during the war, and which since has been putting up \$50,000,000 a year to operate a small part of that fleet at a loss, while the rest of the fleet lay rotting in idleness?

The losses a ship subsidy in all probability would bring on this country can not be calculated; but I can not see how the subsidy can do anything more than to pile up immense costs against the Government, and start an international subsidy war with circles of international subsidies and a very harmful series of raids or attempted raids on the Treasury by industries here at home.

Why throw good money after bad? Have we not lost more than \$3,000,000,000 of public money in a merchant marine that

can not operate? I fully appreciate, Mr. President, the need of developing our merchant marine; but I believe a better way can and will be found than is proposed in the pending measure. Therefore, I shall oppose it.

Mr. POMERENE obtained the floor.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. POMERENE. I yield, if it does not take me off the floor. Mr. WALSH of Massachusetts. I appreciate the courtesy of the Senator. I should like the attention of the Senator from Washington [Mr. Jones].

I ask unanimous consent that before the vote on the pending motion to recommit is taken a vote shall be taken upon the substitute bill offered by the Senator from Tennessee [Mr. Mc-KELLARI. I understand that this substitute bill is identical with the pending ship subsidy bill reported by the committee except that it strikes out the provisions of the bill which provide for a subsidy, and substitutes instead preferential tariff rates in favor of American goods carried in American ships. This was President Madison's policy that built up our merchant marine before the war. I ask unanimous consent that such a vote be taken before the vote on the pending motion, which is to recommit the bill to the committee. We can do much to assist our merchant marine by preferential tariff duties at this time.

Mr. JONES of Washington. I could not consent to that under the circumstances. We have had no opportunity to vote on any of the amendments to this bill heretofore, and we have come now to a motion to recommit, and are about ready to close the matter, and I think we had better close it.

Mr. WALSH of Massachusets. I simply wanted to say that the challenge has been made here that nothing constructive has been offered. Here is a constructive measure proposing a means and method of helping the American merchant marine, and I wanted to put myself on record as in favor of preferential tariff At least we should consider the advisability of preferential tariff rates to assist in developing our merchant marine

regardless of our views on the principles of a subsidy.

Mr. JONES of Washington. Of course, if the Senator will permit me just a second, I would have been glad if we could have reached a point where we could consider all these pro-posals made, including the proposal made by the Senator from Tennessee, but apparently we have not been able to reach that point.

Mr. McKELLAR. If the Senator from Ohio will permit me, I will say to the Senator from Massachusetts that the other day, in a colloquy between the Senator from Washington and

myself, he expressed very great approval at some such provision as that contained in this substitute, providing for a

Mr. POMERENE. Mr. President, I am opposed at the pres ent time to the recommitment of the ship subsidy bill. On perhaps two occasions recently I have voted against displacing the bill. My reason for the votes I have cast, and the one I will cast on the pending motion, is, first, that this legislation is of such paramount importance that I think we should not permit anything else to take its place; secondly, because I am opposed to a filibuster.

I came to the Senate 12 years ago ardently opposed to the filibustering program which had been adopted theretofore to defeat legislation. I was then told that I would change my views in that behalf before I had been long in the Senate. Since I have been here I have witnessed a number of filibusters. I saw the Republicans in 1915 defeat the merchant marine bill which was championed by a Democratic President and Democratic Members of the Senate.

I am now withessing a filibuster by some Democrats and some Republicans to defeat the pending ship subsidy bill, which likewise has for its purpose the establishing of a merchant marine. In 1916 I favored the then pending shipping bill and was opposed to the filibuster. Now, I am opposed to the pending bill in its present form, but I am likewise opposed to the fillbuster which has been engaged in for the purpose of preventing a vote upon the bill, if not for the purpose of preventing its legitimate consideration.

Minorities in a legislative body have their rights and so have majorities, and one of the rights and responsibilities of a majority is to legislate. Full and fair opportunity to be heard should be given to the minority under any and all circumstances. but in my humble judgment no minority at any time, under any circumstances, has the right in a test of physical endurance in the expiring days of a Congress to prevent legislation simply because they are opposed to it.

It would be just as consistent for a minority in a popular election to seek to prevent the declared choice of a majority from functioning as it is for the elected minority in a legislative body to prevent the majority from functioning. This is my view frankly and dispassionately expressed; and without committing myself irrevocably, because I can not anticipate the developments of the next few days, my firm conviction is that this subject of a merchant marine should be kept before the Senate and not be displaced, so that it can be thoroughly discussed with the hope that Senators may come to a vote and vote their real convictions. And even if the discussions should continue so long that there will not be time enough to get a final vote upon the merits of the bill, I am certain it will be illuminating and lead to a right solution of the problem, if not at this session at the next session of the Congress

Since the ship subsidy bill has been before the Senate I have heard various arguments made for and against a filibuster. Some Senators who have heretofore favored it are against this one. Others who favor the present filibuster have been against others of like character. Fine discriminations have been drawn between proper and improper filibusters, but reduced to their final analysis, what the distinguished Senators who use them seem to mean is this: They are for the filibuster when they are opposed to legislation which is at the time before the Senate, and they are opposed to the fillbuster when they favor legislation pending before the Senate. A filibuster is either right or it is wrong, and it ought to be controlled under any and all circumstances to the end that legislative bodies can function.

Recognizing the right of every Senator to his own views, trust they will respect my right to mine. In my judgment, there is no more important subject that can engross the attention of Congress than the consideration of our merchant marine and its proper settlement. It is not going to add anything to the enlightenment of the American people to now postpone or defer

the discussion of this subject.

Personally I am opposed to ship subsidy. I do not believe it can be made a success. I think it will prove, if adopted, a snare and a delusion.

Mr. KING. Would it interrupt the Senator to make a suggestion or ask a question relative to the filibuster part of the address to which he has just referred?

Mr. POMERENE. No.

Mr. KING. I suggest to the Senator, apropos of his discussion of the filibuster, if he does not differentiate between the situation which exists to-day, where the present Congress was not elected upon the ship-subsidy issue, and the situation presented by the new Congress which will come into being on the 4th of March, which was elected upon that issue; at least, that constituted one of the controversial questions in the campaign? If the President of the United States should call Congress in

extraordinary session on the 5th day of March for the consideration of this subject, as I think he should-

I think I can say to the Senator that on this side of the Chamber there would be but limited debate, and within three weeks a ship subsidy bill could be finally brought to a vote in

the Senate of the United States.

Mr. POMERENE. Mr. President, the Senator from Utah must answer that question to suit himself. I answer it to suit myself. I have certain responsibilities that are with me, and will remain with me for a few days. The ship subsidy was not an issue in the State of Ohio. It was referred to occasionally, but it was not discussed generally.

TIME TO ACT IS NOW.

Some plan ought to be adopted and its consideration ought not be deferred. Every day's delay adds to the loss to the Government. The President has told us that the annual loss under Government operation is \$50,000,000, not taking into consideration the depreciation, insurance, or interest on invested capital. And if we were to keep them in mind the total loss to the Government, due to the present lack of policy, will require us to add one hundred millions to the fifty millions of loss the President referred to in his address to Congress, to say nothing of the wooden and concrete ships built during the period of the

Prior to 1856 we had one of the two greatest fleets of merchant ships in all the world. About the year 1856 it began to During the Civil War 100 of our merchantmen were sunk by enemy cruisers, and 600 were sold to companies flying foreign flags, principally the British flag.

In 1789 we began to encourage shipbuilding and ship owning in the United States. At that time we had only 124,000 tons of shipping. We carried only 17 per cent of our imports and 30

per cent of our exports.

In 1795, as a result of this legislation, our tonnage had increased to 529,500 tons, and then we carried 92 per cent of our imports and 88 per cent of our exports. By the year 1800 our tonnage had increased to 667,000 tons. We then carried 91 per cent of our imports and 87 per cent of our exports. In 1810 our tonnage had increased to 1,000,000, and we carried 93 per cent of our imports and 90 per cent of our exports.

In the year 1913 our tonnage was only 938,000, being about 100,000 tons less than we had in 1810, though our population had increased from 7,239,881 in 1810 to more than 91,972,266 in 1913, and in that year instead of carrying 93 per cent of our exports and imports we were carrying only 12 per cent, and we were paying Great Britain \$175,000,000 to carry our commerce for us on the high seas.

Capt. W. W. Bates, former United States Commissioner of Navigation, in his American Marine, published in 1892, clares that in the 30 years preceding we had paid \$4,500,000,000 to foreign ships for ocean transportation, or on an average of about \$150,000,000 a year. This sum was almost equal to the total cost of the Civil War.

We have 1,442 steel ships with a total tonnage aggregating 7,000,000 gross tons. We are only operating 421 of these vessels. One thousand and twenty-one are tied up. These operations were continued during the past year at a loss of \$50,000,-000, but this loss does not include depreciation or interest on investment or insurance.

What shall be done with them?

Shall we permit them to rust out or wear out while foreign bottoms are carrying, according to Mr. Lasker, 71 per cent of our exports and probably an equal proportion of our imports, at a cost to the American producer annually of one hundred and fifty to two hundred millions of dollars which is paid to ship-owners flying foreign flags? Certainly no American who takes pride in his country and its accomplishments can indorse such

a policy.
Shall we sell this fleet which cost us, in round numbers, \$3,000,000,000 to foreign shipping companies and have it operated under foreign flags and again be placed at the mercy of foreign merchantmen, as we were during the World War, when ocean freight rates were increased to American merchantmen as much as 1,200 per cent? Certainly the most productive Nation in the world can not and will not tolerate a repetition

Shall we continue Government ownership and operation of these ships in the face of the tremendous losses which we have suffered due to Government operation, and in light of the experience which we had with Government operation of the railroads for a period of 26 months, during which time the Government incurred a deficit of \$1,800,000,000, which must be paid by the taxpayer? Dreamers and theorists may so desire, but practical men never.

Or, again, shall the Government continue to operate these ships in competition with foreign-owned ships, which are constantly being aided to a greater or less degree by subsidies, subventions, bounties, or other preferential privileges, and in competition with privately owned American ships, and meet the deficit out of the Public Treasury and at the same time bankrupt the privately owned American ships? Certainly that course is not fair either to the taxpayers of the country or to the private owners of American registered ships.

PREFERENTIAL FREIGHT AND TARIFF RATES BETTER THAN SUBSIDY.

What, then, shall be done? Perhaps a year ago in answering certain constituents, some of whom favored and others opposed the subsidizing of the American merchant marine, I said:

I am for an American merchant marine. I never have liked subsidy, and I do not like it now. I want a merchant marine without subsidy if I can have it, but I want a merchant marine.

Interpreting these words, I meant then and I mean now, if there is no feasible way of building up and maintaining a merchant marine except a subsidy I would favor it, but I am not convinced that there is not another and better way in which to build up this merchant marine so that it will not only rival but surpass the merchant marine of even the British Empire. On the contrary, I think it has been clearly proven that a subsidy would not be a success, and particularly the plan presented to us in the pending bill. I am therefore opposed to it.

I take it that the far-flung British Empire has the right to build up and maintain her merchant fleet in any way that may seem wise to her people. This she did for many years, if not for centuries, by preferential freight and tariff rates, subsidies, subventions, and by other policies which suited her purpose. I shall not pause now to discuss them. Now she gives subventions to her fast ships, but none to her slower ships.

In 1815 the Congress of the United States, in the so-called limited marine reciprocity act, and later in 1828 by the so-called free freighting act, agreed to suspend our preferential tariff rates theretofore given to American bottoms provided other nations would grant the same privileges. Great Britain did not see fit to accept this proposition until about the year 1849, at a time when she felt that with her iron merchant ships she could dominate the shipping of the world, and it was then mutually agreed between these nations that preferential rates should be abolished. Shortly thereafter Great Britain inaugurated her subvention policy, which at least was violative of the spirit of the treaty between the two nations.

It is my judgment, after a pretty careful examination of the statute of 1828, that there is now no binding contract between the British Empire and our country, because, while under the statute of 1828 we offered reciprocal ship privileges to other nations when they signified their intention to grant the same to us-Great Britain did consent in 1849 to do so-yet the statute of 1828 provided that such an agreement should not take effect except upon the issuance of a proclamation to that effect by the President of the United States, and no such proclamation was ever issued.

Will subsidy solve the problem? If other nations have adopted it, is that a reason why we should adopt it, or proof that we can build up and maintain our merchant marine if we do adopt it? If we attempt to meet their subsidy by a subsidy, can not they add to theirs?

If funds are paid directly out of the Treasury of the United States into the coffers of the ship companies, will not one of its effects be to destroy their initiative? Does the payment of this bonus to the ship give a guarantee that it will get the cargo to carry? Will it not, therefore, be better to devise some scheme which will give greater assurance of success'

Various Congresses have attempted subsidy before. have never succeeded in having the plan adopted, and the probability is that it will not now be adopted, and if it should be adopted we will not know that it will be a success until we have tried it out. Because it is now unpopular does not necessarily demonstrate that it might not be a success, but even if it should be a success, it seems to me that we ought not to adopt it until all other means shall have failed.

I am not unmindful of the fact that our distinguished President is earnestly advocating this measure, and that it is being pressed with vigor in the Congress of the United States, and very often by men who are at heart opposed to it. The two ablest speeches that have been made in the Senate in favor of ship subsidy were by the Senator from Washington [Mr. Jones], the chairman of the Commerce Committee, a Republican, and the Senator from Louisiana [Mr. RANSBELL], a member of the same committee, a Democrat.

SENATOR JONES ON SUBSIDY.

The Senator from Washington, in his report on the merchant marine act of 1920, quotes a letter from Admiral Benson (p. 6, No. 573, May 4, 1920) under date of April 19, 1920, to "Senator W. L. Jones, chairman of the Senate Committee on Commerce," in which he says in part:

Other nations have by direct subsidy guaranteed the operation of their fleets in world competition. We believe it unnecessary for the United States to adopt a like policy.

On page 9 of this report, the Senator from Washington said, with respect to the abrogation of our treaties:

For many years the United States has been prevented from doing what was clearly to its advantage to do in order to build up the merchant marine by restrictions imposed upon it through commercial treaties. There can be no more opportune time to abrogate these treaties and make new commercial arrangements if they are deemed advisable than now. France has already notified of her desire to abrogate her treaty with us, and we should put ourselves in a position where we can do whatever we deem necessary to promote our commercial and marine welfare.

For these reasons—

The Senator sald in the report-

we have made provisions for this by directing the President to give the notice necessary to abrogate such treaties.

From a colloquy between the Senator from Washington and myself last December, when the shipping bill was under discussion, I quote as follows:

From a colloquy between the Senator from Washington and myself last December, when the shipping bill was under discussion, I quote as follows:

Mr. Pomersny. We had a splendid merchant marine up until about the time of the Civil War.

Mr. Jongs of Washington. In a speech I made when the Underwood-Simmons bill was up I took up the shipping history of the country in five-year periods and showed when we reached our apex and when we began to decline, and I convinced myself at any rate that our declining shipping was due to and began largely with our repeal of the discriminating-duty clause. While it did not reach the final conclusion probably until the Civil War, it was going down, at any rate. The conclusion probably until the Civil War, it was going down, at any rate. Mr. JONES of Washington. Does the Senator refer to the act of 1920?

Mr. JONES of Washington. Does the Senator refer to the act of 1920?

Mr. JONES of Washington. I will state what it did. It directed the President to abrogate the treaties which had prevented our adopting a policy of that kind. It did not of itself undertake a policy of that kind. If did not of itself undertake a policy of that kind. If did not of itself undertake a policy of that kind. If did not of itself undertake a policy of that kind. If did not of itself undertake a policy of that were now abrogated, so that there could be some differential in tariff rates on goods carried in American bottoms, it would meet the situation?

Mr. JONES of Washington. I am firmly convinced of if.

Mr. POMERENE. Does not the Senator think if negotiations were begun with the other nations of the world that some modification of those treaties could be made so as to permit it?

Mr. JONES. I think so, if we would take a pretty firm attitude; but two administrations, one Democratic and the other Republican, have refused, I might say absolutely refused, to carry out that polley. (Page 855, Cononessional Recount has senator and the that would be made so as to permit it?

Mr. JONES. I don't have been made

SENATOR RANSDELL ON SUBSIDY.

In a colloquy with the distinguished senior Senator from Louisiana I said in part:

But my history informs me that before the Civil War we did have merchant marine, and it was a merchant marine of which we were ye

proud.

Mr. Ransbell. The Senator's history also tells him that we had a discriminating duty at that time, and the merchant marine was built up on a discriminating duty. If we could have the discriminating duty now, I would infinitely prefer it to this. I would put this subsidy bill aside in a second if we could enforce the discriminating duty provided

There are no two men in the Senate for whom I entertain a higher regard than for the able and distinguished Senators from Washington [Mr. Jones] and from Louisiana [Mr. Rans-DELL]. Both of them have given great study to this problem. If they spoke to me out of the fullness of their convictions in favor of subsidy, even though I did not accept their judgment,

I could say, "Almost thou persuadest me to believe." But when these great Senators extend their hands and appeal to me to vote for a subsidy which their own judgment does not approve, and when they frankly tell me, as they told the Senate, that they infinitely prefer some plan of discriminating duties or traffic rates, I can not help but say, "The hand of Esau, but the voice of Jacob."

These two advocates of ship subsidy do not stand alone in their vigorous opposition to subsidy, even though they here advocate it and intend to vote for it.

REPUBLICANS FAVOR DISCRIMINATING DUTIES.

In these closing hours of the Sixty-seventh Congress I shall not take the time to quote Democratic authority upon the subject, further than to say that the declarations of the party have been uniformly against subsidies, but always in favor of rebuilding our merchant marine. On the other hand, the National Republican Party has never declared itself in favor of subsidies

The Republican national platform of 1896 declared:

We favor restoring the early American policy of discriminating duties for the upbuilding of our merchant marine and the protection of our shipping in foreign trade so that American ships, the product of American labor employed in American shippards, sailing under the Stars and Stripes, and manned, officered, and owned by Americans, may regain the carrying of our foreign commerce.

In his letter of acceptance William McKinley said with reference to this plank:

The declaration of the Republican platform in favor of the upbuilding of our merchant marine has my hearty approval. The policy of discriminating duties in favor of our shipping, which privilege they had in the early years of our history, should be again promptly adopted by Congress and vigorously supported until our prestige and supremacy on the seas is fully attained. We should no longer contribute directly or indirectly to the maintenance of the colossal marines of foreign countries but provide a complete and efficient marine of our own. (Discriminating Duty Policy, p. 22.)

When the Wilson-Gorman tariff bill was pending in the Senate in 1894 Senator Frye offered an amendment on June 21, 1894, providing for a discriminating duty of 10 per cent ad valorem in addition to the duties imposed by law on all merchandise rem in addition to the duties imposed by law on an inerchandise imported in vessels not of the United States, and it further provided that this duty should not apply on goods imported in foreign bottoms after January 1, 1893, and the notice of this provision should be given all nations before the 31st day of December next.

(Page 6, above pamphlet.)

In discussing these amendments Senator Frye said their effect-

would be to give notice to all the nations of the world of a discriminating duty of 10 per cent in favor of all goods brought into the country in American vessels, and that notice will abrogate all treaties hitherto made which stand in our way.

In the same speech he further said:

I believe and have always believed that the true method of revival is through discriminating duties; that the fathers were right; but I have always been restrained by these treaties. (Page 12.)

Again he said:

The American merchant marine would have been where England's is to-day if it had not been for the treaties made with those countries and our accepted reciprocal legislation.

Now, Mr. President, in that same debate the Senator from Massachusetts [Mr. Lodge], the present leader of the majority,

If it would not interrupt the Senator, I should like to ask him in that connection if Great Britain has not pursued by indirection the same method; that is, by the rates on insurance at Lloyd's and by premiums on iron steamships, of discriminating in favor of our tonnage down to the present day?

I have read from the Congressional Record of June 20, 1894. page 6571.

My contention is that while Great Britain and the other nations have observed the letter of the conventions they have violated their spirit.

Senator Stewart, of Nevada, a Republican, said:

These treaties-

Meaning the treaties giving reciprocal rights or privilegeshave been substantially violated. We are under no obligation in consequence of these treaties, because all of the important nations which entered into them have subsidized their carrying trade, which is a violation of the principle, and we ought to take some notice of it, at least.

In February, 1896, Senator Elkins, of West Virginia, the father of the present Senator Elkins from that State, introduced a bill providing for discriminating duties.

In the speech which Senator Elkins made he said:

From these records it appears from 1789 to 1800 the carrying of our imports in American ships increased from 174 per cent to 92 per cent, and our exports from 30 to 88, and from 1800 to 1810 this ratio was substantially maintained, making the average of our foreign commerce carrying in American ships for the period from 1800 to 1810 91½ per cent of our imports and 87 per cent of our exports.

As a result of this and other supplemental legislation of the same kind, in 1810 our share in the carrying trade of the world was about as great as that of England.

I may say that Senator Elkins presented a bill to reenact the same kind of discriminating duties which were originated

by the fathers.

Madison, in the First Congress, introduced the bill providing for discriminating duties and tonnage charges. He built up the merchant marine and the Navy so successfully that with it we won the War of 1812; and it was at least a coincidence that James Madison was President of the United States when war was started.

I think a careful study of the national platforms of the Republican Party justifies the statement that it has never declared in favor of a subsidy plan, and that wherever it has declared itself specifically it has been in favor of discriminating duties. REVERSAL OF POLICY.

This policy of discriminating rates continued undiminished until 1815. Then Congress began to reverse its program, and by a statute approved March 4 of that year was begun the "limited This was the first direct attack on dismaritime reciprocity." criminating duties.

In 1828 the "free freighting act" was passed in the interest of foreign shippers. Treaties were entered into in pursuance of the provisions of this act, and they have substantially destroyed every advantage which we had derived from the original legis-

lation of 1789 and the acts supplemental thereto.

In building wooden ships, prior to the perfection of the iron ships, we beat the world. In 1840 Great Britain began to build iron ships, and by the year 1849 felt that her iron ships as then improved would place her merchant marine in a better position

than that of any other country.

In 1849 she entered into a convention with the United States, accepted the reciprocity provisions of our law of 1828, and from the time this agreement was made American shipping began to decline and British shipping to advance. Having obtained this reciprocal agreement, the British Empire adopted a policy of ship subsidy, which was perhaps not a direct violation of the treaty obligations growing out of the reciprocity policy, but it had indirectly that effect. They violated the spirit, even if they did observe the letter, of their agreement.

For the information of Senators, I want to remind them that while this convention was entered into, the statute of 1828 provided that this reciprocal agreement should not go into effect until so declared by a proclamation of the President of the United States, which has never, even to this day, been issued.

Senator Jones, the chairman of the Commerce Committee,

with great ability and insistence is pressing this subsidy bill for a vote; but I do not forget that this same distinguished Senator—and I say it with all due respect, because I have a very high regard for both his ability and his high purpose was the chairman of the committee in 1920 when the Jones

Merchant Marine Act was passed.

Section 34 of that act declared in substance that in the judgment of Congress, treaties or conventions which restrict the right of the United States to impose discriminatory duties on imports entering the United States in foreign vessels and in vessels of the United States, and which restrict the right of the United States to impose discriminatory tonnage dues on foreign vessels and on vessels of the United States, should be terminated; and the President was authorized and directed, within 90 days, to give notice to the several governments that all parts of existing treaties which imposed such restrictions on the United States should terminate on the expiration of such periods as might be required for the giving of such notice by

the provisions thereof.

If this was the view of Congress on June 5, 1920, when the act was passed, why should we reverse our step before take it? This bill, passed by Congress and approved President Wilson, was the decree of the American people, through their representatives, declaring in favor of discriminatory duties and tonnage taxes. True, President Wilson and President Harding both refused, for reasons which seemed to them sufficient, to carry out the mandate of Congress, and—I say it with all due respect—I do not believe they were justified in ignoring the provisions of that statute. Neither President Wilson nor President Harding was willing to give notice of the denouncement of these treaty provisions against discriminatory rates because they feared that such a course would lead to unnecessary involvements and embarrass our relations abroad. I do not believe this fear was or is justified; and, in any event, the failure to serve the notice was a violation of the law.

Mr. FLETCHER. Mr. President, may I interrupt the Sen-

Mr. POMERENE. I yield.

Mr. FLETCHER. I wish to suggest that perhaps immediately following the act of 1920, and shortly after the great world upheaval, when conditions were disturbed and upset all over the earth, there might have been reasons as early as that after the Great War for withholding the denunciation of these conventions or disturbing commercial relations; but it would seem that two years after that, when we are getting reasonably settled down to normal conditions, the same reasons might not obtain that obtained in 1920.

Mr. POMERENE. Mr. President, that may be so. not want to speak unkindly about either of these Presidents, because I have not only a very great respect but a real affection for both of them. I think they made a mistake. That is my judgment. I think any Executive makes a mistake when he fails to enforce the statutes. In my judgment there is only one course to pursue. If he does not approve the spirit of a statute or its mandate, then he should ask Congress to repeal it.

TREATIES.

According to a report made by the Acting Secretary of State in 1919, preferential freight rates would affect 27 treaties made with 25 nations. All of these treaties save 7—with Argentina, China, Kongo, Costa Rica, Great Britain (treaty of 1794), Liberia, Panama, and Tripoli-specifically provide that they may be denounced upon notice, some within six months, others within twelve months.

It will be observed that there is only one of these seven nations that has a merchant marine, and that merchant marine carries nearly all of the commerce of the other six. Does anyone imagine that we would have any trouble in making a suitable arrangement with Argentina or China or Kongo or Costa Rica or Liberia or Panama or Tripoli? And bear in mind, please, that in 20 of these 27 treaties, at least, there is a provision to the effect that after a certain number of years, on the service of a notice of either 6 or 12 months, these treaties may be abrogated. Clearly, therefore, it was within the contemplation of the signatory powers that the economic condi-tions might so change that either party would be justified in asking for a denouncement of the treaties.

Time and again the United States, as well as other nations, has served notice of the abrogation of treaties. I doubt if any nation in the world has not done so. This fact is known to every student of international law. Of course, no treaty should be denounced except upon reasonable notice and for reasonable cause. As nearly all of these treaties specifically provide for abrogation upon notice, it is conclusive proof that the powers when signing and ratifying them fully realized there might be such a change in economic or international affairs as to require

their modification or denouncement.

And now, Senators, let me pause to observe that every student of the law knows that as between the different nations a treaty is a contract. I think I am not wandering into the realm of imagination when I say that it is almost a partner-ship agreement—a partnership, if you please, at will, if there is no limitation therein. I understand, of course, that exception may be taken to that position; but when we supplement that thought with the further fact that every nation has at times denounced treaties, I think we are entitled to the privilege of doing it now, if necessary to carry out the purposes of our great Government.

I shall not pause to discuss these treaties which do not require the provision of notice save to say as to Great Britain that when she saw fit to adopt a policy of subsidizing her merchant marine she must have known that it was in effect

a breach of faith.

If it shall be contended that Great Britain was justified in adopting her subsidy and subvention policy because of changed economic conditions, and notwithstanding our reciprocity agreement, in order to maintain her supremacy on the sea, United States can with like effect declare to the world that we kept our treaty obligations both in letter and in spirit, notwithstanding Great Britain's course, until less than perhaps 11 per cent of our oceanic commerce was carried in American bottoms and our merchant fleet was reduced to about 100,000 tons less than we had in 1810.

The World War came on, and at an expense of \$3,000,000,000 we built our merchant marine of 7,000,000 tons. (See p. 416, Stat. Ab., 1921.) Economic conditions have changed throughout the world. We can not depend upon the carrying capacity of other nations. We built this fleet in order that we might help ourselves and our allies to win the war. We can not and we will not scrap it. We can no longer see ourselves at the mercy of other countries, and we propose to adopt a policy which our people will approve and which will help us to maintain ourselves upon the high seas. We know that in the past we did develop and maintain our merchant marine to its highest point of efficiency through the policy of preferential rates, and we ought not longer to deny ourselves the right to maintain this fleet by any plan that will meet the approval of our people.

When those who believe in discriminating charges favoring American bottoms urge legislation for that purpose they are met with the cry that it will provoke retaliatory measures by other nations. I do not believe it; but, if it does, we will meet it like men.

Whether this be true or not, will the power to retaliate on the part of foreign nations be lessened by the present plan? If we can vote thirty millions a year for subsidy, can not Great Britain increase the amount of her subsidies or subventions? To my mind it is absurd even to talk about retaliation. Let the American Nation assert itself, and this question will be solved.

I do not doubt, sirs, that if President Wilson had served the notice for the abrogation of these conventions and treaties, as he was required to do under the Jones Act, we would be over the crest of our difficulties. The same may be said of President Harding, had he carried out its provisions. I say it, with all due respect, that it was the duty of both these Presidents to comply with the law, and not to set up their individual judgments against the lawmaking power of the country. If either one or the other felt that the law was wrong, he should have

advised its repeal.

Mr. President, is there a more opportune time to serve this notice of abrogation of these treaties than now? We are no longer a debtor Nation. We are a creditor Nation. We have a We are no larger commerce than any other nation in the world. commerce is ours, just as much as our manufacturing interests are our property and our concern. True, we want to buy from and sell to other nations; but we do not want to buy from them or sell to them one-half as badly as they want to buy from us and sell to us. A little bit of determination on the part of the Executive branch of the Government will settle this question.

Mr. President, I do not believe in the method of direct aid presented here. I do believe in a method of indirect aid, such as I have indicated, by discriminatory duties and tonnage charges. It can be brought about, and I want to make this appeal to Senators: Why should we not adopt the system under which we built up our merchant marine until it became the pride of the salted seas, rather than adopt a new method which is an

innovation?

Mr. President, we talk about subsidies, subventions, bounties, They are adopted in other countries. present-and I want to make that clear if I have not thus far-Great Britain does not have a subsidy of this kind. Great Britain now has subventions, mail contracts. I have before me an extract from a speech made by the Undersecretary of State for Foreign Affairs in the debates in the House of Commons May 22, 1922, in which he says that the total annual payments made by the Government of Great Britain to their shipping interests amount to only £600,000, about \$3,000,000 in our money.

I have on my desk here—I shall not take the time to refer to them—other statements indicating that the entire amount of money that is voted by the British Empire and her colonies for the purpose of encouraging the building of ships and the maintenance of their merchant marine will not exceed \$10,000,000. I do not lose sight of the fact that some of these colonies spent more for the purpose of building their merchant

marines during the period of the World War.

A statement upon this subject was made by Mr. E. T. Chamberlain, of the Department of Commerce, and was introduced in the Congressional Record by Congressman Edmonds, and will be found on page 224 of the Congressional Record under date of November 28, 1922. Anyone who wants the details can get them by referring to this number of the Congressional RECORD.

Mr. FLETCHER. Mr. President, will the Senator allow me to interrupt him there?

Mr. POMERENE. I yield. Mr. FLETCHER. I simply wish to suggest that that statement classifies as subsidy the entire cost of the building of

the ships for Australia, and also for Canada.

Mr. POMERENE. Oh, Mr. President, the Senator is exactly right, and I do not know why a public official should make a statement of that kind if he intended to have it believed that it was simply to cover the amount of money which was being expended for subsidies or subventions or bounties. Let me give a few further figures as indicating the amount of the subsidies.

France during the year 1922 spent for shipping purposes, including even some construction activities, navigation bounties,

mail subventions, and so forth, only \$4,924,650; Norway, \$2,700,-000; Denmark, \$229,256; Sweden, \$1,108,984. The statement as to Italy is not entirely clear. It was a budget estimate of 1922-23, but the figures for Italy are given as \$28,576,000; that was under war contracts, however. Japan spent \$4,833,411; Brazil, \$2,956,160; Spain, \$3,300,214.

Now, we come in, and in one fell swoop attempt to authorize the payment out of the Public Treasury of \$30,000,000 a year, more, I dare say, than is expended by all these nations combined, except perhaps Italy, for subventions, subsidies, ship

bounties, and all.

I have always been firmly of the opinion that we should not drain the Public Treasury if there is any other reasonable method of accomplishing the same purpose, and that is my

I can imagine what a tremendous effect it would have if the President were to serve notices on the other nations of the world that we were going to abrogate these treaties and con-That would be half the battle, and after a little flurry, there would be no trouble of any kind, and we would see the beginning with the greatest merchant marine of the world.

Mr. FLETCHER. Mr. President, may I inquire of the Senator what he would think of a provision like this? I submitted an amendment on January 3 to strike out all after the enacting

clause in this bill and insert:

A reduction of 10 per cent shall be made to the several rates of duties specified and imposed by the tariff act of 1922, in respect to all goods, wares, and merchandise which after the passage of this act shall be imported in ships or vessels of the United States.

All treaties and conventions in conflict herewith shall be denounced and terminated in accordance with their terms, and new treaties and conventions shall be entered into, conforming herewith, in their places.

Mr. POMERENE. In my judgment, that would be a better measure than the one that is pending; but, with all due respect, I do not feel it goes quite far enough. Bear in mind that in 1789 and during the earlier years of our history nearly every article of import was subject to a duty, and comparatively few of them-at least, a minority of them-were on the free list. Now two-thirds of the total commerce of the country consists of exports, one-third of imports, and of the imports perhaps twothirds in bulk or weight are on the free list and only about onethird in bulk or weight on the dutiable list. In my judgment, we could very greatly encourage the building and the mainte-nance of the merchant marine if we would adopt some system which would place a higher rate on the goods which are on the free list and which are carried to our shores in foreign bottoms.

Mr. JONES of Washington. Mr. President-

Mr. POMERENE. I yield. Mr. JONES of Washington. When the Underwood-Simmons tariff law was pending I offered an amendment that reads like

J. Subsec. 7. That upon all goods, wares, and merchandise imported under the provisions of this act in vessels not built or not registered prior to the passage of this act under the laws of the United States there shall be imposed and collected a duty of 10 per cent ad valorem in addition to the duties otherwise imposed by this act, and on such goods, wares, and merchandise as are otherwise admitted free there shall be imposed and collected a duty of 5 per cent ad valorem if imported in vessels not built or not registered under the laws of the United States: Provided, That the President is directed to cause to be abrogated, without unnecessary delay and in the manner therein provided, all treaties which contravene this provision; and until so abrogated this provision shall not apply to goods, wares, and merchandise imported in vessels affected by such treaties.

Mr. POMERENE. The Senator was kind enough to call my

Mr. POMERENE. The Senator was kind enough to call my attention a moment ago to that, and by referring to the RECORD found that I was paired against that amendment.

Mr. JONES of Washington. I was not going to call atten-

tion to that.

Mr. POMERENE. I was. I have no recollection about it, and I do not know whether I was here at that time or not. It was tariff legislation, and it may be that I followed the party

policy at that particular time.

Mr. JONES of Washington. I did not intend to refrain from calling attention to it because I did not think the Senator wanted to have it brought out, but because I understand the situation about pairs, and every Member of the Senate understands it, while the public outside might not understand it.

Mr. POMERENE. If I was away, I may have given instructions to some one to protect me by a pair; but I do not remember about that. If the Senator will pardon me, I think that the amendment suggested by the Senator from Washington would be preferable to the suggestion of the Senator from Florida, for this reason, that while the amendment of the Senator from Florida would reduce the tariff rates on goods which come in American bottoms, that might serve to reduce the revenue. The amendment which the Senator from Wash-

ington has just read provides for an increase in the duties on all dutiable articles which come in foreign bottoms, and the effect of it would be, if they come in, to increase the revenue.

More than that, I think the suggestion of the Senator from

Washington to place a small duty on goods now on the free list which come in foreign bottoms would very materially aid our merchant marine. In other words, by this method we are building a fence about our own commerce, and saying "This is ours for the American merchant marine, flying the American flag, and manned by American men."

Mr. JONES of Washington. I think it would be interesting to put the vote in here on this amendment. The yeas were 8, the

nays were 42.

Mr. POMERENE. The Senator from Washington at that time seemed to have been a John the Baptist crying in the wilderness, but he has a great many followers now, and I only wish he were leading along the same lines. If so, I would gladly follow him.

Mr. FLETCHER. Perhaps it was thought that that provision in the bill as it came over was sufficient to cover the

situation.

Mr. JONES of Washington. The Senator does not remember the circumstances

Mr. POMERENE. I do not recall the circumstances.

Mr. JONES of Washington. I call his attention now to this fact, that there was such a provision in the bill as it came from the House, and I think the senior Senator from Alabama [Mr. Underwood), who was chairman of the Ways and Means Committee at that time, had much to do, of course, with putting the provision in. This provision was in the bill as it came from the House:

J. Subsec. 7. That a discount of 5 per cent on all duties imposed by this act shall be allowed on such goods, wares, and merchandise as shall be imported in vessels admitted to registration under the laws of the United States.

The Finance Committee of the Senate, however, reported the bill to the Senate, striking that provision out entirely and substituting nothing for it, and on the vote on the committee amendment the yeas were 41 and the nays were 12. In other words, the committee amendment striking out all reference to the discriminating duties was adopted by the Senate by a vote of 41 to 12.

Mr. FLETCHER. But the act of 1913 did carry a provision

for discriminating duties.

Mr. JONES of Washington. It went to conference, and there

was a final revision.

Mr. POMERENE. And then it was so modified that it would not apply to any nation with which we had a treaty or a convention.

Mr. JONES of Washington. The Senator is right.

Mr. FLETCHER. In connection with the amendment I proposed, I am inclined to think the Senator's suggestion is sounder on the general proposition, but I could not have the heart to increase the duties fixed in the act of 1922. They are certainly high enough and I only hope we can reduce them.

Mr. POMERENE. I realize what the Senator had in mind. I want now to present, in a very general way, a plan which, in my judgment, will solve the problem and will help us to preserve our present merchant marine and maintain it on the sea. There is nothing new in it, because each of these thoughts has been presented by others in the past, but this is what ought to be done, in my judgment:

First. Provide more favorable tonnage rates for ships of

American registry than those of foreign registry.

Second. Reduce the rates of duty on all articles on the dutiable list coming in American bettoms or raise the rates on those coming in foreign bottoms, or both.

Third. If necessary, add a slight duty on all goods on the free list imported in foreign bottoms. As most of the goods on the free list come from countries which do not have merchant ships, this would give a very decided advantage to American ships.

Fourth. On all goods exported give reduced rates on railroads from point of production to port of shipment, providing they are sent in ships of American registry. This would secure to them the tonnage and reduce the cost of transportation for the producer.

May I stop here to observe that the geographic situation in our country is very materially different from that of most other countries, and particularly is that true as applied to agricultural products. In Argentina and Australia, for instance, the distance from the farms to the ports is seldom greater than 250 miles, while in this country of ours our farm produce must be shipped a thousand, fifteen hundred, perhaps twenty hundred miles, or farther, in order to get to a port of export.

Fifth. If necessary grant a decrease in railroad rates on goods imported in American bottoms from the port of entry to the point of destination

Sixth. Provide by law that after a fixed date all ships belonging to the Government shall be sold or leased, and in no event operated by the Government in competition with privately owned ships.

This plan, of course, would require the denouncement upon notice of all treaties or conventions which provide for reciprocal traffic or tariff rates, and the necessary notices ought to be

So far as these suggestions which apply to railroad rates are concerned, they are substantially what is contained in section

28 of the merchant marine act of 1920.

No effort has been made under either administration to carry out the provisions of the act of 1920. I am at a loss to under-stand why now we should discard what was then the will of the Congress of the United States and adopt a plan of subsidy which would cost this Government \$30,000,000 annually without giving us any assurance of success.

We can accomplish the same result for the American merchant marine by indirect aid along the lines I have pointed out. Then why drain the Public Treasury?

During the delivery of Mr. Pomerene's speech, Mr. RANSDELL. Mr. President, I would like very much to hear what the Senator is saying. He always contributes to a debate by his speeches, and I can not hear him, although I am within a few feet of his desk. I hope we may have order in the Senate

The PRESIDING OFFICER. The Senate will be in order. Mr. CURTIS. While the Senator is interrupted, may I ask leave to submit a unanimous-consent agreement?

Mr. POMERENE. Certainly.

Mr. CURTIS. I ask unanimous consent that when the Senate completes its business to-day, it recess until 11 o'clock to-

Mr. KING. May I ask the Senator at what hour will the recess be taken?

Mr. CURTIS. As soon as the Senator from Ohio concludes

his speech. Mr. ROBINSON. Pending the request for unanimous con-

sent, I will state that a number of Senators have expressed impatience at the inability of the Senate to sound out the calendar. We are rapidly approaching the time when proceeding with the consideration of the calendar will accomplish nothing, especially as far as relates to Senate bills. Some Senators have expressed a desire to have an adjournment taken this evening. I shall not object to the request of the Senator from Kansas if he thinks it best to take a recess, but I call to his attention and to the attention of other Senators the fact that taking a recess will practically end the consideration of the calendar.

Mr. CURTIS. I will state to the Senator that it was my intention to ask to-morrow or the next day for time to go throught the calendar, at least for the disposition of unobjected bills. It is impossible to dispose of any bills where there is a contest. I think, if we take a recess, we can reach some agreement to-morrow morning about the calendar.

Mr. OVERMAN. Can not the Senator have it limited to

House bills?

Mr. CURTIS. We will try to reach some agreement in re-

gard to that matter to-morrow.

Mr. OVERMAN. Certainly no further Senate bills need be passed for they would not be considered in the other House. If we could limit the consideration of the calendar to House bills, we could accomplish something.

Mr. POMERENE. This is all very interesting, and if we can get to a unanimous-consent agreement I am willing to yield

further; otherwise, I wish to proceed.

Mr. CURTIS. I ask unanimous consent to have the order

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas? The Chair hears none, and it is so ordered.

After the conclusion of Mr. Pomerene's speech,

RECESS.

Mr. CURTIS. I move that the Senate take a recess under the order until 11 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 55 minutes p. m.) under the order previously entered took a recess until to-morrow, Tuesday, February 27, 1923, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

Monday, February 26, 1923.

The House met at 12 o'clock noon, and was called to order by the Clerk of the House.

The CLERK. The clerk will read a communication from the Speaker's room.

FEBRUARY 26, 1923.

To the CLERK OF THE HOUSE OF REPRESENTATIVES:

I have an attack of influenza and so am unable to leave the house, and designate Hon. Philip P. Campbell of Kansas to act as Speaker pro tempore until I return.

Mr. CAMPBELL of Kansas took the chair.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who dwellest in the eternities, we would unite our breath with the countless hosts in saying "Holy, holy, holy, Lord God Almighty!" Let us thank Thee deeply and devoutly for the lessons Thou hast written everywhere, and do Thou enable us to heed them. Still, still with Thee in the freshness and promise of another day. Walk with us that we fail not and turn not aside. Strengthened by Thy presence, led by Thy wisdom, cheered by Thy promise, and helped by Thy grace, may we do our whole duty to our country and to our fellow man. Through Christ. Amen.

The Journal of the proceedings of Saturday and Sunday were read and approved.

LEAVE OF ABSENCE.

By unanimous consent (on request of Mr. Cockran)-Mr. Cullen was granted leave of absence on account of illness in family.

ORDER OF BUSINESS.

Mr. MADDEN. Mr. Speaker—
Mr. FOCHT. Mr. Speaker—
The SPEAKER pro tempore. For what purpose does the

gentleman from Illinois rise?

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14408, a bill making appropriations for deficiencies.

Mr. BLANTON. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the deficiency bill.

Mr. BLANTON. Mr. Speaker, I make the point of order, if the Chair will permit me to state the point of order. The SPEAKER pro tempore. The gentleman will state his

point of order.

Mr. BLANTON. I make the point of order, Mr. Speaker, that this being the fourth Monday of February, under clause 8 of rule 24, which reads as follows:

The second and fourth Mondays of each month, after the disposal of such business on the Speaker's table as requires reference only, shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

I want to call to the attention of the Speaker that the only exception to this rule is found in the last paragraph of the Manual, which reads as follows:

On District days it is in order to go into the Committee of the Whole to consider revenue or general appropriation bills.

That was passed in the Sixty-first Congress. Now I want to submit that the chairman of the District of Columbia Committee has claimed to-day, and that the bill which the gentleman from Illinois seeks to call up is not a general appropriation bill, such as that term is used in this paragraph, but is a special bill, to

wit, the third deficiency bill.

Mr. MADDEN. Will the gentleman yield?

Mr. BLANTON. In a moment. The general appropriation bills are the regular supply bills. The deficiency appropriation bills that come from time to time are not the general appropriation bills. They are special bills of emergency, made necessary by the fact that certain departments have exceeded their authority and have violated the law in expending more money than the Congress had authorized. They are special appropriation bills in effect.

The SPEAKER pro tempore. The Chair is ready to rule.

Mr. BLANTON. I have one other point.
The SPEAKER pro tempore. The Chair is ready to rule.
Mr. BLANTON. Will the Chair permit me to make another point of order.

The SPEAKER pro tempore. No; the Chair is ready to

Mr. FOCHT. May I make a parliamentary inquiry before the Chair makes his ruling?

The SPEAKER pro tempore. Yes.

Mr. FOCHT. I want to inquire, as chairman of the District Committee, Mr. Speaker, whether it is within the power of any official of any committee or any committee to set aside a rule of the House without the consent of the House when the chairman of the committee and the committee are here with a bill, the school teachers' bill and-

The SPEAKER pro tempore. The Chair will answer the inquiry. The House will decide on the motion or the gentleman from Illinois and give answer to the inquiry of the gentleman

from Pennsylvania.

Mr. BLANTON. I desire to make another point of order.

This should be in order at any time—
Mr. MONDELL. Mr. Speaker, there is a point of order before the Chair and until that is determined no other point of order is in order.

Mr. BLANTON. I have another one that is a better point of order and more conclusive. [Laughter.] I make the point of order that in addition to the House rule which I have read, the Committee on Rules, which makes the order of business in this House, several days ago passed a special rule which makes in order what is known as the teachers' pay bill, and that rule is in the chairman's pocket at this time and is in order to be called up and that makes in order the District business to-day. The SPEAKER pro tempore. That is not a point of order.

Mr. BLANTON. I appeal from the decision of the Chair. Mr. CRAMTON. Mr. Speaker, I ask for order in the galleries.

Mr. MONDELL. Mr. Speaker, I move to lay that appeal on the table.

Mr. BLANTON. I appeal from the decision of the Chair—
Mr. MONDELL. I move to lay the appeal on the table.
The SPEAKER pro tempore. The gentleman from Texas appeals from the decision of the Chair about something of which the Chair is not exactly aware—
Mr. BLANTON. That the teachers' pay bill, for which the

Committee on Rules has granted a special rule, is in order

on this special District day.

Mr. MADDEN. It is not until it is laid before the House,
Mr. MONDELL. Mr. Speaker, there is no opinion to appeal from. There is only one motion before the House and that is the motion of the gentleman from Illinois [Mr. MADDEN]. But if there is a motion before the House made by the gentle-man from Texas [Mr. Blanton] to override the decision of the Chair, I move to lay it on the table.

The SPEAKER pro tempore. The Chair is ready to rule on

the point of order made by the gentleman from Texas.

Mr. CRAMTON. Mr. Speaker, pending that, I would like the Chair to admonish the people in the galleries that they are only here as a matter of courtesy, and they are not entitled to order. to attempt to stampede the House. We are entitled to order in the galleries.

The SPEAKER pro tempore. The Chair will enforce the rules of the House, and notifies the people in the galleries that they are here by the courtesy of the House, and that they must observe order. The gentleman from Illinois [Mr. Mad-DEN] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the deficiency bill, and the gentleman from Texas makes the point of order that the gentleman from Illinois may not make that motion to-day, for the reason that it is the fourth Monday in the month.

Mr. FOCHT. Mr. Speaker, I call for the yeas and nays. The SPEAKER pro tempore. The rules specifically provide that it is in order to move on this day to go into Committee of the Whole House on the state of the Union for the consideration of a general appropriation bill, and it has always been held, as the gentleman from Texas will find, that a deficiency appropriation bill is a general appropriation bill. Therefore the Chair overrules the point of order made by the gentleman from

Mr. BLANTON. I appeal from the decision of the Chair.

Mr. MONDELL. I move to lay that on the table.

The SPEAKER pro tempore. The gentleman from Wyoming moves to lay the appeal on the table. The question is on agreeing to that motion.

The question was taken, and the Speaker pro tempore announced that the "ayes" appeared to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 103, noes 14.

So the motion to lay the appeal on the table was agreed to.

Mr. ZIHLMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ZIHLMAN. I want to ask the Chair if the motion of the gentleman from Illinois [Mr. Madden] to go into Committee of the Whole House on the state of the Union for the consideration of the deficiency bill is subject to amendment? If so, I wish to offer an amendment.

The SPEAKER pro tempore. It is not. It must be voted up

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry. The SPEAKER pro tempore. The gentleman will state his

parliamentary inquiry.

Mr. BLANTON. Should the motion of the gentleman from Illinois [Mr. MADDEN] be voted down, would it be in order for the Speaker to entertain the motion of the gentleman from Pennsylvania [Mr. Fochr]?

The SPEAKER pro tempore. Any proper motion would be

in order

Mr. MONDELL. Any other proper motion.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois [Mr. Madden] that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14408, the deficiency bill.

Mr. MOORE of Virginia. Mr. Speaker, a parliamentary in-

quiry.

The SPEAKER pro tempore. The gentleman will state it.
Mr. MOORE of Virginia. I voted a moment ago to sustain the view of the Speaker because I thought he was correct in interpreting the rules. But is there any possible method of find-ing out when the teachers' pay bill will be brought before the

The SPEAKER pro tempore. The Chair is unable to answer

that question.

Mr. BLANTON. Mr. Speaker, I ask for recognition on the

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois.

The question was taken; and on a division (suggested by the

Chair) there were-ayes 86, noes 46. Mr. LONDON. Mr. Speaker, I make the point of order that

there is no quorum present, and I challenge the vote on that

The SPEAKER pro tempore. The gentleman from New York makes the point of order that there is no quorum present, and challenges the vote on that ground. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll. As many as are in favor of the motion of the gentleman from Illinois will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 172, nays 184, answered "present" 2, not voting 119, as follows:

	YEAR	5 —172.	
Ackerman	Evans	Knutson	Robertson
Anderson	Fairchild	Kraus	Rogers
Andrew, Mass.	Fairfield	Layton	Sanders, Ind.
Andrews, Nebr.	Faust	Lea, Calif.	Shaw
Anthony	Fess	Leatherwood	Sinnott
Appleby	Fisher	Lehlbach	Snell
Aswell	Fordney	Luce	Stafford
Barbour	French	McFadden	Steagall
Beedy	Fuller	McKenzie	Steenerson
Benham	Funk	McLaughlin, Mic	h Stenhene
Black	Gallivan	McLaughlin, Nebr.Stevenson	
Bland, Ind.	Garrett, Tenn.	McPherson	Strong, Kans.
Boies	Gensman	MacGregor ·	Strong, Pa.
Brown, Tenn.	Glynn	MacLafferty	Summers, Was
Buchanan	Graham, Ill.	Madden	Sweet Sweet
Burdick	Green, Iowa	Magee	Swing
Burtness	Greene, Mass.	Mapes	Taylor Col-
Burton	Greene, Vt.	Merritt	Taylor, Colo.
Butler	Griest	Michener	Taylor, N. J.
Byrnes, S. C.	Hadley	Miller	Temple
Byrnes, S. C.		Mills	Thompson
Byrns, Tenn.	Hardy, Colo.	Mondell	Tillman
Campbell, Pa.	Haugen Hawley	Mondell Monney Ind	Tilson
Cannon	Harden	Moores, Ind.	Timberlake
Chindblom	Hayden Hersey	Murphy	Tincher
Christopherson	Hersey	Nelson, Me.	Tinkham
Clarke, N. Y.	Hickey	Newton, Minn.	Towner
Clouse	Hicks	Ogden	Turner
Cole, Iowa	Hill Hoch	Oliver	Tyson
Cole, Ohio		Paige	Valle
Collins	Huddleston	Parker, N. J.	Vestal
Colton	Hukriede	Parker, N. Y.	Vinson
Connally, Tex.	Humphrey, Nebr.	Patterson, N. J.	Volstead
Copley	Humphreys, Miss.		Wason
Coughlin	Husted	Pringey	Watson
Crago	Ireland	Purnell	Webster
Cramton	Jefferis, Nebr.	Radeliffe	White, Kans,
Curry	Johnson, Ky.	Rainey, Ala.	Williamson
Darrow:	Johnson, S. Dak.	Ramseyer	Wilson
Dempsey -	Kelley, Mich.	Ransley	Wise
Denison	Kendall	Rayburn	Wright
Dickinson	Kiess	Reece	Wyant
Dunbar	Kline, N. Y.	Reed, N. Y.	Yates
Elliott	Kline, Pa.	Rhodes	Young

TAT A	THE	-134.
23.23	13-	-104.

Abernethy	Fields	Lineberger	Robsion
Almon	Fish	Linthicum	Rouse
Arentz	Fitzgerald	Logan	Rucker
Bankhead	Focht	London	Sanders, Tex.
Barkley	Foster	Lowrey	Sandlin
Beck	Frear	Lyon	Scott, Tenn,
Bell	Free	McDuffie	Sears
Bixler	Fulmer	MeSwain	Shelton
Blakeney	Gahn	Maloney	Shreve
Bland, Va.	Garrett, Tex.	Mansfield	Slegel
Blanton	Gernerd	Martin	Sinclair
Bowling	Gilbert	Mead	Smith, Idaho
Box	Hammer	Montague	Smithwick
Briggs	Hardy, Tex.	Moore, Ohio	Speaks
Bulwinkle	Henry	Moore, Va.	Stedman
Cable	Herrick	Morgan	Sumners, Tex.
Campbell, Kans.	Hogan	Nelson, A. P.	Swank
Carew	Hooker	Nelson, J. M.	Tague
Carter	Hudspeth	Newton, Mo.	Ten Eyck
Chalmers	Hull	Norton	Tucker
Clague	Jeffers, Ala.	O'Connor	Underhill
Cockran	Johnson, Wash,	Oldfield	Upshaw
Collier *	Jones, Tex.	Parks, Ark.	Voigt
Cooper, Wis.	Kelly, Pa.	Patterson, Mo.	Volk
Crisp	Ketcham	Paul Paul	Walters
Dallinger	Kincheloe	Perlman	Weaver
Davis, Tenn.	Kissel	Quin	Williams, Ill.
Dominick	Kopp	Rainey, Ill.	Wingo
Doughton	Lanham	Raker	Woodruff
Dowell	Lankford	Rankin	Woods, Va.
Drewry	Larsen, Ga.	Reed, W. Va.	Wurzbach
Driver	Larson, Minn.	Ricketts	Zihlman
Favrot	Lawrence	Riordan	231111111111
Fenn	Lazaro	Roach	
			1-7-11-1-1
	ANSWERED	"PRESENT"-2.	

Pou Sisson

NOT VOTING-119.

nsorge	Dyer	Kitchin	Rodenberg
tkeson	Echols	Kleczka	Rose
Bacharach	Edmonds	Knight	Rosenbloom
Begg	Ellis	Kreider	Rossdale
Bird	Freeman	Kunz	Ryan
Bond	Frothingham	Lampert	Sabath
Bowers	Garner	Langley	Sanders, N. Y
Brand	Gifford	Lee, Ga.	Schall
Brennan	Goldsborough	Lee, N. Y.	Scott, Mich.
Britten	Goodykoontz	Little	Slemp
Brooks, Ill.	Gorman	Longworth	Smith, Mich.
Brooks, Pa.	Gould	Luhring	Snyder
rowne, Wis.	Graham, Pa.	McArthur	Sproul
lurke	Griffin	McClintie	Stiness
antrill	Hawes	McCormick	Stoll
handler, N. Y.	Hays	McLaughlin, Pa.	Sullivan
handler, Okla.	Himes	Michaelson	Taylor, Ark.
lark, Fla.	Huck	Moore, Ill.	Taylor, Tenn.
lasson	Hutchinson	Morin	Thomas
odd	Jacoway	Mott	Thorpe
onnolly, Pa.	James	Mudd	Treadway
ooper, Ohio	Johnson, Miss.	Nolan	Ward, N. Y.
rowther	Jones, Pa.	O'Brien	Ward, N. C.
ullen	Kahn	Olpp	Wheeler
ale	Kearns	Overstreet	White, Me.
avis, Minn.	Keller	Park, Ga.	Williams, Tex
eal	Kennedy	Petersen	Winslow
rane	Kindred	Porter	Wood, Ind.
unn	King	Reber	Woodyard
upré	Kirkpatrick	Riddick	
THE RESERVE OF THE PARTY OF THE	The second of th		

So the motion to go into the Committee of the Whole House on the state of the Union was agreed to.

The following pairs were announced:

Until further notice:

Mr. Langley with Mr. Clark of Florida.

Mr. Winslow with Mr. Williams of Texas. Mr. Wood of Indiana with Mr. McClintic.

Mr. Bacharach with Mr. Cullen.
Mr. Connolly of Pennsylvania with Mr. Hawes.
Mr. Little with Mr. Ward of North Carolina.
Mr. Snyder with Mr. Brand.

Mr. Porter with Mr. Lee of Georgia. Mr. Keller with Mr. Sabath, Mr. Edmonds with Mr. Thomas. Mr. Treadway with Mr. Dupré

Mr. Morin with Mr. Kunz.

Mr. Browne of Wisconsin with Mr. Goldsborough,

Mr. Olpp with Mr. Cantrill.

Mr. Begg with Mr. Jacoway

Mr. Lampert with Mr. O'Brien. Mr. Cooper of Ohio with Mr. Sullivan.

Mr. Moore of Illinois with Mr. Kitchin. Mr. Graham of Pennsylvania with Mr. Griffin.

Mr. Frothingham with Mr. Deal,

Mr. Kahn with Mr. Park of Georgia.

Mr. Crowther with Mr. Kindred.

Mr. Longworth with Mr. Garner.

Mr. Freeman with Mr. Drane.

Mr. Davis of Minnesota with Mr. Johnson of Mississippi,

Mr. Mudd with Mr. Taylor of Arkansas.

Mr. Michaelson with Mr. Stoll.

Mr. Stiness with Mr. Overstreet.

The result of the vote was announced as above recorded.

The doors were opened.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. McARTHUR in the chair.

The Clerk read the title to the bill, as follows:

H. R. 14408, making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

The Clerk proceeded with the reading of the bill, as follows: EMPLOYEES' COMPENSATION COMMISSION

For the payment of compensation provided by "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes." approved September 7, 1916, including medical, sungical, and hospital services, and supplies provided by section 9, and the transportation and burial expenses provided by sections 9 and 11 and advancement of costs for the enforcement of recoveries provided in sections 26 and 27, where necessary, accruing during the fiscal year 1923 or in prior fiscal years, \$475,000.

Mr. SNELL. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if this item takes care of people outside of the regular service? Mr. MADDEN. This is the Industrial Employees' Compen-

sation Commission.

What class of employees does it refer to? Mr. SNELL.

Mr. MADDEN. All classes of civilian employees.

Mr. SNELL. Outside of the regular service?

Mr. MADDEN. Yes.

The pro forma amendment was withdrawn.

The Clerk read as follows:

District of Columbia.

Mr. BLANTON. Mr. Chairman, I move to strike out line 8. The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. BLANTON moves to strike out line 8, page 6.

Mr. BLANTON. Mr. Chairman, I have moved to strike out in this bill the words "the District of Columbia" because apparently it has ceased to have any place in the legislative program of the House. The people of the District of Columbia have no voice in the selection of their commissioners or in their local affairs.

Mr. MADDEN. Mr. Chairman, I make the point of order

that the gentleman is not talking to the bill.

Mr. BLANTON. I am talking to my amendment, wherein I move to strike out "the District of Columbia."

Mr. MADDEN. The District of Columbia is too big to strike out by a motion.

Mr. BLANTON. I am trying to do some big things in this

House, but I do not always succeed; still I am trying.

The CHAIRMAN. The gentleman from Illinois makes the point of order that the gentleman from Texas is not discussing the bill. The gentleman from Texas will be allowed to discuss under his motion the business of the District of Columbia embodied in this bill and nothing else when the point of order

Mr. BLANTON. Our friend from Illinois is becoming very

Mr. MADDEN. The gentleman from Texas is always technical and I get technical only once in awhile.

Mr. BLANTON. I watched the gentleman from Illinois one day for four hours-

Mr. MADDEN. Mr. Chairman, I make the point of order—Mr. BLANTON. I am getting back to the bill.
The CHAIRMAN. The gentleman from Texas will proceed

Mr. BLANTON. Mr. Chairman, under the subject "District of Columbia" in this bill there appears certain items for expense under the subhead "General expenses." The general The general expenses for the District of Columbia pertain to the business of the District of Columbia. No people ought to be taxed to meet the general expenses unless they have some voice in the management of their own business.

The people of the District of Columbia are by this bill required to pay 60 per cent of the expenditures under this subhead. Yet they can not elect their District Commissioners, they can not select the members of their own school board.

Mr. MOORE of Virginia. Mr. Chairman, may I interrupt the

gentleman?

Mr. BLANTON. In a moment. They can not elect their Public Utility Commission, which sits here day after day and makes the people pay 8 cents car fare when they ought not to pay but 5 cents under the charter granted the street railways. Mr. MADDEN. There is nothing in the bill about that.

Mr. BLANTON. I am talking about general expenses. The CHAIRMAN. The Chair thinks under the term "general expenses" there must be some liberality.

Mr. MOORE of Virginia. Will the gentleman yield?
Mr. BLANTON. I prefer not to yield now, I prefer not to yield even to the gentleman from Illinois [Mr. MADDEN] if the Chairman can keep me from it. [Laughter.] regard to these items, the 450,000 people of this District must look solely to the membership of this Congress for their protection and their rights.

Mr. MADDEN. Will the gentleman yield?

Mr. BLANTON. I will yield to the distinguished gentleman from Illinois

Mr. MADDEN. Does the gentleman from Texas know that under the rules of the House the pending bill is in order and deals with the entire Government of the United States?

Mr. BLANTON. Yes; and the District of Columbia is only very small part of the United States.

Mr. MADDEN. If the District of Columbia is greater than all the activities of the Government we ought to go on with

that bill, but, if not, let us go on with this bill.

Mr. BLANTON. I am for the Government first always, but

I am for the District of Columbia on District day,

Mr. MADDEN. It is not District day. Mr. BLANTON. No; it has been decided that it is not District day, but there are other items that could have been placed in the bill by the distinguished gentleman without strenuously violating the rules. I do not believe he would have had any trouble if, for instance, he had placed the teachers' pay bill in this bill, and I would have made no point of order against it, and it would have gone through. It would have benefited the people of this District and they would have secured their rights.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto

close in five minutes.

Mr. RANKIN. Mr. Chairman, I would like to have five minutes. I ask the gentleman to make it 10 minutes.

Mr. MADDEN. Oh, the gentleman can take it on the next

paragraph.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate upon this paragraph and all amendments thereto close in five minutes.
Mr. RANKIN. Mr. Chairman, I object.
Mr. MONDELL. Mr. Chairman Is there objection?

The CHAIRMAN. The gentleman from Wyoming is recog-

Mr. MADDEN. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in five

Mr. BLANTON. Mr. Chairman, I make the point of order that the motion is out of order, because the gentleman from Wyoming had already been recognized, and he can not be taken off his feet without permission.

Mr. MONDELL. Mr. Chairman, I waive any rights that

have in the matter.

The CHAIRMAN. The gentleman from Wyoming waives his The question is on the motion of the rights in the premises. gentleman from Illinois that all debate upon the paragraph and all amendments thereto close in five minutes.

Mr. BANKHEAD. Mr. Chairman, I move to amend that by extending it 10 minutes, the other 5 minutes to be given to the gentleman from Mississippi [Mr. RANKIN].

Mr. MADDEN. Mr. Chairman, I make the point of order that that motion is not in order. He can not specify particularly the possess. harly the person.

The CHAIRMAN. The motion of the gentleman from Alabama is out of order.

Mr. BANKHEAD. Mr. Chairman, I move to amend by making it 10 minutes.

The question is on the amendment of the The CHAIRMAN. gentleman from Alabama to make it 10 minutes.

The question was taken; and the Chair being in doubt, the committee divided and there were-ayes 57, noes 71.

So the Bankhead amendment was rejected.

The CHAIRMAN. The question now recurs upon the motion of the gentleman from Illinois that debate upon the paragraph and all amendments thereto close in five minutes.

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were—ayes 76, noes 35.

So the motion was agreed to.

Mr. MONDELL. Mr. Chairman, we all very greatly regret
that the short session of the Congress is of such brief dura-

Mr. RANKIN. Mr. Chairman, I make the point of order that the gentleman is not speaking in order.

The CHAIRMAN. The gentleman from Wyoming has not proceeded sufficiently for the Chair to determine whether he is

speaking in order or not.

Mr. MONDELL. Mr. Chairman, we all regret that the short session of Congress is not of sufficient duration to enable us to dispose of all of the public business before us, including the business of the District of Columbia. At the short session it is absolutely essential that we shall pass the appropriation bills, and to that work this House devoted itself constantly, earnestly, and faithfully, with the cooperation of both sides of the Chamber, making a record in that regard. We then took up only the absolutely essential and important public business

Mr. RANKIN. Mr. Chairman, I make the point of order

that the gentleman is not speaking in order.

The CHAIRMAN. The gentleman will suspend. The gentleman from Mississippi makes the point of order that the gentleman from Wyoming is not discussing the amendment.

Mr. MONDELL. Only the essential public business during

that period-

Mr. BLANTON. Mr. Chairman, I make the point of order that when a gentleman having the floor is called to order, he must cease speaking until the Chair determines the question.

The CHAIRMAN. The Chair is of opinion that the gentle-man from Wyoming is discussing matters more general than those contained in the amendment. The gentleman will proceed

Mr. MONDELL. During that period, after disposing of the appropriation bills, the business of the District of Columbia was given more time upon this floor than all of the business of the Army and the Navy, than all of the business of the Banking and Currency Committee; than all of the business of the great Committee on Interstate and Foreign Commerce.

Mr. BLANTON. Mr. Chairman, I make the point of order

that the gentleman is not speaking to the amendment.

Mr. MONDELL. Mr. Chairman, during that period— Mr. BLANTON. Mr. Chairman, I make the point of order, respectfully, that even the House leader should obey the rules and the ruling of the Chair. He is not discussing the items of appropriation contained in this bill; and the point of order which the gentleman from Mississippi, Mr. RANKIN, made, which was sustained by the Chair, should compel the gentle-

man to speak in order.

The CHAIRMAN. The Chair would state that the Chair was very liberal in the latitude which he permitted other gentlemen in the discussion of this matter; and since the attention of the gentleman from Wyoming has been called to it, he feels

that the gentleman will proceed in order.

Mr. BLANTON. But two wrongs never make a right. Mr. MONDELL. Of course, Mr. Chairman, others than the gentleman from Texas are always wrong.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent

that the gentleman may proceed out of order.

Mr. McSWAIN. Mr. Chairman, reserving the right to object, if the speech of the gentleman from Wyoming is intended as an apology to the people of the District of Columbia, he better have a meeting outside for that purpose.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that

the gentleman may have permission to proceed out of order.

Mr. MONDELL. I object. I do not wish to proceed out of Mr. BLANTON. I reserve the right to object.

Mr. BLANTON. I cheet.

Mr. MONDELL. Oh, I object.
The CHAIRMAN. The gentleman will proceed in order.
Mr. MONDELL. Mr. Chairman, the gentleman from Wyoming is proceeding in order to discuss the amendment offered by the gentleman from Texas. The gentleman from Wyoming is discussing the District of Columbia. The District of Columbia has had more time for legislation on the floor of this House since we disposed of the appropriation bills than any one of the great departments of the Federal Government. The Dis-trict of Columbia Committee has upon its calendars some 12 or 13 bills. For instance, there is a bill for the compulsory attendance of children in schools. Then there is the bill—

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman is not discussing the appropriations in this

bill and is out of order.

Mr. MONDELL. Certainly I am not discussing the appropriations in this bill, and the amendment that the gentleman offered has nothing to do with the appropriations in this bill The amendment is to the caption, "The District of Columbia," and a discussion of the District of Columbia is in order.

Mr. BLANTON. But we have a parliamentarian from the State of Oregon in the chair who thinks otherwise.

The CHAIRMAN. The gentleman will proceed in order.

Mr. MONDELL. Why is it, Mr. Chairman, that we have delegations here in favor of but one of the 13 or 14 bills from the District of Columbia that are on the calendar? Is there no one in the District of Columbia interested in all of the other legislation affecting all of the people of the District? Is it legislation affecting only a very few of the people that the people here are interested in? Here is a list of the bills reported by the District Committee and not acted upon:

LEGISLATION FROM THE COMMITTEE ON THE DISTRICT OF COLUMBIA. H. R. 8084. Closing certain streets and alleys in vicinity of Walter Reed Hospital. (Unfinished business.) S. 2040. Compulsory school attendance of children in District of Columbia.

H. R. 4389. Creating traffic court in District of Columbia.
S. 3136. School teachers' salary bill.
H. R. 14002. Providing tax on motor-vehicle fuels in District of Columbia.

Columbia.

H. R. 13834. Amending insurance laws of District of Columbia.

H. R. 14872. Providing for charges against general fund standing to the credit of District of Columbia in the Federal Treasury.

S. 3296. Authorizing merger of street railway corporations in District of Columbia.

H. R. 12997. Granting relief of Metropolitan pelice.

S. 2822. Regulating practice of optometry in District of Columbia.

H. R. 11021. For prevention of venereal disease in District of Columbia.

H. R. 7746. To regulate sale of milk and cream in District of Columbia.

Columbia.

H. R. 10275. Authorizing extension of park system in District of

Columbia. H. R. 14184. Authorizing closing of a part of Thirty-fourth Place

H. R. 14184. Authorizing closing of a part of Thirty-fourth Place NW.
H. R. 18237. Authorizing closing of portions of Grant Road.
H. R. 8792. Proposing survey of proposed parkway connecting old Civil War forts in District of Columbia.
S. 3345. Changing name of Keokuk Street to Military Road.
H. R. 12172. Regulating payunbrokers in District of Columbia.
S. Con. Res. 26. Investigation of needs of office of recorder of deeds of District of Columbia.

Mr. FOCHT. Mr. Chairman, will the gentleman yield? Mr. BLANTON. Mr. Chairman, I again make the point of order, and I insist upon the point of order.

Mr. FOCHT. Mr. Chairman, does the gentleman from Wyoming want to know why these bills are not here? Simply because the gentleman and his autocratic committee have strangled them

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no Member of the House who is impervious to the rules of the House, and the gentleman from Wyoming is disobeying the ruling of the Chair. I ask that the Chair keep him

The CHAIRMAN. The gentleman will proceed in order. Mr. MONDELL. Mr. Chairman, I am perfectly willing to argue the point of order if there is a point of order. The CHAIRMAN. The gentleman will proceed.

Mr. MONDELL. I prefer to argue the point of order if there

is any question about my being in order.

The CHAIRMAN. The Chair admonished the gentleman from Texas to keep his discussion within the general principles carried in the present bill under the head of the District of Columbia.

Mr. MONDELL. Will the Chair be good enough to have the Clerk report the amendment?

Mr. BLANTON. The Chair would not permit me to make the remarks I wanted to make, and I still want to make them. [Laughter.]

The CHAIRMAN. The amendment will be again reported, without objection.

The Clerk read as follows:

Page 6, strike out line 8.

Mr. MONDELL. What is line 8? The CHAIRMAN. The District of Columbia. Mr. MONDELL. The District of Columbia Committee has some 13 or 14 important bills on its calendar providing for compulsory attendance of children, providing for tax on motorvehicle fuel, providing for amendment to the insurance laws of the District-

Mr. BLANTON. Mr. Chairman, I make the point of order-

The CHAIRMAN. The gentleman will suspend.

Mr. BLANTON. I do not wish to be contentious, but I do wish the rules of the House enforced.

The CHAIRMAN. The Chair has already ruled that discussion must be confined to the subject of legislation.

Mr. BLANTON. Has the Chair any power to keep gentlemen within the rules?

The CHAIRMAN. The Chair can not tell what the gentleman is going to discuss until he discusses it.

Mr. MONDELL. I would like to have a ruling. The CHAIRMAN. The gentleman from Wyoming and all other gentlemen must discuss, if points of order are made-

Mr. MONDELL. Under the language which is proposed to strike out, is it in order to discuss the District or not?

The CHAIRMAN. It is in order to discuss legislative matter

pertaining to the District carried in this bill, and the Chair has so ruled in respect to the gentleman from Texas who endeavored to broaden the discussion generally.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry. How much time has the gentleman remaining?

Mr. MADDEN. I make a point of order that gentlemen can not submit a parliamentary inquiry and take a gentleman off his feet.

The CHAIRMAN. The point of order is sustained, and the

gentleman from Wyoming will proceed.

Mr. MONDELL. Now, nobody appears to be interested in any legislation of the District of Columbia, important as it is, reported here on the calendar, except legislation affecting a few individuals. Have we reached the time when Congress is to be governed in its legislation not in view of the importance of public business but by approval from the galleries?

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment proposed by the gentle-

man from Texas.

The question was taken, and the amendment was rejected. The Clerk read as follows:

> DISTRICT OF COLUMBIA. GENERAL EXPENSES.

Plumbing inspection division: For temporary employment of additional assistant inspectors of plumbing and laborers for such time as their services may be necessary, fiscal year 1923, \$1,000.

Mr. RANKIN. Mr. Chairman-

The CHAIRMAN. For what purpose does the gentleman

from Mississippi rise?

Mr. RANKIN. I move to strike out the last word. We are proceeding here at a breakneck speed, as the gentleman from Wyoming could have said or should have said, in the closing days of this Congress with a measure still pending that, in my opinion, is of infinitely more importance to the taxpayers of America than the bill we are now discussing. The gentleman from New York [Mr. Fish] has introduced a resolution to investigate the Veterans' Bureau along certain lines. The gentleman from Texas [Mr. CONNALLY] has introduced one asking for a joint investigation—that is, by a joint committee between the House and Senate.

Mr. MADDEN. Mr. Chairman, I make the point of order

that the gentleman is not discussing the item.

Mr. RANKIN. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The gentleman will be heard.
Mr. RANKIN. Mr. Chairman, I am not surprised—
Mr. MADDEN. This is an item for plumbing inspection divi-When we reach that part of the bill, why it will be in

Mr. RANKIN. I wish to be heard on the point of order.

The CHAIRMAN. All right.

Mr. RANKIN. And in that connection I should like to have a copy of the bill. I wish to say I am not surprised that the leaders on the Republican side object to the Veterans' Bureau being investigated.

Mr. MADDEN. Mr. Chairman, I make the point of order that the gentleman is not confining his remarks to the item.

Mr. RANKIN. We have the Veterans' Bureau prominently before the House and-

Mr. MADDEN. Mr. Chairman, I insist on my point of order, We are not dealing with the Veterans' Bureau in this item.
Mr. RANKIN. On page 6 we have passed over the item dealing with the Veterans' Bureau, and it is to that item I wish to direct my remarks.

Mr. MADDEN. That has been passed.

The CHAIRMAN. The Chair is ready to rule, The Chair thinks debate must be confined to the subject—

Mr. RANKIN. Mr. Chairman, I most obediently submit to the will of the Chair, because the last word that I moved to strike out, I believe, is "Commissioners," and if there is anyone

The CHAIRMAN. Let the Chair finish.

Mr. RANKIN. This is not to be taken out of my time. The CHAIRMAN. The gentleman moved to strike out the last word and then engages in a wide discussion. The point of order being made against the gentleman's discussion, the Chair is constrained to sustain the point of order, and the gentleman must discuss the amendment, which is the striking out of the last word.

Mr. LONDON. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. RANKIN. Yes; I yield to the gentleman from New

York.

Mr. LONDON. The last word is "dollars," and the trouble with the Veterans' Bureau seems to be in relation to dollars.

[Laughter.]

Mr. RANKIN. Yes. Mr. Chairman, if there is any one thing that the American people are interested in at this time, in the dying days of this extravagant Congress, it is dollars, and God knows, I do not blame them. Look at the dollars you are wasting here! Five hundred million dollars is being spent annually by the Veterans' Bureau, or more than the entire Federal Government was costing the people of the United States 20 years ago. You are spending that on the Veterans' Bureau alone. You are spending possibly \$200,000,000 a year in waste or extravagance of those dollars we are talking about. The taxpayers must foot the bill.

Mr. MADDEN. Does the gentleman from Mississippi object

to that expenditure?

Mr. RANKIN. I do not object, as I have stated on the floor of the House before, to money that is legitimately spent to take care of these men; but every man who has investigated the Veterans' Bureau is bound to know that vast amounts—possibly \$200,000,000 or \$300,000,000—of the people's money is being wasted or extravagantly spent by this bureau.

Mr. MADDEN. I deny it. Mr. RANKIN. Give us an investigation, as the Senate is going to do. Make it a joint investigation, and you will see these large expenditures and this waste in the sale of Government material, and cases where \$150,000 and \$100,000 is being paid annually in various places for office rent, and you will find a great concourse of officeholders that have been appointed—pork-barrel men connected with the Veterans' Bureau. You will find when it is done that millions if not hundreds of millions of dollars are being wasted. [Applause.]

The CHAIRMAN. The time of the gentleman from Missis-

sippi has expired.

Mr. MADDEN. Mr. Chairman, I rise in opposition to the

amendment.

Mr. Chairman, it is, of course, all very well for gentlemen to get up on the floor and say that between \$200,000,000 and \$300,000,000 out of the \$500,000,000 appropriated for the support of the Veterans' Bureau is being wasted. But I challenge gentlemen to prove it.

Mr. RANKIN. If you will give us this investigation we will

prove it. That is all we ask—that you give us the investigation.

Mr. MADDEN. In the first place, we are paying \$90,000,000 for premiums to make up the difference between the amount of the premiums paid by the men and the amount that is required to be paid to cover the losses. That is one charge every year. We are paying about \$178,000,000 a year for vocational training.

Does the gentleman want vocational training for the men who were wounded in the service? We are paying compensation to the men who were wounded in the service. I will put the figures in. I do not recall them exactly now, and we are paying for hospitalization to an amount that will bring the sum total up to what we have shown is being paid. I do not say that the Veterans' Bureau is being conducted as efficiently as it ought to be or as economically as it ought to be, nor do I say that it is honest in every particular; but I do say that there is no such saving possible as the gentleman from Mississippi says.

Mr. BLANTON. Mr. Chairman, I make the point of order, if

Mr. BLANTON. If allow me—

Mr. MADDEN. The gentleman can make his point of order.

Mr. BLANTON. I make the point of order that we have passed the Veterans' Bureau item and that the paragraphs under the District of Columbia are being read, and the gentle-man is now speaking out of order in discussing the Veterans' Bureau.

Mr. MADDEN. I agree that I am speaking out of order, but I am speaking in reply to the gentleman from Mississippi, who was permitted to go on out of order.

Mr. TILSON. Mr. Chairman, I wish to say just a word on

the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from

Connecticut. Mr. TILSON. I think the Chair has laid down the correct rule as to the limitation of debate under the five-minute rule, and we ought to observe the rule. I do not think that because we have a large gallery to-day it is justifiable excuse for us to act like a lot of schoolboys. [Applause.]

The subterfuge of the gentleman from Mississippi [Mr. Ran-

KIN] and that of the gentleman from Illinois [Mr. MADDEN], for that matter, were after all but subterfuges to evade the rule.

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman from Connecticut is not discussing the point

of order. He is indulging in personalities.

Mr. TILSON. I was simply illustrating my contention by referring to the remarks made by the distinguished gentlemen from Mississippi [Mr. RANKIN] and Illinois [Mr. MADDEN], thereby showing that they were not discussing matters contained in this bill. They ought to limit themselves to such matters and we ought to leave these side issues alone until we can finish this appropriation bill.

Mr. Chairman, I should like to see the rules enforced in regard to this matter of debate. Whenever a Member is in good faith discussing the bill, all right; but when he resorts to a subterfuge or to any other expedient in order to discuss

extraneous matters, then some one should object.

Mr. MADDEN, I will say to the gentleman from Connecticut that I have no desire to discuss any matter that is not pending, but I did not think it was fair to let go what the gentleman from Mississippi said without some response. He said we were squandering from \$200,000,000 to \$300,000,000 a year in the Veterans' Bureau. I deny it.

Mr. BLANTON. Mr. Chairman, will the gentleman yield? Mr. TILSON. I insist on the point of order, Mr. Chairman.

Mr. BLANTON. Does the gentleman yield? Mr. TILSON. Yes; I yield.

Mr. BLANTON. Does the gentleman from Connecticut, who knows everything about parliamentary law, know of any rule that will make the majority leader and the chairman of the Committee on Appropriations obey the rule?

Mr. TILSON. I am trying to help the gentleman on his

points of order.

Mr. RANKIN. Mr. Chairman, I rise in opposition to what

has been said.

The CHAIRMAN. The Chair has something to say on this atter. The gentleman from Hilmois [Mr. Madden] has the matter.

Mr. MADDEN. I have surrendered the floor.

The CHAIRMAN. The gentleman from Texas made a point of order on the remarks of the gentleman from Illinois, and the gentleman from Connecticut rose to discuss the point of order. The gentleman from Illinois then took his seat, and that vitiated the entire proceeding. The Chair will take this occa-sion to admonish gentlemen and remind them of the fact that we have under consideration an important bill, and whenever a Member moves to strike out the last word he must confine himself to matters pending before the committee or else get unanimous consent before attempting to discuss other matters. The Clerk will read.

The Clerk read as follows:

For allowance to principals of grade school buildings for services rendered as such, in addition to their grade salary, to be paid in strict conformity with the provisions of the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, fiscal year 1923, \$2,000.

Mr. BLANTON. Mr. Chairman, I reserve a point of order to ask the gentleman from Illinois some questions. I notice that this paragraph provides for principals of grade school buildings in accordance with the act approved June 20, 1906.

Mr. MADDEN. They are allowed \$30 a year for every room

under their jurisdiction.

Mr. BLANTON. May I ask where there has been any change in this teachers' act since June 20, 1906?

Mr. MADDEN. Not as to this.
Mr. BLANTON. In any other matters?
Mr. MADDEN. Yes; in other matters but not as to this.
Mr. BLANTON. Why insist on putting this provision in the

statute until what is known as the Zihlman bill comes up?

Mr. MADDEN. We do not know anything about the Zihlman bill in bills that we report; we only take cognizance of the law as it exists.

Mr. BLANTON. That being the case, why does the gentleman put \$6,000,000 into this bill for raising the turrets on 13 battleships when the bill that provides for it is in a pigeonhole?

Mr. MADDEN. The existing law authorizes us to do it.
Mr. BLANTON. The gentleman thinks that, does he?
Mr. MADDEN. I do not think; I know it.
Mr. BLANTON. That will be left to the chairman when the time comes. May I ask this—I do not care to make the point of order expression.

Mr. MADDEN. It is not subject to a point of order.

Mr. BLANTON. But the Zihlman bill—

Mr. MADDEN. I am not the father of the Zihlman bill.

Mr. BLANTON. But the gentieman is the high mogu But the gentleman is the high mogul of the steering committee.

Mr. MADDEN. No; I am not on the steering committee. do not make the arrangements for the conduct of business of the House; I am doing the best I can to take care of the business that comes before the Committee on Appropriations.

Mr. BLANTON. I think that myself, Mr. Chairman, and I

withdraw the point of order. The Clerk read as follows:

For textbooks and school supplies for use of pupils of the first eight grades, etc., including the same objects specified under this head in the District of Columbia appropriation act for the fiscal year 1923, \$15,000.

Mr. CABLE. Mr. Chairman, I offer the following amend-

The Clerk read as follows:

Amendment by Mr. CABLE: Page 9, after line 14, insert a new para-

graph as follows:
 "For salaries of teachers of the Americanization work of foreigners in night classes, at not to exceed \$3.50 per teacher per night, \$2,730." Mr. MADDEN. Mr. Chairman, I reserve a point of order on

Mr. BLANTON. I make the point of order that that is legislation unauthorized by law.

Mr. CABLE. Will the gentleman reserve it?
Mr. BLANTON. Zes; I will.
Mr. CABLE. Mr. Chairman, in my time I would like to have the Clerk read the following article.

The Clerk read as follows:

AMERICANIZATION WORK FACES LACK OF FUNDS,

The Americanization work faces Lack of funds.

The Americanization classes of the District public schools must close April 30 unless Congress passes an emergency appropriation, it was announced to-day.

Closing of the schools will also cause discontinuance of the homeservice work, teaching of rules of sanitation and health to the immigrant housewives.

Miss Maude E. Aiton, principal of the Americanization schools, warned of the impending closing in a letter sent to-day to Arthur C. Moses, chairman of the Americanization Association of the District.

My CAPLE I hope that registers the general like

Mr. CABLE. I hope that neither the gentleman from Illinois [Mr. MADDEN], who is chairman of the Appropriations Committee, nor the gentleman from Texas [Mr. Blanton] will insist on the point of order. This amendment provides funds to pay teachers who are engaged in teaching the foreign born so that they may become American citizens. If the amendment fails these night classes must close before the end of the year. The appropriation has been approved by the President through the last Budget and is for important work.

Will the gentleman yield? Mr. MADDEN.

Mr. CABLE. Yes.

Mr. MADDEN. When was it approved by the Budget? It has not come to us.

Mr. CABLE. It went to the Senate. This bill was already printed when the President was ready to transmit this last Budget to Congress

It was none other than Theodore Roosevelt himself who, realizing that the basis of good citizenship was a knowledge of English, in his last public message, said:

We have room for but one language here; that is the English language, for we intend to see that the crucible turns our people out as Americans, of American nationality, and not as dwellers in a polyglot boarding house; and we have room for but one soul loyalty, and that is a loyalty to the American people.

The amendment I have just offered is for the purpose of aiding in carrying out the wish of that great American, that ours shall be a Nation of people of one nationality—Americans— and speaking but one language—English. This can only be ac-complished by the education of the alien already here and by basing future immigration upon citizenship qualifications. When we stop to consider that there are 14,000,000 foreign born now in the United States, that less than half are naturalized, that 3,000,000 of the 14,000,000 are not able to speak English, and that an additional 3,000,000 are unable to read English, the size and importance of the work can be appreciated. The law does not compel an alien residing here to become an American We want no forced citizenship; rather should he recitizen. turn to his native land. For those who wish to become Americans Congress, among other things, has seen fit to prescribe certain qualifications.

In order that the alien may learn what America means and what the privileges and duties of American citizenship are, he must be able to speak the English language. English is the language of the Declaration of Independence, the Constitution of the United States, and the constitutions of the varions States, of our laws and city ordinances, of our court decisions, newspapers, periodicals, history, poetry, the ballot. It is our means of communication in business and in societythe language of commerce and industry.

Until about seven years ago no sense of responsibility, no duty or obligation was felt by the American people toward the foreigner, except by a few. He was turned loose to drift. It was thought that as the privilege of coming here had been extended, the responsibility ended. An elementary education was considered in the same class as the measles—something to which only children are subject. During the war, however,

Federal active participation began.

On May 10, 1915, at Philadelphia a reception was held for 4,000 "newly made citizens." The President of the United States, the Secretary of Labor, and other officials of the Nation and State were there. Later Congress passed an act imposing upon the Bureau of Naturalization the duty of sending the names of the candidates for citizenship to the public schools in each particular locality. It also authorized the distribution of free citizenship textbooks to the candidates who attended these public schools. The Chief of the Bureau of Naturalization is Commissioner Raymond C. Crist, as able a chief as there is in any branch of the Federal Government. He believes and spreads the gospel preached by Thomas Jefferson that "Elementary education is an inherent right of all in a democracy.'

If this amendment is not agreed to the night classes must soon close. The naturalization courts operate throughout the year, so should the schools continue. The education of the hundreds of men and women will stop. Aside from the board of education, many prominent people, appreciating the need of naturalizing the alien, take an active part in that work. Mr. Arthur C. Moses, a business man of Washington, heads a committee of over a hundred, and devotes a great deal of his valuable time to this particular work. All the judges of the Supreme Court of the District serve on that committee, and there is a board of directors representing various organizations such as the American Legion, United States Chamber of Commerce, D. A. R., Woman's Civic Clubs, Y. W. C. A., Federation of Citizens' Associations, and the like.

I had the privilege of visiting some of the night classes. There I saw foreign-born men and women sitting at desks seeking an education so that they might become American citizens,

Mr. McKENZIE. Will the gentleman yield?

Yes. Mr. CABLE.

Mr. McKENZIE. About what are the ages of the pupils at these schools? I have been informed that last year they had one gentleman over 80 years old.

Mr. CABLE. I would not be surprised at that, but the average age of these students will not exceed 25 years. They work in the daytime and attend classes three nights a week.

Mr. LINTHICUM. About how many pupils attend night

schools?

Mr. CABLE. The total enrollment has been something like 1,700 or 1.800 a year, and the classes run from 40 to 50 pupils.

Mr. LINTHICUM. And they need only an additional \$2,000? And they need only an additional \$2,000? Mr. CABLE. They need \$2,730 to carry on the work for the balance of this year. I trust no point of order will be made on this particular amendment.

Mr. BLANTON. Mr. Chairman, the gentleman has almost convinced me, and I withdraw my reservation of the objection. Mr. CABLE. Miss Maude Aiton, principal of the work, advises that when the night classes began it was necessary to advertise these schools by printing cards and distributing them among the foreign born. Now, in four years the classes are all overcrowded. Mr. O. T. Moore, chief naturalization ex-aminer for the district, including the District of Columbia, devotes three nights a week to quizzing the advance classes in preparation for their examination in court for citizenship.

STATE EDUCATIONAL WORK

It is interesting to know of the work carried on in the various tates. North Dakota has adopted the slogan "No illiteracy

in North Dakota in 1924."

South Dakota Legislature appropriates funds to assist local communities and engages graduates in Americanization work to teach the foreign born. The appreciation shown by the adult pupils is one of the most gratifying features of the work there. At McIntosh the evening school petitioned the board of education to provide for five sessions instead of two per week.

A "Finn" rural evening school in Brown County rural evening school in Brown County reported a perfect attendance to the entire session. Butter, eggs, cream, and milk were provided the teachers without charge. A banker and mik were provided the teachers without charge. A banker in Tripp tells of being stopped at 10.10 p. m. by an evening foreign-born school pupil who insisted on reading an interesting lesson by the light of a lamp-post. Matt Lutgen, a "graduate" of the Aberdeen evening school, developed a rather exceptional control over English and appreciation of America, result-Ing in his being called to address State conferences of educators, Rotary Clubs, and other meetings. I want to quote from M. M. children in the public schools. A home teacher is expected to be

Guhin, who is an active and efficient director of Americanization and civic training. He says:

What we need is not a better English week but a century of better English in which a generation will arise with respect for the lan-guage of America as well as a respect for its flag and its Govern-

In Massachusetts also there is a State aid law. The enrollment has increased from 3,000 to 22,000 since its enactment.

Connecticut also bears a part of the expense, paying \$4 for each pupil in average attendance of 75 per cent of the sessions The State director has the assistance in approved schools. of a bureau of foreign-language speakers, comprised of American citizens of foreign birth.

In Ohio the need of this education is recognized by law. There is no State aid, but the boards of education realize the need of evening schools and the benefits derived therefrom. The greatest difficulty comes in financing the project. Several citles experimented with the charging of a fee and found it had very little effect in decreasing the number of registrants. Beginning the school year, October, 1922, practically every city charged tultion to the amount of making the schools entirely or partially self-supporting. The result of this fee system has been that attendance is greatly stabilized. There is not the usual discrepancy between enrollment and average daily attendance. Different fees are charged, such as \$1 registration, 50 cents a month, \$2 for 12 weeks. Mr. E. C. Vermillion is supervisor of the division of Americanization, and is accomplishing a great deal of good in the education of the foreign born.

The State of Utah provides for compulsory attendance upon public evening-school classes of persons between the ages of 10 and 45 who can not use the English language, and main-

tains an appropriation to carry out this work.

In California a law was passed providing for the establishment of classes of citizenship applicants and it was made the duty of the county clerk to furnish the schools each month with the names and addresses of all such candidates.

The following States have passed laws providing for allen education: Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Idaho, Iowa, Maine Massachusetts, Minnesota, Montana, Nevada, New Jersey, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Washington, Wyoming, and West Virginia.

INDEPENDENT CITIZENSHIP FOR WOMEN.

The present Congress passed a law granting independent citizenship to women. No foreign-born woman becomes a citizen because she marries an American citizen or because of the naturalization of her husband. She must petition and appear in court for her own naturalization. She now has the same right to an education as the man.

Miss Aiton advises that here in the District, when the night classes began, only men attended; now one-third are women. In addition, she is receiving many inquiries each day from women concerning an education for the purpose of becoming American citizens. In many instances the mother can not leave her home and children and go to school, so Miss Aiton has arranged to take the school to her. The teachers go to the various homes and have group classes at stated places and times. There are now 100 women enrolled in home classes, but there should be a thousand here in Washington alone.

I am particularly proud of the work done in Akron, Ohlo. Fifty-six classes in that one city have been established. Special lessons have been prepared to meet the home interests of the There is probably no city that I know of that can boast of reaching as many foreign-born women with as systematic a program. The value of home classes has been so recognized that however much the general budget for education is reduced the women's classes do not suffer for the benefit of any other phase of the program.

In Pennsylvania the immigrant education work functions under the State department of public instruction. Special attention is given to the education of foreign-born women. It is realized that the mothers can not leave the small children and their many home duties to go to the schoolhouse. known that lessons given in the home are of much more practical value in every way; that the presence of the home teacher at once brings about a higher standard of living.

The plan adopted is to secure mature women who have been public-school teachers, who have married and had a family, and are now free to work again. To such a teacher a course of special training is given on work with foreign-born women. These teachers are then introduced into the homes through the affiliated with the school building in the district in which she teaches and to work under the direction of the principal of the building as all other teachers in the building do. Her time Is divided into short periods, and she is expected to begin at 9 a. m. to give lessons in the home. At first there will be but a single woman in the class, but as the women get acquainted neighbors congregate in fours, sixes, and eights in one house in the neighborhood to take the lesson in the small classes. The teacher spends about one-half hour in each class and goes twice The women are advanced as rapidly as their ability The teaching covers each subject of human interest, the emphasis at first being put upon the speaking, reading, and writing of English and a fundamental knowledge of the Government as a basis for citizenship duties under the enfranchisement of women.

Under this plan Mrs. Sarah R. Christy, regional director immigrant education of Pennsylvania, writes that one home teacher can reach from 30 to 90 women in a week's work. She also states that in a very limited number of towns school boards with broad vision have financed the home teacher, as they do all other teachers. In other cases women's clubs, missionary societies, and other semiprivate agencies become responsible for the teacher's salary. Pittsburgh has one club of foreign women which grew out of Red Cross work. After the war 25 of these women asked Mrs. Christy to meet with them for the purpose of helping them find a legitimate work to do as a group, and she organized them into the Polish Women's Club of Pittsburgh, which now numbers 250.

"My suggestion for further education of foreign-born men and women," says Mrs. Christy, "is that their education in America be made compulsory, laying the obligation both on the

foreign born and on the school authorities.'

In Connecticut, Mr. Robert C. Deming, director of the department of Americanization, writes that last year there were 76 classes for women, with more than 500 registered in the daytime, not including evening classes. In his last report, in part, he states:

During the year an attempt has been made to call attention to the problems of the foreign-born women. Students of Americanization throughout the country are thoroughly convinced that we must reach the immigrant mother if we hope to assimilate the foreign born.

INDUSTRIES.

The place of employment offers a good opportunity for the foreign born to learn things American. About 8,000 industries in the United States are cooperating in the education of the foreign born to become citizens. Teachers are employed at the expense of the employer or the board of education to carry on the work.

With reference to work in Massachusetts, Mr. Charles M. Herlihy, state supervisor of adult alien education, writes:

We are quite proud of our factory-class record in Massachusetts—366 asses in 100 different industries, with an enrollment of 5,000 students

These classes are taught by public-school teachers.

AMERICAN LEGION.

The American Legion, under the supervision of Garland W. Powell, national director of Americanization, is endeavoring to promote good citizenship, as well as correcting the evil of illiteracy which is prevalent in our country. The Legion desires to further serve their country in peace time by aiding and assisting not only the educators but all other organizations endeavoring to wipe out illiteracy by creating schools for aliens in order to teach the English language and better understand responsibilities and duties citizenship carries with it.

A night-school movement all over the country has been inaugurated. It seeks to have legislation passed creating schools to accomplish the education of all aliens and illiterates. Legion schools now in existence teach English, civics, and citizenship. The teachers in these schools in many instances are Legion members who have had experience in educational work. It also has adopted the slogan "Adopt an illiterate and teach him to read and write."

DAUGHTERS OF AMERICAN REVOLUTION.

The national society of the Daughters of the American Revolution aid financially and otherwise in educational work carried on in our country. They maintain a teacher at Ellis Island to assist the women and girls who arrive there. Also the local chapters in a great many cases pay the salaries of teachers, whether for night classes or for home work. An interest is taken in all naturalization classes and they seek to assist the courts in impressing the candidates with the dignity of the occasion, presenting him with literature dealing with our country and with our American flag.

BOY SCOUTS.

The Boy Scouts of America are performing a great service by delivering to the various foreign born who have applied for citizenship invitations to enroll in the various night classes. Over a hundred thousand invitations were distributed in one

The foreign-language press also can be an important influence in persuading the immigrant to seek American citizenship. I quote, for example, from the Omalia Bratrasky Vestnik to its

If you want to remain in this country, become Americans; become citizens.

In fact, every patriotic and civic organization, realizing the need of education, is aiding in this work. Colleges, normal schools, and universities in a great many States give a special course for teachers of the foreign born.

Now, why should so much time, effort, as well as money be expended in the education of the foreign born within our country? The answer is found in the fact that illiteracy among aliens is increasing. In 1880 it was 12 per cent; in 1920 it was 13.1 per cent. The answer is found in the census of the population of many of the States. In at least three States 50 per cent of the alien population are unable to speak English.

Again, of the 805,000 immigrants admitted in 1921 more than 264,000 located in New York State and only approximately 180 in the agricultural State of Arkansas. More than 432,000 were of races which, generation after generation, maintain their own customs, languages, schools, and social affiliation almost as intact as if they had remained in their native countries. They form congested communities in large cities that are verita-ble "alien islands." People living in these settlements are People living in these settlements are often wholly out of sympathy with American ideals. In all of our 105,000,000 the foreign stock in the United States consists of one-third that number, the foreign born being 13,920,692, and those of foreign mixed parentage 22,686,204, making a total of 36,606.896. More than half of the foreign born in the United States are located in New York, Pennsylvania, Massa-

chusetts, New Jersey, and Illinois, near manufacturing centers, Take the State of New York. It has a population of 10,385,-000. Of this number 2,825,000 are foreign born. Compare this situation with that vast territory south of the Ohio River and all west of the Mississippi, except North Dakota, Minnesota, Iowa, and Missouri. This territory has a population of 45,-000,000, almost four and one-half times the population of the State of New York, but the foreign born in New York State alone exceed the foreign born in this entire vast territory. According to the census of 1920 only 20.7 per cent of the resldents of the city of New York had fathers and mothers of na-

tive parentage.

The present chaotic condition in Europe is partly due to the lack of a common language. In this country we want no language barrier between the people. The problem of the alien which confronts Congress and the country at the present moment is serious. Consider the fact that approximately only 250,000 aliens are enrolled in various classes for the purpose of becoming American citizens. Consider further that there are close to 7,000,000 aliens in the United States. 4 per cent only are seeking to qualify themselves for citizenship. In the 96 per cent are found those who seek to perpetuate their own country here, who make up the little Italy, Spain, Greece, and who seek to perpetuate their own customs, language, and laws, resulting in the breaking down to some extent of the unity of our country. It has been suggested that we should Americanize the aliens before they alienize America. This means the earnest cooperation and support of every loyal citizen. A nation-wide program of education should be carried out. The alien should be given every opportunity of obtaining an education for citizenship purposes, and above all carry the education to the alien wife and mother. Give her the chance here in America that she never had in her own country. Education is the foundation of good citizenship. Give these aliens every opportunity to be educated, to take the oath of allegiance to our country and swear to support our Constitution and flag, and to those who reject our offer, let them return to their native land.

Mr. MADDEN. Mr. Chairman, reserving the point of order before I make it, I want to say that it is strange that if this great need exists in the District of Columbia as to this class of work nobody anywhere in official life was able to call it to the attention of the Committee on Appropriations while we were considering this bill, and it has been under consideration for over a month. It seems to me that we are entitled to give consideration to the problems that cost the Treasury money. Nobody anywhere connected with the schools or with any other

branch of the Government has called this matter to our attention, but, regardless of whether they did or not, it is subject to the point of order; and I make the point of order.

Mr. CABLE, Mr. Chairman, I am ashamed to say that this Congress has never seen fit to authorize this kind of work carried on and that the point of order, if the gentleman insists upon it, will have to be sustained.

The CHAIRMAN. The point of order is sustained.

Mr. CABLE, Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

Mr. VESTAL. Mr. Chairman, I make the same request.
The CHAIRMAN. The gentleman from Ohio and the gentleman from Indiana request unanimous consent to extend and revise their remarks in the RECORD. Is there objection?

There was no objection.

Mr. FOCHT. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. FOCHT: Page 9, line 14, after the figures "1923," strike out "\$15,000" and insert "\$50,000."

Mr. FOCHT. Mr. Chairman, in endeavoring to familiarize myself with this school situation in the District of Columbia, I was amazed to find that only up to the eighth grade are free schoolbooks supplied to the children. The eighth grade is the point at which the books begin to cost something, when it is a burden to the poor man to buy books for his children, in order that they may have a wider and a higher education, which may be obtained in the junior and the senior high schools. That is one of the reasons why we are here to-day trying to get some consideration for the District of Columbia—not in any grand-stand play to the galleries. I am not here to extol the grant of the District because they new have a vote the women of the District because they now have a vote, but I am here to-day to do justice to the children and to do justice to the District, not by trailing behind the Appropriations Committee every year with bills that are subject to a point of order. I am here as the chairman of the committee, with enough intelligence to understand how these bills were not given a fair chance, I want to see the children of the District have free schoolbooks, and I want to see the people here compel their children to go to school, and have compulsory education, the very best that could be had. And I want to say that I think we have not had the consideration that is due the District of Columbia. As chairman of the Committee on the District, I have diligently tried to serve the District of Co-lumbia without asking for anything that is not just.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. Yes.
Mr. BLANTON. I want to know if the gentleman could tell us what is the power that is holding back the teachers' salary bill?

Mr. FOCHT. I do not know anything about that. The only thing I know is this: That for week after week, as chairman of the committee, as a member of the majority party-

Mr. SNELL. Mr. Chairman, I make the point of order that the gentleman is not discussing the amendment.

Mr. FOCHT. Certainly I am. I am discussing the question

of money for the schools here, for schoolbooks.

The CHAIRMAN. The gentleman from New York makes the point of order that the gentleman from Pennsylvania is not discussing his amendment. The point is well taken. The gentleman will proceed in order.

Mr. FOCHT. Certainly, I shall be glad to.
Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FOCHT.

Mr. MOORE of Virginia. I want to ask the gentleman a perfectly quiet question apropos of what the gentleman from Wyoming [Mr. Mondell] said a while ago. He spoke of 13 or 14 bills on the calendar, reported by the gentleman's committee. Is any one of these bills as important as this teachers' bill, which has passed the Senate and is now on the calendar?

Mr. FOCHT. Certainly not; but while others are important you can not do all things first, and when you see half a dozen treated as those bills have been treated, strangled and chloroformed, how are you going to bring the rest of them forward?

Mr. SNELL. I make the point of order that the gentleman must proceed in order.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two additional minutes. Mr. SNELL. Mr. Chairman, I object.

Mr. FOCHT. Now, do not start that with me to-day. This is not the time.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the gentleman from Pennsylvania be permitted to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield? Mr. FOCHT. Yes.

Mr. LINTHICUM. How do the salaries of the teachers of the District of Columbia compare with those in other cities? Mr. FOCHT. Yes; that is the point exactly. I wish to say that the salaries here are far below Chicago and Cheyenne and Boston and Philidelphia and New York, and if you had given us the opportunity to-day you would have been appalled and reluctant to have voted against the increase. Anything else? If I can not go on out of order I want, at least, to retain my good humor and I do not want to filibuster. I belong to the crowd that, as far as consistent, goes along with the intelligent directions of the head of the party, but when an attack is made upon the District Committee in this connection, and statements are made that are not in accordance with the facts, I think I should say a few words on behalf of the committee which has served so well and tried to get the business done, but have not been given the opportunity should have as a legislative functioning body, and which I personally should have had from the leadership of this House.

Mr. MADDEN. Mr. Chairman, the gentleman from Pennsylvania [Mr. Focht] made a very excellent speech, but he did not say anything in favor of his amendment. He offered an amendment to make this item for textbooks and school supplies \$50,000 instead of \$15,000. There is no justification for that amendment. Nobody wants it except the gentleman. Nobody wants it, and it is not necessary. Fifteen thousand dollars will buy all the additional books they need between now and the 1st of July, and this bill is proposing to make appropriations for moneys needed between this date and July 1. tleman will withdraw his amendment.

Mr. FOCHT. Mr. Chairman, does the gentleman feel, inasmuch as only half the children of the District of Columbia are furnished with free schoolbooks, when his State and my State give free books, put them in the hands of all the children, does he feel like denying to the poor boys and girls here that which is given them by his State and my State?

Mr. MADDEN. There is no law that authorizes the provision of free books in the District of Columbia, and every dollar we are appropriating is in violation of the law. Now, the gentleman has been chairman of the District Committee for quite a while, and he could have had a bill providing for free schoolbooks.

Mr. BLANTON. I make the point of order that both of the gentlemen are out of order.

Mr. FOCHT. I will take a vote on that, please.

Mr. MADDEN. I hope the amendment of the gentleman will not prevail.

Mr. FOCHT. I hope it does.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected. The Clerk read as follows:

COAST AND GEODETIC SURVEY.

Damage claims: To pay claims adjusted and determined by the Department of Commerce under the provisions of the act approved June 5, 1920 (41 Stat. 1854), on account of damage occasioned by acts for which the Coast and Geodetic Survey has been found to be responsible, certified to the present Congress in House Document No. 537, \$188.25.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I have just returned to the Chamber as the item relating to \$500,000 for investigational purposes as to developing rubber plantations had just been read. I am somewhat acquainted with this proposal, and I would like to inquire of the chairman of the committee what is hoped to be accomplished by this investigational work that is sought to be covered by this

Mr. MADDEN. It is believed that there is a curtailment of the production of rubber throughout the world with a view of increasing the cost to the ultimate consumer. The United States uses 75 per cent of the world's rubber production, and 80 per cent of that 75 per cent is used by the automobile industry in the United States, indicating that 60 per cent of the world's production is used by automobiles and automobile manafacturers in the United States. It seemed to the Committee on Appropriations to be of vast importance to the United States authorize an investigation of the conditions that would enable the United States to know where a rubber supply could be developed in war time or in time of peace; and in war time, with the present producing territory, the United States is absolutely helpless. We believe that an investigation such as we

provide for here will give the information that will lead finally to knowledge of where Americans can invest in the rubber in-There is alarm at these conditions. It is feared that there will be an attempt made to cut the present rubber production down to 60 per cent of its present production, and thereby not only take away the rubber that is so essential to the needs of American manufacturers but also increase the price beyond the power of America to pay; and every 10 cents added to a pound of rubber will add \$50,000,000 to the rubber bill of the United States. If it should go up to a dollar, gentlemen can see how many hundreds of millions that will add to the cost of rubber to the American consumer. So we believe. and Mr. Hoover believes, that he can supply information as the result of this appropriation which will not only enable America to protect itself and safeguard its interest as to the matter of rubber used but also as to the matter of nitrates and many other agricultural products essential to the successful conduct of agriculture in America.

Mr. STAFFORD. Mr. Chalrman, the Secretary of Commerce has now in his possession, and has had for several months, a brief furnished him by one of the leading tire manufacturers of the country with detailed information of the available rub ber supplies that grow in the East Indies and also in the Philip-Some years back the leading rubber manufacturers of this country attempted to form a large corporation with a capital of some \$20,000,000 to develop and raise plantation rubber in the Tropics. Some of the rubber manufacturers have gone ahead along those lines. Rubber can be manufactured only where there is heavy moisture,

Mr. MADDEN. Grown.

Mr. STAFFORD. Yes; grown, I mean, where there is heavy moisture and where there is intense heat. The British Government has the advantage at present. More than a year ago the British Parliament passed an act creating what is known as the Davenport Commission, whereby it vested in this commission the authority to fix the price on a diminishing output. Just a few years ago there was a surplus of raw rubber, but under the influence of this governmental commission they have restricted the supply so that the price is now mounting. ican capital has gone into the raising of plantation rubber in the Philippines, just as the British Government has gone into the raising of plantation rubber in the East Indies.

I can not now recall offhand the extent of those plantations, but they are productive to a considerable amount. Undoubtedly the Britons have the advantage over us. But I am curious to know what will be done after we get this information. Secretary Hoover has the information at the present time. He has in his possession a brief prepared by some of the leading rubber manufacturers of this country setting forth the total output, setting forth the amount produced in the Philippines and the amount produced by the British in the East Indies. There is no denying the facts stated by the chairman of the committee.

Mr. MADDEN. He has that information.

Mr. STAFFORD. After we get this additional information confirmatory of what he has now, how can we overcome the advantage that the Britons have over us in the raising of raw rubber?

A great many people in the United States who are interested in the use of rubber and are anxious to protect American interests in time of war and in time of peace are ready, I think, to engage in the growth of rubber if they can get facts that justify the investment.

STAFFORD. American capital has gone ahead and invested large amounts in five plantations in Mindanao. tire manufacturers of the country saw the condition confronting them and realized that the British rubber interests had the strangle hold on the American consumer. The British commission came over here within the last two months, a commission to negotiate with the American Importers' Association. What has become of those negotiations I do not know; so far as the press dispatches state, nothing. They have the advantage; they are raising the price, and the price is going to continue to be raised.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. I think it was what was ascertained from the rubber growers of East India that came over here that induced Mr. Hoover to ask for this money. He has been in consultation not only with the rubber growers in East India under British control, but also with the rubber growers in South America as to the extent to which they grow rubber there.

Mr. STAFFORD. I believe there is no plantation-grown rubber there. I believe plantation-grown rubber is confined to the East Indies and the Philippines. I am speaking of the plantation rubber as distinguished from the raw naturally grown rubber.

Mr. MADDEN. The industry in the East Indies was the result of taking that rubber tree from Brazil and transplanting it. It has affected the industry in Brazil, and as a result of this development, Mr. Hoover believes, and so do a many manufacturers of rubber in the United States believe, that this is the one central need, to get all the facts and to let these other people know that we are going to get the facts and enter actively into the production of rubber in competition with them.

Mr. STAFFORD. I do not see what great value will come from the investigational work other than that we may have a little more thorough investigation than has been made by interested private parties, and that we may inaugurate a policy of granting preferential rights to the growers of rubber in the Philippines somewhat along the lines whereby we grant and receive reciprocal rights with respect to the importation of

wood pulp and print paper from Canada.

We realized years back that the Canadians had the advantage over us in having an available supply of wood pulp, and under the lead of that great statesman who has passed from our midst, the late lamented James R. Mann, who was the head of the wood pulp and print paper commission back in 1908, and with whom I had the honor to serve on that commission, we solved the problem growing out of the control that Canada in the future would have of the pulp-wood supply when the industry would eventually go to Canada.

Mr. KRAUS. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. No; I can not yield.
The CHAIRMAN. The gentleman declines to yield.
Mr. STAFFORD. The output of print paper within the last

decade has doubled in Canada. I suppose that the representations of this commission or committee will be that in order to protect our users of rubber, the tire manufacturers in particular, it will recommend that any country like Great Britain, through its Davenport Commission, seeking to control the price of rubber by raising it as it lessens the supply, will be met with a condition, if they attempt that, where they will have to pay higher and higher rates of duty, and thus be compelled to re-frain from their exactions for the benefit of the American manufacturer.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Tennessee. Mr. BYRNS of Tennessee. Does not the gentleman think that it is a matter of very great importance, in order that American capital may be interested in establishing rubber plantations in Central America or in southern Mexico or in Latin America generally, that capital shall be furnished with some definite information, not only as to the output to which the gentleman refers, because that is well known, but as to questions of transportation and labor possibilities, and so forth, all of which Mr. Hoover says he will investigate if he is given this appropriation?

Mr. STAFFORD. Oh, yes; but I take the position that the American tire manufacturers have this information. I am speaking of something I know, because I examined the brief of the large tire manufacturers which was handed to Mr. Hoover. It has the full information.

The CHAIRMAN. The time of the gentleman from Wis-

consin has again expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I do not think there is an item in the bill of greater importance than this particular provision which seeks to place at the disposal of the Secretary of Commerce \$500,000 to investigate the source of crude rubber, and which has been broadened to include the production of nitrate and sisal. As the gentleman from Illinois has said, the rubber industry in this country is entirely under the domination and control of the British interests, operating by reason of the fact that they produce more than 72 operating by reason of the fact that they produce more than 72 per cent of the world's supply. But more than that, they produce more than 72 per cent in British East Indies and they control 85 per cent of the entire acreage of production, and of the world's supply the United States consumes more than 75 per cent. Certainly that is a condition that no one wants to see continued. Something must be done to relieve the rubber industry in this country.

It can only be secured by inducing American capital to go into those countries adapted to growing rubber and making an investment to establish rubber plantations. If the Bureau o Foreign and Domestic Commerce was established for anything— If the Bureau of

and it is one of the most important and valuable bureaus of this Government—it was for just such a purpose as this. Secretary Hoover believes that he can secure information and furnish it to the public which will induce American capital to establish rubber plantations.

The Manden Will the gentleman yield?

Mr. MADDEN. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. MADDEN. Of course, it must be understood that the investigation to be made is so extensive that if manufacturers undertook to make it one would make an investigation here and the other there and there would be no coordination and we would not have the information as a complete whole and they could not do it.

Mr. BYRNS of Tennessee. The gentleman is correct. This is not a small proposition. To establish a rubber plantation of any size is going to require millions of dollars. Capital will eertainly wish to be informed not only as to the labor, the type of labor, the possibility of getting the land, the amount that will have to be paid for purchase or rent of the land, and the question of transportation.

Mr. KELLEY of Michigan. Will the gentleman yield? Mr. BYRNS of Tennessee. Certainly.

Mr. KELLEY of Michigan. In addition to what the gentleman from Tennessee has already stated, is not it important that arrangements be made in many cases with the Government of other countries in order to protect in a sense the American investors which private capital would not under any circumstances be able to make?

Mr. BYRNS of Tennessee. Yes; and, of course, capital can not make those arrangements. Therefore it is important to make the appropriation, in order that our country may make whatever arrangements with foreign countries which may be

necessarv

Mr. SISSON. Will the gentleman yield? Mr. BYRNS of Tennessee. I will.

Mr. SISSON. It ought also to be stated that if private capital should go in to get this information private capital would want to keep it for its own use and benefit; but if the Government gets the information accurately it will be for the use, as Mr. Hoover has stated, of everybody. Everyone who has use for it will have access to the information, and there will be no monopoly.

Mr. BANKHEAD. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. BANKHEAD. This is a very interesting question, and I am asking for information: What is the available territory anywhere contiguous to the United States where rubber plantations might be set up?

Mr. BYRNS of Tennessee. Rubber can only be grown in tropical countries. Therefore we are limited to Latin America

and to the Philippines.

Mr. BANKHEAD. What about Mexico?

Mr. BYRNS of Tennessee. And the southern part of Mexico. I understand that some wild rubber has been obtained from Mexico.

The CHAIRMAN. The time of the gentleman from Ten-

nessee has expired.

Mr. SEARS. Mr. Chairman, I want to congratulate the able and distinguished gentleman from the State of Tennessee, my colleague and friend, Mr. Byrns, for the clear and splendid manner in which he handled the nitrate and Muscle Shoals question when he was discussing the proposition before the House the other day. During my last campaign one of the principal questions was whether Congress would vote on the Muscle Shoals proposition or not. I stated then that I feared that we would not be given an opportunity to vote on the question, but that I had cooperated with the Alabama delegation and my colleagues interested in the welfare of farmers, in urging that we be given an opportunity to vote on it. I made the statement because I told them that I appreciated or thought I knew the powerful influences which were opposed to the offer of Henry Ford. I thought that I saw a ray of light when my distinguished colleague from Illinois [Mr. Map-DEN] made his able speech the other day advocating that some action be taken on this question. I now fear my hope was in vain. But, Mr. Chairman, Ford is not a quitter and I predict now that public opinion will force a vote at the next session, and when that time comes there is no doubt in my mind but that the action will be favorable. The farmers are entitled to relief, must have relief, and you are going to be forced to give same to them. forced to give same to them.

Mr. TILSON. Will not my friend from Florida get leave

to extend his remarks on these extraneous matters?

Mr. SEARS. This is on nitrates.

Mr. TILSON. No; it is not on nitrates. I hope the gentle-

man will discuss the matters contained in the bill, Mr. SEARS, I am about through with this. I simply wanted to congratulate my friend from Illinois, as well as my friend and colleague from Tennessee-

Mr. TILSON. The gentleman has done that handsomely and I hope he will now desist.

Mr. SEARS. I am going to desist. He tion of \$500,000 to investigate something, Here is an appropria-

I hope some day Congress will get down to doing something toward giving the people relief, instead of investigating. Eight years ago when I came here about the first bill that I had to vote upon was one providing for an investigating committee. Even since then we have been investigating, investigating, and investigating, and about the only thing that we have found out from all of these millions of dollars that we have spent is that corn bread is wholesome, and that you can eat it without dying. I knew that as soon as I knew anything. It reminds me of a coincidence down home. I had an old negro working on my place. One day he came into my office and said, "Mr. Joe, they are about to take my home from me." I said, "Why, Uncle Alf, they can not take your home from you; I will not stand for that. Do not bother me any more, but go and get a surveyor and have him survey it and put down the stakes and you stay there and hold it." He replied, "That is the trouble, Mr. Joe. I got one veyor and he veyed it. The white man got a veyor and he veyed it and he put the line 10 feet in. I went and got another veyor and he veyed it and he put the line 5 feet out. Then the other man went and got a veyor and he veyed it, and he put the line in 15 feet, and I am afraid if they vey it any more I won't have any home left." The trouble here is that we have been investigating and investigating—spending the people's money on investigations of questions that we should know something about, know all about before we begin the investigation, until we have just about bankrupted the Treasury. What the people want is not investigations, but real action; some proposition put into effect which will give the farmers of this country some relief.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee a question. I refer now to the paragraph on page 17 of the

bill-

Mr. MADDEN. We are now on page 18, but I would be glad to answer a question.

Mr. COOPER of Wisconsin. I refer to the paragraph on page 17, lines 7 to 19, inclusive.

Mr. MADDEN. That is the investigation which these gentle-

men have been talking about.

Mr. COOPER of Wisconsin. That is the Department of Commerce.

Mr. MADDEN. Yes.

Mr. COOPER of Wisconsin. In the Philippines and Latin America. The proviso appropriates \$100,000 additional.

Mr. MADDEN. Not additional, but it comes out of the \$500,000.

Mr. COOPER of Wisconsin. It does not say so.

Mr. MADDEN. That is what it means.
Mr. COOPER of Wisconsin. It says "such amount as the President may, in his discretion, direct, not exceeding \$100,000."
Mr. MADDEN. That shall be available to the department, but out of the \$500,000.

Mr. COOPER of Wisconsin. The paragraph provides that

the following sums are appropriated.

Mr. MADDEN. We have a number of items under the Department of Commerce, and that is why we used that language. Mr. COOPER of Wisconsin. But that \$100,000 under this language would be appropriated beyond the \$500,000.

Mr. MADDEN. Absolutely not.

Mr. KELLEY of Michigan. I suggest that you put in the word "of," and that will make it all right.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to return to page 17 for the purpose of offering an amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Chairman, I suggest that the language is all right as it is.

Mr. MADDEN. Mr. Chairman, I move to amend by inserting after the word "that," in line 19, page 17, the words "of this

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Madden: Page 17, line 19, after the word "that," insert the words "of this sum."

The CHAIRMAN. The question is on agreeing to the amend-

The amendment was agreed to.

Mr. TILSON. Mr. Chairman, while we are considering the form of the bill, I call the attention of the gentleman from Illinois [Mr. Madden] to several instances of a lack of uniformity in the bill. I notice that under the Department of Agriculture the committee uses the phrase "in the city of Washington and elsewhere." When we get over to the Department of Commerce, we find the phrase, which I think is the one generally used, "in the District of Columbia and elsewhere." As I understand it, there is no such governmental entity as the city of Washington, and that the proper language is "in the District of Columbia and elsewhere.

Mr. MADDEN. We have simply followed the phraseology

used in the various appropriation bills.

Mr. TILSON. The Committee on Agriculture, when framing the bill, used the phrase "in the city of Washington and elsewhere," whereas the other committees used the other phrase, and this committee has not modified the language.

Mr. MADDEN. We are carrying out the language of the

different acts.

Mr. TILSON. I suppose no question would ever be raised in regard to it, but in the interest of uniformity it seems to me that hereafter in the preparation of bills the proper phrase should be used

Mr. MADDEN. I think the gentleman is correct.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Craso having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4548. An act declaring Bear Creek, in Humphreys, Leflore, and Sunflower Counties, Miss., to be a nonnavigable stream; S. 1538. An act for the relief of Louis F. Meissner;

S. 4156. An act authorizing the accounting officers of the General Accounting Office to settle the accounts of W. H. Power:

S. 1076. An act establishing standard grades of naval stores, preventing deceptions in transactions in naval stores, regulating traffic therein, and for other purposes

S. 4211. An act authorizing preliminary examination and survey to be made of the intracoastal waterway in Louisiana

and Texas:

S. 3874. An act granting the consent of Congress for a

bridge across the Rio Grande River;

S. J. Res. 270. A joint resolution concerning lands devised to United States Government by the late Joseph Battel, of Middlebury, Vt.;

S. 4322. An act for the relief of the owners of the barge

S. 3761. An act for the relief of James Moran;

S. 4463. An act to authorize the erection of a memorial monument or fountain as a gift to the people of the United States by the Henry B. F. Macfarland Memorial Committee; S. J. Res. 274. A joint resolution to provide for the partici-

pation of the United States in the observance of the one hundredth anniversary of the enunciation of the Monroe doctrine, and of the ninety-second auniversary of the death of James

S. 4192. An act to permit the correction of the general account of Charles B. Strecker, former Assistant Treasurer of the

United States;

S. 4117. An act authorizing the closing of certain portions of Grant Road in the District of Columbia, and for other purposes; S. 4448. An act for the relief of certain disbursing officers;

S. 1513. An act for the relief of Margaret Nolan; S. 1490. An act for the relief of G. T. and W. B. Hastings, trading as Hastings Bros.;

S. 4544. An act to authorize the extension of the period of restriction against alienation on surplus lands allotted to minor members of the Kansas or Kaw Tribe of Indians in Oklahoma:

S. 2625. An act for the relief of sufferers in New Mexico from the flood due to the overflow of the Rio Grande and its

tributaries:

S. J. Res. 168. A joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War;

S. 3078. An act to provide for the free transmission through

the mails of certain publications for the blind;

S. 4589. An act to authorize the county of Hennepin, in the State of Minnesota, to construct a bridge and approaches

thereto across the Minnesota River at a point suitable to the interests of navigation:

S. 1104. An act for the relief of Marion B. Patterson:

S. 3843. An act for the relief of the owners of the steamship Kin-Dave;

S. 3894. An act for the relief of the De Kimpke Construction Co., of West Hoboken, N. J.;

S. 4536. An act to authorize the building of a bridge across

the Peedee River, S. C.; and

S. 4594. An act to authorize the Secretary of State to acquire in Paris a site, with an erected building thereon, at a cost not to exceed \$300,000, for the use of the diplomatic and consular establishments of the United States.

The message also announced that the Senate had passed

without amendment bills of the following title:

H. R. 13272. An act granting a license to the city of Miami Beach, Fla., to construct a drain for sewage across certain Government lands:

H. R. 962. An act for the relief of the heirs of Robert Laird

McCormick, deceased; H. R. 2702. An act for the relief of J. W. Glidden and E. F. Hobbs:

H. R. 4421. An act for the relief of John Albrecht:

H. R. 5251. An act for the relief of Ruperto Vilche; H. R. 7322. An act for the relief of John F. Homen;

H. R. 8448. An act for the relief of Joseph Zitek; H. R. 9944. An act for the relief of Vincent L. Keating;

H. R. 9862. An act for the relief of the Fred E. Jones Dredging Co.;

H. R. 10047. An act for the relief of Frances Martin; H. R. 10179. An act for the relief of Americus Enfield;

H. R. 10816. An act to fix the annual salary of the collector of customs for the district of North Carolina:

H. R. 12751. An act to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots) in the State of Arkansas;

H. R. 1290. An act for the relief of Cornelius Dugan; H. R. 6538. An act for the relief of Grey Skipwith;

H. R. 11340. An act to advance Maj. Ralph S. Keyser on the lineal list of officers of the United States Marine Corps so that he will take rank next after Maj. John R. Henley;

H.R. 13827. An act relating to the sinking fund for bonds and

notes of the United States:

H. R. 11603. An act to validate for certain purposes the revocation of discharge orders of Lieut. Col. James M. Palmer and the orders restoring such officer to his former rank and command:

H. R. 6954. An act fixing rates of postage on certain kinds

of printed matter;

H. R. 13032. An act to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County Board of the American Legion, Bessemer, Mich.;

H. R. 11637. An act authorizing the Secretary of the Interior to approve indemnity selections in exchange for described

granted school lands; H. R. 6423. An act to detach Pecos County, in the State of Texas, from the Del Rio division of the western judicial district of Texas and attach same to the El Paso division of the western judicial district of said State;

H. R. 11738. An act for the relief of Maj. Russell B. Putnam; H. R. 7010. An act for the relief of the Southern Transporta-

tion Co.:

H. R. 370. An act for the relief of Charles W. Mugler;

H. R. 14249. An act for the relief of the owners of the American schooner Mount Hope;

.R. 8046. An act for the relief of Themis Christ;

H. R. 6358. An act authorizing the accounting officers of the Treasury to pay to A. E. Ackerman the pay and allowances of his rank for services performed prior to the approval of his bond by the Secretary of the Navy;

H.R. 13978. An act granting the consent of Congress to the Hudson River Bridge Co., at Albany, to maintain two bridges

already constructed across the Hudson River;

H. R. 14081. An act granting the consent of Congress to the Valley Transfer Railway Co., a corporation, to construct three bridges and approaches thereto, across the junction of the Minnesota and Mississippi Rivers, at points suitable to the interests of navigation;

H.R. 13326. An act in reference to a national military park at Yorktown, Va.;

H. J. Res. 47. A joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis, Mr. Jose A. de la Torriente, a citizen of

H. R. 8921. An act for the relief of Ellen McNamara.

The message also announced that the Vice President had appointed Mr. McLean and Mr. Fletcher members of the Joint Select Committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 13775. An act to amend the revenue act of 1921 in

respect to credits and refunds.

H. R. 13774. An act to amend the revenue act of 1921 in respect to exchanges of property.

THIRD DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For continuing the development of a water supply for the Navajo and Hopi Indians on the Navajo, Moqui, Pueblo, Bonito, San Juan, and Western Navajo Reservations, fiscal year 1921, \$222.79, reimbursable out of any funds of said Indians now or hereafter available.

Mr. MADDEN. Mr. Chairman, a number of bills have just come over from the Senate which ought to be signed immediately. They can not be signed by the Speaker pro tempore without special authority from the House. I move that the committee do now rise, and I do that in order that we may be able to give that authority to the Speaker pro tempore.

Mr. BLANTON. Is that respecting the 23 bills that were just sent over?

Mr. MADDEN. I do not know how many have come. Mr. BLANTON. They were the ones that were passed about one a minute the other day?

Mr. MADDEN. I do not know. The CHAIRMAN. The question is on the motion of the gentleman from Illinois that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. Campbell of Kansas having resumed the chair as Speaker pro tempore, Mr. MCARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14408, a deficiency appropriation bill, and had come to no resolution thereon.

APPROVAL OF APPOINTMENT OF SPEAKER PRO TEMPORE.

Mr. MONDELL. Mr. Speaker, I offer the following resolution, which I send to the desk and ask for its immediate consideration.

The Clerk read as follows:

House Resolution No. 564.

Resolved. That the designation of Hon. PHILIP P. CAMPBELL, a Representative from the State of Kansas, as Speaker pro tempore be approved by the House, and that the President of the United States and the Senate be notified thereof.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14408. The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14408, the deficiency bill, with Mr. McARTHUR in the chair.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to

revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

The Clerk read as follows:

PENSION OFFICE.

Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, fiscal year 1923, \$16,000,000: Provided, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purposes: Provided further, That the amount expended under each of the above items shall be accounted for separately.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. Kelley of Michigan having taken the chair, a message in writing from the President of the United States was presented by Mr. Latta, one of his

secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following title:

On February 23, 1923:

H. R. 5249. An act for the relief of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania; and

H. R. 9887. An act for the relief of the Pennsylvania Railroad Co.

On February 26, 1923:

H. R. 3499. An act for the relief of the Atlas Lumber Co., Babcock & Willcox, Johnson, Jackson & Corning Co., and the C. H. Klein Brick Co. ;

H. R. 5475. An act for the relief of the Standard American Dredging Co.;

H. R. 5648. An act for the relief of Ike T. Boyles;

H. R. 13128. An act authorizing an appropriation for the construction of a road within the Fort Apache Indian Reservation,

H. R. 13808. An act granting the consent of Congress to the commissioners of Venango County, their successors and assigns, to construct a bridge across the Allegheny River, in the State of

H. R. 2049. An act for the relief of the Delaware River Lightering Co.

H. R. 9316. An act for the relief of Robert J. Ashe; and

H. R. 13481. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924, and for other purposes.

THIRD DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Will the chairman of the committee kindly state to the committee the total amount which is now appropriated for pensions, both for the Army and the Navy, and how much is required for compensation under the war risk insurance act?

Mr. MADDEN. Two hundred and fifty-two million dollars for pensions. The appropriations for the Veterans' Bureau for next year are as follows: For compensation, \$118,500,000; for hospitalization, \$48,700,000; for vocational training, \$121,000,000; for insurance, \$90,000,000; for administration, \$50,000,000.

Mr. STAFFORD. Making a total of how much altogether? Mr. MADDEN. Nearly \$700,000,000.

Mr. STAFFORD. What is the gentleman's estimate of the requirement for increases in these amounts occasioned by the

World War as the years go on?

Mr. MADDEN. It looks as if under the present law there would be a less number in the hospitals and there will be a less number in vocational training, and there will probably be a less number drawing compensation after a few years.

Mr. STAFFORD. There will be a great deal drawn on ac-

count of insurance?

Mr. MADDEN. It is \$90,000,000 for next year in excess of the amount of premiums paid. Potentially the loss on the term insurance is about a billion dollars.

Mr. STAFFORD. I understood when the war risk act was under consideration providing for the insurance feature that the premiums prescribed were sufficient to bear the cost of the

loss but not the cost of administration.

Mr. MADDEN. There was \$23,000,000 appropriated at the time, and that was the only appropriation that has been made up to the beginning of the fiscal year 1924. We appropriated \$90,000,000 to pay the losses on the premiums, and this bill carries \$13,335,000 to pay the losses on premiums between now and the 1st of July. There will be about \$90,000,000 a year.

Mr. STAFFORD. The gentleman estimates in the future it

will cost the Government about \$90,000,000 to provide for the

difference in premiums and losses?

Mr. MADDEN. It will not be less.

Mr. STAFFORD. The gentleman says it will not be less; that means more?

Mr. MADDEN. It may be a little more, but I do not think it will run very high.

Mr. HAWLEY. How high? Mr. MADDEN. The highest The highest it will run for any one year will be about \$120,000,000. The total loss will be about a billion dollars on all the term insurance.

Mr. STAFFORD. Until the last person insured expires, the

total loss will be a billion dollars?

Mr. MADDEN. Yes; 245,000 is the number of risks carried, and the amount is \$1,850,000,000.

Mr. STAFFORD. The loss is independent of the amount we appropriated for vocational, hospitalization, compensation, and so forth?

Mr. MADDEN. Yes.

Mr. STAFFORD. I withdraw the pro forma amendment.

The Clerk read as follows:

PATENT OFFICE.

For the share of the United States in the expense of conducting the international bureau at Berne, Switzerland, fiscal year 1921, \$775.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 26, after line 4, insert :

" RECLAMATION SERVICE.

"For investigations of the feasibility of irrigation by gravity or pumping, water sources, water storage, and related problems on the Columbia River and its tributaries, and for cooperative and miscellaneous investigations of the feasibility of reclamation projects, including personal services in the District of Columbia and elsewhere; purchase, repair, maintenance, hire, and operation of motor-propelled or horse-drawn passenger-carrying vehicles; and for all other expenses; reimbursable in the case of any project if and when adopted for construction by the United States or other agency; to remain available until December 31, 1924, as follows:

"Columbia Basin project, \$100,000; Umatilla Rapids project, \$50.000; cooperative and miscellaneous investigations of reclamation projects, \$125.000; in all, \$275,000."

Mr. STAFFORD. I reserve a point of order for an explana-

Mr. MADDEN. Just a short time ago the Congress passed the act of February 21, 1923. It reads like this:

That the following sums are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for expenditure by the Secretary of the Interior,

namely:

For investigations of the feasibility of irrigation by gravity or pumping, water sources, water storage, and related problems on the Columbia River and its tributaries, including the Columbia Basin project, \$100.000; the Umatlila Rapids project, \$50,000; in all, \$150,000.

For cooperative and miscellaneous investigations of the feasibility of reclamation projects, \$125.000 annually.

This act was passed and the estimates submitted. The appropriations are in accordance with the law. So far as I can ascertain, without making a personal investigation, they are important subjects. I called in Mr. Davis, the Director of the Reclamation Service, after the deficiency bill had been reported. I did not have time to bring it before the committee.

Mr. SNELL. Is this a deficiency?

Mr. MADDEN. It is a deficiency to carry out the act. All the regular bills have gone through. It can not be put anywhere except on a deficiency act. The annual bill has been passed and this is a supplemental amount.

Mr. TILSON. It could not be expended until the 1st day of

July next anyway?

Mr. MADDEN. No. Mr. Davis says that the importance of this subject is greater than anybody would suppose. There are a number of great problems which the reclamation section of the Interior Department are trying to work out. They can not work them out until they have made surveys in connection with this work, and it is such a vast thing, he says, that it is essential that great care be taken in the surveys. For instance, the Columbia River Basin project—as to this he says if it is ever deemed to be feasible or advisable, it will require an expenditure of over \$300,000,000 for irrigation and power. There is a vast amount of power to be developed-several million horsepower, as I understand-and before they can tell what they ought to do about the disposition of power or the licensing of those who wish to build dams to create power they have got to find out what disposition they can make of the waters, through this survey, and he says it is absolutely necessary to make the surveys. The Federal Power Commission is also make the surveys. interested in it.

Mr. STAFFORD. We had up for consideration the need of the development of the Columbia River Basin and also the Umatilla Rapids Basin. Has the committee given any investigation as to the need of appropriating \$125,000 for survey purposes, not to be reimbursable but to come out of the Treasury and in addition to the money they now have out of the recla-mation fund? Has the gentleman any information as to how much they have had annually for survey purposes out of the

reclamation fund?

Mr. MADDEN. About \$100,000. I asked Mr. Davis about this, and he said it was very important that the appropriation should be made. It is all reimbursable, but they have not the

funds with which to go on with the work.

Mr. STAFFORD. I do not wish to challenge the gentleman's statement about its being reimbursable, but according to my information this \$125,000 is not reimbursable. When the bill was under consideration in the House the gentleman from Michigan [Mr. Cramton], who gives close attention—

Mr. MADDEN. It is reimbursable under my amendment. I

ask that the Clerk read it again.

The CHAIRMAN. Without objection, the amendment will again be read.

The amendment was again read.

Mr. STAFFORD. Reimbursable if and when adopted for construction purposes.

Mr. MADDEN. It would not be fair to take this \$125,000 that is being appropriated for investigational purposes now, much of which will be used to enable the Water Power Commission to grant licenses and get revenue and charge it against existing reclamation projects. It would not be fair to do that, and Mr. Davis so stated.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation

of the point of order.

The CHAIRMAN. The gentleman from Wisconsin withdraws

The cuestion is on agreethe reservation of the point of order. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.
The CHAIRMAN. The Clerk will read.
The Clerk read as follows:

For fees of jurors, fiscal year 1923, \$200,000.

Mr. BURTNESS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from North Dakota offers

an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Burtness: Page 29, line 16, after the figures "\$200,000," change the period to a colon and add the following: "Provided, That the allowance for jurors' fees shall hereafter be \$5 per day."

Mr. MADDEN. Mr. Chairman, I make the point of order on that, or I will reserve it if the gentleman wants to speak on it.

The CHAIRMAN. The gentleman from Illinois reserves a

point of order on the amendment.

Mr. BURTNESS. Mr. Chairman and gentlemen of the committee, the amendment I have offered is very plain. I desire, also, to supplement this amendment with an amendment to the next section; that is, to increase the witness fees to \$3 a day

I think most of you are aware that witnesses in Federal courts now receive the munificent compensation of \$1.50 per day, and that jurors receive \$3 per day. I submit to you in all frankness that as we are trying to provide funds with which the Department of Justice can properly enforce the laws of the country, we ought not to leave one of the main vulnerable places as weak as it is left in this very particular. All of you who have tried lawsuits for the Government or local subdivisions know that when you send an officer out with a subpena and force in a witness on behalf of the Government, force him away from his home and business and bring him into court, and he finds that he is to receive a per diem of only \$1.50, he is naturally sore; sore at the court, sore at the district attorney, sore at the marshal, sore at everybody connected with the court, and under such conditions the Government does not get a square deal.

Mr. MADDEN. Does the gentleman say he is sore because

he gets \$1.50 a day?

Mr. BLANTON. My experience is-and I have had some Mr. BLANTON. My experience is—and I have had some experience in the matter—that many of these witnesses have friends with whom they stay every time they attend court. But the jurors do not. Let a man get on the jury and the marshal takes the jury out and keeps them at a hotel, or they sometimes sleep in the courthouse—they have sleeping rooms, beds, and bedding usually provided for in the courthouse—and all they have to do is to pay for their meals.

all they have to do is to pay for their meals.

Mr. BURTNESS. I did not yield for a speech.

Mr. BLANTON. I was giving the gentleman some facts.

Mr. BURTNESS. That might be true in some localities in Texas, but I do not think that is true as to the Federal courts in other parts of the country.

Mr. BLANTON. In the gentleman's country I suppose they put up at the Willards and the Raleighs. [Laughter.]

Mr. BURTNESS. I submit that a person who attends the courts of this great Nation ought at least to get as much as is required for living purposes during that time, and likewise those men who sit on the Federal jury.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is legislation unauthorized on an appropriation bill.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For making such changes as may be permissible under the terms of the treaty providing for the limitation of naval armament, concluded on February 6, 1922, published in Senate Document No. 126 of the Sixty-seventh Congress, second session, in the turret guns of the battleships Florida, Utah, Arkansas, Wyoming, Pennsylvania, Arizona, Oklahoma, Nevada, New York, Texas, Mississippi, Idaho and New Mexico, as will increase the range of the turret guns of such battleships, to remain available until December 31, 1924, \$6,500,000.

Mr. BLANTON. Mr. Chairman, I make the point of order against the paragraph because it is legislation unauthorized on an appropriation bill, and it is new construction unauthorized

on an appropriation bill. I also call attention to the fact that it is not only unauthorized legislation on an appropriation bill but it is as well a direct violation of the treaty entered into between this Government and others in what is known as the four-power pact. I want to call attention to the parliamentary situation. In order to attempt to make this legislation in order so this appropriation could be made, the distinguished gentle-man from Pennsylvania [Mr. Butler] brought in what is known as his omnibus legislative bill a week or ten days ago. In that bill was a legislative item carrying this particular matter. It was designed to make this particular matter in order.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. BLANTON. Yes. Mr. KELLEY of Michigan. I think those who are charged with the responsibility of making the appropriation did not have that idea.

Mr. BLANTON. I see they did not have it.
Mr. KELLEY of Michigan. The policy of making these changes we felt should come from the Committee on Naval Affairs; not that the Committee on Appropriations did not have the authority to make the appropriation, but before the appropriation was made the policy should be determined by the House.

Mr. BLANTON. Here is the point. I do not want the two committees to go out in the dark and meet each other coming back. If this legislation is in order on this bill the other legislation sought to be enacted by the gentleman from Pennsylvania in his omnibus bill was to no purpose and unneeded; it was a reenactment of present authority of lav because if we already had law for this matter, why reenact it?

Now, I want to say that I do not know what the facts are,

and I can only learn from rumor, but it has been rumored that since the bill was under discussion, so mysteriously sidetracked and pigeonholed, put to sleep, that there has been word from the great Secretary of State that possibly the contention made on the floor that that provision was in violation of the treaty is correct.

Mr. BUTLER. Will my friend yield?
Mr. BLANTON. I will.
Mr. BUTLER. No; I will say to my friend that the bill has not been sidetracked; it stops by the side of the road, but we expect to start it again within 48 hours.
Mr. BULLER. No; I will say to my friend that the bill has not been sidetracked; it stops by the side of the road, but we expect to start it again within 48 hours.

Mr. BLANTON. If the gentleman does not start it sooner

than 48 hours he had better not start it at all.

Mr. BUTLER. I do not know where we will land, but we are doing the best we can to have the legislation completed. I am going to ask the gentleman not to make the point of order at this time, not to press it, not to ask the Chair at this time to decide it. That legislative bill may not become

Mr. BLANTON. I hope it will not.
Mr. BUTLER. My friend will appreciate the statement that
it is in jeopardy, but this work ought to be done.

Mr. BLANTON. I am not discussing the merits of the

Mr. BUTLER. I hope he will not press his objection here, but will allow this amendment, as I would call it, attached to this bill to go through so that it will become a law at this time. The Naval Affairs Committee unanimously recommended it.

Mr. BLANTON. My friend does not believe that expediency

ought to rule the Chairman in making a decision?

Mr. BUTLER. I am going to ask the gentleman not to press his point of order, not to compel the Chairman to decide it, but

allow it to pass along.

Mr. BLANTON. I do not think expediency will control the Chairman, because he is from Oregon, in the great Northwest, where men come with convictions and have the courage to stand by them.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentle-

man yield?

Mr. BLANTON.

Mr. KELLEY of Michigan. The gentleman from Texas was urging the fact that the Naval Affairs Committee brought in a legislative provision as having some bearing upon the question of this not being authorized by law.

Mr. BLANTON. If it was already authorized, why did they

bring it in?

Mr. KELLEY of Michigan. That is what I am going to call to the attention of the gentleman, and I think he will see the importance of it. The Committee on Appropriations without doubt has authority to appropriate for the repair or modi-

fication of any vessel now in the Navy to any extent,
Mr. BLANTON. But suppose the treaty says otherwise?
Mr. VINSON. It does not say so.

Mr. KELLEY of Michigan. It does not say otherwise; but leaving that out, under the rules of the House, as I say, the Committee on Appropriations has that authority. This question of assembling ships involves a considerable sum of money, and the Committee on Appropriations thought that the policy of whether the ships ought to be remodeled should be determined by the Committee on Naval Affairs first, and that is why we suggested, as some of us did, to the Navy Department, that they first submit the matter to the chairman of the Committee on Naval Affairs-not that we did not have the authority to do it.

Mr. BLANTON. I want to say just a word upon the point of order. This is not a question of expediency. I cite the Chair to the four-power pact, which I send to his desk and ask him to note the following paragraph under the heading of "replace-

No alterations in side armor, in caliber, number, or general type of mounting of main armament shall be permitted—

And so forth.

If the Chair will turn to that heading, he will find that there are two provisions with regard to two other countries not applicable to us

The CHAIRMAN. The Chair would ask the gentleman from Texas whether or not it is the opinion of the gentleman in arguing this matter that this four-power treaty is now in effect?

Mr. BLANTON. I submit this, that whenever the Government of the United States through its authorized agents signs an agreement that it intends to carry out, and that agreement is being considered by the other nations of the world, and the United States in that agreement made promises with regard to not changing the present status of the naval armament, it is just as binding upon the Congress as if the treaty has been accepted by all of the parties concerned.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentle-

man yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Indiana?

Mr. BLANTON. It is the Chair who is going to decide this

The CHAIRMAN. The Chair would like to get the benefit of all discussion.

Mr. BLANTON. I would rather proceed and argue to the

Mr. KELLEY of Michigan. What is the language of the

Mr. BLANTON. That so far as the United States is concerned, the only replacement it is authorized to make is to rebuild ships that have been in use some 20 years.

Mr. KELLEY of Michigan. But this is not a replacement. Mr. BLANTON. Under the head of replacement it says that the United States Government shall not change the mounting of its guns. That provision is specific in that respect; and what is the raising of turrets but a change in the mounting of the guns? My distinguished colleague from Michigan will admit that the purpose of this raising of the turrets is to change the range of the guns so that they will shoot farther and match other guns of other nations

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman y'eld?

Mr. BLANTON. Yes.

Mr. SANDERS of Indiana. I suggest to the gentleman that the paragraph to which the point of order is directed says that such changes must be made as are permissible under the terms of the treaty

Mr. BLANTON. Suppose this treaty provided that we could not buy from the countries of South America any of their superdreadnoughts, and that then Congress attempted to enact provision authorizing us to buy superdreadnoughts of the South American countries, but at the same time inserted a provision that we should do it in accordance with the terms of the treaty. It would be just about as ridiculous as this provi-sion is in this bill. We are violating the terms of the treaty in one part of the paragraph, and in another breath we say that we do not intend to do what we are trying to do. It was admitted on the floor that the intention of this change, that the sole purpose of the expenditure of the \$6,500,000 was to make our guns match those of our possible adversaries, and it is violation of the treaty. I submit to the Chair that no question of expediency, however urgent or necessary it is to the interests of this country, should ever cause the United States

Government to violate its solemn agreement.

Mr. HICKS. Mr. Chairman, I know we all want to live up to the spirit as well as to the substance of that great treaty formulated by the Washington Conference on Limitation of Armament. In my judgment, this provision of the bill

does not violate either the spirit or the letter of that treaty. It is especially provided in that covenant, which, by the way has not yet been signed by France and therefore is not actually in operation, that certain alterations can be made in existing floating tonnage. These alterations must not change the side the caliber, the number of guns, or general type of the mounting of the main armament. All that is proposed here is the reconstruction of these ships, as Great Britain is doing now with her fleet, as she was doing at the time of the conference, and as Japan is doing; all within the purview of the agreements. We submitted this question to the Secretary of the Navy, an executive officer who undoubtedly is in touch with the State Department authorities, as to whether or not any provisions of the treaty would be violated by these alterations, and in his judgment these alterations were not a violation of the treaty. Even though the treaties were not technically in operation because of nonreligation on the provisions. nically in operation because of nonratification on the part of any one of the powers, I would still be insistent in fulfilling the compact for the moral, if not the legal, obligation.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentle-

man yield?

Mr. HICKS.

Mr. CONNALLY of Texas. The gentleman is addressing himself to the point of order, as I understand it?

Mr. HICKS. Yes.

Mr. CONNALLY of Texas. Does it make any difference, so far as the point of order is concerned, whether this is violative of the treaty or not? Is that a question for the House?

Mr. HICKS. It is a question of fact. As the gentleman

says—and that is not a parliamentary question—whether the treaty is being violated is not a question for the Chair to decide. The parliamentary situation is, Has the Appropriations Committee authority to make this appropriation? In the act of 1907, amended by the act of 1916, the law provides that when changes are made in battleships exceeding \$300,000 in amount per ship the Congress will have to make an appropriation to take care of the alterations. Below that amount the Department can make the changes from current funds. provided by law that Congress by appropriating the money can give to the Secretary of the Navy the right to make changes in any of these ships over \$300,000 in extent. No new authority is necessary. The authorization is a continuing one, and the funds are dependent upon the voting of the supply. These ships are now in commission, they have been built under legal authorization, and this sum is to make changes. It is not for new ship construction. I doubt if anyone would question the right of Congress to provide funds for placing a new mast or a new deckhouse on a ship without getting any additional legislative authority. This provision merely makes changes of a similar nature.

Mr. OLIVER. Will the gentleman yield?

Mr. HICKS. I will.
Mr. OLIVER. The position taken by the gentleman from Texas would, under different circumstances, be correct; but in view of the language of the provision in question the gentleman's position is unsound, for the reason that by express language this provision assumes that the treaty is in force and will continue in force, and that nothing herein shall be construed as in any way violating the treaty. The position of the gentleman is that we can repeal a treaty, but since the treaty has been ratified by this Government, and since this provision recognizes the treaty to be now in force, expressly disavowing any intention to violate the terms of the treaty, I submit that the question whether this provision is in contravention of the treaty is germane to the point of order. I do not wish to be understood as arguing that the provision is contrary to the treaty, but I do insist that the question as to whether it is should be considered by the Chair in passing on the point of

Mr. HICKS, Mr. Chairman, in conclusion, the limitation placed by Congress upon the amount of money which the Navy Department can expend upon battleship reconstruction is a limitation on the department and not a limitation on the Congress. Congress can appropriate any amount of money for the continuation of a public work authorized and in progress, and that is all we are doing here. We are continuing the construction of a great public work, and we can appropriate any sum choose without legislation, for the authority once given and the work started continues indefinitely. Under the many precedents, universally sustained, making in order appropriations for authorized public work in progress, I hold the point of order should be overruled.

All of these battleships enumerated in this paragraph were authorized by law. If you can not raise the turret of a battleship, you can not put a patch on the boiler of a battleship without specific legislative authority. That is perfectly clear and self-evident. The other point, that it is violative of the treaty, raises a question of fact with which the Chair has no concern. Under the express language of the paragraph the money can not be expended to violate the treaty. is not there for the purpose of passing upon a question of fact. It is sufficient if the appropriation is authorized under the language used. As a matter of fact it does not violate the treaty; it is clearly within the treaty. There is only one possible provision of the treaty which could be connected up with it, and that is the provision of the treaty which says you can not This does not change the character of your gun mounting. change the character of any gun mounting but is simply a

question of the elevation of the turrets.

Mr. GREEN of Iowa. The words in the treaty, as I recall them, are that the general shape of gun mounting, and so

forth.

Mr. HUSTED. This does not change any shape of gun mounting; it simply provides for the elevation, and a point of

order will not lie against it.

Mr. TILSON. Mr. Chairman, just a word. It is a simple point of order. It is a well-settled rule that an appropriation can be made for the continuing of a public work. Specifying that an appropriation can be used even for the construction of new vessels as the continuation of a public work-

Mr. BUTLER. Oh, no; that is clearly out of order. Mr. TH.SON. Let me finish the statement and read from the Manual.

Mr. BUTLER. I do not agree, I do not care what the gentleman reads. It has always been that you can not. Mr. TILSON. I read from the Manual:

By a broad construction of the rule an appropriation for a new and not otherwise authorized vessel of the Navy is held to be for continuance of a public work.

The CHAIRMAN. Read it again; the Chair did not hear it. Mr. BUTLER. Mr. Chairman, the rule of the House itself provides that the Committee on Naval Affairs shall originate these new ships, notwithstanding what the gentleman read Read the rules that passed over three years ago.

The CHAIRMAN. The gentleman will read it again. Mr. TILSON. I was attempting, Mr. Chairman, to bring the

matter up to date, if the gentleman will permit me.

Mr. BUTLER. I am doing that, and if the gentleman will kindly read-

Mr. TILSON. It is a well-established rule of this House that Congress can appropriate for the continuation of a public work. It has been held by a broad construction, as I have read, that Congress can appropriate for a new vessel not authorized by law, and I was simply trying to read what the precedents show

with reference to that statement. The later changes in the rules, referred to by the gentleman from Pennsylvania, do not change this particular case, because it is not for the construction of a new vessel. It is for putting something upon a vessel that now exists that has been authorized by law. If it is authorized by law, then the only other point that can be made is that it is in violation of the treaty, for a treaty when duly ratified is the law of the land. That, however, is not possible under this paragraph, because it is specified in the paragraph itself that this appropriation is to be expended "for making such changes as may be permissible under the terms of the treaty," which eliminates all possibility of violating the treaty. Therefore it seems to me that under the well-established rules of the House this paragraph is in order.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. TILSON, Yes. Mr. BANKHEAD. The gentleman from Connecticut is usually very clear in his deduction on these rules. I doubt very much whether he is on sound ground when he says that the matter of ordnance or mechanism of a ship is a continuing of an existing public work. Now, by parity of reasoning a bill brought in increasing the number and amount of ordnance in the United States would be a continuation of a public work.

Mr. TILSON. That is not a parallel case.

Mr. BANKHEAD. Another thing, in what case is this a deficiency?

Mr. MADDEN. This does not contemplate an improvement

of the machinery or an enlargement of the guns.
Mr. WINGO. Mr. Chairman, I wish to direct the attention Mr. HUSTED. Mr. Chairman, of course this point of order of the Chair to two propositions that have been laid down by is not worthy of serious consideration or extended discussion.

One of them is that the Chair is not called upon, in considering a point of order, to pass upon a question of fact. That is all he is called upon to do, more frequently than anything else. That fact is this: Does the proposed legislation fall because it is not authorized by existing law? If it is contrary to existing law, it is not authorized by existing law. So that it is a question of fact whether or not it is authorized. If it is inhibited by existing law, of course it is not authorized.

Another point I wish to direct the attention of the Chair to is this: It is an ingenious argument that has been suggested, that Congress may get around a point of order and violate a law by making a stump speech in the beginning of what it attempts to do. Taking up this broad proposition, let us assume that it has merit. It does say in the beginning of this paragraph, "If permissible under the terms of the treaty providing for naval disarmament." In other words the amendment says, "We want to do certain things as far as we can without violating that treaty, which is the supreme law of the land." far as the United States is concerned, it is the law of the land at this moment. Suppose, instead of changing these turrets, making a change which is proper, I think, in view of what England is doing-

Mr. MADDEN. It does not change the turrets.
Mr. WINGO. Suppose it provided for the completion of the battleships that were ordered to be scrapped.

Mr. MADDEN. That would be a violation of the treaty.
Mr. WINGO. Suppose it provided that. Would that language in lines 21 and 22 keep it in order simply because at the beginning you made a stump speech protesting that the act you were going to commit, although criminal, is not intended to be a criminal act?

That is a specious argument with gentlemen who try to avoid the real issue. Aside from what the question of intent is, the real point is a question of fact. Does the thing that the act requires violate the law? If the Chair is going to base his decision on anything, I want him to base it on another expression or another fact than that suggested-that because the committee says, "We do not intend to violate the law or the treaty," they may violate it and do violate it. That would get the Chair into trouble if he undertook to base his decision on If the Chair thinks that the change proposed does not violate the treaty, then it would be perfectly in order. This is an expert question.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. TILSON. Does the gentleman think that if we

Does the gentleman think that if we proceeded to provide for something that was not prohibited by the treaty the executive department would be justified under this paragraph to go on and violate the treaty, and hold that we say they can do only such things as are permissible under the

treaty?

Mr. WINGO. The gentleman is thinking of what the Executive would be justified in doing. I think the Executive would be justified in taking the conclusion of Congress on a question that is within the jurisdiction of Congress. If it were a close question of fact, I think it would be the duty of the Executive department to say, "This is a disputed question; this is a question that is doubtful; but the legislative body, which is familiar with all the facts, which may repeal the treaty if it wants to, has said that this work may be done; that in its judgment it is not a violation of the treaty." There is a twilight zone there, where it is doubtful if you live up to the spirit and letter of the law. I am not a naval expert.

There are two things I wanted to call attention to. that it is a question for the Chair to decide, and the other is that the language as used in the amendment does not alter that

Mr. BLANTON. If there is any doubt in the matter, does not the gentleman from Arkansas think we ought to resolve

the doubt in favor of the treaty?

Mr. WINGO. No; if there is doubt I would say we should resolve it in favor of the Navy of the United States [applause], because I think England is doing the very same thing. is a violation of the treaty, and if England is doing this, she can not complain that we are doing the same thing that she is doing; and I understand Japan is doing the same thing. [Ap-

Mr. KELLEY of Michigan. Mr. Chairman, I agree with the gentleman from Arkansas that if this in any way violated the treaty we ought not to put it in the bill. But there can be no question, in my judgment, upon the facts surrounding the case. The treaty provides that there shall be no modification in the general type of the mountings of the guns. The proof that those who drafted the treaty did not have this sort of thing in mind at the very moment that the treaty was being nego-

tiated is found in the fact that the other nations which are parties to the treaty had already increased the range of their guns in this same way at that time and, we are informed, have been doing it since. So that would have an important bearing, it seems to me, upon what those who negotiated the treaty had in mind.

Now as to the other question, whether the Committee on Appropriations might properly report this appropriation, there is a provision of law to the effect that the Secretary of the Navy can not expend more than \$300,000 in the repair of a ship in any one year without a special appropriation by Congress. has funds aggregating in the neighborhood of \$50,000,000 at his disposal for the repair of vessels-\$20,000,000 in the Bureau of Construction and Repair, \$20,000,000 in the Bureau of Engineering, and about \$10,000,000 in the Bureau of Ordnance, making about \$50,000,000 altogether. Out of these funds he can not spend more than \$300,000 on any one ship. To spend more than that Congress must make a specific appropriation, and that is what is proposed here—to make a specific appropriation for the repair of vessels already in the Navy. appropriate for an expenditure of \$1,000,000, if we should see fit, upon any ship in the Navy without violating the rules.

Mr. TEMPLE. Mr. Chairman, there is no doubt that Congress wishes to observe the spirit and the letter of the treaty that was negotiated at the Washington conference a little more than a year ago. We have refrained from construction of battleships; we have observed the very letter as well as the spirit of the treaty, and we shall continue to do so, not because the treaty is the law of the land but because we hope and ex-

pect that it will yet become so.

A point of order is a technical matter, and must be answered in the spirit in which it is made. We are not now subject to the terms of that treaty, for it has not become law. A treaty does not go into effect until ratifications of the various parties to the treaty have been exchanged and the President puts it into effect by proclamation. We speak of the ratification of the treaty by the Senate. That is not technically correct. The Senate does not ratify a treaty. The Senate consenthe ratification and advises the President to ratify it. The Senate consents to ratification is purely an executive act by the President.

Great Britain, Japan, and the United States have ratified in the popular sense, but the ratifications have not been ex-

changed.

France has not considered it yet by the authority that advises ratification, and it is not probable that the treaty will become actual law anywhere until ratifications by all the parties have been exchanged. Nevertheless we, very properly, have been acting as if it were the law of the land. We have been acting in the utmost good faith because we do expect it will be the law of the land, and we are not doing anything to make its acceptance more difficult for any of the governments concerned.

Mr. CARTER. Will the gentleman yield?

Mr. TEMPLE. Certainly.

Mr. CARTER. We have not been doing it as a legal obliga-

tion but as a moral obligation.

Mr. TEMPLE. Yes; we expect the treaty will become a law of the land and we do not want to do anything to violate the spirit of it in the meantime.

Mr. BLANTON. Will the gentleman yield? Mr. TEMPLE. I will.

BLANTON. Suppose by reason of the fact that the treaty has not been ratified, Congress should start a new program of spending \$500,000,000 this year, does the gentleman think that France would ever consider ratification at all?

Mr. TEMPLE. That would be a good argument against the

passage of the law; it would be a good argument against the policy, wisdom, and morality of such an act by this Congress, but of no force whatever toward sustaining a point of order,

because the treaty has never gone into effect.

Mr. MacLAFFERTY. Mr. Chairman, in support of the statement that has just been made that the treaty is not in effect, I think more than one Member of this House has noticed in the last few days that the Secretary of the Navy has instructed that the work of the destruction of certain ships, which was contemplated by the treaty, be stopped. It seems to me that that proves absolutely that the treaty is not yet considered to be in force. Furthermore, as my colleague has just stated, we know that the treaty is not in force and I am going to express the hope, Mr. Chairman, that there is not a Member of this House that will try to put any technicalities in the way of the consideration of this part of the bill against which objection has been made. For if it is prevented it means that many of our battleships going into action must pass through 11,000 yards of enemy gunfire before one of our guns can register; and the boys on those battleships will be from Texas as well as from California.

Mr. TOWNER. Mr. Chairman, I think gentlemen who are anticipating that we may violate the treaty can rest assured that that is not the case, because by the very terms of this paragraph we say that we will not do it and not attempt to do it. But, Mr. Chairman, let me call your attention to the fact that the question whether or not it is a violation of the treaty is not a question for the Chair to decide. The only question for the Chair is, Is there any law for making the appropriations? The whole question as I see it, Mr. Chairman, was well stated by the gentleman from Michigan, and some others as well, and it lies in this particular fact. This is not the construction of a ship. It must be considered as a change in the existing condition of the ship for some particular purpose. That being true, what is the authority? More than \$300,000 can not be expended for such purpose except by a specific appropriation for a particular purpose stated by Congress. That is what is now being done. What could you ask further than that Congress should state specifically the purpose for which the appropriation is being made? Affirmatively the law might be stated that Congress may make additional appropriations over \$300,000 for a definitely stated specific purpose. It seems to me that answers all objections that can be made.

Mr. BLANTON. Will the gentleman yield? Mr. TOWNER. Υes.

Mr. BLANTON. In line with what my friend from California said, that we have given up all hopes of the treaty being

Mr. MacLAFFERTY. The gentleman is mistaken, I did

Mr. BLANTON. Well, I call attention to the very next para-

graph, where we begin scrapping ships and provide \$20,000,000.

Mr. TOWNER. Mr. Chairman, if the gentleman desires to what I think about it, even if the treaty at this time should not be ratified by France, I would be in favor of the United States carrying out to the letter its contract with regard to the scrapping of ships and limiting construction, because I know that eventually the treaty will be ratified.

Mr. BLANTON. Then, for God's sake, let us save this \$6,-

500,000.

The CHAIRMAN. The Chair is ready to rule. Reference has been made in this discussion to the treaty negotiated at the Conference on the Limitation of Armament held in Washington during the winter of 1921-22, and while the treaty is not the all-prevailing consideration in the determination of the point of order made by the gentleman from Texas [Mr. Blanton]. it must be said that there is and ought to be a moral obligation upon the part of the Government to conform to the spirit of the treaty, even though it has not been ratified by all of the parties signatory thereto. Irrespective of this, the paragraph in question contains the words:

For making such changes as may be permissible under the terms of the treaty.

In view of this language, the Chair thinks the question raised relative to the treaty can very effectively be disposed of without any further consideration, because it is not possible to put the money to any purpose other than a purpose that comes within the purview of the treaty.

The proposition relative to the guns on these ships in question is one of the general type of mounting and not of the range, according to the provisions of the treaty, and so the Chair is of opinion that that feature of the point of order is not worthy of

further consideration.

The provision relative to the status of these ships that are specifically enumerated at the bottom of page 32 and at the top of page 33 is, however, to be determined by the Chair's ruling. It is quite apparent, in view of a well-established line of decisions and precedents, that alterations and repairs may be made to battleships and other naval craft when they come within the purview of the rule authorizing Congress, through the Appropriations Committee, without specific additional legislative authority, to provide for funds for the continuation of a public work in progress. In the Fifty-ninth Congress a naval appropriation bill provided as follows:

Provided further, That the Secretary of the Navy shall hereafter report to Congress at the commencement of each regular session the number of vessels and their names upon which any repairs or changes are proposed, and which in any case amount to more than \$200,000.

This sum was subsequently changed to \$300,000 by another naval appropriation bill, but there is nothing in this language that compels the Secretary of the Navy to seek additional specific legislative authority for this situation. He must merely report to Congress, so that Congress may consider the amounts.

Irrespective of that, the Secretary of the Navy, in view of a subsequent law, a recent law, does not make his report to Congress but makes it to the Bureau of the Budget, which in turn reports to Congress. This item has been submitted to Congress in the manner provided by law. It is quite clear to the Chair that all of this money proposed here in line 4 of page 33 is for the continuation of an existing public work, and therefore comes within the purview of the rule. The point of order raised by the gentleman from Texas is overruled.

Mr. SEARS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SEARS. As I understand the ruling of the Chair, under the treaty we scrap modern ships and those in course of construction, but we are trying to make modern ships out of-

The CHAIRMAN. That is not a parliamentary inquiry.
Mr. DALLINGER. Mr. Chairman, I offer the following amendment, which I send to the desk,

The Clerk read as follows:

Amendment by Mr. Dallinger: Page 33, line 4, after the figures "\$6,500,000," strike out the period and add the following: "Provided, That no part of the moneys appropriated in this paragraph shall be used or expended for making such changes in private establishments or for the purchase or acquirement of any article or articles that at the time of the proposed changes, purchase, or acquirement can be made, manufactured, or produced in each or any of the Government navy yards of the United States, if time and facilities permit, for a sum less than they can be made, purchased, or acquired otherwise."

Mr. MADDEN. Mr. Chairman, I make the point of order. Mr. BLANTON. Mr. Chairman, I make the point of order. Mr. Chairman, I make the point of order.

Mr. DALLINGER. Mr. Chairman, this is a limitation that has been repeatedly held in order on appropriation bills. It is on the naval appropriation bill that became a law this year, which came from the gentleman's committee, and was offered the other day in the Committee of the Whole House when the naval omnibus bill was considered and adopted by the com-It was ruled by the chairman to be in order.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is clearly legislation on an appropriation bill, unauthorized by law; that it takes away from the executive that discretion which is authorized to be used by every executive in the performance of his duties. It is not a limitation that effects economy, but, on the contrary, it may cost a great deal of money. I understand, as a matter of fact on the question of economy, the question of bringing it within the Holman rule, that on one order which the Government was required to place in our own arsenals, and in another instance in our navy yards, the Govern-

ment lost quite a large sum of money.

Mr. HICKS. Mr. Chairman, in line with the contention of the gentleman from Texas [Mr. Blanton], I wish to say that there is a long line of precedents which hold that wherever there is a provision in a bill which compels an executive officer to do certain duties, which he is not compelled to do by law previously passed, it is subject to a point of order on the ground of legisla-tion on an appropriation bill. I claim that under this amendment offered by the gentleman from Massachusetts [Mr. Dal-LINGER], while I may be in sympathy with its purpose, it provides that to ascertain these things the Secretary of the Navy He must base his action on knowledge must do certain things. obtained, and this requires action and the imposition of new functions and new duties. Therefore, as it imposes upon him certain duties that the law does not now impose upon him, according to precedents I think the Chair will have to sustain the point of order.

W. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. DOWELL, M. Mr. HICKS. Yes.

Mr. DOWELL. Does not the amendment limit the matter to the question of the expenditure of the money for repairs under

this appropriation?

Mr. HICKS. No; I think that the gentleman will find that the Secretary of the Navy or some competent authority will have to ascertain certain facts in regard to the expense of materials in one place or in another place, and that is an imposition of new duties, new activities. It is not a limitation on the funds themselves; it goes to executive functions and is therefore obnoxious to the rule.

Mr. DOWELL. That is a question for the Secretary to determine; that is a question of fact. If the fact is to be ascertained-

Mr. HICKS. Who is to ascertain the fact?

Mr. DOWELL. It does not make any difference. As a matter of fact, it is a limitation upon an expenditure, and it is in

Mr. BLANTON. Is this the Hull amendment? The CHAIRMAN. The Chair is ready to rule. This is clearly a limitation as to an executive discretion and not a limitation as to an expenditure in the interest of economy. It does not come within the purview of the rule, and the point of order is sustained.

Mr. DALLINGER. Do I understand the Chair holds when it says it must be done outside when it can be done cheaper than in a navy yard-

SEVERAL MEMBERS. Regular order.

The CHAIRMAN. The Chair has ruled on the matter.

Mr. BUTLER. I have an amendment to offer.

The CHAIRMAN. The Chair has recognized the gentleman from Iowa [Mr. Green]. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Butler: Page 33, after line 4, insert "the limit of cost of the vessels heretofore authorized and hereinbelow enumerated are increased as follows: Battleship Colorado, from \$17,000,000 to \$17,000,000; scout cruisers Nos. 9 and 10, from \$8,250,000 to \$8,400,000; destroyer tender No. 3, from \$3,400,000 to \$4,500,000."

Mr. BLANTON. Mr. Chairman, I make the point of order it is legislation unauthorized on an appropriation bill, and it is new construction-

Mr. BUTLER. If the gentleman will give me a chance— Mr. BLANTON. I will in just a moment, and I will reserve it—and that it is also for new construction unauthorized on an appropriation bill. Now I reserve the point of order so that

the gentleman may speak.

Mr. BUTLER. I am going to ask the gentleman to withdraw the point. He is entirely right, it is subject to the point of order. It is the same provision we passed the other day, and it is in accordance with the statement I made to my friend a bit ago.

Mr. BLANTON. I am thinking about the people down home. Mr. VINSON. If the gentleman is thinking about the people down home, he will withdraw it.

Mr. HICKS. Why not think about the Nation a little bit?
Mr. BLANTON. I got an expression from them last summer.
Mr. BUTLER. There is no doubt it is violative of the rules of the House; the gentleman is entirely right.

Mr. BLANTON. If it was for the gentleman personally, I would withdraw it; but I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out

the last word.

I just wish to say a word in reference to this \$6,500,000 appropriation. It may be justified and may not be. never received very definite information about it. Admiral Mc-Vay and Assistant Secretary Roosevelt told the committee they would furnish some further information as to what changes had been made on the English ships. That information was not I have examined the British estimates for the current fiscal year and I have been unable to find any appropriation carried in them for the purpose of increasing the range of the guns. Of course, that does not positively show that some of those items do not cover this particular work, because the British estimate is not carried out with the definiteness that our estimates are. But I want to say this to the House, that I shall await with considerable interest operations under this particular expenditure of \$6,500,000. We will have five ships with guns having the extreme range or elevation when the two that are to be completed this summer have been finished. It is proposed to raise the range of the guns of the other ships from about 21,000 or 22,000 yards to 32,000 yards. ever was hit at a distance above 20,000 yards in a naval battle. The battle off the west coast of South America was fought under ranges of from 8,000 to 15,000 yards, and of course no big guns were engaged. The battle off the Falkland Islands had a range of from 8,000 to 15,000 yards, and the records do not show there were any hits made at the extreme range. The Battle of Jutland was at a range of from 8,000 to 19,000 yards; most of it at a range of from 8,000 to 14,000 yards. A naval statistician has made computations in reference to the number of hits registered, and they found that the big guns made a hit about once in three hours.

Mr. MacLAFFERTY. That is enough.

Mr. GREEN of Iowa. But it was at ranges of from 8,000 to 14,000 most of the time. The main battle was fought at about Now, the elevation of the guns will have to be greatly changed. Just what is the elevation of the guns on our older ships I do not know. Our later ships have an elevation of, I think, 30 degrees, and the later British ships must have an elevation about the same, and a range of probably 32,000 yards, but when you shoot at such extreme ranges and the object is unseen it greatly diminishes the chance for hitting anything. It is very difficult to hit anything because of the high angle which the shell takes in falling. I want to say that even in battle prac-

tice, and in battle practice they are much more apt to hit than in actual battle. I have doubt of their being able to hit a moving target at 32,000 yards. That is 18 miles, and beyond the range of vision from the ship doing the firing. Of course, gentlemen say, or rather the naval experts say, that they will use airplanes to locate the enemy and spotting the shots as they strike the water. In this way they claim they will be able to make hits. I doubt it very much. On the other hand, I will admit that if one of these big shells fired at a high angle should strike the deck of an enemy's ship it would practically put it out of commission.

There seems to be a singular lack of information in the hearings about what they expected to do. The Naval Committee was not told what the elevation of most of the guns is now on the British ships. It was stated that the elevation of the guns on some of our ships was only 15 degrees. I think that is true with respect to some of them.

Mr. HICKS. The elevation on most of the British ships is 33. Mr. GREEN of Iowa. I think not. They are listed as 30 degrees on the later ships.

Mr. HICKS. I thought the gentleman said the Naval Committee did not know.

Mr. GREEN of Iowa. I do not know how it can when they claim that alterations are being made on them. The later British ships may be provided with 33 degrees elevation, but there is nothing in the hearings about that.

Mr. HICKS. We had a great deal of confidential information before our committee in our hearings which we did not publish.

The CHAIRMAN. The time of the gentleman from Iowa has

expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask for two minutes

The CHAIRMAN. The gentleman from Iowa asks for two minutes more. Is there objection?

There was no objection.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. OLIVER. Supplementing what the gentleman from New York [Mr. Hicks] has said, if the gentleman from Iowa will go to the Navy Department and make inquiry as to the effective ranges, he will find that the information he has given to the House, that 18,000 yards or 19,000 yards is the maximum range, is entirely erroneous.

Mr. GREEN of Iowa. I did not state that.

Mr. OLIVER. That is the inference to be drawn from what the gentleman said. He will find that if this is done it will prove very effective.

Mr. GREEN of Iowa. What I said was that no hits had ever been made in battle at ranges between 22,000 and 32,000 yards. The gentleman should not think that I have not investigated this matter. The fact is I have investigated it very carefully, and as a result I doubt the wisdom of spending money on the old ships for this purpose.

Mr. MacLAFFERTY. Mr. Chairman, will the gentleman

vield?

Mr. GREEN of Iowa. Yes. Mr. MacLAFFERTY. We hear continually about the British ships. Have you heard anything about the Japanese ships? Mr. GREEN of Iowa. No; but only a few of them have got big guns, and only one of them is of recent construction.

Now, just a few words with reference to our Navy in com-parison with the British. We have 10 ships larger than any the British have, with one exception, and that is the Hood, a 41,200-ton ship. Our ships, fewer in number than the British ships, will have a heavier broadside and carry heavier armor, even including the British ships that can not be finished until We are in no danger from the British Navy, even it some one was guilty of such criminal folly or insanity, whichever you may term it, of committing an act which brought on war between England and the United States.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows:

Scrapping of naval vessels: The Secretary of the Navy may use, pursuant to the provisions of the act approved July 1, 1922, entitled "An act authorizing the President to scrap certain vessels in conformity with the provisions of the treaty limiting naval armament, and for other purposes," the unexpended balance on the date of approval of this act under the appropriation heretofore made on account of scrapping of naval vessels, together with the sum of \$12,500,000, which is hereby appropriated, for necessary expenses in connection with the care and preservation of vessels whose construction has been or shall be suspended or discontinued on account of the treaty limiting naval armament, and for expenses of handling, preserving, and inventorying material on hand or in course of fabrication for said vessels, and toward payment of bills for material already completed for said vessels and toward payment of any amounts payable as a result of the modification or cancellation of contracts and purchase orders on account of said vessels, their

machinery, materials, and equipment, and for reimbursement to contractors of carrying charges heretofore or hereinafter approved by the Secretary of the Navy, to cover additional expenses resulting from the deferring of deliveries or payments under said contracts and purchase orders, and for reimbursement to contractors for work done and for such portion of running and overhead expenses and other indirect charges as may be approved by the Secretary of the Navy on account of contracts under which settlement is deferred on account of the treaty limiting naval armament, and a further sum of \$8,450,000 is hereby appropriated for the payment of any amounts payable as a result of the modification or cancellation of contracts and orders, including incidental expenses, for the armament, armor, ammunition, and ordnance outfits (including material required in connection therewith) of vessels whose construction has been or shall be suspended or discontinued on account of the treaty limiting naval armament, and for settlement of contracts and orders for material for destroyer-type torpedoes in excess of requirements for the number of such torpedoes that may be completed under the provisions of the naval appropriation act approved July 1, 1922; in all, \$20,950,000, to remain available until June 30, 1924.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. MADDEN. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 33, line 17, after the comma and the word "preserving," insert "transporting"; and on page 33, line 24, in lieu of the word "hereinafter," insert "hereafter."

The CHAIRMAN. The Chair would suggest also, in line 14, of page 34, the word "on" should be changed to the word 'or." Does the gentleman from Illinois desire to include that in his amendment?

Mr. MADDEN. Yes.
The CHAIRMAN. The question is on the amendment offered and modified

Mr. STAFFORD. Mr. Chairman, reserving a point of order, I wish first to inquire of the chairman of the committee how much of this total fund is going to be paid to the contracting shipbuilding concerns for reimbursement by reason of carrying charges?

Mr. MADDEN.

Mr. MADDEN. None for carrying charges. Mr. STAFFORD. You have an item here at the bottom of page 33 "for reimbursement to contractors of carrying charges heretofore or hereinafter approved by the Secretary of the Navy.

Mr. MADDEN. Let me explain it in this way: The work of constructing the ships was discontinued on August 1 last. Since that time no work has been done on the ships. All the overhead charges have been discontinued, and about \$1,250,000 overhead charges have been saved as a result of stopping work at that time. About \$2,500,000, as I recall, will be saved as the result of the action taken in stopping the work on August Overhead charges, of course, there are, because the ships are on the docks. These docks belong to the private owners. The ships are occupying the space. We must pay rent for the space or take the ships out, and we must pay more or less of the total charge of the construction on account of the space

these ships occupy.

Mr. STAFFORD. Has the gentleman information about the total charges against the Government by reason of the deferring

of the work

Mr. MADDEN. Three million one hundred thousand dollars will be charged for overhead out of this appropriation; \$8,450,-000 of this appropriation is to be paid for work already done on ordnance contracts. That includes all finished material for ordnance and all partially finished material; but no charge is included in the \$8,450,000 for prospective profits. This settles everything in connection with ordnance.

Now, there has been no settlement made on hulls and ma-chinery, and no settlement will be made for the time being, until we know whether France will ratify the treaty or not. What has been done is to stop the expense. The hull and machinery contracts still exist, in connection with which we are paying for the rent of the yards and such overhead as I have described.

Mr. STAFFORD. Are we to understand that the t claimed by reason of the deferred work will be \$3,100,000?

Mr. MADDEN. That is for overhead; nobody knows when they will cancel the contracts for hulls and machinery. If the contracts are not canceled we will be in a position to go ahead without the expenditure of any money for preliminary work, and we will have saved by the conservation of their contracts the difference between the amount we are paying now and the value of the contract, including the overhead which we would have to pay under conditions which now prevail.

Mr. STAFFORD. The \$3,100,000 of adjudicated claims have been settled through the Navy Department adjuster?

Mr. MADDEN. Yes.

Mr. STAFFORD. And the further claims—
Mr. MADDEN. The further claims—we do not know how much they will be, because we do not know how soon we will have to scrap the ships or proceed with their construction.

Mr. OLIVER. Will the gentleman yield?
Mr. MADDEN. Yes.
Mr. OLIVER. Can the gentleman estimate the approximate loss sustained by the Government by reason of the delay in ratification?

Mr. MADDEN. No. That is pretty hard to tell. In fact, no one can tell

Mr. OLIVER. But there is a loss, and it may continue. Mr. STAFFORD. It may amount to more than \$10,000,000 and possibly to \$20,000,000.

Mr. MADDEN. It depends upon the time.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For temporary and auxiliary clerk hire and for substitute clerk hire for clerks and employees absent with pay at first and second class post offices, and temporary and auxiliary clerk hire at summer and winter resort post offices, fiscal year 1923, \$1,250,000.

Mr. LANHAM. Mr. Chairman, I move to strike out the last word in order to make a statement and ask the gentleman from Illinois a question. I notice this paragraph appropriates one million and a quarter dollars for the auxiliary force of the postmasters. I have received information to the effect that in my own home city of Fort Worth, Tex., the postal receipts for January, 1923, were 58 per cent in excess of the receipts for the corresponding month in 1922. And thus far in February the increase has been even greater. In spite of this very re-markable increase in receipts a reduction of 35 men has been authorized in the force. I understand that these men come from the auxiliary force provided for in this paragraph. I would like to make the inquiry of the chairman of the committee if a million and a quarter dollars, as provided here, represents the full amount requested by the department and authorized by the Bureau of the Budget?

Mr. MADDEN. It does. They have everything they need.

Mr. LANHAM. The gentleman thinks that this will be

adequate?

Mr. MADDEN. Yes. We did not want to take any chances in crippling such sections as the gentleman represents.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Railway Mail Service: For 15 division superintendents, 15 assistant division superintendents, etc., including the same objects specified under this head in the Post Office Department appropriation act for the fiscal year 1923, \$1,000,000.

Mr. ROUSE. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Illinois the necessity for this appropriation, a million dollars for Railway Mail Service.

Mr. MADDEN. The situation in respect to that is this: The appropriation made for 1923 was inadequate in the first instance. The Second Assistant Postmaster General tried in every way to keep within the amount of the appropriations. There were 305 less clerks on the active roll than there were at the beginning of the fiscal year.

This is for the division superintendent and the Mr. ROUSE assistant division superintendent; it does not provide for the

salary of clerks.

Mr. MADDEN. Yes; it does. This is the language of the act, but we are eliminating some language so as not to take up too much space. There were 305 less clerks in January than there were at the beginning at the fiscal year. The railroad strike put every train behind for months, and some men would have as much as five or six hours' overtime, and all men on all trains on the principal roads had overtime, and the testimony before us showed that the cost of the department as the result of the strike for overtime was about \$1,500,000. gave them \$1,000,000 to try to make up; they said they did not have the money to pay during the month of June.

Mr. ROUSE. Mr. Chairman, I withdraw my pro forma

amendment

Mr. BUTLER. Mr. Chairman, I ask unanimous consent to again offer the amendment and have it inserted at the proper

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to offer an amendment and have it inserted at the proper place. Is there objection?

Mr. STAFFORD. Let it first be reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Butler: Page 33, after line 4. insert: "The limits of cost of the vessels heretofore authorized and herein below enumerated are increased, as follows: Battleship Colorado, from \$17,000,000 to \$17,600,000; scout cruisers Nos. 9 and 19, from \$8,250,000 to \$8,400,000 each; and destroyer tender No. 3, from \$3,400,000 to \$4,500,000."

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to. The Clerk read as follows:

OFFICE OF THE FOURTH ASSISTANT POSTMASTER GENERAL,

Vehicle service: For additional amount required for vehicle allowance, the hiring of drivers, the rental of vehicles, and the purchase and exchange and maintenance, including stable and garage facilities, of wagons or automobiles for, and the operation of, screen-wagon and city delivery and collection services, fiscal year 1923, \$500,000.

The Clerk read as follows:

MIXED CLAIMS COMMISSION, UNITED STATES AND GERMANY.

For the expenses of determining the amounts of claims against Germany by the Mixed Claims Commission established under the agreement concluded between the United States and Germany on August*10, 1922, for the determination of the amount to be paid by Germany in satisfaction of the official obligations of Germany under the treaty concluded between the Governments of the United States and Germany on August 25, 1921, including the expenses which under the terms of such agreement of August 10, 1922, are chargeable in part to the United States, and the expenses of an agency of the United States to perform all necessary services in connection with the preparation of claims and the presentation thereof before said mixed commission, including salaries of an agent and necessary counsel and other assistants and employees, rent in the District of Columbia, printing and binding, contingent expenses, traveling and subsistence expenses, and other of the proper, fiscal year 1924, \$222,300.

Mr. BANKHEAD. Mr. Chairman, I reserve the point of

Mr. BANKHEAD. Mr. Chairman, I reserve the point of order against the proposition in order to get some information

from the chairman of the committee.

Mr. MADDEN. I shall be very glad to give the gentleman any information I can.

Mr. BANKHEAD. There was some indirect reference to the activities of this Mixed Claims Commission in the discussion of the bill, which was under consideration a few days ago, respecting the property of German nationals. I understand that this commission were set up without any legislation by Congress, but directly under the provisions of the treaty and the agreement made between the United States and Germany. That is the fact, is it not?

Mr. MADDEN. Yes

Mr. BANKHEAD. There has been no supporting legislation for the Congress of the United States affecting this subject?

Mr. MADDEN. No; this was under the treaty ratified by

the Senate

Mr. BANKHEAD. And this is the only appropriation that has been made?

Mr. MADDEN.

Mr. MADDEN. No; this is the second one. Mr. BANKHEAD. How much was the amount of the original appropriation?

Mr. MADDEN. One hundred and eighty thousand dollars. BANKHEAD. And now you are providing an additional \$220,000 and odd?

Mr. MADDEN. Yes; and it will go on for several years. Mr. BANKHEAD. I should like to have some explanation

of the general scope of this work.

Mr. MADDEN. I should be very glad to give it to the gen-eman. The President of the United States entered into an agreement with Germany by which a Mixed Claims Commission was appointed to consider claims of American citizens against Germany and German nationals. This commission was appointed—one by the German Government, one by the President of the United States, and the umpire, who is former Justice Day, was appointed by the President of the United States.

In addition to the two commissioners and the umpire, Germany has an agent, or what I would call a general counsel in the ordinary term, and the United States has also an agent or general counsel. There are a number of other attorneys. Applications for allowance of claims of American citizens have been filed with the Secretary of State and they have been referred to this commission. This commission began to sit here last fall. Ten thousand claims have been filed so far. The American agent who was before the Committee on Appropriations said that the claims filed would aggregate over a billion dollars. Some of these claims are questionable. Others, he said, there was no doubt about. We inquired then to see what said, there was no doubt about. We inquired then to see what progress they were making. He said they were dividing these claims into different categories, and out of each category they will take a typical case. They will then get a body of law laid down upon which they may be able to base future settlements.

on similar cases. While all of the facts and all of the law may not be exact in respect to the settlement of particular cases, they will try to lay down general principles by which the commission can be guided as to the cases in each category. have made up a number of cases and have submitted them to the court. They have argued some of these cases, the evidence is all in, and they expect to have decisions handed down in three or four or five typical cases within a very short time. In answer to a question which I asked, they said that they thought that they would be able to dispose of about 5,000 cases a year, assuming that the commission sat every day; but, taking out the period for vacation of the commission, I concluded that even if they worked very assiduously they would not be able to dispose of more than 3,500 cases a year. If there are 10,000 cases and they can dispose of 3,500 a year, they could clean this matter up in about three years, but gentlemen here will recall that the Spanish Claims Commission sat for nine years on a very small amount of claims, and nobody knows how long it will take this commission to dispose of the business before it.

Mr. BANKHEAD. I thank the gentleman for that statement, and I want to ask him one or two other questions. Was the gentleman entirely accurate when he made the statement that this commission under this agreement was to determine the obligations of Germany and of the nationals of Germany?

Mr. MADDEN. I may have been mistaken about that. Mr. BANKHEAD. The bill provides, and I think the treaty also provided, that this commission should investigate only the claims of our Government against the Government of Germany.

Mr. MADDEN. I guess the gentleman is right about that. Mr. BANKHEAD. Does this commission sit in the United

States or hold sessions abroad?

Mr. MADDEN. They are sitting here in Washington, and they say that they may be compelled to go to Germany at some future time, because of the difficulty of the German agents in being able to get the information on all cases.

Mr. BANKHEAD. Is there any limitation put on the salaries

of these numerous attorneys and agents?

Mr. MADDEN. Yes.

Mr. BANKHEAD. By what limitations are those salaries

By the amount of appropriation.

Mr. BANKHEAD. There is no limitation, of course, in the treaty to fix them, and we have passed no legislation that is of law. As I understand it, the gentleman is making a lumpsum appropriation here?

Mr. MADDEN. But we have a list of salaries fixed beyond

which they can not go.

Mr. BANKHEAD. Where are they fixed?

Mr. MADDEN. They are not in the law, but they are adhering to it, and it will show in the hearings just exactly what

Mr. BANKHEAD. What are the highest? Twelve thousand dollars. Mr. MADDEN.

Mr. BANKHEAD. For attorneys, counsel? Mr. MADDEN. Twelve thousand dollars for the commissioner, \$10,000 for the agent who is general counsel, \$6,500 for the counsel and assistant agent.

Mr. BANKHEAD. Is the gentleman well satisfied that the thing is being economically and scientifically administered from

his observation and investigation?

Mr. MADDEN. All the investigations we have made, and, of course, they are just at the beginning of the work, that is beginning to try cases, is that they are rather systematic about it and they have been doing the work as economically as they could. There may be some one or two cases where we thought the work was not as economical as might be. For example, there is a disbursing officer for the commission. I did not think they ought to have a disbursing officer, but that is the discretion they have, and they showed us that the work of the disbursing officer ramified into so many other things besides disbursing that after all perhaps they were justified in it.

Mr. BANKHEAD. I withdraw the reservation. Mr. McDUFFIE. If the gentleman will permit, is there a time limit fixed within which they can file claims?

Mr. MADDEN. The time limit has closed.

Mr. HUSTED. Mr. Chairman, I move to strike out the last word. We originally appropriated \$180,000 for this work. That seems a very large amount of money to have been expended in such a comparatively short time, and I think the committee would like to have the reasons why it was necessary to expend so much money. An agreement was arrived at originally that all claims should be filed within six months after the commission was constituted. Well, our representatives thought that was too short a time, and they compromised by arriving at an agreement that notice of all claims should be filed within

six months. Now, there are some 10,000 claims, and these notices must specify with great particularity not only the name of the claimant but the character of the claim, so that the notices are almost as formal and almost as full and complete as the claims themselves will be, and it necessarily required a large force to get all these notices prepared and even to handle the documents involved in those claims. They are extremely voluminous, some of the claims comprising documents that would fill a good-sized truck. These have to be gone through and examined carefully before notices of claims can be prepared and filed in order that the rights of American claimants may be fully preserved. About 10,000 claims have already been filed. Now, the salary allowance is really very reasonable. We have one commissioner at a salary of \$12,000 a year, and he has a secretary at \$1,800.
Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. HUSTED. I will.
Mr. CONNALLY of Texas. In reference to the salary of the American commissioner-I happen to know the American commissioner; he was from my State originally, and now resides in New York, one of the biggest lawyers in the United States, and he could earn ten times what he is getting as commis-

sioner.

Mr. HUSTED. Unquestionably. He receives a salary of \$12,000, and he has a secretary who receives a salary of \$1,800. Then the agent, who is general counsel, as the chairman of the committee has stated, receives a salary of only \$10,000. other salaries are quite small: Secretary, \$3,500; disbursing officer, \$3,000; and then they have a counsel and assistant to agent who receives \$6,500, and two counsel who receive \$5,000 apiece, and then four assistant counsel, law assistants, who receive \$3,000. So you can see the compensation is very reason-Of course, the work of this commission is very important and the amounts involved are very great. The aggregate amount of the claims of which notices have been filed is something over \$1,000,000,000.

Mr. BANKHEAD. Will the gentleman yield?

Mr. HUSTED. I will.

Mr. BANKHEAD. When they are once filed, can these claims be sent up and adjudicated within a reasonable limit of time, or will this commission sit interminably, like all the others we

have established for purposes of this kind?

Mr. HUSTED. Based upon our experience in the past of these international commissions it would not be likely that this work would be completed within less than 30 years, but our agent says he expects this work will be completed within five years.

Mr. BANKHEAD. I hope we will remember that prediction and at the end of five years cut off this appropriation, because I think the work ought to be done certainly within that period of time.

Mr. CONNALLY of Texas. The American commissioner was Mr. E. B. Parker, of Houston, Tex., and New York.

Mr. STAFFORD. Will the gentleman yield?
Mr. HUSTED. Yes, sir.
Mr. STAFFORD. When does the time expire for the presentation of these claims?

April 7, 1923, I think. Mr. HUSTED.

Mr. STAFFORD. We passed an act recently extending the time for the presentation of these claims-

Mr. HUSTED. It expires April 7 of this year. Under the

agreement no notices can be filed after that date.

Mr. STAFFORD. Another question: Has Germany contributed her share toward the maintenance of the expenses of this commission?

Mr. HUSTED. These are expenses for which we conclusively pay. Germany pays under the expenses of her agency. The joint expenses of the commission are divided between the two countries

Mr. STAFFORD. So that the work of this commission is not represented by the amount that the gentleman from Illinois and the gentleman from New York have referred to?

Mr. HUSTED. Yes. I think everything is included here. Mr. STAFFORD. Only the expenditure that the American Government is responsible for, not the expenditure that the German Government is responsible for.

Mr. HUSTED. Oh, no. This is only what it costs us. I did not understand the gentleman's question.

The CHAIRMAN. The pro forma amendment is withdrawn. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

INQUIRY INTO EXTRATERRITORIALITY IN CHINA.

The unexpended balance of the appropriation of \$21,000 to enable the United States Government to carry out its obligations arising under Resolution No. 5, adopted by the Conference on the Limitation of stood.

Armament December 10, 1921, regarding extraterritoriality in China, made by the act making appropriations for the Departments of State and Justice and for the judiclary, approved June 1, 1922, is made available for the purposes therein described for the fiscal year 1924.

Mr. BLANTON. Mr. Chairman, I move to strike out the last

The CHAIRMAN. The gentleman from Texas moves to

Mr. BLANTON. Mr. Chairman, I wish for just a moment to call attention to some apparent inconsistencies. This bill is denominated the "Third deficiency appropriation bill." As a matter of fact, for the Sixty-seventh Congress, which is the present Congress, this is the eighth deficiency bill.

Mr. MADDEN. No; that is not correct.

Mr. BLANTON. I will show you in a minute. It is the eighth. We have had so many deficiency bills in the Sixtyseventh Congress that the gentleman has lost count. [Laughter.]

Now, besides all the big supply bills-the regular appropriation bills—when we have passed this we shall have passed eight deficiency bills in the Sixty-seventh Congress, as follows:

The first deficiency bill in the Sixty-seventh Congress was for \$106,000,000, in round numbers; the second deficiency bill was \$50,500,000, in round numbers; the third deficiency bill was \$105,000,000, in round numbers; the fourth deficiency bill was for \$137,000,000, in round numbers; the fifth deficiency bill was for \$47,000,000, in round numbers; the sixth deficiency bill was for \$2,500,000, in round numbers; and the seventh deficiency bill was for \$75,000,000. The eighth one—this one—which makes the eighth deficiency bill for the present Sixty-seventh Congress, is for \$154,000,000.

Now, I want to ask the distinguished gentleman from Illi-

nois one question.

Mr. MADDEN. You can ask as many as you like, Mr. BLANTON. We are to adjourn next Sunda We are to adjourn next Sunday for nine months. [Applause.] What precaution has the gentleman from Illinois taken to prevent these departments here in Washington from going over the limit of expenditure set by Congress during that nine months' vacation? I want to put those departments on notice right now, and I am not a member of the Committee on Appropriations but merely a humble Member of this Congress. Just as surely as they violate the law I am going to see to it that one time at least in the history of this Nation there is action taken against them for violating the law of this land.

They have no right to spend more money than this Congress authorizes. It is just one deficiency bill after another, and that is why the expenses of this Nation have grown and grown until the people are groaning because they are overburdened

with taxation to meet it.

I hope the gentleman from Illinois, the chairman of this great committee, I hope his committee, I hope the steering committee of this House, and I hope the majority and the minority will notify these departments that they have got to keep within the limit or action is going to be taken against them for violating the law of this land.

Now does the gentleman from Illinois want to ask me a

question?

Mr. MADDEN. No. Mr. BLANTON. I did not think you did.

Mr. MADDEN. I want to make a statement on my own account.

The gentleman from Texas spoke as though everything in these deficiency bills is for current obligations of the Government, and he would lead the country to believe that that is so. That is not so. We are paying the obligations of the war in these deficiency bills. Very little of it has to do with the current activities of the Government. Of the amount carried in this bill \$78,000,000, for example, is for the return of taxes illegally paid. Those taxes were paid in 1917, 1918, and 1919. Nobody is complaining about that. The fact that they were illegally collected and paid demands that they should be returned.

Thirteen million dollars is carried in this bill because of the fact that the insurance premiums paid by men who served under the flag during the war were not sufficient to meet the cost. Does the gentleman complain about that? Does the gentleman say he would not pay it? Does the gentleman from Texas say he would not pay it? Does the gentleman from taxes allegally paid, many of them perhaps in his own State?

Mr. BLANTON. I am not complaining about that. I am complaining about their exceeding their authority.

Mr. MADDEN. But the gentleman did not make his speech with any other object than to have the purpose of the committee misunderstood. It was his purpose to have it misunder-

Mr. BLANTON. No; I wanted it understood.
Mr. MADDEN. No; you are not the only Member of Congress that is interested in doing what is right. [Applause.] We are interested, and I challenge the gentleman to point his finger to any item in any one of the bills to which he has referred that is not justified as an item. We are not appropriating money profligately; we are paying the Government's bills, whether they were created over in France, or created in Texas, or in Illinois. Whether they were created in 1915, 1916, 1917, or 1918, or 1919, or 1920 makes no difference. There is very little in this bill out of the whole \$154,000,000 that has anything to do with the current year's business. [Applause.]

Mr. BUTLER. Mr. Chairman, will the gentleman yield to

Mr. BUTLER. Arr. Charman, will the gentleman serior a question?

Mr. MADDEN. Certainly.

Mr. BUTLER. I want to ask this question, Is not there a mistake here in the use of the word "deficiency" as commonly understood? To the ordinary mind of the ordinary man-and I am an ordinary man-the word "deficiency" means that the administrative officers have spent more money in the maintenance of the Government than we had authorized them to spend. The gentleman's explanation is satisfactory to me and would be to everyone if you would call these items by their right names.

ames. They are not deficiencies.
Mr. MADDEN. They are not.
Mr. BUTLER. They are claims.

The pro forma amendment was withdrawn.

The Clerk read as follows:

MINISTER TO LUXEMBURG.

The balance of the appropriation for the fiscal year 1923 and the appropriation for the fiscal year 1924 for the salary of the envoy extraordinary and minister plenipotentiary to the Netherlands and Luxemburg shall be available for the salary of the envoy extraordinary and minister plenipotentiary to the Netherlands.

Mr. CONNALLY of Texas. Mr. Chairman, I reserve a point of order to the paragraph. I would like to ask the gentleman

from Illinois in reference to it.

Mr. MADDEN. The minister to the Netherlands is now acting as minister to Luxemburg. The Belgian Government and Luxemburg have formed an economic alliance, and the President thinks that it is the wise thing under that economic alliance to let the minister of the Netherlands act as minister to Luxemburg

Mr. CONNALLY of Texas. That is all right. Mr. Chairman,

I withdraw my reservation of a point of order.

The Clerk read as follows:

INTERNATIONAL EXPOSITION AT RIO DE JANEIRO, BRAZIL.

The appropriation of \$1,000,000 authorized by Joint Resolution No. 25, approved November 2, 1921, for the expenses of taking part in an international exposition to be held at Rio de Janeiro, Brazil, which was made by the first deficiency act, fiscal year 1922, approved December 15, 1921, is hereby made available for the fiscal year 1924, and the Secretary of State may expend not to exceed \$15,000 of the balance of the appropriation, not required for the expenses of participation in the exposition, for the alteration, adaptation, and furnishing of the exposition building and improvement of the grounds thereof for permanent use as residence and offices of the diplomatic representative of the United States to Brazil; and not to exceed \$30,000 for the purchase of additional land adjoining the site now owned by the United States.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read. Most Members of the House will recall that when the original authorization bill providing \$1,000,000 to make an exhibition at Rio de Janeiro to celebrate the centennial which was to last nine weeks, I strongly contended that it was too large an appropriation. Five hundred thousand dollars would have been large enough in view of the rate of exchange, it beeing about three to one in favor of this country, making \$500,000, equal to one million and a half. Now, we find that they have a surplus fund, and I want to congratulate whoever had the disbursement of the fund that they have some surplus. My purpose in rising is to inquire how much was expended for buildings and how much for salaries of commissioners, which was a nice junket for some specially favored

Mr. MADDEN. The amount expended so far has been \$860,000. All of the material that can be brought back must find its way back at some cost for transportation, which must be taken out of the \$140,000 remaining. There was spent \$350,000 for the erection of a building and the purchase of the There was spent land upon which it stands. It is peculiarly adapted to the home of an ambassador, and it is proposed to turn that over to the State Department, have it remodeled and refurnished at a cost not to exceed \$15,000, and to buy an adjoining piece of land to prevent the destruction of the beauty of the place by the erection of some building not adapted to the surroundings in the neighborhood at a cost of \$30,000. The two items together make the \$45,000 which we propose to take out of the \$140,000 yet remaining. Some question has been raised as to the propriety of our turning the building over to the Government of the United States. The Government owns it. If it does not use it for the home of the ambassador, for the office of the ambassador, we will have to give it away or sell it at a nominal Three hundred and fifty thousand dollars has been invested in it. It has a beautiful site and was erected, I may say, with a view of turning it over later for the home of the American ambassador and his offices. I think that nothing we can do with the money that remains, or that part we propose to use, could be used to a better advantage than the purpose for which this provision in the bill applies.

Mr. STAFFORD. The only surprise I have, in view of the large amount of money that was expended in the construction of this building, is as to the smallness of the estimate made for

furnishing it-\$15,000.

Mr. MADDEN. There is some furniture there that was used during the exposition which can be utilized.

Mr. PORTER. And the building does not require any re-

modeling.

Mr. MADDEN. And I am informed that it requires very little remodeling

Mr. STAFFORD. I notice the gentleman that has charge of the State Department appropriation bill is in his seat. Will the gentleman inform the House what the total upkeep is for light and heat, and so forth, for Government-owned ambassador buildings?

Mr. HUSTED. I can not give the gentleman any information on that, but I can give him some further information on this

item if he wishes it.

Mr. STAFFORD. I should like to have it. The CHAIRMAN. The time of the gen The time of the gentleman from Wisconsin has expired.

Mr. Chairman, I ask unanimous consent Mr. STAFFORD. to proceed for three minutes more,

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUSTED. This is immediately adjoining the grounds on which the present exposition buildings stand, and it is necessary to acquire it in order to protect our property interests. It would be a wise thing to acquire it, even if we did not intend to utilize it for any particular purpose; but it is the intention of the Government, if approved by the Congress, to erect upon that additional strip a building, where we can have our consular offices and where the military and naval attachés' offices may be located, so that we will have all of our Government activities in the city located on that property

Mr. STAFFORD. This new building is centrally located

and is fitted for diplomatic purposes?

Mr. HUSTED. It is centrally located, and it was designed in the beginning for an embassy.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order. Mr. CONNALLY of Texas. Mr. Chairman, I reserve the

point of order. I want to ask the chairman of the Committee on Appropriations if he consulted the chairman of the Committee on Foreign Affairs with reference to this particular legis-

Mr. MADDEN. I am not at all sure about that, but I understood the chairman of the Committee on Foreign Affairs was quite agreeable to this. Yet I do not know how I reached that

Mr. CONNALLY of Texas. Mr. Chairman, I call the attention of the House to a situation into which this House is drifting under the rule which we adopted here last Congress, I believe it was, providing for the creation of a single Committee on Appropriations. I was one of those who voted for the creation of one Committee on Appropriations, and I did so upon the theory that that committee would observe the rules of this House. I thought the system worth a trial.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. HUSTED. The gentleman does not contend that this division is subject to the point of order?

Mr. CONNALLY of Texas. I do.

But it is not subject to the point of order. Mr. HUSTED. Mr. CONNALLY of Texas. Oh, yes; it is. However, I am not going to argue that with the gentleman. Everyone except the gentleman from New York knows that it is subject to the point of order, because you are providing here for an appropriation to buy a site, not for exposition purposes but for a residence for the American ambassador to Brazil; and that is subject to

a point of order. The making available for another purpose money already appropriated is legislation.

Mr. MADDEN. We are just turning over the property we do

own for a particular purpose.
Mr. CONNALLY of Texas. You are appropriating \$30,000 to buy additional ground and are authorizing money already appropriated for one purpose to be used for another purpose.

Mr. MADDEN. But it is adjacent ground.
Mr. CONNALLY of Texas. I am not going to further argue
the point of order. Under the system we adopted, thinking the Appropriations Committee would confine itself to appropriations and would not absorb the jurisdiction of many of the other committees of the House, it was my hope that we should do something that would contribute to legislative efficiency. But, lo and behold, this is only an isolated instance in a long list of repeated infractions of that rule by the Committee on Appropriations; and if this system continues with the acceleration which it has already acquired it will not be long until the other committees of the House, formerly invested with appropriating powers, might as well abdicate every function they theoretically possess. We created a great committee which is absorbing gradually the functions of all of the other committees of the House, except that of the Committee on Rules, and we generally find the Rules Committee subservient to the will of the Committee on Appropriations and to the leader of the majority

Mr. MADDEN. Mr. Chairman, will the gentleman yield? Mr. CONNALLY of Texas. Yes. Mr. MADDEN. If I thought this was subject to a point of order we would not have put it into the bill; but we looked it up, and I am quite sure it is not subject to a point of order.

Mr. CONNALLY of Texas. I am not criticizing the gentle-man from Illinois. He is an excellent gentleman and a fine member of the Committee on Appropriations and a great chairman of that committee. I believe he is doing fine work on that committee, but I am condemning the system that makes it possible, not for the gentleman from Illinois but for any chairman or any committee to absorb practically all the functions of this House. The committee grows stronger as it fattens on see The committee grows stronger as it fattens on each newly acquired power and thereby more easily prevails in each new contest. This is a matter which should have gone to the Committee on Foreign Affairs. A moment ago we adopted another provision transferring diplomatic representation to Luxemburg from the minister to the Netherlands to the ambassador to Belgium. Was the Committee on Foreign Affair about that? No. Why? Oh, it is not necessary. carry it into the House on an appropriation bill." Was the Committee on Foreign Affairs consulted "We will

Mr. BLANTON. Mr. Chairman, will the gentleman yield? Mr. CONNALLY of Texas. Yes. Mr. BLANTON. The gentleman spoke of the power of the Committee on Appropriations being only exceeded by that of the Committee on Rules. Now that the chairman of the Committee on Rules has become the Speaker of the House, what would the gentleman say of the czarism of the days of Uncle Joe Cannon?

Mr. CONNALLY of Texas. I am trying to deal with modern history, not ancient. I have not time to discuss that matter. because I am discussing the system that we have created. am not criticizing individual members of the Committee on Appropriations. They are excellent gentlemen, but I am criticising the system that the House has adopted, and the manner cising the system that the House has adopted, and the manner of administering that system this House is permitting itself to fall into. When the committee brings in an appropriation bill which has upon it a provision that is out of order, if it is an important one, the Committee on Rules makes it in order, and the result is that all legislation of a pressing or important character is carried on appropriation bills. How did we fix the size of the Army? We have a great Committee on Military Affairs, but instead of that committee deciding the size of the Army, we decided it in a rider on an appropriation bill. Army, we decided it in a rider on an appropriation bill.

Mr. MADDEN. The gentleman does not mean to say that we

get things made in order by rules.

Mr. CONNALLY of Texas. You have done it.

Mr. MADDEN. Absolutely not. We have not had a single

Mr. CONNALLY of Texas. Was there not one on the naval appropriation bill?

Mr. MADDEN. We did not ask for it. Mr. CONNALLY of Texas. But somebody did. I am not criticizing the gentleman individually, I am criticizing the system which we have erected. The size of the Army was de-termined by the Committee on Appropriations. When it came to scrapping ships, when it came to the question of disarmament, was not an amendment adopted on an appropriation bill under a rule settling that great question, while the Naval Affairs Committee sat off in some room twiddling its thumbs?

What is the necessity for the existence of all of these committees of the House if the House is to strip them of authority and place that authority in the Committee on Appropriations? I do not care whether it is 15 or 35, there are not 35 men big enough, there are not 35 men wise enough, there are not 35 men patriotic enough in this House, or out of it, for that matter, to wisely and safely control the great bulk of legislation that 110,000,000 people have solemnly under the Constitution

confided to 435 Representatives of the American people.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn. Mr. HUDSPETH. I desire to offer the following amendment. Mr. BLANTON. I think there is a reservation of a point

Mr. CONNALLY of Texas. I withdraw the point of order. Mr. BLANTON. I make it, that it is legislation on an appropriation bill unauthorized by law.

Mr. MADDEN. I think it is too late. Mr. BLANTON. I made it just as soon as the gentleman

withdrew his point of order.

Mr. MADDEN. Let us have a ruling. It is not subject to the point of order. I would like to make this further statement about it: We own the site on which this building is erected. We propose to turn the building and site which we already own over for governmental use. If it is not used for governmental purposes, it will be practically thrown away, and I do not suppose anybody wants to do that.

Mr. BLANTON. It was ruled out of the legislative bill on

a point of order.

Mr. MADDEN. This item was not in the legislative bill.

Mr. MADDEN. This item.
Mr. BLANTON. In the other bill.
Mr. MADDEN. It never was in the legislative bill.
Mr. BLANTON. I mean the regular appropriation bill.
Mr. MADDEN. This was never in any bill—this has never
Mr. MADDEN. This was never in any bill—this has never been before the House before. We own the land on which the building stands, and we want to buy a piece of land that adjoins the building—immediately adjoining it. There can be no doubt about our right to do that. It is a work in progress.

Mr. WINGO. Will the gentleman yield for a question?
Mr. MADDEN. Yes.
Mr. WINGO. As I understand this is a building which was authorized by a special act to be erected for exposition pur-

Mr. MADDEN. Yes.

Mr. WINGO. And now it is proposed by this proviso to transfer it to the Diplomatic Service ultimately and to buy adjoining land.

Mr. MADDEN. Yes.

The CHAIRMAN. The Chair is ready to rule. The joint resolution (S. J. Res. 114), signed November 2, 1921, accepting the invitation of the Republic of Brazil to take part in an international exposition to be held at Rio de Janiero in 1922, in section 3, contains this language:

SEC. 3. That officers and employees of the executive departments and other branches and institutions of the Government in charge of or responsible for the safe-keeping of objects, articles, etc., property of the United States, which it is desired to axhibit, may permit such property to pass out of their possession for the purpose of being transported to and from and exhibited at said exposition as may be requested by the commissioner general, such exhibits and articles to be returned to the respective departments and institutions to which they belong at the close of the exposition: Provided, That the commissioner general, with the approval of the President, at the close of the exposition, may make such disposition of the buildings and other property of the United States used at the exposition, which it will not be feasible to return to the United States, as he may deem advisable.

This provision here also contains the authority for the pur-chase of contiguous land. The Chair is of the opinion that it is clearly authorized by law and therefore overrules the point of order.

The Clerk read as follows:

JUDGMENTS, UNITED STATES COURTS.

For payment of the final judgments and decrees, including costs of sults, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," as amended, certified to Congress during the present session by the Attorney General in House Document No. 573, and which have not been appealed, namely.

Mr. HUDSPETH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 42, after line 14, add a new paragraph as follows:
"To authorize the Secretary of State to make a survey of the Rio
Grande at or near El Paso. Tex., for the purpose of controlling the flood
waters, said survey to be made under the direction of the Reclamation
Department of the Interior Department, \$35,000."

Mr. MADDEN. I reserve a point of order on the amendment.

Mr. HUDSPETH. Mr. Chairman and gentlemen of the committee, I will try not to take up any more time than necessary. I know the gentleman wants to get through with this bill, and I want to assist him and, furthermore, I know my friend from Iowa [Mr. Green] has a very important bill he would like to get passed this evening. I would like to state this, that under the treaty existing between this country and Mexico people on this side can not take any steps toward curbing the overflow until a survey is made by this Government. No private citizen is able to build levees to protect the water from overflowing from this river on his own land, and this appropriation and survey is recommended by the Secretary of State; it is also recommended by the Secretary of the Interior, and, as I understand, the President submitted a letter to the Committee on Appropriations asking it be made.

Mr. MADDEN. I wonder if the gentleman would not allow me to tell the House why it was not incorporated in the bill.

I would be glad to do it.

Mr. HUDSPETH. I want to finish my statement. I think I am correct in the statements I have made.

Mr. MADDEN. Yes. Mr. HUDSPETH. The President submitted the matter to the chairman of the Committee on Appropriations. Now we are in this attitude. No citizen of this side, although this river during the spring season overflows and destroys valuable property on this side and cuts off valuable property into Mexico, can do anything unless the survey is made-and this is directing a survey—and after the survey then the citizens will take the necessary steps to protect themselves. Under the treaty they can not make it, unless the Secretary of State orders a survey, which he is willing and ready to do and which he so stated in a letter to the President, and which the President submitted to the chairman of the Appropriations Commit-tee, as you will see in the hearings. This will not be for the benefit of El Paso alone, but for the benefit of many landowners below El Paso and a large portion of the lands embraced in the national irrigation project. The engineer before the committee, who came from the War Department, stated that El Paso was built in the bed of the Rio Grande and that water overflowed the cellars of all its houses. This is true as to only a small portion of the city. El Paso is a beautiful city, built on the slopes of a range of mountains, and it is largely for the protection of the farmers below El Paso and to protect American territory that this survey is asked.

Mr. BANKHEAD. The gentleman from Texas [Mr. Huds-

PETH] concedes it.

Mr. MADDEN. I do not think it would be fair to pass it over because the gentleman from Texas would not know why it was not in the bill. There are some other reasons which I

think the House ought to know.

The President of the United States sent an estimate to Con-cess for \$35,000 for a survey of the Rio Grande River around El Paso. It was stated by a good many people, and I think by some of the gentlemen who came before the committee with the gentleman from Texas, that El Paso was in danger on account of the flood waters, and that the Elephant Butte Dam, in the reclamation project out in that section of the country, was the cause of the flood which jeopardized the safety of El Paso.

Mr. HUDSPETH. It was a contributing cause, I will say

to the gentleman, Mr. MADDEN.

to the gentleman.

Mr. MADDEN. The Committee on Appropriations sent for the Chief of Engineers. The Chief of Engineers had evidently already taken time by the forelock and had a preliminary survey made by one of his engineers. The engineer communicated with the head of the Reclamation Service out in that section of the country, and the reply came that five-eighths of the danger formerly existing around El Paso on account of floods had been eliminated by the construction of the Elephant Butte Dam. Instead of emphasizing the danger, it eliminated five-eighths of the former danger.

Further, it was proved beyond any question that this is not an international question. There is no international problem involved in it. The Rio Grande River is not a navigable stream. There is a reclamation project that comes to the limits of The drainage area of the Rio Grande above the Ele-El Paso. phant Butte Dam is 30,000 square miles and below the dam

and above El Paso about 8,000 square miles.

The city of El Paso is built in the bed of the Rio Grande If this \$35,000 were expended for a survey it would River. If this \$35,000 were expended for a survey it would commit the Government of the United States to what? To the building of an artificial channel which would cause overflows on the lands below. It would cause damage to the lands below and the Government would have to pay. The cost of the work might run up to \$10,000,000. There is no international problem there, and no problem of navigation connected with it. There is no mechanical equipment, \$60,000; in all, \$150,000.

problem of reclamation connected with it. The only problem that is involved in the survey that is proposed here is, first, to spend \$35,000 to make a survey, and thereby make the Government of the United States liable for a further expenditure of anywhere from \$3,000,000 to \$10,000,000, and there is not anybody anywhere in the world interested in the problem except the city of El Paso.

Now, what is the city of El Paso interested in? They have a swamp in the city of El Paso, covering about a thousand acres of land. They propose by the expenditure of this money to

drain that swamp.

Now, one more thing: They have built the city of El Paso on the old bed of the Rio Grande River, and the soil upon which these houses are built is gravel and sand mixed, and when there is high water on the Rio Grande it percolates through that soil into the basements of the houses of El Paso, and the basements are wet and they want to drain them, and they propose to have this survey, which in the first instance will cost \$35,000 to make, and then anywhere from \$3,000,000 to \$10,000,000, to drain the basements of the city of El Paso and to drain the swamp.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. MADDEN, Yes.

Mr. HUDSPETH. The evidence before the committee shows the number of acres of land on the reclamation project. Mr. Burgess testified to that. I think the gentleman will concede that the citizenship of El Paso can not proceed until this survey is made through the Secretary of State.

Mr. MADDEN. The Secretary of State has no right or power or facilities to make the survey, and the only way to make the survey is through the Board of Army Engineers, who have all

the facilities and all the facts.

Mr. Chairman, I make the point of order.
The CHAIRMAN. Does the gentleman from Texas [Mr.

HUDSPETH] want to be heard on the point of order?

Mr. HUDSPETH. Yes. I want to state, Mr. Chairman, that there is ample authority for making this survey under the act creating the Boundary Commission. There was ample au-thority cited before the committee by Major Burgess. The Secretary of State has stated to me and to Mr. Burgess, the representative of El Paso before the committee, that under the act creating the Boundary Commission there is ample authority for making this survey and asking for the appropriation, and it can only be made by authority of the Secretary of State. I desire to cite the Chair to the treaty between this country and Mexico and to the act creating the United States-Mexico Boundary Commission, where I feel sure the Chair will find

ample authority for overruling the point of order.

The CHAIRMAN. The Chair would like to have some time to look it up. Will the gentleman let it go over for a while?

Mr. HUDSPETH. Yes; I have no objection to that.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For payment of damages caused by collision of Coast Guard cutter Mackingo with the Italian steamer Stromboll, belonging to the Navigazione Generale Italiana, Genoa, Italy, \$425.

Mr. WINGO. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Arkansas moves to strike out the last word.

Mr. WINGO. I was under the impression that we had provided by general law for taking care of claims of this kind. Has that bill passed the Senate?

Mr. MADDEN. There is a law, but they have to come to us with the claim and all the data. These are the amounts

Mr. WINGO. I was under the impression that we had passed a bill authorizing the department to settle all claims under \$1,000 and that they had a lump-sum appropriation to

pay them out of. Was not that the law, or was it \$600?

Mr. MADDEN, They must come to Congress for the appro-

priation. Mr. WINGO. Even under that law they must come to Congress?

Mr. MADDEN. Yes; they must certify to Congress and have an appropriation.

The Clerk read as follows:

OFFICE OF SUPERVISING ARCHITECT.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 44, after line 18, insert the following:

National Leper Home, Carville, La.: For the erection of additional suitable buildings in accordance with the authority contained in the act approved February 20, 1923 (Public No. 430, Sixty-seventh Congress), \$500,000, and in addition the Secretary of the Treasury may incur obligations for the foregoing purpose in amounts not exceeding \$145,000.

The amendment was agreed to. The Clerk read as follows:

Operating supplies, public buildings: For fuel, steam, gas for light-g and heating purposes, etc., including the same objects specified ader this head in the Treasury Department for the fiscal year 1923,

Mr. ROGERS. Mr. Chairman, I move to strike out the word "fuel" in line 19.

The CHAIRMAN. The Clerk will report the amendment.

Amendment of Mr. ROGERS: Page 44, line 19, strike out the word

Mr. ROGERS. Mr. Chairman, I have offered the pro forma amendment in order to ask the chairman of the committee one or two questions concerning the requested appropriation of \$400,000 for the continuance of the work of what is called the special Coal Fact Finding Commission. I notice in the newspapers of Saturday the following dispatch:

COAL COMMISSION MUST HAVE \$400,000 OR QUIT.

Washington, February 24.—Members of the coal commission have informed the congressional Appropriations Committee that unless Congress finds it possible to give the \$400,000 special additional appropriation which the commission has sought in carrying on its work of fact finding in the coal industry its activities will cease on March 4.

Mr. MADDEN. Mr. Chairman, the act authorizing the Coal Fact Finding Commission limited the expenditure to \$200,000. There was an estimate sent to Congress by the President for We considered the estimate and heard the commission. They told us what they have done and what they They say they have spent about \$100,000 so far and unless they get the other \$400,000 they will have to quit work. They say with the added money they will be able to complete the work in the time fixed by law; but they must have the additional \$400,000 or they must cease to work after March 4.

They will have \$100,000 of the \$200,000 left; but they say it is better to turn that back into the Treasury than to go on and spend the remainder and not have a complete report. Committee on Appropriations are in hearty sympathy with the fact-finding commission. We would like very much to have recommended an appropriation of \$400,000, but we realize that there is no law which authorizes us to do it. So we come to the House without having any recommendation to make. There is a bill pending-how far it has proceeded I do not knowbefore the Interstate and Foreign Commerce Committee increasing the amount that may be spent to \$600,000. I do not know what progress the bill has made. But I really believe that the facts that may be found by the commission, as far as I can see the work they have done already, would justify the expenditure of a very large sum of money.

Mr. ROGERS. Does not the gentleman think that with the coal crisis as it is to-day it would be most unfortunate for every reason if this commission had to go out of existence next week?

Mr. MADDEN. I do. Mr. ROGERS. And if the gentleman has an opportunity at a later stage of this very bill he will be in sympathy with the increase of the appropriation.

Mr. MADDEN. I have been in sympathy with it all the time.
Mr. ROGERS. And the only reason that it is not in the bill now is because, under the rules of the House, it is not in order.

Mr. MADDEN. Yes. Mr. BLANTON, Mr. Mr. Chairman, I rise in opposition to the motion. I may state to the gentleman from Massachusetts that possibly the gentleman from Texas is to blame for that legislative bill not coming up for passage, because I objected to it under the unanimous consent and it went off the cal-endar. I did that to save this additional \$400,000, because I believe that the \$200,000 already appropriated is going to be

wasted. The wintertime is almost over.

Mr. ROGERS. I think I can say with confidence that a vote of the House on that question would show that there would be 434 Members to 1.

Mr. BLANTON. It may be so, but the vote of the people who sent me here is just about in the same proportion the other way.

Mr. ROGERS. Oh, the gentleman lives in Texas and does not know the conditions in the northern part of this country at this very moment.

Mr. BLANTON. Perhaps not, but I know the conditions in Washington. There are thousands of poor families in Washington right now unable to get coal at any price, and they have not the money to pay \$16 or \$17 a ton for it, if it were procurable.

Mr. ROGERS. So the gentleman wants to keep the peopla of the United States in the dark and allow this commission

to die which has just got under way?

Mr. BLANTON. I do not want the so-called Fact Finding Coal Commission to spend all of the money out of the Treasury while the people freeze and get no benefit at all.

Mr. MADDEN. They have already gotten the benefit. They

got a settlement of the wage scale.

Mr. BLANTON. I hope the commission will not get the extra \$400,000. I am going to be one man to fight and vote against it.

Mr. ROGERS. I hope that-Mr. BLANTON. Oh, I am I Oh, I am not going to yield any further to the gentleman. He has had his say. The facts which that committee would be able to get, if you gave them the \$400,000, which the gentleman from Massachusetts ought to know, because he is a smart man in a way, would not be applicable to conditions which might exist next winter. It is coal next winter that the people want, and the conditions may change.

Mr. ROGERS. Do we not want information as a preliminary to the getting of the coal?

Mr. BLANTON. What are you going to do with it after you get it?

Mr. ROGERS. Legislate wisely.
Mr. BLANTON. Oh, wisely. When we were paying \$25 for pair of shoes during the war I heard the President of the United States come here and tell you that there was just one way to stop it. He told you to make the manufacturer stamp on the sole leather of the shoe the cost to him, and then on the box stamp the middleman's cost and the retailer's cost, and let the people find out where the main profit was going—at a time when you could hardly get enough for the cowhide after you sold it to pay for the skinning of the cow. But you turned the President of the United States down. You did not require that to be done. You seek to take \$400,000 more to get facts, and after you find out the facts you will not do anything about them, but will hide them away in the document room and let the poor people freeze.

The CHAIRMAN. Without objection, the pro forma amend-

ment will be withdrawn and the Clerk will read.

Mr. FESS. Mr. Chairman, before the Clerk begins to read, I ask unanimous consent to extend my remarks in the RECORD upon the Botanic Garden.

The CHAIRMAN. Is there objection?

There was no objection. The Clerk read as follows:

INLAND AND COASTWISE WATERWAYS SERVICE.

For additional expenses incurred in the operation of boats, barges, tugs, and other transportation facilities on the inland, canal, and coastwise waterways acquired by the United States in pursuance of the fourth paragraph of section 6 of the Federal control act of March 21, 1918, and operated in pursuance of section 201 of the transportation act approved February 28, 1920, to remain available until June 30, 1924, \$500,000.

Mr. STAFFORD. Mr. Chairman, I reserve the point of rder. What is the purpose of this \$500,000 appropriation?

Mr. MADDEN. During the war the railroad administration established barge lines on the Mississippi and other rivers, inland waters of the country, to supplement the rail transporta-tion facilities of the country. There was established a barge line on the Warrior River and also on the Mississippi River, in connection with which a large number of barges have been either purchased or built and operated. It transpires that within the last year or more there have been a good many sandbars on the Mississippi River, and, although the Mississippi River barge line has been making quite a considerable amount of money these impediments to navigation caused considerable loss. There is a loss on the Warrior River operations. They have the barges and they have the business. They have been making money on the Mississippi River and the profits there have gone to make up the losses on the Warrior. last year they have been losing money on both.

You can not dispose of a system of transportation over night, whether it be a railroad or a waterway. We have the barges, we have the lines, we have the communications, we have the rail connections, we have our rates all along the Mississippi River, and into the tributary territory we have made rates—that is, the barge line has—which is a Government institution. They are compelled to take the freight. They may take it and operate at a loss for a period. This \$500,000 is to meet the

losses for the next 10 months.

Mr. BUTLER. Mr. Chairman, does it run behind that much? Mr. MADDEN. Yes.

Mr. BUTLER. They are doing well.

The barge line has about \$602,000 in quick Mr. MADDEN. assets. They could dispose of the assets if we were going to close down the transportation line and come within \$2,000 of paying every bill that they owe, but they must have money with which to run the business, as any other business must, and the \$500,000 proposed to be appropriated now is to enable the barge line authorized by law, operating in connection with railroads, making joint rates, carrying freight to every section of this

territory, to function.

Mr. BUTLER. Will the Government lose the \$500,000?

Mr. MADDEN. If we lose it all, it can not be helped. Seven million dollars have been invested in this barge line.

Mr. BUTLER. But the gentleman would not want us to keep this thing right along if we are going to lose \$500,000 a year

Mr. MADDEN. I do not say that we will lose it. They say they expect to be put in a position where they can recoup if we give them that money, and where they can show a profit next year. They will owe this money and they must pay it

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SISSON. I want to say to my friend also that the whole proposition shows a great profit provided you could get a proper division of the rates. In one instance on the Warrior River there is a carriage of about 135 miles, about 25 miles of this by railroad, and the railroad gets 80 per cent of the freight rate. If the Interstate Commerce Commission would give us an equitable division, this would show a magnificent profit.

Mr. MADDEN. And they are working on that.

Mr. STAFFORD, Mr. Chairman, the reason I rose is because I was taken aback by the testimony before the subcommittee on the War Department appropriation bill, which carries the item for the operation of the inland waterway service. Last year, by reason of the exigent conditions, and in order to provide a working fund, the committee voted \$300,000 to this service, so as to tide over any emergencies that might arise. When the head of this service was before the committee this year we examined him as to the need of additional funds, and he stated, as I recall it, that he did not need any further emergency fund, and that \$300,000 that we voted last year was sufficient to act as a working balance and to meet some of the losses that were being occasioned on the Warrior River.

As I recall, the Mississippi River a year or two ago made some \$200,000 or \$300,000 profit from operation, which made up part of the loss on the Warrior, and it was necessary to provide a working fund in order to keep the service going and have the service so, in case an emergency arose, they would not be hamstrung and without funds to operate the vessels. Now we find them coming in here for an additional emergency fund of \$500,000. I am rather surprised it is presented, in view of the testimony given before the regular committee which has control of this appropriation, but I think that the real reason for this is an exigency. I know nothing of the hearings. We have had during this last year conditions that do not confront the country in a decade by reason of drought that prevailed from May until November. Navigation on the Mississippi River was absolutely suspended for some six weeks and on the Ohio was suspended for some two or three months, something unheard of on the Mississippi, during the entire navigation season, and I think this demand arose largely by reason of that exceptional condition of drought. Following the flood waters of the early spring there came this exceptional drought, when there was no water at all, and the Mississippi River service itself suffered a loss. Otherwise there would have been undoubtedly sufficient funds. I am surprised-

The CHAIRMAN. The time of the gentleman has expired. Mr. STAFFORD. I ask for three additional minutes.

The CHAIRMAN. Is there objection? [After a pause.]

The Chair hears none.

Mr. STAFFORD. I am surprised that the head of the service did not testify as to the need of this fund last month when we prepared our appropriation bill. That is what I am surprised at, and that is why I rose to make the inquiry.

Mr. TILSON. Will the gentleman yield? I am seeking infor-

mation.

Mr. STAFFORD. I will,

Mr. TILSON. I would like to inquire what is the difference between that and a subsidy? Is not this merely subsidizing this service on the Warrior River?

Mr. STAFFORD. It is a subsidy so far as the Warrior

River is concerned, but as far as-

Mr. GARRETT of Tennessee. It is a Government-owned line

Mr. TILSON. After all, what is the difference?

Mr. STAFFORD. Government funds are being used for the special benefit of a certain community, and though it is not very palatable to Members of the South to call it a subsidy when it applies to a southern locality, it is really a subsidy in effect. But I am not going into the merits of that. fund is occasioned by exigent conditions which prevailed on the Mississippi. If they had had normal conditions prevailing on the Mississippi last year they would have been able to have made money and would not have had to have this appropriation for this reserve fund. Under these circumstances I withdraw the reservation of the point of order, expressing surprise that the head of the service did not bring this need to the attention of the committee that had control of this appropria-

The CHAIRMAN. The gentleman withdraws the reservation and the Clerk will read.

The Clerk read as follows:

AUDITED CLAIMS.

SEC. 2. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1920 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in House Document No. 574, reported to Congress at its present session, there is appropriated as follows:

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that I may be allowed to speak for 10 minutes out of order.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he may speak for 10 minutes out of order.

Is there objection? [After a pause.] The Chair hears none.
Mr. MADDEN. Mr. Chairman and gentlemen of the committee, I want to say a word about some members of the Committee on Appropriations. We have leaving us on the 4th of March several members of the Committee on Appropriations, three of whom are here present on this occasion. I will begin what I have to say by calling attention to the distinguished gentleman from New York [Mr. Husted], who has acted as chairman of the subcommittee on the Departments of State and Justice. [Applause.] There never has been in the history of the Congress a more loyal, devoted public servant than Mr. HUSTED. I have leaned on him. He has been of wonderful assistance to me as chairman of this subcommittee. I could rely upon him, because he was always clean, always ready. He is an investigator; he never allowed anything to pass to the pages of a bill that he reported to the House that was not thoroughly justified. He has been a wonderful Member of the House. I regret his leaving. I hoped that in the coming Congress that we might have the benefit of his judgment and experience. I feel under deep obligation to him and, in fact, to every member of the Committee on Appropriations. Whatever success the committee has had is due to the loyalty and devotion and unity of the members of the committee, not to the chairman. There never was a band of men more loyal, more devoted, more unselfish, more patriotic, more able than these men of this committee. I shall regret more than any other man that so many of them who have been found tried and true are soon to leave us. The two men I want particularly to call attention to after having passed from my friend Huster are two Members who have served on the War Department subcommittee of the Committee on Appropriations. They have been criticized by those who wanted a larger Army, and they have stood loyally by the Nation. When I appointed . WILL STAFFORD to membership on the War Department subcommittee [applause] people thought I had a grudge against him. But I knew why I appointed him. I knew he had the industry and the integrity and courage to stand up under pressure, and I knew if there was any place anywhere in the service of the Nation that needed courage and integrity to stand up under pressure that was the place, and I knew I could trust him. [Applause.] Now, I did not tell him that then; I only tell it now; I want the country to know it. But there never has been a more loyal, industrious public servant in any place within the gift of the Government, either State or Nation, than our friend WILL STAFFORD. [Applause.]

My heart goes with him wherever he goes. confidence and esteem. He carries my promise to be with him everywhere, to think with him, to act with him, to serve with him in any way I can at any time I can during the rest of my life, for he has been worthy of it. [Applause.]

The people of Wisconsin can not have understood the caliber

of the man. He has saved the Government more money than

any other man we have in this House. It did not make any difference who the man was or what the object was, if Mr. STAFFORD thought the subject before us for consideration had not merit he objected. He did not yield from his objection at the pleading of any man. He has been devoted to the Treasury-to the Nation. His ideal has been to be a great public servant. He has lived up to that ideal. [Applause.

The Nation owes him a debt of obligation, and this House

owes him its sincere thanks. [Applause.]
Now I come to my friend Tom Sisson. [Applause.] Everybody knows that I am a Republican-a rock-ribbed one-and everybody knows that Tom Sisson is a Democrat, unyielding; that we have not anything in common when it comes to poli-

tics. But between men we stand alike. [Applause,]
I have served with a good many men in a good many places, both in public and in private life, and I have never yet met the man who goes so thoroughly into anything he undertakes as Tom Sisson does. [Applause.] You could not get a silver cent—and that is a small atom—through any crack in the Treasury of the United States unless Tom Sisson was satisfled that it was justified. He is the most painstaking man in the consideration of appropriation bills that I have ever seenthorough, unselfish, devoted, untiring—and there has never been an hour, not a day, that I have called upon him or any other member of the committee when he did not respond. have called on Sisson to act on committees that he was not a member of. I have called on him in the middle of the night. It made no difference what was the hour or what was the

What a great pity that men of the experience of these men and of their ability, of their unselfishness, must leave the public service. I wonder if the people of the United States understand what these men do? If they did, they would never let them go. No people of any district would have influence enough with the people of America who understood the value of these men to keep them away from a service which they have so

well rendered.

Tom, I love you. [Applause.] You have been wonderful, all of you, and when you go back home and once again mix with the masters of us public servants, I know you will exercise an influence that will tend to educate these people in a knowledge of the integrity of purpose of men who devote them-selves to this class of work. There never has been a suspicion selves to this class of work. There never has been a suspicion anywhere as to the cleanliness or honesty of any of these men. There has never been a dollar reported to the House with their sanction that did not seem justified. If they could see any way that they could do the work that was required to be done through an appropriation for 50 cents, I am sure nobody would get 55 cents. If the department said they wanted a dollar, Tom Sisson would always try to compromise at least on 50 cents. [Applause.] If he has not been economical in the expenditure of the public funds, no man ever has been. And if Will Stafford ever allowed a bad case to get by that cost a dollar, I would like to get the picture of the case. [Applause. l

Boys, we are going to miss you in the next Congress. We Boys, we are going to miss you in the next congress. We will remember you wherever you may go. I want you to feel that the House of Representatives, or those of us who remain, appreciate what you have done here, and I particularly appreciate the work you have done on the Committee on Appro-

priations.

I wish everybody could know it as I know it. I wish everyone could understand these men as I understand them. There is not a thing in the world that they might want that they could not have if they were understood as I understand them. God bless you, and preserve you, and keep you well and happy and prosperous during the remaining days of your lives, and wherever you go or whatever you do I am sure you will have the love and confidence of every man who served with you in this House of Representatives. [Prolonged applause.] Mr. BYRNS of Tennessee. Mr. Chairman, I ask permission

to proceed for five minutes out of order.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Chairman, I very heartily concur in all that the gentleman from Illinois [Mr. MADDEN] had to say relative to the service of the three gentlemen to whom he has referred. Their retirement from Congress is a distinct loss to the House and also to the country.

I came to Congress 14 years ago with my warm personal friend, Tom Sisson, and have served with the exception of the first two years of our service on the same committee with him. I had heard of Tom Sisson before I came to Congress, because he had attended a great university in the district which I have the honor to represent and where he now has many

warm personal friends of his schoolboy days.

After I came here and met him and served with him I formed a very warm attachment for him. In fact during my entire service of 14 years in this House there has been no Member with whom I have been on more intimate personal relationship than with Tom Sisson. I love him because of his big, pleasing personality and the cordial, generous good will he has for his fellow man. But something more than that is required to win the lasting affection and admiration of our associates in this House. A man must have ability, courage, and a keen sense of duty, and the gentleman from Mississippi possesses all of these in largest measure. No man was ever more faithful to public trust than Tom Sisson or more zealous in the performance of duty. In the consideration of public matters he never stopped to reflect what might be the effect on his own political fortune. He has always been true to his convictions and no people ever had a more faithful and earnest public servant, or one who more richly deserved their confidence.

As the gentleman from Illinois has said, he has saved millions of dollars to the people by reason of his service on the Committee on Appropriations. He has always been a forceful character upon the floor and in debate. No one has exercised a greater or more wholesome influence upon legislation to which he gave attention on the floor than he has. But after all, a man's work here can best be measured in committee rather than on the floor. I have served on the Committee on Appropriations with Tom Sisson for 12 years, and I know something of his devotion to the public interests, his industry, his great influence, and his desire to economize and to save the public money whenever it could be done without jeopardizing the best interest of the Government. No member of the Committee on Appropriations has done more to conserve the Public Treasury than he. Tom Sisson retires from Congress with the friendship and admiration and the love of every Member upon both sides of this Chamber. [Applause.] It is a real loss to have a man like him retire from public life, and whatever may be his personal inclinations, I sincerely hope that his great State of Mississippi will see to it that he reenters public life again. [Applause.] We need more men like Tom Sisson in public life. To me his retirement is a personal loss, for we have been intimately associated here and I count myself fortunate in having known and served with him. I join his colleagues in bidding him Godspeed in his every undertaking.

I have also served on the Committee on Appropriations with our good friend Will Stafford of Wisconsin, and I wish to indorse most heartily all the gentleman from Illinois has said with reference to his ability, his courage, and his industry. I suspect that in the course of his career here he has probably prevented the passage of many bills in which individual Members were interested, but no one has ever questioned his sincerity of purpose or his honesty and his desire to serve the public. [Applause.] Everyone knew that such objections as he has interposed were influenced solely by the fact that he felt that it was his duty as a Representative to protect the Treasury and the interest of the American people. His retirement is a great loss, and he will be missed in the deliberations of the next Congress. But, you know, he has had a habit of coming back. [Applause.] I hope if I stay here a year or two longer that I

will sit again with him in this Chamber. [Applause.]
The gentleman from New York [Mr. HUSTED] has not served on the Committee on Appropriations so long as other gentlemen to whom I have referred, but every Member of this House knows of the great ability which he has carried with him into that committee, and the earnestness and zeal and fidelity that he has manifested upon all occasions. I wish to repeat, Mr Chairman. that the retirement of these gentlemen is a public loss, a loss to the House, and a real personal loss to every Member of the

House. [Applause.]
Mr. MONDELL. Mr. Chairman, I ask unanimous consent to address the committee for five minutes, out of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. Chairman, I very heartily indorse all Mr. MONDELL. that has been said by the gentleman from Illinois and the gentleman from Tennessee relative to these our colleagues who are leaving the House. The gentleman from New York [Mr. Husted] brought to the House a splendid personality and a trained mind, with habits of diligence and all of the qualities that make men useful here. He has been recognized as a faithful, conscientious, courageous legislator. He has in a large measure all those qualities, and has displayed all those qualities that make service here worth while. I very greatly

regret that he has seen fit to end his services in the House, for the end of that service is a very great loss to the House

My friend, Tom Upron Sisson-well there are some of the folks that you not only highly regard for their good qualities as legislators, but that you get to have a kindly and friendly personal feeling for, entirely separate from your regard for Tom Sisson and I have been very good them as legislators. personal friends during all of our service. I like Tom Sisson, because he is a splendid fellow. I like him because he is a thoroughly consistent Democrat. [Applause.] I like him because in all of his public service he has had no other thought than the interest of the country and the welfare of the country. Not only has he been faithful and efficient, but he has possessed and exhibited a courage that has never failed,

and God knows we need courage. [Applause.]

To my friend Will Stafford, it will be a long time before the House sees his like again, probably not until he returns [laughter and applause], which, in the interest of the country, will be soon. I hope. Some fellow may say under his breath, hope we will not have another just such fellow as our friend from Wisconsin." There have been times when I did not feel There have been times when I did not feel kindly disposed toward him. [Laughter.] There have been times when he has grieved me sorely. There have been times when there were very few of his colleagues, I fear, who felt There have been times kindly toward him for the moment, and yet he has performed a great work here, and I suggest to those of you who are remaining on both sides that it is high time that you had in training another Will Stafford. [Applause.] It is high time that on one side or the other—or better, on both sides—we shall develop a man who feels it his duty to guard the Public Treasury against the assaults of all, even of his best friends, who will undertake the thankless task of scrutinizing the Calendar for Unanimous Consent and the Private Calendar.

There have been Members of the House who have taken the view that Mr. Stafforn's activities in connection with the Private Calendar and the Calendar for Unanimous Consent were undertaken without due regard or consideration and without knowledge. I bear testimony to the fact—a fact with which I am well acquainted—that he has worked frequently long into the night reading reports, studying bills, looking up cases, doing the work of this House that no one else at the time seemed to have the courage or just the industry to do. Our friend from Wisconsin could have occupied his place in the House and, with his splendid qualifications, had a much happier time than he has had, if he had not felt called upon and if he had not been called upon by those in positions of responsibility to do work that no one else seemed to want to do. and yet work as essential and important as any ever performed in this Chamber. The best hope that I can have for the House from now on is that it shall have not only on one side but on both sides men who are as conscientious, men who are as earnest, men who are as courageous as WILL STAFFORD has been. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent to proceed for five minutes out of order.

The CHAIRMAN. Is there objection?

There was no objection. Mr. GARRETT of Tennessee. Mr. Chairman, a country which is shortly to lose, at least temporarily, the services of the three gentlemen concerning whom my friends have just spoken can very well afford to have the body pause for a time in order that the appreciation of those of us who know them and know their work may be given voice. This body in showing them this honor but honors itself. These are not ordinary men who are leaving the service of the country. They are men who had trained minds when they came to the public service. They are men who day in and day out assiduously have applied themselves to putting into practice those principles of government in which they were so grounded before they came, and from day to day they have broadened and grown greater.

It was my good fortune during the first term that the gentleman from New York [Mr. HUSTED] served in the Congress to be a member of the committee with him. It was not one of the major committees of the House but it was a committee that has important work to do. It was while serving on that Committee on Flood Control with him that I was first able to take the measure of the man. This highly educated gentleman, both academically and in the law, soon impressed himself upon all those with whom he came in contact as a man of extraordinary worth, extraordinary ability, and of magnificent courage. Since that time in more important committee service he has justified to the full all of the impressions that were then formed of him.

I also had the honor of service upon a special committee of the House with the gentleman from Wisconsin [Mr. Stafford]. I had known of his service before, having observed his activities

on the floor of the House, but of course in committee service, particularly with Members of the opposite political party, we always come to get a closer measure and are able better to estimate men than by the ordinary associations. That was a working committee upon which my friend Stafford and I served, and of all the workers on the committee I need not tell you that the most assiduous, the most persistent, was the gentleman

from Wisconsin [Mr. Stafford]. [Applause.]
Of my friend from Mississippi, Tom Sisson, what shall I say? From the very beginning of his service we have been most intimate personal friends. There has never been a rift in our friendship. We may have differed upon some public questions, when I was wrong, but it has been very seldom that there has been such an occurrence. He is a man fundamentally sound, from the viewpoint of our political school, those of us sitting on the Democratic side, possessing the ability to expound views, learned in the political philosophy not only of the present day

but of centuries past, always ready for debate.

Mr. Chairman, I shall end as I began. We but honor ourselves in honoring these men because of their ability, and, after all, I think that that which is greatest to us is the characteristics already referred to by other gentlemen who have preceded me, and that is the indomitable and unwavering courage of all three of these men. I remember to have read somewhere where the late Senator Daniel, of Virginia, was in attendance upon divine service. The minister in his prayer prayed that the public servants of the Government might have wisdom. At the conclusion of the service the Senator and the minister were walking away together when the Senator said, "May I venture upon a suggestion to you?" "Certainly," said the minister. "Then," said the Senator, "I suggest that it is not particularly necessary for you to pray that the public servants of the Government have wisdom. Most of us know enough. I suggest that you pray that we have courage." [Applause.]
Mr. JOHNSON of Washington. Mr. Chairman, I ask unani-

mous consent to proceed for two minutes out of order.

The CHAIRMAN. Is there objection? There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, we of the Pacific coast and the intermountain States desire to indorse all that has been said concerning these hard-working, experienced, and long-tried retiring members of the Committee on Appropriations. I have asked for but a moment in which to pay a brief but earnest tribute to another retiring Member, who at this time is presiding as Chairman of the Committee of the Whole House on the state of the Union for the consideration of this bill, the gentleman from Oregon, Mr. McArthur. [Applause.] He is known to everyone of us for his courage and fighting qualities, and yet none of us can say that the gentle-man from Oregon has ever been offensive on the floor or unnecessarily aggressive. Always has his courage been that of his conviction, and for that all admire him. Oregon is just across the great Columbia River from the district that I have the honor to represent, and I sometimes think that it is a sort of melting pot for legislation. If there is anything new in legislation from the referendum on up, they try it out in Oregon. [Laughter.]

And yet our friend McARTHUR, before his successes here, sat in the Legislature of Oregon with success, presided there, and handled the gavel as well as he has done here to-day, and always pursued a safe and sane course through a maize of trying propositions in Oregon, and in the House of Representatives here he has through his native courage seen fit to resist certain measures which to him, at least, seemed untimely. The only trouble seems to have been that, from the standpoint of popularity, at least, he took too many on at one time. As his neighbor, I saw him away out there in the beautiful city of Portland, oreg., fighting his campaign, maintaining his issues, almost single handed and saying, "Let all come on." I hope he will make the fight again and be with us once more in the House of

Representatives. [Applause, the Members rising.]

The Clerk resumed and concluded the reading of the bill.

The CHAIRMAN. The Chair wishes at this point to take up the Hudspeth amendment, which was offered on page 42, which was passed over. The Chair has made careful search of the statutes and treaties and is unable to find any legislative authority which would warrant the consideration of the Hudspeth amendment, and therefore sustains the point of order which was made against the amendment. The treaties on this subject all deal with the right to fix the boundary line, but not with any right with respect to surveys and flood control or matters incident thereto.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore having resumed the chair, Mr. McARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 14480) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. MADDEN. Mr. Speaker, I move the previous question

on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment; if not, the Chair will put them in gross. The question was taken, and the amendments were agreed to.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

On motion of Mr. Madden, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE CALENDAR.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that for the remainder of the session the calendar may be printed in full dally, including the index. Under the law the index of the calendar is printed only on Monday. There is a considerable amount of legislation each day in one House or the other, and it is rather important, I think, that the Members be able to inform themselves relative to the status of legislation daily by reference to the calendar daily.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that for the remainder of the session the calendar be printed daily, including the index. Is there objection? [After a pause.] The Chair hears none.

THURSTON W. TRUE.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2984, to insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to take from the Speaker's table the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 2984) for the relief of Thurston W. True.

The SPEAKER pro tempore. And asks unanimous consent that the House insist on its amendment and agree to the conference asked for by the Senate. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees

The Clerk read as follows:

Mr. SNELL, Mr. KLECZKA, and Mr. CLARK of Florida,

EXTENSION OF REMARKS.

Mr. ROUSE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing in 8-point type a speech delivered in New York by ex-Gov. Charles N. Haskell,

of Oklahoma, on the subject of government.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD by inserting the speech delivered in the city of New York by former Governor Haskell, of Oklahoma. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

GOVERNMENT.

"Emerging from the centuries of monarchial government under which the submissive multitude were oppressed by the dominating few, there assembled in this part of the New World from all the countries of the Old World a sturdy class, willing to undergo the hardships and sacrifices of pioneer life that they might establish a government under which life, liberty, and the pursuit of happiness might be assured and guaranteed unto them and their descendants, and presents the question, 'Whence and why government?' 'From the consent of the governed-for the welfare of the governed.

"And these two principles were to be assured for all time to come by the adoption of a constitution to be the guardian of these rights of the people and to provide reasonable regulation in the relations of man to man, limiting the interference with private rights to such invasion only as would be essential to public welfare, and this invasion of private rights to be equally limited in its interference with private business.

"After the most careful consideration, our Federal Constitution declares in substance: 'The duties and powers of the Federal Government shall be limited to the conduct of foreign relations, establishing uniform currency, general immigration laws, things incident to conduct of wars and defenses, preserving harmony among the States, providing general revenues for maintenance of the Federal Government,' emphatically limited to equitable taxation which positively, to be legal, must not be confiscatory; and these great duties of this character to be exercised by Congress, administered by the executive department, never contemplated a dissent to and interference with the people in administering local government with all its numerous provisions and requirements in the various States, and under the authority of the State in the various municipalities thereof.

"To emphasize these points and to assure the people against invasion of their rights and usurpation of legal authority by the Federal Government, jealous and determined to this end. 10 amendments to the original Constitution were provided concurrent with the ratification thereof by the States, and that there might be no misconstruction, based upon alleged implication to be derived from language, the tenth amendment thus

provided says:

"'The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

"Can there be anything more emphatic? Only express authority gives power to the Federal Government, and all reserved and implied authority is emphatically vested in the State and its municipalities.

"This jealous protection of the rights of the individual is sustained by sound reason. The vast extent of our country, now divided into 48 States, contemplated a great variety of climate, with different classes of production, different climatic development of people of different desires and different necessities, realizing that what might please and make comfortable the people of the cold climate of Maine would not be agreeable to the people of sunny Louisiana.

"The wisdom, as well as the fairness, of our Constitution makers is clear to all of us. Realizing also that government, best created and best administered, is that government which preserves best, administers justice, and prevents oppression of one class upon another, has fully discharged its beneficial purposes and a minimum of invasion of local self-government and individual rights is the happy condition contemplated in our Federal Constitution and desired by our people, and while this Government was given the power of taxation, remember that the right to tax is the right to destroy, and therefore the Constitution emphatically said taxation should not be confis-

"Another guaranty of liberty was that expressed in the Constitution—in brief, 'religious liberty.' One of the emphatic demands of our people expressed in their Constitution was that every man might worship God according to the dictates of his own conscience. And time has demonstrated the wisdom of these several provisions, and for the years that our Constitution was held sacred and inviolate our country made the most wonderful progress ever recorded in the civilized That progress was not limited to added wealth alone nor to advanced education alone, but one of its most glorious products was the unwavering, unlimited patriotism of our people-their intense love of country that knew no parallel in any land, that affection for the Stars and Stripes that lead men facing death on the battle field in defense of that flag to exclaim in proudest tones, 'I am happy to die for my country.' That sentiment was one of the grandest products of firm constitutional government, and in our war of 1776, for freedom; 1812, to preserve that freedom; 1861, to preserve the union of States; 1898, that sympathetic war in behalf of our suffering neighbor; and the World War, recently waged for the preservation of the rights of peace-loving people throughout the world, there is no instance and no battle field of magnitude where every religious denomination did not have its men among our brave soldiers who died for public welfare and the flag. Does the original policy of our Government need any greater proof

of proper spirit and intent?

"But to-day, unmistakably, we have developed such general usurpation of local authority by the Federal Government, such restriction of individual liberty, that the rights of the citizen and the conduct of private business are limited and embar-rassed by bureaucratic government which, unfortunately, is administered, no doubt, by well-meaning, but, unfortunately, in-experienced minds. Business, best created and most economically managed by scientific study and practical experience, is degenerating under the dictation of bureaucratic inexperience

and gross lack of qualification. No benefit can result from this, for there can be no possible economy in cost of production or market values, no saving to the consumer, when production is restrained and economy destroyed by this unwarranted inter-

ference with competition and capability.

"Then if the conditions to-day need correcting, is there anything more advisable for us to do than to ask our great American Congress to return to the practical walks of life-sojurn among the masses of our people, read and profit by the guidepost, where the public highway crosses the railroad track and warns you to 'Stop, look, and listen!" Stop your invasion of individual liberty, look to the needs of your people, listen to the growing discontent of your people. And in doing this we shall pray to God that when you return to the exercise of your duties you will return to strict observance of the basic principles of the Constitution, first quoted. That you have wandered away into forbidden lands is apparent on every hand.

"This is not a warning to a Republican Congress, it is not a warning to a Democratic Congress; it is a light to both, an

appeal for more consideration and less legislation.

"We as common people want to respect and look with pride upon the great American Congress without deriving the greater part of that pride out of your ancient history. We shall forever revere your past record, but we are equally anxious to respect your present doings. And when we speak of individual liberty we are mindful of the fact that individual liberty does not alone mean the right to think and act, but of equal consequence the right to preserve and enjoy the major part of the fruits of the individual's industry, and when you in the control of Government, from the school district up to the Halls of Congress, have grown so tremendously reckless in your public expenditures that the total created wealth from all crop product sources in our vast country will not equal your demand in any year—this year, or last, or the year before—have you not grossly violated the constitutional rights of the citizen when you, by direct or indirect methods, not only exhaust his entire created wealth, but have mortgaged his future for vast deficiencies?

"I have in mind but to-day a worthy citizen of one of the cities of our country—a growing city of approximately 600,000 people—who told me that they in their city had just completed the necessary provision for issuing \$87,000,000 bonds for some necessary, some useful, and some ornamental creations.

"Is it possible that the authorities of that city realize that per capita upon the home, sheltering a father, a mother, and five children, this means a mortgage of \$1,000 upon each such home, with its attendant interest charge and sinking fund added to the tax expenses and bonded indebtedness of that city? Can home comfort and prosperity come from any such governmental demands? I hope the time will come when the people of our country may realize that beauty of public structure is a secondary consideration; that charming, desirable public welfare lays in the comfort and happiness of the home, the place where you commune with your family, the place where you sleep and eat. Is it possible that that very origin of individual comfort and happiness must be ignored to the end that official extravagance may reach its unlimited privilege and ambition? We all look with admiration on public structures, but that view and that sensation is for the moment, and if measured in the balance, without appreciation of a home of comfort and happiness, must certainly be found wanting.

A good governmental policy should not mean bad results, unjust or unfair results. In this country of ours no one man nor class of men can comfortably and happily live independent of other classes. We have a community of interest. The producer, the great financier, the great transmission and transportation interests, the scientific, the professional, and the man of genius, each form their part in the essentials of comfortable and happy life unto all of the other elements. Each element being essential to the other, it must then be conceded that justice to all and partiality to none is the only correct governmental policy; human nature often requires moderating influence. It is only a temporary effect that one class may have unto itself the right to unjustly impose upon another class. Governmental policy that to-day makes it possible for one element to enjoy reckless extravagance when the price thereof must be drawn from another element of equal desert, and equal or greater industry, can but barely enjoy the absolute necessi-

ties of life.

"How may we return to constitutional Government? ANSWER.

"Our Constitution is a supreme law; get within the law and

stay there.
"Stop invading the rights of the people to local self-govern-

"Stop depriving the citizen of his constitutional right to liberty and happiness.

Stop multiplying and duplicating extravagant public service. "When a theorist says his purpose is moral and good, tell him to do good things in a proper way and not in a wrong

"We should all have the Bible in our house, and doubtless we have; it is a good book. Would that justify us in mort-gaging our home to buy a hundred more when one is good

and sufficient?

"Just remember when public opinion does not approve of the wrong way of doing good things, of extravagance, and unwarranted Federal interference with local authority and individual rights, that the Government earns nothing but loss of love-yea, even contempt-by such unconstitutional prac-

"Remember, the Government has no place to derive funds for the payment of governmental expenditures except from

the element who create the wealth of the country.

"We look with admiration upon our great financial institutions, railroads, transmission lines, great industries. Do we realize that every one of them would fade away, pass out of mind entirely, should the time come when the producing class of this country should fail to produce?

"Ask the governmental authorities to learn the art of abolishing departments and offices not absolutely essential to public welfare; they already know the art of creating new ones.

"Let every voter emphasize the fact that under the consti-tutional guaranty of life and liberty the word "life" does not alone mean the privilege of breathing, but likewise fully embraces the right to enjoy life, to participate in the entertainments that add to the joys of life; that no man and no Government authority has a right to tell you that you shall not enjoy any reasonable privilege that does not unjustly invade public welfare.

"A hungry man can not long be a patriotic citizen.

"A man deprived of his reasonable liberty can not long be a patriotic citizen.

"We have a glorious form of Government, a glorious Federal Constitution; let us learn to enjoy and appreciate both."

INCOME TAX OF NONRESIDENT ALIENS.

Mr. GREEN of Iowa. Mr. Speaker, I call up the bill H. R. 14050 and ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the It is the same bill-

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 14050) to amend the revenue act of 1921 in respect to income tax of nonresident allens.

Be it enacted, etc., That section 210 of the revenue act of 1921 is amended, to take effect January 1, 1922, to read as follows:

" NORMAL TAX.

"Sec. 210. (a) That in lieu of the tax imposed by section 210 of the revenue act of 1918 there shall be levied, collected, and paid for each taxable year upon the net income of every individual (except as provided in subdivision (b) of this section) a normal tax of 8 per cent of the amount of the net income in excess of the credits provided in section 216 except that in the case of a citizen or resident of the United States the rate upon the first \$4,000 of such excess amount shall be 4 per cent.

in section 216 except that in the case of a citizen or resident of the United States the rate upon the first \$4,000 of such excess amount shall be 4 per cent.

"(b) In lieu of the tax imposed by subdivision (a) there shall be levied, collected, and paid for the taxable year 1922 and each taxable year thereafter, upon the net income of every nonresident alien individual, a resident of a contiguous country, a normal tax equal to the sum of the following:

"(1) Four per cent of the amount of the net income attributable to compensation for labor or personal services performed in the United States in excess of the credits provided in subdivisions (d) and (e) of section 216; but the amount taxable at such 4 per cent rate shall not exceed \$4,000; and

"(2) Eight per cent of the amount of the net income in excess of the sum of (a) the amount taxed under paragraph (1) plus (b) the credits provided in section 216."

SEC. 2. That subdivision (e) of section 216 of the revenue act of 1921 is amended, to take effect January 1, 1922, to read as follows:

"(e) In the case of a nonresident alien individual, or of a citizen entitled to the benefits of section 262, the personal exemption shall be only \$1,000. The credit provided in subdivision (d) shall not be allowed in the case of a nonresident alien individual unless he is a resident of a contiguous country, nor in the case of a citizen entitled to the benefits of section 262."

Mr. GREEN of Iowa. Mr. Speaker, just a word by way of

Mr. GREEN of Iowa. Mr. Speaker, just a word by way of explanation of this bill.

The SPEAKER pro tempore. The gentleman from Iowa moves to strike out the last word.

Mr. GREEN of Iowa. This bill might be said to be a bill for reciprocity with relation to the income tax with Canada. Our income tax, as every one knows, provides for only 4 per cent on the first \$4,000 of income, and also provides for certain exemptions on account of dependents, and an exemption from the normal tax of \$2,500. These exemptions, however, are not granted to nonresident aliens. Now, there are a number of

people in Canada who are residents of Canada but who work on this side and receive income on this side and are subject to the payment of income tax. There are also about the same number of people who live in the United States who work in Canada who are subject to the Canadian income tax for the amount of their salary there. The Canadian law as it now stands grants to those who are residents of the United States and who perform work and labor in Canada the same exemptions it gives its own citizens, both with reference to dependents and the amount exempt from the normal tax. It also grants the same rate with reference to the tax on the first \$4,000. In fact, the Canadian law is very similar to ours.

The purpose of this bill is to put the Canadians who come over on this side to work on an equality with the citizens of

the United States who go over on the Canadian side to work.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.
Mr. CHINDBLOM. Can the gentleman state what is the ex-

emption allowed by Canada?

Mr. GREEN of Iowa. Canada gives \$300 exemption for each dependent

Mr. CHINDBLOM. And how much for the householder?

Mr. GREEN of Iowa. The exemption is not quite the same, but almost the same as it is here.

The SPEAKER pro tempore. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That section 210 of the revenue act of 1921 is amended, to take effect January 1, 1922, to read as follows:

" NORMAL TAX.

"NORMAL TAX,

"Sec. 210. (a) That in lieu of the tax imposed by section 210 of the revenue act of 1918 there shall be levied, collected, and paid for each taxable year upon the net income of every individual (except as provided in subdivision (b) of this section) a normal tax of 8 per cent of the amount of the net income in excess of the credits provided in section 218 except that in the case of a citizen or resident of the United States the rate upon the first \$4,000 of such excess amount shall be 4 per cent.

"(b) In lieu of the tax imposed by subdivision (a) there shall be levied, collected, and paid for the taxable year 1922 and each taxable year thereafter, upon the net income of every nonresident alien individual, a resident of a contiguous country, a normal tax equal to the sum of the following:

"(1) Four per cent of the amount of the net income attributable to compensation for labor or personal service performed in the United States in excess of the credits provided in subdivisions (d) and (e) of section 216; but the amount taxable at such 4 per cent rate shall not exceed \$4,000; and

"(2) Eight per cent of the amount of the net income in excess of the sum of (a) the amount taxed under paragraph (1) plus (b) the credits provided in section 216."

Mr. GREEN of Iowa. Mr. Speaker, there is a typographical

Mr. GREEN of Iowa. Mr. Speaker, there is a typographical error in the first line. A comma was omitted by the printer. I ask unanimous consent that on page 2, line 1, after the figures "216." a comma may be inserted.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follow:

On page 1, line 2, after the figures "216," insert a comma.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

the amendment.

The amendment was agreed to.

Mr. GREEN of Iowa. Mr. Speaker, there is another clerical error. On page 2, line 4, the word "subdivision" is misspelled. I ask unanimous consent that it be corrected.

The SPEAKER pro tempore. The Clerk will report the

amendment.

The Clerk read as follows:

Amendment offered by Mr. Green of Iowa: Page 2, line 4, strike out the word "subdivison" as now spelled and insert the word "subdivision" correctly spelled.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GREEN of Iowa. Another typographical error, Mr. Speaker: On line 10, the word "four" should be a figure "4." These are all mistakes of the printer, I will say to the Chair.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GREEN of Iowa: Page 2, line 10, strike out the word "four" and insert a figure "4."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GREEN of Iowa. Mr. Speaker, there is another typo-graphical error on line 16, page 2, where the word "eight" should be stricken out and the figure "8" inserted.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Gegen of Iowa: In line 16, strike out the word "eight" and insert the figure "8."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COLLIER. Mr. Speaker, I have nothing to add to what has been said by the gentleman from Iowa [Mr. Green] further than to say that this is a unanimous report from the committee. I will supplement what the gentleman from Iowa has said by stating that this applies to contiguous countries, and consequently Mexico as well as Canada is included in this bill. It is a unanimous report, and it is only right and proper that it should be passed.

The SPEAKER pro tempore. The Clerk will read the next

section.

The Clerk read as follows:

SEC. 2. That subdivision (e) of section 216 of the revenue act of 1921 is amended, to take effect January 1, 1922, to read as follows:

"(e) In the case of a nonresident alien individual, or of a citizen entitled to the benefits of section 262, the personal exemption shall be only \$1,000. The credit provided in subdivision (d) shall not be allowed in the case of a nonresident alien individual unless he is a resident of a contiguous country, nor in the case of a citizen entitled to the benefits of section 262."

Mr. GREEN of Iowa. Mr. Speaker, there are two other clerical errors made by the printer. On line 17 of page 2 the small "a" in parenthesis should be a capital "A," and in line 18 the small "b" in parenthesis should be a capital "B."

The SPEAKER pro tempore. Without objection, the amendments suggested by the gentleman from Iowa will be made to

the bill.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

On motion of Mr. Green of Iowa, a motion to reconsider the

vote whereby the bill was passed was laid on the table. HABIT-FORMING NARCOTIC DRUGS.

Mr. PORTER. Mr. Speaker, I move to suspend the rules and pass House Joint Resolution No. 453, entitled "Joint resolution requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes. I also move the adoption of the preamble.

The SPEAKER pro tempore. The gentleman from Pennsylvania moves to suspend the rules and pass the joint resolution,

which the Clerk will report. The Clerk read as follows:

Joint resolution (H. J. Res. 453) requesting the President to urge upon the governments of certain nations the immediate necessity of limit-ing the production of habit-forming narcotic drugs and the raw mate-rials from which they are made to the amount actually required for strictly medicinal and scientific purposes.

rials from which they are made to the amount actually required for strictly medicinal and scientific purposes.

Whereas the unlawful use in the United States of America of opium (the coagulated juice of Papaver somniferum) and its derivatives (morphia, codeine, heroin), and cocaine (obtained from coca leaves—Erythroxylum coca) and other preparations made from these plants or their by-products, with attendant irreparable injury to health and morality and resultant death from continued use, is increasing and spreading; and

Whereas the special committee of investigation of traffic in narcotic drugs appointed by the Secretary of the Treasury, in its report dated April 15, 1919, having considered the secrecy connected with the unlawful sale and use of these drugs, and the other difficulties in obtaining information which would give the exact number of addicts in the United States, says: "The committee is of the opinion that the total number of addicts in this country probably exceeds 1,000,000 at the present time," and further says that "the range of ages of addicts was reported as 12 to 75 years. The large majority of addicts of all ages was reported as using morphine or opium or its preparations. * * * Most of the heroin addicts are comparatively young, a portion of them being boys and girls under the age of 20. This is also true of cocaine addicts," and as this report is in harmony with the opinion of many who have carefully investigated the subject; and

Whereas the annual production of opium is approximately 1,500 tons, of which approximately 100 tons, according to the best available information, is sufficient for the world's medicinal and scientific needs, and the growth of coca leaves is likewise greatly in excess of what is required for the same needs, and thus vast quantities of each are available for the manufacture of habit-forming narcotic drugs for illicit sale and consumption; and

Whereas opium is obtained in paying quantities from poppies containing opium rich in morphia, codeine, and other narcotic

to limit the exportation thereof and to restrict production to the quantity actually required for strictly medicinal and scientific purposes; and

Whereas the British Government in India, which derives large reve-

Whereas the British Government in India, which derives large revenues from the growth of the poppy and the production of opium therefrom, has full power to limit production to the amount actually required for strictly medicinal and scientific purposes; and

Whereas the production of coca leaves (Erythroxylum coca) is limited to certain areas of Peru and Bolivia and the Netherlands possession of Java, and their production is controllable by virtue of the sovereign power of those Governments to limit the exportation thereof and to restrict production to the quantities actually required for strictly medicinal and scientific purposes; and

Whereas the antinarcotic laws of a majority of the larger nations of the world provide severe penalties for dispensing habit forming narcotic drugs without a record of the amount thereof dispensed, thus providing reliable data from which a reasonably accurate calculation can be made of the amount of these drugs needed for strictly medicinal and scientific purposes; and

whereas the antinarcotic laws of a majority of the larger nations of the world provide severe penalities for dispensing habit forming narcotic drugs without a record of the amount thereof dispensed, thus providing reliable data from which a reasonably accurate calculation can be made of the amount of these drugs needed for strictly medicinal and scientific purposes; and amount and the seven the international Opium Commission at Shanghal, China, in 1909, and the conference at The Hague in 1912, a treaty was made between the United States of America and other powers which was intended to suppress the illicit traffic in habit-forming narcotic drugs, and notwithstanding that upward of seven years have passed since its ratification, the treaty and the laws in pursuance thereof subsequently adopted by the contracting powers have utterly failed to suppress such illicit trafficially reason of the fact that the treaty and the laws adopted in pursuance thereof subsequently adopted by reason of the fact that the treaty and the laws adopted in pursuance thereof to provide adequate restrictions upon production, the source or root of the evil; and

Whereas failure of such treaty and the laws adopted in pursuance thereof to provide adequate restrictions upon production has resulted in extensive and flagrant violations of the laws by reason of the fact that the great commercial value of these drugs, the large financial gains derived from handling them, and the smallness of their bulk, which renders detection in transportation and sale exceedingly difficult, have induced and encouraged the unscrupilous to divert eneromosq quantities into the channels of illicit international traffic, thereby rendering partially, if not wholly, ineffective the treaty and the laws adopted in pursuance thereof; and approved by the council of the poppy and the production of opium therefrom to the cultivation of the poppy and the production of opium therefrom to the cultivation of the poppy and the production urging the restriction of the great part

The SPEAKER pro tempore. Is a second demanded?

Mr. GARRETT of Tennessee. I do not care to demand a second, but I would like to ask the gentleman from Pennsylvania one or two questions.

Mr. LONDON. Mr. Speaker, I demand a second. I propose to move to strike out the preamble.

Mr. PORTER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. I want to ask the gentleman from Pennsylvania one or two questions. I understand this matter has been under consideration in the Committee on Foreign Affairs for several weeks.

Mr. PORTER. It has.

Mr. GARRETT of Tennessee. Hearings have been had upon it?

Mr. PORTER. Very extensive hearings.
Mr. GARRETT of Tennessee. And this was reported unanimously from the Committee on Foreign Affairs?

Mr. PORTER. Yes.

Mr. LONDON. Mr. Speaker, I want to say that the resolution is so long that it is almost impossible to follow it. recites a number of facts which may be true and may not be true. It gives statistical data but we do not know the sources of these data. By incorporating the preamble we adopt in toto every statement in it. We are without copies of the resolution before us and I object to the manner of bringing it up and to voting on a resolution of this kind at this hour. I assume that the bill ought to pass, that the traffic should be restricted, if not altogether prohibited by civilized govern-

Mr. PORTER. The committee has made a very careful investigation of the facts as recited in the preamble and they are unquestionably correct. I might have read in my time a letter from the Secretary of State who has examined the resolution very carefully and recommends its passage, showing that not only the Committee on Foreign Affairs but the State Department approve of the statements of fact in the preamble. The object in retaining the preamble is that it will materially aid the President in the negotiation with the foreign govern-

Mr. LONDON. The State Department should be able to present the matter for action by other governments without the aid of Congress. There is no reason why we should have such a long preamble. The bill resembles a kite with its small body and its long tail. The preamble is too long. I do not object to the resolution. I am in sympathy with it.

I do not think the resolution should be brought up on the floor of the House at this late hour and at the very end of a long day's session. You have more than one suspension day.

understand the whole week is suspension week.

Mr. PORTER. This is the last opportunity that we will have to secure passage in the Senate. The object of the resolution is to give the President plenary power over the matter, so that when he speaks he speaks not only of the executive branch of the Government but for the legislative branch. This makes the position of the President very much stronger. Of course, the President could carry on the negotiations without any request from Congress, but you should bear in mind that the statesmen of Europe probably never fully realized the limitations upon the power of the President in the matter of the making of treaties until President Wilson failed to secure the ratifica-tion of the treaty of Versailles; therefore the passage of this resolution by Congress before negotiations are initiated will strongly impress upon the governments involved that the representations of the President reflect the views of both the executive and legislative branches of our Government.

Mr. LONDON. The adoption of this preamble would not eliminate the necessity of the Senate approving any treaty the

President might enter into.

Mr. PORTER. No.
Mr. LONDON. There are so many violent fluctuations in the political life of the country that there is no knowing what may happen.

Mr. BLANTON. In this particular case the preamble is the

main kite, the resolution is the tail.

Mr. LONDON. I am not opposed to this legislation; recognize that the opium traffic is one of the most disgraceful things in civilization, and every effort should be made not only

things in civilization, and every enort should be made not only to repress it but to eliminate it.

Mr. COOPER of Wisconsin. If the gentleman will permit, I think the chairman of our committee has stated the case with entire accuracy. I am sure that there is no mistake in the facts. I attended the hearings and heard what I characterized as the most wonderful testimony that I ever listened to as to the degradation to which men have been brought by this traffic. There is in the preamble a statement of facts and I assure my friends from Ohio and New York that there is not a single statement of fact in the preamble about which there is any dispute anywhere. They have simply stated the undisputed facts.

Mr. LONDON. Why is a special request to be made upon the Governments of Great Britain, Persia, and Turkey? Does

the opium poppy grow only in these countries?

Mr. PORTER. The growth of the opium-producing poppy depends upon peculiarly favorable soil, which is especially found in small areas of India, Persia, Turkey, and China, and a very wet and hot climate until the capsule is formed; afterwards a very hot and dry climate during the flowering season.

With the exception of the opium produced in China, all the opium produced in the world results from the cultivation of between five and six hundred thousand acres of land in India, Persia, and Turkey. This confines the growing area to small acreage which makes control of production-unlike that of wheat or corn-practicable and comparatively easy of accomplishment; in fact the quantity produced in India has been for many years entirely controlled by the officials of the British India Government who administer the affairs of that possession.

DEPARTMENT OF STATE, Washington, February 13, 1923.

Hon. STEPHEN G. PORTER,

House of Representatives.

House of Representatives.

Mx Dear Ma, Porter: I have read your letter of to-day's date and its accompanying resolution with much interest. The object which you have in view—that is, the restriction of the commercial cultivation of the optum poppy and the coca-leaf plant to quantities exclusively required for strictly medicinal and scientific purposes—is one with which I am in entire accord.

I can assure you of my deep interest in the work of narcotics control and of my willingness to forward in any way that I can the expressed views of the Congress on this important subject. I believe that the prompt passage of the proposed resolution, with the minor amendment suggested, will be an important aid in securing the desired result. If the commercial production of the raw plants from which opium products and cocaine are obtained can be minimized, the question of narcotics control will be greatly simplified. I shall be glad to place before your committee such information in regard to the narcotics-control question as is at my disposal.

I am, my dear Mr. Ponter, sincerely yours,

Charles E. Hughes.

Mr. PORTER. Mr. Speaker, in addition to the indorsement by the Secretary of State, the passage of this resolution is strongly urged by the Mystic Order Veiled Prophets of the Enchanted Realm (the Grotto), who, speaking through their Grand Monarch, state:

* * I believe that it is therefore essential that we strike at the root of the evil and regulate the traffic in narcotic drugs at the source of production.

* The resolutions express the sentiments of nearly a half million Masons, with their families; * * * and in a telegram to your committee "the Grotto is expecting you to win and backs you to a man, and will do our part when called."

The Loyal Order of Moose, through Hon. James F. Davis, director general, says:

I want to present some 1,600 resolutions passed by the Loyal Order of Moose in support of House Resolution 430. * * The organization is now appropriating funds for the purpose of putting on a speaking campaign throughout the country, enlisting the services of men high in public life to present this subject to our 600,000 members. The Women's Mooseheart Legion. with a membership of 75,000, also indorses this resolution.

The duly authorized representatives of the Benevolent Protective Order of Elks, the American Red Cross, the Salvation Army, the State Council of Pennsylvania Order of Independent Americans, post organizations Veterans of Foreign Wars of the United States, and the Central Trades and Labor Council of New York also strongly indorse the resolution.

The American Insurance Union, representing 110,000 mem-

bers, through its president, says:

Our national board unanimously indorses this resolution. * * * It is as much a disease to be stamped out as cholera or yellow fever or the bubonic plague.

The White Cross, an organization created for the purpose of suppressing the traffic on the Pacific coast, telegraphed your chairman, in part, as follows:

Your resolution dispensing for present with convention and short-circuiting the appeal to offending nations a worthy example of American diplomatic directness. * * Resolutions supported by White Cross with all our force.

The grand monarch of the M. O. V. P. E. R .- the Grotto-in a communication to the President, said:

"I feel that it is time, Mr. President, for the various fraternal organizations of our country to turn aside from their beaten paths of ritualistic ceremonies and give a little time and constructive thought to the ever growing needs of this and other nations of the world."

Many of the organizations mentioned evidently have adopted a similar policy, for it is indeed rare when they indorse pending legislation.

Rev. Edward C. Lobenstine, executive officer of the European and American missionary bodies in China, says:

The oplum traffic has been one of the serious hindrances to the work of the Christian church in China, inasmuch as one of the main arguments which we have for the spread of Christianity is our high ethical standards, and the feeling that it will improve the moral condition of the people, and yet in the eyes of the people in China the white race is morally responsible, directly responsible, for the introduction and the spread of the opium habit in China. * * Of course, I take it there is no use of speaking of the demoralizing influence of those using only.

If time permitted, many other indorsements from fraternal, church, and individual sources from all sections of the country could be enumerated, which plainly shows that the people of the United States are thoroughly aroused over the necessity of stamping out the addition to habit-forming narcotic drugs.

The resolution before the House (H. J. Res. 453) requests the President to urge upon the Governments of Great Britain, Persia, and Turkey the immediate necessity of limiting the growth -Papaver somniferum-and the production of opium and its derivatives exclusively to the amount actually required for strictly medicinal and scientific purposes, and also to urge upon the Republics of Peru and Bolivia and the Netherlands the immediate necessity of limiting the growth and production of coca leaves-Erythroxylum coca-and its derivatives to the quantity exclusively required for the same purposes.

Morphia, codeine, and heroin are obtained from opium, which is the coagulated juice of the opium-producing poppy. It is procured in paying quantities from the poppy cultivated in India, Persia, Turkey, and China. The growth of the plant depends upon peculiarly favorable soil, which is especially found in small areas of India, Persia, Turkey, and China, and a very wet and hot climate until the capsule is formed; afterwards a very hot and dry climate during the flowering season. With the exception of the opium produced in China, all the opium produced in the world results from the cultivation of between five and six hundred thousand acres of land in India, Persia, and Turkey. This confines the growing area to small acreage which makes control of production, unlike that of wheat or corn, practicable and comparatively easy of accomplishment; in fact, the quantity produced in India has been for many years entirely controlled by the officials of the British India Government who administer the affairs of that possession

About two-fifths of the oplum produced in India, Persia, and Turkey is retained for home consumption and the balance is exported to other countries where the morphia, codeine, and heroin are extracted by pharmaceutical chemists.

No effort had ever been made to extract these derivatives

by pharmaceutical chemists in the Orient until about two years ago, when a laboratory for this purpose was established in Calcutta and one in the Japanese possession of Formosa.

Cocaine is obtained from coca leaves, which are indigenous

to Peru, Bolivia, and the Netheralnds possession of Java, and the leaves likewise are exported to other countries where the cocaine is extracted. Recently, however, a laboratory was constructed in Peru for the extraction of crude cocaine, which is shipped to Europe for further refining.

Morphia and cocaine are indispensable in the treatment of certain diseases; the former for a century or more has been used almost exclusively for the alleviation of pain, both acute and chronic. They are universally used by the medical profession. It has often been said that without morphia the practice of medicine would be an unhappy calling, indeed. If the object of this resolution were achieved, their use would be restricted exclusively to these humane purposes, and continue to be the two greatest boons known to medical science.

The production of opium in India, Persia, and Turkey is approximately not less than 1,500 tons, of which but a comparatively small amount is required by the peoples of the world for strictly medicinal and scientific purposes. This quantity of 1,500 tons is exclusive of from 700 to 900 tons which is retained by these producing countries to meet the domestic demands of native addicts and for medicinal and scientific purposes. These native addicts consume the product by smoking and eating it. In 1919, according to the report of the British India Government, 741 tons of provision oplum was exported from India, and during the same year through the licensing of opium shops in India, the natives of that country consumed 531 tons of excise opium.

Statistical records and the evidence of the witnesses appearing before your committee place the world's consumption of opium for medicinal and scientific purposes to from 5 to 125 tons per year. The varying opinions of these witnesses prevent an accurate estimate of the amount actually required for these specific purposes, but assuming that the maximum amount of 125 tons is required to fulfill these strictly proper needs, the huge production of raw materials is greatly in excess of these requirements, thus releasing for immoral and illicit use approximately 1,350 tons per annum of provision or export opium. If the principle stated in the resolution were concurred in by the producing countries, these proper requirements could be determined through various sources, such as individuals, firms, and corporations duly authorized to dispense them, who are required a majority of the larger nations to keep an accurate record of the quantity so dispensed under severe penalty for infraction. The hospitals, sanitariums, penal and other institutions would also be very helpful in assisting in determining the amount actually needed for strictly medicinal and scientific purposes.

Even the opium producers of Turkey, Persia, and India can not, in truth, deny that the medicinal and scientific needs of the

world is more than 250 tons per annum; therefore there would not be the slightest risk, so far as those requirements are concerned, in immediately reducing the production to that

This excessive overproduction in India is due to the fact that the administrative officials of that country offer inducements to the natives to engage in the production of the opium-producing poppy by lending them money without interest, the condition of the loan being that the entire crops shall be turned over to the Government at a price fixed by the Government, which derives large revenues from its indiscriminate sale to whomever will buy it at the highest price.

That portion of the product retained for domestic use is known as excise opium, and that intended for export as provision opium, which is largely disposed of in Calcutta at public auction each month, without restriction on its ultimate destination

It may be of interest to note that all the self-governing dominions of the British Empire-the Dominion of Canada, Australia, New Zealand, and British South African colonies—have stringent antinarcotic laws similar to those in force in Great Britain, Japan, and the United States which require a physician's prescription before even a grain of opium or its derivatives can be purchased; nevertheless, a citizen of any of these self-governing dominions, in fact, a citizen of any country in the world, may journey to the Orient and buy unlimited quantities at auction in the British possessions of India or in the markets

of Persia and Turkey.

In strong governments, or wherever self-government exists, habit-forming narcotic drugs are outlawed, except for strictly medicinal and scientific purposes. The failure of certain European nations and Japan to give by law to the people living within their possessions the same protection against these drugs that they give to their own citizens, through antinarcotic drug laws, is largely responsible for the present deplorable conditions, notwithstanding the fact that reliable authorities agree that the oriental suffers the same harmful effects as the occidental from the use of habit-forming narcotic drugs. Professor Cushney, the eminent pharmacologist of the University of Edinburgh, has given his opinion that he is aware of no evidence to prove that orientals have a different reaction to drugs from occidentals, and that until such evidence is brought forward he is not prepared to accept it.

The production of coca leaves-from which cocaine is extracted-in Peru, Bolivia, and the Netherlands possession of Java, is likewise vastly in excess of the quantity required from which an adequate supply of cocaine for medicinal and scien-

tific purposes could be obtained.

The overgrowth and resultant overproduction of the opiumproducing poppy and coca leaves make possible vast quantities reaching the hands of unscrupulous traffickers, who, by reason of the smallness of bulk of these products and the large financial gains obtained from their illicit handling, easily transport, with minimum risk of detection, and are enabled to smuggle large quantities of morphia, codeine, heroin, and cocaine into the United States, which prohibits their importation, and other countries where they are disposed of to those who engage in the nefarious trade of selling them to the unfortunates who have become addicted to their use.

It should be of interest to know that \$5,000 worth of morphia, codeine, heroin, or cocaine may be safely concealed in an ordinary suitcase; that in a hollow cane of average thickness \$2,000 worth may be secreted. It was stated in your committee that on a steamer crossing the Pacific some one happened to examine a particular bamboo chair and found that its hollow bamboo was

filled with morphia.

The sundry and varied manners and forms in which traffickers ply their illicit trade would prove interesting reading and be striking evidence of the ease with which the drugs are transported from country to country. The vender of them finds it comparatively easy to bring his goods into the United States through our extensive seacoasts and immense boundaries. Even our penitentiaries and jails are invaded by the traffickers, within their walls market for these vicious drugs, payment for which is made by the prisoners issuing I O U's to friends on the outside.

The testimony conclusively shows that habit-forming narcotic drugs, by reason of their extraordinary nature, will overcome all barriers, even the bars of prisons, or, as stated by Sir John Jordan, the noted British authority on the subject and member of the opium Advisory Commission appointed by the council of the League of Nations, "Whenever and wherever opium is produced, it will reach the consumer." This shows the futility of attempting to control the traffic by even the most drastic of domestic laws, which is further confirmed by the statement of

Mr. Blanchard, of the Narcotic Division of the Treasury Department, who testified that of all the drugs seized last year in the United States between 75 per cent and 85 per cent bore the labels of foreign manufacturers. Therefore the purposes of the Harrison Antinarcotics Act, the Jones-Miller Act, and the prohibition against the importation of these alkaloids have been substantially defeated, as they have not prevented smugglers and peddlers from keeping the supply of these drugs in the United States undiminished.

As to the number of addicts in the United States, I quote the following extract from the report, dated April 15, 1919, of the special committee of investigation of traffic in narcotic

drugs appointed by the Secretary of the Treasury:

The committee is of the opinion that the total number of addicts in this country probably exceeds 1,000,000 at the present time. * * * The range of ages of addicts was reported as from 12 to 75 years. The large majority of addicts of all ages was reported as using morphine or opium or its preparations. * * Most of the heroin addicts are comparatively young, a portion of them being boys and girls under the age of 20. This is also true of cocaine addicts.

This report took into full consideration and made allowance for the lack of laws making compulsory registration of drug addicts, the secrecy connected with the unlawful sale and use of these drugs, and the other difficulties in obtaining information which would give the exact number of addicts in the

United States.

Valuable evidence in this respect has been submitted to your committee by hospital and penal institution officials, physicians, sociological workers, fraternal organizations, such as the Velled Prophets of the Enchanted Realm (the Grotto), Loyal Order of Moose, Benevolent Protective Order of Elks, the Salvation Army, and public health organizations, as well as private individuals who have carefully studied the habit-forming drugs problem and who are well qualified to express opinions on the subject, which not only confirms the statement in the report above quoted but makes it evident that conditions in the United States resulting from the increasing and spreading use of these drugs by addicts are constantly growing worse.

The number of addicts committed to our penal establishments and admitted to sanitariums is rapidly increasing. The warden of the Federal prison at Leavenworth reports that from July, 1914, to December 31, 1922, 7 per cent of the prisoners committed were drug addicts. During 1921 151 per cent were addicts. From July 1 to December 31, 1922, 24 per cent The warden of the Federal prison at Atlanta were addicts. reports for the fiscal years 1918, 11 per cent addicts; 1919, 6 per cent addicts; 1920, 8 per cent addicts; 1921, 15 per cent

addicts; 1922, 20 per cent addicts.

Dr. Amos O. Squire, chief physician of Sing Sing Prison, New York, testified that since 1919, comparing it with the year ending June, 1922, shows an increase of 900 per cent, and that 90 per cent of the drugs were obtained from peddlers.

The foregoing only confirms the statements of the witnesses that much of the crime committed is traced to addicts in their

frenzy to obtain money with which to buy the drugs

The depredations wrought upon humanity by the demoralizing effects of these drugs have been fully and convincingly stated by witnesses who have described the misery and suffering of those who have acquired their immoral use and who are abandoning themselves to increasing indulgence in them. Young boys and girls are being seduced from good citizenship by the lure of dangerous narcotics which rapidly sap and ultimately destroy their moral and physical sensibilities and instinctive refinements. Even a child born to an addict mother becomes addicted through the mother's milk.

The testimony further discloses that the principal causes of addiction are: Unskilled medical treatment, recklessness of youth, the use of the drugs as a relief from acute and chronic pain by persons ignorant of their habit-forming nature, and

solicitation by peddlers.

The accepted treatment is known as "tapering-off"-that is, the gradual reduction of the amount used until the patient is able to abstain from its use-but this is a long and tedious treatment requiring strict surveillance of the patients long after they have left the hospital or sanitarium, and, as stated by the representative of the Salvation Army, the peddler, who has temporarily lost a customer, usually persuades his physically weakened victim to renew the drug habit.

Complete recoveries are few and the phrase "once an addict always an addict" in its essence is literally true.

Addicts are the victims of misfortune over which but few of them have had any control, as addiction rarely occurs through viciousness except in the cases of habitues of the so-called "underworld," and perhaps many of these have been reduced to this social condition as the result of addiction. They are the most grateful of patients, and frequently commit minor offenses so that they may be committed to an institution in the hope of being cured of their affliction.

Mr. Crim, Assistant Attorney General, stated:

"We have cases where these men call up and say: 'I am a drug addict. I am going to sell some opium down on the corner of such and such a street at such and such an hour, and if you will go there you can apprehend me. I want to go to jall. I am afraid of myseif.'"

They are not admitted to hospitals because their craving for the drug renders them beyond control. They are frequently the victims of nostrums and quack sanitariums, and should be the objects of compassion rather than be termed as "dope fiends."

I trust the day is not far distant when the necessity for constructing and maintaining an institution for the treatment and care of these unfortunate people is recognized, which would result in many being cured of the affliction.

There is an economic aspect to this problem about which I hesitatingly make reference, but, inasmuch as we are living in a highly commercial period, perhaps it is better to do so.

According to the report of the special committee heretofore referred to, satisfaction of addiction to the drug habit entails a useless annual expenditure of approximately \$61,000,000 for habit-forming drugs, and the report further states that at least 25 per cent of the addicts are not occupied in gainful occupations which would represent on a conservative estimate a loss of \$150,000,000 annually. Continuing, the report says:

These figures do not include the cost of drug addiction to individuals as a result of loss from theft, burglary, and other crimes, nor the cost to the States and municipalities in the suppression and punishment of crime and the care and treatment of those who eventually become a charge upon the community.

In addition to these items, the Federal Government appropriated \$750,000 last year for the enforcement of antinarcotic laws, which is found to be wholly inadequate.

Treaties between countries have not availed in restricting traffic in these drugs, especially the treaty resulting from the meeting of the international opium commission at Shanghai, China, in 1909, and the conferences at The Hague in 1911 and 1912. The failure of this treaty was made possible by the fact that instead of placing limitation upon production, attempt was made to regulate the traffic in habit-forming narcotic drugs by restricting their transportation and sale. Evasion of this restriction is easily accomplished by reason of the fact, as already stated, that illicit traffic through surreptitious channels and sources is readily and safely engaged in, the drugs finding a waiting and eager market everywhere.

The treaty is also extremely indefinite and encourages evasions which can readily be seen by the wording of article 7, which is as follows:

Contracting powers shall prohibit the importation and exportation of prepared opium. However, those nations which are not yet ready to prohibit the exportation of prepared opium at once shall prohibit such exportation as soon as possible.

The treaty will, however, be beneficial in one respect. Many of the contracting powers have passed antinarcotic laws in pursuance of the treaty which will be very helpful hereafter in estimating the quantity of these drugs actually needed for strictly medicinal and scientific purposes.

Under article 23 of the treaty of Versailles the execution of the treaty of The Hague was delegated to the League of Nations, the council of which appointed an opium advisory committee of nine, representing certain nations, and three advisers or assessors who were appointed by the council irrespective of nationality. These were Sir John Jordan, M. Henri Brenier, and Mrs. Hamilton Wright.

At the meeting held in June, 1921, upon motion of Mr. Wellington Koo, the Chinese representative on the opium advisory committee, a resolution was adopted recommending the reduction and restriction of the cultivation of the poppy and the production of opium therefrom to strictly medicinal and scientific purposes.

The Koo resolution was ratified by the council of the League of Nations, which recommended its adoption by the assembly of the League. The assembly is composed of a representative from each nation which is a member of the League of Nations.

At the meeting of the assembly of the League held on October 19, 1921, the assembly recommended that the words "strictly medicinal and scientific" be stricken out and the word "legitimate" be substituted in lieu thereof on the statement of the Indian delegate, Mr. Sastri, "that the Indian population is throughout vast areas without adequate medical assistance, and therefore habitually takes opium in small doses as a prophylactic or as an effective remedy against diseases with which some of these regions are constantly infected."

The uses of opium enumerated by Mr. Sastri in his argument in favor of the amendment are clearly medicinal, and therefore there was no necessity for the amendment; further, anyone of average intelligence knows that opium is not a prophylactic or preventive of any disease, especially the fevers which occur in tropical countries. Mr. Sastri's statement that the "small doses" habitually taken by the people of India, according to the official record of the Indian government, consumed 532 tons of opium in 1919, and should arouse curiosity as to how much, in his opinion, a large does would be. It is perfectly obvious that the striking out of the words "strictly medicinal and scientific" and the substitution in lieu thereof of the general word "legitimate" was intended to legitimatize and thereby continue to encourage the sale of large quantities of this drug without restrictions on its use, which is "legitimate" in the oriental possessions of many European countries, and thereby preserve the large revenues which the opium-producing countries derive from its production and the opium-producing countries are production. tries derive from its production and sale.

Mrs. Hamilton Wright, of the United States, one of the advisers and assessors of the opium advisory commission of the League of Nations, suggests the following in connection with the amendment:

If the eating of opium is legitimate, it must follow that its cultivation is legitimate. If it is legitimate for the Indian to consume opium, why not the Chinese? And, to go a step farther, if it is a legitimate thing for the oriental, why not for the occidental? * * * If opium is a good thing, why are there any regulations at all? But if it is an evil thing real regulation means suppression or restriction of cultivation to its legitimate medicinal need.

This perfidious action of the assembly of the league in legitimatizing and encouraging for the sake of revenue the traffic in opium destroys all hope of relief from this international scourge through the League of Nations.

That our country has always pursued a program, without regard to revenue, designed to suppress the illicit traffic in habit-forming narcotic drugs, not only in continental United States but in other countries as well which have suffered from the ravages of these insidious agencies of human destruction, is fully evident in its sympathetic cooperation with the efforts of the Government of China in dealing with the opium problem in that country and in suppressing and prohibiting drug traffic in the Philippine Islands immediately apon its acquisition of that territory

This conclusion is fully justified by the terms of the treaties with China of November 17, 1880, and October 18, 1903, the treaty of May 22, 1882, with Korea, and the treaty of July 29, with Japan, in all of which it was agreed that citizens of the United States shall not be permitted to import opium into these countries or buy or sell any opium therein. enforcement of these treaties by the Government of the United States against its own citizens accounts, in part, for the high esteem and respect which the people of China and Korea have always held for the people of the United States.

It is a maxim of law that "he who goes into equity must do so with clean hands," and we should be proud to say that our Republic enters upon this extraordinary undertaking with

clean hands in harmony with its traditional policy

The President is not requested in this resolution to make representations to China for reasons which are perfectly plain to anyone familiar with the pathetic struggle of two centuries which that country has made to protect her people from the ravages of opium. The principle of limitation of production to medicinal and scientific purposes has long been advocated by China; therefore it is not necessary to ask China to agree to a principle which she has already approved.

The growth, cultivation, and production of the opium-producing poppy in India is controlled by the British Government in India by virtue of its sovereignty over that possession, and the Kingdom of Persia and the Empire of Turkey, in the exercise of their sovereignty, can place restrictions and limitations upon the growth and production of the poppy within and exportation

from their respective countries.

Likewise, by reason of their sovereign powers, the Republics of Peru and Bolivia and the Netherlands, in the case of Java, can restrict and limit production within and exportation from their respective countries of cocaine and the raw product-coca leaves-from which cocaine is made.

It is true that the adoption of the principle stated in the resolution, namely, that the production of these habit-forming narcotic drugs only to the extent needed for strictly medicinal and scientific purposes will decrease by from 10 per cent to 20 per cent the revenues of Persia, Turkey, and India, but surely the agonizing cries of the millions of sufferers from addiction to these drugs during the last two centuries should have more weight than these revenues, and the moral forces of the world should place America's unselfish plea for humanity above the dollar, the incalculable benefits from which will inure to all the peoples of the world to exactly the same extent that they would inure to the people of the United States.

In summarizing, the hearings conclusively show:

That these habit-forming drugs are indispensable to proper medication of the people of the world.

2. That the enormous overproduction is being used for vicious purposes and causing irreparable injury to hundreds of thousands of people.

3. That by reason of the extremely limited area on which opium can be produced in paying quantities it is entirely practicable to control production thereof through the exercise of the sovereignty of the governments of the people which pro-

4. That the amount needed for medicinal purposes is com-

paratively easy of ascertaining.

That all laws and treaties founded on the principle of controlling and restricting the use of these drugs to proper purposes by controlling the sale and transportation thereof have utterly failed, and in some instances may have tended to encourage their barter and sale.

6. That by reason of their extraordinary nature an extraordinary remedy must be applied, namely, the limitation of production to the amount needed for strictly medicinal and

scientific purposes.

It is the duty of the United States of America to take the lead in this movement for the benefit of humanity as it has done many times before, so that, as stated in the splendid editorial of the New York Times, the President will be taking out of the hands of hundreds of thousands in our own country alone habit-forming narcotic drugs which De Quincey spoke of as having the "keys of Paradise, but which opens at last the doors to perdition.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield

to me?

Mr. PORTER. Certainly.

Mr. CHALMERS. I just wanted to say that I am not opposed to this legislation but that I am in favor of it.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and

pass the joint resolution, including the preamble.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

EXTENSION OF REMARKS.

By unanimous consent, leave to extend their remarks in the

RECORD was granted to-

Mr. Porter, Mr. Siegel, Mr. Mondell, Mr. Collier (and to print in connection therewith certain resolutions passed by the Legislature of the State of Mississippi upon the soldier question), Mr. Greene of Vermont, and Mr. Ackerman.

The extensions of remarks referred to are here printed in full

as follows

Mr. SIEGEL. Mr. Speaker, it is now evident that Congress will be unable to act on relieving the hardships caused by the present 3 per cent quota law, and, retiring as I do from this House after eight years of service as a member of the Committee on Immigration and Naturalization, I feel it my duty to express what I believe is the problem which the Immigration Committee has been trying to solve. We must at the outset realize that the United States to-day has living under our flag and outside of the continental area itself approximately a population of 108,710,620 in the 48 States of the Union. That in addition thereto we have over 13,000,000 of people living under our flag outside of the continental area.

OUR ACCOMPLISHMENTS SINCE 1890.

The committee having adopted the 1890 census as a basis of calculations, because it is claimed that the newer immigration was a detriment instead of a benefit, it is interesting to learn what we have achieved since 1890. As a result of our entering the Cuban war and later acquiring the Virgin Islands, a new era has come in all the West Indies. We have become a power in the affairs of the Pacific, having taken Guam and the Hawaiian Islands. To-day we have under us the Philippines; we helped to bring to an end the conflict between Russia and Japan, and by the holding of the recent conference in Washington have temporarily at least brought peace in the Pacific, We gave up the Chinese indemnity. We created the Panama Canal, and when the European Great World War seemed destined to terminate in favor of Germany, we went into the struggle with all of our resources of man power and material wealth and strength so that the Allies came out victorious. To-day we are To-day we are the only power on the face of the earth which is not threatened

by war and fears no one. Such is the story of the United States since 1890 with its increase of more than 35,000,000 of population. During the same time that newer immigration was coming here, illiteracy has constantly and steadily decreased wherever the immigrants have settled. The statistics of the census of 1920 show this. In its bulletin issued October 12. 1921, it stated:

That the illiterate population of the United States, 10 years of age and over, numbered 4,931,905 in 1920, as against 5,516,163 in 1910, 6,180,069 in 1900, 6,324,702 in 1890, and 6,239,958 in 1880. The illiterate population represented 6 per cent of the total 10 years of age and over in 1920, the corresponding percentages for the last four preceding census years being 7.7 in 1910, 10.7 in 1900, 13.3 in 1890, and 17 in 1880. The term "illiterate" as used by the Census Bureau signifies inability to write in any language, not necessarily English, In general, the illiterate class comprises only those persons who have had no schooling whatever.

LOYALTY AND DEVOTION OF THE ALIEN DURING THE WORLD WAR

LOYALTY AND DEVOTION OF THE ALIEN DURING THE WORLD WAR.

The official report of The Adjutant General of the Army shows that 415,000 of the aliens in the United States waived exemption and entered our armies and fought most gallantly during the recent struggle. As a Member of Congress I helped pass a law by which these men, although most of them were in the United States less than five years, were to obtain, and they did receive, American citizenship.
On October 18, 1918, the New York Times published the fol-

lowing editorial:

Courage in emergencies is heroism, and for extraordinary heroism the distinguished-service cross is awarded by the United States Gov-

lowing editorial:

Courage in emergencies is heroism, and for extraordinary heroism the distinguished-service cross is awarded by the United States Government.

He distinguished-service cross is awarded by the United States Government.

He distinguished-service cross is awarded by the United States Government.

He distinguished service cross is awarded by the United States Government.

He distinguished service cross is awarded by the United States of the Bronx. He voluntered for a service which seemed certain death, for other men had failen wounded, or had been killed, or were accounted "missing" in attempting the duty which the youngster from New York sprang to perform with no illusions about its perlis.

The place was the Argonue Forest, full of "Bloody Angles." Krotoshinsky belonged to the "Lost Battallon." Surrounded by the enemy and cut off from the rest of the American Army, it had decided to die and the control of the first was sent out. They were all volunteers, to quote from the first was sent out. They were all volunteers, to quote from the first was sent out. They were all volunteers, to quote from the first was sent out. They were all volunteers, to quote from the first was sent out. They were all volunteers, to quote from the first was sent out. They were all volunteers to death in the property of the control of the first was sent out. They were all volunteers of releving troops, no signal of ald coming. When the call for a volunteer was made again, Krotoshinsky spoke first, stepped up to the ordeal, went over in full view of the enemy, and was off to save the ordeal, went over in full view of the enemy, and was off to save the ordeal, went over in full view of the enemy, and was off to save the ordeal, went over in full view of the enemy, and was off to save the ordeal, went over a fault, and that for a digital property of the forest of the Spaniards in Cuba, but what a grapt of the first of the forest of the spaniards in Cuba, but what a grapt of the first of the first of the first of the first o

252 were alve, and of the hero the military historian add the postscript:

To the story of the hero the military historian add the postscript:

"Abraham Krotoshinsky is a small, shy, emaciated youth, with large limpid blue eyes set far apart in a face which suffering and privatiom have pinched very close to the contour of his skull. He has been for six years in the United States, which include the service of Uncla Sam. Although he wears on the lapel of his coat the red and blue

bar of the distinguished-service cross he is not yet a citizen. 'Everybody is good to me,' he keeps saying. 'When General Pershing himself gave me my cross he told me I should try to be a good citizen; that that was as much as to be a good soldier. And now'—this this insistent interruption as others would have him more elaborate the story of daring and glory—'now won't you please tell me how I can, quick, get my citizen papers.'"

Everyone knows the story of the Seventy-seventh Division, and how it was composed of all the nationalities and creeds which make up the so-called lower and upper East Side of New This is what Major General Alexander, who was its commander, has written:

It contained in its ranks representatives of all who have here sought freedom and citizenship under the flag. Fully represented was the Jewish race. My heart swells with pride that I was their commander. I am thrilled to think of the fact that the principles of Americanism and the principles of loyalty to our country can so animate human nature as to carry on through their trials and their dangers and their decimation.

Further proof, if any be required as to who did his full duty in the Great World War, can be found in the article published in Collier's, entitled:

EIGHT AMERICAN SOLDIERS. (By Samuel McCoy.)

In Collier's, entitled:

(By Samuel McCoy.)

The heroism of the eight Americans whom I am about to name was duplicated in every one of the hundreds of regiments which were sent from America to serve in France. I name these eight men merely because their war records happen to be before me at the moment and because much has been said of late in regard to the proper qualifications for American citizenship.

Each of these men was awarded the distinguished service cross. Twenty thousand men who fought in the same division to which they beloaged all acquitted themselves with henor in the face of danger. A thousand men of the division were singled out to happen the commission. But see eight were ranked even higher than all these. They were of the handful who won the distinguished service cross—a decoration awarded only "for extraordinary heroism in action."

The first man, a sergeant, in the assault launched against the seemingly impregnable Hindenburg line, "although twice wounded, refused to leave the field, but remained with his platoon, exhibiting magnificent courage and bravery, until he was wounded a third time. His devotion to duty set a splendid example to the men of his company.

The second, a corporal, in the same fearful fire of the enemy remained and at the point of his rifle compiled 12 of the enemy to surrender. He then signaled for the platoon to advance."

The third, also a corporal, "left shelter, went forward under intense machine-gun fire, and carried a wounded officer to safety. In accomplishing this mission he was severely wounded."

The fourth man, a private, first class, "when the advance of his buttailon was checked by heavy machine-gun fire, went forward with two other soldiers under by drove the gunners from two machine-gun nests into a dugout aneny drove the gunners from two machine-gun heasts fint a dugout aneny drove the gunner from two machine-gun fire, left heast of the surrender of his vounded company, from which he had become separated in the fog and smoke. He saved the lives of four o

Mr. Speaker, there has been constant reiteration in the press and other places that in the States where the foreign-born population has settled in great numbers that they and their descendants had not given the proportionate number of men during the great World War. The contrary is the fact. The following statistics furnished by the United States Marine Corps, Navy Department, and The Adjutant General of the War Department prove to the contrary. These figures are as follows: HEADQUARTERS UNITED STATES MARINE CORPS.
Washington, February 23,

My Dear Mr. Sirgel: Having further reference to your letter of Bebruary 15 and my reply of February 21, I have the honor to transmit herewith a list showing the number of officers and enlisted men, by States, who served in the Marine Corps during the World War.

Trusting that the inclosure will fully meet with your requirements, I am, with best wishes, Sincerely yours, John A. Lejeune,

JOHN A. LEJEUNE, Major General Commandant,

Hon. Isaac Siegel,
House of Representatives, Washington, D. C.

Number of officers and enlisted men, by States, who served in the United States Marine Corps during the World War.

State.	Officers.	Enlisted men.
Alabama	26	572
Arizona	2	279
Arkansas	7	483
California	192	3,727
Colorado	22	1,40
Connecticut	31	447
Delaware	10	114
District of Columbia	205	773
Florida	20	219
Georgia	34	1,059
daho	11	835
Dlinois	162	6,751
ndiana	45	1,722
owa.	29	1.032
Kansas	25	1, 193
Kentucky	37	1, 105
Louisiana	24	961
Maine	22	119
Maryland	114	1,169
Massachusetts	149	2,662
Michigan		3,120
Minnesota	83	2,774
Mississippi	25	535
Missouri	62	3,808
Montana	12	1,548
Nebraska	11	591
Nevada		121
New Hampshire	28	142
New Jersey	- 85	2,227
New Mexico.	5	57
New York.	239	8,568
North Carolina	- 22	605
North Dakota	-6	348
Ohio	112	6,507
Oklahoma	10	623
Oregon	23	1,494
Pennsylvania	262	6,039
Rhode Island	12	144
South Carolina	- 56	218
South Dakota	5	262
Tennessee	32	1,600
Texas	91	3,117
Utah	4	879
Vermont	15	- 68
Virginia	108	1,028
Washington	50	2,555
West Virginia	21	803
Wisconsin	47	1,371
Wyoming	3	211
Total	2,655	77,991
Alaska	1	19
Hawaii	2	
Grand total	2,658	78,014

NAVY DEPARTMENT, BUREAU OF NAVIGATION, Washington, D. C., February 23, 1923.

My Dear Mr. Siegel: I have received your letter of the 15th instant in which you request to be furnished with the total number of men, by States, also officers, who served in the Regular Army and Navai Reserve Force during the World War.

I take pleasure in submitting herewith a list of enlisted men and women who served during the World War, and will refer your letter to the officers' section of the bureau for the same information regarding officer.

Sincerely yours,

R. H. LEIGH, Acting.

Hon. Isaac Siegel, House of Representatives, Washington, D. C.

Number of entisted men fu	irnished by	each State	auring the	World Wa	Alenako)
State.	U. S. Navy (male).	U.S. Navy (female).	U.S. Naval Reserve Force (male).	U. S. Naval Reserve Force (female).	Total.
Alabama. Alaska Arlzona Arkansas California Colorado Connecticut Delaware District of Columbia Florida Georgia Idaho Illinois Illinois	3,170 49 994 3,124 11,374 3,775 4,604 588 1,529 1,966 4,123 1,437 13,650 6,436	7 26 7 10 7 2 1 2 5 4	1,617 46 578 1,571 14,817 1,331 6,950 443 2,200 3,335 3,905 655 24,528 5,768	21 3 12 557 17 315 5 1,874 31 30 6 210 45	4,814 95 1,574 4,657 26,774 5,130 11,884 1,041 5,670 8,659 2,100 38,393 12,253

Number of enlisted men furnished by each State during the World War-Continued.

State.	U. S. Navy (male).	U. S. Navy (female).	U. S. Naval Reserve Force (male).	U. S. Naval Reserve Force (female).	Total.
Kansas	3,906	3	4,140	32	8, 081
Kentucky	3,739	1	4,656	35	8,430
Louisiana	3,845	3	3, 155	128	7, 131
Maine	2,331	13	2,823	72	5, 239
Maryland	3,903	10	4, 455	418	8, 791
Massachusetts	12, 922	33	30, 106	1,324	44, 385
Michigan	5, 244	6	11, 154	49	16, 453
Minnesota	4, 873	27	4, 883	80	10, 863
Mississippi	2,967	2	1,786	36	4, 791 17, 862
Missouri	9, 180	3	8, 639	40	2, 663
Montana	1, 839	1	810	13	6, 138
Nebraska	3,600 155	1	2,526	4	257
Nevada New Hampshire	1,068	7	1,358	80	2, 513
New Jersey	9, 877	14	13, 583	352	23, 828
New Mexico	969		546	1	1, 516
New York	25, 413	46	48, 068	2,329	75, 856
North Carolina	2,750	8	4, 178	190	7, 124
North Dakota	1, 141	2	539	10	1, 692
Ohio	7,099	16	8, 686	207	16, 908
Oklahoma	4, 388	i	2, 533	33	6, 955
Oregon	4, 053		2,456	79	6, 588
Pennsylvania	16, 139	60	20, 305	1,067	37, 571
Rhode Island	2, 420	13	4, 596	235	7, 264
South Carolina	2,501	1	2,482	143	5, 127
South Dakota	1, 207	1	757	11	1,976
Tennessee	3, 872	1	2, 258	53	6, 184
Texas	13, 599	6	4, 505	107	18, 217
Utah	1,601		350	4	1, 955 1, 603
Vermont	850	4	729	20	11, 854
Virginia	4,601	11	6, 171	1,071	11, 887
Washington	6,575	5 4	5, 128 1, 463	137	3, 203
West Virginia Wisconsin	1,599	6	8, 620	92	13, 391
Wyoming	486	0	180	2	668
Guam	245		3		245
Hawali	227		130	24	381
Philippine Islands	4, 529		256		4.78
Porto Rico	393		25		419
Samoa	88		2		90
Others	515	10	1, 204	29	1,75
No residence	322	5	327	10	66
Virgin Islands	52		3		5
			-		

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, February 16, 1923.

Enlisted men.

Washington, February 16, 1928.

Hon. ISAAC SIEGEL,
House of Representatives.

My DEAR MR. SIEGEL: In response to your letter of the 15th instant, in which you request to be furnished with statistical information showing, by States, the total number of officers and enlisted men who served in the United States Army during the World War, I have the honor to advise you as follows:

Accurate and complete statistics on the World War are not yet available for publication. Final statistics showing, by States, the number of men furnished to the Army during that war will not become available until this office shall have completed its task of furnishing to the adjutant general of each State a detailed statement of the military service of every man from that State who served in the Army during the war. The following tabulation shows the number of statements of service thus far prepared in the cases of men who served during the war as enlisted men from the various States and Territories:

Arkansas 5 California 11 Colorado 8 Connecticut 4 Delaware 9 District of Columbia 1 Florida 3 Georgia 8 Idaho 1 Illinois 24 Indiana 10 Iowa 9	9, 229 9, 567 1, 199 1, 673 8, 503 7, 152 5, 195 3, 918 3, 998 6, 988 6, 988 6, 7, 501
California 11 Colorado 8 Connecticut 4 Delaware 1 District of Columbia 1 Florida 3 Georgia 8 Idabo 1 Illinois 24 Indiana 10 Iowa 9	1, 199 1, 673 8, 503 7, 152 5, 195 3, 018 3, 998 7, 501 6, 988 6, 457
Colorado 8 Connecticut 4 Delaware 1 District of Columbia 1 Florida 3 Georgia 8 Idabo 1 Illinois 24 Indiana 10 Jowa 9	1, 673 8, 503 7, 152 5, 195 3, 018 3, 998 7, 501 6, 988 6, 457
Connecticut 4 Delaware 1 District of Columbia 3 Florida 8 Idaho 1 Illinois 24 Indiana 10 Iowa 9	8. 503 7, 152 5, 195 3, 018 3, 998 7, 501 6, 988 6, 457
Delaware 1 District of Columbia 1 Florida 3 Georgia 8 Idaho 1 Illinois 24 Indiana 10 Jowa 9	7, 152 5, 195 3, 018 3, 998 7, 501 6, 988 6, 457
Delaware 1 District of Columbia 1 Florida 3 Georgia 8 Idaho 1 Illinois 24 Indiana 10 Jowa 9	7, 152 5, 195 3, 018 3, 998 7, 501 6, 988 6, 457
Florida	3, 018 3, 998 7, 501 6, 988 6, 457
Georgia 8 Idaho 1 Illinois 24 Indiana 10 Iowa 9	3, 998 7, 501 6, 988 6, 457
Idaho 1 Illinois 24 Indiana 10 Iowa 9	7, 501 6, 988 6, 457
Illinois	6, 988
Indiana	6, 457
Indiana	6, 457
	3. 735
Kaneau 8	
	4. 484
Kentucky 7	6, 260
Louisiana 6	1, 914
Maine 2	4. 401
Maryland 4	5. 542
	9. 031
	8, 952
	4. 096
	0. 766
	5, 342
	2, 502
	5, 330
	4, 580
New Hampshire 1	3, 730
New Jersey 10	3. 740
	1, 607
New York 35	5, 232
North Carolina 7	0, 743
North Dakota2	23, 336
	1, 675
	5, 243

	Enlisted men
Oregon	30, 525
Pennsylvania	
Rhode Island	
South Carolina	
South Dakota	27, 817
Tennessee	
Texas	
Utah	16, 291
Vermont	10, 240
Virginia	69, 906
Washington	44, 481
West Virginia	49, 249
Wisconsin	96, 545
Wyoming	10, 468
Alaska	1, 832
Canal Zone	286
Hawaii	8, 227
Philippine Islands	20, 146
Ports Pice	10, 140
Porto Rico	16, 491

A rough estimate of the total number of enlisted men furnished by each of those States or Territories can be obtained by increasing each of the foregoing figures by 20 per cent.

No reliable estimate on the number of commissioned officers furnished by each State is as yet available. However, it is hoped that complete statistics along this line will be available by the end of the current fiscal year.

Very respectfully,

ROBERT C. DAVIS

ROBERT C. DAVIS, The Adjutant General.

I also insert the population of each of the States according to the census of 1920, so that the calculations of percentage may be made by anyone who is interested and who may see fit to challenge the statements which I have made:

Population, number of Indians not taxed, and population exclusive of Indians not taxed, by States, 1920.

State,	Total population, 1920.	Indians not taxed, 1929.	Population, exclusive of Indians not taxed, 192).
Alabama.	2,348,174	father (188	2, 348, 174
Arizona	333, 903	24, 408	309, 495
Arkansas	1,752,204	*********	1,752,234
California	3, 426, 861	830	3, 426, 031
Colorado	939, 629 1, 380, 631	468	939, 161
Delaware	223, 003		1,380,631 223,033
Florida	968, 470		968, 470
Georgia	2, 895, 832		2, 895, 832
Idaho	431, 866	1,424	430, 442
Illinois	6, 485, 280		6, 485, 280
Indiana	2, 930, 390		2, 930, 390
Iowa	2, 404, 021		2, 404, 021
Kansas	1,769,257		1,769,257
Kentucky	2,416,630	************	2, 416, 630
Louisiana	1, 798, 509 768, 014		1, 798, 509 768, 014
Maine	1, 449, 661		1, 449, 661
Massachusetts	3, 852, 353		3, 852, 356
Michigan.	3, 668, 412	***************************************	3, 668, 412
Minnesota	2, 387, 125	1,469	2, 385, 656
Mississippi	1,790,618		1, 790, 618
Missouri	3, 404, 055		3, 404, 055
Montana	548, 889	7,378	541, 511
Nebraska	1, 296, 372		1, 296, 372
Nevada	77, 407	1,587	75, 820
New Hampshire	443, 083	***************************************	443, 083
New Jersey	3, 155, 900 360, 350	6, 922	3, 155, 900 353, 428
New York	10, 384, 829	4, 240	10, 380, 589
North Carolina	2, 559, 123	3, 230	2, 559, 123
North Dakota	645, 680	1,727	643, 953
Ohio	5, 759, 394		5, 759, 394
Oklahoma	2, 028, 283		2, 028, 283
Oregon	783, 389		783,389
Pennsylvania	8, 720, 017		8, 720, 017
Rhode Island.	604, 397		604, 397
South Carolina	1, 683, 724 636, 547	5,308	1,683,724 631,239
Pennessee.	2, 337, 885	0,000	2, 337, 885
Pexas	4, 663, 228		4, 663, 228
Utah	449, 396	1,008	448, 389
Vermont	352, 428		352, 428
Virginia	2, 309, 187		2, 309, 187
Washington	1, 356, 621	2,025	1, 354, 595
West Virginia	1, 463, 701	762	1, 463, 701
Wisconsin	2, 632, 067 194, 402	915	2,631,305 193,487
Total for 48 States	105, 271, 200	60,471	105, 210, 729
District of Columbia	437, 571		• • • • • • • • • • • • • • • • • • • •
Total, United States	105, 708, 771	60, 471	105, 210, 729

AMERICAN-BORN BOYS WILL NOT DO THE COMMON LABOR.

The United States Bureau of Education in its Bulletin No. 29 for 1922 calls attention to the fact that there are 19,378,927 elementary and kindergarten pupils in the United States, and that at the same time there were 2,199,389 boys and girls attending secondary and high schools. Of the 2,199,389 secondary or high-school pupils, the number of males is 992,213 and the number of girls is 1,207,176.

We are constantly being asked by business men, manufacturers, and others interested in the welfare of the Republic as to why it is that the American boy and girl will not do any of the rough work which in times gone by was performed by the arriving immigrants. The answer is a very brief one. The American-born boy and girl are opposed to doing what is ordinarily known as common labor unless it is a means to an end, such as completing an engineering education, and so forth. With the exception of the textile public high school in New York, which is a free institution, and the textile school at Philadelphia, no other school exists in this country for the teaching of textiles to the high-school boys and girls. No wonder that so few high-school boys and girls are willing to enter such fields of labor or business. As a matter of fact, it matters very little what the amount of pay is offered.

The boy and girl attending high school have made up their minds that they are going to be professional people, if possible. They would rather be clerks, stenographers, and salesmen than be milliners, dressmakers, or tailors. It is startling to learn from the testimony given before our committee how few are now entering the trades for the purpose of undergoing an apprenticeship. It is time for the American people to awaken to the realization that something must be done promptly to point out to the rising generation that manual or physical labor does not demean or lower one in the estimation of the public at large. With the desire of the American people not to have as large an immigration as in the past, it is absolutely essential and necessary that these facts be brought home to all who are interested in seeing this country continue to make

My dear colleague on the committee [Mr. RAKER, of California] has repeatedly asked the question which I have propounded, and has taken the opposite view to mine. I believe that he will be interested in the following newspaper article, which appeared in the New York Times on February 15, 1923:

FINDS EDUCATION WASTED—CALIFORNIA PROFESSOR RECOMMENDS FICK AND FRYING PAN FOR STUDENTS.

Berkeley, Calif., February 14.—Facing a class of both sexes, Prof. C. L. Montgomery, of the English department, declared that there were 7,000 students in the University of California "who should be attached to the handle of a pick or a frying pan."

Seventy per cent of the university's 10,000 students, he said yesterday, were more interested in dancing than in pursuing the subtletles of Shakespeare or Chaucer.

OLD IMMIGRATION PRODUCED THE SLACKERS DURING THE WAR.

The proponents of quota immigration legislation call attention all the time to the desirability of the so-called old immigration, specifically pointing out Sweden, Norway, Holland, Switzerland, and Denmark. It may startle them to learn that out of a total number of 1,692 aliens who withdrew their declarations of intention in order to avoid military service during the late war 788 came from Sweden, 479 from Norway, 111 from Holland, 158 from Switzerland, and 68 from Denmark. Few came from the new immigration. I read a letter received from Mr. Post, Assistant Secretary of Labor, dated October 21, 1919, which is as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, October 21, 1919.

My Dear Mr. Kleczka: I have to refer to my letter to you of the 16th instant, transmitting a table concerning aliens who withdrew their declarations of intention to become citizens of the United States for the purpose of avoiding military service in the Armies of the United States. Since sending you that table the records have been reexamined, and it has been found that a number of the cases included in the previous list did not properly fall within the terms of the act of July 9, 1918, which provided for the exemption from military service of neutral allens who having made declarations surrendered them and elected to be debarred from citizenship for the purpose of avoiding the draft. A new table has, therefore, been prepared and brought down to date. A copy of the revised table is inclosed herewith. Among the changes you will note that nationals who were not neutral in the present war have been eliminated.

Respectfully yours,

Louis F. Post, Assistant Secretary.

Hon. John C. Kleczka,
Representative in Congress, Washington, D. C.

Nationality and number of allens, according to States, who withdrew their declarations of intention under the act of July 9, 1918.

	Sweden.	Norway.	Holland.	Switzerland.	Denmark.	Spain.	Mexico.	Colombia.	Persia.	Rumania.	Afghanistan.	Luxemburg.	Chille.	Venezuela.	Реги.	Salvador.	Argentine Re-	Total.
aska	15	26		-	1		1	47 X CONT.				.02235					PR	
izons	3	20		i		2	3		*****	******		*****						100
lifornia.	32	11	6	32	7	10	5		1	*****	*****	*****	*****	*****			*****	1 3
lorado	12	î	2	1		1		0000000		100000	100000	0.000	1000		0.000	*****	*****	
nnecticut	12		2	1					*****	*****	*****		*****					
strict of Columbia.	1	*****	1				******	*****		*****	******	*****	******	*****	*****	*****		
			2	*****					******				*****		*****	*****		1
orida			-	1	******	0		*****	*****	*****	*****		*****					1
orgia	1						*****		*****				*****			*****		450
waii					1	1		*****	*****		*****							4
aho	18	11				10							******	*****		*****		1000
inois	115	17	14	4	8	2	1		2									
diana	7		2 7	2 3		1												NO.
wa	13	8	7	3	4						10000	1						All Inc.
insas	2			1		2			Mar.									100
uisiana				1	10000	10000					10000000	100000				55050		100
arvland				H.	1000000	Total Street				100000			CONTRACT				000000	1
assachusetts	20	3	6	100000	3	2	1000000				3855	and the same	1			*****		15
chigan	19		14	1	1	1 î		100						220001	5.555.55	****	*****	\$100
nnesota	164	72	3	2	2			100	*****			200000000000000000000000000000000000000		*****	*****	*****	*****	100
ssouri	UNDER ST	1850		4			200000	*****	******	10000	*****	******	******	*****	*****	*****	*****	1 3
SSOUT1	17	21	3	3			*****	*****		*****				*****		*****		
ontana braska	8	1	0	1	1	*****	*****	*****	*****	****		*****	*****	*****	*****	*****	*****	100
POFASKA	0	1		1				*****		*****	******			*****				
evada229		1	*****	7	*****	17	1	*****	*****		*****			*****				
w Hampshire	1				*****			*****	*****					*****	*****	*****		100
w Jersey	3		10	15	3	1		******	1									triii.
w York	67	43	20	36	22	21	3		2	3		1		1	1	1		3
orth Dakota	22	41		2	4													100
iio	5	2	2	5														
dahoma	1																	
egon	31	30	4	9		5												
nnsylvania	6	2	2	6	1	1		100000				100						100
node Island	. 5		1	1														
uth Dakota	9	18	3	1	4							2000	12:20				000000	
xas			1				9										55550	1000
ah	7	3	1		100000	1000000	7203632	22322	200000			(A)	30.000m	100000000	1200000	331000	*****	
ermont	ì			03000	1	10000	1000000				Section 1		100000			10000	55.155.01	
reinla	7753		*****	*****		9			100000			******						
ashington	108	141	1	13	6	2		******	*****	100,000	*****	70000	******	******	******	*****	*****	1
isconsin	111	22	7	11		-						*****	*****	*****	*****		1	1 1
	2		-	0.77		1		******	******	******		*****			*****			1
yoming	2					1		*****	*****									
	_	_	-					_		_								1,6

NATIVE BORN ARE LEADERS IN OUR RECENT DISORDERS.

Who are responsible for the recent disorders in this country? The troubles in Louisiana, which showed the most barbarous, cruel, and inhuman treatment ever accorded to human beings, was the work of the Ku-Klux Klan, ostensibly composed of native-born Americans. The murderers in Herrin, Ill., who committed wholesale murder, which crime shocked the country, were native-born Americans. Lynching of white union railroad men

at Harrison, Ark., was the work of native-born Americans. The Supreme Court of the United States has by its order last week determined that a question of fact is presented for the District Court of the United States of Arkansas whether the negroes convicted of murder were actually guilty of it. If the affidavits presented to the United States Supreme Court on the application are taken and weighed very carefully, the mob controlled the courts of Arkansas. This mob was composed of native-born

Americans. Who were the leaders of the great disorders—Foster, Haywood, and McNamara. All born here. There is not a single case of an alien being a lyncher. I am alluding to these facts, because constantly and continuously there is being drummed into the minds of the American people the erroneous impression that the immigrant or his descendants are to blame for industrial strife and are the fomenters of trouble. Careful investigation shows that in cities like Washington, D. C., where the population to a very large extent is native born, that the proportionate share of crime is greater than in cities like New York, Chicago, Philadelphia, and so forth.

NATURALIZATION IS HINDERED AND DELAYED FOR THE FAILURE TO PROVIDE COURTS AND CLERKS.

Repeated attention has been called by the entire membership of the Committee on Immigration and Naturalization to the fact that there is an insufficiency of courts and clerks in the big cities of the country, such as New York, Chicago, etc., so that applicants for naturalization find themselves in the position that considerable money must be spent and time wasted, not only of their own, but of witnesses. Certain statistics fur-nished by the Department of Labor which follow demonstrate this statement beyond contradiction. It will be noticed that the three six-month periods from July 1 to December 31, show the falling off at New York. This is accounted for by the fact that on account of the congested business in the United States district court and the lack of Federal judges, it became impossible to handle the naturalization work. The Supreme Court of New York finds itself with 27,000 cases which have to be tried, and, therefore, can not give the necessary time to look after naturalization proceedings. The only remedy which can cure these evils and their growing is the establishment of a separate naturalization court in each of the big cities of the country. It would more than pay for itself, and at the same time bring into the Treasury at least \$300,000 per year after the payment of all expenses.

Certificates of naturalization issued in New York and Chicago from July 1, 1921, to December 31, 1922, by 6-month periods.

	First 6-month period, July 1 to Dec. 31, 1921.	Second 6-month period, Jan. 1 to June 30, 1922.	Third 6-month period, July 1 to Dec. 31, 1922.	Total.
New York, N. Y. (including U. S. District Court, Southern District, U. S. District Court, Eastern District, and Supreme Courts of New York, Bronx, and Kings Counties).	14, 541	15, 798	10, 514	40, 85
Chicago, Ill. (including U. S. District Court, Northern District, Circuit Court		10 10		

Certificates of naturalization issued, by States, from July 1, 1921, to June 30, 1922, by 6-month periods.

State.	First 6 1 July 1-	months, Dec. 31, 21.	Total.	Second 6 Jan. 1-3 19	Total.	
	Civil- ian.	Mili- tary.		Civil- ian.	Mili- tary.	
AlabamaArizona Arkansas	160 94 60 3,438	8 11 4 374	168 105 64 3,812	55 63 47 2,600	7 6 2 184	62 69 49 2, 784
Colorado	581 1,691 83 154	9 98 4 20	590 1,789 87 174	475 1,721 82 124	25 181 3 45	500 1,902 85 169
Florida Georgia Idaho Illinois	150 35 223 6,598	3 17 2 297	153 52 225 6,895	131 54 106 8,034	19 4 3 317	150 58 109 8,351
Indiana Iowa Kansas Kentucky	1,172 707 654 109	30 34 10 1	1,202 741 664 110	1,457 644 440 172	65 43 16 10	1,522 687 456 182
Louisiana Maine Maryland Massachusetts	253 400 583 3,867	19 31 19 290	272 431 602 4,157	372 398 400 4,794	28 40 33 446	400 438 433 5, 240
Michigan Minnesota Mississippi Missouri	4,740 2,663 53 747 970	194 104 4 70 21	4,934 2,767 57 817 991	3,482 1,688 39 498 447	317 104 2 34 19	3,799 1,792 41 532 466
Montana Nebraska Nevada New Hampshire New Jersey	1,291 78 381 5,468	25 5 29 207	1,316 83 410 5,675	863 59 224 4,646	40 3 12 330	903 62 236 4,976
New Mexico	60	1,207	62 20, 224	22, 292	10	65 23,584

d

Certificates of naturalization issued, by States, etc.—Continued.

State.		months, Dec. 31, 21.	Total.	Second 6 Jan. 1-J 193	Total.	
	Civil- ian.	Mili- tary.	107 0	Civil- ian.	Mili- tary.	
North Carolina	42	10	52	40	10	50
North Dakota	545	23	568	446	28	474
Ohio	4,735	164	4,899	3,933	190	4, 123
Okianoma	79	4	83	117	18	135
Oregon	566	27	593	350	42	392
Pennsylvania	10,602	732	11,334	11,532	691	12, 223
Porto Rico	21	1	22	2	19	21
Rhode Island	1,072	68	1,140	809	73	882
South Dakota	22		22	27	22	29
Tennessee.	454	13	467 105	390	44	412
Texas	882	105	987	909	66	975
Utah	277	1	278	187	4	191
Vermont	206	1	207	133	19	152
Virginia	104	6	110	181	20	201
Washington	1,228	33	1,261	952	77	1.029
West Virginia	278	15	291	262	44	306
Wisconsin	3,659	82	3,741	2,149	85	2,234
Wyoming	208	11	219	151	8	159
Total	81,552	4, 456	86,008	79,068	5,012	84,080

RESPONSIBILITY FOR THE ADMISSION OF PREBLE-MINDED.

Although favoring a fair and liberal immigration law, I have been unalterably and irrevocably opposed to the admission to the United States of any individual who has not been physically, mentally, and morally fit. I am opposed to the admission of any person who can not or will not comply with our laws. No better immigration act than the act of 1917 will ever be written by any Congress. The Public Health Service is not responsible for the admission of any feeble-minded or insane. responsibility rests on Congress. Its failure to appropriate sufficient money to have a sufficient number of competent, expert, and able alienists at the ports of arrival to examine immigrants is at the bottom of the trouble. The time has come for very plain talk in regard to this subject, and it is useless for Members of the House to be criticizing the Public Health Service when the responsibility is its own. The biggest mistake which has been made is to have the money which is collected from head taxes paid into the Treasury instead of being kept as a separate fund.

EMPLOYEES AT ELLIS ISLAND DISCRIMINATED AGAINST AND TREATED UNPAIRLY.

It is a very well known fact that the employees at Ellis Island working in the Immigration Service have been compelled to work seven days a week at times, and frequently have to work over hours, including Sundays and holidays. At times, on account of lack of appropriations, many of these employees, although in the service for more than 15 and 20 years, having families, including children who have to go to school, have been furloughed without pay for many months. While this state of affairs is permitted to prevail in the Immigration Service, customs employees are permitted, and wisely so, to be paid for extra hours. This has been the subject of correspondence between Secretary Davis and members of the Immigration Committee. I deem it vitally important that Congress should know the facts, so that when the Sixty-eighth Congress meets it may do justice to these hard and conscientious workers in the Government employ. The correspondence to which I have alluded is as follows:

DEPARTMENT OF LIABOR, OFFICE OF THE SECRETARY, Washington, February 19, 1923.

Washington, February 19, 1923.

House of Representatives, Washington, D. C.

MY DEAR MR. SIEGEL: In reply to your letter of February 16, I inclose one addressed to Hon. Albert Johnson, chairman of the Immigration Committee of the House of Representatives, on January 2.

Why should the employees of one department be preferred over those of another in the matter of compensation for additional service. Cordially yours,

JAMES J. DAVIS.

JANUARY 2, 1923.

Hon. Albert Johnson,

Chairman Committee on Immigration and Naturalization,

House of Representatives, Washington, D. C.

My Dear Congressman: I referred your letter of December 16 to the Commissioner General of Immigration, who has submitted to me the following memorandum:

"Referring to Congressman Johnson's bill (H. R. 1330) entitled 'A bill to facilitate commerce by prescribing overtime rates to be paid by transportation lines for inspection of arriving passengers and crews,' I beg to say that the bureau favors the proposed legislation.

"Congress has already enacted legislation under which officers and employees of the Customs Service receive compensation for overtime work from steamship companies, which companies, it is under-

stood, are entirely willing to pay for such extra service in order to avoid long delay in landing passengers and their baggage. So long as such overtime service is rendered by customs officers it is, of course, necessary that immigration officers shall do likewise, and the fact that the latter receive no extra compensation for such work, while officers of another service are liberally rewarded, naturally results in dissatisfaction. Indeed, it seems to me that the unfairness of such an agreement is too obvious to require any particular comment.

"Our boarding officers at New York have repeatedly complained about the existing discrimination, and I found the same spirit of dissatisfaction at Seattle and San Francisco. Officers on the two borders are compelled frequently to work long hours of overtime when trains are delayed and they also feel that they are entitled to overtime pay, particularly when customs officers working on similar shifts with them are given extra compensation for overtime work performed.

"There is attached hereto copy of a statement relative to the work of the board division at New York, transmitted to the bureau by Commissioner Tod. You will note from the attached statement that the greatest amount of overtime work in a single day was performed on July 1 of the present year, this being the day on which the quotas for the new fiscal year were opened. The showing, of course, is not representative of normal conditions at the port of New York, but it will be noted that there was considerable overtime work during the remaining days of the month when the so-called quota rush was over.

"It has been suggested that the adoption of this legislation might

maining days of the month when the so-caned quota resolver.

"It has been suggested that the adoption of this legislation might result in discrimination in favor of boarding officers and those engaged in train work as compared with officers who are sometimes compelled to work overtime at the immigration stations. I do not believe this is a valid objection, however, for the reason that hours of work at the stations can, as a rule, be controlled while, as already pointed out, the work of boarding and train officers at times is subject to the movement of steamships and trains.

"However, the most unsatisfactory phase is the existing discrimination which results from the law under which customs officials are reimbursed for overtime work by the transportation companies, while our own officers who are obliged to perform similar work under the same conditions receive no compensation for their overtime labor."

Cordially yours,

JAMES J. DAVIS.

It appears from the testimony given before the committee on December 15, 1922, that:

IMMIGRANT INSPECTORS AND THEIR WORK.

December 15, 1922, that:

IMMIGRARY INSPECTORS AND THEIR WORK.

The duties, responsibilities, and character of the work of immigrant inspectors are of such importance, affecting, as they do, the future welfare of the country, that any measure that will improve the countries of the country, that any measure that will improve the countries of the country, that any measure that will improve the countries of the country, that any measure that will improve the countries of their work and their positions.

The purpose of the immigration laws, as intended by Congress, is to provide for a discriminating selection of applicants for admission to the country, so as to keep out those who are undestrable, prevent a low-ering of the standards of citizenship, and preserve the mental, moral, and physical make-up of the Nation from the deteriorating influence of allens who are physically, mentally, morally, or racially undesirable.

The frequent changes in the immigration laws indicate the great of the country of the tatatesment in the immigration problem and reflects the concern of the statesment in the immigration problem and reflects the concern of the statesment in the immigration will be appreciated among the governments of the world: the United States has attained among the governments of the world: the United States has attained among the governments of the world: the United States has attained among the governments of the world: to such efficient personnel, proper organization demands that they perform service under the best possible conditions, and that they receive such compensation as will continue to improve the morale of the force and the states of the continuent of the provention of the New World. They are the first Government officers to meet incoming strangers, and it is essential that they be of such caliber and personality as to be fitting representatives of the United States Government. First impressions are lasting; and it is proper that strangers coming to our country should be favorably impressed with the

The officers engaged in this important work of enforcing the immigration laws should be such as would reflect credit on the Government, the service, and themselves. They should be well dressed, of

pleasing personality and address, and know how to combine tact and consideration with a firm sense of duty. To obtain, maintain, and retain such a force it is essential that they be well paid and treated with consideration. Many of their duties are extremely irksome, and they are frequently attended with great personal risk. A particularly unpleasant feature is that they are almost constantly exposed to unjust criticism or false accusation by those displeased with the conduct of or the action taken in certain cases.

DUTIES OF IMMIGRANT INSPECTORS.

DUTIES OF IMMIGRANT INSPECTORS.

1. To board all incoming vessels and trains from foreign countries, see that the ship's papers concerning the passengers and crew are in proper order, and have the captains make oath to the truth of such documents, as required by law.

2. To quickly and accurately pass on the cases of all passengers claiming citizenship. (Hundreds of persons are discovered each year falsely claiming citizenship.)

3. To promptly examine all allens as to their admissibility under the immigration law.

4. To examine all passports and determine if they are regular and valid.

4. To examine all passports and determine if they are regular and valid.

5. To detain for special inquiry all aliens not clearly and beyond a doubt qualified to land.

6. To examine the crews of all vessels, both passenger and freight, and detain those not eligible to enter or who may be diseased.

7. To temporarily detain certain aliens, such as those whose addresses are indefinite, or who may have lost their addresses, or who may accompany others who are held for further medical observation.

8. To detain pending the appearance of relatives children and women destined to New York and vicinity who have never been in the United States before; this with a view to seeing that the aliens fall into proper hands.

9. To act as judges in quasi judicial capacity as members of boards of special inquiry, which boards investigate the cases of those detained because they are not clearly and beyond a doubt qualified to land, examining the aliens, their relatives or other witnesses, and ordering admission or deportation of the applicant.

10. To supervise the detention of all aliens until they are allowed to land or are deported.

13. THE OLDER IMMIGRATION ANY EETTER OR WORSE THAN THE NEWER?

IS THE OLDER IMMIGRATION ANY BETTER OR WORSE THAN THE NEWER? We have recently seen how Italy has quietly and peacefully handled a change in the manner of the conduct of its Government and how successfully that change has been. As we have said, no one will assert that the Polish Government which has been recently set up is not endeavoring in every possible way to maintain its stability. The same is true of Czechoslovakla. where common sense and reason seem to be the guiding standard in all changes being done. Yet under the proposed legislation if the census of 1890 be taken as the basis, these people will be discriminated against. If we look across the seas and see how things have been turned topsy-turvy by the miners and railroad men, it must set thinking men to slowly come to the belief that immigration from Great Britain is not in any respect better, as far this country is concerned, than those who have

NO ROOM HERE FOR THE FALSE PROPAGANDIST.

in general, do the rough work of the Nation.

come from the other countries and who have helped build our subways, construct our buildings, lay the railroad tracks, and,

The person who attempts to raise religious and racial prejudice is unworthy of American citizenship. We are in grave danger of losing our sense of fair play and treating men according to their real worth. So extensive has been the carrying on of false propaganda against the foreign born and immigration in general that hatred and prejudice against them seem temporarily, it is to be hoped, to have supplanted reason and common sense. What have been heretofore conceded and undisputed facts as to the foreign-born rendition of hard work in the building of roads, railroads, subways, and building construction are now being denied by writers in muckraking magazines, who seem bent to make money on sensationalism and forgetting the numerous warnings which have been sounded by every true American statesman for more than a hundred years, that he who creates racial and religious schisms in our midst is unworthy of American citizenship and false to its ideals and traditions. No milder words can express the true characterization of such creatures. Not contented simply giving facts, they persist in drawing false conclusions even after having adopted false premises as a basis thereof. The same is true of lecturers and writers who are coming here to sow the seeds of racial and religious dissent and simultaneously mulcting Americans of their dollars.

The American people in their hearts are the fairest and most just on the face of the globe. How long will they permit this spirit of intolerance and falsehood to be preached? How long will they permit these poisoners of public opinion to reap the harvest of dollars from the sale of such publications, and at the same time damaging the body politic? Every believer in the liberty and freedom of the press to have the right to publish the facts must give these matters grave concern and thought.

To vilify human beings because they are immigrants or their descendants, without real reason, regardless of whether they are citizens or declarants, is a pastime which eventually must produce evil consequences. I make these remarks after having watched for more than eight years the growth of this un-American spirit in our midst. The real American realizes that

2, 323, 000

patriotism does not consist merely in fighting for one's country on the battle field. It means more than that. It means the desire and the will to serve the Republic most faithfully at such

a time as the Nation requires one's services.

The real patriot to-day is the man who gives the best that he possesses in behalf of the American people, whether in public service or in private life. To merely work and to expend one's earnings, are actions that a machine could just as well perform. We are living in an age when the individual must not only serve himself but must make constant sacrifices for the common welfare. By that I mean that it is the duty of every citizen to participate in every movement which tends in any degree to improve the body politic and the general welfare of the community in which he resides. Such a citizen when he simply votes does not consider that by such an act alone he has performed his full duty to his country. He takes an interest in the public-school system by actively participating in the discussion as to whether children are getting the most that can be secured from that particular educational curriculum. He makes every effort to improve conditions in his immediate neighborhood and urges the establishment of playgrounds for children. He occasionally finds time to visit public institutions for the purpose of learning how they are being managed and perhaps make some suggestions. He learns early in life that it is better to help develop and build up than to be one whose sole occupation in life is to criticize, destroy, and tear down. He loves his country and flag most who does all in his power to observe most faithfully both the moral and legal law in what he does. Now and then he finds time to visit the hospitals and write letters for such physically incapacitated patients who need such aid or render other assistance. observes his own religious faith and respects the beliefs of his neighbors. He loves his home life and takes a deep interest in the education of his own children. No sacrifice is too great for him to make in their behalf. He learns early in life that public office is a public trust. He would rather give up his office than surrender his conscience. He puts truth above all things. He hates the hypocrite. He demands sincerity.

When his country calls for volunteers he is not a slacker. He is one who believes in deeds and not mere utterances. He observes the Ten Commandments and is not jealous of the prosperity of his neighbor, regardless of the place of his birth. Such is the real patriotic American citizen. Such is the type that we desire our citizens to be. Such a kind does not seek thanks and does not expect it. Such a type is rarely found mentioned in the newspapers or other public prints. He goes through life loyal, honest, energetic, faithful, devoted, and a constant inspiration to all who know him, and when he passes from this world to the far beyond his friends who remain real-

ize that a faithful servant of this world has met his reward.

Mr. ACKERMAN. Mr. Speaker, this law will prove a boon to humanity. Anything that tends to make more interesting a clean, instructive, fascinating hobby, or assists in facilitating the extension of such a popular pastime as stamp collecting, is conferring a blessing on a group estimated by some to be

as large as a million persons in this country.

While this act amends the penal code in the direction indicated, yet it is a moot question at the present time whether the laws now existing were intended to cover the illustrations which would make clearer to the mind's eye spaces in a stamp album or to visualize from the description in the text of catalogues. These crude black and defaced illustrations which have been used ever since stamp collecting started, some threequarters of a century ago, are merely pathfinders for the correct places where the genuine specimen should be placed and in no sense can they be considered as a substitute for the original article. If there is anything that the true collector abhors, it is a counterfeit or a repaired or imperfect specimen.

Besides bringing to the coffers of the United States Treasury a sum exceeding \$100,000 per annum of net revenue, through the sales of stamps at the philatelic agency of the Post Office Department, and in addition thereto defraying all the expense of making the new dies and plates, the Government secures at all times the collateral interest by having this million pairs of eyes throughout the country actively engaged in looking out for anything that rogues might do in their efforts to foist upon the public counterfeit stamps or securities. It can be readily seen that the educational effect of encouraging this clean, upbuilding, instructive hobby has a worth far greater than is perceptible at first.

All classes and ages, from the lowliest and youngest to the most influential and the oldest, and also both sexes, become devotees of this fascinating pursuit which has no deleterious effects and which if pursued along proper lines is not only a

source of pleasure but may become a means of substantial profit, in the event that the hobby for any reason is abandoned. Governments could not do better than to assist in such a meritorious pursuit as this one and it is hoped that this action of Congress will be a forerunner of more consideration on behalf of public officials in the future than has been manifested in the past for the ubiquitous stamp collector.

An article in Ewens Weekly Stamp News, recently published, gives the number of collectors on the globe at 2,930,000 and the number of collectors annually buying one or more catalogues at

250.000

Another authority gives the number of collectors in the respective countries as follows:

Germany	440,000
Austria-Hungary	110,000
Great Britain	363, 000
Russia, Scandinavia, Spain, Portugal, Italy, Balkan States_	60,000
France, Belgium, Netherlands, Switzerland, Luxemburg	300,000
United States and Canada	1, 000, 000
Mexico, Central and South America	20,000
Africa and Australia	10,000
Asia	20,000

Total for the globe_

These figures are believed to be substantially accurate. any event they indicate the growing popularity of philately, which has far outstripped that of numismatics, which for centuries has been looked upon as well worthy of high consideration not only by all civilized governments but by the most distinguished savants and literati. Our own Government at the Smithsonian Institution maintains a curator and publishes a list of the stamps of the United States issued up to 1920, and by reason of this legislation the pages of the catalogue may in the future be embellished with illustrations, thus increasing its usefulness to the average collector.

The long line of literature which has been issued touching upon philately in later years has been added to by the issuance of a "Who's Who," wherein may be found the name of celebrities, from the rulers of the greatest nations, princes of royal blood, to statesmen, admirals, generals, actors, foresters, sing-ers, and philosophers in all parts of the globe. All these classes have recognized the intellectual value of this hobby. Its farreaching educational value is accompanied by a charm of persistence which grips the enthusiast, by a devotion that never can be totally eliminated. The collectors of the country are grateful to Congress for having enacted this legislation.

Mr. COLLIER. Mr. Speaker, the Legislature of the State of Mississippi during the session of 1922 adopted the following resolution, which, under leave to print, I am inserting in the

CONGRESSIONAL RECORD. The matter referred to is as follows:

Mr. Clark called up for consideration the following resolution favorably reported by division B of the judiciary committee, and moved its adoption, which motion prevailed:

Requesting the State board of health and Representatives in Congress to use their influence to have hospital established for the treatment of ex-service men of the American Expeditionary Forces who have of ex-service me. Bright's disease.

of ex-service men of the American Expeditionary Forces who have Bright's disease.

Whereas Bright's disease and diabetes are the two most dreaded and deadly diseases with which the human race is afflicted, there being in 1920 87,685 deaths in the United States—over \$2 per cent as many deaths from these as from tuberculosis, which was 106,000. Robinson Springs water, from Pocahontas, Miss., is an important adjunct to the recognized plan of treatment, as attested by prominent physicians of Mississippi and other States who have used it in their practice, such as Dr. John B. Elliot, sr., who was professor of theory and practice of Tulane University for many years; Dr. E. H. Galloway, ex-secretary of the State board of health and president of the State board of health and president of the State board of health and president of the State board of health. Dr. O. M. Turner; Dr. J. P. Berry; Dr. L. H. Howard; Dr. Willis Walley, ex-president of the State Medical Association. Robinson Springs water has been used by them and shipped to nearly every State in the Union for over 10 years, and has proven of almost universal benefit in the treatment of these diseases. If this water will cure, or even benefit, a small per cent of those who suffer with Bright's disease and diabetes, for the sake of suffering humanity the world should know it officially: Be it

Resolved by the House of Representatives of Mississippi, That the State board of health shall request the health department of the United States Government to investigate by actual treatment with Robinson Springs water ex-service men of the American Expeditionary Forces suffering with kidney trouble, and to keep a record of the treatment and the results so as to determine of how much benefit the Robinson Springs water is in Bright's disease and diabetes.

Resolved further, That our Senators and Congressmen are requested to use their influence and take such anction as is accessary to have the United States Government make such investigation; and if the water proves beneficia

A true copy from the journal of the House of Representatives of the State of Mississippi.

GEO. B. POWER Clerk. THE STATE OF MISSISSIPPI, Executive Department.

To all who shall see these presents, greeting:

Be it known that George B. Power, whose name is subscribed to the annexed certificate, was on the day of the date thereof the duly qualified and legally acting clerk of the House of Representatives of the Mississippi Legislature in the State of Mississippi; that his attestation to the annexed certificate is in due form of law and made by the proper officer; and that full faith and credit are due to all his official acts.

In testimony whereof I have caused the great seal of the State to be bereunto affixed.

Given under my hand at the city of Jackson this 3d day of November, A. D. 1922.

[Sabl.]

By the governor:

LEE M. RUSSELL. Governor.

Jos. W. Power, Secretary of State.

Senate Resolution No. 38, requesting the State board of health and Representatives in Congress to use their influence to have a hospital established for the treatment of ex-service men of the American Expeditionary Forces who have Bright's disease.

Whereas Bright's disease and diabetes are the two most dreaded and deadly diseases with which the human race is afflicted, there being in 1920 87.085 deaths in the United States—over 82 per cent as many deaths from these as from tuberculosis, which was 106,000. Robinson Springs water from Pocahontas, Miss., is an important adjunct to the recognized plan of treatment, as attested by prominent physicians of Mississippi and other States who have used it in their practice, such as Dr. John B. Elliott, sr., who was professor of theory and practice of Tulane University for many years; Dr. E. H. Galloway, ex-secretary of the State board of health; Dr. S. W. Glass, ex-president of State board of health and president of State Medical Association; Dr. W. W. Hall, president of State board of health; Dr. O. M. Turner; Dr. J. P. Berry; Dr. L. H. Howard; Dr. Willis Walley, ex-president of State Medical Association Robinson Springs water has been used by them and shipped to nearly every State in the Union for over 10 years, and has proven of almost universal benefit in the treatment of these diseases. If this water will cure or even benefit a small per cent of those who suffer with Bright's disease and diabetes, for the sake of suffering humanity the world should know it officially: Be it

Resolved by the Senate of the State of Mississippi. That the State board of health shall request the Health Department of the United States Government to investigate by actual treatment with Robinson Springs water reservice men of the American Expeditionary Forces springing with kidney trouble, and to keep a record of the treatment and results, so as to determine how much benefit the Robinson Springs water is prings for the treatment of ex-service men of the American Expeditionary Forces, provid

THE STATE OF MISSISSIPPI,
Executive Department.

To all who shall see these presents, greeting:

To all who shall see these presents, greeting:

Be it known that J. H. Willis, whose name is subscribed to the annexed certificate, was on the day of the date thereof the duly qualified
and legally acting secretary of the Senate of the Mississippi Legislature in the State of Mississippi, that his attestation to the annexed
rertificate is in due form of law and made by the proper officer, and
that full faith and credit are due to all his official acts.

In testimony whereof I have caused the great seal of the State to
be hereunto affixed.

Given under my hand at the city of Jackson this 3d day of NovemJos. M. Russell, Governor.

By the governor:

Jos. W. POWER, Secretary of State

Jos. W. Power, Secretary of State.

FOREIGN RELATIONS OF THE UNITED STATES.

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, submitting documents pertaining to the foreign relations of the United States for 1915, and "Foreign Relations of the United States, the History of the World War as Shown by the Records of the Department of State," with a view to their publication under the existing appropriations for printing and binding in the Department of State. Subsequent volumes of these documents will be sent to the Government Printing Office from time

WARREN G. HARDING.

THE WHITE HOUSE, February 24, 1923.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker pro tempore signed the same:

H. J. Res. 460. Joint resolution accepting the sword of Gen-

eral Richard Montgomery; H. R. 14254. An act to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922;

H. R. 13660. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other pur-

S. 1405. An act for the relief of William Collie Nabors;

S. 419. An act for the relief of the owners of the steamship

S. 1599, An act for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased; S. 3351. An act for the relief of G. Dare Hopkins;

S. 3594. An act for the relief of Anton Rospotnik and the exchange of certain lands owned by the Northern Pacific Rail-

S. 3118. An act for the relief of Herbert E. Mellstrup;

S. 3171. An act for the relief of the trustee of the estate of Hillsboro Dredging Co., a corporation, bankrupt:

S. 1502. An act for the relief of Thomas E. Owen; S. 3256. An act for the relief of A. L. Gramling; S. 4345. An act for the relief of E. J. Reynolds;

S. 2853. An act for the relief of persons suffering damage by reason of proceedings for the condemnation of land for Camp Benning, Ga.;

S. 937. An act to reimburse Isaiah Stephens, postmaster of McMechen, Marshall County, W. Va., for money and postage stamps stolen:

S. 4028. An act for the relief of John N. Halladay;

S. 2934. An act to provide for the issuance to John W. Stanton by the Secretary of the Interior of patent to certain land upon payment therefor at the rate of \$1.25 per acre;
S. 2746. An act for the relief of William Howard May, ex-

marshal of the Canal Zone; William K. Jackson, ex-district attorney of the Canal Zone; and John H. McLean, ex-paymaster of the Panama Canal, now deceased; S. 3154. An act for the relief of C. M. Rieves;

S. 2632. An act for the relief of Martin Cletner

S. 107. An act for the relief of Robert Edgar Zeigler;

S. 2323. An act for the relief of Anna M. Tobin, independent executrix of the estate of Frank R. Tobin, deceased;

S. 2168. An act for the relief of Jesse C. Dennis and William Rhett Eleazer;

S. 1670. An act for the relief of Buffkin & Girvin; S. 1516. An act for the relief of Lewis W. Flaunlacher; and

S. 726. An act for the relief of George Emerson.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4594. An act to authorize the Secretary of State to acquire in Paris a site, with an erected building thereon, at a cost not to exceed \$300,000, for the use of the diplomatic and consular establishments of the United States; to the Committee on Foreign Affairs.

S. 4544. An act to authorize the extension of the period of restriction against alienation on surplus lands allotted to minor members of the Kansas or Kaw Tribe of Indians in Oklahoma; to the Committee on Indian Affairs.

S. 3761. An act for the relief of James Moran; to the Committee on Military Affairs. S. J. Res. 274. Joint resolution to provide for the participation of the United States in the observance of the one hundredth anniversary of the enunciation of the Monroe doctrine and of the ninety-second anniversary of the death of James Monroe; to the Committee on Industrial Arts and Expositions.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 27, 1923, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MOORES of Indiana: Joint Select Committee on Disposition of Useless Executive Papers. H. Rept. 1713. A report on the disposition of useless papers in the Department of the Interior. Ordered to be printed.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 14351. A bill to authorize bridging the Ohio River at Moundsville, W. Va.; without amendment (Rept. No. 1715). Referred to the House Calendar.

No. 1715). Mr. SHAW: Committee on Immigration and Naturalization. H. J. Res. 171. A joint resolution providing for immigration to

meet the emergency caused by an acute labor shortage in the Territory of Hawali; without amendment (Rept. No. 1717). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce, H. R. 14368. A bill to authorize the county of Hennepin, in the State of Minnesota, to construct a bridge and approaches thereto across the Minnesota River at points suitable to the interests of navigation; with amendments (Rept. No. 1718). Referred to the House Calendar.

Mr. NEWTON of Minnesota; Committee on Interstate and Foreign Commerce. H. R. 14381. A bill granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Charles Mix

County and Gregory County, S. Dak.; without amendment (Rept. No. 1719). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 14382. A bill granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Hughes County and Stanley County, S. Dak.; without amendment (Rept. No. 1720). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 14383. A bill granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Brule County and Lyman County, S. Dak.; without amendment (Rept. No. 1721). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 14384. A bill granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Potter County and Dewey County, S. Dak.; with an amendment (Rept. No. Referred to the House Calendar.

1722). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 14385. A bill granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Walworth County and Corson County, S. Dak.; with an amendment (Rept. No. 1723). Referred to the House Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. STEENERSON: Committee on the Post Office and Post Roads. H. R. 11723. A bill to authorize and provide for the payment of the amounts expended in the construction of hangars and the maintenance of flying fields for the use of the Air Mail Service of the Post Office Department; adverse (Rept. Referred to the House Calendar.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 2. A joint resolution authorizing and directing the President to immediately take vigorous and drastic steps to enforce the collection of \$3,500,000,000 owed by the Government of France to the Government of the United States, with interest thereon from the time the United States advanced said sum to the Government of France until said sum is paid (Rept. No. 1716). Laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROACH: A bill (H. R. 14427) to pension soldiers and sailors of the World War; to the Committee on Pensions. By Mr. STEENERSON: A bill (H. R. 14428) granting the

consent of Congress to the reconstruction, maintenance, and operation of an existing bridge across the Red River between Moorhead, Minn., and Fargo, N. Dak.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14429) granting the consent of Congress

to the reconstruction, maintenance, and operation of an existing bridge across the Red River between Grand Forks, N. Dak.,

and East Grand Forks, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. VAILE: A bill (H. R. 14430) to provide for the enrollment and Americanization of aliens, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. LANGLEY: A bill (H. R. 14431) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide for the construction of additional hospital facilities and to provide medical, surgical, and hospital services and supplies for persons who served in the World War, the Spanish-American War, the Philippine insurrection, and the Boxer rebellion and are patients of the United States Veterans' Bureau; to the Committee on Public Buildings and Grounds.

By Mr. FAIRCHILD: A joint resolution (H. J. Res. 461) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Representatives in Congress, and the terms of Representatives, and fixing the time of the assembling of Congress; to the Committee on Election of President, Vice Presi-

dent, and Representatives in Congress.

By Mr. JOHNSON of Washington: A resolution (H. Res. 563) authorizing the Committee on Immigration and Naturalization to investigate labor conditions in Hawaii; to the Committee on Rules.

By Mr. ARENTZ; Memorial of the Legislature of the State of Nevada petitioning Congress to adopt and submit to the several States of the Union an amendment to the Constitution of the United States authorizing Congress to regulate the employment of child labor in the industries of the United

States; to the Committee on the Judiciary.

By Mr. BARBOUR; Memorial of the Legislature of the State of California favoring the establishment of a forest experiment station in California; to the Committee on Appropriations.

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon favoring legislation guaranteeing the price of wheat; to the Committee on Agriculture.

By Mr. LEATHERWOOD: Memorial of the Legislature of the State of Utah petitioning Congress to grant relief to settlers of the United States; to the Committee on Irrigation of Arid Lands

By Mr. RAKER: Memorial of the Legislature of the State of Montana relative to the construction of public roads into and through national forests, Indian reservations, and other publicland areas; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of Oregon relative to State officers being allowed access to the income-tax returns filed under the Federal income tax law; to the Committee on Ways and Means.

By the SPEAKER (by request): Memorial of the Legislature of the State of Oregon petitioning Congress to enact legislation regulating the marketing of wheat; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows;
By Mr. HICKEY; A bill (H. R. 14432) granting a pension to

Frederich Beckman; to the Committee on Pensions.
Mr. McPHERSON: A bill (H. R. 1443) granting a pension

to Mollie F. Stinson; to the Committee on Invalid Pensions, By Mr. SNELL: A bill (H. R. 14434) granting a pension to Eliza Savage; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7440. By the SPEAKER (by request): Petition of the Synod of Pennsylvania of the Presbyterian Church, indorsing House Joint Resolution 131; to the Committee on the Judiciary.

7441. Also (by request), petition of Federation of Citizens'

Associations of the District of Columbia, opposing the eviction of tenants in alley houses until a year's time from June 1, 1923; to the Committee on the District of Columbia.

7442. Also (by request), petition of members of American Legion Auxiliary of Roy Kelly Post, No. 90, Ashland, Wis., urging the Military Affairs Committee to report out the Bursum bill; to the Committee on Military Affairs,

7443. Also (by request), petition of the National Association of Manufacturers, New York City, N. Y., favoring the enactment of House bill 8928; to the Committee on Reform in the Civil

7444. Also (by request), petition of citizens of Provincetown, Mass., requesting Congress to fix a maximum price on coal; to the Committee on Interstate and Foreign Commerce.
7445. Also (by request), petition of Minneapolis Unit, No. 35,

Steuben Society of America, requesting that our Government protest against the French invasion of Germany; to the Com-

mittee on Foreign Affairs.

7446. Also (by request), petition of Muchlenberg Unit, No.
36, Steuben Society of America, Milwaukee, Wis., protesting against the action of France in invading Germany; to the Com-

mittee on Foreign Affairs.
7447. By Mr. ABERNETHY: Petition of North Carolina Cotton Growers' Association, urging the passage of the Capper bill relative to rural credits; to the Committee on Banking and

7448. By Mr. ANSORGE: Petition of Big Brother Movement (Inc.), New York, favoring an amendment to the Constitution providing that Congress shall have power to limit or prohibit the labor of persons under 18 years of age; to the Committee on the Judiciary.

7449. Also, petition of New York City Federation of Women's Clubs, urging speedy enactment of House bill 13136; to the Committee on Reform in the Civil Service.

7450. By Mr. ARENTZ: Resolution of State Board of Stock Commissioners, University of Nevada, Reno., Nev., urging Congress to secure adequate and permanent provisions for financing live stock and farming operations; to the Committee on Banking and Currency.

7451. By Mr. GALLIVAN: Petition of Thomas J. Fitzgerald Post, No. 561, Veterans of Foreign Wars, Joseph F. Daly, commander, South Boston, Mass., urging and petitioning Con gress to enact at once into law the Bursum bill, S. 1565; to the

Committee on Military Affairs.

7452. By Mr. HICKEY: Petition of Lafayette Lodge, No. 9, Brotherhood of Railroad Signalmen of America, Lafayette, Ind., asking that no action be taken by Congress which would tend to increase immigration into the United States; to the Committee on Immigration and Naturalization.

7453. By Mr. KELLER: Petition of Central Cooperative Commission Association, South St. Paul, Minn., recommending certain amendments to packer control act; to the Committee on

7454. Also, petition of Rev. P. E. Rick and 77 other citizens of St. Paul, Minn., urging favorable action upon House Joint Resolution 412, proposing to extend aid to the peoples of the German and Austrian Republics; to the Committee on Foreign

7455. Also, petition of Minnesota State Board of Health, with reference to appointment of hospital heads under Veterans' Bureau; to the Committee on Interstate and Foreign Commerce,

7456. By Mr. KETCHAM: Petition of 15 citizens of St. Joseph, requesting that aid be given the starving people of the German and Austrian Republics; to the Committee on Foreign

7457. By Mr. KIESS: Papers accompanying House bill 9739, granting an increase of pension to Mary D. Bilbay; to the Com-

mittee on Invalid Pensions.

7458. By Mr. KISSEL: Petition of Woman's Republican Club (Inc.), of New York, urging Congress to pass the subsidy bill for a merchant marine; to the Committee on the Merchant Marine and Fisheries.

7459. Also, petition of Automobile Merchants' Association (Inc.), New York City, N. Y., approving Senate bill 4202, providing for a national police bureau; to the Committee on the Judiciary.

7460. By Mr. McLAUGHLIN of Michigan: Petition of 30 citizens of Michigan, favoring the abolition of the discriminatory tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

7461. By Mr. MEAD: Petition of the New York Patent Law Association, favoring the enactment of House bill 8928; to the

Committee on Reform in the Civil Service.

7462. By Mr. PERKINS: Petition of W. Irving Conklin and others, of Hackensack, N. J., for repeal of section 900, paragraph 7, internal revenue bill, to eliminate discriminatory tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

7463. By Mr. RAKER: Petition of Sacramento Chamber of Commerce, Sacramento, Calif., urging appropriation for an Army of 150,000 men and 13,000 officers; to the Committee on Appropriations.

7464. Also, petition of Daylight Post, No. 229, American Legion, Department of California, San Francisco, Calif., relative to the Ku-Klux Klan; to the Committee on the Judiclary.

7465. Also, petition of Federal Employees' Union No. 1, 746 Pacific Building, San Francisco, Calif., indorsing and urging the passage of House bill 13382, an act fixing the compensation of certain officials of the customs service; to the Committee on Expenditures in the Treasury Department.

7466. By Mr. ROUSE: Petition of 92 citizens of Campbell County, Ky., protesting against the enactment of any legisla-tion toward the change of the present immigration laws that will permit admission of aliens other than provided by law; to

the Committee on Immigration and Naturalization.

SENATE.

Tuesday, February 27, 1923.

(Legislative day of Monday, February 26, 1923.)

The Senate met at 11 o'clock a. m., on the expiration of the

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Lenroot	Sheppard
Ball	Frelinghuysen	Lodge	Shields
Bayard	George	McKellar	Shortridge
Borah	Gerry	McKinley	Smith
Brandegee	Glass	McLean	Smoot
Broussard	Gooding	McNary	Spencer
Bursum	Hale	Moses	Stanfield
Cameron	Harreld	New	Stanley
Capper	Harris	Norbeck	Sterling
Caraway	Harrison	Norris	Sutherland
Colt	Heffin	Oddie	Swanson
Couzens	Hitchcock	Overman	Townsend
Culberson	Johnson	Page	Wadsworth
Cummins	Jones, N. Mex.	Pepper	Walsh, Mass.
Curtis	Jones, Wash.	Phipps	Walsh, Mont.
Dial	Kendrick	Poindexter	Warren
Dillingham	Keyes	Pomerene	Watson
Edge	King	Ransdell	Weller
Ernst	Ladd	Reed, Pa.	Williams
Fernald	La Follette	Robinson	Willis

Mr. LA FOLLETTE. I wish to announce that the junior Senator from Iowa [Mr. Brookhart] is engaged on business of the Senate.

Mr. PHIPPS. My colleague [Mr. Nicholson] is absent on account of illness

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

JUDGMENTS IN CLAIMS AGAINST THE UNITED STATES (S. DOC. NO. 312).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims, submitted by the Secretary of the Treasury, and requiring an appropriation for their payment, as follows: Under the War Department, \$75,481.96, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication (S. Doc. No. 313) from the President of the United States, transmitting, pursuant to law, schedules of claims in amount \$104,178.75, allowed by the General Accounting Office, as covered by certificates of settlement, under appropriations the balances of which have settlement, under appropriations the balances of which have been exhausted or carried to the surplus fund under the provi-sions of law, for service of the several departments and in-dependent offices, and requiring an appropriation to cover the same, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed. He also laid before the Senate a communication (S. Doc. No.

314) from the President of the United States, transmitting, pursuant to law, a judgment rendered against the Government by the United States District Court for the Western District of Virginia, and requiring an appropriation for its payment, etc., under the United States Housing Corporation; Mattie B. Overbey v. the United States, \$437.50, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS FOR LOSSES OF PRIVATELY OWNED PROPERTY (S. DOC. NO. 316).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, submitting an estimate of appropriations, in amount \$20,794.63, to pay claims adjusted pursuant to law, and requiring an appropriation for their payment, which, with the accompanying papers, was re-ferred to the Committee on Appropriations and ordered to be printed.

MUNICIPAL COURT, DISTRICT OF COLUMBIA (S. DOC. 317).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimate of appropriation for the District of Columbia for the fiscal year ending June 30, 1923, in amount \$1,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

ADDITIONAL VAULT PACILITIES AT THE DENVER, COLO., MINT (S. DOC. 318).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department, fiscal year ending June 30, 1923, for additional vault facilities in the mint at Denver, Colo., in amount \$50,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE FOR DISTRICT PUBLIC SCHOOLS (S. DOC. 319).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriations for the public schools, District of Columbia, fiscal year ending June 30, 1923, in amount \$15,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

AMERICANIZATION WORK IN DISTRICT PUBLIC SCHOOLS (S. DOC. 320).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the District of Columbia, fiscal year ending June 30, 1923, for Americanization work in the public schools of the District of Columbia, in amount \$2,730, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PUBLIC HEALTH SERVICE HOSPITAL, WEST ROXBURY, MASS. (8. DOC. 321).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation authorizing that the appropriation of \$50,000 contained in existing law for exterior and interior painting and repairs to plumbing at the Public Health Service hospital, West Roxbury, Mass., be made available for mechanical equipment, in addition to the items already specified, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

INTERNATIONAL CONGRESS AGAINST ALCOHOLISM (S. DOC. 322).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department State, fiscal year ending June 30, 1924, for expenses of delegates to the Seventeenth International Congress Against Alcoholism, at Copenhagen, Denmark, in amount \$7,500, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

ADJUSTED CLAIMS FOR DAMAGE TO PROPERTY (S. DOC. 323).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a letter from the Secretary of the Navy relative to estimate of appropriation of \$10,395.69 to pay claims adjusted under the provisions of act of December 28, 1922, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

RALTIMORE & OHIO RAILROAD SIDING IN THE DISTRICT.

Mr. BALL. Mr. President, yesterday I asked permission of the Senate to withdraw my motion to reconsider the vote whereby the Senate concurred in the amendment of the House to Senate bill 3083, authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracks in the city of Washington. Objection was then raised. I now ask unanimous consent of the Senate to be permitted to withdraw that motion for reconsideration.

The PRESIDING OFFICER (Mr. REED of Pennsylvania in

the chair). Is there objection?

Mr. JONES of Washington. Mr. President, if this consent can be given without any discussion, I shall not object. Otherwise I want to give notice now that I am going to object to any further unanimous-consent requests until the motion to recommit is disposed of. I want to get it off of our hands.

Mr. WILLIS. Mr. President, I think this will take no time.

I simply wanted to make a statement, in view of the fact that

objected yesterday. I think it will not take more than a minute or so, so far as I am concerned.

Mr. JONES of Washington. I suggest to the Senator that he let it go and make a statement afterwards.

Mr. ROBINSON. No, Mr. President.

Mr. JONES of Washington. I object for the present, then.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House insisted upon its amendment to the bill (S. 2984) for the relief of Thurston W. True, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SNELL, Mr. KLECZKA, and Mr. CLARK of Florida were appointed managers on the part of the House at the conference.

The message also announced that the House had passed without amendment the following bill and joint resolution of

the Senate:

S. 4589. An act to authorize the county of Hennepin, in the State of Minnesota, to construct a bridge and approaches thereto across the Minnesota River at a point suitable to the interests of navigation; and

S. J. Res. 270. A joint resolution concerning lands devised to the United States Government by the late Joseph Battell, of

Middlebury, Vt.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10003) to further amend and modify the war risk insurance act.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13774) to amend the revenue act of 1921 in respect to exchanges of property, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Green of Iowa, Mr. Longworth, Mr. Mills, Mr. Collier, and Mr. Oldfield were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13775) to amend the revenue act of 1921 in respect to credits and refunds, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Green of Iowa, Mr. Longworth, Mr. Hawley, Mr. Collier, and Mr. Oldfield were appointed managers on the part of the House at the conference.

The message also announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 14050. An act to amend the revenue act of 1921 in

respect to income tax of nonresident aliens;

H. R. 14408. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes; and

H. J. Res. 453. A joint resolution requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker pro tempore had signed the following enrolled bills and joint resolution, and they were subsequently signed by the Vice President:
H. R. 370. An act for the relief of Charles W. Mugler;

H. R. 962. An act for the relief of the heirs of Robert Laird McCormick, deceased;

H. R. 1290. An act for the relief of Cornelius Dugan;

H. R. 2702. An act for the relief of J. W. Glidden and E. F. Hobbs;

H. R. 4421. An act for the relief of John Albrecht; H. R. 5251. An act for the relief of Ruperto Vilche;

H. R. 6358. An act authorizing the accounting officers of the Treasury to pay to A. E. Ackerman the pay and allowances of his rank for services performed prior to the approval of his bond by the Secretary of the Navy;

H. R. 6423. An act to detach Pecos County, in the State of exas, from the Del Rio division of the western judicial district of Texas and attach same to the El Paso division of the vestern judicial district of said State;

H. R. 6538. An act for the relief of Grey Skipwith;

H. R. 6954. An act fixing rates of postage on certain kinds of printed matter

H. R. 7010. An act for the relief of the Southern Transportation Co.

H. R. 7053. An act to grant certain lands to the city of Canon City, Colo., for a public park; H. R. 7322. An act for the relief of John F. Homen;

H. R. 7967. An act granting certain lands to Escambia County, Fla., for a public park;

H. R. 8046. An act for the relief of Themis Christ; H. R. 8448. An act for the relief of Joseph Zitek; H. R. 8921. An act for the relief of Ellen McNamara;

H. R. 9309. An act for the relief of the Neah Bay Dock Co., corporation:

H. R. 9862. An act for the relief of the Fred E. Jones Dredging Co.;

H. R. 9944. An act for the relief of Vincent L. Keating; H. R. 10003. An act to further amend and modify the war

risk insurance act;
H. R. 10047. An act for the relief of Frances Martin;
H. R. 10179. An act for the relief of Americus Enfield;
H. R. 10287. An act for the relief of John Calvin Starr;

H. R. 10816. An act to fix the annual salary of the collector of customs for the district of North Carolina;

H. R. 11579. An act to amend section 1 of an act approved January 11, 1922, entitled "An act to permit the city of Chi-

cago to acquire real estate of the United States of America"; H. R. 11603. An act to validate for certain purposes the revocation of discharge orders of Lieut. Col. James M. Palmer and the orders restoring such officer to his former rank and

H. R. 11340. An act to advance Maj. Ralph S. Keyser on the lineal list of officers of the United States Marine Corps so that he will take rank next after Maj. John R. Henley;

H. R. 11637. An act authorizing the Secretary of the Interior to approve indemnity selections in exchange for described granted school lands;

H. R. 11738. An act for the relief of Maj. Russell B. Putnam; H. R. 12751. An act to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots) in the State of Arkansas;

H. R. 13032. An act to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County board of the American Legion, Bessemer, Mich.;

H. R. 13272. An act granting a license to the city of Miami Beach, Fla., to construct a drain for sewage across certain Government lands;

H. R. 13326. An act in reference to a national military park

at Yorktown, Va.;
H. R. 13793. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes;

H. R. 13827. An act relating to the sinking fund for bonds and notes of the United States;

H. R. 14081. An act granting the consent of Congress to the Valley Transfer Railway Co., a corporation, to construct three bridges and approaches thereto across the junction of the Minnesota and Mississippi Rivers, at points suitable to the interests of navigation;

navigation;
H. R. 14249. An act for the relief of the owners of the American schooner Mount Hope; and
H. J. Res. 47. A joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy, at Annapolis, Mr. Jose A. de la Torriente, a citizen of Cuba.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills and joint resolution were severally read twice by title, and referred as indicated below:
H. R. 14050. An act to amend the revenue act of 1921 in

respect to income tax of nonresident aliens; to the Committee on Finance.

H. R. 14408. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes; to the Committee on Appropriations.

H. J. Res. 453. A joint resolution requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS.

Mr. CAPPER presented petitions of sundry citizens of Fort Scott and Minneapolis, all in the State of Kansas, praying for the passage of legislation regulating radio broadcasting, which were referred to the Committee on Interstate Commerce.

Mr. McNARY presented the following concurrent resolution of the Legislature of Oregon, which was referred to the Committee on Post Offices and Post Roads:

Senate Concurrent Resolution No. 9.

Senate Concurrent Resolution No. 9.

Be it resolved by the Senate of the State of Oregon (the House of Representatives concurring)—

Whereas the State of Oregon delivers by mail to every registered voter of the State certain pamphlets before every general election, some of which set forth the claims and merits of the candidates for political party nominations at the primary nominating elections, and others of which set forth the claims and merits of the candidates of different political parties and of independent candidates for public office, and other pamphlets containing the measures submitted to the legal voters for their approval or rejection, with arguments for and against the same; and

Whereas the payment of circular postage thereon is an unfair burden on the cost of providing the voters with such necessary informative and educational political reading matter: Therefore be it

Resolved by the Senate of the State of Oregon (the House of Representatives concurring). That the Congress of the United States is hereby requested to provide by law that all such political pamphlets which may be generally distributed to the voters by mall in accordance with State laws shall be received by the post office of the United States as second-class mail matter, and for which the postage rates shall be the same rate per pound as is required to be paid for other second-class mall matter; and be it further

Resolved, That the secretary of the State of Oregon be requested to mall copies of this resolution to the Senators and Representatives of the State of Oregon at Washington, D. C.

Concurred in by the House February 19, 1923.

K. K. Kubli, Speaker of the House.

Adopted by the Senate February 6, 1923.

Alt Upton, President of the Senate.

Adopted by the Senate February 6, 1923.

JAY UPTON, President of the Senate.

[Indorsed: Senate Concurrent Resolution No. 9. Introduced by Senator Farrell. Jno. P. Hunt, chief clerk. Filed February 20, 1923, Sam A. Kozer, secretary of state.]

United States of America,
State of Oregon
Office of the Secretary of State.

Office of the Secretary of State.

I. Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of Senate Concurrent Resolution No. 9 with the original thereof adopted by the thirty-second legislative assembly of the State of Oregon, and filed in the office of the secretary of state of the State of Oregon February 20, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 20th day of February, A. D. 1923.

[SEAL.]

SAM A. KOZER, Secretary of State.

Mr. McNARY presented the following joint memorial of the

Legislature of Oregon, which was referred to the Committee on Military Affairs:

Senate Joint Memorial No. 6.

Military Affairs:

Senate Joint Memorial No. 6.

Whereas at the Legislative Assembly of the Oregon State Legislature held in the year 1864 the Government of the United States, in the interest of its Military Establishment, requested the State of Oregon to cede all of its right, title, and interest in and to certain land in front of Fort Stevens, Point Adams, and also to Sand Island, all of which lands were situated at the mouth of the Columbia River, in Clatsop County, Oreg.; and

Whereas in pursuance of said request said Legislative Assembly of Oregon at the session held that year passed an act, "An act to grant to the United States all right, title, and interest of the State of Oregon to certain tidelands herein mentioned." The said act passed both the house and senate and was duly approved on the 21st day of October, 1864, by Addison C. Gibbs, Governor of the State of Oregon, bill being House bill No. 65 of said legislature held in 1864; and

Whereas said United States Government has never in any manner whatsoever made use of said Sand Island for military purposes nor for any other purpose except as hereinafter stated; and

Whereas for a great number of years last passed the War Department of the Federal Government, through its engineering department, has leased said Sand Island to different persons and corporations for the purpose of salmon seining, and has received through the medium of said leases large sums of money approximating several hundred thousand dollars; and

Whereas the Legislative Assembly of the State of Oregon feels that by reason of the fact that this revenue has been secured from a non-military commercial use of said Sand Island, a use never contemplated at the time this land was ceded by the State of Oregon feels that by reason of the fact that this revenue has been secured from a non-military commercial use of said Sand Island, a use never contemplated at the time this land was ceded by the State of Oregon feels that of Oregon, and believes it unfair that the United States Government ret

of Oregon; that when so received by the treasurer of the State of Oregon the secretary of state shall draw a warrant payable to the city of Astoria upon the treasurer of the State of Oregon for the amount of the money so turned over by the Federal Government to the State of Oregon; and be it further

Resolved, That a copy of these resolutions be immediately wired by the secretary of state to the Clerk of the United States Senate and to the Clerk of the United States House of Representatives and to each of the Oregon Members of Congress.

*Concurred in by the house February 20, 1923.

K. K. Kubli,

K. K. KUBLI, Speaker of the House,

Adopted by the senate February 16, 1923.

JAY UPTON, President of the Senate.

Mr. PHIPPS presented the following concurrent resolution of the Legislature of Colorado, which was referred to the Committee on Mines and Mining:

Senate Concurrent Resolution No. 6, petitioning the Congress of the United States to assist the silver-mining industry.

To the Schate and House of Representatives of the United States in Congress assembled:

Congress assembled:

Your memorialists, the Governor and Legislature of the State of Colorado, respectfully represent that—
Whereas the production of silver is an important industry of the United States and affords employment directly to many thousands of persons and indirectly to thousands of others; and
Whereas on account of its association with other metals, especially lead and zinc in ores, an inadequate price for silver increases the cost of production of lead and zinc, and thereby adds to the cost of materials essential to many construction activities; and
Whereas it is also desirable to maintain silver-mining operations in the United States so as to meet the coinage requirements of various countries in which commerce and industry are in process of rehabilitation and can not be fully reestablished without additional supplies of metallic money; and
Whereas the prospective early completion of silver repurchases under the provisions of the Pittman Act is liable to disrupt the silver-mining industry of the United States and in part suspend silver production unless measures be taken to preserve the industry: Now, therefore, be and it is

and it is.

Resolved, That the Governor and Legislature of the State of Colorado respectfully petition the Congress of the United States to give sympathetic and early consideration to this phase of silver-mining industry and enact such legislation as may be necessary in the premises.

ROBT. F. ROCKWELL, President of the Senate.

Attested:

Chas. C. Sackmann,
Speaker of the House of Representatives,
WILLIAM E. Sweet,
Governor of the State of Colorado.

Approved: February 19, 1923, 4.20 p. m.

Mr. ELKINS presented the following joint resolution of the Legislature of West Virginia, which was referred to the Committee on Education and Labor:

LEGISLATURE OF WEST VIRGINIA, Regular Session of 1923.

Senate Joint Resolution 3.

Adopted by the senate January 22, 1923.

JOHN T. HARRIS, Clerk of the Senate.

Adopted by the house of delegates January 24, 1923.
ROBT. L. HAMILTON,
Clerk of the House of Delegates.

Engrossed Senate Joint Resolution No. 3, expressing the sense of the legislature that the Towner-Sterling educational bill should pass Congress. lature that the Towner-Sterling educational bill should pass Congress.

Resolved by the Legislature of West Virginia, That it is the sense of a majority of the members of each branch of the Legislature of West Virginia that the bill for the advancement of public education in the United States, known as the Towner-Sterling bill, should be passed by Congress in substantially the form in which it has been considered by the Committee on Education of the House of Representatives.

That a duly authenticated copy of this resolution be sent by the secretary of state to each Senator and Representative from West Virginia in the Congress of the United States.

Adopted by the Legislature of West Virginia January 24, 1923.

A true cony.

A true copy. Attest:

Houston G. Young, Secretary of State.

Mr. EDGE presented the following concurrent resolution of the Legislature of New Jersey, which was referred to the Committee on Finance:

NEW JERSEY SENATE, Woodbury, N. J., February 26, 1928.

Hon. Walter E. Edge, United States Senate, Washington, D. C.

MY DEAR SENATOR: Inclosed herewith find copy of concurrent resolu-tion, which passed both the senate and the house of assembly. Yours very truly,

WM. H. Albright, Secretary,

Whereas it is a matter of public knowledge and a subject of discussion in the public press that there has been maladministration and too frequent failures to function properly of the United States Veterans' Bureau in what is termed the second district, including the States of New Jersey, New York, and Connecticut, involving an unspeakable wastefulness of public funds and a demoralization of the facilities designed by the Federal Government to be everlastingly beneficial to the veterans of the late war who were maimed and disabled in the service of their country; and

Whereas such past maladministration and failure to properly and efficiently function is burtful alike to the State and to the individuals involved; and WM. H. ALBRIGHT, Secretary.

Whereas recent investigation has disclosed among other things that disabled soldiers have been grossly misadvised and placed in training in occupations which they could never hope to master because of their obvious physical infirmities; that they have been neglected and many valuable years of their lives wasted by their being kept in training in these trades despite their protests and appeals for transfers to vocations more suitable to their physical capacities; that thousands of maimed veterans have been left to idle away years in mushroom institutions that have little facilities for their instruction and less interest in their welfare; that the conclusion of the periods of training of several thousands of these soldiers will arrive in July, and that they will be thrown upon the streets with scarcely any real vocational preparations to grapple once more with the problems of life: Now, therefore, be it

*Resolved by the General Assembly of the State of New Jersey (the Senate concurring)—

fore, be it

Resolved by the General Assembly of the State of New Jersey (the Resolved concurring)—

1. That mindful of the welfare of the men who cheerfully offered their lives at the call of their country, and desirous of carrying out the intent of beneficent laws in the interest of vocational training for the United States veterans of the World War, respectfully records a protest against inefficient control and direction of their occupational training and progress and emphasizes the necessity for enforcement of all laws, rules, and regulations designed to benefit the veterans, and to that end ask the Congress and President of the United States to take such action as will insure the restoration of the disabled soldiers of the New Jersey, New York, and Connecticut district to self-reliance and usefulness.

2. That there shall be further decentralization of compensation and permanently rated cases to district control, thereby benefiting the exservice disabled soldier by improving and expediting the service to be rendered him.

3. That adequate power be vested in the district manager to place subordinates in the positions he believes them best fitted for and remove inefficiency from the organization regardless of political affiliations, and furthermore that authority be granted to hire locally expert advisers and technically trained persons that will insure a proper administration in the second district.

4. That the matter of control of hospitals be placed in the district office and not in Washington as at present. That there should be a permancy to the office of district manager and that we be assured of a continuance of present policies and administration, except as above set forth.

5. That copies of this resolution be immediately sent to all United

set forth.

5. That copies of this resolution be immediately sent to all United States Senators and Congressmen.

REPORTS OF COMMITTEES.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 14183) to authorize the Secretary of the Treasury to sell a portion of the Federal building site in the city of Duquoin, Ill., reported it without amendment.

Mr. PAGE, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally with-

out amendment and submitted reports thereon:

S. 4624. An act to authorize the Secretary of the Navy to make reimbursement to the Naval Academy dairy for losses sustained by fire (Rept. No. 1230);

S. 4625. An act to authorize the Secretary of the Navy to permit the sale of exterior articles of the uniform to honorably discharged enlisted men (Rept. No. 1231);
H. R. 1263. An act for the relief of Charles L. McCulley

(Rept. No. 1232);
H. R. 11792. An act for the relief of James J. Meehan (Rept.

No. 1233);

S. 3891. An act to further amend section 4756 of the Revised Statutes (Rept. No. 1236) :

H. R. 514. An act authorizing the payment of an amount equal to six months' pay to Josephine H. Barin (Rept. No. 1237); and

H. R. 14089. An act granting six months' pay to Harriet B. Castle (Rept. No. 1238).

Mr. KENDRICK, from the Committee on Irrigation and Reclamation, to which was referred the bill (8, 4629) to permit the relinquishment of farm units heretofore entered on a Federal reclamation project, that may be found unfeasible of reclamation, and the repayment of construction, operation, and mainte-

nance charges without impairing the right of the entryman to make further entry, reported it without amendment.

Mr. NORRIS, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 7103) to establish the standard of weights and measures for the following wheatmill and corn-mill products, namely, flours, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, reported it without amendment.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the joint resolution (S. J. Res. 283) directing the Public Utilities Commission of the District of Columbia to investigate rates charged by taxicabs and auto-

mobiles for hire, reported it without amendment.

Mr. McCORMICK, from the Committee on Foreign Relations, to which was referred Senate Resolution 455, authorizing the President to appoint a commission to ascertain the values of agricultural and manufactured exports, reported a joint resolution (S. J. Res. 289) authorizing the President to appoint a commission to ascertain the facts relative to the distribution, volume, and value of the agricultural and manufactured exports of the United States and related commercial problems,

ports of the United States and related commercial problems, which was read twice by its title and placed on the calendar.

Mr. SUTHERLAND, from the select committee to investigate the bureaus of the Government extending relief to incapacitated soldiers, submitted a report (No. 1239), pursuant to Senate Resolution 439, submitted by Mr. Walsh of Massachusetts, and agreed to February 12, 1923, accompanied by a joint resolution (S. J. Res. 288) authorizing the appointment of a committee to investigate the leases and contracts executed by the United States Veterans' Bureau, and for other purposes, which was read twice by its title and referred to the Committee to Audit and Control the Contingent Expenses of the Senate. of the Senate.

AMENDMENT TO THE CONSTITUTION.

Mr. COLT. Mr. President, from the Committee on the Judiclary I report back favorably with an amendment the joint resolution (S. J. Res. 40) proposing an amendment to the Constitution of the United States, and I submit a report (No. 1235) thereon.

This joint resolution is what is known as the Wadsworth resolution, which proposes an amendment to the Constitution. The favorable report which I now make embraces an amendment to the Wadsworth resolution, and in that form it is reported to the Senate. The Wadsworth resolution is an amendment to Article V of the Constitution, and is therefore an amendment to the amendatory clause of the Constitution. The Wadsworth resolution as originally drawn provided that when a proposed amendment is submitted to the States it should be submitted to the State legislatures, one house of which must be elected after the amendment is submitted. It further pro-vided that a State may, if desired, have a referendum of the people.

As amended and now reported to the Senate, the Wadsworth amendment provides that a proposed amendment to the Constitution shall be submitted directly to the qualified voters of the

I desire to make this statement because some of us do not favor the amendment in the form in which it is now reported to the Senate, and I for one desire, when the amendment comes up for consideration in the Senate, to move to restore the resolution to its original form.

I ask that the joint resolution may go to the calendar.
The PRESIDING OFFICER (Mr. McCumber in the chair) Without objection, the joint resolution will go to the calendar. DISTRICT OF COLUMBIA SCHOOLS AND PLAYGROUNDS (S. DOC. NO. 815).

Mr. CAPPER submitted a report of the joint subcommittee on schools and playgrounds of the committees of the Senate and the House of Representatives on the District of Columbia relative to the reorganization of the schools of the District of Columbia, which was ordered to be printed.

ENROLLED BILLS PRESENTED

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on February 27, 1923, they presented to the President of the United States the following enrolled bills: S. 107. An act for the relief of Robert Edgar Zeigler; S. 419. An act for the relief of the owners of the steamship

S. 726. An act for the relief of George Emerson;

S. 937. An act to reimburse Isaiah Stephens, postmaster of McMechen, Marshall County, W. Va., for money and postage stamps stolen:

S. 1405. An act for the relief of William Collie Nabors; S. 1502. An act for the relief of Thomas E. Owen;

S. 1516. An act for the relief of Lewis W. Flaunlacher;

S. 1599. An act for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased; S. 1670. An act for the relief of Buffkin & Girvin; S. 2168. An act for the relief of Jesse C. Dennis and William

Rhett Eleazer

S. 2323. An act for the relief of Anna M. Tobin, independent executrix of the estate of Frank R. Tobin, deceased;

executive of the estate of Frank R. Toolin, deceased, S. 2632. An act for the relief of Martin Cletner; S. 2746. An act for the relief of William Howard May, ex-marshal of the Canal Zone; William K. Jackson, ex-district attorney of the Canal Zone; and John H. McLean, ex-paymaster of the Panama Canal, now deceased:

S. 2853. An act for the relief of persons suffering damage by reason of proceedings for the condemnation of land for Camp

Benning, Ga.; S. 2934. An act to provide for the issuance to John W. Stanton by the Secretary of the Interior of patent to certain land upon payment therefor at the rate of \$1.25 per acre;

S. 3118. An act for the relief of Herbert E. Melistrup;

S. 3154. An act for the relief of C. M. Rieves;

S. 3171. An act for the relief of the trustee of the estate

of Hillsboro Dredging Co., a corporation, bankrupt; S. 3256. An act for the relief of A. L. Gramling; S. 3351. An act for the relief of G. Dare Hopkins;

S. 8594. An act for the relief of Anton Rospotnik and the exchange of certain lands owned by the Northern Pacific Rail-

way Co.; S. 4028. An act for the relief of John N. Halladay; and

S. 4345. An act for the relief of E. J. Reynolds.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POINDEXTER:

A bill (S. 4638) authorizing the Great Northern Railway Co. to maintain and operate, or reconstruct, maintain and operate, its bridge across the Columbia River at Marcus in the State of Washington; to the Committee on Commerce.

By Mr. EDGE:

A bill (S. 4639) to remit the duty on a carillon of bells to be imported for Grace Church, Plainfield, N. J.; to the Committee on Finance.

By Mr. CALDER:

A bill (S. 4640) for the relief of Thomas Vincent Corey; to the Committee on Naval Affairs.

By Mr. SHEPPARD:

A bill (S. 4641) granting consent of Congress to Harry F. Mitchell, of Fort Worth, Tex., for construction of a bridge across the Red River between Montague County, Tex., and Jefferson County, Okla.; to the Committee on Commerce, By Mr. CAPPER:

A bill (S, 4642) granting a pension to Martha Ann Cook (with accompanying papers); to the Committee on Pensions. By Mr. WADSWORTH:

A bill (S. 4643) granting permission to Col. Harry F. Rethers, Quartermaster Corps, United States Army, to accept the gift of a Sevres statuette entitled "Le Courage Militaire," tendered the President of the French Republic; to the Committee on Military Affairs.

PUEBLO INDIAN LANDS.

Mr. JONES of New Mexico submitted two amendments intended to be proposed by him to the bill (S. 3855) to ascertain and settle land claims of persons not Indian within Pueblo Indian land, land grants, and reservations in the State of New Mexico, which were ordered to lie on the table and to be printed.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. WELLER submitted an amendment providing for payment to the city of Baltimore, Md., of \$173,073.60 expended by that city in carrying out the request of Maj. Gen. R. C. Schenck, United States Army, to aid the United States in the construction of works of defense in and around the city of Baltimore on account of the Civil War, intended to be proposed by him to House bill 14408, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ROBINSON submitted an amendment providing that after March 1, 1923, the salaries of the Assistant Doorkeeper and Acting Assistant Doorkeeper shall be at the rate of \$4,200 per annum each, and appropriating the sum of \$1,600 to carry out said purpose, intended to be proposed by him to House bill 14408, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be

printed.

Mr. PHIPPS submitted an amendment providing that the recorder of deeds for the District of Columbia be authorized to lease one additional floor in the Century Building, in the city of Washington, consisting of nine rooms, for the use and occupancy, out of the fees and emoluments of his office, not to exceed \$1,500 per annum, and also for the purchase of five additional Elliot-Fisher book typewriters, etc., intended to be proposed by him to House bill 14408, the third deficiency appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

He also submitted an amendment providing that the appropriation heretofore made of \$5,000 for the purchase or condemnation of additional land for the National Training School for Girls shall be available for expenses incurred for constructing and furnishing the additional building for white girls at said school, etc., intended to be proposed by him to House bill 14408, the third deficiency appropriation bill, which was referred to the Committee on the District of Columbia and

ordered to be printed.

Mr. CALDER submitted an amendment providing that no part of the moneys appropriated in a certain paragraph shall be used

or expended for the purchase or acquirement of any article or articles that at the time of the proposed purchase or acquirement can be manufactured or produced in each or any of the United States navy yards, if time and facilities permit, for a sum less than they can be purchased or acquired otherwise, intended to be proposed by him to House bill 14408, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing that no part of the moneys appropriated in a certain paragraph shall be used or expended for making such changes in private establishments or for the purchase or acquirement of any article or articles that at the time of the proposed changes, purchase, or acquirement can be made, manufactured, or produced in each or any of the United States navy yards, if time and facilities permit, for a sum less than they can be made, purchased, or acquired otherwise, intended to be proposed by him to House bill 14408, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

INVESTIGATION OF DISTRICT STREET RAILWAYS.

Mr. McKELLAR. Mr. President, I offer a resolution for which I ask immediate consideration. It is a resolution in reference to investigating the street-car situation in the city of

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The reading clerk proceeded to read the resolution.

Mr. JONES of Washington. What is it that is being read?

The VICE PRESIDENT. A resolution offered by the Senator from Tennessee

Mr. McKELLAR. It is with reference to street-car fares in the city of Washington. It is a resolution providing for an investigation

Mr. JONES of Washington. I have no objection to its pas-

sage, if it can be done without any discussion.

Mr. McKELLAR. It will be passed without debate. It has all been agreed upon by the Senator from Delaware [Mr. Ball], the chairman of the Committee on the District of Columbia, and myself.

Mr. SMOOT. That may be true, but the Senate has not con-

sidered it.

Mr. McKELLAR. Of course, I understand that. I merely said that because the Senator from Delaware has been active in one phase of the matter and I in another phase, and we are now submitting it to the Senate.

Mr. SMOOT. Let the entire resolution be read. The resolution (S. Res. 456) was read, as follows:

The resolution (S. Res. 456) was read, as follows:

Resolved, That a special committee of the Senate, to be appointed by the Vice President, be, and it is hereby, authorized and instructed to investigate and report to the Senate at its meeting in December next or earlier, should a special session be called, the following:

1. The said committee is hereby authorized to examine into and report upon all existing contracts or charters subsisting between the Congress and the various street-railway companies now occupying and using the streets of the city of Washington and any subsidiary company or companies the stock of which is owned in whole or in part by any such street-railway companies are actually occupying the streets and enjoying all the privileges conveyed to them by the Congress in such charters or contracts, or whether they have given up any of said contract or charter rights in return for being allowed by the Public Utilities Commission to raise their rates of fare.

3. The said committee will report upon the several acts of the Public Utilities Commission raising street-railway fares, and whether or not there was either specific or implied authority given to said Public Utilities Commission by the public utilities act for raising such fares, including the purposes of the establishment of the Public Utilities Commission.

A Whether the reising of such fares by the Public Utilities Commission.

including the purposes of the establishment of the Public Utilities Commission.

4. Whether the raising of such fares by the Public Utilities Commission was a violation of the contracts or charters entered into by the said street-railway companies for the use of the streets of the city of Washington.

5. If it is found that the Public Utilities Commission has not exceeded its authority to raise fares, then whether or not the Public Utilities Commission was justified in raising such fares during the war and whether or not said Public Utilities Commission is justified now in refusing or falling to reduce such fares, now that the war is long over and virtual normal conditions have returned.

6. Whether the charter fare of 5 cents or the sale of six tickets for 25 cents is a reasonable fare to be charged for the service rendered at this time.

7. The said committee will examine into and report as to the properties owned by the Capital Traction Co. and the Washington Railway & Electric Co., including the cars, tracks, equipment, charter or contract values, and every species of physical property of each company, how much of it is in the District of Columbia and how much is on the outside, what part if any of it consists of charter or contract rights and privileges, the capital stock of each company, when and how issued, whether paid for in full or in part, whether any stock dividends have at any time been declared during the last 20 years, what the earnings of said companies were during a period extending over the last 20 years, what amounts of bonds are outstanding, preferred stock or other evidences of indebtedness, the total number of passengers carried each year by each company during the last 20 years, what the sarnings of said companies were during a period extending over the last 20 years, what amounts of bonds are outstanding, preferred stock or other evidences of indebtedness, the total number of passengers carried each year by each company during the last 20 years, wages, salaries, fees paid, materials boug penses and earnings.

8. Said committee will examine into and report as to what the gross and net earnings of said companies were during the said period of 20 years, the operating expenses by years, under what circumstances bonds were issued, whether they were sold at par, what was done with the proceeds during said 20-year period, and every other fact connected with the operation of said railroads during said 20-year period.

of 20 years, the operating expenses by years, under what chrumstances bonds were issued, whether they were sold at par, what was done with the proceeds during said 20-year period, and every other fact connected with the operation of said railroads during said 20-year period.

Any companies with said two companies or the purchase of other companies by either of said companies, the actual prices paid therefor, whether any stock preferred or common was issued without the payment of cash therefor and if so how much, and every fact connected with the issuance of bonds or stock or the exchange of bonds or stock and the consolidation of said roads.

10. The committee will further report upon the acquisition of any electric company by the Washington Railway & Electric Co., what are the earnings of any such company, how they are used and applied, and every fact in connection therewith.

11. The committee will also investigate the actions of the Utilities Commission of the city of Washington in reference to estreet-car farces are selected in the companies of the city of Washington in reference to estreet-car farces therefore.

12. The committee will also investigate the actions of the Utilities Commission of the city of Washington in reference to establish the companies of the companies in the District and what outside of the District, whether such roads or lines belong directly to said companies or either of them, whether any other companies are controlled by said Washington or Capital companies, whether said lines outside of the city are paying lines or not, what proportion of the expenses is properly chargeable to such lines and earnings made by them, and all other facts pertaining thereto.

13. The committee will further report the holdings of said two companies in other companies, and earnings made by them, and all other facts pertaining thereto.

14. The said committee will also examine into and report upon the question of instituting in said companies under the part of the production.

15. The said committee will

Mr. McKELLAR. I ask for the immediate consideration of the resolution.

Mr. SMOOT. Under the law it must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. McKELLAR. I will state why I made the request. resolution has already been submitted to the Committee to Audit and Control the Contingent Expenses of the Senate. Of course, technically it would have to go to the committee again; but I thought, inasmuch as the committee had already passed upon it and agreed to recommend it, there would be no objection

to its immediate consideration.

Mr. SMOOT. That would not appear upon the record, and

Mr. McKELLAR. Very well.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

REGULATION OF INTERSTATE COMMERCE.

Mr. ASHURST. Mr. President, I submit a resolution, and after it is read I shall ask unanimous consent for its present consideration. I ask that the same be read.

The VICE PRESIDENT. The Senator from Arizona asks leave to submit a resolution, which, without objection, the Secretary will read.

The resolution (S. Res. 457) was read, as follows:

Resolved. That the Interstate Commerce Commission is hereby requested to report to the Senate all matters relating to the administration of paragraphs 9, 10, and 11 of section 5 of the interstate commerce act relating to the operation and control of common carriers by water by reliroads.

(a) To what extent, if any, extensions of time beyond July 1, 1914, rail carriers have been permitted to control and operate water carriers.

(b) To what carriers extensions have been granted and the effect such grants have had upon rates of competing water carriers or competing rail earriers, or both.
(c) What exemptions, if any, have been granted, under section 4 of the act, to carriers jointly operating rail and water lines, jointly owned and controlled.
(d) What interpretation the commission has placed on the aforesaid paragraphs of section 5 with respect to permanent or continuous extensions beyond the statutory period—July 1, 1914.
Mr. ASHLIPST I seek that the resolution has considered at

Mr. ASHURST. I ask that the resolution be considered at

Mr. JONES of Washington. Mr. President, I have just stated that I should object to any other requests at this time. If I yield to the Senator, I shall have to yield to others. I dislike to object, but I think we can dispose of the pending motion in a very little bit, and then all these things can be disposed of. I call for the regular order.

Mr. ROBINSON. Mr. President, I call the Senator's attention to the fact that he has waived his statement that he would object to the transaction of any further business by unanimous consent, pending the disposition of the motion to recommit, by permitting the matter to be submitted.

Mr. JONES of Washington. I did not say I would not permit any business to be transacted; I meant the passage of any I will say to the Senator that I was engaged, bill or resolution. and I did not really know what was being done. I call for the regular order.

The VICE PRESIDENT. The regular order is called for.

The resolution will go over under the rule.

Subsequently Mr. ASHURST said: Mr. President, some three hours ago I introduced a Senate resolution asking the Interstate Commerce Commission to report certain data to the Senate. I find, upon a careful investigation, that the Interstate Commerce Commission will require some time to collate the data, so, of course, I have no hope of obtaining the same before the close of this Congress; but I now ask that my resolution be laid before the Senate and passed, because it is obvious that the debate on the motion to recommit the shipping bill is going to go on for some time. I now ask action on my resolution.

Mr. JONES of Washington. Mr. President, I gave notice a while ago that I would not allow any other business to be transacted until this motion was acted on. I do not like to object to a request like that of the Senator from Arizona, but if I yield to him I shall have to yield to others. I hope we can

get rid of this motion in a very little while.

Mr. ASHURST. I appreciate the courtesy of the Senator from Washington. He has been far more patient than I thought one could be, and far more patient than he should have been; but, Mr. President, there are other subjects requiring attention.

Mr. JONES of Washington. I know there are, and I want

to get to them.

Mr. ASHURST. This is a simple Senate resolution. the Interstate Commerce Commission to furnish certain in-

Mr. JONES of Washington. Let us adopt it, then.

Mr. ASHURST. I ask that the resolution be laid before the

The PRESIDING OFFICER (Mr. SHORTEDGE in the chair). If there be no objection, the resolution will be laid before the

Mr. ASHURST. It is very short.

The reading clerk read the resolution (S. Res. 457) this day submitted by Mr. Ashurst.
Mr. WALSH of Massachusetts. Mr. President, is this the

same resolution that was read a short time ago?

Mr. ASHURST. It is the same resolution that was read about three hours ago.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none. The resolution was considered by unanimous consent, and agreed to.

ORDER OF BUSINESS.

Mr. SPENCER. Mr. President, out of order I ask leave to present a report from the Committee on Indian Affairs.

Mr. KING. Mr. President, I hope the Senator will not present that report at the present time.

Mr. SPENCER. It is a report from the Committee on Indian Affairs which ought to be printed and laid upon the desks of Senators. I do not intend to call it up to-day.

Mr. KING. I ask the Senator to withhold it for the present.
Mr. WALSH of Montana. Mr. President, I trust the Senator
from Utah will not urge any objection to the presentation of this report. We have been very much disappointed that the report was not in on Saturday. It has been unavoidably de-

Mr. KING. I hope the Senator from Montana, whose slightest intimation is a command, will tolerate me in my opposition for the moment. I shall send for the Senator from Wisconsin [Mr. La Follette]. I ask the Senator to withhold it for a moment.

POLICE COURT JUDGES IN THE DISTRICT.

Mr. BALL submitted the following resolution (S. Res. 458), which was referred to the Committee on the District of Columbia:

Whereas the police court of the District of Columbia was established about 1870 with one judge assigned thereto, and in 1891 a second judge appointed, and said police court divided into the United States branch and the District of Columbia branch; and Whereas despite the increase in population, the increased number of laws, and the largely increased tendency toward crime, and the expansion of the business of said court by more than 100 per cent since 1890; and

laws, and the largely increased tendency toward crime, and the expansion of the business of said court by more than 100 per cent since 1800; and

Whereas it would seem to be impossible for two judges to properly transact the business of such a congested court as it arises and do full justice to the community or to persons on trial; and

Whereas the said court is said to be more than 500 cases behind its current docket in the liquor division alone and 90 per cent of persons charged with violating liquor laws demand jury trials; and

Whereas the United States branch of said police court only has jurisdiction of liquor cases and only two afternoons of each week can be set aside for jury trials; and

Whereas it is reported that many arrests are made daily involving violations of liquor laws, of which 90 per cent are said to demand jury trials; and

Whereas it has been estimated that if said court were to lay aside all other forms of law violation it would take more than a year to clear up existing congestion in said court, without including arrests made meanwhile: Therefore be it

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to investigate conditions with regard to congestion in said police court, and report at the beginning of the first session of the Sixty-eighth Congress upon the advisability or necessity of legislation looking to an increase in the number of judges of said police court. police court.

LAND-BANK LOANS

Mr. NORBECK. I present an article from the Country Gentleman, entitled "More money or move," which I request may be printed in the RECORD in 8-point type.

There being no objection, the article was ordered to be

printed in 8-point type, as follows:

[From the Country Gentleman.]

MORE MONEY OR MOVE-THE FATE OF MANY HINGES ON BIGGER LAND-BANK LOANS,

(By Samuel R. Guard.)

For 35 years John Wells has been one of the most prosperous up-to-date wheat and cattle ranchers in the Solomon Valley. In two months he will probably be penniless.

In 1919 John Wells had his hard luck along with the rest of us. He lost more than \$25,000 raising wheat and live stock. John's credit was good and he borrowed \$20,000 at 7½ per cent interest, giving a first mortgage on his 350-acre valley farm.

He figured that by another year with market conditions back to normal, \$20,000 wouldn't be hard to pay off. But in 1920 commodity prices took another downward sweep. His wheat sold for only \$1.30 a bushel. His fat steers went for \$7.50 in the Kansas City yards.

So again he borrowed, this time giving a second mortgage for \$15,000. In March, 1923, that first mortgage will be due. But John will not be able to meet it. Neither can be renew it at

high interest rates, He says: "If I could only borrow \$25,000 from the Federal land bank in Wichita I could pay off these mortgages and get on my feet again. As it is I'm going to the wall. I'll be just where I was 35 years ago-and I'm not a young man any more.

In the office of the president of the American Farm Bureau Federation there is a pile of letters 3 feet high—12,000 of them. Every letter tells a hard-luck story—the story of John Wells, of Kansas. These letters were solicited by the farm bureau in its compaign to abolish the \$10,000 limit on Federal farm loans. They mirror life on the farm during the past three years. They show why relief must come before settlement day—moving day—in March. For instance:

"Please use all the influence possible to increase the maximum to see the maximum to see

mum of \$10,000 for Federal farm loans to \$25,000. To me and my family it means the saving of everything we possess—our 320 acres of land, our home which we built by years of careful saving. It means the keeping together of my five boys and the money with which to give them a decent education. Immediate increase in the loan limit is my only hope. This deflation business has put my bank account about \$10,000 more in the red than it was in 1919. With my farm mortgaged for \$25,000 I can not hold out much longer. I have two mortgages, one due in the spring of 1924 and the other due now. I have been threatened with foreclosure in spite of the fact that I have spent

\$3,000 tilling the farm. I can not afford to renew the note and pay 5 per cent to local bankers. I can not meet the whole debt at this time. Perhaps I could hold on until spring if I felt sure that the farm-loan limit would be increased to \$25,000. could get relief on a long-time loan through our local association. If we farmers can obtain a loan on a well-improved half section of land, say for \$20,000 or \$25,000 for a long-time payment on the amortization plan, we can make good. If we have to continue to borrow from year to year at a high rate, living in hell all 12 months for fear that the principal will be called for, then the sooner we quit working for 9 cents an hour and get off the farm the better. We implore your help."

The letter bears the signature of a prominent farmer in South

This one is from a farm woman in Illinois:

"Won't you do everything you can to have the Federal farmloan maximum raised? They surely don't realize down in Washington what that means to the farm people of the Middle West or they would have raised it before. Now, ourselves for instance. We bought a good, small 76-acre farm for \$16,000. We have paid \$3,500 on the principal and \$575 interest and taxes. When prices for farm produce fell we couldn't make the payment of \$500 plus interest, or \$750 a year. Now, the people we bought from threaten to foreclose in the spring. lose the savings of 20 years as renters. If we could borrow only \$13,000 from the Federal Farm Loan Association and pay off this mortgage we would be all right. For a long-time loan at 5½ per cent interest we could easily pay, especially as prices are gradually coming back to normal. A first mortgage on our land would be good security, too, as it is unusually well improved and of good soil fertility. An increase in the loan limit before the coming spring means the saving of hundreds of middle western farmers who are now facing failure. The increasing of the Federal farm-loan fund is our only hope. Can you give us any assurance?

Those 12,000 letters came from every State in the Union. And they read like a schoolboy's copybook. They all say the same thing-bought a farm to make a home, drop in prices, short-time loans at high rates, mortgages coming due, no money in sight. And no crop between now and March. But there is hope for them through Federal farm loans, provided the artificial and inadequate \$10,000 limit is abolished by Congress.

PAYING LOANS BY INSTALLMENTS.

No legislation can be passed which will make the farmer ultimately prosperous. His prosperity is regulated by the prices that his products bring on the market. But much of the distress of the past three years could have been saved if he had been fully supplied with credit agencies which would have enabled him to hold his crops over price-depression periods. With an increase of the maximum loan limit, the Federal land banks can furnish necessary long-time credit at the lowest net

Paradoxical though it sounds, distress to-day is the most prevalent in the best agricultural sections. It is in these sec-tions that the present loan limit is so low as to destroy the usefulness of the farm-loan system. It is not the small farmer nor the chap operating a cheap farm on small capital outlay who is most in need of help. In the period of easy credits the small farmer with little security could not procure loans. But the rancher and Corn-Belt farmers, those operating the fine, big farms, were given almost unrestricted purchasing power. They incurred large debts based upon farm commodity values, which were generally believed to be reasonable and fairly permanent-permanent enough to buy and sell land on,

No relief can be given the farmer of this type by the plan of making farm loans on a five-year basis at excessive rates, nor by continuing to carry his indebtedness on short-term paper through six-month periods, sooner or later to be called or else renewed at higher interest charges. In these periods of de-flated prices there is nothing the farmer can do to liquidate his great burden of debts on any other basis than the amortization over a long period of years at the lowest possible rate.

Amortization is the payment of a loan by installments. farmer who borrows through the Federal land bank is free to specify any number of years, ranging from 5 to 40, in which to pay off his loan. And if later he finds he can pay the loan in less time it is his privilege to do so.

There is a total in the United States of 790,871 farms which because of the present loan limit of \$10,000 can not utilize the Federal farm-loan system. In Iowa the average farm, according to the 1920 census report, has 156.8 acres. The Farm Loan Board has restricted loans on any farm to a maximum of \$100 attacked the constitutionality of the law.

an acre. The Federal land bank of the eighth district, with this limitation, can not serve the average farmer of Iowa with the necessary loan of \$15,000. Census figures show that the average value of a farm in Iowa is \$34,662; South Dakota, \$29,350; Nebraska, \$29,283; and Nevada, \$23,834.

In the Corn Belt the average-size farm is 200 acres, with an average value of approximately \$40,000. The average standard ranch in the grazing sections of the United States has a

value of between \$50,000 and \$60,000.

Statistics show that the average rate which farmers and ranchmen are paying for money in Arkansas is 7.8 per cent; Georgia, 7.3 per cent; Oklahoma, 6.6 per cent; Texas, 7.2 per cent; Montana, 7.6 per cent; and Wyoming, 7.6 per cent. Paying 2 per cent above Federal land bank rates means an unnecessary loss of \$500 on every \$25,000 borrowed.

Mortgages in excess of \$10,000 are the rule and not the exception in the rich farming districts. Take, for example, a typical county in the Corn Belt—Taylor County, Iowa. During the years 1918 to 1922, inclusive, there were 420 mortgages exceeding \$10.000 filed for record. The average for each mort-

gage was \$17,317.74.

The opponents of the increased loan claim that the act was passed to serve only the poor farmers, and that by an increase of the loan limit wealthy farmers would in time monopolize the loan market. Incidentally they realize that they themselves

would lose an equal amount of business,

The purpose of the Federal land bank is set forth in the first sentence of the law, which reads: "An act to provide capital for agricultural development, to create standard forms of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositories and financial agents for the United States, and for other purposes."

This does not imply that the law was made only for small farmers. In its own words it was "created for agricultural development."

TRUE COOPERATION.

The law is founded upon the principle of cooperation. It can not be truly cooperative and discriminate against any one class of farmers. Neither can it afford to discriminate. in order to serve the poor farmer at a low rate it is necessary that there be a large volume of business done in the Corn Belt-the rich farming sections.

Federal land banks cover the whole country-no matter how remote the neighborhood, how scarce the money, or how small the farm. If the farm is large enough to support the borrower and productive enough to repay the loan, the Federal land banks, through the cooperative system, stand ready to serve. Unlike private mortgage companies, they do not choose their territory. They go where they are needed. The Federal Land Bank of Spokane, Wash., brought relief to drought-stricken Montana. The bank of Wichita lent to the farmers of the drought-baked plains of western Kansas. The land banks have gone down into the small districts of the South where farmers hardly knew their land was good for a loan of any kind. Sometimes they wrote loans as small as \$200. To the one-horse farmer this offer meant escape from the grip of a crossroad Shylock. It is the profits from the business in the rich farming regions that make these small loans at the 5½ per cent rate possible.

For this reason farm-loan banks are made interdependent, In locating the 12 banks the Farm Loan Board, in so far as possible, balanced the various districts with a fair proportion of the highly valued and the lower valued lands.

The necessity of a larger loan limit was early recognized and recommended by the Federal Farm Loan Board.

Farmers the country over are looking toward this cooperative system for help. In an effort to find out the true sentiment of the farmer on the subject of a loan increase the American Farm Bureau Federation sent out, through the farm bureaus of the various States, a questionnaire ballot upon the increase of the loan limit of the Federal land banks from \$10,000 to \$25,000. Returns on these ballots showed 77,565 favoring the amendment as against 16,060 opposed. A number of recent State conventions, various business men's and bankers' organizations, and representative farmers' organizations, recognizing this amendment as one of the most necessary steps in the restoration of the prosperity of the American farmer, have passed resolutions favoring its early adoption. Scores of daily papers and farm journals have earnestly advocated this increased loan limit.

Ever since the passing of the act the farm-loan system has had a fight on with the old-line farm-mortgage bankers. They

Now the Supreme Court has declared the system constitutional, and the bond market will absorb all the issues which the Federal land banks may see fit to offer. Their bonds out-

sell in the market any other agricultural security.

The 12 Federal land banks were organized by the United States Government with an original capital stock of \$9,000,000. The capital stock to-day is more than \$36,000,000, thanks to the efficiency and popularity of the system. The land banks have total assets of \$694,357,096 and reserves of \$2,532,500. The surplus and undivided profits are considerably more than \$5,000,000. All 12 banks are on a dividend-paying basis. Every one is earning a surplus. It seems that 5½ per cent is a profitable interest at which to lend money on farm land.

Remember the farms that changed hands in 1918? Most of them on a five-year-payment plan? March next will be settle-ment day. These farms are in the hands of eager, progressive, hard-working young farmers. Shall they be dispossessed? Or will Congress give them access to the cooperative long-time credit now held under an arbitrary \$10,000 lock on the door of

the Federal farm-loan system?

Every indication is that Congress will abolish the \$10,000 limit.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement

the merchant marine act, 1920, and for other purposes.

The VICE PRESIDENT. The pending question is on the motion of the Senator from Arkansas [Mr. Robinson] to re-commit the bill to the Committee on Commerce.

Mr. ROBINSON. I call for the yeas and nays on the motion to recommit.

The yeas and nays were ordered.

Mr. TOWNSEND. Mr. President, before this motion is put I desire to say a word upon the shipping bill, so called. I shall occupy only a very few moments, as I have nothing prepared in written form.

I have been waiting for weeks with the vain hope that the shipping bill might be held before the Senate in order that it could be discussed and amendments offered to it. Since I have been a Member of Congress, for 20 years, the subsidy matter has been up several times, and I have always voted against a direct subsidy, except for the carrying of United States mail. At this time, however, I have felt that it was my duty to support any present method, in the absence of any other or better one, which would, in my judgment, save to my country a portion at least of the \$3,000,000,000 worth of steel ships, or ships that cost us that much, in order that they could be used for the

benefit of American commerce.

It has been stated here repeatedly by Senators who are opposed to the shipping bill that Senators who were defeated at the last election should have nothing to say about this bill. It has been stated with a good deal of vigor that this matter of a ship subsidy was an Issue in the late campaign, and therefore, it having been decided against the subsidy then, that it ought not to be brought up at this session of Congress. The question of ship subsidy, to my knowledge, was not mentioned in the campaign in Michigan. I am positive that it did not enter, even in the remotest degree, into the determination of the election, but even if it had I should still feel that it was my duty to vote my convictions during my constitutional term of office in the Senate. I know that the people of my State would expect me to do that. I would not knowingly or consciously vote differently after the election than I voted before the election.

During my term here I have always been governed, so far as I know and am conscious, by convictions of duty, regardless of my own political fortunes. I think it will be conceded that if I had paid a little more attention to politics as I have seen it played so many times the result in Michigan would have been different from what it was, but I am not complaining in the least. I am not at all cast down over the result, and am perfectly willing to bow to the decision of our people in that election, although less than a majority of the voters went to the

polls on the 7th day of November.

Mr. President, I repeat that when this bill came before the Senate I felt that it was my duty to do the best I could to di pose of the steel ships that were owned by the United States for the benefit of the whole country. I had hoped that we might proceed to consider this bill upon its merits, and that it might be amended, that I might have an opportunity to offer some amendments to it; but from the beginning the decree went forth that this bill should not be voted upon at this session of Congress.

Early in the discussion the camouflage, which deceived no-body, put forth by those opposed to the bill to the effect that

a filibuster was not being indulged, was clearly discovered by all of us, even the Senators who made the assertion that no filibuster existed. I maintain that the time to have indulged a filibuster, if one was to be indulged, was when every last effort had been put forth by the Senate to amend this bill, because a large majority of the Senate believe in doing something for the benefit of our merchant marine. They say, "Not this bill; some other bill"; and yet we have been denied the opportunity to place any other bill before the Senate.

There has been some real discussion of this bill. I have not listened to all of the arguments, but I recall clearly the argument of the Senator from Washington [Mr. Jones], who has charge of the bill, an argument that has not been answered, as it seems to me; the argument of the senior Senator from Louisiana [Mr. RANSDELL], which has not been answered; the argument of the Senator from New Jersey [Mr. Frelinghuysen], which was a clear statement; and others. On the opposite side there has been the argument of the senior Senator from Florida [Mr. Fletcher]. I listened with a great deal of interest to what he said, because I have confidence in that Senator, as I have in the others. I was instructed by this kind of discussion; but the great amount of the time of the Senate has been taken up by Senators who were not discussing this question at all, simply for the purpose of playing politics.

Mr. President, I have been in the Congress long enough to deplore this disposition on the part of some Senators to so construe the issues that are presented to the Senate, to misrepresent to the public things as they really are in order that some political advantage may be had by one party or the other. I suppose, so long as we have party government, that may ways be indulged. Nevertheless, Mr. President, I deplore this disposition, because it may be, and frequently is, a serious question. A large majority of the Senate believe the pending bill is a serious question; yet we were prevented from voting upon amendments whereby a larger part of the subsidy, if a subsidy were granted, could be given to the cargo ships. What subsidy were granted, could be given to the cargo ships. we ought to do, and what I believe must be done before we have a permanent merchant marine, is to make an allowance in some form-call it by whatever name you will-which approximately equals the difference in the cost of construction and operation of American vessels as compared with the cost and maintenance of ships of our competitors.

Mr. FLETCHER. Mr. President, will the Senator yield for

a moment?

Mr. TOWNSEND. I yield. Mr. FLETCHER. The Senator has made reference to the possibility of amending the bill in the Senate, and argues, as understand, that we ought to have considered the bill and acted upon amendments.

Mr. TOWNSEND. What does the Senator think about that

proposition?

Mr. FLETCHER. I am leading up to that. The Senator realizes that if the Senate had adopted amendments to the bill they would have been undoubtedly disagreed to in the House and the matter would have gone to conference, and then the question would have been whether the Senate conferees would have receded from those amendments, and we would have had the House bill.

Mr. TOWNSEND. That is a speculation, of course; but I am talking now about the duty of Senators. I am not discussing what might or might not have happened, but I am discussing the deplorable fact that there has been no opportunity to discuss this bill.

Of course, Senators who were opposed to the bill have risen and called it a filibuster when anybody spoke on the bill. have never believed that it was filibustering to discuss honestly matter pending before the Senate. I have thought that that was the function of the Senate-to discuss matters pending before it. Of course, I do not like this repetition of arguments over and over again. I do not like this introduction of extraneous matters into a serious concern like this; and some day, Senators, this question will have to be settled, because in spite of prejudice and passion the people of the United States realize that we must have a merchant marine.

The only proposition before the Senate now is the bill as introduced, to which no opportunity has been given for amendment or for discussion of amendments. If we could have devoted all of the time to this bill and put it in the best shape possible, then if Senators wanted to indulge in a filibuster they could have done it just as well when it came to the final disposition of the bill as they can now, or have been able to do at any time since we have been considering the measure.

I have nothing in particular to say in reference to the filibuster. I indulged in one myself once. I have always been a

little ashamed of it.

I am not just now condemning Senators so much for that as I am for their action in preventing consideration of the bill. So, Mr. President, I have been favoring action on this measure, hoping vainly that the time would come when Senators seriously minded would be attempting to put it in the best shape possible in order that I could exert what influence I had for the ideas which possessed me. That opportunity has gone by; everybody knows why and how. Much of the talk against it has been for political reasons. Unworthy appeals, as it seems to me, to the press and to the voters of the country on matters about which they must know but little, have been made for the purpose of prejudicing their sentiment. As far as I am concerned, I regret it exceedingly.

Mr. KING. Will the Senator yield?

Mr. TOWNSEND. Yes.

Mr. KING. The Senator is a very fair man, and I concede his great interest in this bill and his absolute sincerity in the argument which he is making. His remarks, of course, can not be leveled at me, because I have not spoken on the bill at any length; but does not the Senator feel that he is a little unjust in charging that the arguments or the statements on the floor against the bill have been made merely to deceive? Does not the Senator know that many of the Senators who are opposing this bill have acted in the utmost good faith and be-lieved that the bill was misconceived; that it was drawn by certain shipping interests in their interest for their profit; that it was hostile to the best interests of the American people and would not eventuate in giving a merchant marine to the American people? I am sure that on reconsideration the Senator will feel that the opposition to this bill is founded in good faith and rests upon the solid convictions of able and conscientious Senators

Mr. TOWNSEND. I agree with the Senator that there are very many conscientious Senators who are opposing this bill; and I wanted to hear their arguments as against the bill, because, as I said, I have an open mind. It is furthest from my thought to reflect upon any Senator who does not believe in this bill and who has urged legitimate argument against it. I have voted against subsidies in the past. I should vote against this subsidy if a better method were proposed and would be very glad to do so. What I am condemning is the patent attempt on the part of a few Senators to play politics and occupy very much time of the Senate on extraneous matters instead of allowing us to proceed to discuss a bill which clearly ought to be discussed in order that Senators might vote intelligently on it.

I have said this much, Mr. President, because I am convinced that it is a great matter which has been trifled with to a great extent, and that the results may be of greater importance to the country than those who have treated it lightly may now understand. I have been hoping, as I said, vainly that there would come a time, although now it is too late, when we could consider this bill and amendments to it for the purpose of perfecting it so as to accomplish what a great majority of

the Members of the Senate want to accomplish.

Mr. JONES of Washington. Mr. President, I intended to take 5 or 10 minutes in a discussion of this bill before a vote was taken on the motion, but I am not going to take the time now. I am anxious to get a vote, and I want to express the hope that the motion to recommit will be voted down. Nothing could be accomplished by the motion. The bill could not be reconsidered by the committee before the session is over with the expectation of doing anything, so I express the hope very

earnestly that the motion to recommit will be voted down.

Then I want to say this, that I do not propose to keep this bill before the Senate to delay other measures. There are important matters which ought to be considered by the Senate, and which can be considered by the Senate before we adjourn. So I am not going to use this bill as a buffer to prevent action

upon those measures or to delay them.

Mr. HARRISON. Will the Senator yield?

Mr. JONES of Washington. I understand the Senator from North Dakota [Mr. Ladd] will make his motion to take up the filled milk bill after the disposition of this measure, and I want to say that I shall vote for his motion to displace the pending bill, and I hope the motion will be agreed to.

Mr. HARRISON. May I ask the Senator a question?

Mr. JONES of Washington. Certainly.

Mr. HARRISON. The pending question is on the motion made by the Senator from Arkansas [Mr. Robinson] to recommit the bill. The Senator now says he is going to vote for the

Mr. JONES of Washington. I will.

Mr. HARRISON. I understand he is going to vote against the motion to recommit?

Mr. JONES of Washington. I will.

Mr. HARRISON. What is the difference, in the opinion of the Senator?

Mr. JONES of Washington. I am not going to take the time of the Senate to try to explain that now.

Mr. HARRISON. What is to be gained by that?

Mr. JONES of Washington. Nothing at all, except that I do not like the idea of treating the shipping bill so entirely differently from the way we treat and have treated other important measures. If Senators desire to kill the bill, kill it in a sort of a dignified way instead of reflecting upon the committee by sending it back to the committee, apparently expressing the idea that the committee had not given the bill proper consideration, and therefore the Senate is going to reflect upon it by sending the bill back to them. The Senator of course can do just as he wants to. I hope the bill will not be recommitted. As I said when it is disposed of, I shall vote for the motion of the Senator from North Dakota to take up the filled milk bill.

Mr. HARRISON. The Senator thinks, then, that a vote for the motion of the Senator from North Dakota is more dignified

than a vote for the motion to recommit?

Mr. JONES of Washington. I think so. Possibly I am influenced a little by personal feeling. As I said, I feel that it would be a sort of a reflection upon the committee to refer the bill back to the committee at this late hour in the session. Mr. KING. Does not the Senator think it would be wiser to

have a funeral oration and some flowers?

Mr. JONES of Washington. Anybody who desires to de-liver a funeral oration is at liberty to do so. I am not going to take the time of the Senate to do it. I am trying to get through as quickly as possible.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. JONES of Washington. I yield.

Mr. ROBINSON. The Senator announced on last Saturday that he recognized that the bill was defeated; that is, that it could not be passed during the present session.

Mr. JONES of Washington. I think I did; yes. The Record

will show.

Mr. ROBINSON. If that was true, I want to ask the Senator from Washington why he has held this bill before the Senate for two or three days since he made that announcement and since the country has known that the bill could not pass, unless he acquiesced in keeping the bill before the Senate as a buffer?

Mr. JONES of Washington. I was anxious to get a vote yesterday, but Senators desired to speak, and, of course, I could not prevent it. I did not desire to make a motion to lay on the table.

Mr. ROBINSON. The Senator will recall that on last Saturday I asked unanimous consent for a vote on the motion to recommit and the Senator declined it.

Mr. JONES of Washington. There was coupled w condition of some kind. I have forgotten what it was Mr. ROBINSON. No; there was no condition. The There was coupled with it a

There was an absolute request for unanimous consent for a vote on the motion to recommit. If that motion had carried, it would have enabled the Senate to proceed with the consideration of other bills, and to have discussed a large number of measures which will not be considered because of the keeping of this bill before the Senate as a buffer.

Mr. JONES of Washington. I am certain I would not have objected to that if there had not been some condition attached which I have forgotten now. I was anxious to get to a vote.

I desire to propound an inquiry to the Sen-Mr. McNARY. ator from Washington.

Mr. JONES of Washington. Very well. Mr. McNARY. Assuming that the filled milk bill shall displace the ship subsidy bill, after the disposition of the filled milk bill, does the Senator from Washington propose to make a motion that the ship subsidy bill shall be made the unfinished

Mr. JONES of Washington. I do not. I do not expect to try to call this bill up any more this session.

Mr. HARRISON. Will the Senator yield for an inquiry?

Mr. JONES of Washington. Yes.

Mr. HARRISON. The Senator has stated that while he is going to vote against the motion to recommit, and vote for the more dignified motion presented by the Senator from North Dakota to take up the filled milk bill, and I see in the chamber now the senior Senator from Massachusetts [Mr. Lodge] also, and this would apply to him as well, in view of the fact that the President has not sent a special message asking us to pass the filled milk bill in the closing days of this Congress, but on Saturday, in a very strong message, urged appropriate legislation for the ratification of a treaty that would carry the

United States into membership in a permanent international court, does not the Senator think that it would be more appropriate, if we were going to carry out the wishes of this administration, to have a motion made either to discharge the Committee on Foreign Relations if they just refused to act, or to take up this matter, and in the few remaining days consider that important matter?

Mr. JONES of Washington. I am not considering this matter and this program from the administration standpoint at all. The treaty to which the Senator refers has not been acted upon by the Committee on Foreign Relations, and it is not before the Senate. The bill of the Senator from North Dakota has been acted upon by a committee, it is on the calendar, and ready for consideration.

Mr. HARRISON. But may I say to the Senator—Mr. JONES of Washington. I want to say frankly to the Senator that as far as I am personally concerned I have given such little time as I could to the suggestion of the President. I have not studied it carefully. My impression is that I see no objection to the proposal of the President at this time. But I am not foreclosing the judgment I may reach hereafter, upon a more careful study and consideration of the proposal; but I do hope that that will not come before the Senate before we dispose of this motion to recommit.

Mr. HARRISON. Does the Senator know what the views of the steering committee are, including the chairman of the Foreign Relations Committee, with respect to the matter?

Mr. JONES of Washington. I have not conferred with any member of the steering committee. If a Senator were to ask me who they are, I could not tell him; I do not know.

Mr. HARRISON. I saw the Senator from Massachusetts a moment ago, when this colloquy started, but now he is not on the floor of the Chamber.

Mr. JONES of Washington. Mr. President, I ask unanimous consent that I may print in the RECORD some extracts from the testimony of Mr. Lasker relating to the difference in the cost of operating American and British ships, so as to make his view perfectly clear, as I think it has not been made clear; also a statement from a report made by Thomas Jefferson with reference to the merchant marine, and a statement prepared by a very reliable gentleman, whom I know and can vouch for, with reference to a provision in the McKinley law that is a parallel to the permanent appropriation provision in this bill; also a history of the Cunard subsidy.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

On page 13 of the hearings Chairman Lasker in his direct testimony made the following statement:

"Private ships under the American flag must be governmentally aided, because of the higher standards of living of American labor in the shipyard and on the ship. The man who builds ships on land works in America with a higher wage; the man who mans our ship is paid more and sustained better than the foreigner. Who in America would have it different?"

At the bottom of page 33 and top of page 34 there is found the following testimony:

more and sustained better than the foreigner. Who in America would have it different?"

At the bottom of page 33 and top of page 34 there is found the following testimony:

"Mr. Lasker. I am not myself an expert on the question of the labor cost. Experts will be put on the stand who will answer that question; and because I do not want to do injustice to the subject. I have to refuse, on the plea of incompetency, to go into the details, to answer in a detailed way. But I do know this, that to-day the labor cost between Britain and the United States is closer together than it ever was before in the history of shipping. The reason that it is closer to-day is that American shipping is practically dead, and those men who are forced to go to sea are forced to take whatever wages they can get, and I think the American private shipowner will come to a time when he will be ashamed of himself at the low wages he is paying at this time.

"Mr. Hardy. As a matter of fact, the private shipowner is paying even under the British wage at this time?

"Mr. Lasker. No; that is not the fact; but you will have to cross-examine the experts when they come on as to that.

"Mr. Hardy. We will leave that to the others who know more about it. At least, my investigation prompts me to ask that question.

"Mr. Lasker. I could have prepared myself to answer it, but I had so much to do to go into the general subject. These figures have all been submitted to me, and I have read them all, but I am not able to discuss them. But there has been a difference of 25 per cent to 30 per cent, almost constant, in the wage between the American and the British ship. That difference is cut away down now; but as soon as shipping improves the American wage will immediately go up and the differential will prevail, because the Britisher was neither willing on the dot, on the one hand, nor cruel enough, on the other hand, short-sighted enough when he had the opportunity, to cut down the wage of his seamen and drive his seamen of the sea, as the American shipowne

"Mr. Lasker, No; Mr. Furuseth did not say that.
"Mr. Furuseth. I said there will be a shortage.
"Mr. Lasker, But you can answer that yourself, whether the ship-owner, with the shortage Mr. Furuseth predicts—and I accept his prediction—whether or not the shipowner will have to pay the higher

wage."

On page 35 additional statements are made, as follows:

"Mr. Hardy. That razzle-dazzle made about the seaman's act and that the shipowners were about ready to quit—

"Mr. Lasker. I think that is a most misrepresented act.

"Mr. Hardy. That far we will agree. Then you will admit to-day the wages are practically the same on British and American and Norweyian ships?

"Mr. Lasker. No, sir; not on the American.

"Mr. Hardy. I thought you said privately owned ships had gotten down as low.

"Mr. LASKER. No, sir; not on the American.

"Mr. Hardy. I thought you said privately owned ships had gotten down as low.

"Mr. LASKER. No, sir; I said they had gotten down closer together. If you will read the record over when the stenographer transcribes the minutes, you will see I did not say that.

"Mr. Hardy. I did not mean you said it in the record just now; but I thought you said before they had gotten down.

"Mr. Hardy. I did not mean you seld it in the record just now; but I thought you said before they had gotten down.

"Mr. LASKER. No, sir; I said they were getting closer together.

"Mr. Hardy. How close—"Mr. LASKER. I said we will put experts on.

"Mr. Hardy. (continuing). You did not know?

"Mr. LASKER. If I did not, I will still stick to it; but we are going to put on experts."

It will be noted in all the above that the chairman dwelt upon the fact that he was not the board expert to testify on this matter and repeatedly reiterated that specially qualified experts would follow him to discuss that matter in detail. At the top of page 36 he makes his position clear, as follows:

"Mr. LASKER. You see, I do not want this cross-examination of mine on this question of subsistence to stand as the record we are making, because I have averred time and again I am not competent to give the information; but I have men here who will give you the information."

Still, it will be noted that he never failed to reiterate that a substantial wage differential did arist

to give the information; but I have men here who will give you the information."

Still, it will be noted that he never failed to reiterate that a substantial wage differential did exist.

In the study submitted by the board the third paragraph, found on page 107, specifically includes higher wages as one of the disadvantages of American shipping. On page 125 the entire page is devoted to a discussion of the wage differential and the reason that at the time the hearings were held this differential was less than normal is clearly explained there.

On page 164 this is gone into in greater detail, with comparison of tables, and the entire matter of wages was dealt with in great detail in my own direct testimony, beginning on page 434 and throughout the cross-examination.

As an example of the efforts of the minority to obtain an admission that wage differentials were not great, there is found on page 296 the following question by Mr. Bankerad, which Mr. Lasker promptly denied:

following question by Mr. BANKHEAD, which Mr. Lasker promptly denied:

"Mr. BANKHEAD. Another item that you mention is higher cost of wages. As I understand it, for the present that element has been eliminated by the admission in the testimony of the chairman of the Shipping Board as a matter of comparison between Great Britain and the United States?

"Mr. LASKER. Oh. no."

This occurred during the cross-examination of Mr. Daniel H. Cox upon an entirely different subject.

upon an entirely different subject.

REPORT OF THOMAS JEFFERSON, AS SECRETARY OF STATE, TO THE HOUSE OF REPRESENTATIVES—OFFICIAL PAPERS, DECEMBER 18, 1793.

Our navigation involves still higher considerations. As a branch of industry it is valuable, but as a resource of defense essential.

Its value as a branch of industry is enhanced by the dependence of so many other branches on it. In times of general peace it multiplies competitors for employment in transportation, and so keeps that at its proper level; and in time of war—that is to say, when those nations who may be our principal carriers shall be at war with each other if we have not within ourselves the means of transportation, our produce must be exported in belligerent vessels, at the increased expense of war freight and insurance, and the articles which will not bear that must perish on our hands.

But it is as a resource of defense that our navigation will admit neither neglect nor forbearance. The position and circumstances of the United States leave them nothing to fear on their land board and nothing to desire beyond their present rights. But on their scaboard they are open to injury, and they have there, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizen seamen and of artists and establishments in readiness for shipbullding. * *

But if particular nations grasp at undue shares, and, more especially, if they selze on the means of the United States, to convert them into aliment for their own strength, and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are thus invaded; or it will be disarmed of its defense; its productions will lie at the mercy of the nation whose harine resources are thus invaded; or other will be disarmed of its defense; its productions will be requisite to raise up others, when disgrace or or losses shall bring home to our feelings the error of having a

REPORT OF THOMAS JEFFERSON, AS SECRETARY OF STATE, TO THE HOUSE OF REPRESENTATIVES—OFFICIAL PAPERS, FEBRUARY 1, 1791.

If regulations exactly the counterpart of those established against us would be ineffectual, from a difference of circumstances other regulations equivalent can give no reasonable ground of complaint to any nation. Admitting their right of keeping their markets to themselves, ours can not be denied of keeping our carrying trade to ourselves. And if there be anything unfriendly in this, it was in the first example.

The loss of seamen, unnoticed, would be followed by other losses in a long train. If we have no seamen our ships will be useless, consequently our ship timber, iron, and hemp; our shipbuilding will be

at an end, ship carpenters go over to other nations, our young men have no call to the sea, our produce, carried in foreign bottoms, be saddled with war freight and insurance in times of war; and the history of the last 100 years shows that the nation which is our carrier has three years of war for every four years of peace. * * It is easier, as well as better, to stop this train at its entrance than when it shall have ruined or banished whole classes of useful and industrious citizens.

BOUNTY OR SUBSIDY TO FARMERS AND PLANTERS FOR THE PRODUCTION OF SUGAR IN THE M'KINLEY TARIFF ACT OF 1890.

The tariff act of October 1, 1890, generally known as the McKinley Act, provided for the free admission of all sugars not above No. 16 Dutch standard in color, thus removing to the free list an article which previously, on the grade chiefly imported, had paid a duty of about 2.24 cents per pound. To compensate for the abandonment of a protective duty for the domestically produced sugar the act further provided for 14 years for a bounty of 2 cents per pound to be paid to the producers of sugar testing not less than 90° by the polariscope, whether produced from cane, beets, sorghum, or the sap of the maple tree. On sugar testing less than 90° and not less than 80° the bounty was to be three-fourths of a cent per pound.

14 years for a bounty of 2 cents per pound to be paid to the producers of sugar testing not less than 90° by the polariscope, whether produced from cane, heets, sorghum, or the sap of the maple tree. On sugar testing less than 90° and not less than 80° the bounty was to be three-fourths of a cent per pound.

When the McKinley Tariff Act was passed the Government was confronted with the problem of a superabundant revenue. Sugar was one of the most important revenue articles in the tariff law. The annual receipts from this source had been about \$55,000,000. Under the long-continued tariff protection the American domestic sugar industry had increased, but was still unable to supply the people with more than one-eighth of the domestic consumption. It was argued and agreed to by a majority of Congress that a direct bounty to the growers of sugar—the beet-sugar growers and the cane-sugar growers—would yield protection exactly as the tariff gave 1t, and would make it possible to lessen the customs revenue by placing raw sugar on the free list.

The Committee on Ways and Means therefore recommended abolition of the tariff duty and the granting of a bounty of 2 cents per pound on every pound of sugar produced in the United States.

Mr. McKinley, of Ohlo, in outlining the argument for the bounty, said that it would give protection in the most economic and effective way. Some, he added, "urged that this protection will not continue to be provided: that a Democratic Congress will refuse to make the appropriation." Fearing this, he added, "we have provided in the bill that the sum required shall be a permanent appropriation."

Representative Dunnell, of Minnesota, and other Congressmen from the States where beet-sugar growing came to be introduced argued that under the bounty or subsidy system "there may spring up a great production of sugar."

In 1890 our total imports of sugar were 2,607,113,114 pounds, upon which a duty of \$53,985,874 was collected. The average rate of duty per pound of sugar was therefore 2.07 cents.

S

(In tons of 2,000 pounds.)

Year.	Louisiana and Texas.	Domestic beet.	Total.
1891	185, 290	5, 998	191, 288
	249, 228	13, 460	262, 688
	305, 413	22, 344	327, 757
	364, 696	22, 503	387, 199

Even foes of the protective system were forced to admit that the sugar subsidy of 2 cents per pound of production to the farmers of the Middle West and to the planters of the South had justified itself by its success. Prof. F. W. Taussig, one of the foremost advocates of free trade in the United States, was one of those who acknowledged that the bounty was responsible for this increase. Professor Taussig said: "After 1890 there was a substantial gain, no doubt due in part to the effect on men's imagination of the bounty given by the McKinley tariff act. It is true that the bounty was intended to do no more, and in fact did no more, than make up for the abolition of the duty. But a bounty seems to make a greater impression than a duty—not only on the general public, but also, strange as it may seem, on the producers whose affairs are directly concerned."

It should be borne in mind that this signal instance of the successful use of a subsidy or bounty by the Government of the United States was frankly intended for the protection and encouragement of the agriculture of the Mississippi Valley region. It was a farmer's subsidy or bounty. When the McKinley tariff was supplanted by the Gorman-Wilson tariff, the farmers and planters who were raising sugar under the bounty system were not abandoned by their Government. On the contrary, the framers of the Gorman-Wilson tariff protected sugar by an ad valorem tariff duty of 40 per cent.

How can Senators of sugar-growing States that made no objection to the sugar subsidy of 1890, but welcomed it and made good use of it, object now to a subsidy to ships?

SHIP SUBSIDY AND THE CUNARD LINE—STORY OF THE REMARKABLE GROWTH OF A GREAT STEAMSHIP LINE THROUGH SUBSIDY.

(By Capt. E. K. Roden.)

In the year 1830 in the city of Hallfax, Nova Scotia, lived a man who cherished an ideal. He was a cautious business man and, in fact, represented the honorable East India Co., so that he had much to do with shipping.

The man's name was Samuel Cunard and his ideal was to operate a line of steamers across the Atlantic. Up to this time, of course, most of the trade was carried in sailing ships, but in 1838 the Lords Commissioners of the Admiralty, who at that time arranged overseas postal contracts, came to the decision that steamships had become so

reliable that they were more suitable for the conveyance of mails than the adling above accordingly invited for the conveyance of mails than the adling above accordingly invited for the establishment of a regular fortnightly service between Liverpool, Halfax, and Boston, and Mr. Gunard had his opportunity. Armed with a letter of introduction to Mr. George Burns, a shipowner engaged in the coasting trade, who in turn introduced his partner, Mr. David McIeve, of Liverpool. In this way commenced the association of the North Atlantic trade.

The trio secured the contract on the basis of a subsidy of \$20,000 per annum and formed a company with the subscribed capital of the Choic. Before they had gothen very far with their linas, however, the contract was modified so that they had to provide four ships adhere to faced saling afters, the term of the agreement being for seven peans, villy 4, 1840, the Britannia salied from Liverpool with G3 saloon passengers and thus inaugurated a service which has probably done more than any other single agency to bind together the origins of the provide states of the contract was modified so that they had to provide four ships after the contract was modified so that they had to provide four ships after the contract was modified so that they had to provide four ships after the contract was modified so that they had to provide four ships after the contract was modified so that they had to provide four ships after the contract was modified so that they had to provide four ships after the contract was modified so that they had to provide four ships after the contract was modified so that they had to provide four ships after the contract was modified so that they had to provide the contract was modified so that they had to provide the contract was modified so that they had to provide the contract was a the contract was a contr

Mr. HEFLIN. Mr. President, I was willing that we should have a vote upon the question of recommitting the ship subsidy bill, but the Senator from Michigan [Mr. Townsend] prevented that vote from being had by a further discussion of the question, and in his speech charged that those who opposed the bill were playing politics, and attempting to deceive the people. I want the Record to be kept straight as we go along. I want Senators who are exceedingly sensitive to take notice that that is a reflection upon Senators on this side and on the other side who opposed this bill, and the Senator from Michigan could have been called to order, but nobody called him to order. I believe in free speech, myself, and I think that each Senator ought to be able to take care of himself in debate in this body—

Mr. TOWNSEND. Mr. President—

Mr. HEFLIN. And I was willing to wait and have my say in

reply to the Senator-

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Michigan?

Mr. HEFLIN. But I just want to remind Senators on the other side who are always keenly on the alert to prevent certain subjects from being mentioned in this Chamber that they were sleeping on the job this morning. Now I yield to the Senator from Michigan.

Mr. TOWNSEND. Of course, if I said what the Senator says I said, I owe an apology to the Senate, and will make it. not intend any such thing, and I am sure I said no such thing. I said that much that is said on the floor of the Senate is for political purposes-to deceive the people. I did not apply that directly to those who are opposed to the bill, as I said to the Senator from Utah when he rose that that was not intended for them, because I admitted that much that was said-in fact, all that was said-by Senators who were arguing this question was given my most careful and earnest attention, because I was looking for light, looking for arguments to be brought forth on both sides. I was condemning the fact that much of this discussion has not been for the purpose of throwing light on this bill, but has been an indulging in extraneous matters. That is what I said and that is what I intended to convey.

Mr. ROBINSON. Mr. President, will the Senator yield to

me?

Mr. HEFLIN, I yield. Mr. ROBINSON, It i It is true that the Senator during the course of his remarks charged that Senators had attempted to deceive the American people. That statement was distinctly heard by the Senator from Virginia [Mr. Glass] and by other It is a fact that the statement constitutes a reflection upon the Senate.

There is no doubt about the language being Mr. HEFLIN. used, Mr. President, but the Senator explains now that he meant no reflection. He said we were playing politics. I am sure the notes will bear out my understanding of what the Senator said.

Mr. TOWNSEND. Does the Senator deny that the Senator

himself has been playing politics?

Mr. HEFLIN. Yes; I deny that I have been playing politics. I assert that I have been doing my patriotic duty against one of the greatest combines that has ever appeared in the country-

the Shipping Trust.

Mr. President, I have served for some time in Congress, and I have never seen such a propaganda carried on as those who would profit by this ship bill have carried on. Newspaper space galore has been devoted to carrying on a propaganda all over the country, trying to shape public opinion in favor of this ship subsidy bill. Nobody can deny that. There never has been anything like it, and the men who have fought this ship subsidy have stood out boldly, fearlessly, and ably, defending their position against a combination that is colossal in this country.

Money is no object, and why should it be with these people? If this bill should pass, the Government would turn over to them as a gift twenty-eight hundred million dollars' worth of ships. Why should they not spend a few millions to get a gift like that? Why should they not be willing to buy certain newspapers to poison public sentiment in order to pull off a deal like

I am not going to speak at length on this ship subsidy bill, because it is already dead. The able and genial Congressman, Mr. HUMPHREYS of Mississippi, tells a story about a brother of his who lived at Greenville, Miss., who was a doctor. He was sent for one night to come to see a negro who was sick on the other side of the river from him. The negroes always called him "Umphers" instead of "Humphreys." He went down to the ferry and hollered, and the negro ferryman on the other side answered, and recognizing Doctor Humphreys's voice, said, "Is that you, Doctor "Umphers"? He said, "Yes."

"Yes."

The ferryman said, "Albert is already dead." [Laughter.]

I told that story to the Senator from Washington [Mr. He came in here last Friday wearing a Jones I on Saturday. flaming red necktie; Saturday he came with a white tie, and he is properly robed to-day. He has on a black tie, mourning for this miserable measure that has gone to its long, last sleep. [Laughter.] Still, he does not want the corpse dismissed; he does not want it to be referred back to the committee. not take it out of the Senate Chamber? It is already dead.

Mr. WILLIAMS. And smelling bad.

Mr. HEFLIN. Mr. President, the papers that have been carrying on this propaganda and criticizing me have criticized others over here who have dared to fight against opening the Public Treasury to the men who compose the Shipping Trust.

I felt that I owed it to my constituents and to the people of the country who do not believe in this sort of legislation to give some reason for the faith that is in me.

Do you know what has been done in the sale of some of these ships? Bids have been asked and some sales made, we are told. Do you know what stipulations have been made regarding the sale of the ships? It has been stipulated, I am informed, that the man who bought them was told that he could not operate them, but had to dismantle them. What do you think of that, Senators? If the American people knew the real truth they would be astounded to learn that people who wanted to buy ships, when they came up to bid and buy were told "You can not operate this ship in competition with other ships now in the shipping business, but you will have to dismantle it." Can anybody under Heaven defend such a course as that? Is there a business man in the Republic who

would condone or indorse such a thing as that? Where is he? Here is the Government in possession of the greatest merchant marine in the world except that of Great Britain, and we say we want to dispose of some of the ships and we advertise them for sale. We say they are splendid vessels, built under the direction of the great genius Schwab; they are masterful ships, all of them, and are for sale. They are to be sold on a certain day. Come ye who want to buy ships-and here they come. When they arrive they are told "Now, you want these two ships or these four or six ships?" "Yes; I want them. I am going into the shipping business." "Oh. no; you can not do that. No; you can not operate them in competition with other ships. You can buy them, but you must dismantle them or tie them up to the shore and let them Can anybody excuse such a deal as that? Then, some Senators stand up here and undertake to condemn us for daring to rise on the floor of the Senate and oppose such an unbusinesslike deal as that.

I understand that Mr. Lasker has sold for \$2,100 ships which cost the Government \$600,000 and \$800,000. Can anyone excuse such conduct as that? It is said that is the best price we can get. Why sell them until conditions get better? Why not hold them until normal times return and prosperity shall appear again in the Republic? Why force the ships upon a dead market and put such restrictions about the sale that the man who buys the ships can not operate them, but must dismantle them? Why give away for \$2,100 ships that cost \$600,000 and \$800,000?

I heard a story about one of these ships to the effect that a man bought one of these Government ships over near Alexandria for \$1,600. A few days thereafter lightning struck it and set it afire, and he recovered from the insurance company \$25,000 for damage done to the ship by fire. If we are not going to be permitted to use them, it would be a good idea just to buy the ships and put them out somewhere with some sort of instrument on them that would draw lightning, and let lightning strike them and have insurance on them and make money out of them in that way. That would at least be more profitable to the buyer than dismantling them.

If Mr. Lasker will not allow the purchasers to operate the ships, but will compel the purchasers to dismantle them, where is the wisdom in making the investment? Then we are told that we can not get anything for the ships. Of course not, under those conditions. Suppose a man should advertise a dozen plow mules for sale and farmers should come up to buy those nules, and at the time they were bidding on them they were told that they could not plow them or drive them to a vehicle, but that they must kill them. What would they give for those mules? They would not give anything. Yet we are told that the stipulation is that "if you buy these ships you can not use them in the shipping trade, but you must dismantle And in the same breath we are told that the Government can not get anything for the ships.

What shipping business is it that is better than the Government, and with which the Government's ships are not allowed to go into competition? Who is it that holds this power that causes those in authority to so handle the Government's business that the Government will not conflict with other business or compete with other business and forces the Government's business to go to wreck? What strange influence in the Gov-

ernment is there that can bring about such a thing as that?

Why, Mr. President, now it is said by some Senators that we are going to turn our shipping business over to foreign countries. Who is doing the shipping business now? American shipping interests? No; foreign countries. With whom would we be in competition if we sold these ships to American buyers who wanted to use them in the shipping trade? We would be in competition mainly with foreign ships. Why not do that in order to make somebody desire to buy our ships to either get them out of the business or to use them in the trade? Who is going to buy when we will not permit them to use the ships in competition with foreign ships? Who is going to buy ships when they are compelled not to use them but to dismantle them? Nobody. It seems to me that if we would put these ships actively into the shipping business we would cause the shipping interests that were being injured by our activities to desire to buy our ships and put the Government out of business as a

competitor.

Mr. President, there is one other thought I want to suggest this morning. I am not going to delay a vote on the question because there are other matters to be attended to this week, and I have no desire to delay the vote on the motion to recom-The sooner we can dispose of the ship subsidy bill the better. One thought is that it is said that those in the South who oppose the measure are against their own interests. That is not true. Anything that is good for America is good for the The South wants to do the thing that is right and just, the thing that is fair to all the people. All we ask in the South is the same consideration that is shown to other sections. We want a fair deal for all the people, and therefore

we are against the ship subsidy.

They tell us that the only way we can have our barge lines run, because they have not yet got on a paying basis, is by the passage of this bill. That is not true. The only way that we can have these ships run until the lines are put on a paying basis is by Government aid. That is what we are doing now. We are told that if we turn these ships over to the Shipping Trust they would operate them and continue the barge line on the Mississippi River and down at New Orleans and Mobile. Why, Mr. President, it stands to reason that if they are not paying the private concerns that got them would stop the lines immediately. Anybody with common sense knows that, but the Government, desiring to build up the shipping trade on these new lines here at home, sees that this thing can be accomplished by Government aid just as we have extended aid to the farmers on the arid lands of the West, just as we have aided farmers to buy grain in the drought-stricken sections of the West. The Government can do it at a very small cost and help out until we get things on a paying basis. We are appropriating money for that purpose now. That is the only hope we have in the South, to have these lines continued until they do get on a paying basis, and they will soon be on a paying basis. The other plan would, I fear, kill them and put them out of business

Now, one other thought, Mr. President, and that is in reply to a suggestion that has been made by certain Senators on the other side of the Chamber who have discussed the question that we were not prepared when the war came on; that we had to rely on British ships to convoy our troops to the battle field. That is true. It was said that we did not have at the beginning of the war a merchant fleet to accompany our battle fleet. That is true. But we have it now, have we not? We have the greatest fleet in the world except that of Great Britain, and here is a solemn, persistent effort to dispose of it, to practically give it away; not part of it, but all of it.

We have even been told that the world is in an unsettled con-

dition; that war is liable to break out in Europe; that somebody may do something to draw us into such a war; and that we would not be prepared. But I submit to those who make that argument that they, by the sale of these ships, are fixing to put us in an unprepared condition. Suppose we sell the ships which cost the Government \$3,000,000,000, and war should come, and Great Britain should not be in position to convoy our ships, and no other country over there would be in a position to do that, and we had sold all of our shipswould we have to do? We would have to turn right around and again appropriate \$3,000,000,000 to build up a merchant fleet to accompany our battleships abroad. I suppose when that war was over somebody would then be ready to sell the ships for a song and rob the Government of hundreds of millions of dollars

Mr. President, in Atlanta, Ga., a few days ago, the farmers, merchants, bankers, and business men generally met in a great conference to discuss ways and means of combating the boll weevil. He is now called the "billion-dollar bug." He has prevented cotton production in the Cotton Belt of the United States. Farming is unprofitable. Farmers are quitting the farms. Farmers can not cope with the ravages of the boll weevil. Farmers are leaving the farms and going to the cities to work in industrial plants. Something has to be done to help our people, to encourage them, to safeguard them in the production of cotton. Suppose we should propose here a bill giving a subsidy of \$25 a bale for every bale of cotton that we produced in the year 1923. I know a lot of Senators, I think, who would faint right on the spot. They would say, "The idea of giving these cotton farmers money out of the purse of

the Government to carry on their own private business!"

That is exactly what is proposed. It is proposed not only to sell ships which cost from \$600,000 to \$800,000 for \$2,100 each,

but it is proposed under this bill that we shall pay \$50,000,000 a year to those who buy them, in order that they may profitably operate them. Think of that, Senators! Fifty million dollars a year! Do Senators know how much the upkeep ships would cost? It would cost not more than \$15,000,000 or \$20,000,000 a year. The world is in an unsettled condition. Suppose we merely keep these ships and maintain them in good order at a cost of \$15,000,000, or we will say \$20,000,000, if Senators please; then, at least, they will still be our ships. It makes no difference what may happen, we would still have this merchant fleet. The fact that we have them will compel the ships of other nations to give us a better freight rate across the ocean; the fact that we have them will make other nations keep off of us, maybe. If war should come, we should have those ships to accompany our battle fleet wher ever it might have to go in defense of American rights and

Mr. President, suppose it should cost us \$20,000,000 a year for the upkeep of those ships. In the course of five years we should have spent \$100,000,000, but we should still own our fleet of ships. Suppose this bill should pass, we will lose our fleet; perhaps in 60 days the whole fleet would be gone and the \$3,000,000,000 worth of ships would be given over to the Ship Trust for \$200,000,000. In five years we shall have given out of the Treasury to the Ship Trust \$50,000,000 more than they paid altogether for all the fleet which costs us \$3,000,000,000. Yet Senators are saying that this is a grave question, that we ought to have a vote on it, and that we ought not to talk about other things while the bill is up for consideration, but just let them pass it.

Mr. WALSH of Massachusetts. Mr. President, will the Sen-

ator yield to me for a moment?

The PRESIDING OFFICER (Mr. EDGE in the chair). the Senator from Alabama yield to the Senator from Massachusetts?

Mr. HEFLIN. I yield. Mr. WALSH of Massachusetts. The senior Senator from Florida [Mr. Fletcher] informs me that a citizen has made an offer to give a bond to the United States Government to keep all these ships in repair and ready for use at \$10,000,000 per year and not for \$15,000,000 or \$20,000,000, as the Senator from Alabama has suggested.

Mr. HEFLIN. I thank the Senator from Massachusetts for

that suggestion.

Mr. WALSH of Massachusetts. I think the Senator has suggested something which has not been brought out heretofore. He has referred to the fact that the maintenance of the ships will provide an auxiliary to our Navy in time of war. Does the Senator know how much we are paying annually to keep our naval craft in repair and in condition?

Mr. HEFLIN. I do not know the exact figures.

Mr. WALSH of Massachusetts. It is a good deal more than \$15,000,000 or \$20,000,000 per year. So, on the theory that we are to pay to keep our naval craft in condition for use in time of war, why would it not be cheaper for us, as the Senator has stated, to keep our merchant fleet as an auxiliary to the Navy \$10,000,000 a year rather than pay a subsidy of \$30,000,000 a year?

Mr. HEFLIN. That argument is sound, Mr. President.

Mr. McKELLAR. Or rather than to sell them.

WALSH of Massachusetts. Or rather than to sell them

Mr. FLETCHER. Mr. President, will the Senator from Alabama allow me to interrupt him for just a moment?

Mr. HEFLIN. I yield to the Senator.

The Senator from Massachusetts went a Mr. FLETCHER little further I think than my observation to him might warrant. I have assurances from a citizen that he can give a bond to take care of these ships, if we were to tie them up for a year, at a cost of \$10,000,000 and keep in repair and ready for immediate the statement of the second statement for immediate use at least 10 per cent of them. Not to keep in shipshape the entire number, but to take care of them and have them tied up or anchor them in fresh water, and then keep in condition and ready for use at least 10 per cent of them at a cost of \$10,000,000 a year.

Mr. HEFLIN. I thank the Senator from Florida for his

suggestion.

Mr. KING. Mr. President, will the Senator from Alabama vield to me?

Mr. HEFLIN. I yield to the Senator from Utah.

Mr. KING. I have been advised by persons who are somewhat familiar with this matter that if the proper place is provided-and the Government has the proper place-the ships may be stored and properly cared for for \$5,000,000 per annum, so that when the Senator from Alabama indicates that the cost for that purpose would be \$20,000,000 a year he is entirely too liberal to the Shipping Board.

There is not any difficulty, it seems to me, in keeping the ships in good condition for \$5,000,000 or thereabouts per annum; but, of course, with the present Shipping Board, with the multitude of officials, incompetent as most of them are, the cost to the Government of their doing nothing excepting to spend money will be greatly in excess of \$5,000,000 per annum. Perhaps the overhead will be from \$10,000,000 to \$15,000,000 per annum, because of the large amount the Government pays in extravagant salaries paid by the Shipping Board to the numerous supernumeraries that now afflict the board.

Mr. HEFLIN. Mr. President, I thank all of the Senators for their very valuable suggestions. I was trying to be very liberal in the amount that I fixed as the cost of the upkeep of the ships, but the distinguished ranking Democrat on the Committee on Commerce, the senior Senator from Florida [Mr. Fletcher], has stated to us, as the Senator from Massachusetts [Mr. WALSH] has suggested, that a worthy man is ready to give bond that he will keep these ships in good order and in readiness for use for the sum of \$10,000,000 a year. Mr. President, at that figure these ships could be kept by the Government for 10 years for the sum of \$100,000,000-think of that-and we should still own the ships that cost the Government three thousand million dollars. We would only pay out, then, alto-gether \$100,000,000; and yet if this bill passes we shall not only lose this fleet but we shall have paid to the shipping interests out of the Public Treasury by that time \$500,000,000.

Mr. President, I submit we ought to safeguard the public in this matter: I submit that this is a matter that affects vitally the whole American people; I submit that there are two sides to this question: One is the side that the interests of the American people are upon, and the other the side of advantage to be given to those who are to profit by the ship subsidy-those who are to make millions and hundreds of millions out of the deal. Is it any wonder that these people are moving heaven and earth to pass this bill? Is it any wonder that editorials which fairly sizzle are written against those of us who have participated in the delay of a vote upon this bill? They have characterized us in the most bitter fashion as tying up and hamstringing the Senate against the passage of this ship subsidy bill.

Mr. FLETCHER. Mr. President-

I yield to the Senator from Florida.

Mr. FLETCHER, I should like the Senator to observe that statistics show that in 1921 20 per cent of the world's tennage, representing the shipping of every nation, was tied up at docks all over the world; in 1922 the freights were lower than they have been heretofore in almost a century, and tonnage likewise was tied up all over the world, and of course there was no demand immediately for ships. Under such conditions, is this the time now to force on the market the ships that we own?

Mr. HEFLIN. I thank the Senator for the suggestion. just remarked a moment ago, Mr. President, that this is no time to sell these ships. Why should that be done? I know of a half-dozen men in the South who did not sell their cotton when it went down to 10 cents in 1920; they held on to it: they were men of means and able to hold on to the crop of 1920, 1921, and that of 1922, and now cotton is bringing about 30 cents. Those men who were able to do that are going to get the benefit of a 80-cent price for their cotton; but those who were forced to sell because of the deflation policy were crushed, their business ruined, their homes broken up, and many of them went insane, and others killed themselves because of the deflation crash.

Mr President, the Government is able to hold these ships. If we are able to give to profiteers \$450,000,000 a year off of the taxes they were paying, if we are able to give to the big income-tax payers \$90,000,000 a year off the taxes they were paying, and if we were able to give to war contractors under questionable contracts-in hundreds of cases-\$700,000,000, it looks to me that we are able to hold on a while to the ships that cost us three thousand million dollars until the market is good and we can make a better deal for the American people.

Mr. President, Henry Ford has submitted an offer for Muscle Shoals. He proposes to make fertilizer there and sell it at about half what it costs to-day to the farmers of America. The farmers are in a bad fix, and naturally we should be doing great good if we would do this thing for them. I do not see any of the newspapers writing editorials that bristle and sting, saying that action ought to be had on the Muscle Shoals offer of Henry Ford, and urging Congress to turn the project over to Henry Ford so as to bless and benefit with cheap fertilizer millions of American farmers. Oh, no; we do not see that, but we see them day after day writing strong, powerful, pungent editorials against us for daring to stand in the way of this deal that will give to the ship trust three thousand million dollars of the Government's money representing the greatest merchant fleet in the world, save that of Great Britain, and will pay them out of the Public Treasury \$50,000,-

Mr. NORBECK. Mr. President—
Mr. NORBECK. If the Senator will permit me, I should like
Mr. NORBECK. If the Senator will permit me, I should like to suggest a correction in his statement. The Senator stated that Henry Ford had agreed to manufacture and sell fertilizer at half its present price. I call the attention of the Senator to the fact, which will be verified if he will look at the contract submitted, that Henry Ford agrees to nothing but to-manufacture fertilizer at cost plus.

Mr. HEFLIN. Yes; 8 per cent profit. His chief engineer, Mr. Mayo, was the man who said before our committee that it was his [Mr. Ford's] purpose to manufacture it at about half its present cost. But I am just using that, Mr. President, to show how the various currents work. When the plain people, the masses, are to be benefited these handy editorial writers do not sit up late at night and advocate such measures, but when there is presented some concrete proposal behind which there is big money, where a big deal is in sight, and where the Public Treasury is to be opened and certain people's arms run into the Treasury up to the armpits, then it is that these editorials fairly sizzle in advocacy of the measure or in criticism of those in Congress who oppose it.

I have no patience with this talk about the minority not I have no patience with this talk about the minority not? I having the right to filibuster a bill to death. Why not? I think that if the minority is honestly convinced that a measure is wrong, that a measure is rotten, that somebody is about to put over a deal that would work great injury to the American people, it is at liberty to use any tactics at its command to defeat the bill.

want to read here, Mr. President, a clipping from a paper published in Washington, called Labor:

SHIP SUBSIDY PASSES THE HOUSE WITH VOTE OF LAME DUCKS.

On the final roll call the bill had a majority of only 24. The administration majority in the House is 169. Of those who voted for the bill 72 were Republican Members who were beaten in the year's primaries or elections or who retired in the face of defeat. Many of these Members were called to the White House for interviews with President Harding on the subsidy policy just before the final vote.

Mr. President, the White House is always the city of refuge to the lame-duck brigade. When the administration has a measure in which it is much interested, usually the lame duck. defeated by his constituents at home, turns his eye wistfully toward the White House and moves steadily in that direction until he can have a conference with the dispenser of Federal patronage, and when the President shakes his hand heartily and tells him that he ought to be taken care of it produces a smile on the face of the lame duck, and as he finds that he has won favor with the President he readjusts his crutches and smiles blandly. He leaves, comes back to the House, or the Senate, maybe, and enthusiastically votes to put the administration measure over. I do not say that they would do that; I am just supposing a case.
I want to raise the question, What right have these men to

saddle upon the American people such a colossal thing as this? These ships, I repeat, cost the American people three thousand million dollars. What right have a few men who have been repudiated by the people at home to stand in the Senate in the closing hours of the session and vote to take away from us a merchant fleet that cost three thousand million dollars and turn it over to the Shipping Trust, and as soon as the gavel falls, maybe, receive appointments, every one of them, at the hands of the President?

Mr. President, I assert here that I believe that if you would take out of the ranks of those who favor this bill those who were defeated at the polls last year, this bill would be defeated on a straight vote of those who now hold commissions from the American people. Why should these men whose terms are to expire next Sunday at 12 o'clock, and who are going to be appointed maybe to positions-fat jobs-by the President, be permitted in the closing hours of this session to use their votes in putting over this bill which will dispose of our ships at a loss to the Government of \$2,800,000,000? Why do not some of these papers criticize them? Why do not some of these papers criticize those who are urging that this bill be jammed through the Senate under the circumstances?

A new Congress begins next Sunday. That is not long; and if this bill is a meritorious one, why not submit it to that Congress, to people who come fresh from their States and their districts with commissions from the people, and let them decide what policy they will adopt in handling this \$3,000,000,000 American fleet; let them decide whether they will give away that fleet to the Ship Trust; let them decide whether they will pay the Ship Trust a cash subsidy of \$50,000,000 a year to

operate these ships?

Mr. President, it is the most ridiculous proposition that has been proposed in a long time. The idea of so restricting the sale of these ships that private individuals must dismantle them and can not operate them in order that some big concern may them all together, and selling the ships to them for \$200,-000,000, and then paying them \$50,000,000 a year out of the Treasury to operate them! Is it not ridiculous? If we were to say to you that you should pay the farmer to produce cotton under boll-weevil conditions, you would say that was paternalism; you would say that was socialism; but it is all right to open the Treasury to the Ship Trust and take out \$50,000,000 a year, and pay them to run ships that you are practically giving to them.

In conclusion, Mr. President, I want to submit that the Senator from Tennessee [Mr. McKellar] has made strong arguments against this bill; and he and the Senator from Florida [Mr. Fletcher] have a plan here that will take the place of this subsidy bill, and under which we can operate profitably this great merchant fleet. We do not have to do it the way that the trust wants it done. Of course, pressure is brought to bear to sell these ships for virtually nothing, and then pay the people who buy them for almost nothing to operate them. Of course, there is great propaganda behind that; but the Senator from Tennessee has a plan and the Senator from Florida has a plan that will enable us to operate these ships to the advantage of the American people, to the best advantage of our people.

The Senator from Tennessee has pointed out, Mr. President, that a concern in his State at Memphis, Tenn., wanted a ship to carry some cottonseed cake to Europe. They wired the Senator from Tennessee to get in touch with the Shipping They wired the Board, to get a ship for that purpose. The Senator from Tennessee took up the matter with the board. They told the Sen ator from Tennessee to take it up with a British concern; that the British could handle it cheaper than they could. Did that look as if they were trying to get business for our ships?

Right in that connection, I want to quote the testimony of

Mr. Lasker, the chairman of the Shipping Board. In his testi-mony before the House committee, he said in substance—

We did not try to get business.

Do Senators get the full significance of that? Couple these two together, Senators. The Senator from Tennessee [Mr. Mc-Kellar] asked for a ship; and instead of sending the ship and going into business in competition with the British ships and other ships and inspiring those nations with the desire to get our ships out of the way by buying them and paying a good price, they did not offer to go into competition with them, but told him to take up the matter with a British concern and left our ships standing idle. Did that look as though they were trying to do business for America? Not much.

'Mr. Lasker, did you try to do this or that?" "No; we did

not try to get business."
Oh, Mr. President, the argument that we can not use these ships, the argument that we can not get business, falls flat. Where is the argument contained in it? They say, "We falled." "Well, have you tried?" They say, "No; we have not tried."
"Well, how do you know you can not get business?" These are the common-sense thoughts that come to people who look into this matter with the desire to get at the truth.

Not only that. You are providing in this bill to loan money to the Ship Trust out of the Government's Treasury at 2 per cent; and yet I saw this Republican Senate vote down two amendments to limit the rediscount rate to the country banks in America to 5 per cent. I saw them vote down two amend-ments—my amendments, both of them—to limit the rediscount rate to 6 per cent. Here they are, with a majority, including lame ducks, wanting to vote for this bill that will not only give our merchant fleet to the Ship Trust, that will not only pay them a subsidy of about \$50,000,000 a year to run the ships, but that will open the Treasury to them and loan them money at 2 per cent.

Senators, if we could assemble the American people in these galleries and let them know what is going on here under this administration, there would not be enough of you left over there to wad a shotgun. This is the climax. All these other big schemes have gone through. This is the last one on the calendar; and a great effort is being made, in the closing hours, to force it through by the aid of lame ducks in the two Houses, men going out, men disappointed, maybe, some of them, maybe disgruntled, maybe sore with their constituents, about to be lodged in nice, cozy places in the city of Washington under Executive appointments, to be taken care of in the future, done

with their legislative careers. They marshal them in the closing hours of this session to put over a bill, the most obnoxious that has been up in Congress since I have been a Member of it, and yet they are criticizing me and my colleague, and criticizing the Republicans on the other side who dare to

oppose this scheme!

Mr. President, what right have we to throw away \$3,000,000,000 of the people's money? I was elected here as one of the trustees of the American people, as one of the ambassadors from a sovereign State—as Senator Morgan, of my State, used to call a Senator-to safeguard the public interest. I took an oath to do that when I entered this Chamber. I am trying to-day to keep that oath. I am fighting to guard the Treasury against those who would pillage and plunder it. I am fighting to keep for the American people a fleet of merchant ships that cost \$3,000,000,000.

I am fighting to keep from opening the Public Treasury to the Ship Trust to borrow money at 2 per cent, when the farmers can not get it at 5 per cent and the country bankers and the country merchants can not get it at 5 per cent. I am fighting against this special privilege that is sought to be jammed through Congress in the closing hours. I am fighting for the American people, not fighting for Wall Street. I do not represent Wall Street or the Ship Trust agents in Wall Street, who are interested in the passage of this bill; but I am trying, as are my colleagues and those Republicans who are voting with us, to prevent the passage of this measure that outrages every idea of Americanism; that, it seems to me, turns over millions and hundreds of millions to a favored few at the cost and expense of the many.

I am against it, Mr. President. I am in favor of a merchant marine. I voted to help build this merchant marine. We have a merchant marine. Senators on the other side are undertaking to barter it away for a song. I want to hold it for the present, keep it up, sell it if we must when times are good and when we can get a good price and a fair deal for the American people.

Mr. PEPPER. Mr. President, I understand that the question before the Senate arises upon a motion to recommit the pending measure. I am opposed to that motion, and I hope, sir, that it will not prevail. I am opposed to any motion which tends to deprive Senators of a fair chance to vote this measure up or vote it down; but, since it is fairly obvious to everybody that we are not to have that chance, I wish to take this oppor-tunity to record myself as being in favor of the ship subsidy bill and as ready to vote for its passage.

The question which underlies the ship subsidy bill is a great public question. It is just such a question as may with pro-priety divide parties and groups of thinking men. Underlying it are two different economic conceptions, and there is plenty of room for intelligent difference of opinion respecting its merits, and any Senator or anybody else who says that there is only one side to the question or undertakes to assert with authority which is the right side is merely closing his mind

and stopping his ears.

I am not overlooking the confident assertion that the people of this country are opposed to the measure and have so recorded themselves. I deny the proposition. It is one of those assertions which people make to bolster up with a fancied authority their own unsupported opinion. I might just as well claim a popular mandate to vote for the bill, for during the campaign I came out strongly in favor of this measure, and the ticket upon which I had a place received at least a decisive majority

Mr. HARRISON. May I ask the Senator a question in that

connection '

Mr. PEPPER. I yield. Mr. HARRISON. The Senator's majority was how much? Mr. HARRISON. Mr. PEPPER. I do not remember exactly, Mr. President; I think, some 350,000 as against the Democratic contestant and perhaps 218,000 or 220,000 as against five or six contestants.

Mr. HARRISON. It was some 150,000 majority, was it not?

Mr. PEPPER. It was well over 200,000.

Mr. HARRISON. By how much did Harding carry the State of Pennsylvania two and a half years ago?

Mr. PEPPER. I do not recall.

Mr. HARRISON. Some four or five hundred thousand, was It not?

Mr. PEPPER. I think so. May I ask the Senator what inference he desires to draw from this interesting statistical interruption?

Mr. HARRISON. That the Senator in his race, coming out for the ship subsidy, did not maintain the normal Republican majority, it is quite apparent.

Mr. PEPPER. I had understood that gentlemen had gone so far on this floor as to question the right of voting of those who were defeated. If we are going on to discuss the relative weight of the votes of those who were elected by reduced majorities I do not see where the thing is going to end.

Mr. HARRISON. If that were true there would not be any Republican votes, because all Republicans had reduced major-

ities in the last election.

Mr. PEPPER. On the contrary, Mr. President, if that were the rule, my colleague and I would be entitled to about 15 or 20 votes, because our majority was considerably larger than a whole lot of Democratic majorities all rolled up together. can not reason that way, and the attempt to do so is an illustration of one of the things to which I wish to advert in the

course of my brief remarks.

They tell us that the farmers are against this measure. deny that there is any such solidarity of agricultural opinion as some of the volunteer representatives of the farmers choose to assert. I live in an agricultural community. I represent a State that stands near the top of the agricultural column, though Senators in this Chamber sometimes forget it. I find the farmers' vote is singularly thoughtful and intelligent, and for every farmer who can be found to favor the continued ownership and operation of these ships by the Government at a loss, in order that favorable rates may be given to shippers, you can find the farmer who thinks such a policy unsound, and therefore necessarily short lived, and who thinks that the really great assurance of reasonable rates is to be found in the free competition of lines of ships privately owned and privately controlled.

Mr. BROOKHART. Mr. President-The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. PEPPER. I yield.

Mr. BROOKHART. With reference to the attitude of the farmers toward the ship subsidy, I hold in my hand resolutions of all of the great farm organizations in the United States, including those in Pennsylvania-there is a local grange in the Senator's State-and all of the organized farmers of the United States are certainly opposed to the ship subsidy. I will present these to the Senator now if he desires; if not, I want to put them in the RECORD at the conclusion of his remarks.

Mr. PEPPER. Mr. President, the Senator may either insert them in the RECORD now or when he pleases, as far as I am concerned. I think we are all familiar with the situation in which the heads of organizations undertake to speak in tones of authority respecting the sentiments and views of the great mass of those whom they claim as constituents, and we also know that when the test comes it is usually found that the organizers and leaders and promoters of such organizations have spoken without authority and do not receive the anticipated support.

Mr. BROOKHART. Is that true of the chambers of com-

merce in their support of the ship subsidy?

Mr. PEPPER. Mr. President, I pay very little attention to organized propaganda for or against any of these measures; and I do believe that in a very large percentage of cases the confident assertions, either by chambers of commerce, or farmers organizations, or labor organizations, or any other organized groups, that their constituents are all of one mind on these great public questions are assertions not justified by the facts.

However that may be, Mr. President, we are not to have a chance to vote upon this great public question, because a minority of Senators feel justified in making such a use of unlimited debate in this body as makes a vote impossible. They seem to feel some necessity for justifying their course, and I have listened for days and weeks to all manner of justification,

or attempted justification, for the filibuster.

Some Senators have said that this is an extraordinary measure, and a fillbuster against it is justified for that reason. Extraordinary in what sense, Mr. President? They say because it contemplates the making of long-time contracts, and that these will involve appropriations year after year from which we may not escape. I might as well attempt to filibuster against an appropriation bill on the ground that in it are many items which commit us, morally and as a matter of common sense, to recurring appropriations year after year of equal or greater amounts.

Other Senators say that we must not bring this measure to a vote because the President has appealed for a decision. Legislative action in response to Executive suggestion is consonant

with our whole scheme of government.

Mr. HARRISON and Mr. FLETCHER addressed the Chair. The VICE PRESIDENT. Does the Senator yield; and if so, to whom?

I yield to the Senator from Mississippi.

Mr. HARRISON. Does the Senator's last suggestion apply to the message which came in Saturday in regard to our entrance into a permanent international court?

Mr. PEPPER. Mr. President, my proposition is that the fact that the President has requested action is no sufficient reason for delaying action, and the fact that the President has requested action upon the international court proposals is not only not a reason for delaying but it is a reason which I would recognize as a reason for expediting action.

Mr. HARRISON. I agree with the Senator as to that. I am perfectly willing, and I think this side generally is willing, to help to expedite it, and I have never heard anyone oppose the ship subsidy simply because the President had asked us

for a decision.

Mr. PEPPER. Mr. President, gentlemen draw different inferences from what they hear. My inference from what I have heard in this Chamber during the course of the debate has been that there was an attempt to inflame the minds of Senators or of the public against the suggestion of the President in favor of decision by this body, and my conviction, the conviction of one man, is that the President, in appealing for a decision, has spoken the voice of the American people. can ignore popular opinion for a time in this body, but we can not do it for a long time.

Mr. BROOKHART. Mr. President-

Mr. FLETCHER. Before the Senator passes from the other subject, I would like to make a suggestion on that point, if the Senator will allow me.

Mr. PEPPER. I will yield to the Senator from Iowa, and

then yield to the Senator from Florida.

Mr. BROOKHART. Is it not true that the policy of the President was that Congress should postpone action on this measure until after the election for fear of the result of the election?

Mr. PEPPER. Mr. President, that is not my policy. I am here as an elected Member, carrying what I might justly claim to be the mandate of my State to vote for this measure. I am not one of those whose right to speak or vote on this question can be challenged, and I am of opinion that the merit of the controversy is on the side of those who say that, while the Constitution stands as it is, Senators must function in this body in accordance with their constitutional rights and the operation of their own consciences, and that it is an unworthy thing to criticize them for the discharge of their senatorial duty in the premises.

I do not know what new Senators would do on a question of this sort. I do not know what the attitude would be of a Senator from Vermont, or a Senator from New York, Senator from Maryland, or a Senator from the State of Washington, but I do know that if they voted against this measure, they would be voting against a measure which is plainly and obviously in the interest of their own constituents.

yield to the Senator from Florida.

Mr. FLETCHER. I rose to ask the Senator to yield at the point where he mentioned objections being raised to the bill by reason of the permanent appropriation provision. I wanted to ask the Senator whether he would favor the amendment proposed by the committee, to strike out of the House bill the provision for annual appropriations, inserting in another section of the bill a provision striking out authorization, and making it a permanent appropriation. Does the Senator feel that we could vote here now for a permanent appropriation of \$30,000,000 a year, for 10 years at least, with a probability of it being 15 years? Whatever we may feel with regard to Whatever we may feel with regard to the subsidy, I would like to ask the Senator if he feels that Congress would be justified in voting a permanent appropriation of this large amount of money, without any control annually by Congress, as in the case of all other departments or bureaus?

Mr. PEPPER. Mr. President, I think we might as well face the fact that we are confronted, when we consider this bill, by a great question of policy which has in it a measure of permanency. I do not think it makes a very great deal of difference whether the suggestion of the Senator from Florida is acted upon or whether we actually bind ourselves to pay the subsidies which are necessary to enable sales to be made in a way advantageous to the Government. I think many of these things which have been discussed are plays upon words. The question is, on the one hand, a subsidized merchant marine, or, upon the other, the sinking of the ships or the scrapping of the ships or the continued running of the ships at public expense.

That is the question.

But, Mr. President, why not be honest with ourselves in dealing with such a subject as the filibuster? Why not honestly admit, one with another, that as long as a filibuster is permissible under our rules there will be a filibuster on any and every conceivable subject whenever circumstances are such as to give it a chance of success? It is inevitable that this shall be so, because Senators will never agree as to the circumstances under which a filibuster is justifiable or unjustifiable. As long as

our rules are what they are we shall have, Mr. President, the substitution of irresponsible talk for the acid test of recorded votes. As long as our rules stand unchanged the people's business will not be transacted whenever an opportunity occurs to block it by irresponsible and protracted utterance. Until we, as a Senate sitting to discharge legislative functions as distinguished from those in which we sit as a council of ambassadors from the sovereign States, are permitted to set a limit to our debating and to enable the majority to function in bringing questions to a vote, just so long must we be content to incur the censure and something like contempt of those who speak in the name of common sense.

One of the worst things that characterizes a filibuster is its injury to the dignity and morale of the Senate. When a Senator is speaking on a cause that is near his heart, he may not have the gift of eloquence or oratory, but what he says is likely to be worthy of him and worthy of his cause. But when he is speaking to kill time, his utterances are apt to be both unworthy of him and unworthy of the body in which he sits. As long as our rules are used to effectuate the people's business they are a credit to us, but when they are used as I have seen them used in this body during the last fortnight, then a spectacle ensues which may cause amusement at the time, but in the end it is going to be a matter of grave concern to every thoughtful man.

The reduction to ultimate absurdity was reached in the Chamber the other day when, after a Senator who had not spoken before on the question made a short, clear, and convincing speech in favor of the ship subsidy, another Senator rose and twitted him on the ground that he had contributed to the filibuster by expressing his views in support of the measure. In other words, Mr. President, when a fillbuster is on, a discussion of the merits of a public question is out of order. That, I say, is the reduction to an ultimate absurdity. I am one of those who believe that while the promoters of the fillbuster have gained a victory, that while they have succeeded in preventing a vote on this great public question, their victory is one which will be Pyrrhic-one more such and they may be

We can not long stimulate public opinion by outraging it unless we hear from it in pretty insistent terms; and above our chatter and above the creaking of our antiquated rules I seem the voice of America in anxiety not unmixed alarm: "Men and brethren, what are you doing to the Senate of the United States?

Mr. KING. Mr. President, will the Senator permit an in-

Mr. PEPPER. I yield to the Senator from Utah.

Mr. KING. The Senator has indulged in a vitriolic criticism of Senators who have opposed the bill. That is his privilege. He has also criticized the rules of the Senate, and, as I understood, the able Senator has indicated that those rules prevent this body from functioning. Does not the Senator recall, in his wide experience and in his great learning, that we have operated under the present rules of the Senate with respect to debate for many, many years; that we have been able, notwithstanding unlimited debate, to pass more bills through the Senate than have been passed through the House, where they have the previous question; and that in the long experience of this country there have only been very few filibusters, and in practically every instance public opinion has justified the filibuster, and those who participated in the same received the meed of praise at the hands of their constituents?

Mr. PEPPER. Mr. President, I divide my answer into two parts because it is a double question. As to the first part, let me say that I did not criticize Senators who opposed the ship subsidy bill. I did not criticize those who took part in the filibuster so long as it was obvious that they were speaking from the heart upon the merits of the question. I think the Senator from Utah, when he speaks on the question, speaks to the merits and from a conviction which differs from mine, but which I respect. My remarks were directed to that kind of speaking which is time-consuming merely and which can not, by any stretch of the rule of relevancy, be related to the question before the body at the time.

In regard to the second matter, the appeal to the history of the Senate, I can only answer that the facts are what they are, and that the consequence of those facts will be what they will The consequences that I have observed during my short membership in this body are such as to make me feel that if the future is to be more worthy than the past, we need a change along the lines I have indicated.

Mr. FLETCHER. Mr. President, it might be well to observe as to the inference to be drawn from the Senator's remarks that

the great majority of the Senate, that the vote on taking up the bill stood 46 to 38; that 8 of the Senators who voted to take up the bill were defeated at last November's election.

Mr. HITCHCOCK. Mr. President, I was very much surprised to hear the Senator from Pennsylvania [Mr. Pepper] indicate that he thought he would hear the voice of the American people condemning this filibuster. The filibuster was carried on in order that the voice of the American people on the pending question might be heard. The American people have passed on the question. They passed on it at the last election in November. It was one of the issues of that election, and the Congress which was elected at that time and which will come into office now inside of a week is a Congress which would reject this particular bill in obedience to the will of the American people. If, therefore, we are to listen to the voice of the American people, we should do exactly what we are doing-kill the bill which they have repudiated at the election last November.

I predict that before the Senator from Pennsylvania ends his term of office he himself, if he finds some great principle of government at stake which he can defend in no other way than by a filibuster, will resort to a filibuster. That was exactly what was at stake in the ship-subsidy issue. It was not simply the ship subsidy. It was a great question of representative government. Here in the Senate was a bare majority for the ship subsidy bill, a majority which, as the Senator from Florida [Mr. Fletcher] has indicated, consisted at the most of 7 or 8 votes as the bill came from the House, and possibly not even a majority as the committee proposed to amend it.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. HITCHCOCK. I yield.

Mr. PEPPER. I hope that the future will find me in the position of a man ready to speak on the subject before the Senate so long, but only so long, as I am speaking to the point and am expressing a vital conviction respecting the measure before the body. But I hope, sir, that I shall never be found in the position of talking against time merely because I disapprove of the result which the majority are trying to put across.

Mr. HITCHCOCK. Of course, I accept the Senator's disavowal at this time, but I shall wait to see, if the occasion should arise when the Senator from Pennsylvania feels that a great fundamental principle of our Government is at stake, whether he will not go to all lengths to defend it. Many Senators have done so in the past, and I think many will do so in the future.

Now, what is the great question which was at stake? the question whether or not the Executive, by the use of the great powers that inhere in the Executive, could compel Congress, even by the slightest possible majority, to enact into permanent law for the next 15 years a piece of legislation which the people of the United States repudiated on election day last That is what was at stake. November.

What is this Government? It is a government of the people. Those who hold their places here in the Senate are merely the representatives of the people. The great fundamental fact is that the Government was established as a government of the people, and when the people have spoken and have already elected the next Congress it is an embezzlement of power for the hold-over Congress to enact something against which the people have already entered their solemn decree at the election polls. In order to prevent such an outrage, those who stand here as the representatives of the people are certainly entitled to avail themselves of all of their parliamentary rights and of all of the rules of the Senate. It has been done on this occasion; it has been done on other occasions; and I predict that

It will be done on occasions in the future.

What was the urgency of the measure? The President recommended it to the Congress of the United States nearly a year ago. Instead of pushing it to passage at that time, it was withheld until after the election, because it was known to be an unpopular measure. Then after the election was held it received again all the impulse that the administration could give it, with the idea of working it into the statute books before the newly elected representatives of the people were enabled to come here and to pass upon it as the representatives of the

people. Mr. PEPPER. Mr. President, will the Senator yield?

Mr. HITCHCOCK. I yield.

Mr. PEPPER. I would merely wish to inquire whether the act of withholding the measure during the campaign had the effect attributed to it by the Senator of keeping it out of the campaign as an issue?

Mr. HITCHCOCK. I think not. It was discussed in many

States and in most States, and by admission the Congress which the people elected is one which would not entertain, even under a small minority of the Senate had been defeating the will of the pressure of the President, this particular ship subsidy bill.

Why, Mr. President, the Senate has already expressed its opinion on the subject of passing legislation after the people have spoken against it. The Senate has gone as far as it could in passing through the Senate a joint resolution, as it did a few days ago, providing an amendment to the Constitution so that thereafter the new Congress elected in November shall come into being in January instead of March and shall hold a meeting in January instead of nearly a year later. Why was that?

I say that it was for the purpose of enabling the people of the United States who have acted at an election to take possession of their Government and not to permit a hold-over Congress of representatives to usurp power which has been denied to

them.

Mr. FLETCHER. Mr. President-

Mr. HITCHCOCK. I yield to the Senator from Florida. Mr. FLETCHER. I will call attention to the Congressional RECORD of June 21, 1922, page 9107, where, in a letter addressed to Mr. Mondell upon this subject, the President said:

My Dear Mr. Mondell You have been advised by those who have discussed the matter with me in personal Interview that I am in complete accord with the opinion of leaders among the majority in the House that the final consideration of the merchant marine bill in the House might well be postponed until approximately such time as House Members will be called in active attendance to send the tariff bill to conference. I am writing to give formal confirmation and to express the satisfaction with which I contemplate having this measure taken directly by Members to their constituencies for such reaction as will enable them to translate the deliberate preference of the country into a national policy fixed by law.

Then he concludes:

I confidently believe that if you and your associates will take the problem to the people at home you will encounter a very favorable reaction on a patriotic interest which concerns all Amercia, conspicuously to-day and of greater consequence to our future.

That letter is dated June 20, 1922. The Republicans took the issue to the people and the people responded in November.

Mr. HITCHCOCK. Mr. President, I thank the Senator from Florida; and now I call the President's letter to the attention of the Senator from Pennsylvania [Mr. PEPPER], who, I think, perhaps did not appreciate its importance when it was read, The President wrote a letter to the Republican leader of the House of Representatives, Mr. MONDELL, in which he recommended that the ship subsidy bill be allowed to go over until after the election, in order that the people in that election might render their verdict on that great issue. Now, after they have rendered that verdict and elected a Congress in repudiation of the bill the President asks the dying Congress, under dire threats, to put the bill through and to fasten it on the country for 15 years, so that the next Congress can not get rid of it.

Mr. PEPPER. Mr. President, will the Senator from Ne-

braska yield to me?

The PRESIDING OFFICER (Mr. SHORTEDGE in the chair). Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. HITCHCOCK. I yield. Mr. PEPPER. Mr. President, the facts respecting the President's letter are, no doubt, as the Senator from Nebraska has stated them, but all of us who campaigned in the various States have knowledge of the fact that this measure was so little discussed in many of the most important campaigns that by no stretch of the statement can it accurately have been said to have been in issue or to have determined the election or defeat of Senators. I do not assume to speak as to the States in which I did not personally campaign, but I do know the course of events in about 10 States, and I know that in those States, in some of which Republicans were reelected and in some of which they were defeated, the ship subsidy bill was a negligible consideration. Whether the President intended that the question might be submitted to the jury of the American people or whether he did not, the fact is that there was no verdict on

the subject, as we all know.

Mr. HITCHCOCK. I hardly see how it would be possible to submit to a people for a referendum a question in a more effective way than to have the President of the United States, in the midst of a campaign, address a letter to the Republican leader of the House of Representatives and recommend to him that action on the bill be postponed until after the election in order that the people of the United States might have the opportunity to pass upon it. That is exactly what the President of the United States did, and that is exactly what Mr. MONDELL took for the fact; and Mr. Mondell went into his campaign in Wyoming as a candidate for the Senate of the United States against the present able Senator from that State [Mr. Kendrick], and Mr. Mondell was beaten in a Republican State, while in the State of Nebraska the Republicans as well as Democrats were against the ship subsidy bill. So strongly

were they against it that my Republican opponent was compelled to come out and avow openly and repeatedly that he was opposed to the ship subsidy bill. He could not have held as he did the Republican votes if he had not made that avowal. That is the general opinion throughout the West among Republicans as well as among Democrats. At this late day to say that the people of the United States have not passed upon the question, it seems to me, is an absolute absurdity.

Mr. PEPPER. Mr. President, will the Senator from Ne-

braska yield to me?

Mr. HITCHCOCK. I yield to the Senator from Pennsylvania.

Mr. PEPPER. My proposition is that gentlemen may interpret popular votes as they please in these matters. I heard the Senator from Tennessee [Mr. McKellar] make an able and ingenious argument for the purpose of showing that the refusal of the United States to enter the League of Nations was not an issue in the campaign of 1920. All those statements are differences of fundamental apprehension. We can not successfully contend that popular votes result in sustaining our individual views, and expect those who differ from us to agree

Mr. McKELLAR. Mr. President-

Mr. HITCHCOCK. I yield to the Senator from Tennessee. Mr. McKELLAR. I wish to call attention to the fact that in Tennessee my Republican opponent, former Senator Newell Sanders, issued a platform in which he stated to the people that if elected he would vote for the ship subsidy bill, which was one of the principal issues of the campaign. It was really the issue of the campaign in my State, and the Republican candidate on that issue was defeated by quite a considerable

majority

Mr. HITCHCOCK. Mr. President, not only is it true that the next Congress will be overwhelmingly against the ship subsidy, as is well known, not only is it true that is the reason the President has tried to drive it through this Congress, but even this Congress has expressed by its votes in both Houses the fact that only presidential influence has main-tained it as an issue before the legislative bodies. There is There is in the House of Representatives a Republican majority to-day, including "lame ducks," of 160, and yet upon the recommenda-tion and the urgent appeals of the Republican administration the majority that this bill received in the House of Representatives was only 24. Here in the Senate there is a nominal Republican majority of 24 at the present time, and yet the highest majority that this bill could poll, with all of the strength of the administration behind it, was seven or eight. That is a very good indication that this Congress, constituted as it is, would not have considered this bill had it not been for Executive influence

Mr. President, to what extent did this Executive influence go? It was not simply confined to the execution of the constitutional power of the President in recommending the passage of the ship subsidy bill, as he did, I believe, last year; it was not merely the use by the Executive of his personal influence with individual Senators; but upon a second occasion he came before Congress and practically resorted to threats to influence the Congress to act upon this bill at this time. Let me quote some of his language:

Then, if Congress fails in providing the requested alternative measuse, the executive branch of the Government may proceed as best it can to end the losses—

How?

in "liquidation and humiliation."

He thus threatened in that message to do something of a humiliating character in order to put a stop to the operations of the law as it exists at the present time. What right had the President of the United States to insist on having this bill passed through Congress upon the penalty of having the administration do something that would humiliate the country? We have upon the statute books a shipping law. Why is not that law carried out? Congress passed it; the President signed Why should not the administration carry out that law until Congress is ready to make some new legislation on the subject? Why should Congress be threatened by the Execu-tive with an act which will be one of humiliation to the country as a penalty for our failure to accept his recommendation?

Mr. HARRISON. The President himself voted for that law

while a Member of the Senate.

Mr. HITCHCOCK. I am reminded of the fact that the President of the United States while a Senator voted for that law. That law is upon the statute books, but instead of carrying out that law in letter and in spirit, instead of carrying out that law with a view to giving it the utmost test to ascertain if we can not have a Government-owned merchant marine, as we have a Government-built merchant marine, the whole attention of the Shipning Board for a year and more has been given to some plan of wrecking Government ownership and operation. I say that it is the duty of the President of the United States to install a Shipping Board composed of men who will carry out the purpose of the Jones Act of 1920.

The Republican National Convention when it met indorsed that act; they were proud of it. The platform then adopted

said:

We indorse the sound legislation recently enacted by the Republican Congress that will insure the promotion and maintenance of the American merchant marine.

What has become of that declaration? What has become of that resolution? A merchant marine was built by and under Government control. We have got the ships; we have 1,400 ships; we are told that they are getting obsolete. Then, let us build ships that are not obsolete; let us carry out the purpose of the law; let us give it a good trial. Upon the ocean it is not man against man or company against company, but virtually it is nation against nation. That is admitted in this bill. It is admitted that it is necessary to have the Nation behind the ships, but it is only proposed to leave to individuals the profits from running the ships and to enrich them by subsidies out of the Treasury. We say that upon the sea it is nation against nation; we say that having entered upon the trial of having a Government-owned and, if necessary, a Government-operated merchant marine, we can match the other nations of the world that back their merchant marines merely by subsidies. I say it is the duty of the Executive, instead of trying to compel Congress to carry out his particular plan; it is his duty to carry out in letter and in spirit the law which was passed in 1920, of which the Republican convention was so proud when it met in the summer of that year.

Mr. LODGE. I present, and ask to have printed in the RECORD, a letter from the commander of the C. C. Thomas (Navy). Post, No. 244, of the American Legion. It is a letter in regard to the ship subsidy bill, and I think it is a very interest-

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

C. C. THOMAS (NAVY) POST, NO. 244,
AMERICAN LEGION,
NAVY POST OF THE PACIFIC COAST,
San Francisco, Calif., December 11, 1922.

Senator Samuel M. Shortridge, United States Senate, Washington, D. C.

Senator Samuel M. Shorthdog.

Dear Senator Shorthdog.: Inasmuch as the "subsidy bill" will soon be before the Senate, Washington, D. C.

Dear Senator Shorthdog.: Inasmuch as the "subsidy bill" will soon be before the Senate for consideration, it seems the proper time to advise you of the attitude of this organization, composed of 700 seafaring men who served in the United States Navy during the late war, on the question. A committee was appointed to investigate the matter, and as a result of this investigation the post voted unanimously to support the principle of the establishment of a merchant marine at this time by means of Government aid, commonly, but we believe inaccurately, termed subsidy. If I may encreach upon your valuable time, I will mention some of the considerations which prompted the post to take the stand it has.

There are but three grounds upon which an argument calling for Government aid for merchant marine can be founded—patriotic, commercial, or military. It is our position that the first two are not weighty enough to justify the taxation called for upon the American public, but that the real reason for the creation and maintenance of a merchant marine is to be found in the necessity for national defense.

Adverting to the patriotic reasons for this measure, the post feels that while it is a matter of national pride to see ships in all parts of the world flying the Stars and Stripes, it is doubtful if the American public would be willing to pay the large sums necessary to attain that end in order that that sentiment might be indulged in. No doubt tourists and ocean travelers for the first time take delight in traveling on United States vessels, but these form the minority among ocean travelers. The majority is composed of those who travel for business or who are constant voyagers from one country to another, back and forth, for their own pleasure. These soon lose interest in the nationality of the vessel they travel in, just as the land traveler is indifferent to the personnel of the train

to the heavy Atlantic Ocean travel between Europe and the United States.

It is therefore concluded that public sentiment would not instify or approve of any Government aid such as now under consideration for the simple objective of having vessels flying the United States flag, engaged upon the commerce of the world.

For second consideration is the commercial value of the establishment of a merchant marine by the United States. It has been asserted that we are large exporters and that our products should be exported in American bottoms. This, as a mere assertion, may be the opinion of a few; as a matter of practical business, what interest has the American farmer or manufacturer in what manner his mer-

chandise is transported after he has sold it? Farm produce is usually sold by the farmer at the nearest market and goes into the hands of some form of a middleman. He may own an elevator or be a buyer on speculation; it is all the same to the producer. What he is interested in and interested in solely is the best price he can get for his goods, either f. o. b. the cars at his point of shipment or delivered to tidewater. It is of no concern of his that the purchaser, either directly or indirectly, ships his produce to a foreign country in a foreign bottom. He has no more interest in that form of transportation than he has in the method by which the purchaser carts the goods away from his factory or warehouse. Autotruck or horse-drawn truck, it is all the same to the producer. When he sells his product and gets his price his interest ceases and he turns his attention to future business. Therefore the argument in support of subsidy that American produce should be transported in American bottoms has no commercial foundation, although it may have some sentimental value.

to the future business. Therefore the argument in support of subsidy that American produce should be transported in American bottoms has no commercial foundation, although it may have some sentimental value.

The of remajors and has little threest in the most efficient value.

The of remajors and has little threest in the most efficient vessel which he employs. Efficient and economical service is what he is after, and it is what will always infinence him in the nor of the product o

live in. After the war I commanded ships where American boys from the war were sailors, and I found them superior to any others, but they constantly complained of the slothful and insanitary habits of foreign members of the crew who would not keep the living quarters livable unless forced to do so. The fact is, an unfortunate habit has grown up of disregarding the living conditions on ships in the past, so that no self-respecting American boy would be contented to serve a necessary apprenticeship under such environment. Let us have a merchant marine of American ships, built by American workmen, but let us also provide such conditions that American sailors can go to sea and not be forced into competition with foreign sailors who are willing to work for less wages and whose living conditions are based on standards repugnant to our boys.

One other feature of the bill as it came from the House strikes me as being a concession to some influence not compatible with the insaline part of the content of the such content in the content of the content with a cargo of oil and the training of the crew of a vessel carrying general cargo received on a similar voyage? The ownership of the vessel makes no difference. Each has a similar training and confronts similar difficulties. It would seem that each would be entitled to similar subsidy. That the owner of one vessel also owns the cargo seems to the post should not enter into the matter at all as a matter of fairness. If that principle should be consistently carried out to its logical conclusion, the shipper of cargo on any vessel could not be an owner or stockholder in the vessel. We know that the contrary prevails; that often the owner of a vessel will purchase a cargo and ship it in his own vessel. It is true that certain business interests own and operate their own ships as a matter either of profit or policy, or both, but it is submitted

Mr. STANLEY. Mr. President, I have listened with profound attention and genuine interest to the speech of the Senator from Pennsylvania [Mr. Pepper]. Notwithstanding his earnest-ness and his manifest sincerity, I am inclined to believe that, as the result of practical experience, he will materially modify

the opinion which he has so forcefully expressed.

As an academic proposition, Mr. President, it is very difficult to defend the blocking of legislation by an ingenious use of the rules of the Senate, a sort of substitution of force for argument. As indefensible as that policy appears when abstractly and academically considered, it has as a dernier resort and on rare occasions been resorted to by the Senate, and, as has been well said, in almost every instance the end has justified the means, and public opinion has approved this unusual and apparently unjustifiable expedient.

Mr. President, if in the past a filibuster has been justified, at the present time it is commendable; and I am of the opinion that if the Senator from Pennsylvania-himself a profound scholar, rich in his knowledge of the history of his country, and deeply learned in its law-will weigh and consider, as Lord Bacon was wont to say, the need of a brake upon legislation at this time, he will pause before he lends his great influence to a material modification of the rules of the Senate in this

Mr. President, the evil of modern legislation is not our lack of consideration, is not our slowness in enacting law, is not in the paucity of measures enacted. It is in the multiplicity of acts, in the lack of consideration, in the hurry, the confusion, the irresponsibility, which mark the deliberations of both Houses of Congress.

There never was a time when it was more necessary that Congress should hold and should exercise every power it now retains and every expedient now available for the protection of the legislative body of this Nation against Executive aggression. The history of civil liberty in continental Europe, as the Senator well knows, is contemporaneous with the growth of the power of its parliaments. The growth of the liberties of Great Britain is the growth of the House of Commons. Such civil liberty as is enjoyed by the French is attributable in great measure to the aggressions of the Chamber of Deputies upon the arbitrary power of the Bourbons. The framers of our Constitution, as is evidenced by The Federalist, justly apprehended and threw around this body every safeguard to save and preserve it from Executive aggression. If Hamilton—yea, even Hamilton and Jefferson and Madison and Jay-could dread Executive aggression when we had but a handful of employees, when the Executive power was but a modicum of what it is now, what is the peril of that same aggression now? care not whether it be a Democrat or a Republican at the other end of the Avenue. I am making no partisan appeal now. I am talking earnestly to the Senator from Pennsylvania, because I believe that he is capable of rising above partisan considerations and looking at this question to which he has addressed himself as a patriot and as a scholar. If there was danger then, what is the danger now? And if there is danger now, what is the impending peril of the immediate future?

This is the only free government on earth, with the possible exception of the French Republic. It is not true even of the French, because they do not hold office there at the pleasure of the President to the extent appointees serve at his pleasure here. Here, every four years, with the change of the President-for civil service is more or less of a mockery-comes a change in the character, the hopes, and personnel of nearly a million employees and appointees. The tremendous power of the President is such that his little finger weighs more thanthe thigh of the Senate. What will be the result to-morrow. when the Government operates telegraphs and telephones, railroads and steamships, possibly mines and factories? Is there anything on earth that will save what is left of legislative independence from utter extermination except the power in the Senate to stop the clock, to "chock" the wheels, until the people can take a second thought?

To my mind, the most glaring defect in our whole system, and perhaps the only great defect not apprehended by the framers of the Constitution, was the grievous fault of having a Congress elected, its lower House named every two years, and yet that Congress in only one out of the two years is responsive to the people that elect them. It is amazing. We were supposed to be the most responsible of all governments to the people. The most numerous body was elected for two years, as was expressly declared by the framers of the Constitution, both in the debates at the time and in the Federalist, that they might be immediately responsible to the people who elected them, and yet they are responsible only half the time.

As the Senator from Pennsylvania well knows, any radical change in public opinion in Great Britain is immediately reflected in the complexion and in the leadership of parties. No premier, no party, lasts an hour after an adverse opinion of the constituency which elected that parliament and which instituted that government has been definitely ascertained. The King of England takes no part in partisan discussion, or in party government, the people immediately determine the course of governmental affairs by a direct and emphatic expression.

In this country it happened recently, as it has happened repeatedly, that the people made an emphatic and startling expression of the changed attitude of the public upon vital questions, and it is not reflected at all and can not be for two long years. That is an anomaly in civil government. It is a grievous fault in the fabric of our own institutions. There is no doubt, there can be no doubt, that the people we represent, the sovereign nation whose will we are supposed to voice, is hostile to this legislation. As is known to the Senator from Pennsylvania, I presume known to the Senate, known to the public, announced in the press everywhere, and nowhere doubted or denied that the next House and Senate will repudiate the ship subsidy. I will not say, with more art than candor, but with exquisite art, the Senator from Pennsylvania has sald that the President of the Untied States when this measure was pending, and public opinion was centered upon it, had written a solemn communication to the leader of the House of Representatives proposing that a referendum be taken at the next election, and, pursuant to the suggestion of the President, the House and the Senate put aside this legislation in order that that referendum might be taken; yet we are told that there was no referendum at all.

The Senator from Pennsylvania says he did not discuss it and that it was not discussed in Pennsylvania. Why was it not discussed when the President had proposed that it be discussed? For only one reason in the world: In campaigning from Cape May to the Mississippi River in the last election, all up and down the Atlantic coast, I found a very few candidates for office on the majority side who were prone to discuss this measure; and why? Because it was not important? Oh. no; the filibuster is an evidence of its importance. The chagrin of

the President is an evidence of its importance. The loud and continuous howl that goes up from the public press is conclusive evidence of its importance. It was important enough. reason they did not discuss it was that it would not make them any votes; and wise and seasoned statesmen, after they had sounded the waters, after they had felt public opinion, deliberately discussed something else, because they knew that the ship-subsidy cock would not fight, because they knew that the best way to lose the election was to advocate a subsidy, and a subsidy of that character.

The Senator from Pennsylvania has asked why this was postponed. It is perfectly plain; not that the President wished further discussion of it by the country, but that the men who were expected to put it over preferred to answer for the deed after an election and not before; because the President knew that in the face of this ominous and premonitory growl, curses not loud but deep, which already rose East and West, North and South, against this ship subsidy, he would endanger not only the subsidy but the political scalps of the men who advocated it, and for that reason, with a strategy more cunning than candid, more characteristic of the astute politician than the fearless crusader, he waited until some men-not the Senator from Pennsylvania-could do in safety what they dared

not do in the face of danger.

Mr. President, I claim, and I believe he will at length concur, that when it is perfectly manifest that the plain will of the people can be served by this expedient, and when the safety and security and happiness of the country depend upon it, and the welfare of the country will be endangered and the manifest will of the people thwarted if this expedient is not resorted to, then it is not only the privilege-it is the plain duty-of every wise and courageous statesman to resort to it, for, after all, brushing aside all the rubbish, the prime purpose of the Senator from Pennsylvania and the prime purpose of the Senator from Kentucky and the solemn duty of every Member in this body is to carry into effect, if he conscientiously can, the manifest will of the people who have elected him and of the Nation he serves, without regard to the means, if the means are legal and are authorized under the rules of the Senate.

For instance, here is a case which may arise. I hope it will not; I pray God it may not; but the Senator from Pennsylvania, as well as myself, may have apprehended it, not without cause. The public is subject to hysteria and to fits of temporary anger, just as an individual is. There are times when waves of wrath and recklessness sweep from coast to coast, just as they sweep the individual at times from his sane and safe moorings of caution and of reason. Suppose that under an agitation socialistic and communistic in its nature a temporary majority should be secured in both the House and the Senate, and suppose that in two years from that time the people, clothed and in their right minds, should repent of their recklessness, should become disgusted with the wild, bolshevistic, socialistic nostrums that were fed them, and should utterly repudiate that Congress by an overwhelming majority; and suppose laws should be proposed destroying the right of private property wherever the Federal Government could destroy it; denying the right to dispose of it by will; establishing a communistic and soviet régime, as far as it could be done under the Constitution, were ready to enact bill after bill which the Senator believed was in violation of the Constitution, which would tear down the pillars of the temple; and he knew that within 10 days sane, safe, courageous men would be here to voice the will of the people.

Does the Senator mean to say that he would hesitate to block that legislation by any power God and nature and the laws of this body had given him; that he would cavil over the academic propriety of the weapon he used to kill the noisome and dangerous thing; that he would say, "I will not save the Constitution of my country; I will not maintain these institutions; I know all these things are dangerous; I know they are destructive of all for which our fathers have fought and have bled and labored for nearly two centuries; I abhor this character of legislation; I realize that it is wild and ill-considered and destructive of everything that makes life safe or sweet in these United States, but it is technically ill-advised to filibuster: and so, if they want to vote, I will give them a vote; I will be consistent, even though the country goes to the devil?"

I do not believe the Senator, upon mature consideration,

would follow such a course.

During the delivery of Mr. STANLEY's speech,

CONFIRMATION OF HARRY S. NEW TO BE POSTMASTER GENERAL. Mr. LODGE. Mr. President, through the courtesy of the Senator from Kentucky, who yields to me, I ask the Presiding Officer to lay before the Senate the nomination of Senator New to be Postmaster General.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). The Chair lays before the Senate a message from the President of the United States, which will be read.

The reading clerk read as follows:

THE WHITE House, February 27, 1923.

To the Senate of the United States:

I nominate HARRY S. New, of Indiana, to be Postmaster General, effective March 4, 1923, vice Hubert Work, appointed Secretary of the Interior.

WARREN G. HARDING.

Mr. LODGE. I make the usual request, where a Senator has been nominated to high office, that as in open executive session the nomination be now considered and confirmed, without reference to a committee.

The PRESIDING OFFICER. Is there objection to the immediate consideration of this nomination in open session? The Chair hears none. The question is, Will the Senate advise and consent to the nomination of Harry S. New to be Postmaster General? [Putting the question.] The nomination is unanimously confirmed.

Mr. LODGE. I ask that the President may be notified. The PRESIDING OFFICER. The President will be notified.

Mr. LODGE. I thank the Senator from Kentucky.

The PRESIDING OFFICER. The Senate resumes legislative session.

After the conclusion of Mr. Stanley's speech,

THE MERCHANT MARINE

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes. The PRESIDING OFFICER. The pending question is on the motion of the Senator from Arkansas [Mr. Robinson] to re-

commit the bill to the Committee on Commerce.

Mr. McKELLAR. Mr. President, I do not want to make a speech. I merely want to ask a question of the chairman of the Committee on Commerce, if I may have his attention for a

moment. In this morning's Post I notice this headline:

Novel ship plans soon from Lasker. Nature to be startling, chairman says after interview with the President.

That is the headline, and in the article it is stated thatinasmuch as the President has declared one of the prime purposes of the ship bill to be to get the Government out of the shipping business, it was generally believed yesterday that the administration's policy contemplated quick and thorough liquidation. Members of Congress conversant with the Shipping Board affairs suggested that the administration, through invocation of such indirect aids as are contained in the merchant marine act of 1920, might endeavor to make operation of vessels under the American flag attractive enough to provide a sale for the Covernment owned tourner. the Government-owned tonnage.

Mr. Lasker and Chairman Jones of the Senate Commerce Committee have urged the President to carry out section 34 of the merchant marrine act.

We all saw that the chairman of the Shipping Board had a conference with the President yesterday and read of the statements made thereafter, which to me were rather alarming, Can the Senator tell us whether it is proposed at this time by the chairman of the Shipping Board to sell our ships at once?

Mr. JONES of Washington. I do not know what will be done.

Mr. McKELLAR. The Senator has not had a conference with them and is not familiar with what they intend to do?

Mr. JONES of Washington. I have not.

Mr. McKELLAR. I think the Senator will agree with me that to undertake such a plan as that at this time, when there is no market for ships, would be very disastrous to our merchant marine.

Mr. JONES of Washington. I express the hope that the Shipping Board and the President will try to carry out in the

full spirit the act of 1920.

Mr. McKELLAR. I want to join the Senator in that hope. The act of 1920, if carried out according to its intent and purwould mean, in my judgment, the building up of American merchant marine. The Shipping Board, if it did carry it out, would do itself great credit, but if it undertook to take advantage of any authority that is given to dismantle or dispose of our shipping without reference to the intent and purpose of that act, it would make a great mistake, and the

American people would hold the board responsible for it.

Mr. JONES of Washington. I can not believe, and I will not believe until the things are actually done, that any action will be taken after we have disposed of this measure except what is believed to be for the very best interest of the American people and to promote the building up of an American merchant marine. However disappointed anybody may be at the failure to pass the bill, I think we all recognize that the Senate has acted within its rights and its powers, and that the only thing

to be looked after hereafter is to promote the interests of the American people, and, if possible, under existing conditions and existing laws to develop an adequate American merchant marine on a permanent basis. I am satisfied that that is the course that will be pursued.

Mr. McKELLAR. Knowing how the Senator from Washington felt about it, I want to say to him that my first thought after reading the article yesterday afternoon, and again after reading the article which was virtually republished in the morning paper, I thought probably it would be a wise thing for the Congress to pass such a resolution. I understood from what the Senator said that he feels, as I have indicated, with reference to the intent and purposes of the shipping act of 1920.

Mr. JONES of Washington. I would not want to reflect upon

what I believe to be the integrity, the conscientious, and patriotic intentions of the men in charge by the passage of a resolution that would question their good intentions and patriotic purposes

Mr. BROOKHART. Mr. President, the pointed reference of the Senator from Pennsylvania [Mr. Peppera] to myself and to my own part in the fillbuster is such that I feel the debate should not entirely close without a word from me.

I noted the ardor and evident sincerity with which the Senator from Pennsylvania announced that so far as he was concerned he would only speak in this Chamber to the subject under consideration, and then he proceeded to speak about everything else except the subject that is under consideration. The question is whether or not we shall recommit the bill, and there was not one word in the brilliant argument of the Senator from Pennsylvania pointing out why the bill should be recommitted. He provoked one of the most brilliant debates that has been held in this Chamber since I have been here. The political reply of the Senator from Nebraska [Mr. HITCH-COCK] was very appropriate to everything the Senator from Pennsylvania said, but there was not one word in it about why the bill should be recommitted.

The reply of the Senator from Kentucky [Mr. STANLEY], able and to the point, touching upon every suggestion of the Senator from Pennsylvania, was likewise appropriate and timely from the standpoint of what the Senator from Pennsylvania said, but neither did it contain a single word about what would be accomplished by recommitting the shipping bill to the Committee on Commerce. Therefore it occurs to me that we must all neglect to see ourselves as others see us.

So far as I am concerned, I announced the first time I spoke in reference to the bill that I would oppose it, that I would use every parliamentary means to prevent its passage, by vote or otherwise. I pointed out that in my judgment the attempt to force it through at the short session of Congress was a filibuster on the part of the administration and the Republican leaders, and I still adhere to that view.

If I cared now to go back into the history of our country I think I could show that the short sessions of Congress were not designed by the fathers of our country in making the Constitution for the purpose of general legislation. They were to be the sessions for the making of appropriations and the transaction of the routine and ordinary business of the country. It is a violation of that spirit to attempt to consider weighty matters like general legislation of this kind. Therefore, I say the filibuster was justified, and I do not hesitate to call it a I do not myself sail under a false face or a mask of any kind. When I filibuster I want everybody to know it. When I fight I want that to be known. I want my constituents to know that I have kept the promise I made to them to use every means in my power, within the rules and within the law, to defeat the bill.

The Senator from Pennsylvania when he started with his very able and very eloquent speech, knew that the bill was dead. He knew that if the bill was recommitted it would be a mere formality and that following that we would take up the filled milk bill and would proceed to the consideration of some other important matter. His speech under those circumstances was just as much a time-killer, just as well known to him to be a time killer, as anything that I said in reference to the beautiful swan song of the Senator from New Jersey [Mr. Freling-

Now, to conclude, Mr. President, I want to insert in the Record the final conclusions, after full deliberation, of all of the great farm organizations in the United States in reference to the bill. I have the resolutions passed by the American Farm Bureau Federation Convention in Chicago in December, 1922. At their national convention and after their president had come before the committees of Congress and had supported the ship subsidy legislation, the national convention of the American Farm Bureau Federation declared against it. I have here the resolution of the National Grange adopted at its annual session at Wichita, Kans., in 1922. I call especial attention to the fact that both of these great farm organizations are numerous and very powerful in the State of Pennsylvania. I have the resolutions of the Farmers' National Council plan on the merchant marine adopted at the reconstruction conference, Washington, D. C., January 19, 1919. I have the resolution adopted by the National Board of Farm Organizations at the semiannual conference in Washington, D. C., October, 1922. I have also a letter from the representatives of those four great organizations. I now ask permission that the resolutions and letter to which I have referred may be printed in the RECORD.

The PRESIDING OFFICER, If there be no objection the request is granted.

The matter referred to is as follows:

Resolutions on ship subsidy adopted by four national general farm organizations. Passed by American Farm Bureau Federation Con-vention in Chicago, December, 1922.

SHIP SUBSIDY.

Inasmuch as it has been the general policy of this country to subsidize railroads by land grants, bonds, and granting special privileges, manufacturers by a protective tariff, and it is now proposed by those in charge of our general policy to subsidize our shipping interests by the payment to them of a bonus, for all of which the consuming public must foot the bill; we emphatically protest against the continuance of a policy that has become confiscatory instead of protective.

National Grange resolution adopted at annual session, Wichita, Kans., November, 1922. SHIP SUBSIDY.

The National Grange hereby declares its unalterable opposition to all ship-subsidy legislation and to every form of direct subsidy to private enterprises, and it pledges the full strength of the organization toward the defeat of whatever form of ship-subsidy legislation has been or hereafter may be introduced into Congress. If upon investigation it is found that the American merchant marine is handicapped in its operation by present conditions and laws, then the grange favors a revision of the navigation laws, rather than Government aid through ship subsidy. a revision of ship subsidy.

Farmers' National Council plan on the merchant marine adopted at reconstruction conference, Washington, D. C., January, 1919.

Enormous sums have been expended by the Government in constructing ships. The ships so constructed at Government expense should remain the property of the people of the country and should be operated as a merchant marine for the benefit of the people as a whole, with due regard to terms and conditions of employment.

Resolution adopted by National Board of Farm Organizations at semi-annual conference, Washington, D. C., October, 1922.

Whereas it is apparent that the question of granting subsidies to our merchant shipping will soon be brought to a vote in Congress; and Whereas the farmers of the United States have been traditionally opposed to the granting of such subsidies; and Whereas the plan embodied in the Jones-Greene bill, which is now under consideration, contains many provisions that are extremely objectionable and would, in our opinion, be detrimental to the best interest of the country, as a whole, if enacted: Therefore be it *Resolved*. That this body record an emphatic protest against the passage of this proposed legislation.

WASHINGTON, D. C., February 21, 1923.

Letter from the four national general farm organizations opposing the pending ship subsidy bill and asking consideration for vital farm measures.

To the Members of the United States Senate.

GENTLEMEN: The four national general farm organizations, whose representatives sign this letter, are opposed to the pending ship subsidy bill. We inclose you a copy of the resolution on this subject adopted by each of these organizations.

We respectfully submit that the measures of vital importance to the farmers of the Nation now pending in Congress should have adequate consideration before the adjournment of this Congress.

Yours respectfully,

AMERICAN FARM BUREAU FEDERATION,
By GRAY SULVER, Washington Representative,
NATIONAL GRANGE,
BY T. C. ATKESON,
FARMERS' NATIONAL COUNCIL,
BY BENJAMIN C. MARSH, Manaying Director,
NATIONAL BOARD OF FARM ORGANIZATIONS,
BY CHAS. A. LYMAN.

Mr. HEFLIN. Mr. President, I was ready for a vote some two hours ago. This debate was started by a Republican Senator, the Senator from Michigan [Mr. Townsend], who accused or intimated very strongly that Senators who are opposing the bill are playing politics and undertaking to deceive the people. A speech was then made by the senior Senator from Pennsylvania [Mr. Pepper], another Republican. I knew yesterday afternoon that he was going to speak to-day. It is all right for those Senators who favor the measure to speak, I presume, but those who oppose it, when they speak, are standing in the way of the program of the shipping trust, and therefore out of order.

Mr. President, we take the responsibility for our part in this fight. We welcome the responsibility of the results of the campaign made against the ship subsidy bill. Party welcomes at any time a contest with the time-serving

Republican Party upon the question before the American people as to whether this great fleet, costing three thousand million dollars, shall be given to the ship trust, and on top of that the American people are to be taxed \$50,000,000 a year to run the ships after they are given to them.

the ships after they are given to them.

So the Senator from Pennsylvania, when he chides us for speaking against the bill and delaying a vote upon it, may content himself with the thought that we will be held accountable and either punished or approved for our conduct in the case. We will be entitled to the praise of every patriotic

American for defeating this monstrous measure.

What right have the lame ducks of the Senate, in the closing hours of this Congress, to vote this vast sum of money to those who are in charge of the ship trust? What right have they to force these ships up for sale in a dead market and throw restrictions around the sale of them to the extent that private individuals can not buy the ships and operate them? What right have we to provide a program by which the ship trust, and the ship trust alone, may buy the ships all in a bunch and then tax the American people for millions of dollars with which to run the ships?

What sort of tactics have been employed to bring the bill before the Congress? What did the President do in the outset? He called Congress together before its time. He assembled the Representatives of the people in order that they might have a longer time in which to pass this thing or jam it through the Congress before the 4th of March. Did that look like alertness on the part of those who favor the bill? Did that look like every effort was being employed to put through this legis-lation? It certainly did. When it was up in the House the papers stated that the leader of the majority [Mr. Mondell] had gone to the White House and had told the President, "We have the votes to pass it." What were those votes? Who constituted the majority in the House to pass the bill? Lame ducks-60-odd of them-beaten at the polls and coming back asking favors at the hands of a President in power, voting to put through an administration measure by a majority of only 24 votes, secured the passage of the bill in the House. The Republican Party with 169 majority in the House could muster only 24 majority to pass this monstrous measure by men just defeated and going out of Congress, commissions expiring next Sunday, and yet we are criticized and condemned for holding back and not permitting them to pass the bill that lame ducks were about to put over.

I have no apology to make to any of them for the fight I am making against it. What happened at Verdun? Every brave Frenchman who stood and those who fell said ever and anon to their comrades, "They shall not pass." Every Senator on this side of the Chamber who is fighting this ship-trust measure has said to his fellow Senators, "It shall not pass." And in the closing hours of this session I repeat it to you. "It shall not pass." I have no apology, and I am sure those who have fought with me have no apology to make.

Why was not the matter submitted last fall in the election? The President's letter said that it ought to be submitted to the people. Now, the Senator from Pennsylvania said that it was not mentioned much up his way. That would look like they intended to wait until the election was over and then say, if they had won out strong, "It was an issue and here is the President's letter announcing that it ought to be submitted to the people. They have passed on it and therefore there is a mandate from the people to Congress to pass it."

date from the people to Congress to pass it."

But what did the election do? It repudlated the administration; it cut the majority of 169 down to about 15 in the House of Representatives, and it cut the majority in this body from 24 down to about 8 or 10, I believe. So, Mr. President, it is but a few days until the new Congress will come upon the scene. Then we can decide what we shall do.

Let us see whether the opposition has been fair with us on this side of the Chamber and with the American people. There has been many a time here when a vote could have been obtained as to whether or not the policy proposed in the bill should have been tried out for one year, but the Republican Senators would not accept the offer; nothing short of 10 or 15 years would satisfy them. The Senator from Tennessee [Mr. McKellar] asked the Senator from Louisiana [Mr. Ransdell] if he were willing to consent to a vote on the substitute of the Senator from Tennessee for the bill, and the Senator from Louisiana said he was not. The Senator from Massachusetts [Mr. Walsh] asked the Senator from Washington [Mr. Jones], in charge of the bill, if he would agree to unanimous consent to let us vote on our proposition, the McKellar bill, which is a substitute for the pending bill, and the Senator from Washington said he would not. So we are not preventing Senators who really favor an American merchant marine from getting a vote;

they could have obtained a vote by consenting that a vote could be had; they could have tried the Senate out and found out if it would take our views of this matter, but they refused to do it. They had a chance to get a vote twice, and twice they refused. So Senators themselves on the other side of the Chamber must take the responsibility for the failure to get a vote on a plan for a merchant marine and the tactics to which they have resorted.

The Republicans commenced having night sessions here when some Senators who are old and infirm had been staying in this Chamber week after week and month after month, worn and weary; but that did not make any difference; they were dragged here, and night sessions were held and the session lasted from morning until nearly midnight, trying out a test of physical endurance.

If it killed anybody, why, of course, that had to follow; if any fell by the wayside, if they could not stand the test of physical endurance, but died while the Republicans were trying to put this ship subsidy bill through in the closing hours of the session, what of it? I want the country to see somewhat of the other side of this picture.

of the other side of this picture.

Now, we are criticized by the Senator from Pennsylvania [Mr. Pepper] for filibustering against this ship-trust measure. Mr. President, I pray to the God of the Republic that a hard-and-fast cloture rule will never be fastened upon this body. This is the one distinctive outstanding American deliberative body, and Senators, I warn you to ponder long and deliberately before you destroy the freedom of debate in the United States Senate. You have your remedy. You can hold the party responsible that conducts a filibuster, and the American people, when we go before them, can decide whether or not they condemn or indorse the filibustering tactics employed.

Senators on the other side of the Chamber could not answer the able, superb, and powerful speech of the Senator from Kentucky [Mr. Stanley] which he made against cloture or gag rule in the Senate. Suppose the Bolshevists and Socialists whom the Republicans have created by the thousands by their cruel policies should become strong enough to obtain control of the House and Senate, as the Senator from Kentucky suggested, undertake to enact dangerous measures into law, and the minority should stand and say to such dangerous measures: "You shall not pass; we believe in property rights and in human rights; these measures are fraught with grave danger to the American form of government, and you shall not pass them."

Under the theory of the Senator from Pennsylvania the opponents of those theories ought to yield because the majority wanted to put them over; but I say that we should have the right to stand and that it would be our duty to stand and fight until the last man fell in the contest to preserve properfy rights, personal rights, and the rights and libertles of the whole people.

I want to say this, and then I am through: No country on earth has such a ship subsidy as is proposed in this Republican ship subsidy bill. Why should we hurry into this one? There is no sound reason for such action.

Mr. President, I am not willing to leave the disposition of these \$3,000,000,000 worth of American ships to the discretion of the Shipping Board. I know there are some very clever gentlemen on the board—one from my State—but we should aid the board and direct the board as to what Congress wants done in the matter. I want this Congress to pass a joint resolution providing what shall be done with these ships.

Let us say in a resolution to the Shipping Board that it is the judgment of Congress that these ships should be kept in order, if nothing else, and not sold until the market gets better and we can obtain a better deal for the American people in the matter. So let the Congress pass a resolution simply stating what we desire done. It would be no reflection on the Shipping Board. I am sure that some of the members of the Shipping Board would welcome a resolution from us stating what we would like to have done when the ship-subsidy proposition has failed.

Mr. President, let us have this clear in our minds for a moment. Senators in this body have the right to use any legitimate tactics in order to defeat a bad measure. A newspaper man asked me a few days ago if we were not conducting a filibuster. I said, "No; you should hardly call it that; it is a determined effort on the part of certain Senators in a deliberative body to defeat a bad bill." I said I liked that description of it better than calling it a filibuster.

Now, Mr. President, let us meet the test and vote as to whether or not we shall recommit the bill. If no legislation is had in reference to the matter at this session, it will be the fault of the Republican Party, because the Senator from Ten-

nessee asked unanimous consent to vote upon his substitute, and it was denied; and the Senator from Washington in charge of the bill denied unanimous consent to take a like vote. So if a vote is prevented, it will be prevented by those in charge of the bill, because we will not permit "lame ducks" by three majority to put this monstrosity over in the closing hours of the session. Our determined effort to defeat this bill deserves and, I believe, will receive the unstinted plaudits of the Ameri-

Mr. WILLIS. Mr. President, I have occupied no time on this bill and I shall occupy now only a moment or two. been a filibuster going on against the ship subsidy bill for some I trust that in the closing days of the session we may not, as would now seem to be apparent, have another filibuster against the filled milk bill. I trust that we may have very promptly a vote on the pending motion to recommit, and that then we may have a chance to vote to bring before the Senate the filled milk bill, and I shall vote to have that bill considered.

I desire to say only one thing, and then to make a request. What I wish to say relates not particularly to this bill but it relates to the legislative situation. The country is aware, as Members of the Senate are aware, that for weeks a filibuster has been going on here against the ship subsidy bill. That bill has never at any time had a chance to have a vote upon its merits, and it will not have that opportunity. All I desire to say is that, in my judgment, the time is near at hand when the rules of the Senate will have to be amended so as to make out of the Senate a legislative body rather than a mere debating society or, at times, a vaudeville show. I think the first busi ness of the Senate in the next Congress ought to be to amend its rules.

Mr. President, some time age the Cleveland (Ohio) Chamber of Commerce appointed a committee to make a study of the shipping situation. They submitted a very carefully considered report, in some of the conclusions of which, by the way, I do not happen to concur. For example, they suggest a repeal of the seamen's act. I am not in favor of a repeal of that act. They seem to think that the pending bill contemplates such repeal. It does not, and does not in any essential respect amend the seamen's act. That act ought to be retained, in my judgment, on the statute books. There is, however, much valuable material that has been collected by the committee of the Cleveland Chamber of Commerce, and I ask unanimous consent to have their report printed in the RECORD at this time in 8-point type.

There being no objection, the report was ordered to be printed

in the Record in 8-point type, as follows:

To the Board of Directors of the Cleveland Chamber of Com-

GENTLEMEN: Your committee on American merchant marine respectfully submits its report on the so-called ship subsidy bill. This bill was introduced into the United States Senate on February 23, 1922, and is entitled "A bill to amend and supplement the merchant marine act of 1920, and for other purposes." The following is

A BRIEF SUMMARY OF THE PRINCIPAL PROVISIONS OF THE BILL.

(1) It authorizes the sale as soon as practicable and consistent with good business methods either at public or private sale to persons who are citizens of the United States (with certain exceptions) all of the vessels built for and owned by the United States Shipping Board, and also authorizes the Shipping Board to set aside a fund out of part of the proceeds of such sales, which under certain conditions is to be loaned in aid of the construction of other ships as needed.

(2) It allows the owners of all ships documented under the laws of the United States and operated in foreign trade, as a deduction from their net income for income, excess profits, or war-profits tax purposes, for a period of 10 years, an amount equivalent to the net earnings of such vessels or profits from the sale thereof, provided that such owners invest or set aside for investment in new ships to be built in American yards an amount equivalent to such taxes which would otherwise have been payable.

(3) It contains certain provisions whereby 50 per cent of the immigrants coming to this country by sea are required to be transported in American ships.

(4) It provides for the creation of a naval reserve force from among those officers and seamen of our merchant marine who may voluntarily enlist for such service, the members of which force are subject to call in case of national emergency.

(5) It permits the Army and Navy transport service to be discontinued and such service to be contracted for with ships

of the American merchant marine.

(6) It provides for the payment of certain amounts by way of subsidy to the owner of every documented vessel of the

United States of 1,500 gross tons or more engaged in the foreign trade, such amounts to be calculated on the base rate of onehalf of 1 per cent for each gross ton of said vessel for each 100 nautical miles traveled, with additional amounts for faster vessels; a graduated scale of such additional allowances being provided for speeds between 13 and 23 or more knots an hour.

(7) No vessel, however, is entitled to such aid or subsidy unless her owner shall have entered into contract with the Government and shall have agreed that this vessel may be taken, purchased, or used by the United States for the national defense, or for any public purpose at any time, in which event, however, provision is made for proper compensation to the All first, second, and third class mail matter must be carried by such ships free. The Shipping Board is given considerable discretion in the making of such contracts and must be satisfied before doing so that the payment of the compensation is reasonably calculated to carry out the purposes of the act. The board may also, within certain limits and for special causes, increase or decrease the compensation allowed.

(8) The act provides the sources of governmental revenue from which the means are to be derived with which to make the payments to vessel owners; it also provides for the coordination and regulation of carriage by rail and by sea, and for concerted action by the Shipping Board and the Interstate

Commerce Commission to that end.

(9) Finally, the act requires the shipments of all goods of the United States, including Army and Navy supplies, in American ships whenever practicable.

PREMISES WHICH ARE GENERALLY CONCEDED.

From the foregoing it will be seen that the act is intended in a variety of ways to foster and encourage the creation and maintenance of a privately owned and operated American merchant marine. In its consideration of this measure, your committee started with certain premises upon which, we take it, there is no serious diversity of opinion among patriotic, thinking Americans.

First. America should, if possible, have ships of its own, adequate in time of peace to carry at least a sufficient proportion of its exports and imports to afford protection against foreign interference or domination in our commerce, and adequate in time of war or national emergency to provide a reasonably effective auxiliary to our own Army and Navy.

Second. These ships should be privately owned and operated and should be subjected to as little control and interference by the Government as may be consistent with the public welfare.

It would seem hardly necessary to support these prepositions

by argument. Even the minority of the House Committee on the Merchant Marine and Fisheries, which reported adversely upon the bill under consideration, says:

We are opposed to permanent Government ownership or operation of our merchant ships; we favor the sale of them to private owners as soon as practicable, but at such time and in such manner as will protect the public interest and insure the establishment and maintenance of a real American merchant marine

And again:
"We really concede the importance of having an adequate American merchant marine, and we insist that such can be had without imposing upon the American people the tremendous burdens carried in the pending bill."

Unfortunately, the minority fails to suggest how "such can be had," but the significant matter here is the conceded importance of an adequate merchant marine and the insistence that It must be privately owned and operated.

To the premises above stated we may add: Third. That there will in all probability never again be a time in the history of the United States so opportune for the

establishment of a merchant marine as the present.

The United States Shipping Board has a fleet of 1,442 steel merchant ships built for or acquired by the Government for the purposes of the late war. This fleet, which is said to have cost over \$3,000,000,000, has an aggregate carrying capacity estimated at over 11,000,000 tons. It is true that many of those ships are for various reasons unserviceable. Some of them, in the hurry of war preparation, were poorly built; others are of a type which could not be profitably employed in modern mer-cantile trade; and, in general, there is a lack of balance in the different kinds of tonnage, which would make it necessary to select those ships which are needed and to scrap or otherwise dispose of many others in order to provide a fleet with units so proportioned as to meet the requirements of our modern shipping trade.

It is stated by the chairman of the Shipping Board that 6,000,-000 tons, or a little over half of the steel tonnage now owned by the Government, is "good tonnage, comparable with the best in the world"; the other half ranges from "fair" to "not usable for commercial purposes." It is further stated that 3,000,000 tons probably represents the maximum amount of carrying which, under the most favorable conditions, will be needed for a number of years to round out a merchant fleet as large as can be operated advantageously under the American flag. A certain amount of special tonnage, as, for instance, some of the larger class of passenger carriers, might have to be constructed to complete the program, but, in general, it may be stated that now, for the first time, and in all probability for the last time, in its history, the Nation has on its hands, as a result of the Great War, an ample number of ships already built and ready for service, to meet all the requirements of an efficient merchant marine. What shall we do with these ships? Obviously none of them can be sold to American owners except for the coastwise trade so long as the possibility of Government competition in the foreign carrying trade exists. The Government operated a small part of its enormous fleet last year at a loss of \$50,000,000, without taking into account deterioration, hull insurance, or interest on its investment. Making all due allowances for the enormous inefficiency, waste, and extrava-gance which seem to be inseparable from all governmental enterprises, what sane American vessel owner would take one of these ships even as a gift and agree to operate it in the face of such potential competition?

It goes without saying that the Government must go out of the business immediately and permanently, until which time there is no possibility of any privately operated vessels flying the American flag in our foreign trade. A publicly owned fleet is favored by nobody. Those opposed to the pending legislation The alternatives reare most vociferous in its condemnation.

maining are:

(1) To abandon all idea of an American-owned merchant marine in our foreign trade and sell such of the vessels as we

can to foreigners and scrap the rest; or

(2) To make some effort to use at least a part of the vast property which we have at hand by placing it in the hands of American owners under conditions which will make it possible for them to compete with the ships of other nations.

There would seem to be no controversy, at least in the Congress, as to which of these alternatives should be adopted, for even the minority report of the Merchant Marine and Fisheries Committee of the House of Representatives contains this ringing declaration concerning the disposition of the ships now owned by the Government:

We favor the sale of them to private owners as soon as practicable, but at such time and in such maner as will protect the public interest and insure the establishment and maintenance of a real American merchant marine for the interest of

the whole American people."

We may take it to be conceded, therefore, that everyone wants an American merchant marine. The only question would seem to be how are we to have one? We have the ships, and what is equally important, we have, as a further result of the war, an unprecedented number of trained officers and men to operate them. What, if anything, remains to bring to fruition the wellnigh unanimous desire of the Nation to seize the opportunity offered to place the American flag where it belongs on the high

Your committee is clearly of the opinion that this can not be done without Government aid. The language of the minority report above quoted sounds well, but it is idle, under conditions now existing or to be expected in the near future, to talk of selling any of those ships to be operated under American registry in our foreign trade, unless we are willing as a Nation to remove the handicaps and equalize the costs which now make the operation of American ships in competition with the ships

of other nations unprofitable.

In a previous report your committee has pointed out some of the handicaps referred to. Conspicuous among these are the provisions of the so-called La Follette Act, which imposes upon American shipowners many wholly unnecessary burdens, such as the carrying of additional crews and expensive equipment not carried by the ships of other maritime nations. out the removal of these burdens your committee entertains small hope that the provisions of the proposed subsidy bill will suffice to establish American shipping upon the sound footing of equality necessary to meet the keen competition of the world. Even after such removal, however, it seems clear that there will still exist great disadvantages to American ships arising from our higher wage scale for seamen and other costs of operation. Some idea of these disadvantages may be had from a study of Table A, attached to this report, which shows the scale of wages in November, 1921, of each member of the crew of three oil-burning steamers of substantially the same size and type, the first sailing under the American, the second under the British, and the third under the Norwegian flag.

The amounts are in each case reduced to dollars at current rates of exchange. From this table it will be seen that the cost per month of manning the American steamer was \$4,037.50; the British steamer, \$2,433.90 (or \$2,809.08, depending on a difference in exchange rates); and the Norwegian, \$1,637.99. In other words, the labor cost of operating the British ship was 70 per cent and the labor cost of operating the Norwegian ship 40 per cent of the labor cost of operating the American Your committee has not at hand the figures showing the comparative labor cost of operating the ships of other countries in the same year, but statistics for 1916 show that American seamen were being paid \$45 per month while French seamen received \$19.30 per month, and statistics for 1919 show seamen's wages on American ships to be \$75 per month; on French ships, \$30.88 per month; and on Japanese ships, \$20 per month.

Other costs of operation show similar disadvantages to the American shipowner. Thus the average hourly wages of workmen employed on repairs of ships in British yards in 1922 was 31 cents; of the same class of men in American yards, 58 cents. It is estimated by the American Steamship Owners Association that the best figures that can be attained in ordinary operation by an American ship for the food of its crew is 70 cents per day per man. A similar estimate for British (white) crews is about 50 cents per man per day.

The conclusion of the experts employed by the United States Shipping Board is that as between an American ship paying the lowest wages and a British ship of the same size and type, there is a differential of 27 per cent of the pay roll against the American ship in the items of wages and subsistence alone. Allowing 11 months' operation per year this makes an annual excess cost of \$9,053 for wages and food alone on an American ship carrying a crew of 40 over a British ship carrying the same complement of officers and men. The difference in cost between the operation of American and Japanese or Norwegian or French ships is, of course, much greater. Without going into the subject further it would seem quite evident that these differences in costs must be counterbalanced if American ships are to be operated without loss. It has been estimated by those who should be in a position to know that the aids provided by the legislation under discussion, together with the comparatively low price at which the Government ships will be sold, will provide counterbalancing advantages sufficient to attract American capital into the shipping business. Chairman Lasker, of the Shipping Board, in his testimony before the House committee says

Of the 6,000,000 tons of (serviceable) freighters the Government possesses it is the hope of the Shipping Board that ultimately a great measure of the 3,000,000 of good tons will find itself in the hands of American owners, should the legisla-

tion here proposed be adopted."

We are aware that Mr. Lasker and other witnesses have been criticized for expressing their confidence in the efficiency of the proposed legislation in terms of hope and anticipation rather, than by positive assurances. A sufficient answer to this is that no man can venture to assert positively the success of any business venture, much less of such a remedial measure as this, especially in face of the unusual and complicated situation here presented. The question is also asked in the minority report of the congressional committee why competent vessel owners did not appear before the committee with some kind of guaranty or at least positive opinion that the bill under discussion would accomplish the results desired. Besides the answer above given, two others suggest themselves:

First. If vessel owners had appeared before the committee, would not the opponents of the measure have been as quick to raise the cry of interested motives as they were to accuse the labor leaders who appeared in support of the bill of being in the pay of the "interested" vessel owners?

Second. If, as the opponents of the bill complain, the testimony produced fails to show that American ships can be op-erated successfully with the aid of the subsidies provided, how can it be contended that those ships can be successfully operated without such aid?

There may be doubt as to whether the pending bill will prove effective. If so, are we to abandon all effort to utilize the ships and the services of the sallors we now have at hand, but may never have again? President Harding in his message of November 21, 1922, presents to Congress the three alternatives. says:
"Three courses of action are possible, and the choice among

them is no longer to be avoided.

"The first is constructive. Enact the pending bill, under which, I firmly believe, an American merchant marine, privately owned and privately operated, but serving all the people and always available to the Government in any emergency, may be established and maintained.

The second is obstructive. Continue Government operations and attending Government losses, and discourage private enterprise by Government competition, under which losses are met by the Public Treasury, and witness the continued losses and deterioration until the colossal failure ends in sheer exhaustion.

"The third is destructive, involving the sacrifice of our ships abroad or the scrapping of them at home, the surrender of our aspirations, and the confession of our impotence to the world in general, and our humiliation before the competing world in particular.

"A choice among the three is inevitable. It is unbelievable that the American people or the Congress which expresses their power will consent to surrender and destruction. It is equally unbelievable that our people and the Congress which translates their wishes into action will longer sustain a program of ob-struction and attending losses to the Treasury.

"I have come to urge the constructive alternative, to re-assert an American 'We will.' I have come to ask you to relieve the responsible administrative branch of the Government from a program upon which failure and hopelessness and staggering losses are written for every page, and let us turn to a program of assured shipping to serve us in war and to give guaranty to our commercial independence in peace.

Your committee believes that the experiment, if experiment it be, is worth trying.

OTHER OBJECTIONS CONSIDERED.

All the arguments against the subsidy bill can hardly be marshaled within the necessary limits of this report. A few of the principal ones may, however, be briefly reviewed.

1) There is among many people a strong prejudice against subsidies in any form. In a case like the present one, however, this feeling hardly rises to the dignity of an argument. Too many forms of subsidy are being granted every day under various names to the very people who protest most loudly against this measure. The Government pays out enormous sums of money each year for the improvement of rivers and harbors and inland waterways, which are a subsidy to the locality or in-terests affected. Our rural free delivery is a subsidy to the farmer. We have subsidized railroads by land grants. We have recently authorized \$75,000,000 for good roads for market highways. We have subsidized the agriculture of the country by large sums for reclamation and irrigation, and we spend in the Federal Agricultural Department many millions of dollars in sending out literature and seeds, large sums in investigations and experiments for the benefit of manufacture and agriculture, and have recently been perfecting extensive systems for loaning money to farmers, all of which could be properly classified as subsidies. In reality they are for the most part Government aid to enterprise which could not, or at least would not, be

undertaken if left to private initiative.

(2) It is urged that the Shipping Board is given powers by the proposed act, such as the fixing of routes and the regulation of subsidy rates, which may lead to favoritism and even corrup-tion. The answer to this is that Government regulation has become common and indeed necessary in many departments of our national activity. The Interstate Commerce Commission has national activity. powers in the exercise of which favoritism and even corruption would doubtless be possible, but who has ever found valid objec-

tion to that body upon that ground?

(3) It is charged that the proposed legislation gives over our American shipping into the hands of large corporate "interests" which may enrich themselves at the public expense. In the minority report of the congressional committee it is de-manded that the ships belonging to the Government "be sold in such manner as to protect the public interest and insure the establishment and maintenance of a real American mer-chant marine for the interest of the whole American people, so as to prevent our ships from falling into the hands of a large syndicate, or our merchant ships being controlled by a few large companies which would drive out of business the smaller companies and numerous trade routes."

In the first place, your committee fails to find anything in the proposed legislation which is intended to or would have the effects feared. There would seem to be no reason why a small operator could not obtain the same benefits under the subsidy as a large one, and if he fails in his enterprise, it would be for reasons other than any disadvantage imposed upon him by the law. The provisions for supervision and control would, moreover, appear to be sufficient to prevent serious abuse. If in practical operation they are found to be insufficient, Congress at all times has the remedy in its own hands.

In the second place, the bill provides that shipping lines receiving Government aid must have their actual investment and their operating expenses audited by the Government, that Government aid will only be paid until the shipping enterprise earns 10 per cent on the actual capital employed, and that immediately, when more than 10 per cent is reached, half of the excess earnings must be applied to the repayment of the Government aid which has been previously advanced. Thus, the possible earnings are limited to a very reasonable amount if capital is to be risked and management is to be attracted. If success attends, the Government outlay is returned; if not, there would certainly seem to be very little chance of enriching large corporations or anybody else.

In the third place, if the objection implies that its proposers would favor the exclusion of large companies from participation in the benefits offered by the legislation, your committee has no sympathy therewith. To own and operate a single ship requires an investment which is beyond the reach of most individuals. A line of steamers or an effective fleet with the necessary terminals and connections almost necessarily presupposes a combination of considerable capital in corporate form. To prohibit or discourage such combinations be-yond the provisions of the laws now existing for the prevention of monopoly would defeat the entire object in view. Your committee can not but regard this objection as ill considered and probably calculated merely as an attempted appeal to popular prejudice.

(4) It has been suggested that the proposed measure means in practical effect a continuance of Government ownership and management; that the sale of the ships under its pro-visions will necessarily be upon small down payments, with security which will require constant governmental supervision; and that this, combined with the regulation of routes and rates and the constant auditing and attention required to ascertain the amount of subsidy earned by each ship, will constitute a degree of supervision tantamount to control, and carry with it the expensive disadvantage inherent in Government operation.

Your committee is unable to agree with this conclusion, Doubtless the cost of the oversight required under the act will constitute a considerable charge upon the Public Treasury, though it should certainly not be so great as the overhead charges for similar purposes attending Government ownership and operation of the fleet; but the supervision necessary under the act to the protection of the Government upon mortgages or other forms of security for installments of unpaid purchase price and upon the remission of income taxes and payment of subsidies is not of a kind which involves the disadvantages of Government ownership and operation. These disadvantages arise principally from two causes:

First, the fact that responsibility rests upon public officials having no financial interest in the success or failure of the enterprise and subject more or less to political and other influences which destroy incentive and paralyze individual initlative; and, second, to the unbusinesslike routing and red tape which seems to be a necessary concomitant of public administration. Neither of these causes would be present in the operation of ships sold and belonging to private owners. The bill proposes no interference with that independence of action which gives the operator full power to organize and conduct his business as private concerns are organized and conducted.

It seems to your committee that this objection arises from a confusion of the ideas of regulation on the one hand and management on the other. We are all familiar with and are now more or less reconciled to the regulation of our railroads and their supervision by the Government; that regulation may at times approach to interference with certain functions sup-posed to inhere in private control and management, but (ex-cept during the war emergency) that interference has never gone so far as to substitute Government for private management.

At all events, whatever interference has occurred, and some of us may think it has been unnecessarily great, has arisen from the assumed necessity for regulating public carriers, adjusting the relations of capital and labor, and other general consideration of public policy which would probably be invoked against any threatened invasion of the interest of the public in any department of our commercial life which is subject to public regulation; at all events, it is certainly not peculiar to this legislation.

If we are to have a merchant marine of any kind, under any conditions, it will be subject to more or less regulation. The degree of supervision required under the plan proposed in this bill would seem to be no more than is necessary for the protection of the Government and the public, and not enough to menace that freedom of private management which is necessary

to economical and efficient operation.

(5) Probably the most serious objection to this legislation, and one which under present conditions merits the most careful consideration, is the expense which it will involve. Our citizens are already overburdened with taxes. Many proposals of public expenditure otherwise meritorious are being rejected for this reason. Our most pressing commercial and individual need is the reduction of this burden wherever possible. Its increase can only be justified by the most urgent reasons of public policy. Under such conditions is an American merchant marine worth what it will cost?

The Shipping Board in its study of this subject (p. 176) says: "It is estimated that the total annual expenditure for the differential payments for the entire American merchant marine in foreign trade five years hence, when the fleet has symmetrically developed to a total of 7,500,000 gross tons, capable of carrying about one-half of the exports and imports of the country, will not be in excess of \$30,000.000. For the first year the annual expenditure will be about \$15,000,000, and this annual amount will increase gradually as the results of a national policy of encouragement to shipping are realized and improved types of new steamers are completed and commissioned. The maximum payment to American ships from direct aid is, as above stated, \$30,000,000. Of this amount the base aid to all vessels will approximate \$15,000,000, while the additional aid to the high-speed vessels and liners, most of which are not to-day in

existence, will absorb the other \$15,000,000.

"It should be noted that the Government will have full use of these vessels for carrying the mail without additional expense, an offset of nearly \$5,000.000. Further, against this cost to the Government might properly be set the saving in the next fiscal year of \$50,000,000 in operating losses which the board will probably incur if it does not promptly dispose of its shipsa saving that will be impossible if American operators are not induced to buy these ships through the assurance of the full measure of Government aid. Against this cost should be set down the appreciation in the value of Shipping Board tonnage that would undoubtedly result from the grant of the indirect aids proposed herein over the prices that could be obtained without such aid. Without the assurance which the Government aids would give, a large part of the Shipping Board tonnage might not be sold for several years, if ever. The appreciation in value referred to would undoubtedly amount to many millions of dollars. The saving in interest on the present mar-ket value of the entire Shipping Board fleet and the avoidance of the extraordinary depreciation that is running against the laid-up portion of the fleet as well as the expenses incurred in connection with that idle tonnage would amount to many millions more."

The minority of the House committee questions the savings predicted by the Shipping Board, especially the saving of \$50,000,000 in operating expenses, if the ships are not promptly disposed of, pointing out that all of this amount does not represent operating losses, but that part of it would persist under the proposed program. There are other criticisms of the Shipping Board's figures which, in view of the matter which the committee takes, it would be futile to discuss here. Suffice it to say that a considerable saving of the amount necessary to afford the direct aid proposed by the bill would unquestionably be effected. Your committee is especially impressed with the suggestion that much higher prices will probably be obtained for the ships, which everyone agrees must be sold or scrapped, if American purchasers have before them the prospect of the promised aids to profitable operation. It seems reasonably clear that without this there will be no American purchasers, at least for our foreign trade, and the ships will have to be sold for what we can get in foreign markets or scrapped—most likely the latter. While no prediction can or should at this time be made as to the outcome of the offer of such an enormous tonnage on the market, it would not seem unreasonable that the prices obtained would be considerably improved by the pending legislation, and it is not beyond the bounds of possibility that the saving thus effected might alone be sufficient to pay the direct subsidy outlay for years to come.

As to the cost of the indirect aids provided by the act, the Shipping Board says (page 185 of the "Study"):

In estimating the cost of the above indirect aids, it is evident that the only measures that will involve any cost to the Government are those that provide for a deduction from net Federal income tax of 5 per cent of the freight money paid mous program of certain waste and destruction.

shippers using American ships and the provision for the establishment and maintenance of the merchant marine naval reserve. None of the other measures would consume any Government funds except the relatively small amounts required for administrative expenses.

"The loss in revenue from income tax of a deduction of a portion of the freight money paid by persons using American ships would probably not be more than \$6,000,000 in the next fiscal year, since the volume of available tonnage, together with the level of freight rates, will probably be quite low in the coming year. Moreover, the freight on a considerable part of the traffic carried in American ships will be paid abroad, since a large part of our exports are sold f. o. b. United States ports, while a large part of our imports are sold on c. i. f. basis, meaning that the seller pays costs, insurance, and freight. In subsequent years, with the probable increase not only in the total volume of tonnage but also in the proportion carried in American ships, it is probable that the loss in direct revenue on account of this deduction would increase and might rise to a maximum of \$10,000,000 per annum.

The cost of the merchant marine naval reserve, it is estimated, would not be more than \$650,000 in the first year, but would probably increase to a maximum of \$3,000,000 per annum within the next five years as the reserve developed to the

desired proportions.

"As nearly as can be estimated at the present time, the total cost to the Government of the application of the entire list of indirect aids enumerated above would be in the first year about \$6,000,000 for income-tax exemption to shippers and \$650,000 for the maintenance of the merchant marine naval reserve, or a total of about \$7,000,000, and within five years to about \$13,000.000—\$10,000,000 on account of income-tax exemption and \$3,000,000 on account of the naval reserve.

"In addition to these sums, which can be directly approximated, there will be an apparent loss to the Treasury due to the waiving of income taxes of shipowners both on the earnings of their active fleet and upon the sale of vessels built prior to 1914. It is impossible to make an estimate of what these apparent losses will amount to because they are so

dependent upon the future of the shipping industry.

It must not be forgotten that many of these apparent losses will be offset, if not exceeded, by the amounts of revenue that they will cause to flow into the country and into the Treasury. For example, while the Treasury may lose a matter of \$10,-000,000 in deductions from income taxes on account of freight paid to American ships, each dollar so deducted represents \$20 paid to American shipowners in freights. These freights will help to produce profits upon which the shipowners will pay income taxes, probably aggregating in excess of the \$10,000,000 deducted by the shippers.

"The discontinuance of operation by the Government of the military transportation services will undoubtedly result in an actual saving, although owing to the manner in which governmental departments keep books this may not be apparent from their figures. If overhead, insurance, and depreciation were charged for, and if the capital investment were carried at even Government rates of interest, the results would be prob-

ably alarming.

"When these items are considered as they properly should be, it will be found that private lines can render adequate service at much lower rates."

Notwithstanding certain criticisms to which the foregoing statement has been subjected, it does not seem to your committee that it is unreasonable to accept its general conclusions. Your committee is not, therefore, prepared to believe that the

cost to the Public Treasury of putting into effect the provisions of the proposed legislation will prove to be anywhere near as much as its critics forebode. But even assuming that the anticipations of the Shipping Board as to such cost should be disappointed and an expense largely in excess of the estimates should be incurred, are we ready to accept the only apparent alternative, which is to abandon all idea of carrying any of our foreign trade in American ships, give up the only opportunity we may ever have to utilize the more than ample numbers of ships already on hand, and the large body of seamen already trained, and sell to foreigners at gift prices, or abandon to the scrap heap, without an effort at salvage, a fleet of ships which cost \$3,000,000,000? Even granting all the doubts which may reasonably be entertained as to whether the pro-posed legislation will accomplish the desired result, it would still seem that the cost of trying the experiment proposed would be small compared with the alternative involved in this enorVALUE OF A MERCHANT MARINE TO THE NATIONAL DEFENSE,

We have not thus far presented any of the numerous reasons which exist for the creation and maintenance of a national merchant marine. The agreement of all parties to the controversy that one is desirable if not necessary to the upbuilding of our foreign trade seems to make any argument upon this head unnecessary

Before closing this report, however, your committee desires to call attention to one phase of the problem, which, though doubtless much in the minds of the officers of the Federal Government who are charged with the serious duty of national defense in time of war, has not been given as much prominence as it seems to deserve in the hearings before the committee of the House of Representatives. Perhaps this was due to the reluctance of all parties to admit the possibility of another war in future, but, in view of world conditions to-day, failure to recognize such a possibility would seem to be sheer improvidence.

The very fact that this country was caught at the outbreak of the late war with no means of transporting its troops and no means of carrying supplies by sea, either to its Army or Navy, and that it was, therefore, not only obliged to expend in a hasty and necessarily extravagant program of shipbullding the gigantic sum of \$3,000,000,000, but that the very existence of civilization stood in jeopardy while this program was being carried out, should certainly cause thoughtful Americans to consider carefully the means for the prevention of a recurrence of such an enormous national, not to say world, peril.

It is needless to say that a navy is powerless without an auxiliary fleet for the carriage of men and supplies. Swift auxiliary vessels are also necessary in many phases of actual warfare, especially in the suppression of depredations upon the commerce of the nation. And carrying capacity such as can only be provided in practice by merchant ships is necessary for the transportation of troops, munitions, and supplies. The possible extent of the requirements for these purposes in certain emergencies may be gauged by the number of such ships we had to build for the late war.

With a standing Army and Navy of a certain fixed size, it would seem not simply desirable but necessary in the exercise of ordinary common sense to provide and keep in training at least a sufficient number of these auxiliary ships and their crews to meet the probable requirements of our regular establishment. The vessels engaged in our coastwise trade are not sufficient either in size or number to approach these requirements, much less to provide a reserve for emergencies.

The proposed legislation is admirably calculated to supply adequately and continuously without cost to the Government other than the aids which are justified by other purposes a large auxiliary fleet of carriers which the Government can call into service on short notice. It will, moreover, keep in training a considerable body of sallors who can be drawn upon if need be to supply seamen for the Navy itself.

Even though the purely economic advantages of the pending measure were less apparent, it seems to your committee that the necessity for some such means of creating a merchant marine for purposes of national defense should be conclusive in its favor. Other means may exist, but thus far have not been suggested. Unless and until some other plan is proposed, promising equal chance of accomplishing the desired results, the pending legislation, we believe, offers the only acceptable alternative.

RECOMMENDATION.

For the reasons stated your committee recommends that the directors of the Cleveland Chamber of Commerce take such appropriate action by resolution and otherwise as will express the approval of the measure under consideration by this institution.

It is further recommended that copies of the resolutions adopted by the board and printed copies of this report be sent immediately to all members of the Senate and House of Representatives at Washington, with a letter urging the passage of the bill; and that this chamber cooperate in support of the measure with the chambers of commerce of other cities in such manner as may be deemed advisable.

Respectfully submitted.

HERMAN A. KELLEY, Chairman, F. J. HEMLER, FREDERICK L. LECKIE, T. F. NEWMAN, JOHN A. PENTON, CARL A. SCHIPPER, A. G. SMITH,

Committee on American Merchant Marine.

JANUARY 29, 1923.

Table A.—Comparative wages per month, American, British, and Norwegian cargo steamers in South American trade, November, 1921, American "Cacique" of 6,284 gross tons, oil burner; British "Curaca" of 6,288 gross tons, oil burner; Norwegian "Chipana" of 7,040 gross tons, coal burning.

	Am	erlean.	e ii	British	Norwegian.		
Rating.	Num- ber.	Pay.	Num-	Pa	у—	Num-	Pay (kroner-
			ber.	£-\$4.20.	£-\$4.85.	ber.	12.85 cents).
Captain	1	\$357, 50	1	\$222, 60	\$257. 58	1	\$141.35
First mate	1	195, 00	î	111.30	128, 79	1	77.10
Second mate	î	170, 00	1	90, 30	104, 49	1	64, 23
Third mate	î	150, 00	1	73, 50	85, 05	î	64. 25
Carpenter	1	85, 00	1	60, 90	70. 47	i	39.19
Boatswain	1	80, 00	1	56.70	65, 61	1	39. 19
Able seamen	6	435, 00	8	403. 20	466, 56	6	215, 88
Ordinary seamen	4	210, 00				5	113, 0
Chief engineer	1	285, 00	1	115. 50	133.65	1	96.3
econd engineer	1	195, 00	1	102.90	119.07	1	77.10
Third engineer	1	170.00	1	90.30	104. 49	1	64. 2
Fourth engineer	1	150, 00	1	73.50	85. 05	1	51. 4
Fifth engineer	1	115.00	1	69.30	80.19		
Oilers	3	240.00	3	163, 80	189. 54		
Firemen	3 2	225.00	6	315.00	364.50	9	328. 4
Wipers	2	130.00					
Frimmers						4	101.00
Steward	1	125.00	1	69.30	80.19	1	64. 2
Cook	1	105, 00	1	65. 10	75, 33	1	38. 5
Assistant cook	1	90.00	1	44. 10	51.03		
Assistant steward			1	44. 10	51.03		
Messmen	3	180.00					
Messroom steward			1	46. 20	53. 46		
Boys	2	110.00				2	23. 13
Radio operator	1	105, 00	1	80.90	70. 17		
Purser	1	130.00	1	149.10	172. 53		*******
Donkeyman						1	39. 19
Total	39	4, 037. 50	35	2, 433, 90	2,809.08	39	1,637.95

Mr. LENROOT. Mr. President, the subsidy bill is dead. Its decease is admitted by the chairman in charge of the bill, the Senator from Washington [Mr. Jones], due to the filibuster. The only question now left for the Senate to determine with reference to this bill is the place of its burial. For some reason, our Democratic friends apparently are not willing that it be buried anywhere, or to permit the filled milk bill to come before the Senate, for which the Senator from North Dakota [Mr. Ladd] has now been patiently sitting in his seat waiting for the opportunity to make a motion for many days.

Mr. President, the Democrats desire the burial to take place in the Committee on Commerce. The chairman of the committee desires that the bill be buried in the calendar. It is entirely immaterial to me where it is buried; but it does seem to me that we ought now to proceed to consider other bills upon the calendar, and I do think that the chairman of the committee ought to have the privilege of designating the place of the burial of this bill. So I shall vote against recommittal. I shall then vote to take up the filled milk bill, on the motion of the Senator from North Dakota.

Mr. ROBINSON. Mr. President, I had not expected to make any remarks on the motion to recommit. The statement just made by the Senator from Wisconsin [Mr. Lenroot], however, coupled with the statement made earlier in the day by the Senator from Washington [Mr. Jones], prompts me to submit a few considerations in connection with this motion.

I have been ready for a vote on this motion for more than two days. It is well known that the Senator from Washington announced Saturday morning that he recognized the fact that the bill had been defeated. It seemed to me when he made that declaration that the Senate should at once take action to clear the bill from its proceedings, and take up other measures; and I then asked unanimous consent to vote upon a motion to recommit. That consent was denied; another motion was pending, the motion to proceed to the consideration of the bill; and upon a vote the Senate took up the bill for further consideration. The motion to recommit was then made.

Mr. President, notwithstanding the fact that an effort is being made to induce Senators on the other side of the Chamber who are at heart against the ship subsidy bill, and whose course during the consideration of the measure has contributed to its defeat, to refrain now from giving it a decent burial; notwithstanding the declaration of the Senator from Wisconsin [Mr. Lenroot] that the chairman of the committee who reported this bill ought to have the privilege of determining the place of its burial, I say that there are substantial reasons why this measure ought to find a last resting place in the committee that gave it birth.

In the first place, the principal opposition to this bill, the ground upon which the passage of the bill has become impossible, grows out of amendments reported by the Commiftee on Commerce. I refer specifically to what is known as the

Madden amendment.

The great Republican leader in the body at the other end of the Capitol, the chairman of the Committee on Appropriations, realizing the fact that it is unfair, oppressive, and unjust to fasten upon the American people for a period of 15 years the burdens imposed by this bill, sought to retain in the Congress of the United States the right of annual appropriation, so that at least some control might be retained by the representatives of the people over money which this bill will waste. The Committee on Commerce repudiated the attitude of the Republican majority in the House of Representatives. brought into the Senate of the United States an amendment which proposes to tie the hands of the representatives of the American people; and that action was taken in spite of the fact that in the last election the bill was repudiated by the overwhelming vote of the American people.

The President thought enough of the ship-subsidy proposition to convene this Congress in extraordinary session to consider it-a Congress many Members of which had been defeated by their constituencies. If the President still thinks that this measure ought to pass, he can convene the Congress in extraordinary session on the 5th of March, and then the American people will have an opportunity of knowing whether their representatives, many of them chosen with direct reference to this issue, are in favor of the passage of the bill. There is not the slightest doubt that if this bill is recommitted to the committee, and an extra session of Congress is called to consider ship-subsidy legislation, the bill will not be reported in the form in which it is presented here, if indeed it is ever

Another thing: It is proposed, by an amendment submitted to the committee, expressly to give the power to make contracts that shall extend over a period of 15 years. What is the object of that provision? The sole object is to make contracts, long-term contracts, by virtue of the authority of the present Congress, that could not receive approval under the next Con-If the President is willing to take into consideration the reflected sentiment of the American people as expressed in the and if Members on the other side of the Chamber are willing to do that, they should consent that this bill go back to the committee; and if the President thinks it is as important now as he thought last fall, he can call an extra session to consider the ship subsidy bill; and I, for one, would be willing to agree that a vote might be had within 30 days. If an extra session is not called for the consideration of this bill, you may know and the people may understand that the reason why such action is not taken is because the Executive realizes that this bill has been whipped to a frazzle, defeated in the conscience and judgment of the American people, as well as defeated in the conscience and judgment of the Senators composing a majority in this body.

There is not a good-faith majority in the Senate of the United States in favor of this bill. Senators may decline to go upon record, if they choose to do so, upon the motion to recommit. The fact remains that the bill never has had in good faith the enthusiastic support of the majority Members of this

The fact is that many of them have hesitated between loyalty to the President and their duty to their constituents; that the debates have disclosed that this measure will not accomplish the purpose sought to be accomplished. They have disclosed the purpose sought to be accomplished. They have disclosed that it is a pitiable subterfuge. It ought not to have been brought forward in an extra session, in view of the sentiment reflected by the electors of the Nation last November. The President did seek to drive the bill through the present Congress, composed in part of Members who had been defeated on this very issue, because he knows the next Congress will not pass it. The conclusive evidence of that statement is that he called the present Congress in extraordinary session to consider the ship subsidy bill, and he does not contemplate calling the next Congress in extra session to consider it or a similar

Within a week before the Congress is to adjourn the Executive sent to the Senate a message asking the Senate to take action contemplating participation by this Government in the Permanent Court of International Justice established under the auspices of the League of Nations. The representatives of the majority party in this Chamber have taken no action, and they contemplate no procedure looking to a decision respecting the question submitted in the President's message. Since the subject is of great importance in the mind of the Executive, the

Senate can be convened in extraordinary session on the 5th of March and this subject, with ship-subsidy legislation, can be taken up and acted upon. No such proposition, however, is made. An extra session was called during the present Congress to consider the ship subsidy bill in anticipation of its probable defeat by the incoming Congress. There is not a Senator familiar with political conditions in this Nation, familiar with the sentiment that exists touching the subject matter of this legislation, but who knows that the pending bill can not be passed during the next Congress; and the sole justification for attempting to pass it through this Congress, to the exclusion and rejection of other legislation admittedly necessary and wholesome in the public interest, is the fact that it can not be passed and become effective under any action which the new Congress may be expected to take.

With these considerations in mind, the Senate committee having repudiated the policy adopted by the House of Representatives, which is overwhelmingly Republican, the Senate committee having reported an amendment which permanently appropriates every dollar of the merchant marine fund before any portion of it has accumulated, and having reported another amendment which permits the execution of 15-year contracts. it now boldly declares that there is no justification for this body to repudiate its action in those particulars and send the bill back to it, to the end that it may revise its conclusions in conformity to the well-known sentiment of the American people and in conformity to the action of the House of Representatives. overwhelmingly Republican-action taken at the instance of the

Republican leaders of the Senate.

You can refuse to recommit the bill if you want to, because you have the votes. The proposal of the Senator from Washington is that if you vote against the motion to recommit he and his close associates will vote to take up some other bill which some of you are in favor of. Since the bill is dead, it matters little how or where it is buried, but you must answer to the members of your own party in the body at the other end of the Capitol for seeking to impose upon the country for a period of 15 years, in violation of the expressed wishes of the

people, the obligations of this bill.

Mr. BROUSSARD. Mr. President, I understand the Senate would like to take a vote, and if we are to vote upon this motion I am willing to yield the floor, on condition that I be permitted to speak immediately afterwards on the motion of the Senator from North Dakota. I would like to inquire if any Senator desires to speak at this time on this particular subject? The reason I am led to make the inquiry is that I have been waiting for a long time to get the floor, and it seems that this discussion will continue all afternoon. If that is the fact, I want to take advantage of the recognition which I have now secured to make a speech which I intended to make, but if we can have a vote I am willing to yield the floor, provided I may be recognized immediately after the vote to speak on the motion of the Senator from North Dakota. I ask unanimous consent that I be recognized immediately after the vote on the motion of the Senator from North Dakota. On that condition I yield the floor.

Mr. ROBINSON. I ask for the yeas and nays.
The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. ROBINSON. I thought the consent had been granted, Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. BROUSSARD, I would like to have an understanding before I yield the floor. I just made a request for unanimous consent, and the Chair has not submitted my request. The PRESIDING OFFICER. Will the Senator state his re-

quest again?

Mr. BROUSSARD. I ask unanimous consent that the Chair recognize me immediately after the vote is taken on the motion of the Senator from North Dakota to take up the filled milk

The PRESIDING OFFICER. Is there objection?

Mr. HARRISON. Mr. President, I have no objection in the world to that; I want to hear the Senator now. But if that carries with it the idea that no further debate can be had on this motion-

Mr. BROUSSARD. I do not mean to preclude any speeches, Mr. SWANSON. Recognition is in the control of the Chair, and the Chair can assure the Senator that if he will yield for vote now he will recognize him after the vote is taken.

Mr. NORRIS. I am unwilling to agree by unanimous consent that at a certain time in the future some Senator may be recognized to speak on a certain motion. It may be that the Senator from North Dakota may want to be recognized.

Mr. WATSON. I suggest to the Senator from Louisiana that if he wisbes to speak, he speak now on this question. The probabilities are that I shall want to make some observations on this myself, and I do not care to ask to have the time farmed out to me on this subject.

The PRESIDING OFFICER. The Senator from Louisiana

is recognized

Mr. LODGE. Will the Senator yield to me for a moment? I desire to present a matter of morning business.

Mr. BROUSSARD. I yield,

PRODUCTION OF HABIT-FORMING NARCOTIC DRUGS.

Mr. LODGE. I report back from the Committee on Foreign Relations favorably without amendment the joint resolution (H. J. Res. 453) requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes, and I submit a report (Rept. No. 1234) thereon. This is identical with a bill which was referred to the Committee on Foreign Relations and which the committee has considered. that the joint resolution may go on to the calendar.

Mr. POMERENE. Do I understand that the Senator from

Massachusetts is going to ask for action upon it?

Mr. LODGE. No; not at this moment. I ask that it may go to the calendar,

The PRESIDING OFFICER. The joint resolution will be placed on the calendar.

FEES FOR VISÉ OF PASSPORTS.

Mr. LODGE. I report back unanimously from the Committee on Foreign Relations the bill (S. 4609) to authorize the President, in certain cases, to reduce the fees for the visé of It is a very short bill, and if the Senator from Louisiana will allow me I should like to ask for immediate action on it because it is very important that action should be taken before final adjournment.

Mr. BROUSSARD. I yield for that purpose.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which was read, as

Be it enacted, etc., That the President be, and he is hereby, authorized, in the cases of aliens desiring to visit the United States temporarily for a period not to exceed one year, for business or pleasure, to reduce the passport vise fees to an amount not less than \$2. including the application fee: Provided, That similar provisions are made by the governments of the countries from which such allens come in favor of American nationals desiring to visit such countries temporarily under similar conditions.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMERICAN INTERESTS IN SMYRNA.

Mr. LODGE. I ask to have printed in the RECORD a letter from the Secretary of State in regard to our marines and sailors at Smyrna. It has reference to some questions that were asked in debate the other day when the Armenian bill was under consideration.

There being no objection, the letter was ordered to be printed

in the RECORD, as follows:

DEPARTMENT OF STATE, Washington, February 26, 1923.

DEPARTMENT OF STATE,
Washington, February 26, 1923.

The Hon. Henry Cabot Lodge:
United States Senate.

My Dear Senator Lodge: I have received your letter of February 24 in which you brought to my attention the report in the Congressional Record of February 23 (p. 4339) of the discussion of a bill to admit certain refugees from Turkey, during which certain questions relating to this Government's policy in the Near East were raised. I take pleasure in submitting herowith information which may be helpful in answering the specific questions asked.

(1) "What is the condition of the building in Smyrna formerly occupied by the American consular staff?"

The fire which devastated a large section of Smyrna destroyed the quarter of the city where the majority of the foreign consulates were located. The building occupied by Consul General Horton and his staff as the American consulate general was among those so destroyed. This fire occurred on September 13 last.

As the consulate building was destroyed in the general conflagration it is not possible to attribute the destruction of this particular building to the individual act of any person or persons. As far as the department is informed, the authors of the fires, apparently of incendiary origin, which brought on the Smyrna conflagration have never been apprehended nor their identity discovered. On this point conflicting evidence has been received by the department and the various antagonistic racial groups in Smyrna have each ascribed the origin of the fire to the other. However, the Turkish military authorities in occupation of Smyrna can scarcely avoid responsibility for their failure to maintain order in Smyrna, which undoubtedly was one of the contributory causes for the extent of the disaster.

(2) "Has cruelty been inflicted on American sailors or marines; and, if so, when, by whom, and to what extent?"

No American marines were present at Smyrna during the disaster. One or more American destroyers were in Smyrna harbor during and

subsequent to the fire, the number varying from one to three at various times. Landing parties of American blue lackets were stationed at various points throughout the city as a safeguard for American citizens and their property, in particular to guard the rendezvous where Americans were assembled previous to their avacuation, and to protect the American Collegiate Institute at Smyrna and other property of American citizens. The department is not informed that any American sailors were injured during the fire. One blue lacket on guard at an American institution, the International College, near Smyrna, was roughly handled by Turkish brigands, rescued by a Turkish officer, and did not suffer any permanent injury.

(3) "What action has been taken by the Executive to protect American citizens from injury and death, and what action has been taken to protect the American flag from insult?"

This inquiry is in part answered by the preceding paragraph. American citizens were promptly evacuated from Smyrna on an American destroyer and an American Shipping Board vessel under the protection of a destroyer. The department is not informed that the American flag suffered insult. Notwithstanding the extraordinary condition which prevailed in Smyrna, due to a fire of almost unprecedented violence, the termination of a military campaign which had aroused racial and nationalist feelings to the highest pitch, and a general tendency to disregard the sauctity of life and property on the part of both victor and vanquished, the reports which the department has received indicate that the American flag in Smyrna was respected and that it served as a rallying point not only for American citizens but to the oppressed and the needy. The record of American citizens but to the oppressed and the needy. The record of American citizens but to the oppressed and the needy. The record of American citizens but to the oppressed and the needy. The record of American citizens but to the oppressed and the needy. The record of American citizens but to

EXCHANGES OF PROPERTY UNDER REVENUE ACT OF 1921.

Mr. McCUMBER. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill 13774. The PRESIDING OFFICER (Mr. Wadsworth in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13774) to amend the revenue act of 1921 in respect to exchanges of property, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed

by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. McCumber, Mr. Smoot, and Mr. Jones of New Mexico conferees on the part of the Senate.

CREDITS AND REFUND UNDER REVENUE ACT OF 1921.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13775) to amend the revenue act of 1921 in respect to credits and refunds, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the Presiding Officer appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McCumbea, Mr. Smoot, and Mr. Gerry as the conferees on the part of the Senate.

BELLS FOR GRACE CHURCH, PLAINFIELD, N. J.

Mr. McCUMBER. From the Committee on Finance I report back favorably without amendment the bill (S. 4639) to remit the duty on a carillon of bells to be imported for Grace Church, Plainfield, N. J., and I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. JONES of Washington. I stated a little while ago that I would not permit business of this kind to be brought in until the pending question on the shipping bill was disposed of. Senate does not seem to desire to dispose of the pending motion, and, so far as I am concerned. I am not going to object to anything anyone wants to bring up by unanimous consent. So if other Senators do not object, the bill can be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as fol-

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to admit free of duty a certain carillon of bells to be imported for Grace Church, Plainfield, N. J.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

The VICE PRESIDENT. The pending question is on the motion of the Senator from Arkansas [Mr. Robinson] to recommit the bill to the Committee on Commerce.

PRODUCTION OF GASOLINE AND DENATURED ALCOHOL.

Mr. BROUSSARD. Mr. President, I have been waiting for a couple of days for the final disposition of the shipping bill. realized that the measure was dead, and, although still willing to vote on any motion consistent with the way I voted in the beginning, I was willing to let the matter pass out so that we might take up other matters.

This is not a matter which pertains to the shipping bill. Every speech that has been made since Saturday has been a discussion of the shipping bill. The matter about which I desire to speak properly would come on the motion of the Senator from North Dakota to take up the filled milk bill, or any other agricultural bill. It is one which I think should directly and very forcibly interest those Senators who in this body belong

to the agricultural bloc.

All of us realize the conditions which exist in this country in agricultural pursuits. In fact, since I have been here I have very gladly joined those who proposed legislation for the relief of the farmers, and the record we have made is to be commended. Among some of the acts we have passed is one approved August 24, 1921, to amend the War Finance Corporation act so as to provide relief for producers and dealers in agricultural products. That was later amended, on June 10, 1921, so that the act was extended for the benefit of the farmers.

We also amended the antitrust laws so as to permit farmers, by means of cooperative associations, to market collectively their products without violating the antitrust laws of this country. This body has voted on two other measures proposing relief to farmers, providing credit facilities for agricultural and live-stock industries of the United States, to amend the Federal farm loan act, and to amend the Federal reserve act.

There have been many other similar measures, passed or pending, or acted upon by this present Senate. We have been looking around to help the farmer, and the Senator from North Dakota now proposes a measure which is known as the filled milk bill. It only demonstrates to what extent we are racking our brains and thinking over what other legislation could be adopted in order to encourage the farmer and to make agricul-

tural pursuits more profitable.

There is one thing, however, which the people of the United States have entirely overlooked. In the discussions of the bills we have passed in this body many times reference has been made to the fact that we may try to remedy conditions and may amend our laws, but until market facilities are better, until we create a demand for the agricultural products, no results will be obtained. Those arguments have directed my attention to efforts of finding in some way, or of creating in this country, a new market for agricultural products. I should not say a new market, but to restore to their legitimate markets certain agricultural products which have been absolutely outlawed, not by the Constitution, not even by the acts of Congress, but by the regulations putting into force the laws adopted to enforce certain sumptuary measures.

Senators may think this statement is very trivial, but I do want to say this, that I have thought this matter out very seriously, and I think I have some interesting facts to submit, in which the agricultural people of this country are most vitally concerned, and in which the entire population of the

United States are likewise interested.

I shall not discuss prohibition. I have discussed that here-tofore. I do not intend to touch upon that subject. I am going to limit myself to the industrial side of this question, and I have here facts and figures which I think will demonstrate to any reasonable man the correctness of the position which I have taken, and which I shall submit to the Senate.

It will be admitted that the eighteenth amendment never was intended to interfere with industrial alcohol in the country. To substantiate that I shall read section 1 of the eighteenth amendment to the Constitution of the United States:

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territories subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

It will be noticed that not only did the eighteenth amendment not intend to deny the right to manufacture alcoholic spirits but that its restrictions were limited to beverages which were in fact intoxicating. I take the position that the Congress of the United States, in attempting to carry out the spirit of the Constitution, recognized that very fact by providing in its legislation that the manufacture of alcohol for industrial purposes did not come within the purview of the constitutional amendment; and they thereby recognized what everybody in the country knew to be a fact, and what the proponents of the amendment to the Constitution conceded during the long debate which preceded for many years the adoption of the eighteenth amendment.

Mr. President, in the debate on the Willis-Campbell bill in 1921 I made a statement to which I wish to call attention at this time. When the House bill came to the Senate and there were so many proposed restrictions placed upon the legitimate uses of industrial alcohol, I was unable to understand the reason for it, and I made the statement on the floor of the Senate-and anybody interested may look it up and ascertain that I am now stating in a very few sentences what I stated then at lengththat there were certain interests who were directly concerned in the elimination of industrial alcohol as an economic product in the United States. I went further. I made the statement that Mr. Rockefeller was not to be credited entirely with a humanitarian spirit in the contributions which he made to the prohibition cause, but that he himself was more largely interested than anybody else in the United States in so interpreting the United States Constitution and the acts of Congress as to eliminate from manufacture alcohol, which was then demonstrated to be the future competitor of his product—gasoline. At that time many Senators on the floor smiled at my statement. I think it was the Senator from Florida [Mr. Tram-MELL] who interrupted me, probably wishing in a spirit of fun to heckle me. I would rather believe that than that he was Ignorant of the fact that alcohol was the probable successful competitor as fuel for motor engines, light, and heat.

Mr. STANLEY. Mr. President, will the Senator yield to me?

Mr. BROUSSARD. I yield.

Mr. STANLEY. When the Senator was talking about Mr. Rockefeller's contributions, is he sure that it was not Mr. W. H. Anderson who smiled?

Mr. BROUSSARD. Probably he also smiled, although if that caused him to smile, he has since ceased to smile as I understand the situation from the press.

But I want to take up the question as a serious industrial economic matter of great importance to the country. I am satisfied that I am just as sincere in this proposition as I ever was on any other. I am satisfied moreover that all the ills affecting agriculture which the Congress of the United States tried to cure by legislation passed in the last 20 years combined is insignificant compared to the result flowing from the enforcement of the eighteenth amendment, as I shall demonstrate by facts and figures which I have obtained from the United States departments which have these matters under their jurisdiction and which will furnish the information to anybody.

At the time I made that statement I saw in the regulations presented to us under the amendment to the Volstead law all sorts of restrictions placed not only upon the people who manufactured alcohol that was potable and not denounced by the eighteenth amendment, but also upon alcohol that was denatured and which, under the regulations issued by the department, were violent poisons. Notwithstanding the fact that the denatured alcohols were deadly poisons, there were many, many regulations which were issued for the very purpose of preventing the use of industrial or denatured alcohol

as a competitor of gasoline.

I recalled the fact that the Congress of the United States long before had recognized the fact that alcohol was a most valuable product and that England and all the other leading nations, principally Germany, had recognized the fact and were then encouraging the production of industrial alcohol as a fuel for motive power as well as a valuable source of heat I recalled that before the prohibition act went into effect alcohol was worth about 10 cents a gallon and gasoline 8 cents a gallon. I recalled the fact that the corn producers of the country often burned their corn as a substitute for coal. All of those facts so interested me that I made the statement here that I really believed the motive behind those regulations was to prevent the development of industrial alcohol as a competitor of gasoline.

Mr. President, every one of us realizes the fact that there is no discussion of a treaty among the nations of the world to-day that can be confected without considering the petroleum conditions of the territory affected. France and England differed immediately when certain nations were placed under their protectorate, and they have not been able to solve the Mesopotamian situation because of the oil that is involved there. As it is not visible to the Englishmen and Frenchmen, they have deferred the settlement of it, each nation thinking that it might get the worst, not of surface conditions, not of fertility of soil, not of forests that are there, not of mines that are known, but because of the fact that oil is beneath

the soil and no one knows just where it is.

Who in this country can ignore the fact that every revolution for the last 40 years in Mexico has been instigated by the large oil corporations of the world, which have reached into Mexico and have tried not only to grab the oil lands that were not previously sold by the Mexican Government but have tried to crowd out all other nationals from Mexican territory? know ourselves that the problem at the root of the refusal of this Government to recognize the Government of Mexico is that the State Department under this administration is insisting that a certain article of the constitution of Mexico be repealed, because Americans who own oil lands in Mexico claim that their rights will be jeopardized unless that is done. They were powerful enough to prevent this Government, not only the present administration but the previous one, from recognizing the Government of Mexico due to that very fact. We know that every civilized nation is now looking to Russia to try to get hold of oil fields and oil territory

These are conditions about which all of us know. It is not anything new or anything that people do not know that I wish to present. I merely want to get the people to understand exactly what we have been doing in this country and what we

are guilty of at the present time,

Mr. President, we are large importers of petroleum ourselves. I have here a long statement from the United States Geological Survey that I shall not read. I merely want to show and I may not be exactly connected in all the facts I shall submit, because there are so many of them—the importance of the question. We all know that some time ago we paid as high as 38 cents a gallon for gasoline. We know that the price of gasoline is and must be based upon the price of petroleum. The price of gasoline went down this year to something like 24 cents, but the reason why it went down was not because our supply of petroleum in the country was sufficient but because of the importations which were made. The report of the United States Geological Survey, in its review of the year 1922, on page 5, reads as follows:

The year 1922 in the crude-petroleum industry was characterized by record high production and by almost record imports, which resulted, in spite of record consumption and exports, in the already large accumulation of stocks being increased to the largest quantity ever recorded. These conditions of oversupply were reflected in unsettled and low prices of erade oil.

So they inform us that the price of gasoline went down during the year 1922 not because we have discovered new fields and are producing enough oil, but because we have imported more

I have here an article printed in the New York Times of February 6, 1923. I do not want to detain the Senate too long, so I shall not read the entire article, but I ask that it may be printed as an appendix to my remarks

The VICE PRESIDENT. Without objection, it is so ordered.

(See Appendix 1.)

Mr. BROUSSARD. I shall content myself by reading just a brief extract, as follows:

The increase in registered automobiles in the last nine years is shown to be 10.746,125 cars, or approximately 857 per cent. In the same period gasoline production increased 4.054,199,318 gallons, or 368 per cent, while crude-oil production increased only 221,257,250 barrels, or

Now, that is very significant. Automobiles have increased in five years 857 per cent, whereas the increase in the production of gasoline is only 368 per cent and the increase in the crude-oil production only 89 per cent. Shall we remain dormant here and ignore this problem or shall we do like the other civilized nations of the world are doing now and encourage the produc-

tion of industrial alcohol as a motive power?

I have here, Mr. President, the statistics relative to the production of gasoline in this country. I asked the Department of the Interior to furnish me the statistics of that production for the last 20 years. They answered that they could not furnish the figures for every one of the 20 years, but that between the years 1899 and 1914 they could give the average for each of the years during that period. The average production between 1899 and 1904 was 281,000,000 gallons; from 1904 up to 1909 it was 291,000,000 gallons; between 1909 and 1914 it was 540,000,000 gallons. Then suddenly there was a jump, and we find that immediately after that the yearly production of gasoline went up to 1,500,000,000 gallons. Following that, we had, in 1918, a production of 1,825,360,137 gallons; in 1919 a production of 2,341,632,164 gallons. The production continued in-

creasing until the year 1921, when it reached a total of 5,153,-

549.318 gallons.

Notwithstanding that production and the large oil imports, Mr. President, we imported gasoline during 1921 to the amount of 37,806,004 gallons. Those increases in production were made necessary by the increase in the number of automobiles and gasoline engines in this country. I ask unanimous consent that this line of figures be inserted in the Record as an appendix to my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See Appendix 2.)

Mr. BROUSSARD. Alcohol in 1906 sold for 10 cents per gallon in Cuba; gasoline in 1914 sold for 8 cents per gallon. Think of the profits when 1 cent raise in price per gallon netted over \$50,000,000. From 1906 to date gasoline advanced 16 cents per gallon. Last year the advance was at one time 30 cents. Let the farmers who made this Nation dry figure what the cost has been to them, what enormous fortunes made as a result of the unsurmountable difficulties placed in the manufacture of denatured or industrial alcohol.

Mr. President, I have here an article which appeared in the Newark Evening News of January 16, 1923, commenting upon the hearings which where held last month by a Senate committee which investigated, I think, the Standard Oil or some other oil company. I ask that the article may be printed as an appendix to my remarks.

The PRESIDING OFFICER (Mr. McCumber in the chair).

Without objection, it is so ordered.

(See Appendix 3.)

Mr. BROUSSARD. I have here from the Department of Commerce, Bureau of the Census, for the year 1919, on the subject of "Petroleum refining," something which I desire to read to the Senate. Referring to Table 14, which I shall not insert because it is digested in these words, it proceeds to say:

The aggregate value of all products of the refineries in 1919 was an increase of 312 per cent over the total for 1914. In addition to the gasoline product of the refineries, there was a large production of casing-head gasoline, the output as reported by the Geological Survey for 1919 being 340,847,000 gallons, valued at \$63,808,900, as compared with 42,652,632 gallons in 1914, valued at \$3,105,900.

Mr. President, it will be noted that the increase so far as production is concerned does not correspond with the increase in price. That is because the enormous increase in the price of gasoline has been inevitable, as any human being could reasonably conclude if he considered the question for just one moment. We do know that we are very rapidly consuming the oil resources of this country. I have data and statistics which show, if I cared to bring them here-but that would make my speech too long if I followed out every branch of it-that although we are producing less than we consume, we ourselves are large exporters of petroleum oils and of gasoline, and that a large portion of our oil territory and oil production is controlled by foreign corporations, who are preserving their own petroleum and using ours. I do not think anybody would ever say that he expects the petroleum-oil production of this country to keep pace with the demands made upon such production for fuel and for motive power.

Mr. President, although some Senators were surprised when I referred to certain facts in connection with alcohol engines two years ago, I have since investigated the matter, and find that in 1907 the Congress of the United States, for the first time realizing the fact that our supply of petroleum in this country was limited and taking note of the rapidly increasing demand for gasoline for motive fuel and other purposes, and of the desirability of finding some substitute for gasoline, appointed a commission which went thoroughly into this matter. I have in my hand a report of the United States Department of Agriculture, Office of Experiment Stations, Bulletin No. 191, which is headed "Tests of internal-combustion engines on alco-hol fuel, by Charles Edward Lucke and S. M. Woodward." The report was issued on September 14, 1907, and I will read from page 88.

I read from it to show that alcohol was then demonstrated to be equally as valuable as gasoline:

CONCLUSIONS.

The following general conclusions are drawn as a result of the investigations reported in detail above:

(1) Any gasoline engine of the ordinary types can be run on alcohol fuel without any material change in the construction of the engine. The only difficulties likely to be encountered are in starting and in supplying a sufficient quantity of fuel, a quantity which must be considerably greater than the quantity of gasoline required.

That refers to the starting of the engine, in which process a larger quantity of alcohol is required than if the fuel is

(2) When an engine is run on alcohol, its operation is more noiseless than when run on gasoline, its maximum power is usually materially higher than it is on gasoline, and there is no danger of any injurious hammering with alcohol such as may occur with gasoline.

(3) For automobile air-cooled engines alcohol seems to be especially adapted as a fuel, since the temperature of the engine cylinder may rise much higher before autoignition takes place than is possible with gasoline fuel; and if autoignition of the alcohol fuel does occur no injurious hammering can result.

(4) The consumption of fuel in pounds per brake horsepower, whether the fuel is gasoline or alcohol, depends chiefly upon the horsepower at which the engine is being run and upon the setting of the fuel-supply valve. It is easily possible for the fuel consumption per horsepower hour to be increased to double the best value, either by running the engine on a load below its full power or by a poor setting of the fuel-supply valve.

(5) These investigations also showed that the fuel consumption was affected by the time of ignition, by the speed, and by the initial compression of the fuel charge. No tests were made to determine the maximum possible change in fuel consumption that could be produced by changing the time of ignition, but when near the best fuel consumption it was shown to be important to have an early ignition. So far as tested, the alcohol-fuel consumption was better at low than at high speeds. So far as investigated, increasing the initial compression from 70 to 125 pounds produced only a very silght improvement in the consumption of alcohol.

(6) It is probable that for any given engine the fuel consumption is also affected by the quantity and quality of lubricating oil, by the emperature of the fuel.

(7) If seems probable that all well-constructed engines of the same size will have approximately the same fuel consumption when working under the most advantageous conditions.

(8) With any good small stationary engine as small a fuel c

So you see, Mr. President, that its value as determined by the British standard is higher than that of gasoline; and this was in 1907, with scarcely any experiments to demonstrate that, and refers to experiments conducted in engines constructed for gasoline and not for alcohol.

This report proceeds:

But calculated on the basis of the low calorific values of 19,660 British thermal units per pound for gasoline and 10,620 for alcohol, the thermal efficiencies become 18.5 for the former fuel and 20.7 for alcohol. The ratio of the high calorific values used above is, gasoline to alcohol, 1.78. The corresponding ratio of the low calorific values is 1.85. The ratio of the consumption mentioned above is, alcohol to gasoline, 1.66 by weight, or 1.44 by volume.

You see, Mr. President, in 1907, when these experiments were made, the Congress of the United States was perfectly justified in 1906, for the first time in its history, industrial alcohol was put on a tax-free basis. In 1913 they reenacted this law, and they still kept industrial alcohol on a tax-free basis. When the Volstead law was enacted they still kept denatured alcohol on a tax-free basis; but by that time this country was committed to prohibition, and under the eighteenth amendment to the Constitution, which sought merely to regulate the production and use of intoxicating liquors for beverage purposes, the department proceeded to take away from the people the right freely to manufacture industrial or denatured alcohol, although it had been agreed that the best policy this country could adopt was to put it on a tax-free basis. What the Anti-Saloon League wanted to do was to prevent its manufacture

altogether, and they have practically succeeded in that.

Mr. President, we have later reports from the Department of the Interior, the Bureau of Mines, in Bulletin 43. I have been investigating this subject for several months. To my surprise I have found, for instance, that Bulletin No. 43, issued in 1918, and likewise practically all of the bulletins issued on the subject of industrial alcohol, can no longer be obtained from the bureaus here. For some reason somebody has been interested in withdrawing them; and there is in almost all of these that I am using, and many at my office, the notation that they belong to the bureau or department office, or that they belong to the library, and I am pledged to return them.

Mr. President, in 1918 numerous experiments—I think about

1.000 of them-were conducted by the Government in Virginia and Missouri. I wish to read part of this introduction. whole of it is extremely interesting, and I should like to have permission to have it inserted in my remarks as an appendix to my speech.

The VICE PRESIDENT. Without objection, it is so ordered.

(See Appendix 4.) Mr. BROUSSARD. I wish to read a part of the introduction

and to make a statement as to the result of them. I read from the report made by R. M. Strong and Lauson Stone:

Under the terms of the act establishing the Bureau of Mines this bureau was authorized to carry on the work of testing and analyzing fuels, which had been conducted by the technologic branch of the

United States Geological Survey. That work included in its scope an investigation of the availability and uses of liquid as well as solid fuels; for the original outline of the fuel-testing investigations contemplated, as soon as the funds would be available, a study of the liquid-fuel resources of the country and the making of related researches to determine how these resources could be utilized with greatest efficiency.

Owing to the fact that many difficulties were being encountered in

to determine how these resources could be utilized with greatest efficiency.

Owing to the fact that many difficulties were being encountered in the adaptation of the heavier fuel oils for convenient use in internal-combustion engines, it was deemed best to begin the investigation of liquid fuels with tests of gasoline, a fuel in more or less general use.

When this investigation began, the extensive introduction, especially by foreign powers, of liquid fuels for small naval craft had awakened much interest. However, the quality of gasoline was reported to vary materially in different countries, and the quantity available was said to be rapidly decreasing, with the probability of a prohibitive increase in price. At the same time the claim was made that denatured alcohol of fairly uniform quality could be procured in all parts of the world; that unlimited quantities could be readily produced at a low cost; and that this fuel could be used much more efficiently than gasoline in internal-combustion engines. Such statements naturally led to a widespread belief that the time was near at hand when denatured alcohol would entirely displace gasoline as engine fuel. Therefore the first investigations of the liquid mineral fuels logically embraced a careful series of comparative tests of gasoline and denatured alcohol in engines. A series of over 2,000 such tests was conducted at the Government fuel-testing plants at St. Louis Mo., and Norfolk, Va., details of which are given in the following pages. The report is published by the Bureau of Mines because of the transfer of the fuel-testing investigations to this bureau.

I do not care to take the time of the Senate to read the con-

I do not care to take the time of the Senate to read the conclusions which were drawn, because they are lengthy, but I shall incorporate them, in substance, in my remarks.

stance they cover the following points:

First, they found-and these are comparisons between gasoline and industrial alcohol-that the heating values were the same. They found that in engines up to 15 horsepower the ratio of efficiency is as 180 is to 70 in favor of alcohol. They found further, in general—that is, in relation to all qualities of engines considered together-that alcohol was as good as gaso-They found further that in engines having a compression of 70 pounds alcohol has a horsepower of 10 per cent over gasoline. They found that for storage purposes the advantage was decidedly in favor of alcohol, both for cleanliness and because it is less inflammable, less likely to explode and start a fire. They say that industrial alcohol will eventually and must necessarily be cheaper than gasoline. They say that the insurance rate and the transportation charges on alcohol are in favor of alcohol.

Mr. McCUMBER. Mr. President-

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from North Dakota?

Mr. BROUSSARD. I do. Mr. McCUMBER. I wish the Senator would inform us on what basis they make that prediction—that in the future gasoline will be more expensive, or that alcohol will be less expensive?

Mr. BROUSSARD. I shall be glad to answer the Senator's question.

Mr. McCUMBER. Is this on the assumption that we shall soon exhaust our gasoline, and that its price, therefore, will be very much higher, or that the other product will be

Mr. BROUSSARD. I think the burden of my argument in its entirety will answer the Senator's question; but their conclusions are based on two reasons, both of which are suggested in the question.

First, we know that the production of alcohol depends upon the yearly production of crops, and that it can be increased at will, it can be increased in accordance with the demand, whereas the production of gasoline is dependent upon the production of petroleum; and already it is known that the petroleum is giving out, and that in this country we are rapidly approaching the point where we shall have absolutely consumed it all. Therefore the conclusion is that we shall eventually be driven to the use of alcohol.

I wish to make this observation at this particular point: What interests me in the proposition is that there is involved here the same question that was involved when the war came on as to the experiments in industry and chemistry; that, as I shall show later, England, Germany, France, Italy, and Cuba are all experimenting along this line, and Australia has given a bonus for the production of industrial alcohol; and that unless we wake up and follow them in that, they will obtain certain patent rights in this respect and we shall be handicapped for years to come,

Mr. McCUMBER. I noted the statement made by the Sena-tor a short time ago that denatured alcohol was worth 60 cents a gallon at the same time that the retail price of gaso-line is probably 22 to 24 cents a gallon; and I was wondering if the conclusion which he drew was that gasoline in a short time would go up as high as 60 cents a gallon, or that the development of the alcohol industry would bring the price of alcohol down nearer to the present par of gasoline?

Mr. BROUSSARD. I am very glad the Senator has asked the question, because, I will say to him, that what I am trying to establish is the fact that because of the elimination of industrial alcohol as a competitor to gasoline and the further fact that we are consuming more gasoline than we produce in this country, there has been an increase in the price of gasoline. On the other hand, I am also trying to illustrate the fact that whereas the act of 1906 and the act of 1913 and the national prohibition act, every one of which avowed the purpose to encourage the development and production of domestic alcohol and the development of the industries and the sciences in this country, granted these rights to the farmer, the bureau having the enforcement of that law has by means of unreasonable regulations nullified all these laws; and to-day not only is the farmer unable to manufacture industrial or denatured alcohol under these permissive statutes but many of the large distilleries have been put out of business by regulations which are intended to put them out of business. I may further state to the Senator that, granted industrial alcohol is of equal value to gasoline as a substitute, the amount of industrial alcohol used in competition with gasoline as a motor fuel and for heat and light would to that extent reduce the price of the latter. It is simply a case of supply and demand.

Mr. STANLEY. Will the Senator yield?

Mr. BROUSSARD. I yield. Mr. STANLEY. I doubt not that the Senator will touch on the question in the course of his very learned and elaborate address, but any vegetable juice containing sugar or starch will produce alcohol. Stalks of corn, potatoes, any sugar, blackstrap molasses, and a thousand and one things grown on a farm can cheaply be converted into alcohol. the conversion into beverage alcohol but, as the Senator has said is provided by law, the making of industrial alcohol will be the greatest absorber of surplus farm products. For instance, one year potatoes will bring \$1 a bushel, the next year they will bring 10 cents, and the next year they are allowed to rot on the ground because it does not pay to dig them. Every one of those potatoes could be utilized at a good price in the manufacture of industrial alcohol. The same is true of what farmers call "drowned" corn. The floods come up, and the stalks of the corn become soured, unfit for man or beast. That corn can be economically and advantageously converted into alcohol for industrial purposes. The law has never forinto alcohol for industrial purposes. The law has never forbidden it, but we are not governed by laws any more; we are governed by bureaus, and a bureaucracy has autocratically by the imposition of designedly vexations and impossible restrictions, practically destroyed this great industry.

Mr. BROUSSARD. Mr. President, I thank the Senator from Kentucky, but I intend to cover this whole subject very thorally in the senator of the senator from t

oughly, and I think that if he will follow me he will find that I go into that. It is a vast subject. I have sought to bring together certain facts which I think will show what I am try-

ing to point out.

Mr. McCUMBER. If the Senator will allow me, the thought have constantly had in mind as I have been listening to the address of the Senator was whether it was possible to manufacture alcohol at a price low enough to compete with gasoline, even admitting its superiority as a fuel for use in engines, as the Senator has described. The United States Industrial Alcothe Senator has described. The United States industrial Alcohol Co. has almost gone out of business so far as the manufacture of alcohol is concerned. They manufactured a product a few years ago which they called "Alco gas," which was very superior to the average gasoline used as a motive power. I have been informed that they had to cease producing it because the high cost of the material and the high cost of production were such that they were unable to compete with gasoline prices.

Mr. BROUSSARD. I may say to the Senator, as I said to the Senator from Kentucky, that I think I have every phase of the subject covered in this speech, and if there is anything the Senator would like to ask me, I will be glad to have him remain in the Senate and ask me after I get through; but I have that

very subject covered.

have here a report from England as to what is being done there and others as to what is being done here, what the cost of the manufacture of industrial alcohol is, and what the cost of

gasoline is. I think I will cover that pretty fully.

I do not think I finished with the conclusions of this Bulletin No. 43. It says that as far back as 1918 safety and cleanliness

favored the alcohol engine.

Coming to the question which the Senator from North Dakota just asked me, I have here a report sent to me from Whitehall. London. It is a statement of the facts and conditions in Eng-

land, and I wish to read this, because I think the Senator from North Dakota will be interested in it. It reads as follows

land, and I wish to read this, because I think the Senator from North Dakota will be interested in it. It reads as follows:

The accurate ascertainment of the quantity of alcoholic spirits used for solely motor purposes has been a matter of some difficulty. Careful inquiries have been made and information sought from all available reliable sources, including the Alcohol Fuel Co. (Ltd.), Princes Street, Westiminster, S. W., and the Hammersmith Distillery Co., Distillery Lane, Fulham Road, Hammersmith (a branch of the Edinburgh Distilleries Co. (Ltd.)), probably the largest spirit distillery combine in the world.

All the information elicited tends to show that although the use of alcohol as a motor (i. e., general vehicular) propellant is as yet in the United Kingdom merely in its inciplent stage, nevertheless all the technical information received indicates that the motor use of alcohol is increasing in Great Britain by leaps and bounds, and that in all probability it will be the great mechanical propellant of the future.

The chief establishment at present occupied solely in the manufacture of this motor spirit is the Hammersmith Distillery Co. aforesaid, which has put on the market the well-known propellant "Discol," which is gaining favor in the commercial world.

The Alcohol Fuel Co., already mentioned, is only as yet preparing to launch its motor spirit on the market, but has large plants and factories about to begin manufacture at Hull and elsewhere. It is pointed out that alcohol when pure is a more rapid and efficient locomotive propellant than ordinary petrol, although in this form it will probably—at any rate, in the immediate future—not be very largely used for the purpose, owing to the fact that it would be liable to a duty of 75 shillings per gallon as immature spirit. Nevertheless even when denatured for motor purposes (by the addition of benzol, wood-naphtha dyes, and paraffin) its advocates still claim that it has material advantage over petrol as a transport agency.

On the point of definite, c

So it will be seen that it is about time for us to begin to con-

sider this very serious question.

I have here a book which was printed by Doctor Farmer in Doctor Farmer was late principal assistant research chemist, Royal Arsenal, Woolwich; chief chemist of the explosives department of the ministry of munitions; member of the nitrogen products committee and of the chemical committee of the munitions inventions department.

I may say that I have come across so many authorities which date since 1907, when our first experiments were made here, that it would take a man years to read them. Experiments are being made all over the world, and everywhere except in the United States people are worrying about the disappearance of the probable supply of petroleum, and therefore gasoline. As I shall show in a moment, Australia is giving a bonus to the man who grows the raw product which goes into the manufac-ture of industrial alcohol, and gives a bonus to the man who manufactures the alcohol, in order to be sure that this power may be applied in its various activities of commerce and in-dustry and to the necessities of the nation, so as to bring about its development and its greatest efficiency,

I dislike to hold the Senate to read from books, but these

comments are from authors of international reputation and, of course, I would not stop to set up my opinion against theirs and therefore I will read them. But I think many of the ques-tions of the Senator from Kentucky are answered here, although will read only the preface. Doctor Farmer's preface reads:

tions of the Senator from Kentucky are answered here, although I will read only the preface. Doctor Farmer's preface reads:

The association of alcohol with conviviality dates back to a very remote period. Its use for other purposes than as a beverage is a development of comparatively recent times, and the term "industrial alcohol" is even yet the subject of a good deal of misconception. The Government committee on the utilization of alcohol for power purposes (1919) indeed mentioned that some sections of the community believed that the words "industrial alcohol" referred to an inferior spirit for drinking purposes. One of the objects of this small work is to give an indication of the widespread chemical and industrial uses to which alcohol can be applied, including medicinal products, dyes, photographic materials, celluloid, and fine chemicals of all sorts.

Apart, however, from these manufactures, a new aspect of the subject has sprung up in recent years, which calls insistently for supplies of alcohol far in excess of anything that has been attained hitherto. The advent of the internal-combustion engine gave rise to a demand for enormous quantities of liquid fuel; the earth has been tapped for petroleum fuel with a prodigality which can not continue. The whole world's supply of petroleum is small when considered in comparison with the supply of coal. Already the demand is outstripping the supply, with consequent rise of price. The increasing home needs of America leave less and less for export, and we shall be faced in the near future by a serious check to the development of motor transport. In this book an attempt is made to show to what extent alcohol forms a suitable substitute for petrol, and to examine into the possible sources of alcohol, in order to ascertain the prospects of obtaining it in abundance, at a price which will compete with that of petrol. The destrability of drawing our supplies of motor fuel from recurrent vegetable sources instead of from the world's fixed capital of mineral wealth is

ripe to say with certainty whether alcohol will form the main fuel of the future, but research in this direction is of the highest importance for the future of the internal-combustion motor.

I wish to insert without reading what Mr. Farmer calls the need for petrol substitute as set forth on pages 88 and 89 of this book, to be printed as an appendix to my remarks.

The VICE PRESIDENT. Without objection, it is so or-

dered

(See Appendix 5.)

Mr. BROUSSARD. Mr. President, I think when our friends who like to help the farmer and when the farmers themselves begin to realize the great importance of this subject, we will have a somewhat different interpretation of the acts of Congress that will enable the people to manufacture one of the greatest needs of mankind at this time, which is denatured or industrial alcohol.

In 1917 a committee was appointed in Australia to investigate this subject. The report of the committee was dated De-cember 10, 1917. It was called a special committee to inquire into the production and utilization of power alcohol. From page 62 of their report I wish to read to the Senate the recom-

mendations of the committee:

The committee recommends—

1. That in order to develop the use of alcohol for power purposes and to encourage the production of the raw material upon which the manufacture of power alcohol depends, the necessary action be taken to allow of the manufacture and use in Australia of "power alcohol," denatured with 2 per cent of either—

Then they give the denatured elements, which do not interest the Senate, and proceed:

2. That an allowance at the rate of 3d. per gallon be granted by the Commonwealth Government on "power alcohol" denatured in the above manner and manufactured in Australia from raw materials produced in Australia, by way of reimbursement of the extra cost caused by fiscal restrictions on the manufacture of alcohol.

3. That a bonus, also at the rate of 3d, per gallon, be granted by the Commonwealth Government on such "power alcohol" in order to encourage its manufacture and to develop the primary industries on which the supply of the necessary raw material depends.

I think that these questions are worthy of consideration by a Congress which has seen the eighteenth amendment so dis-torted through the enactment of laws as not only greatly to handicap the manufacture of this necessary product but absolutely forbids it to be manufactured except under the greatest difficulties only by large distilleries in the United States under most irritating and almost impossible regulations issued by the bureau.

Now, we know from the World War experience what was the effect of the absolute freedom accorded by the German Government to her citizens to manufacture industrial alcohol. I have here Bulletin 182 of the United States Department of Agricul-I wish to state again that it is most astonishing to me that these valuable papers and bulletins which have been collected to furnish information and data and to record experiments conducted at great expense to the Government are in many cases absolutely exhausted, although of recent date. The copies we may obtain are borrowed and must be returned. Here is one with a slip attached, "Borrowed from the library," and must be returned. None are to be had, although some of them are as recent as 1921.

Investigations were made by our Government in the year 1915 as to what the Germans were doing in the line of industrial alcohol. We find that as early as 1907 there were in Germany 5,595 stills, of which 4,701 were on the farms and only 1,261 in the cities. They demonstrated when the war came on the uses to which alcohol could be put. They had used it in all of their industrial activities. They had used it used it in all of their industrial activities. They had used it in their scientific research. They have used it in every line to accomplish results with which the world had to struggle for several years before they could be duplicated, even after we had during the war taken away from them the secrets of the manufacture of those products. After the year 1907 we find that Germany had 70,000 stills manufacturing not all potable alcohol but mostly denatured or industrial alcohol.

From what source did Germany derive this great supply of alcohol? It is stated in the bulletin to which I have just referred that Germany had 8,000,000 acres of land in potatoes, as compared with 1,250,000 in cereals. Potatoes were the chief source of the manufacture of the alcohol. I will say to my friends who belong to the agricultural group that the potato crop loss this year, I think, has exceeded the total production of many years in the past, but all of it an absolute waste. Germany grew potatoes as the chief supply for industrial alcohol, and yet here we have a department which would send a farmer to the penitentiary if he undertook under the acts of 1906 and 1918 and the national prohibition law, all of which give him the authority to make anything but liquor for beverage.

who manufactured even industrial alcohol, because he could not comply with the impossible regulations that are fastened upon its manufacture.

My Information is-and I am told that the Agricultural Department and the Commerce Department were concerned with it-that the loss in the potato crop this year was enormous. I do not know whether it is true or not, but I remember having read frequently that we burn corn whenever coal goes up in I wonder if we have burned any corn this year. shall show the quantity of corn consumed in the production of alcohol in the past and how all of it could be converted into industrial alcohol and all of it saved and made profitable to the country.

Mr. President, understand alcohol is an essential article. do not think I could state the proposition better than I stated it in my speech of June 28, 1921. I there commented upon the necessity of alcohol in the industrial activities and in the scientific research and development of the country. At this point in my speech I wish to insert a brief excerpt from that speech, without reading

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows

The matter referred to is as follows:

Mr. President, chemists look upon alcohol as one of the most essential and important materials of their industry. They put it in the same class with sulphuric acid, benzol, or caustic soda. There can be no great development of chemical industry without alcohol any more than there could be a steel industry without pig iron, an electric industry without copper, or a fertilizer industry without popular or an analysis of the industries. He started the work which made possible the greatest development of all the ages. Germany grasped the significance and importance of applied chemistry and made marvelous progress.

The chief element in that development was alcohol, and now come narrow-minded, intolerant people who propose to the most intelligent legislative body in the world to intimidate, hinder, and harass American capital, brain, and industry under the pretext that occasionally some man, once a proud and free American citizen who toiled and was a real producer, deprived of his liberty and freedom, denied a glass of beer or wine in his home with his family, is driven to drink some cosmetic, hair tonic, or horse nostrum. To save the lives of those few for whose death they are responsible they would treat physicians and pharmacists as criminals, bootleggers, and rum runners and stop the industrial development of this Nation. While the eighteenth amendment was under consideration they called all the active antis "progermans." What should be said of them when their measures now favor foreign competitors?

Mr. BROUSSARD. I think my friend the Senator from

Mr. BROUSSARD. I think my friend the Senator from North Dakota [Mr. McCumber] made an inquiry awhile ago which may be considered answered by an extract which I shall read from "Information on Industrial Alcohol," by W. W. Skinner, Assistant Chief Bureau of Chemistry, dated December 8, 1922. On page 5 of his report, which I shall not read in its entirety, I find this unqualified statement

It is estimated that under present conditions (1922) the plantoperating cost of producing a gallon of alcohol from blackstrap cane
molasses may be as low as 6 cents per gallon when the unit is operating at the highest efficiency and is producing from 30.000 to 100,000
gallons of alcohol per day. * * It is further estimated that the
operating cost of producing alcohol from corn in manufacturing plants
of similar capacity may be approximately 7 cents per gallon.

All of us have been trying to help the farmer. We find that England is actively encouraging the production of industrial alcohol to be used as a motor fuel. We find that Australia has given a bonus for its production. It is a fact that automobiles and engines are being operated in Cuba and throughout Europe with alcohol as a motive power. All of us are trying to pass laws that will increase the revenues of the poor farmer. But we have permitted a department in Washington to so construe the acts which permit him to manufacture industrial alcohol as practically to prohibit that manufacture. We find that the Bureau of Chemistry tells us we could manufacture alcohol in 1922 from blackstrap molasses at 6 cents a gallon and from corn at 7 cents a gallon. We have permitted the bureau to eliminate, as a competitor of gasoline, the industrial alcohol which is its only competitor. The result is that last year we which is its only competitor. The result is that last year we paid over 30 cents a gallon for gasoline and we are now paying 24 cents a gallon for gasoline.

Millions and millions of bushels of potatoes have rotted in the fields for lack of a market. There was no demand for them. The farmers have not been permitted to carry on what was a large industrial activity in Germany in the past-that is, to convert their potatoes into industrial alcohol which they could use in their own engines and in their own tractors on the farm. Oh, no; but we permit the Anti-Saloon League to assist in the elimination of the only competitor gasoline has and naturally the price of gasoline is increased, and the farmer in turn buys it at an advanced price, while his own product goes to waste on the farm.

All for what? What is the purpose? Just to enforce a sumptuary regulation, not justified by the eighteenth amendment, which does not refer to industrial alcohol. The eighteenth amendment does not refer to alcohol for any purpose except it be intoxicating and for beverage purposes, and spirits of that description are the only ones debarred under the eighteenth

amendment.

I have here a table which I think is of interest to the farmers who are now paying 24 cents a gallon for gasoline to operate their tractors and automobiles. This statement shows the quantities of grain and other materials used for the production of distilled spirits from the year 1901 to the year 1922. I ask unanimous consent to insert the statement as an appendix to my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See Appendix 6.)

Mr. BROUSSARD. I wish to call the attention of the Senate to the fact, taking, for instance, the year 1907, that there were used in the manufacture of distilled spirits in 1907 4.440,315 bushels of malt, 21,452 bushels of wheat, 685 bushels of barley, 6,250,898 bushels of rye, 23,474,509 bushels of corn, 17,301 bushels of oats, 1,629 bushels of mill feed, as well as quantities of other materials, such as molasses, and so forth.

I wish merely to show, Mr. President, how the farmers have lost a portion of their market. They have absolutely been the ones who have been fooled on this proposition, because they have been made to sustain this propaganda; and now that they have put it over they have lost the market for all these cereals. For instance, I will take the year 1922. that year I find that there were used in the manufacture of distilled spirits 679.697 bushels of malt. There was no wheat used and no barley used. There were 84,876 bushels of rye and 8,093,065 bushels of corn used. That was all the cereals used in the manufacture of distilled spirits that year.

In other countries, such as Australia-and I think Australia is just as progressive as is this country—they are making steady headway in the manufacture of industrial alcohol. While we are telling the farmers that we will legislate for them, we are forcing them to keep their products in their barns or leave them in the ground because there is no market, and we are permitting bureaus to issue regulations to deny them the right to manufacture what the law permits them to manufacture. In that way we are absolutely punishing them by failing to require these departments to execute the law as was intended, or, if the law must be amended, by failing to so amend it as to be consistent with the eighteenth amendment to the Constitution.

Mr. President, on June 7, 1906, I consider that this country was delivered over to prohibition, because it seems to me that the minute it was recognized that alcohol would be a competitor of gasoline there was a rush to destroy it, not only on the part of those who were interested primarily in bringing prohibition onto the people of the United States but aided and abetted by those who saw in the movement some economic advantage that

might accrue to them.

On that day the Congress enacted a law making alcohol unfit for beverage or medical purposes tax free. The effect of the law, if it had been allowed to work out, would have been to give the farmer out of his own resources his light and heat and motor fuel, alcohol which could be distilled from his spolled and unusable crops, from refuse of all kinds. From the latter alone it was estimated in 1907 that 100,000,000 gallons of alcohol could have been made yearly. In seasons of heavy crops and consequently low prices these farm products could be converted into alcohol and stored until a time when poorer crops insure a better price, thus insuring a balance wheel of agriculture and steadiness of prices.

However, the hand of death was effectively laid upon such use of surplus material of the farmers by regulation No. 30, issued on September 29, 1906, by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, three months before the law went into effect. No farmer has ever profited from free denatured alcohol he was to make from his own waste, because the regulations, embracing 152 sections, were so drastic and impossible of observance, except by rich corporations, that the law was to all intents and pur-

poses a dead letter.

I wish to call the attention of the Senate to the regulations which have been printed under the regulation No. 61 to carry out the existing law. Although the statutes in the original form gave the right to the farmer to convert his waste products, his surplus products, into industrial alcohol, these regulations absolutely defeat the law and make it impossible for him to do so.

The question has been asked, Who framed these deadly regulations? Was it not the same forces that were at work to bring about the adoption of the eighteenth amendment and

the adoption of the national prohibition law? Of course it was. If they intended to deprive the farmer of the use of this industrial alcohol, why did not they come squarely before the American people and propose such an amendment to the Constitution as would be subject to that interpretation? But the amendment merely says that one can not make intoxicating liquors for beverage purposes; and the act declared on its face that it was to encourage the manufacture and use of industrial alcohol

These regulations have prevented anyone on the farm converting his surplus products into industrial alcohol, and the regulations make the cost of such manufacture so high as to be at this time more than double that of gasoline, making the cost so prohibitive as to deprive the farmer of the use of what would otherwise be a very cheap fuel for the operations of his farm.

Mr. KING. Mr. President, will the Senator yield? Mr. BROUSSARD. I yield.

Mr. KING. I have not heard the previous part of the Senator's speech, having been called from the Chamber. I should like to inquire what objection is there to the manufacture of industrial alcohol as indicated by the Senator's last observation?

Mr. BROUSSARD. I may say to the Senator that if the farmer is to get the benefit of such a system as prevails in other countries at this time, and which prevailed in Germany a long time ago, permitting the farmers to get together and by a cooperative plan manufacture their alcohol on the farm, the regulations in force in this country must be amended. That system can not prevail here under the regulations which have been issued, because a man must fill about 70 forms; must, instead of equipping himself with cisterns and tanks, which were provided for under the act of 1913, store the product in Government warehouses, and those warehouses must be bonded and must be maintained under such restrictions as it is impossible to carry out, so that it is out of the question for the farmer to use his waste products without incurring so much cost as to destroy the value of that which he desires to conserve. Furthermore, the regulations are changed from time to time, so that it is difficult to keep track of them. The Senator will readily understand that the people of the United States were led to believe what was the purpose of the national prohibition law. I will read the title of that act, which is:

An act to prohibit intoxicating beverages and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries.

I will say to the Senator if that intention were carried out, all these regulations would be repealed and a sensible set of regulations issued which would not assume that every farmer is a bootlegger and a crook and a moonshiner but would assume that every man is an honest man; such regulations as would permit a man to convert his surplus and waste products for which there is no market into what the eighteenth amendment says he has a right to convert them into, what the act of 1906, the act of 1913, and the national prohibition act say he shall have a right to convert them into. If, however, the most in-telligent farmer the Senator might pick out tried to manufacture denatured or industrial alcohol either on his farm or that of his neighbor under a cooperative plan, he would not operate three weeks before he would be put in the penitentiary, because the regulations are impossible of fulfillment except by the distillers who are close to or control bonded warehouses and who may comply with the regulations. also. I will say to the Senator, are to-day being treated as bootleggers, as crooks, and the assumption of the enforcement department is that they are moonshiners and dishonest.

I will say to the Senator that when the amendment to the national prohibition act called the Campbell bill was brought up here it contained a provision that a distiller shipping industrial alcohol was responsible for the delivery of that alcohol, in this sense: If he had paid the tax on this alcohol-and of course the commissioner has the right to require him to pay the tax on it before it is removed from the warehouse-and if he shipped it, say, from New Orleans to Chicago, and somewhere in transit somebody wrecked the train and stole the alcohol, that proposed law said that the assumption was that the distiller was a conspirator in the robbery, and unless he demonstrated to the Government that he was no party to the theft he could not recover his money. That is the spirit that prevails in the execution of this law.

Mr. KING. Mr. President, if the Senator will pardon me. I was interested only in this aspect of the case: I have received a number of letters from individuals who stated that the man-

ufacture of industrial alcohol was drifting into the hands of monopolists—that is, into the hands of a few individuals—and that the manufacture of the product would soon be a monopoly, and prices would be inordinately high. I knew nothing about it.

Mr. BROUSSARD. I will say to the Senator that I have just submitted to the Senate the fact that denatured alcohol now sells for about 60 cents a gallon, and I have here facts from the department showing that a gallon of alcohol can be manufactured from blackstrap mollasses for 6 cents, and it can be manufactured from corn for 7 cents. Why, as the Senator knows, before prohibition aged whisky could be bought from a bonded warehouse at 50 or 60 cents a gallon.

Then there is something in the complaint? Mr. KING.

Mr. BROUSSARD. Why, the farmer has been made the cat's-paw of the propagandists in this movement. The farmer has been absolutely denied the privilege which is granted him under the eighteenth amendment, which is granted him under the act of 1906, which is granted him under the act of 1913, and which is granted him under the national prohibition law, to manufacture this fuel, this motive power and greatest solvent ever known. By the way, I want to make this observa-tion, too: Before the days of national prohibition gasoline could be bought at 8 cents a gallon. Today, alcohol is going up and drifting into a centralized control, the farmer's potatoes remain in the ground, his corn is a loss, his waste products are a loss, and he is buying gasoline at 24 cents per gallon to operate machinery to produce this corn, and last year it was 30 to 38 cents per gallon, when he has on his farm the raw material for making alcohol, and under the Constitution he has a right to make industrial alcohol, and under the law he has a right to make industrial alcohol, which England, Australia, Cuba, and our own department say can be used more profitably than can gasoline itself.

I have here these figures on prices:

In 1907, the price of gasoline was 8 cents a gallon and the price of raw alcohol was 10 cents a gallon; and during that year, as you will see if you look at those figures, millions and millions of bushels of cereals were used profitably in the production of alcohol at 10 cents a gallon. To-day, as a result of these regulations, alcohol is worth 60 cents a gallon, and there is practically none of the corn being used for that purpose, not even for industrial purposes. That is something for the farmer to think about.

Mr. COUZENS. Mr. President-

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Michigan?

Mr. BROUSSARD. I do.

Mr. COUZENS. What is the price of alcohol in other countries where the manufacture of denatured alcohol is permitted? Mr. BROUSSARD. I would not assume to give the prices in all the countries. To what country does the Senator refer?
Mr. COUZENS. France, for example.

Mr. BROUSSARD. I do not know. I have no figures at all

Mr. COUZENS. What about England?

Mr. BROUSSARD. In England, I read into the RECORD a while ago the statement that there is a tax of 75 shillings per gallon; but they say that notwithstanding this tax they believe that after paying this tax it will very soon be profitable for them to use alcohol; but the Senator knows what it costs to make alcohol in Cuba, for instance.

Mr. COUZENS. As a matter of fact, the permission to make denatured alcohol really has not brought down the price of

gasoline in any country as yet, has it?

Mr. BROUSSARD. Why, it is not being used extensively in other countries. Heretofore we have been exporters of gasoline, as the Senator knows.

Mr. BROUSSARD. England is now devoting some attention to the development of the alcohol engine, because of the fact that, unless other supplies are developed, our decreased exportations of gasoline will affect her price; and we shall soon reach the point where we can not export any more gasoline, because our exportation indirectly depends upon what we import from

Mr. President, I ask unanimous consent to include as appendixes to my remarks articles from Chemical and Metalpendixes to my remarks articles from Chemical and Metal-lurgical Engineering, of November 29, 1922, and an article from the Newark Evening News, of January 16, 1923. The VICE PRESIDENT. Without objection, it is so ordered. (See Appendix 6 and Appendix 7.) Mr. BROUSSARD. Mr. President, I assume that the reason why farmers are not being permitted on the cooperative plan

to develop their own motive power is because the authorities are afraid of illicit distilleries. I was curious to know how many distilleries they have suppressed by denying to the farmer the right to manufacture his own fuel. I find from the annual reports of the Commissioner of Internal Revenue that in the years 1918 and 1919-these were preprohibition days-the figures were as follows: In 1918 there were 3,487 seizures of illicit stills; in 1919 there were 6,989 seizures. Then, after that, came 1920, 1921, and 1922, which, of course, were during the prohibition period. In 1920 there were 51,416 seizures; in 1921 there were 95,933 seizures; and in 1922 there were 111,155 seizures.

It seems to me that instead of preventing illicit distilling. the policy pursued here has resulted in stimulating it; and, Mr. President, notwithstanding these numerous seizures, aggregating 111,155 in 1922, I did not happen to hear any com-plaint from anybody that there was in that year any decrease of supply of liquor. We can easily imagine, therefore, how many distilleries there must be in this country, and yet the farmer is absolutely denied the right to use his own product when he is clearly entitled under these laws to use it, and to manufacture his own fuel and motive power and to sell it to other people as a means of developing motive power simply because it is claimed that the farmers will become illicit distillers. If we will consult the records, however, we will find that this policy is absolutely increasing the number of illicit distilleries. It is not helping at all in the enforcement of the law. It is merely punishing the farmer, and he is the man who has put this law upon the statute books. It is about time for him to stop and think and see whether he has not been again made the cat's paw of some reformer. He is being made the goat, as suggested by my friend here, on this proposition. He voted this country dry. He reserved to himself under these laws the right to make industrial alcohol, and the propagandists who led the movement and who are now dictating the legislation wrote the regulations that will send him to the penitentiary if he follows these very laws. As a consequence, he is afraid to try to manufacture industrial alcohol; and although he can produce it on the farm for 8 or 9 cents a gallon-and it is equivalent to and better for most purposes than gasolinehe loses the material which would make good alcohol, and then he goes to market and buys gasoline at an extremely high price.

Mr. President, while I have these regulations, No. 61, I want to call attention to this fact: I looked at the back of the pamphlet and I remembered that the last time this subject was up in 1921 we discussed the feature of it that prevents a doctor from prescribing spirituous liquors, and so forth, and at that time I think they had five formulas for denatured alcohol. They now have 33 main divisions and some subdivisions, and they give here the formulas and the articles that they affect; in other words, the articles that can not be produced without denatured alcohol. They include pages and pages of things without which you can not furnish a house, without which you can not ride anywhere, without which you can not go to school, without which you can not go to church. The uses of alcohol are pro-hibited, although they are for industrial purposes, unless some deadly poison is included in the alcohol.

Mr. STANLEY. Mr. President, if my colleague will yield at that point, I suggest that before he concludes his remarks he call the attention of the Senate to the fact, with which he is very familiar, that this refusal to allow the manufacture of industrial alcohol has not only cost the farmer untold millions. but by raising the price of industrial alcohol to 60 cents a gallon it increases the cost of living to that very farmer every time he buys a dose of medicine, or uses a tincture like arnica for a wound, or buys a tire for his automobile, or colored prints on his calico, or a thousand and one other things that are absolutely essential to his life and to the industrial life and comfort of every other citizen in his community.

Mr. BROUSSARD. Now, Mr. President, I want to conclude

this address. I have this to say in conclusion:

The supply of petroleum is becoming exhausted very rapidly in this country, and the supply of petroleum in the world will soon be exhausted. All the progressive nations of the world are now trying to find some substitute for gasoline, and it is time for our people to realize that unless we get at this proposition and permit the manufacture of industrial alcohol at such a price that it may be profitably used in transportation or on the farm no progress will be made, and when the time comes when there is no more gasoline here we will be in the same position we were when war was declared. We went over to the Patent Office and seized all the patents Germany had, and it took us a couple of years to learn how to utilize them; and in many cases of articles of material necessity of a great

nation we have not yet determined the practical technique with which to apply the information which we seized at the Patent Office. In other words, we got the information but we did not have the trained minds and the skilled hands to apply the information which we got there. While Australia recommends a bonus and the other nations are appointing commissions and encouraging the manufacture of industrial alcohol, if we persist in this foolish habit of prohibiting the manufacture of commodities on the assumption that a man is a criminal and a crook because he attempts to do something that will supposedly do violence to some sumptuary measure; if we persist in that attitude of mind, within the next 20 years, when the gasoline shall have given out, you will find that the advances made in the internal-combustible alcohol engines will have been made by foreigners, and that their rights will be safeguarded by patent rights. It may take us years and years to catch up with them. Those are things we ought to be wise enough to forsee, and they are things which we should have the courage

It seems to me that the attitude the people of the United States should take may be condensed in the words which I wrote this morning as I came to the Senate; and I venture to say that if any political party announced a set of principles of this kind, I do not care what party it is, it would sweep this country. I suggest this as a set of principles we should adopt: First. That all provisions of the Constitution and all laws

must be equally enforced if their respect is to be safeguarded. Second. It is suicidal and treacherous to handicap the industrial and scientific development of this Nation by an interpre-tation of an amendment of the Constitution not warranted by

the intent, the spirit, or the wording of the amendment.

Third. The greatest possible exercise of local self-government is the bedrock of the Constitution of this country.

Whenever we adopt these principles, Mr. President, I think we shall have adopt these principles. we shall have retrieved the wrong which has been done in the last few years under sumptuary measures which are denying everybody every day the right to do things which are not in violation of the Constitution and the laws of this country.

APPENDIX 1.

[From the New York Times, Tuesday, February 6, 1923.]

EIGHT BILLIONS INVESTED IN UNITED STATES OIL INDUSTRY—STANDARD GROUP, REPRESENTING 40 PER CENT OF TOTAL, DOMINATES THE BUSINESS—DUE TO PIPE LINE CONTROL—EXPANSION OF PETROLEUM INDUSTRY KEEPING PACE WITH DEVELOPMENT OF THE AUTOMOBILE.

The petroleum industry of the United States represents a capital investment of approximately \$8,000,000,000, thus placing it high in the ranks of American business enterprises. Of this total, about 40 per cent is invested in the companies composing the Standard Oil group and 60 per cent is invested in the independent companies. Although the balance is in favor of the independents, figures have been presented at the investigation into the industry now being carried on at Washington showing that the Standard Oll group continues to hold the dominating This, it is stated, is because the Standard companies control the larger part of the pipe-line facilities.

It has been pointed out that with only 40 per cent of the total invested capital, the Standard companies refine 45 per cent of the crude oil produced and control 55 per cent of the domestic marketing facilities and 75 per cent of the foreign marketing business. It is further stated that while the Standard group controls only 25 per cent of the oil produced in the United States, this is counterbalanced by owning 60 per cent of the

country's pipe-line capacity.

The position of the Standard Oil companies with relation to the many independent companies, as shown at the Senate investigation, is presented in the following tables, the figures being based upon the holdings of crude oil and petroleum products on June 1, 1922:

STANDARD OIL GROUP

	Total.	Per cent.
Crude oil, barrels. Gasoline, gallons. Kerosene, gallons. Gas and fuel oil, gallons.	164, 669, 091 648, 266, 104 729, 534, 104 736, 563, 788	58, 5 75, 7 72, 0 55, 7
INDEPENDENT COMPANIES.	- Nimpa	
Crude oil, barrels. Gasoline, gallons. Kerosene, gallons. Gas and frel oil, gallons.	115, 836, 909 208, 340, 254 89, 359, 027 584, 864, 184	41. 5 24. 3 28. 0 44. 3

Regarding the \$8,000,000,000 investment in the oil companies operating in the United States, it is pointed out that part of the investment in the Standard companies represents capital put into them for operations in foreign countries. The Standard Oil of New Jersey, the Standard Oil of New York, and Standard of California, either directly or through subsidi-Standard of California, either directly or through subsidiary companies, carry on extensive operations in foreign countries. The relation between the growth of the automobile industry of the United States and the expansion of the oil industry is summed up graphically in the following table, which is given in a booklet on the Standard Oil companies, just published by C. H. Pforzheimer & Co., specialists in Standard Oil securities:

	Registered	Refinery	Crude oil
	automobiles	production	marketed
	in United	gasoline	(barrels, 42
	States.	(gallons).	gallons).
1922	12,000,000	1 5,050,084,015	1 453, 484, 000
1921	10,448,632	5,153,549,318	469, 639, 000
1920	9,211,295	4,882,546,649	443, 402, 000
1920	7,500,000	3,957,857,097	377, 719, 000
1918	6,146,617	3,570,312,963	355, 927, 718
1918	4,983,340	2,850,546,423	341, 800, 000
1917	3,512,996	2,058,880,596	300, 767, 158
1946	2,445,664	1,848,796,000	281, 104, 104
1915	1,711,339	1,460,037,200	265, 762, 535
1914	1,253,875	1,099,350,000	248, 381, 744

Ten months.

The increase in registered automobiles in the last nine years is shown to be 10,746,125 cars, or approximately 857 per cent. In the same period gasoline production increased 4,054,199,318 gallons, or 368 per cent, while crude oil production increased only 221,257,256 barrels, or 89 per cent.

The booklet points out that the United States is steadily becoming more dependent upon the oil production of foreign countries to meet the demand at home. Figures are given in the following table to show that despite the increase in domestic production there has been a steady increase in imports from other countries:

	Consumption, domestic (barrels, 42 gallons).	Production, domestic (barrels, 42 gallons).	Imports.
1922 1	375, 877, 000	453, 484, 000	109, 197, 000
1921	525, 407, 000	469, 639, 000	125, 307, 000
1920	524, 016, 000	443, 402, 009	168, 792, 000
1919	418, 476, 000	377, 719, 009	52, 812, 000
1918	413, 076, 000	355, 927, 716	37, 728, 000
1917	377, 736, 000	335, 315, 601	30, 168, 000
1918	318, 588, 000	300, 767, 158	20, 568, 000

1 Ten months.

"At the outset of 1923 domestic production of crude oil is temporarily in excess of domestic requirements," it is said, having reached a daily average in excess of 1,600,000 barrels. This is largely due to the development of prolific areas in California, where output is 125,000 barrels a day in excess of what it was at the outset of 1922. The light oil fields of the midcontinent, which gave a high record yield in 1922, are now showing signs of decline. In the last quarter of 1922 light oil in the midcontinent showed a decline for the first time in

"James E. O'Neill, president of the Prairie Oil & Gas Co. and J. C. Donnell, president of the Ohio Oil Co., declared recently that light oil production in this country has reached its peak and that we will have to draw on foreign fields to

supplement domestic production.

"Much comment has been made over the fact that the industry enters 1923 with the largest inventories of raw material and refined products ever recorded. These are facts as regards volume, but these inventories are none too large in relation to expanded consumptive needs. For instance, in when gasoline reserves were at their peak, reserve gallonage per car was less than at any time in five years, with the exception of 1920. While reserve supply of While reserve supply of raw material has risen to 275,000,000 barrels, the greater proportion of this is heavy oil, which the mounting consumption of liquid fuels soon will take care of. The output of light grade crude oil actually appears to be falling behind the de-mand, which is reflected in the recent general price advances in the lighter grades of oil produced east of the Rocky MounAPPENDIX 2.

DEPARTMENT OF THE INTERIOR, BUREAU OF MINES, Washington, February 17, 1923.

Hon, EDWIN S. BROUSSARD, United States Senate.

MY DEAR SENATOR: In response to your recent telephone request for figures showing the production of gasoline and naphtha for the past 20 years, I am inclosing mimeographed statistical tables showing the production of gasoline, which includes naphtha, for the years 1916 to 1921, inclusive. Considerable effort has been made to obtain reliable figures for the years prior to 1916, but the only data obtainable are the figures of the United States census of manufactures giving the production for every fifth year. These figures are given below

1899-1904-1909-1914-281, 000, 000 291, 000, 000 540, 000, 000 1, 500, 000, 000

The annual refinery statistical report compiled in this bureau showing the production of refined products of petroleum in the United States for the calendar year 1922 will be published in about a week. A copy of this report will be sent you as soon as it is available for distribution.

Cordially yours,

H. FOSTER BAIN, Director.

Department of the Interior, Bureau of Mines-Comparative analysis of production and consumption for 1918, 1919, 1920, and 1921. (Unit of callons)

			[Unit of gallor	18.				
	Gasolina.					Keros	ene.	
	1921	1920	1919	1918	1921	1920	1919	1918
Stocks, Jan. 1. Production Imports	462, 381, 837 5, 153, 549, 318 37, 816, 904	446, 793, 431 4, 882, 546, 649 46, 066, 110	297, 326, 983 3, 957, 857, 097 8, 520, 169	412, 256, 833 3, 570, 312, 963 12, 899, 350	393, 070, 923 1, 945, 126, 156	339, 319, 690 2, 320, 095, 443	380, 117, 829 2, 341, 632, 164	497, 750, 082 1, 825, 360, 137
Total	5, 653, 747, 159	3, 375, 406, 190	4, 263, 704, 249	3, 995, 469, 148	2, 338, 197, 079	2, 659, 415, 133	2, 721, 749, 993	2, 323, 110, 219
OUTGO. Exports	524, 279, 031 27, 368, 017 4, 516, 012, 979 586, 087, 132	635, 247, 487 21, 348, 911 4, 256, 427, 955 462, 381, 837	365, 883, 011 16, 217, 081 3, 434, 810, 726 446, 793, 431	556, 422, 334 12, 209, 957 3, 129, 509, 872 297, 326, 983	740, 152, 850 16, 484, 863 1, 240, 550, 811 341, 008, 555	848, 212, 146 19, 908, 094 1, 398, 223, 970 393, 070, 923	965, 415, 225 20, 272, 439 1, 396, 742, 639 339, 319, 690	484, 613, 907 11, 830, 892 1, 446, 547, 683 380, 117, 829
Total	5, 653, 747, 159	5, 375, 496, 190	4, 263, 704, 249	3, 995, 469, 146	2, 338, 197, 079	2, 659, 415, 133	2,721,749,993	2, 323, 110, 219
	Gas and fittel.			Lubricating.				
	1921	1920	1919	1918	1921	1920	1919	1918
INCOME. Stocks, Jan. 1. Production. Imports	837, 404, 414 9, 663, 816, 135.	714, 124, 455 8, 861, 451, 931	659, 001, 357 7, 627, 288, 566	577, 899, 112 7, 321, 397, 557	160, 522, 477 877, 859, 074	137, 318, 934 1, 046, 708, 349	138, 853, 574 846, 760, 017	136, 856, 345 841, 465, 767
Total	10, 501, 220, 549	9,575,576,386	8, 286, 289, 923	7, 899, 296, 669	1,038,381,551	1,184,027,283	985,613,591	978, 322, 115
#Xports OUTGO. #Aports being possessions Domestic consumption Stocks, Dec. 31	1 1, 964, 461, 658 125, 141, 536 7, 080, 351, 916 1, 331, 265, 439	1, 933, 559, 336 99, 742, 902 6, 704, 789, 734 837, 404, 414	1, 174, 166, 537 107, 630, 830 6, 290, 368, 081 714, 124, 455	1,477,085,287 43,986,549 5,719,223,476 659,001,357	287, 204, 684 4, 138, 155 530, 273, 196 216, 765, 516	408, 920, 890 4, 833, 627 609, 750, 289 160, 522, 477	276, 051, 479 3, 860, 199 568, 382, 979 137, 318, 934	256, 300, 683 2, 615, 666 580, 552, 186 138, 853, 574
Total	10, 501, 220, 549	9,575,576,386	8, 286, 289, 923	7,899,296,669	1,038,381,551	1,184,027,283	985, 613, 591	978, 322, 115

includes fuel or bunker oll for vessels engaged in foreign trade. For year 1918, 6,603,043 barrels. For 1919, 14,031,356 barrels.

1. Figures on exports and shipments to insular possessions are taken from reports of the Bureau of Foreign and Domestic Commerce. bunker oll for vessels engaged in foreign trade. For year 1918, 6,603,043 barrels. For 1919, 14,031,356 barrels. For 1920, 26,334,883 barrels. For 1921,

APPENDIX 3.

[From the Newark Evening News, January 16, 1928.]

the Men Tell Probers Standard Makes Prices—Independents Review Conditions That Forced Smaller Firms to Wall—Suicides Laid to Market Drop.

Washington, January 16 (AP).—Details of battles waged in the oil fields of the Southwest between independent oil companles and corporations belonging to the Standard group were given at the Senate oil inquiry to-day prior to the appearance of Harry F. Sinclair, chairman of the Sinclair Consolidated Oil Corporation.

A. Wiley, of Wichita, Kans., secretary of the Broadview Oil Co., an independent, declared the increase in crude oil prices made by Standard companies in the midcontinent field in 1920 and early in 1921 and the later break in prices "looked to me as prearranged and an endeavor to get the independents in a corner."

P. A. Butler, jr., of Oklahoma City, vice president of the National Oil & Development Co., related negotiations between his concern and the Magnolia Petroleum Co., a Standard corpora-tion, which he said resulted in imposition on the National company of a contract under which the Magnolia company got the National's oil at virtually its own prices.

"Why did you sign the contract?" the committee attorney

WITNESS AIRS CONTRACT.

"There was not anything else to do," replied Mr. Butler.
"The price was going down and the Prairie Pipe Line Co. (the

other Standard company operating in the field concerned) refused to take our oil."

Increases in oil prices in the midcontinent field in 1920 and early in 1921 brought about an "unwholesome condition" in the industry leading to reckless financing, Mr. Wiley testified. later break, he said, brought bankruptcy to many of the smaller independent companies and four or five suicides among officials

of such companies.

"Was there any justification for raising the prices of oil to \$3 a barrel and then dropping it to \$1?" the committee coun-

sel asked.
"No; it was not an honest response to supply and demand," replied Mr. Wiley.

APPENDIX 4.

COMPARATIVE FUEL VALUES OF GASOLINE AND DENATURED ALCOHOL IN INTERNAL-COMBUSTION ENGINES.

By R. M. STRONG and LAUSON STONE.

INTRODUCTION.

Under the terms of the act establishing the Bureau of Mines, this bureau was authorized to carry on the work of testing and analyzing fuels which had been conducted by the technologic branch of the United States Geological Survey. included in its scope an investigation of the availability and uses of liquid as well as solid fuels, for the original outline of the fuel-testing investigations contemplated, as soon as the funds would be available, a study of the liquid-fuel resources of the country and the making of related researches to determine how these resources could be utilized with greatest efficiency.

Owing to the fact that many difficulties were being encountered in the adaptation of the heavier fuel oils for convenient use in internal-combustion engines, it was deemed best to begin the investigation of liquid fuels with tests of gasoline, a

fuel in more or less general use. When this investigation began, the extensive introduction, especially by foreign powers, of liquid fuels for small naval craft had awakened much interest. However, the quality of gasoline was reported to vary materially in different countries and the quantity available was said to be rapidly decreasing, with the probability of a prohibitive increase in price. At the same time the claim was made that denatured alcohol of fairly uniform quality could be procured in all parts of the world, that unlimited quantities could be readily produced at a low cost, and that this fuel could be used much more efficiently than gasoline in internal-combustion engines. Such statements naturally led to a widespread belief that the time was near at hand when denatured alcohol would entirely displace gasoline as engine fuel. Therefore, the first investigations of the liquid mineral fuels logically embraced a careful series of comparative tests of gasoline and denatured alcohol in engines. A series of over 2,000 such tests was conducted at the Government fueltesting plants at St. Louis, Mo., and Norfolk, Va., details of which are given in the following pages. The report is published by the Bureau of Mines because of the transfer of the fuel-testing investigations to this bureau.

PERSONNEL.

The investigation was conducted under the supervision of R. H. Fernald, then engineer in charge of the producer-gas section of the technologic branch of the United States Geological Survey. The tests were made by R. M. Strong, assistant engineer in charge of the oil-fuel section, assisted by J. C. Barnaby, W. A. Wicks, H. A. Talbott, W. B. Loye, E. W. Gallenkamp, P. G. Weidner, G. H. Hopkins, and other junior engineers who were temporarily transferred for these particular investigations. The computations were made under the direction of Lauson Stone, assisted by S. P. Howell. Mr. Stone also collaborated with Mr. Strong in the preparation of this report. The necessary chemical work was performed, under the general supervision of Prof. N. W. Lord, by the regular laboratory force of the technologic branch.

ACKNOWLEDGMENT.

The authors wish to express their thanks to Dr. Charles E. Lucke and Prof. S. M. Woodward for suggestions found in a report entitled "Tests of Internal-Combustion Engines on Alcohol Fuel," published by the Office of Experiment Stations, Department of Agriculture. The report was frequently consulted during the procedure of the investigations covered by this bulletin

PRELIMINARY REPORT ON DENATURED ALCOHOL AND GASOLINE,

In 1909 Strong presented in a small bulletin¹ the general characteristics of the engines used and a general description of the methods of procedure and the properties of the fuels. The commercial deductions set forth in that preliminary report are given herewith.

HEATING VALUE.

The low heating value of completely denatured alcohol averages 10,500 British thermal units per pound, or 71,900 British thermal units per gallon.

thermal units per gallon.

The low heating value of gasoline having a specific gravity of 0.71 to 0.73 averages 19,200 British thermal units per pound, or 115 800 British thermal units per gallon

or 115,800 British thermal units per gallon.

The low heating value of 1 pound of alcohol is approximately six-tenths of the low heating value of 1 pound of gasoline.

One pound of gasoline requires approximately twice the weight of air for complete combustion that is required by 1 pound of alcohol.

The heating value of 1 cubic foot of an explosive mixture of alcohol vapor and air having theoretically just sufficient air for complete combustion is approximately equal to that of 1 cubic foot of a similar explosive mixture of gasoline vapor and air—about 80 British thermal units per cubic foot.

EXPLOSIVE MIXTURES.

Explosive mixtures of alcohol vapor and air in an engine cylinder can be compressed to much higher pressures without preigniting than explosive mixtures of gasoline vapor and air. The maximum compression that can be used in an engine without causing preignition depends on the quality of the explosive mixture, the design of the engine, and the speed at which it is operated.

For 10 to 15 horsepower four-cycle stationary engines of the usual type a pressure of about 70 pounds per square inch above atmospheric pressure was found to be the maximum that could be used for gasoline mixtures, and about 180 pounds the maximum that could be used for alcohol mixtures, without causing preignition.

The maximum compression that could be used without causing preignition was in each case found to be the most advantageous with regard to fuel economy.

MOST ECONOMICAL DEGREE OF COMPRESSION.

When the degree of compression in each engine is that best suited to the economical use of the fuel designated, some types of gasoline engines are better adapted to the service for which they are designed than similar alcohol engines, and vice versa. This is also true—the relative quantity of fuel consumed being disregarded—when the degree of compression is that ordinarily used for gasoline mixtures, as when denatured alcohol is used in gasoline engines. But, in general, the alcohol engine is or can be so designed and constructed as to be equal to the gasoline engine in adaptability to service.

A gasoline engine having a compression pressure of 70 pounds, but otherwise as well suited to the economical use of denatured alcohol as gasoline, will, when using alcohol, have an available horsepower about 10 per cent greater than when using gasoline.

When the fuels for which the respective engines are designed are used to the same advantage, the maximum available horse-power of an alcohol engine having a compression pressure of 180 pounds is about 30 per cent greater than that of a gasoline engine having a compression pressure of 70 pounds but of the same cylinder diameter, stroke, and speed.

When denatured alcohol is used in 10 to 15 horsepower fourcycle stationary engines having a compression pressure of approximately 180 pounds and the engines are operated at their maximum loads, the pressures during explosion or combustion reach 600 to 700 pounds. Stationary gasoline engines in which the compression pressure can be raised to 180 pounds are not usually built heavy enough to withstand such explosion pressures for any considerable length of time.

QUANTITY REQUIRED FOR ENGINE FUEL,

A gasoline engine working at the degree of compression ordinarily used for gasoline mixtures will, in general, require 50 per cent more denatured alcohol than gasoline per brake horse-power hour.

Gasoline and alcohol engines of similar construction, working at degrees of compression best suited to the fuel supplied, in general require equal volumes of gasoline and denatured alcohol respectively per brake horsepower hour.

Gasoline engines of the usual four-cycle stationary type ordinarily consume about 1 pint of gasoline per brake horse-power hour when operated at about rated load and with a reasonably favorable adjustment of the mixture quality and the time of ignition.

When carrying light loads or maximum loads gasoline and alcohol engines governed for constant speed require a greater quantity of fuel per brake horsepower hour than when carrying their rated loads, if rated at about 75 to 80 per cent of their maximum loads; but unless the mixture quality and time of ignition are adjusted to suit each change of load the rate of consumption per brake horsepower hour is in general least at the maximum load and increases with a decrease in load.

When any of the usual methods of governing are used to control the speed of gasoline or alcohol engines the rate of fuel consumption per brake horsepower hour is ordinarily about twice as great at one-third load as at maximum load. At the same time an excessive rate of consumption of gasoline or denatured alcohol at any given load, if only due to the incorrect adjustment of the mixture quality and the time of ignition, may reach approximately twice the minimum rate required before it is noticeable from outward indications.

THERMAL PEFICIENCY OF ENGINES

The thermal efficiency of alcohol and gasoline engines generally increases with the pressure to which the charge is compressed when ignited.

The maximum thermal efficiency of 10 to 15 horsepower fourcycle stationary engines of the usual type when operated with a minimum amount of throttling was found to increase with the

compression pressure according to the formula $E=1-\left(\frac{14.7}{P}\right)^{1/2}$

for gasoline and the formula $E=1-\left(\frac{14.7}{P}\right)^{19}$ for alcohol, in

¹ Strong, R. M., Commercial deductions from comparisons of gasoline and alcohol tests on internal-combustion engines. U. S. Geol. Survey Bull. 392, 1911, 38 pp. Reprinted as Bulletin 32, Bureau of Mines.

which E represents the thermal efficiency based on the indicated horsepower and low heating value of the fuel, and P represents the indicated absolute pressure of the charge at the end of the

compression stroke in pounds per square inch.

A high thermal efficiency and a rate of consumption of less than 1 pint per brake horsepower-hour, both for gasoline and denatured alcohol, can often be obtained when the degree of compression, the load, the quality of the explosive mixture, and the time of ignition are carefully adjusted. A fair representation of the best economy values obtained, taken from the results of tests on 10 to 15 horsepower Nash and Otto stationary engines, and the corresponding thermal efficiencies are given in the following table:

Results from tests made on 19 to 15 horsepower Nash and Otto stationary engines.

Fuel.	Compression pressure.1	Fuel const brake h hour.	umed per orsepower-	Thermal efficiency.
Gasoline	Pounds. 70 90	Pounds. 0.60	Gallons. 0.100	Per cent.
Alcohol	70 180 200	.58 .96 .71 .68	.097 .140 .104 .099	22 23 25 34 36

Per square inch above atmosphere.
Based on the low heating value of the fuel.

PROPER COMPRESSION IN ENGINES.

When, by means of a double carburetor, gasoline and alcohol are used simultaneously, in varying proportions from practically all gasoline to practically all alcohol, the most advantageous degree of compression varies from that found to be the best for gasoline mixtures to that found to be the best for alcohol mixtures.

Tests that were made with such an adjustment of compression indicate that the total amount of fuel (gallons of gasoline+gallons of denatured alcohol) required for any given load is practically constant for the entire range of proportions, from all gasoline to all denatured alcohol.

MIXTURES WITH WATER.

When water is sprayed into an explosive mixture of gasoline vapor and air as the mixture enters the cylinder, it may often be supplied with as much water as gasoline, by weight, without affecting the performance of the engine except as noted below:

(a) The capacity or maximum available horsepower of an engine decreases with an increase in the percentage, by weight, of water present in the explosive mixture of gasoline vapor and air.

(b) When used in an engine having a constant degree of compression, water in an explosive mixture of gasoline vapors and air in weights up to those of the gasoline does not change the quantity of gasoline required to carry a given load.

(c) The pressure to which an explosive mixture of gasoline vapor, water, and air can be compressed in an engine cylinder without preigniting increases with an increase in the percentage of water in the mixture, and can be raised to about 140 pounds when the weights of water and gasoline are equal.

(d) That the quantity of gasoline required is not affected by an increase in the compression pressure, when preignition is prevented only by the introduction of water as above stated, is indicated by the results of tests made on an engine having a compression pressure of 130 pounds. These tests are so few, however, that the results are not conclusive.

Denatured alcohol diluted with water in any proportion up to 50 per cent can be used in gasoline and alcohol engines, if

the engines are properly equipped and adjusted.

In an engine having a constant degree of compression the quantity of pure alcohol required for any given load increases and the maximum available horsepower of the engine decreases with a diminution in the percentage of pure alcohol in the diluted alcohol supplied. The rate of increase in the quantity of pure alcohol required is such, however, that the use of 80 per cent instead of 90 per cent alcohol (denatured alcohol is about 90 per cent pure) has little effect on the performance of the engine.

When an engine is supplied with diluted alcohol, the compression pressure that can be used without causing preignition increases with an increase in the percentage of water, but no tests were made to determine the effect of increased compression pressure on the economy with which diluted denatured alcohol could be used.

STORAGE.

The relative hazard involved in the storage and handling of gasoline and denatured alcohol is of particular importance in considering their use as fuels for marine, factory, and other engines, where a general fire would be likely to result from the accidental burning of the fuel stored or carried for immediate supply, or where the forming of explosive or inflammable mixtures of the fuel vapors and air in the immediate vicinity would be hazardous.

In accordance with the general consensus of opinion of those experienced in handling gasoline, kerosene, and alcohol, statistics indicate that the hazard involved in the use of denatured alcohol is much less than that in the use of gasoline and possibly less than that in the use of kerosene.

COMPARATIVE CLEANLINESS.

In regard to general cleanliness, such as absence of smoke and disagreeable odors, alcohol has many advantages over gasoline or kerosene as a fuel. The exhaust from an alcohol engine is never clouded with a black or grayish smoke as is the exhaust of a gasoline or kerosene engine when the combustion of the fuel is incomplete, and it is seldom, if ever, clouded with a bluish smoke when a cylinder oil of too low a fire test is used or an excessive quantity thereof is supplied, as so often happens with a gasoline engine. The odors of denatured alcohol and the exhaust gases from an alcohol engine are also not likely to be as obnoxious as the odor of gasoline and its products of combustion.

NUMBER OF ALCOHOL ENGINES USED.

Very few alcohol engines are being used in the United States, and little has been done toward making them as adaptable as gasoline engines to the requirements of the various classes of service. However, engines designed especially for using denatured alcohol for stationary, marine, and traction service and for automobiles, motor trucks, and motor railway cars have been tried with considerable success.

RELATIVE PRICE.

The price of denatured alcohol is greater than the price of gasoline, and the quantity of denatured alcohol consumed by an alcohol engine as ordinarily constructed and operated is, in general, relatively greater than the quantity of gasoline consumed by a gasoline engine of the same type. Considerable attention is being given to the development of processes for the manufacture of alcohol from cheap raw materials that are generally available, and the expectation seems reasonable that the price of denatured alcohol may eventually become as low as or lower than the price of gasoline, especially if the price of gasoline advances. It also seems reasonable to expect a greater general improvement in alcohol engines than in gasoline engines.

When used as a fuel, denatured alcohol is not always so classed as to be exempt from restrictions placed on the use of gasoline by the rules of insurance and transportation companies or by city ordinances. The restrictions that are placed on the use of denatured alcohol are, however, never greater than those placed on the use of gasoline. In some places they are such that the use of an alcohol engine is permitted where the use of a gasoline engine is prohibited. For instance, alcohol motor trucks and automobiles are admitted to many New York City steamer piers that are not open to gasoline machines.

Where the restrictions placed on the use of denatured alcohol are less than those placed on the use of gasoline, or where safety and cleauliness are important requisites, the advantages to be gained by the use of alcohol engines in place of gasoline engines may be such as to overbalance a considerable increase in the fuel expense, especially if the cost of fuel is only a small part of the total expense involved, as is often the case. Denatured alcohol will, however, probably not be used for power purposes to any great extent until its price and the price of gasoline become equal. Also, the equality of gasoline and alcohol engines in respect to adaptability to service required and quantity of fuel consumed per brake horsepower-hour must become more generally realized.

A further general development in the design and construction of engines that use kerosene, cheaper distillates, or crude petroleum may be reasonably expected and may delay the extensive use of denatured alcohol, but as yet comparatively few data pertaining to this phase of the general investigation are available.

SCOPE OF PRESENT REPORT.

In this report will be found a detailed description of the equipment used, the methods of procedure, and the complete logs and deductions from the various tests.

For convenience in analyzing the large quantity of material presented, the report has been divided into the following sections: (1) Gasoline and denatured alcohol as fuels; (2) ap-

paratus used in tests; (3) procedure of tests; (4) deductions from tests. The material embraced in the last-mentioned section has been taken up under the following headings: (a) Mechanical efficiency; (b) mixture quality; (c) time of ignition; (d) character of ignition spark; (e) jacket-water temperature; (f) speed of engine; (g) load variation; (h) mixtures with water; (i) compression.

FUTURE INVESTIGATIONS.

Taking as a basis the results of the series of tests described in this report, the Bureau of Mines, as a part of its fuel-testing investigations, proposes to carry on further researches relating to liquid fuels in internal-combustion engines. In this connection the field of application of the heavier fuel oils, both to the internal-combustion engine and to the oil-gas producer, will undoubtedly demand early attention.

APPENDIX 5.

THE NEED FOR PETROL SUBSTITUTES.

The interest which alcohol has attracted as a possible source of power is of recent growth. Up to the present alcohol has been used only to a very limited extent for motors, but in view of the increasing shortage and rising price of petrol the question of an alternative liquid fuel is becoming more and more urgent.

In 1905 a Government departmental committee on industrial alcohol reported that spirit was not used in this country for motor vehicles, and that as at that time the price of petrol was

about half that of methylated spirit the committee considered that close investigation of the matter might be delayed until such time as there might be an approximation between the prices of petrol and spirit sufficient to create a practical alternative of choice between the two.

In 1904 petrol was 10d. per gallon, in 1906 it had risen to 1s. 4d., in 1914 to 1s. 9d., and in 1921 it is 3s. 5½d. per gallon. This represents an enormous additional charge on all power purposes using internal-combustion engines, and it is no longer a matter of laisser faire, but of taking active steps to provide a cheaper substitute; the more so as it is not merely a question of price, but also of limitations in the world's supply of petrol.

The total petroleum production of the world is equal in quantity to about one-quarter of the coal output of the British Isles. Petroleum is thus by no means an abundant fuel as compared with coal, and the petrol forms only a small fraction of the petroleum. The increasing consumption of petrol in the United States has brought about a great decrease in the quantity available for export from that country, and in 1911 the United States Government reported that the probable life of the older fields was only about 35 years, allowing for the increasing demands. Considerable quantities are even now being imported into the United States from Mexico. New oil fields may be discovered, but it will take time to develop them, and by that time existing fields may have ceased to produce; meanwhile the demand will have increased far beyond the present requirements.

APPENDIX 6. Statement showing the quantities of grain and other materials used for production of distilled spirits

Years.	Malt.	Wheat.	Barley,	Rye.	Corn.	Oats.	Mill feed.	Molasses.	Other materials.	Dilute saccharine liquid.	Liquids containing one-half of 1 per cent or more alcohol by volume.	To	tal.
1991 1902 1903 1904 1905 1906 1906 1907 1908 1909 1910 1911 1911 1911 1913 1914 1915 1916 1917 1918 1918 1919 1918 1919 1918	3, 454, 778 3, 798, 578 4, 440, 315 2, 974, 853 3, 221, 399 3, 704, 740 4, 053, 262 4, 075, 991 4, 252, 583 3, 938, 735 2, 357, 449 4, 480, 588 4, 239, 677 573, 246 215, 072	Bushels. 24, 172 29, 391 32, 197 23, 915 12, 481 11, 366 21, 452 11, 756 6, 648 10, 316 21, 765 25, 505 2, 756 10, 582 4, 550 3, 373 2, 533	1,476 2,542 3,378 3,972 9,874 2,170 685 1,700 1,678 2,733 2,585 1,943 1,225 2,072 1,137 148	50,077	Bushels. 18, 887, 088 18, 473, 850 20, 597, 594 19, 149, 413 20, 592, 504 20, 001, 975 23, 474, 509 17, 383, 724 18, 080, 711 20, 547, 427 23, 247, 004 23, 016, 759 23, 847, 875 21, 315, 699 14, 259, 842 32, 099, 542 32, 099, 542 32, 099, 542 32, 099, 542 32, 099, 542 34, 541, 545 3, 890, 347 1, 657, 519 4, 810, 517	21, 114 33, 775 31, 235 25, 161 18, 898 16, 925 17, 301 12, 555 9, 840 11, 502 13, 172 13, 172 13, 172 15, 565 5, 650 9, 807 6, 730		Gallons. 3, 165, 390 12, 485, 276 15, 544, 360 18, 549, 406 20, 549, 553 22, 637, 582 25, 722, 926 28, 944, 703 33, 550, 024 42, 293, 073 44, 363, 133 61, 605, 281 64, 640, 976 64, 721, 265 80, 977, 474 112, 497 112, 497 112, 497 112, 497 112, 497 113, 132, 683 113, 132, 683 113, 132, 685 119, 032, 798	5,219 4,500 4,272 4,442 5,527 8,248 53,824 50,576 98,139 64,896 69,123 68,822 72,172 172,039 85,624	71, 164, 758 78, 462, 969 68, 527, 242		24, 146, 532 25, 688, 370 29, 327, 437 32, 767, 630 32, 777, 004 34, 039, 277 30, 679, 549 19, 138, 118 37, 48, 892 40, 669, 819	Gallons. 3, 165, 391 12, 485, 279 15, 544, 360 18, 549, 400 20, 549, 552 22, 637, 582 25, 722, 924 33, 530, 022 44, 363, 133 64, 640, 977 64, 721, 265, 640, 640, 977 64, 721, 265, 640, 640, 977 64, 721, 265, 640, 640, 977 64, 731, 482, 263 182, 460, 015 133, 300, 022 132, 460, 015 130, 133, 860

This statement includes materials used in the production of all distilled spirits. No record of materials used in the production of alcohol alone, covering period 1901 to 1920, is available.

APPENDIX 7.

[From Chemical and Metallurgical Engineering for November 29, 1922.]
PUNISHMENT FOR THE INNOCENT.

On November 6 the prohibition authorities at Washington issued a new ruling in regard to alcohol for rubbing purposes. Heretofore one of the principal denaturants for rubbing alcohols has been diethylphthalate. This is practically odorless, is a solvent for essentials oils, and makes alcohol completely unpotable. No one would want to drink it after his first "gulp." The new ruling, which goes into effect December 6, requires that besides this "the denaturer shall add to each 100 gallons of the two specified formulas (39-A and 39-B), as now authorized, three-eighths of a gallon of approved benzol of the quality specified."

Now, benzol is not odorless; it has a definite and unpleasant smell, and is a poison recorded as the cause of many deaths. Of course three-eighths of 1 per cent is very little, but some persons are remarkably sensitive to it. In our issue for September 20 we published an article on benzol poisoning, its occurrence and prevention. The author said that benzol may be absorbed through the skin, but he doubted if this mode of entry presents a serious hazard in industry. This referred to benzol

by itself. The mixture of benzol and alcohol, however, is more volatile than either of the two, and the solution will penetrate when benzol alone will not.

After diligent inquiry among the best authorities the only excuse we can get for the use of benzol in alcohol for this purpose is that it "probably" would not have a toxic effect in three-eighths of 1 per cent dilution. But this is far from a guaranty. Chemists familiar with the operation of tar distilleries tell us that mere contact with benzol frequently produces eruptions like boils on the skin. Dr. Alice Hamilton reported in 1916 that, from inhalation of the fumes alone, 14 new cases of acute poisoning and 7 deaths occurred. Here is a typical example of the effect on one who is sensitive: A benzol kettle had been empty 24 hours, was then washed out twice with steam, and permitted to stand filled with water overnight. As a workman went into the kettle a strong stream of air was blown through it. Nevertheless he was overcome by the fumes. He was rescued, but one of his fellow workmen who merely assisted at the rescue was also overcome and died within 10 minutes. Not only are persons supersensitive to this polson, but those in bad health have also been observed to be especially susceptible to its dangers. There are plenty of instances of a similar nature. Benzol poisoning is a serious industrial hazard. All nurses are trained to give patients an alcohol bath, espe-

All nurses are trained to give patients an alcohol bath, especially in cases of fever. Denatured with diethylphthalate it has been tried and found acceptable. But to add benzol with all its hazards to this universal solvent, when its potency is

increased by such a solution, and to threaten the sick and afflicted with its poisonous consequences, seems to us clear beyond the province of the prohibition authorities.

APPENDIX 8.

[From the Newark Evening News of January 16, 1923.] PERMIT CUT FOR CURB ON BOOTLEG ALCOHOL—SCORES OF DEALERS' LICENSES REVOKED, INCLUDING THAT OF LARGE PRODUCING PLANT—HOLIDAY DRINKS INFLUENCED MOVE.

Washington, January 17 (Associated Press).-Drastic curtailment of dealings in industrial alcohol has been decided upon by Federal prohibition authorities as the next step in their campaign to combat the illicit liquor traffic.

Orders have been issued for the revocation of scores of dealers' permits for the manufacture, denaturing, and distribution of alcohol for industrial purposes, among these being that issued to one of the largest alcohol-producing plants in the country.

Decision to withdraw the license of this plant and to refuse

to reissue dozens for which applications were pending was reached at a conference of prohibition enforcement officials attended by Acting Commissioner Jones and Acting Director Yellowley, of New York. It is understood reports submitted by Mr. Yellowley of his investigation into the sources of Christmas beverages had much to do with the order.

Mr. Yellowley is known to have secured evidence which convinced him the great bulk of this supply was of domestic manufacture with illegally diverted alcohol used as a base. Much of the alcohol was declared by prohibition agents to have been rerectified from stocks supposedly denatured in accordance with Government regulations.

Under the Federal prohibition enforcement act and department rulings the manufacture and distribution of alcohol for industrial purposes, under safeguards, is provided. Grain alcohol, denatured by the ordinary formula, is unsuited for use in many pharmacal and other industries in which alcohol is a necessary constituent. Such alcohol is poisonous, and by the new de-naturing formula recently adopted, the poison can not be removed by redistilling.

Distribution of alcohol denatured by nonpolsonous processes for use in industry and pharmacy, and for pure alcohol where denatured alcohol can not be used, is provided for by the law

through dealers properly licensed.

Investigation made by Mr. Yellowley in New York of recent supplies of bootleg "whisky" led to seizure of 3,500 gallons of redistilled alcohol and a number of stills which were designed for use in this operation. The New York director obtained evidence that much of this product was retailed under the guise of having been landed by rum runners.

Mr. JONES of Washington. Mr. President, I had hoped to get a vote on the pending motion to-day. I felt constrained to move to lay the motion on the table, but I do not want to do that except as a last resort. The Senator from Arkansas thinks we can reach a unanimous-consent agreement to vote on the motion at 1 o'clock to-morrow, with the understanding that we will have a morning hour to-morrow for the consideration of unobjected bills on the calendar after the routine morning busi-We will have an executive session to-night, and I hope we can reach that agreement.

Mr. STERLING. I want to say to the Senator from Washington that there is a bill on the calendar which will not be reached on a call of the calendar in the ordinary way which I think is of more importance than anything else on the calendar. I refer to the reclassification bill. Since various and impor-tant amendments have been proposed, that bill will probably be in conference for some time after it passes the Senate. I hope that any order entered into or any understanding that is reached will take that measure into consideration.

Mr. JONES of Washington. I agree with the Senator that it ought to be taken into consideration, and I want to expedite the business of the Senate so as to get all these bills taken up. I would be glad to have a vote on the pending motion now if we

Mr. SMOOT. Mr. President, may I ask unanimous consent, then, that we hold a night session to-morrow night, beginning at 8 o'clock for the consideration of the reclassification bill, no business to be considered other than that?

The VICE PRESIDENT. Is there objection?

NORRIS. Mr. President, I dislike to object, but I do not believe that we will be able to get the reclassification bill passed even if we have a night session. I understand there is no hope of the reclassification bill becoming a law at this ses-

Mr. SMOOT. I do not think the Senator should say that. I know it has been stated in the papers that there is some feeling in the other Chamber-

Mr. NORRIS. I think the feeling the Senator says he has heard exists in the House is justified. This bill was passed by the House a good while ago, and it is asking a good deal to expect the House to accept as a substitute a different bill when we send it over there just on the eve of adjournment.

Mr. SMOOT. I want to say to the Senator that the principle of the bill as it passed the House is practically the same as that of the substitute which we have reported, with the exception of the rates of compensation, and the rates fixed by our committee were fixed in conformity with a classification that has already been made under Executive order. I do not think any of the employees of the Government are complaining about it. The leaders of the organizations desire its passage the way it is now drawn, and I will say to the Senator from Nebraska that it would be a physical impossibility to carry out the classification fixed by the House.

Mr. NORRIS. The Senator need not argue on the House

bill to me. I do not claim to be posted on either of the bills. In fact, there are very few Senators who are, and that is one reason why I think it is going to be an impossibility to get such a measure through. The House passed a bill, and the such a measure through. The House passets bill. It is Senate committee has reported an entirely different bill. It is a complete substitute for the bill as it passed the House. expected to have both Houses agree to that substitute within the few days that are left, as well as handling the other large amount of business that remains to be disposed of?

Mr. SMOOT. I think the House will agree. any reason why they should not agree. If the bill is explained to any Senator or any Representative, I think there will be no question that any man who wants a reclassification of the salaries of our employees will see the advantage of the Senate committee bill.

Mr. NORRIS. I am not contradicting the Senator, but the Senator must realize that here are two great bills, both of them long, and the Senate committee has taken a position against the position taken by the other House. I assume they are just as conscientious in what they have passed as we will be if we pass the substitute bill.

Mr. ROBINSON. Mr. President, may I make a suggestion to Senators? No progress is being made. The Senator from Washington submitted one unanimous-consent request, and while that was pending the Senator from Utah submitted a second unanimous-consent request. Let us take them up one at a time. Let us dispose of the request of the Senator from Washington.

Mr. JONES of Washington. May we not agree to take a vote

on the motion at 1 o'clock to-morrow?

Mr. ROBINSON. I am in hearty accord with the proposal of the Senator from Washington that we should take a vote on the pending motion, with a view of getting rid of the ship subsidy bill. We have known for three or four days that the bill is dead, and yet the corpse seems to appear at intervals to frighten us and rattle its bones, to the amazement of Senators. We ought to get this cadaver out of the Senate and take up a live subject of legislation. I hope there will be no objection to the request of the Senator from Washington.

Mr. JONES of Washington. Can we not agree that we will take a vote on the pending motion at 1 o'clock to-morrow?

Mr. STERLING. That request does not involve anything

Mr. JONES of Washington. It does not.

Mr. STERLING. I do not object, then. Mr. JONES of Washington. I submit a request that we vote on the pending motion at 1 o'clock to-morrow, without any other condition.

The VICE PRESIDENT. Is there objection? The Chair

hears none, and it is so ordered.

Mr. JONES of Washington. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

BALTIMORE & OHIO RAILROAD SIDING IN THE DISTRICT.

Mr. BALL. Mr. President, last week I entered a motion to reconsider the vote by which the Senate concurred in the amendment of the House to the bill (S. 3083) authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracks in the city of Washington. If there is no objection, I ask leave to withdraw my motion to reconsider the vote.

The VICE PRESIDENT. Is there objection?

Mr. WILLIS. Mr. President, I do not object, but since there was objection yesterday by the Senator from Arkansas, I think I ought to state that in the meanwhile I have made a personal investigation of the situation, and I do not believe that the

enactment of the bill into law will injure the hospital, because the proposed coal yards are a very considerable distance away, and I think the request of the Senator from Delaware ought to be granted.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the motion to reconsider is withdrawn.

CAPT, NORMAN RANDOLPH.

Mr. LODGE. Mr. President, when we last took up the calendar for action on unobjected bills the Senator from Montana [Mr. WALSH] called for the reading of the report on the bill (H. R. 14317) granting permission to Capt. Norman Randolph, United States Army, to accept the decoration of the Spanish Order of Military Merit of Alfonso XIII. It is a bill granting permission to accept a decoration, and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That Capt. Norman Randolph, United States Army, be authorized to accept the decoration of the Spanish Order of Military Merit of Alfonso XIII, tendered by His Excellency the Count of Vinaza, the ambassador of Spain at the Peruvian Centennial, and that the Department of State be permitted to deliver the decoration to Capt. Norman Randolph, United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. R. S. ARERNETHY.

Mr. LODGE. I report back favorably from the Committee on Foreign Relations the bill H. R. 7267, granting permission to Mrs. R. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the bust of Bolivar, and I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That Mrs. R. S. Abernethy, of Lincolnton, N. C., be authorized to accept the decoration of the bust of Bolivar tendered by the Government of Venezuela to her brother, Lieut. Commander Rufus Z. Johnston, United States Navy, and that the Department of State be permitted to deliver the decoration to Mrs. R. S. Abernethy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed,

PROPOSED UNANIMOUS-CONSENT AGREEMENT.

Mr. JONES of Washington. Mr. President, I desire to submit another unanimous-consent agreement. It is that when the Senate concludes its business to-day it adjourn until 11 o'clock to-morrow, and that after the routine morning business is disposed of to-morrow we shall proceed to consider the calendar for unobjected bills, beginning where we quit on the last call of the calendar, and if we get through with the calendar before the conclusion of the morning hour that we commence at the beginning of the calendar and go to the point where we started.

The VICE PRESIDENT. Is there objection?

Mr. GOODING. I object.

The VICE PRESIDENT. There is objection.

QUINCY R. CRAFT.

Mr. NORRIS. Mr. President, I want to submit a request for unanimous consent, but before I do so I wish to make a brief explanation.

A year or two ago in the Agricultural appropriation act there was a provision which provided for the erection of buildings on forest reservations. I think I can state the proviso almost verbatim, as follows:

Provided, That no building shall cost more than \$650: Provided further, That a building erected on the nursery grounds of the Nebraska Forest Reserve may cost not to exceed \$1,000.

On the strength of that appropriation the Agricultural Department in the regular way constructed a nursery building. It cost \$996 and some cents. They did it after they had been advised by the attorney in the Agricultural Department that they had authority to do it and did it, as I understand, before the beginning of the fiscal year for which the appropriation was made. When the official who expended the money came to was made. When the official who expended the money came to settle, the Comptroller of the Treasury refused to allow in his account for that building anything in excess of \$650. Secretary of Agriculture has told us that the settlement of the account of this official is now adjusted and complete with the exception of the one item. As a matter of fact he has left the service at the present time.

Unless the bill which passed the House and which rectifies the mistake, which does not seem to me to have been a mistake at all, is passed by the Senate, the department can not allow that item of \$346 and some cents and the gentleman

will have no redress unless he could get a claim bill through Congress. Therefore I ask unanimous consent for the present consideration of Calendar No. 1200, the bill (H. R. 10677) for

the relief of Quincy R. Craft.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to Quincy R. Craft, chief of office and fiscal agent. Forest Service, Department of Agriculture, the sum of \$346.71, being the amount disallowed by the accounting officers of the Treasury in his account covering expenses incurred in the erection of a building at the Bessey Nursery of the Nebraska National Forest.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SCHUYLER WOODRUFF.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1157, the bill (S. 4500) authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army.

The VICE PRESIDENT. The bill will be read for the in-

formation of the Senate.

The reading clerk read the bill.

Mr. SMOOT. I would like to have an explanation of the bill.

Mr. REED of Pennsylvania. In explanation I will state very briefly that this is the case of an officer who had resigned as the result of an attack of neurasthenia after he had been in the service continuously for 18 years. The War Department recommends him as an entirely efficient and capable officer and states that his reinstatement would be ordered except for a change of policy which took place just a day or two before his application for reinstatement. Until the end of the year 1921 in cases of this sort it was done as a matter of routine. It seems that it is a very deserving case where the United States ought not to withhold permission for the applicant to be reinstated.

Mr. SMOOT. How long has he been out of the Army? Mr. REED of Pennsylvania. About a year and a half.

Mr. SMOOT. During that time what has he been doing? Mr. REED of Pennsylvania. During that time he has been endeavoring to raise apples across the river in Virginia with a conspicuous lack of success. The War Department certifies to his present efficiency and entire capability. Of course, he loses his numbers because of his withdrawal from the Army. and we do not propose to reinstate him in that respect.

The VICE PRESIDENT. Is there objection to the present

consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, as follows:

Be it enacted, etc., That the President be, and hereby is, authorized to appoint William Schuyler Woodruff, formerly a captain of Infantry, United States Army, an officer of Infantry, United States Army, to be placed on the promotion list as provided by section 24a of the act of June 4, 1920.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time. and passed.

AGREEMENT FOR ADJOURNMENT.

Mr. CURTIS. -Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it adjourn until 11 o'clock to-morrow morning.

Mr. LODGE. Have we not already agreed to adjourn at the close of the session to-day?

Mr. ROBINSON. No; we have not. The only agreement entered into was to take a vote upon the pending motion at 1 o'clock to-morrow.

Mr. NORRIS. What is the request?

The VICE PRESIDENT. That at the conclusion of to-day's business the Senate shall adjourn until 11 o'clock to-morrow morning. Is there objection? The Chair hears none, and it is so ordered.

ADDRESS BY SENATOR OWEN.

Mr. SHEPPARD. Mr. President, I present an address by the senior Senator from Oklahoma [Mr. Owen] to the Democrats of Michigan, which I ask may be printed in the Record in 8point type.

There being no objection, the address was ordered to be printed in the RECORD in 8-point type, as follows:

ADDRESS OF HON, ROBERT L. OWEN, UNITED STATES SENATOR, TO THE DEMOCRATS OF MICHIGAN, AT DETROIT, MICH., FEBRUARY 22, 1922, AT A DINNER IN HONOR OF HON. W. N. FERRIS, SENATOR ELECT, AND ROBERT CLANCY, CONGRESSMAN ELECT.

Ladies and gentlemen, it gives me great pleasure to join with you to-day in paying honor to our splendid Democratic Senator elect, Hon. Woodbridge N. Ferris, to our brilliant new Democratic Congressman, Robert H. Clancy, and to the Michigan Democracy. All Democrats love the name of Washington, Jefferson, Jackson, and Lincoln, who first promoted the great principles of our party.

The Democrats of America have had a glorious record of accomplishment in advancing the liberty, prosperity, and hap-

piness of the people.

It was the Democrats, under Thomas Jefferson, who demanded and secured the first 10 great amendments to the Constitution of the United States, declaring as fundamental principles thereof freedom of speech, freedom of religion, freedom of the press, the inalienable right of every man to life, to liberty, to the pursuit of happiness, to a trial by jury, to summon witnesses in his behalf, to immunity from a second trial for the same offense, and from unreasonable searches and

It was the Democrats who, under Thomas Jefferson, advo-

cated universal manhood suffrage.

It was the Democrats that demanded and carried into effect the public education of the people and built up the common

The advance of liberty, the education, the intelligence of the people, has been steadily fostered and promoted by the Demo-

crats of America.

The Republican Party was also based originally on Jeffersonian In 1860 it overthrew the leaders of the Democratic principles. Democratic Party who had become the advocates of negro slavery. In a few years, however, thereafter every selfish interest that wished to use the powers of Government for private advantage gradually attached itself to the Republican Party, courted its leaders, became busy in its organization, contributed to its elections, promoted its nominations, and steadily obtained an increasing influence in its management. pily it seems to be the history of all long-dominant parties

When in 1912, after many years, it became obvious that an invisible government of organized commercial and financial selfishness had gained control of the organization of the Republican Party and of the governing powers of the people of the United States, the spirit of democracy, that sleeps but never dies, arose in the hearts of the Progressive Republicans, under the leadership of Theodore Roosevelt, and by this revolt there was given to the Democratic Party its first real opportunity since the Civil War to demonstrate that it had, through tribula-tion, come back to the true principles of Democracy of Jefferson, of Jackson, and of Lincoln, and magnificently the Democratic Party responded. It was assisted on many occasions by patriotic Progressive Republicans.

The Democratic Party in 1913 obtained control of the Presidency under Woodrow Wilson and both Houses of Congress, and put through a magnificent program of progressive legislation.

It lowered the tariff from a monopoly tariff to a true revenue tariff, affording all the protection honestly needed.

It put the necessaries of life on the free list under Democratic management; it removed unjust tariff discriminations, and by lowering the tariff stimulated our imports and our ex-(38 Stats, 114, Oct. 3, 1913.) Our foreign commerce increased from four billions in 1913 to ten billions in 1919. Let Democrats always keep in mind that by logical necessity ultimately imports measure exports and exports measure imports.

It established the Tariff Commission (39 Stats, 795), to take the tariff out of politics and deal with it strictly as a business

matter.

PROGRESSIVE INCOME TAX.

It placed the taxes on those best able to pay the taxes, and from whom taxes were more justly due. It took the tax from the backs of the consumers and placed it upon incomes, by the progressive income tax, so that those who could pay the cost of the Government without distress should do so. (39 U. S. Stats. 756, Sept. 8, 1916.)

It passed a progressive-inheritance tax, so that the wealth of the country should pay for its own protection. (39 Stats.

1091, Mar. 3, 1917.)

It passed the excess-profits tax, to compel those profiting by war conditions to meet the larger part of the cost of war. Stats. 1000, Mar. 3, 1017.)

It passed the war-profits tax for the same reason. Stats. 1088, Feb. 24, 1919.) (40

THE FARMERS.

It made a resolute effort to benefit the farmers of the country and to improve our agricultural output. For instance

It passed the farm loan act, enabling the farmers of the country to obtain cheap money on long time from the investing public through nontaxable farm-loan bonds. Over \$700,000,000 have been loaned to farmers, and under this system ultimately the farmers of the country will get nearly all the money they require at the cheapest rates. (39 Stats. 360, July 17, 1916.)

The farm loan act had the effect of compelling land-mortgage banks to lower their interest rates, and thus has been of great value to the farmers.

The Democratic Party passed the Smith-Lever agricultural extension act, under which the vast knowledge acquired by the Agricultural Department in agriculture, horticulture, animal industry, bee culture, farm economics, canning and preserving foods, raising poultry, etc., has been put at the service of every farmer and every agricultural county in America by trained men and demonstration farms. (38 Stats. 1086, Mar. 4, 1915.) It should not be forgotten that it was the Democratic Party

that established the Agricultural Department.

The Democratic Party passed the good roads act and appropriated millions to build, by cooperation with the States, hard-surfaced roads connecting the farms with the cities, to the advantage of both (20.5 MeV. July 1987).

vantage of both. (39 Stat. 355, July 11, 1916.)

The Democratic Party inaugurated and vigorously expanded the rural route system-delivering mail to the farms

It built up the parcel post system, carrying parcels to and from the farm, and to and from the cities. Do the American people or the farmers want any of these acts repealed?

What has the Democratic Party done?

LABOR LAWS.

It has shown its deep desire to serve those who labor.

It established a Department of Labor; has developed it; has made it useful in steadily improving the conditions of life for those who labor. (37 Stats. 736, Mar. 4, 1913.) It has established employment bureaus to bring the man and the job together. It helps to settle disputes between labor and capital. It has developed the Bureau of Mines and the Bureau of Standards. Each bureau of very great value.

It passed the child labor act, to prevent employers from denying children their right to be educated, and to have some of the

freedom of youth. (39 Stats. 675, Sept. 1, 1916.)

It passed the eight-hour law—one of the great accomplishments desired by organized labor. (39 Stats. 721, Sept. 3, 1916.)

It passed laws providing for the minimum wage.
It passed the workmen's compensation act, for accidents and death in industry. (40 Stats. 961, Sept. 13, 1918.)

It exempted combinations of laborers and of farmers from

the inhibitions of the antitrust act.

It passed a great act declaring that "labor is not a commodity." This act is regarded as a Magna Charta for labor, and forbids labor, consisting of human flesh and blood, to be handed

about as a chattel. (38 Stats. 731, Oct. 15, 1915.)

It passed an act providing for vocational instruction and is engaged now in giving vocational instruction to many of our young soldiers returning from abroad who have sought this

advantage. (39 Stats. 929, Feb. 23, 1917.)

It passed the seamen's act to give liberty to those who labor on the high seas, to put an end to the slavery practiced on sailors, to provide better conditions of life at sea, and safety at sea for the sailors. This legislation has been of very great value in raising the wages of sailors and making the profession more attractive to young men. It was a necessary step in order to provide self-respecting men who would be needed for the great merchant marine which the Democratic Party desired. (38 Stats. 1164, Mar. 4, 1915.)

MERCHANT MARINE.

The Democratic Party built up a gigantic merchant marine, with 10,000,000 tons of shipping, big enough and strong enough to take our commerce and our flag to every port in the world. This alone is a monumental service to the American people.

MONOPOLIES

It dld many things to abate the evils of monopoly.

It passed the Clayton Antitrust Act, providing various means with which to check the practice of monopoly. (38 Stats, 730, Oct. 15, 1914.)

It established the Federal Trade Commission, with authority to suppress unfair practices in commerce. The Federal Trade Commission is destined, by its example, by its policies, and by its work, finally to teach the American people how to control the abuses of monopoly and of profiteering. (38 Stats. 717, Sept. 26, 1914.)

The greatest of all monopolies in America was the monopoly of money and credit, known as the Money Trust.

FEDERAL RESERVE ACT.

The Democratic Party passed the Federal reserve act, established 12 credit centers, with 12 great Federal reserve banks under the control of the Government of the United States through the Federal Reserve Board, so that any citizen having sound credit, based on commodities or on actual commercial

transactions, could have his note underwritten by his local bank and get money from the Federal reserve bank. This act took from the Money Trust the monopoly of credits (38 Stats. 251, Dec. 23, 1913) and put the power over credit under the control of United States Government officials.

This act has enabled the 25,000 banks in the United States to accommodate our national commerce without asking permission of any private monopoly. This act has made financial panies impossible. It has given great stability to the banks and to credits. Under this act in eight years the resources of the banks have increased from twenty-five bill ons to fiftysix billions. Not a single national bank failed in 1919.

This act enabled the United States to finance Europe to organize and conduct and to win the greatest war in history.

The Democratic Party developed the postal savings banks for the accommodation of those timid people who do not deal with the banks but are willing to trust their deposits with the Government, and their deposits are thus made available for the banks. Under these acts the banks of the United States have had the greatest prosperity in their history and at the same time have substantially lowered the rates of interest to American business men

It has passed many acts improving the Public Health Service for the conservation of human life.

POPULAR GOVERNMENT.

It has done many things to promote popular government. It was due to the Democratic Party and the Progressives that the direct election of United States Senators was put into the Constitution. This amendment has made the Senate of the United States more responsive to the opinions of the people, and will make it still more responsive than it is now.

The Democratic Party democratized the committees of the United States Senate by giving the committees control of the

chairmen and of conferees.

The Democratic Party established modified cloture in the Senate so that a few men could not by unlimited debate permanently defeat the will of the Senate itself. (1917, vol. 55,

It passed an act forbidding bribery in elections.

PEACE TREATIES.

It negotiated peace treaties with all the important nations of the world except Germany, Austria, Bulgaria, and Turkey, who wanted war-and got it.

IT CONDUCTED THE WAR TO VICTORY.

It kept this Nation out of war until it became clear that the liberties of America and of the world were in jeopardy from the aggressive conduct of the Teutonic allies. When war bethe aggressive conduct of the Teutonic allies. When war became necessary for the protection of the honor, the dignity, the liberties of the American people, the Democratic administration organized the Council of National Defense; organized the Nation for war, down to the very crossroads; passed the declaration of war and the great war measures; established the War Industries Board, the War Trade Board, and the food and fuel control; financed the entente allies; passed the war marine in-surance act; set up the War Risk Insurance Bureau; organized over 30,000 four-minute men; called to the colors 10,000,000 Americans; raised an army of over 4,000,000 men; expanded the Navy and merchant marine; provided the munitions of war; trained and transported the required forces to Europe; protected them from disease and vice as far as humanly possible; broke up the German submarine campaign; crumpled the lines of the German troops in France; crushed the morale of the Teutonic forces and compelled their military leaders to beg for an armistice, in effect an unconditional surrender, thus saving the civilization of the world from the greatest miltary menace in the history of mankind. (39 Stats. 649; 38 Stats. 711.)

PROGRESSIVE REPUBLICANS.

We should not fail to express our respect for the patriotic Re-publicans and citizens of other parties who loyally cooperated in winning this Great War and our gratitude to those Progressive Republicans who cooperated with the Democrats in the great legislative program of the six years of Democratic con-

The Democratic Party passed the "selective draft act," by which rich man and poor man, educated man and ignorant man, Protestant and Catholic, Jew and gentile, black and white. took their position side by side on the battle line or in the service of the country where each was best fitted to protect the liberties of their common country. Never was a more democratic act passed. No man was permitted by law to buy a substitute with money, but every man's life and service was put upon a basis of equality in the defense of his country. (40 Stats. 76, May 18, 1917.)

What man had the impudence to question the "Americanism" of the Democratic Party in all these great accomplishments? What is "Americanism" if it be not the great policies which the Democratic Party have put into execution when it stamped out sedition at home, whipped the enemies of liberty abroad, and made America the commercial, financial, and moral leader of all the world, so that all great nations do homage to the United States, and small nations, when they bend their heads in prayer, pray God to bless the American people? America has become the beacon light to all mankind, and no narrow partisan can hide this light under a bushel or question the glorious Americanism of the Democratic Party.

Under the War Risk Insurance Bureau was written insurance

for our soldiers abroad of \$40,000,000,000, and under our war marine insurance act American commerce was protected with-

out loss to the Government.

The Democratic Party passed the War Finance Corporation act for the protection of our business men under the extraordinary interruption and stress of war.

passed the capital issues act in order to safeguard all credits of the country and make them available for war. (40

Stats. 512, Apr. 5, 1918.)

It organized the Red Cross movement down to the crossroads, and in this Great War enterprise the Democratic Party gladly availed itself of the patriotism of citizens of all parties.

TWO GREAT AMENDMENTS-WOMAN'S SUFFRAGE; PROHIBITION.

By the combined efforts of the progressive men in both parties two great amendments to the Constitution of profound social and moral significance have been passed-woman's suffrage and prohibition. Of still greater importance is the fact that these great reforms were due to the progressive men and women in the homes of America.

THE ELECTION OF 1918.

Before the Great War had terminated successfully there came on the election of 1918, in which the party lost many votes because men who were aggrieved by the conduct of the war, by the selective draft act, by the operation of the Army and Naval forces: many men injured by the priority orders and the conduct of the railroads where the administration had to give the right of way for war purposes; many men injured by the Government commandeering materials and men; many men hurt by the sudden rise in prices, due to the Government competing for men in the shipbuilding yards and in munition plants; many offended by high taxes and by the extravagance and waste of war visited their displeasure on the Democratic Party.

Many men of German blood or of German sympathy

resented the United States going into war.

Many men who opposed war as a principle were either turned against the Democratic Party or their devotion to the party was weakened.

There was a general disposition to blame somebody, and the

Wilson administration was the victim.

The Democratic Party, with its leading men intensely occupied with the winning of the war, was in no position to present the accomplishments of the Democratic Party to the people of

Moreover, in 1918 the United States had the extraordinary affliction of "Spanish influenza," which killed in that year 447,000 of our people, and over 380,000 of them died in the fall Under the advice of physicians political meetings of 1918.

were forbidden.

Was it any wonder the Democrats lost both Houses? Moreover, the result of the war was still unknown. It is now generally conceded that the President's famous preelection letter allenated many liberal or Progressive Republicans and vitalized those who were partisans to strenuous activity in resentment of what they construed to be an affront and lack of appreciation of their loyalty in supporting the war activities of the administration.

Mr. Chairman, I wish it might be truly said that none of our people during the Great War, either Democrat or Republican, had made any mistakes in the management of the war in the Army or Navy, or of the railroads, or of the telegraph or telephones, or of any of the Government's affairs [Republican and Democratic citizens were almost equally divided in these activities, but the percentage of errors and wrongs was very small considering the magnitude of our operations in the warl: but I can truly say that the record of accomplishments in the six years of complete executive and legislative control by the Democratic Party is the most magnificent ever made by any party in any country.

The Democratic Party found the United States in depression

in 1913, threatened with a panic. The New York banks de-

clared in the summer of 1913 that they did not expect to be able to furnish the money to move the crops in the fall, and the country banks were advised not to expect the customary rediscount privileges. The Democratic administration thereupon furnished the money out of the United States Treasury to move the crops and repeated the same operation in 1914, and, after six years of Democratic management the country was brought up to a condition of the greatest prosperity in its history

No party in history ever deserved better of the people than

the Democratic Party in 1918.

THE PEACE TREATY.

Our President, whose leadership and whose sympathies were behind the record of the last six years, went to Paris and brought back a world peace treaty, establishing peace among all the nations of the world, by which all the nations of the world pledged themselves to respect and preserve the territorial integrity and political independence of other nations; to settle all international disputes by conciliation, arbitration, and peaceful adjustment; to end competitive armament; to coerce any outlaw nation again attempting to deluge the world in blood by a world-wide economic boycott and by such pressure as should be necessary to restore order.

After many months of study and acrimonious debate the treaty of peace at last had four-fifths of the Senate either in favor of it without amendment or with reservations that, after

all, did not seriously change its meaning.

Acrimonious partisanship defeated the entry of the United States into the league, at least temporarily, but the covenant of the League of Nations ushers in a new democratic era in which all the great nations have agreed that all just government is based on the consent of the governed.

The monarchies and autocracies are crushed. The democracies of earth are completely and overwhelmingly triumphant

throughout the whole world.

It was the Democratic Party that organized the American people into a fighting force which protected the liberties of man-kind and overthrew on the battle fields and destroyed the military dynasties of Prussia, Russia, Austria, and so forth, the immemorial enemies of democracy. All of these countries have done with the rule of the few by divine right, and in them are being organized now peaceful, productive democracies will add to the stability and prosperity of mankind.

Democracy means the rule of the people, and the rule of the people means just what Abraham Lincoln said, "A government of the people, by the people, and for the people."

It will be a government for and of the people if it is a government truly by the people. To have a government by the people, the people must have a right to really nominate their representatives who shall write and who shall execute the law.

This means a democratic mandatory primary.

The primary makes necessary the publicity pamphlet, printed at public expense, giving the arguments for and against men and measures and sent to every voter 60 days before election.

The people must have the right to select their representatives without fraud and corruption, and this means a democratic thorough-going corrupt practices prevention act.

They must have the right to a secret ballot so as to prevent intimidation, and this means the Australian or democratic se-

cret ballot.

They should have in a highly organized government adequate minority representation, and this means proportional representation, so that minorities are not submerged, denied a hearing, or ignored. This means democratic proportional representation.

The people in selecting their representatives should not be confused with a ballot so long and complicated that they can not determine the merits of the candidates presented. For this reason the short ballot is one of the most valuable instruments

of modern democracy.

The minority should be heard but should not be allowed to throttle and veto the will of the majority. For this reason cloture in the United States Senate is democratic and should be demanded so that a minority may not veto the majority through the parliamentary abuse of so-called unlimited debate, by which a few men can talk any measures to death which the majority desire.

The representatives of the people should have the right as soon as elected to meet and pass the laws and make effective at once the will of the people. Therefore, a Congress which is discredited should no longer be allowed to meet and pass the laws as at present is done, but the new Congress should be im-mediately assembled and the old Congress immediately dissolved in order that the will of the people may be promptly made effective.

In order that the President of the United States may give his heart and soul to the public interest, unmoved by ambition or the selfish advice of his Cabinet and of his tens of thousands of cooperating officials, he should be limited to one term, preferably six years. In this way a President and the officers about him would not conduct their office with a view to their reelection but with a view to serving the best interests of the people.

In order that the Constitution of the United States be made more completely an instrument through which the people might rule, it should be made more easily amendable, permitting amendments to be proposed by a majority of the two Houses or by a two-third vote of either House and made effective by a majority vote of the congressional districts through the majority vote of the voters voting in each congressional district. At present, a minority of the House or of the Senate or a minority of the States may veto the will of a majority of the House, of the Senate, and of the States, because it takes a twothird vote of the House, a two-third vote of the Senate, and a three-fourth vote of the States to pass a constitutional amendment.

I rejoice that women have been given an equal vote with men. This is fundamental, genuine democracy. It gives a woman a more nearly equal chance to earn her living by equal work with man. It gives her the liberty to which the mothers of with man. It gives her the liberty to which the mothers or men have a fundamental right. It brings into the party service a new vision of what the laws ought to be in order to make the home safe and comfortable. The woman thinks in terms of the safety of the house, of the police protection of the home, of the sanitation of the home, of the cleanliness of the streets, of the proper disposition of the refuse from the home, of pure food proper disposition of the refuse from the home, of pure vater for the home. She thinks of the children, of their safety, of their proper schooling, of their proper clothing. She thinks in terms of the family purse, of the cost of living, of what she has to pay for food and clothing. and furniture and rent, and all these vital factors have everything to do with the welfare and the happiness of mankind, She thinks in terms of decorous, moral, clean living. She thinks of the conduct of public officers from the standpoint of morality as well as efficiency. Her views will help to make clearer the views of men in framing the difficult structure of government.

Women will resent the heartless policy of deflation that caused the terrible depression of 1920-1922. When the Republicans organized the new Congress on May 19, 1919, they put on a policy of deflation. They caused the Federal Reserve Board to demand deflation of credit by the banks.

Obviously the purpose was to make the dollar buy more and commodities and labor buy fewer dollars. It was a policy to benefit the rich creditor class and to hurt the debtor class.

The Republicans assumed full responsibility in the McCormick Senate resolution of May 17, 1920, in their national platform, and in Senator Harding's speech of acceptance July 22, 1920.

This resolution, passed May 17, 1920, was as follows:

"Resolved, That the Federal Reserve Board be directed to

advise the Senate what steps it proposed to take or to recommend to the member banks of the Federal reserve system to meet the existing inflation in currency and credit," and so forth.

REPUBLICAN FALSE PRETENSES.

Immediately after the Republican national platform of 1920 declared, under the false pretense of lowering the cost of living,

"We pledge ourselves to an earnest and consistent attack upon the high cost of living by rigorous avoidance of further inflation in our Government borrowing and by courageous and intelligent deflation of our overexpanded credit and currency.'

Mr. Harding, in his speech of acceptance of the Republican nomination, July 22, 1920, said:

"Gross expansion of currency and credit have depreciated * Deflation on the one hand and restoration of the 100-cent dollar on the other ought to have begun on the day after the armistice. * * * We pledge that earnest and consistent attack which the party platform covenants. We will attempt intelligent and courageous deflation and strike at Government borrowing, which enlarges the evil."

In other words, the Republican Party assumed absolute responsibility for deflating credit and currency on the false pretense of lowering the cost of living, whereas the purpose was to increase the purchasing power, not of the transitory dollars received for wages and for agricultural and manufactured commodities, but to increase the purchasing power of the dollars permanently invested in bonds, mortgages, and bank stock, while the demand was being made to cut down the number of dollars to be received for agricultural and manufactured commodities and for wages. Yet the monopolies could artificially maintain the high prices for commodities they controlled.

From this false policy has arisen the conflicts, in large measure, between capital and labor, the railroad and coal strikes,

and textile strikes.

The deflation demanded by the Republican platform and Republican lenders has not served to really lower the cost of living, but to diminish production and bring on a terrible de-

DEFEATION CAUSED PANIC.

Under the policy of deflation the bank deposits of the national and State banks were deflated from 1920 by September 21, 1921,

The Federal Reserve Boards contracted their loans over \$2,000,000,000, and the contraction of Federal reserve notes and Federal reserve bank notes by September 21, 1921, had diminished \$1,060,000,000-a total of over \$6,000,000,000 of credit deflation, with a shrinkage of private credits unrecorded in the banks of a still larger amount, with the result that the value of agricultural commodities, of manufactured goods, suffered a tremendous deflation, bankrupting hundreds of thousands of people, farmers, stock growers, dealers, manufacturers, and so forth, and causing the ruin of many banks, and bringing on in 1921 and 1922 one of the most painful and injurious industrial depressions from which we have ever suffered.

The expansion of credit to meet the cost of war was justified and should not be stigmatized as inflation or violently deflated. The people are ruined when sudden and violent deflation is forced on them. The reserve act was framed to stabilize; not

destabilize; credit.

From 1913 to 1919 the Democrats brought great prosperity. From 1919 to 1922 the Republicans produced a profound indus-

trial depression.

After all, the great modern problem is to pursue a policy which shall engage all of the productive energies of men and women efficiently, and produce abundantly and distribute economically the things which men need-commodities, building materials, clothing, food, transportation, literature, art, and articles of luxury, for all these things men need and desire:

We have built up in America through gigantic corporations very great productive companies in steel, metals, building materials, textiles, transportation, and so forth. Some of these great enterprises pursue the policy of limiting production in order to obtain a high percentage rate of profit on turnover, and some use unfair practices by which they break down opposition and destroy the independent producer and distributor.

It would be better even for predatory monopolies and of course for honest big business, as well as for the producers and consumers, to end the abuses of uncontrolled private monopoly.

We should require all interstate corporations dealing in the necessaries of life to take out a Federal license under conditions that will assure their obedience to the antitrust law and the regulations of the Federal Trade Commission affecting fair practices in commerce.

The Federal Trade Commission should be expanded, its powers enlarged, and men put and kept on it who are known to be at heart opposed to unfair practices. It should be intrusted with the civil and criminal prosecution of those who violate the antitrust laws. It should have its own attorneys for this purpose:

The antitrust act should be put under the administration of the Federal Trade Commission and taken out of the Department of Justice so as to concentrate this service and make it more efficient.

The stock and commodity exchanges should be put under Government control, and an adequate act governing the issuance of securities should be passed to prevent frauds on the public by worthless securities.

The tax laws should be revised and simplified to prevent

evasion of taxes and to place the taxes equitably.

The Federal reserve act should be so administered as to give stability to credit and to prevent either inflation or deflation as far as the Federal Reserve Board and the Federal reserve banks have the power.

The farm loan act should be strengthened, simplified, its ad-

ministration greatly expanded along liberal lines.

Freight and passenger rates, telegraph and telephone rates should be based on the actual capital invested, and a thorough valuation made under a new administration with a change of personnel to assure a new and correct valuation of these prop-

It is of supreme importance that the personnel of boards having great power in the administration of the law should be composed of men known to be free from undue corporate influence.

There should be worked out a thoroughgoing bill providing for national and State systems of cooperative marketing and warehousing.

Special facilities should be afforded for chartering cooperative buying and selling societies to eliminate waste and develop profit sharing in industry, giving such societies the right to manufacture as well as to buy and sell.

The late tariff act should be amended so that no tariff tax should exceed the actual difference in the cost of production

at home and abroad.

The Tariff Commission should administer the tariff under the principles laid down by Congress, including reciprocity with all nations as a means of marketing our surplus products, stimulating our home production, and enabling other nations to build up credits in America by the shipment of their com-modities to our shores with which to buy our commodities, and with which to pay us the vast indebtedness growing out of the late war.

The output of modern machinery is so enormous that all the world can be supplied with clothing, with shelter, with food, with entertainment, and with luxury if the energies of men are applied during reasonable hours and the profits of labor

efficiently and fairly distributed, The processes of justice of the courts should be made swift and economical. This involves a thorough overhauling of our

judicial system with this end in view.

The education of the people should be vigorously pressed in every possible way by stimulating the public schools, colleges, universities, the press, the pulpit, the forum, the moving pictures, and so forth. The people will do the rest,

We should no longer regard America as isolated, separate, and apart from the world. We should no longer permit ourselves to be misled by the stupid talk of entangling alliances, but America should actively cooperate with the other great free nations of the earth in making effective the principles of the League of Nations. We should express our approval of its principles. We should, with such reservations as Congress may We should express our approval of its impose, adhere to this league. America should lead in a determined effort to abolish international ignorance and hate, because America has become at last the financial and the commercial leader and should now become the moral and the spiritual leader of mankind:

The Democracy of America has now a great opportunity to make still more glorious the great Democratic principles of justice and liberty in America and throughout the world. The God of Democracy is a spirit, and they who worship Him must

worship Him in spirit and in truth.

STANDARDS FOR FRUIT AND VEGETABLE CONTAINERS.

Mr. McNARY. Mr. President, I ask unanimous consent for the immediate consideration of Calendar No: 1038, the bill (S. 4399) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other pur-

The VICE PRESIDENT. Is there objection?

Mr. FLETCHER. Mr. President, I have just received a petition numerously signed by fruit growers of Florida objecting to the bill, and I therefore ask that it go over.

The VICE PRESIDENT. There is objection to the present

consideration of the bill.

Mr. FLETCHER. I ask that the petition may be printed in the RECORD.

Mr. McNARY. Is there objection to the request I made? The VICE PRESIDENT, There is objection. Without ohjection, the request of the Senator from Florida to have the petition printed in the Record will be granted.

The petition is as follows:

CENTER HILL CHAMBER OF COMMERCE, Center Hill, Flat, February 23, 1928.

Senator D. U. FLETCHER, Washington, D. C.

DEAR SENATOR: Inclosed find a petition signed by most of our largest growers pertaining to a bill that we learn is now before Congress:

If you can conscientiously do so we ask you to do all in your power to defeat this bill.

Respectfully yours,

J. M. ARCHIBALD. J. M. ARCHIBALD, D. C. SMITH.

To Hon. Duncan U. Fletcher, Senator, Hon. Park Trammell, Senator, Washington, D. C.:

We, the undersigned shippers, understand there is a bill, called the Vestal bill, relating to the size of different containers used in the shipment of our Florida vegetables, before you. It proposes to do away with the use of the 28-quart hamper entirely and substitute therefor a 20 and 32 quart hamper. Neither the 20 nor the 32 quart hamper is satisfactory as containers for our vegetables. We have used a 28-quart hamper for many years with great success. Please do us the favor to vote against the bill when it comes up.

Bra Bro Cal Car Cur Cur Eds

We are the largest growers of vegetables shipped in the State or in the South, and do not need any change in the containers now in use

We are the largest growers of vertage in the containers now in use the South, and do not need any change in the containers now in use for many years.

J. M. Archibald, D. C. Smith, B. F. Nichols, J. L. Jones, J. H. Livingston, B. F. Lee, W. Dixon, D. H. Smith, G. G. Oldham, H. J. Tucker, J. V. Murrhee, J. F. Murrhee, Edward W. Murrhee, E. A. Clay, S. M. Cate, H. L. Edmunds, J. H. Jones, W. H. Hooten, W. L. Craig, L. D. Hunt, J. H. Hunt, T. R. Watson, A. G. Stone, W. G. Kendrick, H. F. Harkness, L. I. Galbraith, W. J. Hooten, H. A. Smith, H. S. Cherry, B. A. Malory, C. F. Merritt, G. B. Poe, J. H. Curry, E. Hubbard, Otis Stuckenell, E. J. Carlock, R. E. Roots, J. C. Thomas, T. W. Smith, J. G. Pitts, C. O. Pitts, J. H. Hall, M. W. Bates, D. C. Fussell, L. P. Fussell, H. P. Hall, M. W. Sportman, G. G. Milhouse, N. G. Milhouse, Ernest L. Smith, A. B. Jones, B. F. Price, J. T. Robbins, John Benille, J. T. Shepberd, R. J. Cooper, C. F. Venable, R. M. Benille.

Mr. CALDER. Mr. President, the bill (S. 4245) to provide the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922 and all other customs revenue laws was introduced by me at the request of the Treasury Department. I ask unanimous consent for its present consideration.

Mr. KING. Let the bill be reported.

The reading clerk read the bill.

I would like to have an explanation of the purpose of the bill. It does not seem to me the fact that we have passed a new tariff act necessitates or justifies new machinery or the employment of additional employees for the administra-

tion of the law.

If the Senator will permit me, the bill was Mr. CALDER. prepared by the Treasury Department. It does not increase a single salary nor does it provide for an additional employee. It simply changes the names of some of the officers in the customs service, provides for reorganization of the customs bureau, and permits the Secretary of the Treasury to fix the salaries of certain officials in the customs service that are now fixed by law. Ninety per cent of the salaries of the men in the customs service are now fixed by the Secretary of the Treasury. About 10 per cent are determined by statute. Those fixed by law are the examiners, the high-class employees of the service, the customs inspectors, assistant weighers, and the The men in the service that are suffering most at laborers. present are the examiners and the laborers. As I said, it does not increase a single salary nor involve the employment of an additional employee.

Are the present salaries fixed and deter-Mr. ROBINSON.

mined by law or by departmental regulation?

Mr. CALDER. Ninety per cent of the salaries are fixed by departmental regulation.

Mr. ROBINSON. What is the reason why these salaries can

Mr. CALDER. That is the purpose of the bill itself.
Mr. ROBINSON. I know; but why can not the readjustment be made by departmental regulation? Does the law fix those particular salaries'

Mr. CALDER. Yes; we enacted a law in 1909 fixing the salaries of four different grades of men employed in the cus-

Mr. ROBINSON. Why did not the Senator propose to raise those salaries to the amount which he thinks the beneficiaries

should receive?

Mr. CALDER. Because of the fact that 90 per cent are not fixed by law. There has been no complaint about the men being overpaid. It seemed best that the salaries should be uniformly arranged and that the same authority should fix them in all cases

Mr. ROBINSON. That is true, but I can not see why it should not be done by law as well as by Executive order.

Mr. President-

Mr. DIAL. Mr. Presiden The VICE PRESIDENT. Does the Senator from New York yield to the Senator from South Carolina?

Mr. CALDER. I yield.
Mr. DIAL. I would like to ask the Senator what is the necessity for placing upon the President of the United States the right and duty to fix compensation in these cases? Does not the Senator think the President of the United States has enough to do now?

Mr. CALDER. The Senator refers to the first section of the bill, which permits the President of the United States to adjust the salaries of presidential appointees. If the Senator objects to it, I am willing to move to strike it out and confine it simply

to the civil-service employees.

Mr. KING. I think the measure is so important that we ought to look into it a little further. I shall be glad to join

in the request of the Senator to take it up to-morrow, but I object now

The VICE PRESIDENT. Objection is made to the present consideration of the bill.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 55 minutes spent in executive session the doors were reopened.

ADJOURNMEN

Mr. CURTIS. I move that the Senate adjourn under the order until 11 o'clock to-morrow.

Mr. HEFLIN called for the yeas and nays, and they were ordered.

The question being taken by yeas and nays resulted-yeas 34, nays 30, as follows: YEAS-34.

11	France	Moses	Sterling
andegee	Frelinghuysen	New	Sutherland
ookhart	Hale	Norbeck	Wadsworth
lder	Harreld	Pepper	Warren
pper	Keves	Phipps	Watson
mmins	Lenroot	Poindexter	Weller
rtis	Lodge	Reed, Pa.	Willis
99	McCumber	Shortridge	

NAYS-30.

Smoot

Bayard Borah Broussard Dial George Gerry Glass Gooding	Harris Harrison Heffin Jones, N. Mex. Jones, Wash. King La Follette McKellar	McNary Overman Pittman Ransdell Robinson Sheppard Shields Smith	Spencer Stanfield Stanley Swanson Walsh, Mont. Williams
---	--	--	--

McKinley

NOT VOTING-32.

Ashurst	Elkins	McCormick	Page
Bursum	Fernald	McLean	Pomerene
Cameron	Fletcher	Myers	Reed, Mo.
Caraway	Hitchcock	Nelson	Simmons
Colt	Johnson	Nicholson	Townsend
Couzens	Kellogg	Norris	Trammell
Culberson	Kendrick	Oddie	Underwood
Dillingham	Ladd	Owen	Walsh, Mass.

So the motion was agreed to: and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned, the adjournment being, under the order previously entered, until to-morrow, Wednesday, February 28, 1923, at 11 o'clock a. m.

CONVENTION BETWEEN THE UNITED STATES AND PERU.

In executive session this day the following resolution of ratification was adopted; and

On motion of Mr. Lodge, the injunction of secrecy was removed therefrom and from the papers accompanying the same:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive C, Sixty-seventh Congress, fourth session, a convention between the United States and Peru, signed at Lima on January 19, 1923, to facilitate the work of traveling salesmen, together with the protocol attached thereto for the better fulfillment of the provisions of the conven-

DEVELOPMENT OF COMMERCE BETWEEN THE UNITED STATES AND PERU. Message from the President of the United States, transmitting convention to facilitate the work of traveling salesmen, signed by the plenipotentiaries of the United States and Peru at Lima on January 19, 1923, together with a protocol signed the same day, for the better fulfillment of the provisions of the convention.

To the Senate:

I transmit herewith, to receive the advice and consent of the Senate to its ratification, a convention to facilitate the work of traveling salesmen, signed by the plenipotentiaries of the United States and Peru at Lima on January 19, 1923, together, for the Senate's information, with a protocol signed the same day, for the better fulfillment of the provisions of the convention.

WARREN G. HARDING.

THE WHITE HOUSE, February 23, 1923.

DEPARTMENT OF STATE, Washington, February 21, 1923.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to its ratification, if his judgment approve thereof, a convention to facilitate the work of traveling salesmen, signed by the plenipotentiaries of the United States and Peru at Lima on January 19, 1923, together, for the Senate's information, with a protocol, signed the same day, "for the better fulfillment of the provisions of the convention."

Respectfully submitted.

CHARTES E HUGHES

The PRESIDENT,
The White House.

CONVENTION CONCERNING COMMERCIAL TRAVELERS.

The United States of America and the Republic of Peru, being desirous to foster the development of commerce between them and to increase the exchange of commodities by facilitating the work of traveling salesmen, have agreed to conclude a convention for that purpose and have to that end appointed as their plenipotentlaries:

The President of the United States of America, Mr. Frederick A. Sterling, chargé d'affaires ad interim in Lima, and the President of Peru, Dr. Alberto Salomón, minister for foreign affairs, who, having communicated to each other their full powers, which were found to be in due form, have agreed upon the following articles:

ARTICLE I.

Manufacturers, merchants, and traders domiciled within the jurisdiction of one of the high contracting parties may operate as commercial travelers either personally or by means of agents or employees within the jurisdiction of the other high contracting party on obtaining from the latter, upon payment of a single fee, a license which shall be valid throughout its entire territorial jurisdiction.

In case either of the high contracting parties shall be engaged in war, it reserves to itself the right to prevent from operating within its jurisdiction under the provisions of this convention, or otherwise, enemy nationals or other aliens whose presence it may consider prejudicial to public order and national safety.

ARTICLE II.

In order to secure the license above mentioned the applicant must obtain from the country of domicile of the manufacturers, merchants, and traders represented a certificate attesting his character as a commercial traveler. This certificate, which shall be issued by the authority to be designated in each country for the purpose, shall be viséed by the consul of the country in which the applicant proposes to operate, and the authorities of the latter shall, upon the presentation of such certificate, issue to the applicant the national license as provided in Article I.

ARTICLE III.

A commercial traveler may sell his samples without obtaining a special license as an importer.

ARTICLE IV.

Samples without commercial value shall be admitted to entry free of duty.

Samples marked, stamped, or defaced in such manner that they can not be put to other uses shall be considered as objects without commercial value.

ARTICLE V.

Samples having commercial value shall be provisionally admitted upon giving bond for the payment of lawful duties if they shall not have been withdrawn from the country within a period of six months.

Duties shall be paid on such portion of the samples as shall not have been so withdrawn.

ARTICLE VI.

All customs formalities shall be simplified as much as possible, with a view to avoid delay in the dispatch of samples.

ARTICLE VII.

Peddlers and other salesmen who vend directly to the consumer, even though they have not an established place of business in the country in which they operate, shall not be considered as commercial travelers but shall be subject to the license fees levied on business of the kind which they carry on.

ARTICLE VIII.

No license shall be required of:

(a) Persons traveling only to study trade and its needs, even though they initiate commercial relations, provided they do not make sales of merchandise.

(b) Persons operating through local agencies which pay the license fee or other imposts to which their business is subject.

(c) Travelers who are exclusively buyers.

ARTICLE IX

Any concessions affecting any of the provisions of the present convention that may hereafter be granted by either high con-tracting party, either by law or by treaty or convention, shall immediately be extended to the other party.

ARTICLE X.

This convention shall be ratified; and the ratifications shall be exchanged at Washington or Lima within two years, or

sooner if possible.

The present convention shall remain in force until the end of six months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at any time. And it is hereby agreed between the parties that, on the expiration of six months after such notice shall have been received by either of them from the other party as above mentioned, this convention shall altogether cease and determine.

In testimony whereof the respective plenipotentiaries have signed these articles and have thereunder affixed their seals.

Done in duplicate, in English and Spanish, at Lima, this 19th day of January, 1923.

[SEAL.] [SEAL.]

FREDERICK A. STERLING. A. SALOMÓN.

PROTOCOL.

For the better fulfillment of the provisions of the convention concerning commercial travelers, signed to-day, the undersigned, Mr. Frederick A. Sterling, chargé d'affaires ad interim of the United States of America, and Dr. Alberto Salomón, Minister for Foreign Relations of Peru, representing their respective countries, have agreed as follows:

ARTICLE I.

Regulations governing the renewal and transfer of licenses and the imposition of fines and other penalties for any misuse of licenses may be made by either of the high contracting partles whenever advisable, within the terms of the present convention, and without prejudice to the rights defined therein.

If such regulations should permit the renewal of licenses, the corresponding fee will not be greater than that charged for the

original license.

If such regulations should permit the transfer of licenses, upon satisfactory proof that transferee or assignee is in every sense the true successor of the original licensee, and can furnish a certificate of identification similar to that furnished by the said original licensee, he will be allowed to operate as a commercial traveler pending the arrival of the new certificate of identification, but the cancellation of the bond for the samples shall not be effected before the arrival of the said certificate.

ARTICLE II.

It is the citizenship of the firm that the commercial traveler represents, and not his own, that governs the issuance to him of

a certificate of identification.

In order to obtain practical results the high contracting parties agree to empower the local customs officials to issue the said licenses upon surrender of the certificate of identification and authenticated list of samples, acting as deputies of the central office constituted for the issuance and regulation of licenses. The said customs officials shall immediately transmit the appropriate documentation to the said central office, to which the licensee shall thereafter give due notice of his intention to ask for the renewal or transfer of his license, if these acts be allowable, or cancellation of his bond upon his departure from the country. Due notice in this connection will be rgarded as the time required for the exchange of correspondence in the normal mail schedules, plus five business days for purposes of official verification and registration.

ARTICLE III.

It is understood that the traveler will not engage in the sale of other articles than those embraced by his lines of business; that is to say, he may sell his samples, thus incurring an obligation to pay the customs duties thereupon, but he may not sell other articles brought with him or sent to him, which are not reasonably and clearly representative of the kind of business he purports to represent.

ARTICLE IV.

Advertising matter brought by commercial travelers in appropriate quantities shall be treated as samples without commercial value. Objects having a depreciated commercial value because of adaptation for purposes of advertising, and intended for gratuitous distribution, shall, when introduced in reasonable quantities, also be treated as samples without

commercial value. It is understood, however, that this prescription shall be subject to the customs laws of the respective

ARTICLE V.

If the original license were issued for a period longer than six months, or if the license be renewed, the bond for the samples will be correspondingly extended. It is understood, however, that this prescription shall be subject to the customs laws of the respective countries.

ARTICLE VI.

Samples accompanying the commercial traveler will be despatched as a portion of his personal baggage; and those arriving after him will be given precedence over ordinary freight

In witness whereof, they have signed and sealed this protocol in duplicate, in English and Spanish, at Lima, this 19th day

of January, 1923.

FREDERICK A. STERLING. [SEAL.] A. SALOMÓN, ISEAL. 1

NOMINATIONS.

Executive nominations received by the Senate February 27, 1923. POSTMASTER GENERAL.

Harry S. New, of Indiana, to be Postmaster General, effective March 4, 1923, vice Hubert Work, appointed Secretary of the Interior.

SECRETARY OF THE INTERIOR.

Hubert Work, of Colorado, to be Secretary of the Interior, effective March 4, 1928, vice Albert B. Fall, resigned.

ASSISTANT SECRETARY OF THE TREASURY.

McKenzie Moss, of Bowling Green, Ky., to be Assistant Secretary of the Treasury, to fill an existing vacancy.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Richard M. Tobin, of California, to be envoy extraordinary and minister plenipotentiary of the United States of America to the Netherlands and Luxemburg.

CONSUL GENERAL OF CLASS 8 TO CONSUL GENERAL OF CLASS 2. Carlton Bailey Hurst, of the District of Columbia.

CONSUL OF CLASS 1 TO CONSUL GENERAL OF CLASS 2.

Horace Lee Washington, of the District of Columbia.

CONSUL GENERAL OF CLASS 4 TO CONSUL GENERAL OF CLASS 3.

DeWitt C. Poole, of Illinois. Albert W. Pontius, of Minnesota.

CONSUL OF CLASS 3 TO CONSUL GENERAL OF CLASS 4.

Homer M. Byington, of Connecticut.

Tracy Lay, of Alabama. Clarence E. Gauss, of Connecticut.

CONSUL GENERAL OF CLASS 4 TO CONSUL GENERAL OF CLASS 3. Claude I. Dawson, of South Carolina.

CONSUL OF CLASS 8 TO CONSUL GENERAL OF CLASS 4. Frederick T. F. Dumont, of Pennsylvania.

CONSUL OF CLASS 4 TO CONSUL OF CLASS 3.

John A. Gamon, of Illinois.

CONSUL OF CLASS 5 TO CONSUL OF CLASS 4.

Keith Merrill, of Minnesota.

CONSUL OF CLASS 6 TO CONSUL OF CLASS 5.

Harry M. Lakin, of Pennsylvania.

CONSUL OF CLASS 7 TO CONSUL OF CLASS 6.

Alfred T. Burri, of New York.

VICE CONSUL OF CAREER OF CLASS 1 TO CONSUL OF CLASS 7. Charles B. Hosmer, of Maine.

CONSUL OF CLASS 4 TO CONSUL OF CLASS 3.

Addison E. Southard, of Kentucky. Henry P. Starrett, of Florida. Louis G. Dreyfus, jr., of California. George S. Messersmith, of Delaware. Theodore Jaeckel, of New York. Thomas D. Bowman, of Missouri.

CONSUL OF CLASS 5 TO CONSUL OF CLASS 4.

Felix Cole, of the District of Columbia. Ernest L. Ives, of Virginia. Paul Knabenshue, of Ohio. Irving N. Linnell, of Massachusetts, J. Klahr Huddle, of Ohio.

Samuel W. Honaker, of Texas. Thomas H. Bevan, of Maryland. George K. Donald, of Alabama. Hamilton C. Claiborne, of Virginia.

CONSUL OF CLASS 6 TO CONSUL OF CLASS 5.

Henry B. Hitchcock, of New York. Thomas M. Wilson, of Temessee. S. Pinkney Tuck, jr., of New York. Coert DuBois, of California. Erle R. Dickover, of California. David B. Macgowan, of Tennessee. Carol H. Foster, of Maryland. Homer Brett, of Mississippi. Charles R. Cameron, of New York. Avra M. Warren, of Maryland.

CONSUL OF CLASS 7 TO CONSUL OF CLASS 6.

Walter A. Adams, of South Carolina.
George Wadsworth, of New York.
Romeyn Wormuth, of New York.
Karl de G. MacVitty, of Illinois.
Cecil M. P. Cross, of Rhode Island.
John Corrigan, Jr., of Georgia.
John G. Erhardt, of New York.
Dudley G. Dwyre, of Colorado.
George Orr, of New Jersey.
Monnett B. Davis, of Colorado.
W. M. Parker Mitchell, of Virginia.
Clinton E. MacEachran, of Massachusetts.
Herbert O. Williams, of California. Herbert O. Williams, of California. Fred R. Robinson, of Massachusetts. Marshall M. Vance, of Ohio.

VICE CONSUL OF CAREER OF CLASS 1 TO CONSUL OF CLASS 7.

John F. Simons, of New York. Robert B. Macatee, of Virginia. Robert B. Macatee, of Virginia.
Ralph H. Tompkins, of Iowa.
Edward M. Groth, of New York.
Clarence J. Spiker, of the District of Columbia.
John R. Minter, of South Carolina.
Raleigh A. Gibson, of Illinois.
Richard F. Boyce, of Michigan. Eliot B. Coulter, of Illinois. Hocker A. Doolittle, of New York. Harry E. Carlson, of Illinois. Edmund B. Montgomery, of Illinois.
Herndon W. Goforth, of North Carolina.
Hugh S. Fullerton, of Ohio.
A. Wallace Treat, of Ohio.
William J. McCafferty, of California. Don S. Haven, of Pennsylvania. Leroy Webber, of New York. Digby A. Willson, of New York. Reginald S. Castleman, of California. Maynard B. Barnes, of Iowa.

CONSULS OF CLASS 6, FROM THE ELIGIBLE LIST.

Norman L. Anderson, of Wisconsin. Alfred W. Kliefoth, of Wisconsin.

DIRECTOR OF THE UNITED STATES VETERANS' BUREAU.

Frank T. Hines, of New York, to be Director of the United States Veterans' Bureau, vice Charles R. Forbes, resigned.

MEMBER OF THE UNITED STATES EMPLOYEES' COMPENSATION COMMISSION.

Charles H. Verrill, of Maryland, to be a member of the United States Employees' Compensation Commission for a term of six years. (A reappointment, his term expiring March 15, 1923.)

PROMOTIONS IN COAST GUARD OF THE UNITED STATES.

Commander Andrew J. Henderson to be captain, to rank as

by the act of January 12, 1923, to fill an original vacancy created by the act of January 12, 1923.

Lieut. Commander Randolph Ridgely to be commander, to rank as such from January 12, 1923, in place of Commander Andrew J. Henderson, promoted.

Each of the above-named officers has passed the examinations required by law.

The following-named officers to be lieutenant commanders in the Coast Guard of the United States, to rank as such from

January 12, 1923:
Lieut. George C. Alexander to be lieutenant commander, in place of Lieut. Commander Richard O. Crisp, promoted.

Lieut. Charles F. Howell to be lieutenant commander, in place of Lieut. Commander F. G. Dodge, promoted.

Lieut. William T. Stromberg to be lieutenant commander, in place of Lieut. Commander G. C. Carmine, promoted.

Lieut. George E. Wilcox to be lieutenant commander, in place of Lieut. Commander F. S. Van Boskerck, promoted.

Lieut. James A. Alger to be lieutenant commander, in place of Lieut. Commander C. S. Cochran, promoted.

Lieut. Muller S. Hay to be lieutenant commander, in place of

Lieut. Commander J. G. Berry, promoted.

Lieut. Howard E. Rideout to be lieutenant commander, in place of Lieut. Commander B. M. Chissell, promoted.

Lieut. Ralph W. Dempwolf to be lieutenant commander, in place of Lieut. Commander A. L. Gamble, promoted.

Lieut. Roger C. Weightman to be lieutenant commander, in place of Lieut, Commander F. C. Billard, promoted.

Lieut. Le Roy Reinburg to be lieutenant commander, in place of Lieut. Commander Randolph Ridgely, promoted.

To be lieutenant commanders, to rank from January 12, 1923, to fill original vacancies created by the act of January 12, 1923:

Lieut. Lloyd T. Chalker. Lieut. James L. Ahern. Lieut. Stanley V. Parker.

ENGINEERING.

Lieut, Albert C. Norman to be lieutenant commander in place of Lieut, Commander H. L. Boyd, promoted.

Lieut. Christopher G. Porcher to be lieutenant commander in place of Lieut. Commander J. E. Dorry, promoted.

Lieut. Charles A. Wheeler to be lieutenant commander in place of Lieut. Commander C. M. Green, promoted.

Lieut, John I. Bryan to be lieutenant commander in place of Lieut. Commander H. N. Wood, promoted.

Also to be lieutenant commanders to rank as such from January 12, 1923, to fill original vacancies created by the act

of January 12, 1923: Lieut. Samuel M. Rock. Lieut. Michael N. Usina. Lieut. Robert B. Adams. Lieut, Edwin W. Davis.

Lieut, Charles S. Root.

Each of the above-named officers has passed the examinations required by law.

PROMOTIONS IN THE REGULAR ARMY.

To be lieutenant colonels.

Maj. Goodwin Compton, Infantry, from February 22, 1923. Maj. James Edmund McDonald, Infantry, from February 22, 1923

MEDICAL ADMINISTRATIVE CORPS.

To be first lieutenants.

Second Lieut. Amos Stanhope Kinzer, Medical Administrative Corps, from February 13, 1923.

Second Lieut. Berban Huffine, Medical Administrative Corps, from February 16, 1923

Second Lieut. Richard Homer McElwain, Medical Administrative Corps, from February 19, 1923. Second Lieut. Willard Mortlmer Barton, Medical Adminis-

trative Corps, from February 20, 1923.

CHAPLAINS.

To be chaplain with rank of major. Chaplain William Reese Scott, from February 23, 1923. To be chaplain with rank of captain. Chaplain Albert Leslie Evans, from February 18, 1923. APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

QUARTERMASTER CORPS.

Maj. Stephen Clark Reynolds, Cavalry (detailed in General Staff), with rank from July 1, 1920.

ORDNANCE DEPARTMENT.

Capt. James Louis Guion, Field Artillery, with rank from August 12, 1919.

Capt. Stewart Elvin Reimel, Infantry (detailed in Ordnance Department), with rank from July 1, 1920.

SIGNAL CORPS.

Capt. Henry Lord Page King, Coast Artillery Corps (detailed in Signal Corps), with rank from July 1, 1920.

CAVALRY.

Maj. Stanley Koch, Quartermaster Corps, with rank from July 1, 1920.

FIELD ARTILLERY.

Col. Philip Raymond Ward, Coast Artillery Corps, with rank from July 1, 1920.

First Lieut. Lloyd Marlowe Hanna, Coast Artillery Corps, with rank from July 13, 1919.

First Lieut. Samuel Rixey Deanes, Infantry, with rank from July 1, 1920.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Commander George B. Landenberger to be a captain in the Navy from the 6th day of January, 1923.

Lieut. Commander Frank D. Pryor to be a commander in the Navy from the 6th day of January, 1923.

The following-named lieutenants to be lieutenant commanders.

in the Navy from the 3d day of June, 1922:

John H. Culin.

John H. Culin.
Robert A. Lavender.
Lieut. Walter S. Haas to be a lieutenant commander in the Navy from the 26th day of December, 1922.
Lieut. (Junior Gradé) Vernon C. Bixby to be a lieutenant in the Navy from the 1st day of January, 1922.
Lieut. (Junior Grade) Lansford F. Kengle to be a lieutenant in the Navy from the 2d day of January, 1922.
Lieut. (Junior Grade) Edward H. Smith to be a lieutenant in the Navy from the 2th day of January, 1922.

the Navy from the 8th day of January, 1922.

Lieut, (Junior Grade) Roger F. McCall to be a lieutenant in the Navy from the 19th day of April, 1922.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 3d day of June, 1922:

Frank E. Vensel, jr. Frank E. Kennedy. Lewis H. C. Johnson.

Lieut. (Junior Grade) Dean Blanchard to be a lieutenant in the Navy from the 17th day of August, 1922.

Lieut. (Junior Grade) Donald J. MacCalman to be a lieutenant in the Navy from the 5th day of September, 1922

Lieut. (Junior Grade) Steven W. Callaway to be a lieutenant in the Navy from the 19th day of September, 1922.

Lieut. (Junior Grade) Alfred Doucet to be a lieutenant in the Navy from the 31st day of December, 1922.

Ensign John B. Hupp to be a lieutenant (junior grade) in the

Navy from the 31st day of December, 1921. The following-named ensigns to be lieutenants (junior grade)

in the Navy from the 31st day of December, 1921:
Burton W. Lambert.
Raymond S. Kaiser.
James F. Cooper.
Charles F. Hudso Charles F. Hudson. Godfrey P. Schurz.

The following-named ensigns to be lieutenants (junior grade)

in the Navy from the 22d day of April, 1922: Hugo F. Sasse.

Benjamin S. Henderson.

Irvin M. Hansen.

Ensign Meinrad A. Schur to be a lieutenant (junior grade) in the Navy from the 1st day of June, 1922.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1922:

Kenneth C. Hawkins. John V. McElduff.

Willard S. Sargent, a citizen of Utah, to be an assistant surgeon in the Navy with the rank of lieutenant (junior grade)

from the 21st day of February, 1923.

Assistant Paymaster Henry C. McGinnis to be a passed assistant paymaster in the Navy with the rank of lieutenant from the 3d day of June, 1922.

Assistant Paymaster John M. Speissegger to be a passed assistant paymaster in the Navy with the rank of lieutenant from the 2d day of September, 1922. Naval Constructor Isaac I. Yates to be a naval constructor

in the Navy with the rank of captain from the 16th day of

October, 1922. Naval Constructor Ernest L. Patch to be a naval constructor in the Navy with the rank of commander from the 16th day of October, 1922.

The following-named commanders to be commanders in the Navy from the dates set opposite their names, to correct the dates from which they take rank as previously nominated and confirmed:

Frank J. Fletcher, June 3, 1921. John H. Towers, June 25, 1921. William H. Toaz, July 1, 1921 Turner F. Caldwell, July 20, 1921. Earl R. Shipp, August 12, 1921. Arthur W. Sears, September 1, 1921. Charles M. Austin, October 1, 1921. Walter B. Decker, October 12, 1921. John P. Miller, October 21, 1921. Harry L. Pence, December 2, 1921.

Ferdinand L. Reichmuth, December 20, 1921. Harvey Delano, December 23, 1921. Isaac C. Kidd, December 28, 1921. Robert A. Theobald, December 31, 1921. Charles F. Russell, January 1, 1922. Guy E. Baker, January 2, 1922. Miles A. Libbey, February 1, 1922. Raymond A. Spruance, February 1, 1922. Henry K. Hewitt, February 11, 1922. Felix X. Gygax, March 2, 1922. Guy E. Davis, April 19, 1922. Leigh M. Stewart, May 2, 1922 William O. Wallace, June 3, 1922. William S. Farber, October 1, 1922. George M. Ravenscroft, October 15, 1922.

The following-named lieutenant commanders to be lieutenant commanders in the Navy from the dates set opposite their names to correct the dates from which they take rank as pre-

Viously nominated and confirmed:
Joseph F. Crowell, jr., August 26, 1921.
Webb Trammell, September 1, 1921. Webb Trammell, September 1, 1921.
Charlton E. Battle, jr., September 20, 1921.
Herbert A. Ellis, October 1, 1921.
Herbert R. Heln, October 12, 1921.
Herbert H. Bouson, October 21, 1921.
Ole O. Hagen, November 11, 1921.
Robert M. Griffin, December 2, 1921.
Robert H. Skelton, December 20, 1921.
Alfred G. Zimmermann, December 28, 1921. Alfred G. Zimmermann, December 23, 1921. Delavan B. Downer, December 28, 1921. Delavan B. Downer, December 28, 1921. Ralph E. Dennett, December 31, 1921. William J. Butler, January 1, 1922. Jay K. Esler, January 1, 1922. George D. Murray, January 2, 1922. Harry R. Bogusch, February 1, 1922. Robert H. English, February 1, 1922. Carroll Q. Wright, Jr., February 1, 1922. Oliver M. Read, Jr., February 11, 1922. Glenn B. Strickland, March 2, 1922. Joseph McE. B. Smith, March 28, 1922. George J. McMillin, April 19, 1922. Joseph McE. B. Smith, March 28, 1922.
George J. McMillin, April 19, 1922.
William H. O'Brien, jr., April 27, 1922.
Howard F. Kingman, May 2, 1922.
James G. B. Gromer, May 17, 1922.
William M. Quigley, May 21, 1922.
Stephan B. Robinson, July 7, 1922.
William G. Greenman, July 12, 1922.
Harold H. Little, July 12, 1922.
The following-named lieutenants to be lieutenants in the laysy from the dates set opposite their names, to correct the

Navy, from the dates set opposite their names, to correct the dates from which they take rank, as previously nominated and

confirmed:

Percival W. Buzby, December 81, 1921. Frederick W. Ickes, June 3, 1922. Scott E. Peck, June 3, 1922. Charles F. Grisham, June 3, 1922.

William Hartenstein, June 3, 1922. Passed Asst. Surg. Jerome Braun to be a passed assistant surgeon in the Navy with rank of lieutenant from the 3d day of June, 1922, to correct the date from which he takes rank as

previously nominated and confirmed.

The following-named passed assistant paymasters to be passed assistant paymasters in the Navy with the rank of lieutenant from the 3d day of June, 1922, to correct the dates upon which they take rank as previously nominated and confirmed:

Clarence E. Kastenbein. George Scratchley. Charles B. Forrest. William G. Conrad. Orville F. Byrd. Lester B. Karelle. James D. G. Wognum. Daniel L. McCarthy. Charles H. Ritt. Joseph W. Cavanagh. Verny Carroll. Charles Musil. Forrest Ivanhoe. Ray W. Byrns. William W. Wise. Don M. Robinson. Robert H. Lenson. James H. Stevens.

Ellsworth F. Sparks. John P. Killeen. Karl S. Farnum. Louis A. Puckett. Ellery F. Carr. Charles H. Gillilan. Leon Dancer. Harry A. Miller. Harvey R. Dye. Ervine R. Brown. Charles Schaaf. Ray E. Snedaker. George W. Davis. Guild Bruda. Alvin S. Reid. Robert R. Blaisdell. Edward F. Ney.

Harry J. Scholtes, a citizen of Minnesota, to be an assistant surgeon in the Navy with the rank of lieutenant (junior grade) from the 24th day of February, 1923.

POSTMASTERS.

ARKANSAS.

James C. Russell to be postmaster at Camden, Ark., in place of W. L. Newton, resigned.

DELAWARE.

William P. Short to be postmaster at Bridgeville, Del., in place of F. L. Willey, deceased.

William P. Satterfield to be postmaster at Dover, Del., in place of J. F. Starling, removed.

IDAHO.

Mildred W. Des Volgnes to be postmaster at Deary, Idaho, in place of B. M. Gorrie, resigned.

ILLINOIS.

John E. Nelson to be postmaster at Hamburg, Ill., in place of J. E. Nelson. Office became third class October 1, 1922.

Fannie Hicks to be postmaster at Ivesdale, Ill., in place of M. Sloan. Office became third class April 1, 1921. Harry E. Flesher to be postmaster at Lexington, Ill., in place

of C. W. Shade. Incumbent's commission expired October 24, 1922.

Lawrence J. Boyd to be postmaster at Lewistown. III., in place of J. B. Henry. Incumbent's commission expired October 24, 1922

Edward F. Davis to be postmaster at New Berlin, Ill., in place of E. C. Fahy, deceased.

Harry Mabry to be postmaster at Vandalia, Ill., in place of

G. L. Hausmann, resigned.

John Stahl to be postmaster at Lawrenceburg, Ind., in place of Albert Spanagel. Incumbent's commission expired September 5, 1922.

Frances Ambler to be postmaster at Pine Village, Ind., in

place of Sterling Cooper, resigned.

Dehn P. Keller to be postmaster at Warren, Ind., in place of L. L. Simons. Incumbent's commission expired September 5,

IOWA.

Karl J. Baessler to be postmaster at Livermore, Iowa, in place of E. W. Bowes. Incumbent's commission expired September 5, 1922.

Edgar A. Greenway to be postmaster at Pleasantville, Iowa, in place of E. A. Greenway. Incumbent's commission expired

December 6, 1922.

Silas L. McIntire to be postmaster at Pocahontas, Iowa, in place of C. E. Lucas, resigned.

KANSAS.

John F. Mitchell to be postmaster at Fort Dodge, Kans., in

place of W. W. Barney, resigned.

John Irving to be postmaster at Jetmore, Kans., in place of C. E. Roughton. Incumbent's commission expired September

C. E. Roughton. Included:
18, 1922.
Louis T. Miller to be postmaster at Ness City, Kans., in place of J. M. Hopper, resigned.
Lewis E. Glasco to be postmaster at Piedmont, Kans., in place of E. L. Campbell. Office became third class October 1, 1922.

Horman C. Walter to be postmaster at Wilson, Kans., in

Herman C. Walter to be postmaster at Wilson, Kans., in place of Joseph Pelishek, resigned.

KENTUCKY.

Walter W. Crick to be postmaster at Madisonville, Ky., in place of H. K. Anderson, resigned.

MARYLAND.

Roscoe C. McNutt to be postmaster at Fallston, Md., in place of H. K. Mitchell. Office became third class October 1, 1922.

George W. Stevens to be postmaster at Sudlersville, Md., in place of E. J. Merrick. Incumbent's commission expired September 5, 1922.

MASSACHUSETTS.

Arthur F. Cahoon to be postmaster at Harwich, Mass., in place of H. K. Bearse, resigned.

Howard M. Douglas to be postmaster at Plymouth, Mass., in place of M. E. Comiskey. Incumbent's commission expired October 1, 1922.

MISSISSIPPI.

Calvin V. Taylor to be postmaster at Clarksdale, Miss., in place of W. P. Wildberger. Incumbent's commission expired December 6, 1922.

Henry B. Edwards to be postmaster at Shuqualak, Miss., in place of H. B. Edwards. Incumbent's commission expired December 6, 1922.

MISSOURI.

I. Scott Jones to be postmaster at Bonne Terre, Mo., in place of W. H. Ward. Incumbent's commission expired September 5, 1922.

Lewis M. Gamble to be postmaster at Mexico, Mo., in place of W. R. Jackson. Incumbent's commission expired September 5, 1922.

Fred A Grebe to be postmaster at New Florence, Mo., place of H. H. Davault. Incumbent's commission expired Sep-

Charles Litsch to be postmaster at Perryville, Mo., in place of A. E. Doerr. Incumbent's commission expired September 5, 1922

Asa A. Wallis to be postmaster at Piedmont, Mo., in place of Bristol French, resigned.

Emmett R. Lindley to be postmaster at Stanberry, Mo., in

place of E. B. Wilson, declined.

William F. Meier to be postmaster at Wentzville, Mo., in place of C. F. Lusby. Incumbent's commission expired December 20, 1920.

MONTANA.

Emily H. Berger to be postmaster at Whitetail, Mont., in place of S. F. Hunt. Office became third class October 1, 1922. NEBRASKA.

Arthur H. Babcock to be postmaster at North Loup, Nebr., in place of I. A. Manchester. Incumbent's commission expired October 3, 1922.

Myrtle L. Anderson to be postmaster at Republican City, Nebr., in place of T. A. Kelly. Incumbent's commission expired October 3, 1922.

NEW JERSEY.

Elbert Wilbert to be postmaster at Bayhead, N. J., in place of H. E. Forsyth, declined.

Isaac E. Bowers to be postmaster at Groveville, N. J., in place of I. E. Bowers. Office became third class October 1, 1922.

NEW YORK.

John W. Rose to be postmaster at Arlington, N. Y., in place of E. J. McCourt, removed.

Nicholas Reilly to be postmaster at Brentwood, N. Y., in place of Nicholas Reilly. Incumbent's commission expired Oc-

Arthur N. LeClear to be postmaster at Fairport, N. Y., in place of E. J. Fisk. Incumbent's commission expired November

NORTH CAROLINA.

Hosea L. Early to be postmaster at Aulander, N. C., in place of M. H. Mitchell, resigned.

Sam J. Smith to be postmaster at Erlanger, N. C., in place of L. A. Richey. Office became third class October 1, 1922.

NORTH DAKOTA.

Martin E. Larson to be postmaster at Marion, N. Dak., in place of J. E. Young, resigned.

Ada M. Patterson to be postmaster at Jud, N. Dak., in place of A. M. Patterson. Office became third class January 1, 1922. OHIO.

Hylos L. Vesey to be postmaster at Perry, Obio, in place of W. R. Foster. Incumbent's commission expired September 19,

1922

George R. Irwin to be postmaster at Upper Sandusky, Ohio, in place of G. R. Irwin. Incumbent's commission expired December 18, 1922.

OKLAHOMA.

John M. Sappington to be postmaster at Holdenville, Okla., in place of Lloyd Thomas, removed.

Dixon L. Lindsey to be postmaster at Marlow, Okla., in place of O. L. Tapp, resigned.

Paul J. Fournier to be postmaster at Quinlan, Okla., in place of V. W. Kent. Office became third class October 1, 1922

PENNSYLVANIA.

Sara A. Conrath to be postmaster at Dixonviale, Pa., in place of F. R. Peightal. Office became third class July 1, 1922.

William E. Mutthersbough to be postmaster at Driftwood, a., in place of S. L. Wilson. Incumbent's commission expires March 1, 1923.

George B. Stevenson to be postmaster at Lock Haven, Pa., in place of P. O. Brosius. Incumbent's commission expired September 26, 1922.

Irvin L. Romig to be postmaster at Mertztown, Pa., in place of H. J. Hertzog, declined.

Lester L. Lyons to be postmaster at Pocono, Pa., in place of W. S. Hines. Office became third class July 1, 1922.

Edward W. Workley to be postmaster at Smethport, Pa., in place of E. W. Workley. Incumbent's commission expired October 24, 1922.

Wallace C. Dobson to be postmuster at Southampton, Pa., in place of F. S. Weil. Office became third class October 1,

TENNESSEE.

Joel F. Ruffin to be postmaster at Cedar Hill, Tenn., in place of J. F. Ruffin, Incumbent's commission expired May 10, 1922,

Lera Page to be postmaster at Rutherford, Tenn., in place of W. Davidson. Incumbent's commission expired August 26, 1920.

TTAH.

Annie Palmer to be postmaster at Farmington, Utah, in place of Thomas Brimley. Incumbent's commission expired February 3, 1923.

VIRGINIA.

Henry P. Holbrook to be postmaster at Castlewood, Va., in place of J. T. Dickenson, resigned.

John W. Delaplane to be postmaster at Delaplane, Va., in place of J. W. Delaplane. Office became third class January 1, 1921

Gunyon M. Harrison to be postmaster at Fredericksburg, Va. in place of J. R. Rawlings. Incumbent's commission expired September 13, 1922.

WASHINGTON.

Egbert K. Field to be postmaster at Ferndale, Wash., in place of F. L. Whitney. Incumbent's commission expired October 14.

George W. Edgerton to be postmaster at Puyallup, Wash., in place of Robert Montgomery. Incumbent's commission expired October 14, 1922.

Jessle Knight to be postmaster at Shelton, Wash., in place of Jessle Knight. Incumbent's commission expired October 24,

Clyde J. Backus to be postmaster at Tacoma, Wash., in place W. Stewart, resigned.

Augustus B. Eastham to be postmaster at Vancouver, Wash., in place of J. W. Shaw. Incumbent's commission expired October 14, 1922.

WISCONSIN.

Joseph E. Kuzenski to be postmaster at Stetsonville, Wis., in place of E. O. Erickson, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 27, 1923.

POSTMASTER GENERAL.

HARRY S. NEW to be Postmaster General.

SECRETARY OF THE INTERIOR.

Hubert Work to be Secretary of the Interior.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Richard M. Tobin to be envoy extraordinary and minister plenipotentiary of the United States to the Netherlands and Luxemburg.

COLLECTOR OF CUSTOMS.

Emery J. San Souci to be collector of customs at Providence,

HOUSE OF REPRESENTATIVES.

Tuesday, February 27, 1923.

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore [Mr. Campbell of Kansas].

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

With Thee, O Lord, there is mercy and forgiveness, and at Thy right hand there are blessings forevermore. Always enable us to make close obedience to Thy law the rule of our lives, for every commandment is a benediction and a beatitude. Let Thy great truths cross the horizon of our souls, and thus may we find our security and high usefulness in fidelity to the truth in the power of purity and in that peace which keeps the heart. Remember the sick and let the strength, comfort, and the beauty of the Lord abide with them. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXCHANGES OF PROPERTY.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13774) to amend the revenue act of 1921 in respect to exchanges of property, disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 13774 which the Clerk will report by title.

The Clerk read as follows:

An act (H.R. 13774) to amend the revenue act of 1921 in respect to the exchanges of property.

The Senate amendments were read.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that the House disagree to the Senate amendments and ask for a conference. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. Green of Iowa, Mr. Longworth, Mr. Mills, Mr. Collier, and Mr. Oldfield.

CREDITS AND REFUNDS.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13775, an act to amend the revenue act of 1921 in respect to credits and refunds, disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The Clerk will report the bill

by title.
The Clerk read as follows:

An act (H. R. 13775) to amend the revenue act of 1921 in respect to credits and refunds.

The Senate amendments were read.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to disagree to the Senate amendment and agree to the conference asked by the Senate. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. GREEN of Iowa, Mr. LONGWORTH, Mr. HAWLEY, Mr. COLLIER, and Mr. OLDFIELD.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its chief clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 10287. An act for the relief of John Calvin Starr.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3226. An act for the relief of William J. Ewing; S. 1528. An act for the relief of Sophie K. Stephens;

S. 4152. An act for the relief of Frank A. Jahn;

S. 2792. An act granting a pension to John L. Livingston; and S. 4622. An act to remit the duty on a carillon of bells to be imported for St. Ann's Church, Kennebunkport, Me.

AMENDMENT OF WAR BISK INSURANCE ACT.

Mr. GRAHAM of Illinois. Mr. Speaker, I call up the conference report on the bill H. R. 10003, and ask that the statement be read in lieu of the report.

The SPEAKER pro tempore. The gentleman from Illinois calls up the conference report on the bill H. R. 10003, and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10003) to further amend and modify the war risk insurance act, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows

That the House recede from its disagreement to the amendment of the Senate to the bill (H. R. 10003) to further amend and modify the war risk insurance act, and agree to the same with an amendment as follows: In lieu of the matter inserted

by the amendment of the Senate insert the following SEC. 23. (1) That, except as provided in subdivision (2) of this section, when by the terms of the war risk insurance act and any amendments thereto, any payment is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent, or under other legal disability adjudged by a court of competent jurisdiction, such payment shall be made to the person

who is constituted guardian, curator, or conservator by the laws of the State or residence of claimant, or is otherwise legally vested with responsibility or care of the claimant or his estate: Provided, That prior to receipt of notice by the United States Veterans' Bureau that any such person is under such other legal disability adjudged by some court of competent jurisdiction, payment may be made to such person direct: Provided further, That for the purpose of payments of benefits under article 3 of the war risk insurance act, as amended, where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State or residence of the claimant the director shall determine the person who is otherwise legally vested with responsibility or care of the claimant or his estate.

"(2) If any person entitled to receive payments under this act shall be an inmate of any asylum or hospital for the insane maintained by the United States, or by any of the several States or Territories of the United States, or any political subdivision thereof, and no guardian, curator, or conservator of the property of such person shall have been appointed by competent legal authority, the director, if satisfied after due investigation that any such person is mentally incompetent, may order that all moneys payable to him or her under this act shall be held in the Treasury of the United States to the credit of such person. All funds so held shall be disbursed under the order of the director and subject to his discretion either to the chief executive officer of the asylum or hospital in which such person is an inmate, to be used by such officer for the maintenance and comfort of such inmate, subject to the duty to account to the United States Veterans' Bureau and to repay any surplus at any time remaining in his hands in accordance with regulations to be prescribed by the director; or to the wife (or dependent husband if the inmate is a woman), minor children, and dependent parents of such inmate, in such amounts as the director shall find necessary for their support and maintenance in the order named; or, if at any time such inmate shall be found to be mentally competent, or shall die, or a guardian, curator, or conservator of his or her estate be appointed, any balance remaining to the credit of such inmate shall be paid to such inmate, if mentally competent, and otherwise to his or her guardian, curator, conservator, or personal representatives."

And the Senate agree to the same.

BURTON E. SWEET, W. J. GRAHAM, SAM RAYBURN, Managers on the part of the House. P. J. McCumber, REED SMOOT, JOHN SHARP WILLIAMS, Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to H. R. 10003, an act entitled "An act to further amend and modify the war risk insurance act," submit the following statements in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report, to wit:

Subdivision (1) of the bill is the same as the House bill with the following amendment added at the end of the sub-

division, to wit:

"Provided further, That for the purpose of payments of benefits under Article III of the war risk insurance act, as amended, where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State or residence of the claimant, the director shall determine the person who is otherwise legally vested with responsibility or care of the claimant or his estate."

This amendment is made in view of a decision rendered by the Comptroller General of the United States to the effect that the Director of the United States Veterans' Bureau may not determine the person who is "otherwise legally vested with the responsibility or care of the claimant" if there is no guardian, curator, or conservator duly appointed, but that the determination of this question is one to be made by the Comptroller General. The amendment provides that for the purpose of payment of benefits under Article III of the war risk insurance act, where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State or residence of the claimant, the Director of the United States Veterans' Bureau shall determine the person who is otherwise

legally vested with responsibility or care of the claimant or his

Subdivision (2) of the bill is the same as in the bill passed by the House and is practically the same as existing law.

BURTON E. SWEET, W. J. GRAHAM, SAM RAYBURN. Managers on the part of the House.

Mr. GRAHAM of Illinois. Mr. Speaker, this amendment put on the bill by the Senate simply was put on for the purpose of curing a defect caused by a decision of the Comptroller General of the United States. The act as it passed the House was an act that inserted in the existing law the following language: "Persons under other legal disability," in order to take care of a number of beneficiaries under the war risk insurance act whose estates were being wasted by them because there was no method provided by which they could be con-served. In order to conserve them we wrote into the law that persons under other legal disabilities, besides insanity and derangement of mind, would have their estates taken care of. Now, the law as it originally was up to the time we amended it provided this: "Payment should be made to the person who is constituted their guardian, curator, conservator, by the laws of the States where the residence of claimant or as otherwise legally vested with the responsibility or care of the claimant or his estate." You will observe the language was "is otherwise legally vested." The Comptroller General has ruled that where there is no guardian, curator, or conservator of the estate that there is no way of ascertaining who is the person otherwise legally vested with the care of this person's estate and that the Director of the United States Veterans' Bureau, where there was no officer appointed by law, can not designate some one. Therefore, in order to meet that difficulty the Veterans' Bureau has drafted this proviso and has sugther there to gested that it be inserted, giving, in all cases where there is no officer authorized by a court, the director the right to designate some one to whom these payments may be made. So that is all the difference between the existing law and was an amendment put on by the Senate and which met with the approval of the conferees. If there are no questions, I ask for a vote.

The question was taken, and the conference report was agreed to.

LANDS DEVISED TO THE UNITED STATES GOVERNMENT, ETC.

Mr. GREENE of Vermont. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 270, relating to the Battell National Park, a similar resolution in the same text having once passed the House, this being the only means of correcting the parliamentary situation.

The SPEAKER pro tempore. The Clerk will report the Senate joint resolution by title.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 270) concerning lands devised to the United States Government by the late Joseph Battell, of Middlebury, Vt.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

Senste joint resolution (S. J. Res. 270) concerning lands devised to the United States Government by the late Joseph Battell, of Middlebury, Vt.

bury, Vt.

Whereas Joseph Battell, deceased, late of Middlebury, county of Addison, State of Vermont, in and by his last will and testament devised to the Government of the United States of America about 3,900 acres of land situated in the towns of Lincoln and Warren, in the State of Vermont, for a national park; and
Whereas said lands were devised to the United States of America upon certain conditions, among which were the following: That the Government should construct and maintain suitable roads and buildings upon the land constituting such national park for the use and accommodation of visitors to such park, and should employ suitable caretakers to the end and purpose that the woodland should be properly cared for and preserved so far as possible in its primitive beauty; and Whereas it is deemed inexpedient to accept said devise and to establish a national park in accordance with the terms thereof: Therefore be it

Resolved, etc., That the acceptance of said devise so made by Joseph Battell in his last will and testament be declined by the Government of the United States, and that the estate of the said Joseph Battell be forever discharged from any obligation to the United States growing out of the devise.

The Senate joint resolution was ordered read the third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 13774) to amend the revenue act of 1921 in

respect to exchanges of property disagreed to by the House of Representatives, had agreed to the conference asked by the Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCumber, Mr. Smoot, and Mr. Jones of New Mexico as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 13775) to amend the

revenue act of 1921 in respect to credits and refunds disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCumber, Mr. SMOOT, and Mr. GERRY as the conferees on the part of the

BRIDGE ACROSS THE MINNESOTA RIVER.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask to take from the Speaker's table the bill S. 4589, a bridge bill, which has been passed favorably out of the committee in the House, of exactly the same language.

The SPEAKER pro tempore. The gentleman from Minnesota calls up a bill from the Speaker's table, which the Clerk will report.

The Clerk read as follows:

bill (S. 4580) to authorize the county of Hennepin, in the State of Minnesota, to construct a bridge and approaches thereto across the Minnesota River at a point suitable to the interests of navigation.

Minnesota River at a point suitable to the interests of navigation.

Be it enacted, cto., That the consent of Congress is hereby granted to the county of Hennepin, in the State of Minnesota, to construct, maintain, and operate a bridge and approaches thereto across the Minnesota River at points suitable to the interests of navigation in or near the northwest quarter of section 27, township 28 north, range 23 west of the fourth principal meridian, between the Fort Snelling military reservation and Dakota County, in the State of Minnesota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, a similar House bill will be laid on the table.

There was no objection.

JOURNAL OF THE FIFTY-SEVENTH NATIONAL ENCAMPMENT, GRAND ARMY OF THE REPUBLIC (H. DOC. NO. 604).

Mr. KIESS. Mr. Speaker, I desire to report a privileged

resolution from the Committee on Printing.

The SPEAKER pro tempore. The gentleman from Pennsylvania submits a privileged resolution from the Committee on Printing, which the Clerk will report. The Clerk read as follows:

House Resolution 519.

Resolved, That there shall be printed as a House document the Journal of the Fifty-seventh National Encampment of the Grand Army of the Republic for the year 1923, with accompanying illustrations.

Mr. STAFFORD. That is not privileged. The gentleman has to ask unanimous consent for that.

Mr. KIESS. Mr. Speaker, I move the adoption of the resolution

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

STATE TAXATION OF NATIONAL BANKS-CONFERENCE REPORT.

Mr. McFADDEN. Mr. Speaker, I call up the conference report on the bill (H. R. 11939) to amend section 5219 of the Revised Statutes of the United States.

The SPEAKER pro tempore. The gentleman from Pennsylvania calls up a conference report, which the Clerk will

The conference report and accompanying statement were read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11930) to amend section 5219 of the Revised Statutes of the United States, having met, after full and free conference report as follows

That the conferees are unable to agree.

L. T. McFADDEN, PORTER H. DALE, OTIS WINGO, Managers on the part of the House. GEO. P. MCLEAN. GEORGE WHARTON PEPPER, DUNCAN U. FLETCHER, Managers on the part of the Senate. STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11939) to amend section 5219 of the Revised Statutes of the United States submit the following statement:

That the managers have been unable to agree.

L. T. McFadden, PORTER H. DALE, OTIS WINGO, Managers on the part of the House.

Mr. McFADDEN. Mr. Speaker, I move that the House recede and concur in paragraph 5 of the Senate amendment with an

The SPEAKER pro tempore. The Clerk will report the

Mr. NEWTON of Minnesota. Mr. Speaker, a parliamentary

The SPEAKER pro tempore. The gentleman will state it.
Mr. NEWTON of Minnesota. I wish to make the motion to recede and concur. I understand that that is preferential to the motion that has been made, and I make it immediately following the report of the motion.

The SPEAKER pro tempore. The gentleman from Minnesota will be recognized at the proper time, when the parliamentary situation arises. The gentleman from Pennsylvania [Mr. McFadden] has not yet perfected his position. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Mr. McFadden moves that the House recede and concur in para-agraph 5 of the Senate amendment with an amendment as follows: In lieu of the matter proposed in said paragraph 5, insert the following: "The provisions of section 5219 of the Revised Statutes of the United States as heretofore enforced shall not prevent the legalizing, ratifying, or confirming by the States of any tax heretofore paid, levied, or assessed upon the shares of national banks, or the collecting thereof, to the extent that such tax was valid under said section."

Mr. STAFFORD. Mr. Speaker, I make the point of order against the motion.

The SPEAKER pro tempore. The gentleman from Wisconsin

will state his point of order.

Mr. STAFFORD. The gentleman does not move to recede and concur in the Senate amendment with an amendment, but makes a fractional motion to recede and concur in a fractional part of the Senate amendment with an amendment. You can not divide up one amendment, as the Senate amendment is, and single out merely a paragraph and move to recede and

concur with an amendment, as the motion of the gentleman from Pennsylvania seeks to do.

Mr. MONDELL. Well, Mr. Speaker, that has been done frequently. I refer the Speaker to Hinds' Precedents, volume 5, page 6151, and page 6156, where exactly the same procedure was followed. It is certainly in order to offer a motion to a portion

of a matter in disagreement.

Mr. WINGO. May I further suggest, Mr. Speaker, to the gentleman from Wyoming and the Chair that not only what the gentleman from Wyoming has said is true, but the present motion of the gentleman from Pennsylvania is certainly in keeping with the spirit, if not with the letter of the agreement that was had at the time this bill was sent to conference; that is, that a separate vote would be permitted in the House on the validation clause of the Senate amendment? This is the validation section. The gentleman is simply trying to keep validation section. The gentleman is simply trying to keep good faith with the House, and is carrying out that purpose.

Mr. STAFFORD. He should ask unanimous consent for

that purpose

Mr. MONDELL. I am obliged to the gentleman from Arkansas [Mr. Wingo], for reminding me of the agreement that was made, because I was largely responsible for that agreement. The agreement made at the time this bill was sent to conference was that we should do exactly what is proposed now; that is, give the House an opportunity to vote on the so-called valida-tion clause of this bill. If there were no precedent for the action proposed—there are a number, but if there were none— this procedure must be followed if the House is to do what it unanimously agreed to do.

Mr. WINGO. The conferees are just trying to keep faith

with the House and do what we promised to do.

The SPEAKER pro tempore. The Chair is ready to rule. The gentleman from Pennsylvania [Mr. McFadden] moves to recede and concur in paragraph 5 of the Senate amendment with an amendment, and moves that the provision of section 5219 of the Revised Statutes of the United States as heretofore in force shall not prevent the legalizing, or ratifying, or con-

firming by the States of any tax heretofore made or levied or assessed upon a national bank, or the collecting thereof to the extent that such tax would be valid under said section.

The gentleman from Wisconsin [Mr. Stafford] makes the point of order that this would be a division of the conference report, which he contends must be voted up or down as a whole, and that a part of it can not be accepted and the other portion

rejected.

There are precedents on both sides of the question. The rules of the House are designed for the purpose of enabling the House to accomplish its purposes. They were never intended to prevent the House from doing what it wants to do. An arbitrary rule that would prevent the House from separating a Senate amendment, accepting one portion of it and rejecting another, would be a very arbitrary rule, which would prevent the House, as on this occasion, from doing what the House may want to do. If it should be held that the House could not do this, it would be ruling that the House is impotent under its rules.

On many occasions the House has separated such amendments as have been made by the Senate, accepting one portion and rejecting another. The Chair thinks it is clearly within the right of the gentleman from Pennsylvania to make the motion he has made, and overrules the point of order. The question is on the motion of the gentleman from Pennsylvania.

Mr. ANDERSON. What becomes of the rest of the amend-

ment if this motion is agreed to?

The SPEAKER pro tempore. That question will arise after

this motion is disposed of.

Mr. McFADDEN. Mr. Speaker, in answer to the gentleman from Minnesota I will say to the House that the purpose of the amendment is to fulfill the promise that was made to the House when this bill went to conference—that the House before the matter was entirely settled would be given the right to vote on the House validating amendment and the Senate validating amendment. I want to be frank with the House and say that after this amendment is disposed of one way or the other, it is my purpose to make a further motion to perfect the language in whichever bill is voted for, whether it be the Senate provision or the House provision. I am frank to say that the conferees engaged in this matter are agreed that certain perfecting amendments should be made to other important paragraphs to this amendment.

Mr. WINGO. If the gentleman will permit, the Senate conferees have also agreed that this would have to be changed.

Mr. McFADDEN. The Senate conferees agreed that whichever bill is passed should have at least some of the amendments am going to propose.

Mr. SNELL. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. SNELL. Under the conditions the gentleman has stated, it seems to me it would be utterly impossible to have any legislation. It has got to go to conference again and then come back to the House and perhaps have two or three votes. I ask the gentleman if that is not the actual fact.

Mr. McFADDEN. I would not say that it was. There has been an honest attempt on the part of the conferees; this is an important matter, and we are as anxious to have the matter

disposed of properly as anybody.

Mr. SNELL. If it takes as long to get the next conference report as it did this, we will never get a chance to act upon it.

Mr. WINGO. Will the gentleman yield? Mr. McFADDEN. Yes.

Mr. WINGO. One reason why we are here, the conferees of the Senate and the House agreed that something should be passed, and we have come back here, keeping the promise that we made to the Members of the House we would do. It is the desire of all the conferees that something should be done, and

every effort will be made to have it done.

Mr. SNELL. We supposed that the conferees were going to agree on something, and now the gentleman says he is going to have some other amendments, and that means no legislation

this session

Mr. MONDELL. Mr. Speaker, I think I can assure the gentleman from New York that this matter will be concluded this session. It will not be the fault of the House if it is not. the time this matter was taken up in the House some time since it was agreed we should have a vote on the so-called validation clause. The conferees have made an earnest effort to reach an agreement on that, and the conferees have, I understand, practically reached an agreement touching other provisions of the bill. The House is asked to-day to decide whether or not we shall adopt the Senate amendment relative to validation or the Senate amendment with an amendment. That being settled one way or the other, a motion will then be made to

meet the views of the conferees on the other portion of the Senate amendment; if that is the judgment of the House, the matter will be practically settled. I can assure the gentleman from New York that this matter will be concluded this session If the action of the House can bring it about. That is the

earnest hope and purpose of everybody.

Now, may I say a word in reference to procedure in this matter? The gentleman from Massachusetts, I understand, proposes to offer a preferential motion to recede and concur. Before he does that, may I make this suggestion: If the motion of the gentleman from Pennsylvania is voted on, one vote will practically determine the attitude of the House. man from Massachusetts makes this preferential motion to recede and concur, there will be a demand that it be divided. A motion to recede will first be voted upon, and the House having receded, then the motion of the gentleman from Pennsylvaia to concur with an amendment becomes a preferential motion.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. MONDELL. If the gentleman will wait until I state my

Mr. NEWTON of Minnesota. I know what it is.
Mr. MONDELL. I have no definite view with regard to this matter. I do not know how I shall vote. I am not disposed to influence any man; my own desire in this matter is to have the House fairly express its judgment. That being true, it is my duty to explain the matter to the House as I understand it. If the gentleman from Massachusetts [Mr. Luce] makes a preferential motion to recede and concur, it will be divided. The division can not be avoided. The vote then comes on the motion to recede. That being agreed to, then the motion of the gentleman from Pennsylvania to concur with an amendment becomes a preferential motion. So, whether gentlemen desire it or not, the first vote on the merits of this matter must come on the motion to concur with an amendment. Why not have it at once rather than to have a vote and possibly a roll call on the first rather than to have a vote and possession of the divided motion to recede and concur? I make this suggestion simply in the interest of saving time. If the gentleman knows of any way whereby you can avoid the procedure I suggest, I would like to have him state it.

Mr. NEWTON of Minnesota. The gentleman said that the

first vote after the division would be on receding.

Mr. MONDELL. Yes.

Mr. NEWTON of Minnesota. I disagree with the gentleman. The House and the Senate have disagreed. There is already a disagreement, and a motion to concur after a disagreement is to be preferred over a motion to concur with an amendment, because the motion to concur brings the two Houses together, and the motion to concur with an amendment keeps them

farther apart.

Mr. MONDELL. Mr. Speaker, I am retaining my attitude of moderator. I am not trying to influence anybody on this matter. I have given this matter careful consideration and attention, because I want the House to have a fair opportunity to express its views, and I do not know at this moment on which side I shall vote. This is not without consideration of the whole matter. It has been gone over very carefully. I say to the gentleman from Minnesota that under the rule and the uniform practice of the House the motion of the gentleman from Pennsylvania to concur with an amendment will be in order after the House has receded. If the theory of the gentleman were true, then the motion of the gentleman from Pennsylvania to recede and concur with an amendment would be in order now, and would be a preferential motion.

Mr. LUCE. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. LUCE. In view of what has been said, a word of explanation in anticipation of the motion that I shall make is warranted. It is true that the House was promised a separate vote on the validation amendment. This promise was made four weeks ago last Friday.

Mr. McFADDEN. Mr. Speaker, of course it is understood that I have not yielded the floor.

The SPEAKER pro tempore. The Chair so understands.

Mr. LUCE. The promise of a separate vote on validation was made four weeks ago last Friday. I do not intimate that the conferees have not been diligent. They have passed many, I do not intimate that many hours in an attempt to come to an agreement. This morning the gentleman from Pennsylvania discloses that they are not yet in agreement. He intimates, and the gentleman from Wyoming [Mr. Mondell] makes the same intimation, that there is a possibility of agreement, but in view of the fact that after weeks of deliberation they have been unable to report an agreement, I think we are entitled to assume that the gentleman from New York [Mr. Snell] was absolutely correct

in his statement that if this goes back to conference there will be no legislation.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. MONDELL. The gentleman says that there has been no agreement, and that that is evidenced by the fact that here is a report of disagreement. The question has been canvassed very carefully and at great length, and the only possible way in which the pledge of the conferees to give the House a vote on the question of validation could be kept was by bringing in a report of disagreement. The report had to come in in the form of a disagreement. It was not a question whether the conferees had agreed or not. The conferees had agreed to give the House an opportunity to vote, and the only way the House could get that opportunity, save by unanimous consent, which

was clearly not obtainable, was by reporting the disagreement.

Mr. McFADDEN. I think it is fair to presume that if it
were the disposition on the part of the conferees to delay and not have any legislation, they would not have brought in a disagreement but would have held the matter in conference.

Mr. MOORE of Virginia. Mr. Speaker, I demand the regular

order.

Mr. McFADDEN. Why, Mr. Speaker, it has been distinctly understood that I am not yielding, except as a matter of courtesy. I have the floor, and that is the regular order.

The SPEAKER pro tempore. The Chair so recognizes.

Mr. LUCE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it. Mr. LUCE. I desire to offer a preferential motion. Should it be offered now or at the conclusion of the hour belonging to

the gentleman from Pennsylvania?

Mr. MONDELL. Mr. Speaker, I desire to submit a unanimous-consent request at this time. I ask unanimous consent, as the gentleman from Massachusetts intends to offer his preferential motion, that there shall be two hours of discussion of the question before the House-one hour to be controlled by the gentleman from Pennsylvania [Mr. McFadden] and one hour by the gentleman from Massachusetts [Mr. Luce]-and that, of course, will give the gentleman from Massachusetts an opportunity to present his preferential motion at any time.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that the gentleman from Pennsylvania [Mr. McFadden] may have one hour and that the gentleman from Massachusetts [Mr. Luce] may have one hour in which to discuss the matter before the House. Is there objection?

Mr. LUCE. Mr. Speaker, reserving the right to object, I understand that after the House has considered the question of section 5, to which the amendment relates, other amendments are to be presented. I desire to know from the gentleman from Wyoming whether he contemplates an opportunity to discuss those amendments independently, at the conclusion of the two hours?

Mr. MONDELL. By all means. I should like to make this much shorter, but gentlemen feel that they should have two.

hours for this debate.

Mr. WINGO. Mr. Speaker, reserving the right to object, I understand that the proposal is that there shall be one hour of debate on a side, for and against the motion. Is it further understood that, in addition to the pending motion of the gentleman from Pennsylvania, the gentleman from Massachusetts has his preferential motion pending?

The SPEAKER pro tempore. It is not now pending; the mo-

tion has not been made.

Mr. WINGO. Let me suggest to the gentleman from Wyoming that his unanimous-consent request, which provides for hours of general debate, one-half to be controlled by Mr. McFadden and one-half by Mr. Luce, on the validating feature, shall also include an understanding that the motions of both gentlemen shall be considered as pending.

Mr. MONDELL. Yes.

Mr. WINGO. And that a demand for a division, voting first on receding, is to be made, and that the previous question

shall be considered as ordered with both motions pending.

Mr. MONDELL. That is agreeable.

Mr. WINGO. That is satisfactory to this side.

Mr. McFADDEN. Mr. Speaker, I want it distinctly understood that when this matter has been disposed of, I want to make a further motion to perfect the text.

Mr. MONDELL. We will take that up separately.
The SPEAKER pro tempore. The unanimous consent as heretofore preferred will not foreclose the gentleman from Pennsylvania from offering an amendment.

Mr. LUCE. Would it foreclose the gentleman from Massa-

chusetts from offering an amendment?

The SPEAKER pro tempore. It would not prevent the discussing of the amendment under the time limit allotted.

Mr. LUCE. I withdraw my reservation.

The SPEAKER pro tempore. Does the gentleman from Massachusetts desire to have his amendment pending?

Mr. LUCE. I do. I move to recede and concur.

The SPEAKER pro tempore. The gentleman from Massachusetts moves to recede and concur in the Senate amendment, and that is to be considered pending along with the motion of the gentleman from Pennsylvania.

Mr. GREENE of Vermont. Mr. Speaker, there seems to be some misunderstanding as to the unanimous-consent agree-

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming, coupled with the request of the gentleman from Arkansas?

Mr. GREENE of Vermont. Let it be restated, if the Chair

pleases

The SPEAKER pro tempore. That there shall be two hours of debate upon the motion to recede with an amendment and to recede and concur.

Mr. WINGO. And the previous question shall be considered

as ordered.

The SPEAKER pro tempore. That the previous question shall be considered as ordered and the time shall be equally divided. Is there objection? [After a pause.] The Chair hears none.

Mr. NEWTON of Minnesota. Mr. Speaker, it seems to me we should have a quorum for this discussion and I make the point of order that there is no quorum present. Mr. Speaker, I

withdraw that,

Mr. McFADDEN. Mr. Speaker and gentlemen of the House, the proposition before the House at this time is clear and dis-The House on June 14, 1922, passed the bill (H. R. 11939) which proposed to amend section 5219 of the Revised Statutes of the United States. I am sure that the Members of the House will recall that that is the statute that was enacted when the national bank act was passed in 1864 and amended four years later. The purpose of this amendment was to give the States the right to tax the value of national bank shares, The purpose of this amendment was to give with certain limitations. For the purpose of getting this matter clearly before the House I am going to read section 5219 of the Revised Statutes:

the Revised Statutes:

SEC. 5219. Nothing herein shall prevent all the shares in any association from being included in the valuation of the personal property of the owner or holder of such shares, in assessing taxes imposed by authority of the State within which the association is located; but the legislature of each State may determine and direct the manner and place of taxing all the shares of national banking associations located within the State, subject only to the two restrictions, that the taxation shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State, and that the shares of any national banking association owned by nonresidents of any State shall be taxed in the city or town where the bank is located, and not elsewhere. Nothing herein shall be construed to exempt the real property of associations from either State, county, or municipal taxes, to the same extent, according to its value, as other real property is taxed.

Now, the Senate provision in the present bill before us is an attempt to ratify a tax which has been collected by some States in contravention of section 5219. In one instance, and particularly that of the State of New York, the supreme court of that State has declared that the State of New York did discriminate and tax the national banks beyond the authority imposed in section 5219. In connection with that it will be necessary to consider the recent decision of the United States Supreme Court in the case of the City of Richmond against the

Merchants National Bank of Richmond.

It is also necessary to take into consideration the fact that two years ago the State of New York changed its method of taxation by passing an income tax law wherein they exempted certain moneyed capital which was in competition with national banks from taxation. Hence this discrimination was clearly proven in the Supreme Court of the State of New York in a similar case brought by a State bank in New York State. Only about 10 days ago the supreme court again decided-and sustained its previous decision—and decided, as I understand it, that they had also discriminated against the tax levied on State banks. Now there is involved in litigation in the State of New York and State of Massachusetts-and I think some other States are also involved—several million dollars—some thirty or forty million dollars—of taxes which those States have collected illegally and which are held up by this litigation. Now, the attempt here in these two amendments between the House and Senate is to get Congress to validate and permit the States to retroactively collect and maintain this tax and say definitely to the State of New York that the Congress of the United States is willing to let you collect from national banks and your State banks taxes which your supreme court has decided are invalid. Now, if section 5219 of the Revised Stat-

utes had not been passed, the States would have no right to tax at all these national institutions, namely, the national banks. The question involved in this issue is clear. The House has gone, in voting as they did on June 14 last, as far as they felt they could go at that time in giving the States the right to validate and collect, if possible, these funds when we said in our amendment as follows, which is section 3, page 2, of the bill, which was stricken out by the Senate:

3. That the provisions of section 5219 of the Revised Statutes of the United States as heretofore in force shall not prevent the legalizing, ratifying, or confirming by the States of any tax heretofore paid, levied, or assessed upon the shares of national banks, or the collecting thereof, to the extent that such tax has been or is in accord with the provisions of paragraph 1 of this section: Provided, That this shall not apply to taxes attempted to be levied before January 1, 1917.

Now, this is as far as the House or the committee which reported the bill to the House, and which the House voted on and accepted, thought we were justified in going, and is as far as your managers on the part of the House have gone in the conference, and explains in part why the bill was to-day returned

to the House in disagreement.

I am frank to say that the other gentlemen say it was a here gesture. We do not think so. The Senate provision is mere gesture. clearly an attempt on the part of those people who want to collect this money, which the Supreme Court of the State of New York says is invalid to collect, and this is their provision, which is known as the Calder amendment in the Senate. to wit, section 5:

That the act of a State legalizing, ratifying, or confirming a tax heretofore levied or assessed upon shares of national banking associations, or providing for the retention by said State of any of the tax heretofore paid, shall not be deemed hostile to, or limiteal to the interests of, the United States or any agency thereof: Provided, That the amount retained, or to be retained, by such State is not in any case greater than the tax imposed for the same period upon banks, banking associations, or trust companies doing a banking business, incorporated by or under the laws of such State, or upon the moneyed capital or shares thereof.

I want to call your attention particularly to that clause. You will notice that there is no provision that there shall be any taxation of the shares or money invested in private banking in this bill, and I am sure that the Members of the House who are inclined to go as far as to pass such an act as is proposed here would want to improve the language in this bill.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield in

that particular?

Mr. McFADDEN. Yes.
Mr. STAFFORD. The gentleman has just called attention to the phraseology of the House bill, paragraph 3, which provides "that the provision of section 5219 of the Revised Stat-utes as heretofore in force shall not prevent." Now, the pending amendment-and I wish to call the attention of the entire body to this, because I think this is vital-

Mr. McFADDEN. I beg the gentleman's pardon. yielding to the gentleman for a question. Let me finish my

remarks.

Mr. STAFFORD. All right, sir. Mr. McFADDEN. There are other gentlemen who are to speak on this subject, and I do not want to consume all the

I simply wanted to point out that if this provision were to prevail in the Senate, it would not do what is claimed for it. It would still continue a discrimination, and I predict that if this Senate provision is adopted it only means more lawsuits. It means that this matter will be returned to the legislatures affected and in turn put up to the highest courts of the States, and unless I largely miss my guess it means that it must be submitted to the Supreme Court of the United States before the matter is settled.

My understanding is that many gentlemen here want to vote on this question of validation one way or the other, and wanted to bring it before the House so that the House could first express itself on the validation clause. And whether the House or Senate provision is adopted, it is my intention to offer perfecting amendments to other paragraphs of the bill.

Mr. Speaker, how much time have I used?

The SPEAKER pro tempore. The gentleman has used 10 minutes.

Mr. SNELL. Mr. Speaker, will the gentleman yield for one question before he sits down?

Mr. McFADDEN. Yes.

Mr. SNELL. Has there been any injustice done to individual taxpayers paying these taxes up to the present time? Mr. McFADDEN. Reports say there has been. I know what the gentleman is driving at, and I am willing to say frankly that this is not a direct attempt of the national banks to avoid taxation; they are willing and ready to pay a just and proportionate share of taxes, but they are not willing for the

States to be permitted to tax them without limit, and I do not think it is proper now for Congress to permit the opening up of the question and allow the States to tax without limit the national banks. We are here to protect the national banks, and if section 5219 of the Revised Statutes means anything it means to prevent the banks from being overtaxed.

Mr. SNELL. They have paid more than their above.

They have paid more than their share thus far? Mr. McFADDEN. I do not know that the national banks have generally been discriminated against. There are only one or two or three States where this matter has gotten into the courts, but I understand the national banks are willing to pay their share of the proper tax. In some of the States where this matter has come up the taxing authorities of the States have come to an amicable arrangement regarding the payment and settlement of the taxes of national banks.

Mr. STAFFORD. Will the gentleman explain to the House something about his amendment, and how it is superior to

that carried in the Senate bill?

Mr. McFADDEN. Members who will speak later will cover

that phase of it.

Mr. STAFFORD. Of course, we are all interested in hear-

ing about that.

Mr. McFADDEN. I understand that; and the full information will be presented in due time. I yield to the gentleman from Massachusetts [Mr. Luce].

The SPEAKER pro tempore. The gentleman from Massa-

chusetts is recognized.

Mr. Speaker, first in as simple a statement of the issue involved as it is in my power to make, let me say that when the national bank act was passed it was deemed prudent to secure or try to secure that national banks should not be harrassed or taxed out of existence by the States, and to that purpose a provision was inserted in the law of more than 50 years ago to the effect that national banks should not be taxed more than moneyed capital in the hands of individuals.

This has been the subject of repeated discussion and interpretation by the courts. The intention of the framers of the law was clearly stated almost contemporaneously by Chairman Pomeroy of the House Committee on Banking and Currency in 1868, when he said his impression was that the words "capital in the hands of individual citizens" meant shares of State banking institutions, and this was the interpretation put upon the law by common consent throughout the country until a year or two ago, when in what has become somewhat famous as the Richmond Bank Case the Supreme Court of the United States went further than it had ever gone before with this language defining "moneyed capital in the hands of individual citizens":

Investments of individuals in securities that represent money at

This meant that the test of fair taxation was not merely to be competitive banking capital but money in the hands of individuals invested in securities at interest. This suggested to shrewd lawyers that the national banks in certain States might recover back those funds that had been paid for taxes under the interpretation of the statute that prevailed commonly for half a century.

The result is that in my own State suits have been brought for the recovery of more than \$10,000,000. The suits against the city of Boston alone aggregate about \$6,000,000, with the expectation that this spring will bring them up to \$10,000,000, and that throughout the State something like \$15,000,000 or \$20,000,000 in all is at issue. Gentlemen from New York will show you how much greater the amounts are there.

This money has been distributed to the cities and towns. has been expended in the ordinary processes of government for police and fire protection, for the payment of teachers, and for like municipal purposes. If these suits prevail, and if the House does not see fit to approve my motion to-day, in all probability the cities and towns of Massachusetts will be required to return to the national banks concerned at least \$15,000,000. I may say, therefore, that in making the motion that I do-

Mr. MOORE of Virginia. Will the gentleman state what

his motion is?

Mr. LUCE. My motion is to recede and concur, which in effect will adopt the Senate amendment.

Mr. McSWAIN. Is that what is known as the Kellogg amendment?

Mr. LUCE. Yes.
Mr. DALE. Does the gentleman concede that these taxes that would have to be paid back were illegally collected under the law?

Mr. LUCE. I prefer to take that up later. Here I desire to point out that in championing the Senate bill I am speaking for the citizens of Massachusetts, and I am aligning myself

against sundry national banks. I conceive it my duty to defend the citizens of Massachusetts against their unrighteous demand. If that be treason, my friends of the national banks may make the most of it. They are my friends, many of them my personal friends. I am here to save them from themselves.

But before continuing the discussion of that point let me tell you what it is desired to accomplish. The taxing authorities of the States, with whose arguments I agree, wish to embody in the legislation simply the conception of the law that everybody entertained for 50 years-the conception that the test should be capital competing in the business of banking. this particular the Senate and the House bills do not materially

differ. So that issue is no longer important.

There are other things, however, in regard to the future as to which the conferees do differ. After a month of discussion they have been unable to reach an agreement. from Pennsylvania, before the afternoon is concluded, will urge you to send this back to the conferees, who have spent many weeks in trying to get together, and that is the reason why the understanding reached a month ago as to a separate vote on the validating provision should not have determining weight at such a juncture in the session as this, for it must be apparent to any reasonable man that if this bill goes back to conference it is the end of the bill.

The real vital question at issue now is whether we shall permit the banks to extract from the treasury of the States these taxes they say have been collected from them illegally. In discussing the matter with various gentlemen of the House, there has appeared a feeling of natural reluctance to enact what is known as retroactive legislation. Some of them do not understand that the inhibition against ex post facto laws relates purely to criminal statutes. All of them entertain an instinctive objection to changing conditions, however erroneous or unfortunate or mistaken they were, which have become history. Let me point out to these gentlemen in the first place that validating laws have been common in all the legislative bodies of the land. The curing of mistakes or errors is one of the frequent tasks of legislative bodies. Let me further point out to them that court after court has held that back taxes may be levied by the tax authorities. We ask simply that you permit the legislatures to back tax. justification for that may be found in the pithy statement of the legal principle by Justice Holmes in a case decided last spring, "A tax may be imposed in respect of past benefits." I want that to sink in—"a tax may be imposed in respect of past benefits."

Mr. WILLIAMSON. Will the gentleman yield?

Mr. LUCE. Yes.
Mr. WILLIAMSON. In our State the national banks have paid the tax as levied by the State and have started suits to recover them back. Is that the same situation in Massachu-

Mr. LUCE. Yes

Mr. WILLIAMSON. And this is a matter of confirming what has been done?

Mr. LUCE. Yes. But we will understand the situation better if we avoid the words "confirming," "validating," "ratifyand use an expression that more clearly discloses the intent-to back tax the banks.

Mr. GRAHAM of Illinois. If it will not interrupt the gentleman, would the gentleman mind stating the distinction between

the House provision and the Senate provision?

Mr. LUCE. The House amendment permits back taxing, and I trust no member of the Banking and Currency Committee who last June consented to submitting that provision will raise the issue that we have not the right to back tax. The House provision said that you should back tax only to the extent of the limitation provided in the earlier part of the bill. The Senate back-taxing provision says that you can not back tax at a higher rate than that imposed upon State banks and trust companies.

Mr. McFADDEN. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes. Mr. McFADDEN. Will not the gentleman please explain what that previous item is in the House bill?

Mr. LUCE. The House provision says that the back tax shall not be at a greater rate than is assessed upon other moneyed capital in the hands of the individual citizens of such a State coming into competition with the business of national banks.

Mr. McFADDEN. That is exactly the provision that is now in section 5219 of the Revised Statutes, is it not?

Mr. LUCE. The words are not the same, but the purpose is to accomplish what before the Richmond decision the original language was commonly supposed to mean.

Mr. McFADDEN. So that it would not be retroactive if it

complied with the present law.

Mr. LUCE. If the present law is to be applied as the Richmond decision forecasts, it will cost the people of Massachusetts \$15,000,000, possibly much more.

Mr. DALE. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. DALE. If I am mistaken about this I am sure the gentleman will correct me. Is not this the distinction between the two Houses, the House provision and the Senate provision. They both back tax, but the House provision does not back tax what the courts have held to be illegal, whereas the Senate provision does back tax precisely what the courts have held to be illegal.

Mr. LUCE. I do not desire to contest the point. Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

STEVENSON. And did not the House provision also authorize the collecting or retaining of all the taxes which had been illegally collected, provided it were made legal by also back taxing the men who had escaped, and who had been taxed only one-third as much as this capital? Was not that the provision which the House made?

Mr. LUCE. Possibly. Hastening on I may say that we, therefore, have had it established by the unanimous opinion of the committees of both branches that we may authorize back taxes. If we can empower a State to impose a tax, it is inevitable that we have the right to empower a State to impose The things follow each other as the night the day. a back tax.

Mr. MOORE of Virginia. Does the gentleman think a back tax that was never authorized by the law can retroactively be

imposed?

Mr. LUCE. We can impose a tax that was never authorized by law, under numerous decisions of courts. If we may impose a tax that was never authorized by law, inasmuch as Justice Holmes says that a tax may be imposed in respect of past benefits, it is inevitable that we may impose back taxes. not make fish of one and flesh of another. You can

Mr. REED of West Virginta. Mr. Speaker, will the gentle-

man yield?

Mr. LUCE. Yes.

Mr. REED of West Virginia. The House fixed the period in the past beyond which you can not do so. Does the Senate do that?

Mr. LUCE. It does not.

Mr. WINGO. I suggest to the gentleman that the proposal of the gentleman from Pennsylvania eliminates that date, because that date is immaterial, agreed so by both conferees. The only difference between the House and the Senate is in the degree to which they will retain the amount.

Mr. MOORE of Virginia. Mr. Speaker, I think the gentleman must have misunderstood the question that I put to him a moment ago, which was this: Would it be competent for Congress now to establish a retroactive system of taxation run-

ning back into the past Indefinitely?

Mr. LUCE. Absolutely. The courts have decided it a hun-

Mr. MOORE of Virginia. The courts have decided that collections can be made where the law authorized the imposition of the tax, and the law was not executed, but I had not understood that it is competent for Congress or a State legislature to devise a new system of taxation and make it indefinitely retroactive.

Mr. LUCE. It does not make any difference whether new or d. The principle of Justice Holmes is inescapable—a tax may be imposed in respect of past benefits. Nobody can get around that statement.

Mr. DENISON. But who is to be the judge of past benefits?

Mr. LUCE. The legislative power.
Mr. DENISON. Is that a question purely of legislation?

Yes. Mr. LUCE.

Mr. DENISON. If that is true, then the Congress can enact a law and fix a back tax and impose it for any number of years back, and if the people at that time had known such a thing could be done, they might never have engaged in the business

at all. Is that true?

Mr. LUCE. I rely entirely upon what Justice Holmes said. Mr. DENISON. There is just one decision on that question?

Mr. LUCE. Oh, no; many.

Mr. DENISON. Will the gentleman insert some of them in

Mr. LUCE. The gentleman may examine Grim v. Weissenberg School District (57 Pa. State, 433); Stockdale v. Insurance Companies (20 Wall. 323); Wagner v. Leser et al. (239

U. S. 207); Forbes Line v. Commissioners of Everglades (42 Sup. Ct. Rep. 32); United States v. Heinszen & Co. (206 U. S. 370), and other cases therein cited.

Mr. FAIRCHILD. Mr. Speaker, in answer to the suggestion made by the gentleman from Virginia [Mr. Moore], it is true that the courts have decided that where a State originally had the power to tax it can tax retroactively or ratify an illegal tax, but that is not this case, because in this case the States in question originally did not have the power to tax. I would like to have the gentleman from Massachusetts point out how this proposition that endeavors to give a State the power to ratify where they did not originally have the power to tax is analogous to the cases in the courts that the gentleman refers to.

Mr. LUCE. Let me first say that we do not by this legislation ourselves ratify, validate, or back tax. We simply say that we waive our rights if any exist; we throw the matter back to the State, where the State legislature will now decide whether

it is justified in back taxing the national banks.

Mr. FAIRCHILD. If the gentleman will yield, I call attention to the fact that the Supreme Court of New York has decided that this tax was collected illegally on the ground that the State of New York did not have the power to tax, and I would be very glad to hear the gentleman from Massachusetts explain how he can apply to such a proposition the cases to which he refers, which are limited to where the State originally had the power to tax.

Mr. LUCE. Justice to others requires that I give some part of my time to them, and I wish I might be excused from trying to navigate further the perilous, difficult intricacies of the law on this question. I am relying upon the statement of Justice Holmes that we have the right to tax for past benefits, and we must leave it to every State to determine by its legislature, as controlled by the Supreme Court, how far and in what way it may tax for past benefits. All we are trying to do is to say that we, representing the national sovereignty, will not assert any rights that we may possess in the matter in issue.

Mr. McFADDEN. Will the gentleman explain how the Legis-

lature of the State of New York, for instance, can override the Supreme Court of the United States, wherein it has decided that they have collected these taxes in violation of section 5219?

Mr. LUCE. I have not the time to enter into an explanation. Let New York fight her own battles. All we may say is that we will not interfere.

Mr. MacGREGOR. Was this in the light of the Richmond

case?

Mr. McFADDEN. I call attention to the fact that in the State of New York the trouble principally came about by the passage of the progressive income tax law, in which they discriminated against national banks by exempting private bankers from any tax on their investment capital.

Mr. LUCE. Mr. Chairman, I promised myself to use but half an hour, in order that I might be just to other gentlemen

who wish to speak.

Mr. OLIVER. If the gentleman will permit, can the gentleman briefly state the question before the court in the case from which he has quoted?

Mr. LUCE. The Florida case?

Mr. OLIVER. Yes.

Mr. LUCE. I simply took out from it this one legal principle which everybody admits, because I have never seen it more succinctly stated.

Mr. OLIVER. It is not dictum in that opinion; it is material to the subject matter itself.

Mr. LUCE. I should say it was. Now, let me address myself to the other phase of the question. I told you that I had come to the defense of the people of Massachusetts. I believe I have also come to the defense of the national banks of Massachusetts, and indeed those throughout the land. This money that the banks ask to be given back was taken from the depositors, and from all others who bought service of the banks, with the tacit understanding that it was taken to meet part of the overhead charges, in common with the money necessary for insurance, rent, light, heat, and other items of running expense. The price of service to customers was raised pro-portionately. Now, the banks, having extracted this money from their customers, desire to extract it also from the tax-payers. [Applause.] I call to your attention that the pitiable and wretched situation of the banks is hardly such as to warrant this unrighteous conduct, in view of the fact that the total deposits of the national banks of this country in one year increased from \$14,500,000,000 to \$16,500,000,000. I call attention to the fact that the most important bank in Boston, when it had brought suits for the recovery of \$3,464,637 paid in taxes, with interest, had in the same six years increased its surplus by more than \$20,000,000.

Mr. DENISON. Will the gentleman yield? Mr. LUCE. I have not the time, I regret to say. attention to the fact that this thing is being done despite of conditions that should prompt every prudent banker to take an opposite course. I recall what was said about the execution of the Duc d'Enghien, perhaps by Talleyrand: "It is worse than a crime; it is a blunder." In the face of the criticism of banks all over the country, the prejudice against banks, the coming onslaught upon the banking system, bankers take the unholy attitude that on a legal quibble they will avoid paying their fair share of the public burdens.

Mr. SNYDER. Will the gentleman yield?
Mr. LUCE. I can not. I do not believe that they would voluntarily and with malice aforethought do such an indefensible thing, but they have been told by shrewd lawyers that they are the trustees of their stockholders, that if they fail to take any opportunity by the exercise of legal rights to secure meney which may be technically due to the stockholders they will be held responsible. My friends are between the devil and the deep sea, between their consciences on the one hand and their lawyers on the other hand. I am here to speak for them, to save them from living with uneasy consciences the rest of their lives. I am here to get them out of the dilemma. I am also here to speak for from 18 to 20 States that are imperiled in the same way as Massachusetts. I am here to speak for my favorite doctrine of the right of every State to govern itself and to handle its own affairs, as far as consistent with the power conferred on the Nation by the Constitution.

If you adopt the Senate bill, you allow the State to determine for itself its method of taxation. You cease your interference with a situation which has been brought about purely by legal technicalities. You return to an interpretation of the law that prevailed for 50 years. You permit justice and equity

to prevail.

In all the hearings and conferences on this matter-and they have been many—to the best of my recollection I have never heard one single man say that the proposal embodied in the House bill is right. All its defenders have relied upon legal defenses and legal excuses. Not a man has argued before us that the thing itself is fundamentally right. I am asking that you vote to-day not on the ground of technicalities or quibbles or the action of this or that court, I am asking you to vote to-day for what is equitable and just and right. [Applause.]

Mr. McFADDEN. Mr. Speaker, I yield to the gentleman from New York [Mr. Husted].

The SPEAKER pro tempore. The gentleman from New

York is recognized.

Mr. HUSTED. Mr. Chairman, there is just one basic difference between the House provision and the Senate provision, and that is this: The House provision allows the doing by the States of a legal act. The Senate provision authorizes the doing of an absolutely illegal and futile act, which will accomplish nothing except to make bad matters wors

Mr. EVANS. Mr. Speaker, will the gentleman yield? Mr. HUSTED. I can not yield. My time is so short. I am

It is perfectly clear and self-evident that the States can not tax national-bank shares without the consent of the Federal Government. It is also perfectly clear that the Federal Government has given a conditional consent. The Federal Government has said to the States, "You may tax national-bank shares, but you can not tax them unless they are asse locally, and unless they are so assessed that you do not discriminate in favor of private capital employed in the same business.'

Now, in 1920 the State of New York enacted a State income tax law, and under the provisions of that law they arranged for the taxation of national-bank shares in a way that discriminated in favor of private capital employed in the same kind of business, and under the provisions of the income tax law these illegal assessments were levied locally upon nationalbank shares. Well, the Hanover National Bank went into court and brought a certiorari proceeding, and the case went to the supreme court of the State, and finally to the court of appeals, which is the highest court in the State of New York; and the court of appeals held that the assessment was absolutely illegal and void for lack of constitutional power to

Now, what are you trying to do here in the Senate amendment? You are trying to legalize and confirm assessments that are not only void but assessments that were absolutely void ab initio for lack of power to make them. You are trying to put life into something that never existed. You can ratify and

confirm the defective execution of a power, but here no power existed, and how are you going to ratify and confirm something that never had any legal validity?

It may be a popular thing to vote for this thing, because it appeals to the people; but it will not be popular a year from now, when the people realize that you have put them in a hole; because there is just enough in this Senate provision to induce the States to pass ratifying legislation; just enough to induce the banks to resist, and just enough to create delay and additional expense, and eventually the banks will have to be repaid,

because the taxes were void ab initio.

There is one thing you can do. You can provide for a reassessment for these back years, provided you do it legally and in conformity with the statute, and that is what the House provision permits. That is all you can do. That is as far as you Then, why attempt to do something here which is absolutely illegal, unconstitutional, and futile, which will never get you anywhere, because you are trying to ratify and confirm something that was absolutely void from the beginning. It ought to be apparent to everybody, whether he is a lawyer or whether he is a layman, that such a thing is impossible, because there is nothing existent upon which the law can operate. [Applause. l

Mr. Speaker, I yield back the remainder of my time.

Mr. LUCE. Mr. Speaker, I yield 10 minutes to the gentle-man from New York [Mr. Mills].

The SPEAKER pro tempore. The gentleman from New York

is recognized for 10 minutes.

Mr. MILLS. Mr. Speaker and gentlemen of the House, after the clear review given by the gentleman from Massachusetts [Mr. Luce] and the discussion that has already been had today and on previous occasions, I am not going to review the general proposition; I am going to deal specifically with the validating proposition, and I am going to deal with it entirely from the angle of New York State by reciting to you just what has been done in our case, so that you can judge for yourselves just where the equities lie.

For 20 years the National and State banks in the State of New York paid 1 per cent on the capital stock. Personal property in the hands of individuals paid the local rate, whether below 1 per cent or above 1 per cent. But the personal property tax in the State of New York was a dead letter. We collected from intangible property not more than six or seven million dollars from all the people of the State, while in 1918 we were collecting \$5,500,000 from the banks alone. Why was this? Let me explain, and I want to illustrate the reason. by using the same old private-banker example. Assuming you had a partnership with 10 members, each one of these 10 members was liable for all the liabilities of the firm, and in New York we permitted a debt reduction from the assets for tax purposes. On the plus side each had one-tenth of the assets, but the law permitted him to deduct a liability, and therefore he was allowed to deduct 100 per cent from the 10 per cent. No one prior to the passage of the income tax law paid less personal

property taxes than the private banker.

What happened? The State of New York got away from the old archaic tax system and passed an income tax law, and the taxpayers that had been contributing six or seven million dollars contributed the following year \$35,000,000, and that is the law which is held to discriminate against banks. The amount of their contributions has risen as the resources have increased, so that to-day they contribute probably \$8,000,000 a year. But the people who formerly contributed \$4,000,000 or \$5,000,000 are now contributing \$35,000,000 under the law which the

court of appeals held was discriminatory.

Why did it hold that it was discriminatory? Because it was bound by the decision of the Supreme Court of the United States in the Richmond case, which changed the interpretation of the law that had been accepted for 50 years. They changed the interpretation. Some smart lawyers in New York City quickly saw the opportunity. They went to the banks and on a contingent-fee basis carried the case to the court of appeals bound by the decision of the Supreme Court of the United States-saying that the State had exceeded its authority.

From a legal standpoint it has been repeatedly held that where the legislature had made a mistake and exceeded the authority in matters of this kind, or where the Executive had exceeded his authority the legislatures can validate the action

For instance, in 1902 the President undertook to levy a tariff duty on imports into the Philippines. The court held is action absolutely illegal, but the Congress validated it, and every cent of duty paid was never repaid. You will find case after case of that kind in the books in the State courts, local courts, and in the Supreme Court of the United States.

The States, acting under the authority which was granted them, did that which the Supreme Court said they should not have done, though they had been doing it for many years. What we are asking the Congress to do to-day is to say that the States were right for 50 years and we are going to validate their acts

Mr. STEVENSON. Will the gentleman yield?

Mr. MILLS. Yes.

Mr. STEVENSON. Has the legal authority of any State, until New York did it in 1919, ever claimed that there was a right to levy an income tax on dividends coming from national banks?

Mr. MILLS. No.

Mr. STEVENSON. Is not that the one thing

Mr. MILLS. The gentleman knows that that is a minor point and that it crept in through an error and the national banks of the State of New York did not even protest.

STEVENSON. Did they impose it on the private hankers?

The gentleman is aware, I believe, that Yes. the capital employed in banking business should be taxed on

Mr. STEVENSON. Will the gentleman agree then that the validation clause which we put on could have been complied with absolutely by putting the tax on the great international bankers of Morgan & Co. equal to what they paid by the national banks?

The gentleman is entirely wrong. The Mr. MILLS. No. only way we could validate under the House provision would be by repealing the income tax law as passed that yields \$35,000,000 a year, and by changing our modern scientific taxing system, and going back to the general property tax. We could do that if we were willing, but no State would be crazy enough

Mr. STEVENSON. The gentleman evades the question. Could it not be validated by going back and putting the same tax on Morgan & Co. that you did on the national banks?

Mr. MILLS. Mr. Speaker, I did not yield to the gentleman for a speech. What, then, is the situation? The banks pay these taxes for 20 years, which they never question. You next find a decision of the Supreme Court changing the interpretation of the law, and a law which increased the taxation of these people by \$30,000,000 declared all of a sudden unconstitutional under the terms of the Supreme Court decision. You find the banks taking advantage of it. What are you Are you going back to 1921 and say that the Are you Richmond decision is not what Congress meant? going back to 1921 and say that because of a technicality you are not going to allow these national banks to retain literally in my State over \$20,000,000 which they are taking out of their fellow taxpayers when they take it out of the State treasury? Oh, no. There is really but one side to this question. I maintain that from a legal standpoint, and certainly from a moral standpoint, these national-bank taxes should be paid, and the only way to pay them is to validate under the Senate clause.

yield back the remainder of my time.

Mr. McFADDEN. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Speaker, I have seldom heard a more remarkable contention made to this House than that which is offered by gentlemen who favor the Senate amendment to this bill. They even register their protest when citizens of a State go into the courts of the land for the purpose of having their rights adjudicated and passed on. That, Mr. Speaker, is the sin which some national banks in New York and Massa-chusetts have committed. That is the offense which has brought down upon their heads and those of us who agree with them in their insistence upon their legal rights the condemnation we have heard here to-day.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman

yield?

Mr. STEAGALL. I am sorry, but I can not yield now, be-

cause my time is limited.

When the national bank act was passed Congress passed a law granting to the States the right to tax capital invested in these institutions, which are creatures of the Federal Government. Congress deemed it wise to provide that the capital of citizens invested in national banks be protected against legislation by the States in levying discriminatory taxes. statute provides that capital invested in national banks shall not be taxed at a higher rate than capital in the hands of indi-

The Supreme Court in numerous decisions has upheld the law and has uniformly construed the language "capital in the hands of individual citizens" to mean such capital as

is employed in competition with capital invested in national banks. It is manifest that it was the purpose of Congress to protect and encourage citizens in the investment of their money in the capital of national banks. In the absence of this protection afforded by the statutes it would be in the power of any State in the Union to drive national banks out of business by tax laws discriminating in favor of those coming in com-petition with national banks. The State of New York, for instance, passed a statute embodying the provisions of the act of Congress. The State for years had a tax of 1 per cent act of Congress. The State for years had a tax of 1 per cent on the value of shares in all banks, national and State, and institutions and individuals having capital similarly employed. Finally, the Legislature of New York passed a law continuing the 1 per cent tax on shares of banks and placed an additional tax on income from the shares of banks. But this law provided for taxing investment in private or unincorporated banks on income alone and not over 3 per cent. This was clearly a discrimination in favor of moneyed capital in the hands of individual citizens employed in competition with national banks.

The State had no right to levy any income tax against the shares of national banks and had no right to tax such shares 1 per cent, while taxing private bankers on income alone and not over 3 per cent, which imposes a much less burden. The discrimination amounts to \$6,000,000 or \$7,000,000 in the city of New York alone which the national banks there have to pay in excess of what is paid by private bankers with the same amounts of investments. The Supreme Court of the State of New York held that the legislation embodying this discrimination was void on its face under the act of Congress which had been embodied in the statutes of the State of New York.

Now, what is it the Congress is asked to do? We are asked to go back and confer, retroactively, a power in the State of New York which it did not have at the time the taxes in controversy were levied and to make valid the discriminatory statute of New York, which the supreme court of that State pronounced void on its face, because there was no power whatever in the State to levy such taxes. That is what is attempted by the Senate validating section. Congress has no such power as that. Congress can not levy any tax in the State of New York. Such taxes are purely local and within the power of the State of New York, limited by the act of Congress protecting citizens in their investments in national banks against discriminatory legislation. Citizens acquired rights in connection with their invest-

ments, and those rights can not be taken away.

If we adopt the provisions of the Senate amendment we simply remand the whole controversy to the courts of the country, and the Supreme Court of the State of New York has decided already that these assessments made by the legislature of that State are void on their face. If we adopt the Senate amendment, the State of New York will have nothing but a lawsuit, which we contended there is no chance to win, and which means that they can not hope to retain the taxes collected from national banks under that discriminatory statute. What does the House validating provision do? The gentleman from Massachusetts [Mr. Luce] says that this provision would force the States of New York and Massachusetts to return the millions of dollars that have been collected from national banks. That would not result if the House provision should prevail. We are would not result if the House provision should prevail. trying to provide a method, and the only method, by which these States can retain this money, and that is to go back and comply with the law in existence when they attempted to levy those taxes. Under our amendment it is only necessary to go back and levy the same taxes against J. P. Morgan & Co., Kuhn, Loeb & Co., and other private bankers—against all capital employed in competition with capital invested by citizens in national banks-that are levied against the investments of citizens in such banks and make all abide by the same rule without discrimination.

When they do that they will be able to hold every dollar they have collected from national banks. It is only necessary that they go back and assess the private bankers and collect on the same basis the taxes which they are attempting to dodge and which they want Congress to back them up in dodging. This is the way, and the only way, by which these States can retain the money they have collected.

This Congress has passed a law for refunding taxes improperly collected by the Federal Government and has appropriated millions of dollars for the purpose of reimbursing people of the country who have paid taxes contrary to law. Gentlemen who voted for this legislation come forward to-day and solemnly ask us to attempt to enable States, where these controversies have arisen, to find a way by which to make valid their violations of the law passed by Congress and in existence when these taxes were levied and to hold money collected from national banks in taxes which they had no power to collect and which were

collected in violation of both State and Federal statutes. Even if we had the power, which we have not, nothing could be more unseemly than for the Congress, after having laid down the rules under which taxes may be levied against capital invested in national banks, to go back and attempt to sanction and validate the open and intentional violation of the solemn enactment of Congress supported and sustained by the Supreme Court of the United States for half a century.

They ask us to go back and say, notwithstanding they have violated the law, we are ready to back them up in it and authorize them to go as far as they like. We are about to reenact the statutes under which States may tax the capital of citizens invested in shares of national banks. We expect to provide for different methods of assessing such taxes. But, whether we pass the House bill or accept the Senate amendments, we shall still attempt to protect investments in national banks, in whatever taxing method is employed, against unfair and unjust discriminations in taxes to be levied by the States. But what is the use in enacting such statutes if we set the precedent of inviting their violation? How long before we shall expect gentlemen to come forward again, after such violations have been indulged in, and ask Congress again to back them up and say that we did not mean the enactments of Congress to be taken seriously-to go ahead without regard to congressional legislation—that we stand ready to validate such action.

Mr. LUCE. Mr. Speaker, will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. LUCE. Does the gentleman approve of the validating clause in the House bill?

Mr. STEAGALL. I do.

Mr. LUCE. Then how does the gentleman hold himself to-

gether in this case?

Mr. STEAGALL. I approve the clause of the House bill because it simply authorizes the States to correct any error they have made only so long as they observe the solemn enactments of Congress in attempting to levy assessments. The courts have always held that it is permissible to go back and make a correction where there is a failure to exercise power or where it has been exercised improperly. But the courts have never held that legislation may confer retroactively authority that never existed or that Congress can confer upon the States the power to levy a tax retroactively which the States never had the power to levy in the first instance.

Mr. LUCE. But the House bill does change the law and makes it different from what it was at the time, I may say.

Mr. STEAGALL. I do not so understand the provisions of the House bill.

Mr. LUCE. Let me read it to the gentleman.

Mr. STEAGALL. I would rather not have my time taken up in reading the provisions of the House bill. There are some other things I wish to say before I conclude.

The SPEAKER pro tempore. The time of the gentleman

from Alabama has expired.

Mr. STAFFORD. Mr. Speaker, it is indeed difficult for me to appreciate the position of those on the other side of the aisle who believe in State rights but who would deprive the States of their sovereign power in taxing the instrumentalities of the National Government doing business within their borders. That is the whole sum and substance of what this validating clause claims to do. True, under section 5219 as it originally was enacted it only applied to the taxes levied on shares as personal property, but the States have sought to supplement the personalproperty tax with something more potential in developing in the way of income taxes. As, for instance, New York, Massachusetts, Wisconsin, and other States where taxes on the bank's income have been levied. What we are attempting to do here as far as validating is concerned is only doing what the States have done time and time again under their taxation levies when they have ratified, approved, and corrected that which they found faulty. The National Government is seeking to delegate to the States the authority to tax national banks within their borders on the same plan as State banks. I say in all frankness we should accept the Senate amendment rather than the amendment proposed by the gentleman from Pennsylvania. And why? Let us read for a minute what it proposes to do. This would throw the whole subject as to the taxes that have been collected into the courts again. He says:

The provision of section 5219 of the Revised Statutes of the United States as heretofore enforced shall not prevent the legalizing, ratifying, or confirming by the States of any taxes heretofore paid, levied, or assessed upon the shares of national banks or the collecting thereon to the extent that such tax would be validated under said section.

That will not validate the present tax levies on national banks. We are attempting to validate them. This would merely throw this whole subject into the courts again. That is what you will do by this language. It does not follow the language of

the House provision, but says that the provisions of section 5219 to the extent of such taxes would be under said section. are not doing anything—you are doing unwittingly something you do not intend to do. Many a national bank in New York, Wisconsin, and other States have paid their taxes without protest, wanted to meet their own obligation to the States, There are many honest banks who wished to share their just burdens of taxation. Is it going to be said that this House is going to punish a bank that paid its tax assessment and relieve the banks that took advantage of technicalities and paid the tax under protest. That is what you are attempting by passing the proposed amendment. If you want to do what is right so as to give effect to the method of taxation in your State and permit it to tax national banks within its borders, you will adopt the amendment of the Senate.

Mr. McFADDEN. Mr. Speaker, I yield 15 minutes to the gentleman from South Carolina [Mr. Stevenson].

Mr. STEVENSON. Mr. Speaker, it would be just as well for a minute to get a little perspective of the question that is before us. In December, 1862, which is going a good ways back, but we have got to look at this question from the foundation, you will remember that Salmon P. Chase, afterwards Chief Justice of the United States, then Secretary of the Treasury, submitted a message to the Congress asking that a national-banking system be established which would be based upon bonds of the United States Government. He stated that the many disasters that had overtaken the arms of the Union indicated that a long and uncertain war was before them, and it came out that the currency of the United States was bringing 53 cents in the markets of the world; that the 6 per cent bonds of the United States were bringing 68 cents of a currency that was bringing 53 cents, and you will see about where it Within eight days after that message was made Lee and Jackson struck Burnside at Fredericksburg and crushed the Army in a terrific defeat, one of the greatest ever suffered by the Union forces, and knocked at the very doors of the Capitol at Washington. There was no money with which to pay anything and the money issued was becoming absolutely worthless. In January there was a bill introduced by John Sherman to create national banks for two purposes, to provide a place where it would have a market for national bonds and provide for a currency that would be uniform all over the United States. It was opposed as bitterly as some State rights Members are opposing the House provisions here, but it became the law, and 60 years ago day before yesterday Lincoln signed it and national banks were established to help the Government in the greatest crisis that confronted it and I hope will ever confront You will note that the capital was all to be invested in taxfree bonds and that they were to come to the help of the Government.

You will be surprised when you think of it that they even thought of taxing them at all. Yet they did. They said, "We are going to allow the States to put a tax upon the holders of the stock, but we are going to say that it can not be at a higher rate than the States put upon the stocks of their own banks." The position of the gentleman from New York here to-day is that that is what they meant. Yes; that is what they meant. In 1864 they enacted that, and they put in this:

The tax so imposed under the laws of any State upon the shares of any association authorized by this act shall not exceed the rate imposed upon the shares in any bank organized under the authority of the State where such association is located.

The gentleman pleads that they were ignorant over in New They went to work and taxed them in that way, and the savings banks were in issue, and the bank whose capital was exempted because it was in State bonds was exempt; and in 1868 they passed the present law, in which they said the tax shall be levied the same as upon other competitive capital in the hands of individual citizens.

The gentleman says this was all a misapprehension. Every-

body thought otherwise. In 1884, in the case of Boyer against Boyer, 113 U. S., in Pennsylvania, that very question was raised, and the Supreme Court said:

The effect, even the object, of the latter act-

That is, the act of 1868-

was to preclude the possibility of any such interpretation of the act of Congress as would justify States which are imposing the same taxation upon national-bank shares as the shares of State banks from discriminating against national-bank shares in favor of capital not invested in such bank stock.

That settled the question which Mr. MILLS says was not settled till the Richmond case.

In fact, the States did not discriminate and do not make any such discrimination now, and that was 40 years ago. Yet the gentleman from New York says that because a lawyer down in Richmond came into court and admitted that everything stated in the evidence was true, and admitted himself, out of court-the gentleman says the court overturned all the deci-

That is merely a bogey.

The test in Massachusetts about which the gentleman from Massachusetts complains was begun and was going on before the Richmond decision-had been going on for two years. They passed a tax law there in which they put a very light tax on the private banker, a slight income tax, and a heavy one on the national-bank stockholder, because it is the stockholder, not the bank, who pays these taxes. The tax is levied upon him. They put a tax upon the private bank in the State of Massachusetts in 1918 which takes 61 per cent of the income of the private banker and takes 30 per cent of the income of the man who holds stock in the national bank, on his income. That is what it does. Yet they come here and want you to ratify it.

The national banks served notice that they would not stand for it, and they filed their action long before the Richmond

case was ever decided.

What does that amount to? I want to show you. here the financial statement of Boston. Boston's income is \$52,000,000, and her comptroller shows that she has a surplus this year of \$1,500,000, whether she gets this back tax or not. But what is it? The national banks in the State of Massachusetts under that inequitous law pay \$2,716,854. That is official. They paid this last year. If they had paid at the same rate as Lee, Higginson & Co. and other international bankers that were let off with an income tax, they would have paid only that were let off with an income tax, they would have paid only \$484,000.

Yet they want us to put the approval of Congress on that. You have violated a law which has been thrown around this great financial institution—the great system of national banks in this country, which is the foundation of the Federal reserve You can go and talk all you want to about it. How system.

about New York?

Mr. J. M. NELSON. Mr. Speaker, will the gentleman allow

me to interrupt him there?

Mr. STEVENSON. Yes. Mr. J. M. NELSON. Will the House provision get the private

banker?

Mr. STEVENSON. Yes; the House provision will get the private banker if the States will enforce it. They would turn them loose on the same plane as the national banks, but we did not propose that they shall be in competition with the national banks and that they shall exact from the national

banks what they would be required to pay.

What is the situation in New York? They talk about New York being busted, too. They have only collected two years' taxes there—\$6,000,000 a year, in round numbers, or \$7,800,000, rather, to be exact. Now, what is the situation there? New York State collects \$600,000,000, in round numbers, the whole State. The city of New York collects \$300,000,000. Yet they say they will be busted if we do not let them take \$12,000,000

out of these national banks unjustly. Now, what happened? On \$600,000,000 of national-bank stock in New York they collected in New York last year, first, 1 per cent, \$6,000,000; second, 3 per cent on the income of every stockholder that they could catch, \$1,800,000 more, and nobody up to this good hour has ever admitted or thought of claiming that they had the right to tax the income from the national banks. It was only to tax the stockholder on his stock. What did they tax the great international bankers at-such firms as J. P. Morgan & Co.? On the same amount of capital they taxed them \$1,800,000. There is a discrimination of \$6,000,000 against the national banks, and yet they come here and say, "You must let us keep it, because New York is poor"—or ignorant; I do not know which.

Mr. FESS. Mr. Speaker, will the gentleman yield to one

question there?

Mr. STEVENSON. Yes.

Mr. FESS. This money has been illegally collected, has it

Mr. STEVENSON. Yes.

Mr. FESS. Upon what basis?

Mr. STEVENSON. Upon the basis of 1 per cent on the stock and 3 per cent on the income.

Mr. FESS. Was it unconstitutional?

Mr. STEVENSON. It was contrary to the statute of the United States, which does not allow legislatures to tax national banks at a higher rate than it does other competing capital.

Mr. FESS. And the claim is here that if we do not validate

it will be inconvenient-

Mr. STEVENSON. To the State of New York,

Mr. FESS. And inconvenience is to have more effect than the principle of taxation?

Mr. STEVENSON. Yes.

Mr. FESS. That is something I can not get through my mind.

While they claim that, they do not claim it will be settled?

Mr. STEVENSON. No.
Mr. J. M. NELSON. Will the gentleman yield?
Mr. STEVENSON. Yes.
Mr J. M. NELSON. This is a question of the validation of

taxes that have been illegally collected?

Mr. STEVENSON. Yes; Massachusetts, New York, and North Dakota are the three States that it affects. I will say that North Dakota has had a lot of advertising, but it is not any worse than Massachusetts and New York. She put 3 mills on private capital and 35 mills on the national-bank stock, and Boston 6 per cent on the income of one crowd and 30 on the other

Mr. REED of West Virginia. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. REED of West Virginia. Will the House provision permit the State to go back and correct the erroneous legislation?

Mr. STEVENSON. The House provision will permit the

State to collect what they were legally entitled to by complying with the law. My position about that is this: There are the fellows that got off with 3 per cent on the income found to be in competition with the national banks. If we could go back and take from the national banks \$12,000,000 that the court says is theirs by back taxes, we can go back and take from Morgan & Co. and his crowd \$12,000,000. We say by our provision if you will go and put Morgan and that crowd on the same basis that you do the national banks, then that will be all right and everybody will be pleased and happy. But they do not want to do that.

Mr. MILLS. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. MILLS. Do not you go further than that? You do not limit that to the private bankers but you tell the State of New York that you have got to tax the individual owner of a single bond on the same basis as the great banking corporations.

Mr. STEVENSON. The gentleman from New York gets his law entirely by extremes when he makes a statement. The gentleman has been in error in the whole business. He came in here some time ago-I was not present until he had finished-and he said that some smart lawyers from New York had come down here and bamboozled and misled the House Banking and Currency Committee and had gotten us to do something that was wrong.

Now, gentlemen, the crux of the whole thing is that the private bankers up there—and I have no unkind feelings for them; the gentleman is a member of the firm of Stetson, Jennings & Russell, personal lawyers for J. P. Morgan & Co. Mr. MILLS. The gentleman from South Carolina is mis-

Mr. STEVENSON. What am I mistaken about?

Mr. MILLS. The gentleman says that I am a member of the

firm of Stetson, Jennings & Russell.

Mr. STEVENSON. The gentleman's biography in the Congressional Directory says that he is a member of that firm, and that statement is my authority; there is where I got my facts

Mr. MILLS. In answer to the gentleman I will say that I have not been a member of that firm since I became a Member

of the House.

Mr. STEVENSON. Then the gentleman had better take his sign out of the biography. [Laughter and applause.]
I cite the New York City directory of partnerships showing

the following constitution of that firm:

John W. Davis, Charles MacVeagh, Frank L. Polk, Edward R. Greene, Allen Wardwell, George H. Gardiner, Lansing P. Reed, Hall Park McCullough, William C. Cannon, OGDEN L. Mills, J. Howland Auchincloss, Edwin S. S. Sunderland, Thomas Garrett, fr., and Lee McCanliss.

The New York court on the trial of these cases and on motion of the State's attorney made the following findings of fact, which shows that the private bankers held \$1,200,000,000 capital in New York in competition with national banks untaxed at all: XXIII.

During the year 1921 moneyed capital in New York City included capital used by private bankers, by bondholders, brokers who made a speciality of commercial paper, brokers who made a speciality of of buying and selling bankers' acceptances; money loaned on demand in Wall Street and of stock exchange houses which have accounts of customers who are permitted to draw against them as deposit accounts, and investment houses, which moneyed capital, or part of it, was

employed in the same way as the capital of national banks; private bankers did a banking business and did everything that a national bank does except issue circulation, investment houses bought and sold securities, commercial paper brokers dealt in bankers' acceptances, individuals and also corporations made loans in competition with national banks in Wall Street against stock exchange collateral, investment houses underwrote and sold bonds and securities, and such moneyed capital came in competition with the capital of national banks in this city, the moneyed capital employed in these operations being in excess of \$1,000,000,000,00,000,000, such amount comprising all the different classes and including investment companies. (S. M., pp. 44, 45, 43, 40, 55.) XXIV.

During the year 1921 the operations of national banks consisted of receiving deposits, discounting commercial paper, making loans on collateral securities, and buying and selling corporate obligations such as bonds and notes and dealing in acceptances, dealing in negotiable securities issued by governments, such as Government bonds, municipal bonds, and State bonds; buying and selling foreign securities and issuing circulating notes as money; and with the exception of issuing circulating notes such operations were engaged in by individuals or moneyed corporations other than banks and trust companies in competition with national banks, the amount of capital invested in the business of private banking in this city being over \$200,000,000, such private banking houses including J. P. Morgan & Co., Kuhn, Loeb & Co., Speyer & Co., J. & W. Seligman, Hallgarten & Co., Ladenburg, Thalman & Co., Goldman, Sachs & Co., and Blair & Co., generally, not invariably, composed of individuals doing business as partnerships and mostly partnerships. (8. M., pp. 58, 59, 60, 62, 63.)

HOW CAN WN VALIDATE THE TAX?

State legislatures are limited by section 5219 in taxing national banks as rigidly as they are by their State constitutions, and can no more transcend the limits laid down by it than by their State constitutions. It is needless to cite many cases for this. I cite one:

1. No tax could be levied on the shares of national banks without consent of Congress. (N. Y. case, People v. Weaver, 100 U. S. 543, and cases cited.)

An unconstitutional act or one taxing a national bank contrary to section 5219 is void for want of power to pass it, and can not be cured by any validating act. I cite many cases:

1. The legislature can under no circumstances validate an unconstitutional act. (Duke v. Williamsburg, 21 S. C. 414; State v. White-sides, 30 S. C. 586.)

2. The legislature can not accomplish by a legalizing act what it could not do originally. (Cedar Rapids Water Co. v. Cedar Rapids, 118 Iowa 242.)

3. Cooley Const. Lim., sixth edition, page 469, says: "But the healing statutes must in all cases be confined to validating acts which the legislature might previously have authorized. It can not make good retrospectively acts or contracts which it has and could have no power to permit or sanction in advance." (See People v. Lynch, 51 Calif. 15; Billings v. Ditten, 15 Ill. 218; Conway v. Coble, 37 Ill. 82; Mfg. Co. v. Lathrop, 7 Conn. 550; Norris v. Donniphan, 4 Met. (Ky.) 386.)

power to permit or sanction in advance." (See People v. Lynch, 51 calif. 15; Billings v. Ditten, 15 Ill. 218; Conway v. Coble, 37 Ill. 32; Mfg. Co. v. Lathrop, 7 Conn. 550; Norris v. Donniphan, 4 Met. (Ky.) 386.)

4. A vested right of action is property in the same sense in which tangible things are property, and is equally protected against arbitrary interference. (Cooley, 6 ed., p. 443.)

5. "If, as we assume, the money so taken by the defendant illegally from the plaintiff was the money of the plaintiff in the hands of the defendant, which by the principles of the common law he had a vested right to recover, it was not competent for Congress by subsequent legislation to exclude the plaintiff from his right to apply to the superior court of his State for its recovery." Appealed to United States Supreme Court and reversed, but held that if action had been brough before the statute was passed it would be good. (Hubbard v. Brainard, 35 Conn., 576.)

6. The retroactive statute of Kentucky was held merely to give a remedy. It is stated thus: "as to local stockholders the act of March 21, 1900, " created no new right of taxation, but gave simply a new remedy, which by law is operative to embrace preexisting obligations." But the act imposes upon the bank a liability for taxes assessed upon its shareholders, whether within or without the State. This llability did not exist before "the passage of the act." Held vold. (Covington v. First National Bank, 198 U. S. 111-114; First National Bank of Covington v. Gity of Covington et al., 103 Fed. 523, at page 527) is the same case and was affirmed. The court said at page 527: "Any attempt to give it the appearance of being a curative statute is merely nominal and colorable, and can not be effective. The previous legislation had been vold because it was opposed to section 5219, Revised Statutes, and could not be cured by work of section 3 is a manifest discrimination against national-bank shares, as there is no corresponding provision in any law of the State for the retroact

a hearing is no more than some formal omissions, which may be excused because it was not originally essential. * * * His (the taxpayer's) right is to pay no more than his just proportion, and the legislature can not arbitrarily determine the amount. * * Both the validating acts are open to this objection. While they were sufficient to cure defects of one character, they were not capable of infusing life into a law which the legislature had no power to make." (Matter of Trustees of Union College, 129 N. Y. 312-13.)

9. "To ratify in form an unconstitutional act and then by retrospective legislation cut off all power of resistance, is a measure neither tolerable nor possible." (Ibid.)

10. In Exchange Bank v. Purdy (196 N. Y. 284), the rule is stated thus, referring to curative tax statutes: "Such legislation is valid provided the original taxing act was valid and the omission sought to be remedied is not jurisdictional but an irregularity." They held that the act there was a valid curative act, that the infimity was an irregularity, but because they tried to cut off recovery in suits brought, as is the case here, they say: "This would indorse and perpetuate the original evil * * which the legislature had no power to do, either directly by legalizing the assessments without a further proceeding, or indirectly by depriving the constitutional courts of jurisdiction in matters then pending before them."

11. In Williams v. Supervisors (122 U. S. 154), the court says: "Where the directions upon the subject might originally have been dispensed with, or executed at another time, irregularities arising from neglect to follow them may be remedied by the legislature." In the same case in the Circuit Court, 21 Fed. 99, Judge Wallace said: "The general rule has often been declared that the legislature may validate retrospectively any proceeding which they might have authorized in advance."

HI.

Massachusetts General Laws, chapter 59, section 82: Illegal assessment valid except as to illegal excess.

When the words "other moneyed capital" are supplemented by the words "coming into competition with the business of national banks" there is no more difficulty in applying it than there is in construing the words engaged in the business of banking, and it has the advantage of 54 years of construction which has met every angle of contention.

I cite as follows:

1. When tax was levied by the State on the capital of State banks (which if invested in United States bonds was exempt from taxation) they could not levy tax on shares of national banks; hence the change to "other moneyed capital in the hands of individuals." (N. Y. case, Van Allen v. Assessors, 3 Wall. 459; Ill. case, Bradley v. People, 4 Wall. 459.)

Van Allen v. Assessors, 2.

459.)

2. "In permitting the States to tax these share it was foreseen—the cases we have cited from our former decisions showed too clearly that the State authorities might be disposed to tax the capital invested in these banks aggressively. But Congress said * * you may tax the real estate of the banks as other real estate is taxed and you may tax the shares in the bank * * to the same extent as other moneyed capital invested in your State." (People v. Weaver, 100 U. S. 544.)

the real estate of the banks as other real estate is taxed and you may tax the shares in the bank * * to the same extent as other moneyed capital invested in your State." (People v. Weaver, 190 U. S. 544.)

3. "It was conceived that by this qualification of the power of taxation equality would be secured and injustice prevented." (Ibid. 544.)

4. "The term 'equal rate' embraces 'valuation,' assessment, and rate of assessment, and when other owners of moneyed capital are allowed to deduct their debts from their credits and pay tax on the balance the national bank stockholder is given the same right." (People v. Weaver, ibid. 545; (Indiana) Bank v. Britton, 105 U. S. 305.)

5. "The term 'moneyed capital' embraces capital employed in national banks and capital employed by individuals when the object of their business is the making of profit by the use of their moneyed capital as money, " * money used with a view of compensation for the use of money." (Montana case, Tallbot v. Silver Bow Co., where stocks were exempt, 139 U. S. 448; Mercantile Bank v. N. Y., 121 U. S. 138; Palmer v. McMahon, 138 U. S. 640.)

6. A difference in mode of levying the tax does not invalidate the tax if the load is the same. (Coreyton v. National Bank, 198 U. S. 100.)

7. That section 5219 was intended to "render it impossible for the State in levying such a tax to oreate and foster an unequal and unfriendly competition by favoring institutions or individuals carrying on a similar business and operations and investments of a like character.

* * The business of banking, as defined by law and custom, consists in the issue of notes payable on demand intended to circulate as money where the banks are banks of issue; in receiving deposits payable on demand; in discounting commercial paper; making loans of money on collateral security; buying and selling bills of exchange; negotiating loans, and dealing in negotiable securities issued by the Government, State and National, and municipal and other corporations." These are the operations in whi

9. Also that the bank must prove by evidence that the capital exempted was moneyed capital competing with national banks. (See als Bank v. Chambers, 182 U. S. 560.)

[From the Evening Mail.]

SENATORS DOUBT OWN PLAN TO VALIDATE NEW YORK BANK TAX—CITY
HAS \$18,000,000 AT STAKE IN MEASURE PASSED BY BOTH HOUSES
AND NOW IN CONGRESS—WOULD MAKE LAW RETROACTIVE—MAY GO
TO COURTS.

(By Henry Hazlitt, staff correspondent of the Evening Mail.)

(By Henry Hazlitt, staff correspondent of the Evening Mall.)
WASHINGTON.—Can Congress validate retroactively a tax levied under State law when the tax was unconstitutional under national law at the time of its imposition? The city of New York appears to believe it can.

The House of Representatives and the United States Senate have each passed separate resolutions designed to remove any Federal obstacles, and declaring the act of a State to legalize such a tax or to retain the funds collected under such a tax is not limitical to the interests of the Federal Government.

If New York City is right, then the city will retain \$12,000,000 and be able to collect about \$6,000,000 additional, making a total of \$18,000,000,

But if New York City is not right then the present compliance of Congress will not help the city. On the contrary, for every day that the repayment of these taxes is postponed the city of New York is now losing nearly \$2,000, or an annual rate of 6 per cent, or \$720,000 a year more, just for the purpose of carrying on a futile litigation.

FRIENDS ARE PEARFUL.

And it is the opinion even of many of those who voted in Congress in favor of this resolution to validate those back taxes that the action of Congress will not do the slightest good in enabling the city of New York and many other cities in New York and other States to retain the taxes collected under the law held to be unconstitutional by the Court of Appeals in the State of New York.

The tax referred to is that on national bank stock. Both the Senate and the House having passed separate validating resolutions, the question is now before the conference committee, which is expected to report some day this week.

The case is complex and difficult to understand without a knowledge of its history. In 1819—going back with a vengeance—the Supreme Court decided that a State could not tax a national bank because that was a Federal agency. In 1863, however, the national bank act was passed and in the following year Congress gave the individual States permission to tax national bank shares as the personal property of the owner. There was one limit put upon this permission. National bank shares were not to be taxed at a higher rate than other personal property.

VALUATIONS ARE HIGH.

This was held to in theory, but in practice bank shares bore a very heavy burden. The value of the bank stock was arrived at by adding capital, surplus, and undivided profits, and therefore the holder paid on the full book value, but real estate in some States and counties was appraised at only one-fifth of its real market value. The general property tax was easily escaped—except that on bank stock, which was too easily traced.

In some States and sections holders of bank stocks were paying 60 per cent of the whole personal property tax. In other cases, while rate and bank sbares in some instances paid as high as 7 per cent a year on their capital value. Finally, largely at the request and with the cooperation of the banks, the New York State Legislature in 1901 limited the rate on bank stock to 1 per cent a year.

In 1919, however, came along the State income tax. This tax took the place of the old personal property tax, and the State legislature thereupon exempted from further tax "intangible personal property" except bank shares.

NEW YORK BANKS PROTEST.

It was then that the national banks of New York protested the tax on bank shares, on the ground that, contrary to Federal statute, national bank shares were being taxed "at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State."

of such State."

It was pointed out that "moneyed capital in the hands of individual citizens" included money invested in private banking houses, such as J. P. Morgan & Co., Kuhn, Loeb & Co., and others, and that in the city of New York in 1921 competing capital was nearly twice the total capital of the State and national banks.

The court of appeals, the highest judicial body in the State, upheld the protest of the national banks. That court not only held the tax unconstitutional because it went beyond the powers conferred by Congress, but because it ran contrary to the State law itself, which also provided that the tax on bank shares should not be at a "greater rate than is made or assessed upon other moneyed capital in the hands of individual citizens of this State."

TAX ORDERED RETURNED.

As a result of this decision the municipalities of New York which had been receiving the tax, amounting to about \$7,000,000 a year in the State of New York, of which \$6,000,000 went to New York City, were ordered to return the taxes that they had collected for two years, with interest at 6 per cent. They were also unable to collect the tax for 1922 of about \$6,000,000 more. So the decision made a difference to New York City of \$18,000,000.

The State legislature repealed the provision in the State law which stood in the way of bank stock taxation, but the result is now that State banks in New York are paying a tranchise tax of an equivalent amount, but national banks are not taxed nor are private banks. The State banks, however, hold that the tax on their shares prior to the repeal of this protecting clause in 1922 was illegal, and are protesting in the courts the tax paid from the inauguration of the State income tax until that time.

Of course, if the State of New York taxes private banking capital at the same rate as national-bank capital, it can constitutionally proceed again to tax the national banks. But it is doubtful whether it will ever be able to retain the taxes collected during the years when the tax was illegal, no matter what action Congress should now take.

The debate in the Senate illumines this point. When Senator Calder, of New York, introduced his "validating" amendment, Senator Fletcher, of Florida, asserted that it should be made clear that all that Congress could possibly accomplish by the act was to say to New York and other States: "If you can find a way to validate your legislation, the Federal Government will make no objection to your doing so."

Senator Calder replied, "That is all we propose to do."

Senator Pepper, of Pennsylvania, remarked during the debate on the Amendment that "the purpose of the declaration, if made, is merely to enable the question of validation to be raised in the several States. Some members of the committee, including the Senator from Virginia [Mr. Glass] and myself, do entertain the opinion that when that question is finally decided it will be decided against the validity of the State act."

however, I were an official of New York or Boston I would anticipate the payment of the amount of money received by taxation by this legislation."

If the opinion of these Senators—every one of whom voted for the so-called validating amendment—is correct, then all that is being accomplished in Congress is to postpone another decision against the State of New York, and all that the city is accomplishing by holding back the taxes and prolonging the litigation is to pile up interest against itself at a rate of \$720,000 a year—which could pay the annual salaries of 48 New York mayors.

[From the New York World.] THE BANK TAX REFUND.

[From the New York World.]

THE BANK TAX REFUND.

Representative Mills declares that the conflict of laws between 22 States and the United States regarding the taxation of national banks is "little short of scandalous." It is easier to agree than to say what should be done about it. Mr. Mills thinks that the accumulating loss of \$7,000,000 for New York alone, suffices to argue that Congress should "grant us authority to continue our method of taxing national banks." Otherwise the New York City tax rate must rise five points. But much more than the taxation of national banks is involved. New York courts have decided that the taxation which Representative Mills seems to wish to preserve is double, discriminating, and obnoxious to the right of the United States to protect Federal banks against it. The House passed a bill enacting that the States could retain the taxes thus unlawfully collected, but the Senate entirely discarded it and substituted a bill of its own.

The States simply drifted into a conflict with Federal law. The necessity for the reform of State taxation became greater as taxes increased. Federal taxation had been so slight that inattention to it was natural, even if without excuse. Now the attention of New York is drawn to the matter by what may be called a fine for the error of its lawmakers. The real trouble is not the refund of the unlawful taxes but the lack of comity in taxation among the respective States, as well as between them and the Federal Government. All concerned should give more heed to what all are doing. Doubtless there is no intentional savagery in current tax laws or the administration of them, but the effect is much the same as if there were. Within the past few days the Converse estate paid to Connecticut \$997,396, said to be the largest tax ever collected in that State. The Federal tax was \$5,887,159. The New York tax, \$356,874. There were other taxes in other States. If others of the family should die soon, the reduplication of taxes would sadly waste the property. Only the

dered return to the sage estate of \$713,370 redetal taxes unlawful collected.

The old doctrine that tax laws should be construed in favor of the taxpayer has been superseded by presumptions against him. These are questions underlying the dispute whether bank taxes should be refunded. The Senate bank tax bill is an improvement on that of the House, the refund question apart, but it retains the phrase "moneyed capital," the definition of which caused most of the trouble.

[From the New York Evening Post.]

[From the New York Evening Post.]

ASKS \$78,655,000 FOR TAX REFUNDS—BUDGET BUREAU REQUESTS APPOPRIATIONS BOR REPAYMENTS—INCREASING RECEIPTS FROM BACK TAX COLLECTIONS STILL EXPECTED TO OVERCOME TREASURY DEFICIT. WASHINGTON, February 16.—An additional appropriation of \$78,655,000 to cover repayments on taxes illegally collected was asked of Congress to-day by the Budget Bureau. The item includes \$54,000,000, which it is estimated will be required to meet tax-refund requirements between July I and December 31.

While only approximately \$25,000,000 is to be used in the tax refunds between now and June 30, the Treasury deficit of \$92,000,000 for the current fiscal year is thereby increased to \$117,000,000. General Lord, the Budget Director, called attention, however, to the increasing receipts in back tax collections and referated that the President's hope of balancing the Budget this year still appeared likely to be fulfilled.

Back tax collections have amounted to about \$8,000,000 a month since the drive began on July 1, at which time Commissioner Blair, of the Internal Revenue Bureau, estimated receipts from that source would average \$25,000,000 a month. The extra refunds therefore do not appear serious in the view of Treasury officials, who say that, instead of an average of \$2 collected in back taxes to \$1 paid out in refunds, the ratio for the current fiscal year, will be hearly \$10.

These stimates submitted to-day, if granted by Congress, will make appropriations for tax refunds of nearly \$150,000,000 during the current fiscal year. The total amount repaid from June 30 last to June 30, 1923, however, will be less than \$100,000,000.

These figures are subject to change, owing to the possibility of court decisions which may affect the application or interpretation of the tax laws.

The drive by the Internal Revenue Bureau on back taxes includes

The drive by the Internal Revenue Bureau on back taxes includes the taxes paid in 1918 for the year 1917; and the many changes in the tax laws since then, as well as the unsettled state of the tax-law interpretations immediately after the war, make it possible, according to Treasury officials, that more refunds may be necessary.

[From the New York Times, Friday, February 23, 1923.] TAXES UNLAWFULLY COLLECTED.

Senator Calder replied, "That is all we propose to do."

Senator Pepper, of Pennsylvania, remarked during the debate on the amendment that "the purpose of the declaration, if made, is merely to enable the question of validation to be raised in the several States. Some members of the committee, including the Senator from Virginia [Mr. Glass] and myself, do curertain the opinion that when that question is finally decided it will be decided against the validity of the State act."

Senator Pepper, of Pennsylvania, remarked further several States. Some members of the committee, including the Senator from Virginia [Mr. Glass] and myself, do curertain the opinion that when that question is finally decided it will be decided against the validity of the State act."

Senator Pepper, of Pennsylvania, remarked further is merely to charter requires the controller to certify to the aldermen one week before March I the funds available for meeting the budget was made up in expectation of receiving from the State some five millions of taxes levied upon national banks. That tax has been declared unlawful by the State's highest court for reasons leaving hardly a hope that the situation regarding these past taxes can be altered by any power in any way. The controller was right in securing legislative authority substituting June 15 for March 1 for the figuring of the tax rate.

Even the enactment of a relief bill would not be final. Congress to the past taxed in conformity with Federal laws, but as to the past the right to tax must be controlled by the sate stacked power to levy. It can not validate a State tax which the States lacked power to levy. It can not validate a State tax which the States lacked power to levy. It can not validate a State tax which the States lacked power to levy. It can not validate a State tax which the states lacked power to levy. It can not validate a State tax which the states lacked power to levy. It can not validate a State tax which the states lacked power to levy. It can not validate a State tax wh

There is now pending a bill appropriating \$78,675,000 to enable the Treasury to repay Federal taxes unlawfully collected. Every investor in national-bank shares had a right to assume that he would be taxed by the States only in accordance with Federal laws as they were. In New York and some other States they were taxed more. Now it is proposed to validate those taxes, although Congress simultaneously prefers to pay back unlawful taxes rather than proceed in the New York manner. If Congress passes a validating bill, it is sure to be litigated and to put the matter in suspense pending the final judgment of the Supreme Court. New York's taxes this year can not be fixed with the inclusion of such an item. Controller Craig pleads the inconveniences of the situation, and his situation certainly invites sympathy. He is not to blame for what others have bungled. Our lawmakers deal with millions with less care than they disburse a \$10 bill. The muddle caused in the city budget should be a sharp reminder that taxes are paid with real money.

The SPEAKER pro tempore: The time of the gentleman

The SPEAKER pro tempore: The time of the gentleman

from South Carolina has expired.

Mr. STAFFORD. Mr. Speaker, there are only about half the Members present, and I think we ought to have a quorum to listen to the closing debate on this important matter. I make the point of order that no quorum is present.

The SPEAKER pro tempore. Evidently there is no quorum

present.

Mr. McFADDEN. Mr. Speaker, I move a call of the House. The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Drane
Dyer
Edmonds
Ellis
Faust
Fish
Focht
Freeman Kirkpatrick Kitchin Kleczka Knight Abernethy Rodenberg Rodenberg Rogers Rose Rosenbloom Rossdale Rucker Ryan Sabath Schall Ansorge Atkeson Beedy Benham Bird Bowers Kleczka
Knight
Kraus
Kreider
Kvuz
Lampert
Langley
Larson, Minn.
Lee, Ga.
Lee, N. Y.
Little
Luhring
McClintic
Michaelson
Moore, Ill.
Morln
Mudd
O'Brien
Olpp
Overstreet
Park, Ga.
Patterson, N. J.
Perklins
Petersen
Porter
Reber
Reidelick Brand Brand
Brennan
Britten
Brooks, Ill.
Brooks, Pa.
Browne, Wis.
Burke
Burtness
Cantrill
Chandler N Garner Gould Greene, Vt. Hawes Hayden Hicks Himes Scott, Mich. Scott, Tenn, Sisson Slemp Smith, Mich. Sproul Stiness Huck Hukriede Hull Hutchinson handler, N. Y. handler, Okla. lark, Fla. Stoll
Taylor, Ark.
Thomas
Treadway
Ward, N. C.
Webster
Wheeler
White, Me.
Williams, Tex.
Winslow
Wood, Ind.
Woods, Va.
Woodyard
Young Stoll lasson Jacoway James Johnson, Miss. Johnson, S. Dak. Jones, Pa. Jones, Tex. Connally, Tex. Connolly, Pa. Cooper, Ohio Copley Kahn Keller Kendall Kennedy Kindred King Crago Crowther Culien Davis, Minn. Dempsey Reber Riddick Robertson Young Zihlman

The SPEAKER pro tempore. Three hundred and three gentlemen have answered to their names, a quorum.

Mr. McFADDEN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. LUCE. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. Newton].

Mr. NEWTON of Minnesota. Mr. Speaker, one might judge from some of the debate that has proceeded that this is a measure peculiarly of interest to the States of New York and Such, however, is not the case, because there Massachusetts. are something like 15 or 18 States that are vitally interested in the passage of some kind of remedial legislation. In my own State legal contests have already been commenced by some banks while some others are paying under protest.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield? Mr. NEWTON of Minnesota. I have only three minutes.

Mr. STEVENSON. This debate is only as to the validation proposition. No other State is in any trouble except New

York and Massachusetts on that.
Mr. NEWTON of Minnesota. The gentleman is mistaken. In my own State suits have already been brought to avoid the payment of taxes that have been levied under the law as it was being interpreted until the Richmond decision. We are interested, therefore, in the passage of some kind of validating legislation. The proposition is this: Are the States to be compelled to refund the millions collected and to be denied the privilege of collecting from those who now refuse to pay the same rate as the State banks? Congress is asked only to consent to legislation wherein the States may, if they choose, validate. Which proposition shall we adopt? For myself I am going to follow the advice of the State tax commissioner of my own State. He has consulted the commissioners from I state upon his authority that this House these other States. provision as to validation is not worth the paper it is written This view is confirmed by Senators Kellogg and Pepper,

as I understand it. They say that with the Senate provisions at least something can be accomplished. What is there that has been urged against it? It has been urged that Congress has no right, nor has any legislative body the right, to go back and validate a tax. As was said by the gentleman from New York a few minutes ago, the Heintzen case clearly established the right to ratify and validate an illegal tax.

the right to ratify and validate an hiegal tax.

The case of the United States against Heinszef will be found in 206 U. S. 870. The principle therein set forth was followed in the more recent case of Rufferty against Smith-Bell Co., decided December 6, 1921. In the Heinszen case the Army administration of the Philippines had exacted certain duties on merchandise. The duties were levied, not by virtue of a legislative act but by an Executive order by the President. At the time the duty was levied Congress had passed no tariff law pertaining to the Philippine Islands. The duty was held to have been illegally collected in the first instance. Later Congress attempted to validate the collection of these illegal duties by an act passed in 1906, which will be found in Thirty-fourth Statutes at Large, page 636. The court held that Congress had the undoubted right to pass the legislation in the first instance. They then held that having had that power in the first instance, they also had the power to go back and ratify or confirm the action that was then illegally taken.

Another case in point is Mattingly against District of Columbia, 97 U. S. 687. This case concerned the validity of an act of Congress wherein Congress ratified certain assessments for street improvement in the District which had been held void. In sustaining the power of Congress to ratify these

illegal taxes, the court said:

If Congress or the legislative assembly had power to commit to the board the duty of making the improvements and the power to prescribe that the assessments should be made in the manner in which they were made, it had power to ratify the acts which it might have authorized. * * Under the Constitution, Congress had power to exercise exclusive legislation in all cases whatsoever over the District and this includes the power of taxation. * * It may, therefore, cure irregularities and confirm proceedings which without confirmation would be void because unauthorized, provided such confirmation does not interfere with intervening rights.

There seems to be an opinion somewhat prevalent in the House that Congress has the right to ratify except as to those cases that are already in litigation. Certainly the bringing of a lawsuit does not vest in any party any right to a particular decision. His right to recover must be determined on the law as it stands, not when the suit was brought, but when the judgment is rendered:

Cooley on Taxation, third edition, 517, in reference to val-

idating previous illegal tax levies, says:

The general rule has often been declared that the legislature may lidate retrospectively the proceedings which they might have auvalidate retrospectively thorized in advance.

An interesting case is the Exchange Bank tax cases originally reported in 21 Fed. 99, where the court said:

And it is immaterial that such legislation may operate to divest an individual of a right of action existing in his favor or subject him to a liability which did not exist originally. In a large class of cases this is the paramount object of such legislation.

This case was carried to the United States Supreme Court, where it will be found in One hundred and twenty-second United States, page 163. In confirming the lower court, the court held:

The plaintiff and the other shareholders were bound as owners of property to bear their just proportion of the public burden * and it would seem but just that the defect should be cured if practicable and the shareholders not be allowed to escape taxation and thus entail the burden they should bear upon other taxpayers of the community.

In brief, this is the proposition: The provisions in the House bill merely reenact the existing law as that law has been considered by the Supreme Court in the Richmond Bank case. As a matter of fact, the enactment of the House provision means a matter of fact, the enactment of the riouse provision heads absolutely nothing. If the Supreme Court, upon further con-sideration of the whole proposition, should reverse the position taken in the Richmond Bank case we would not require any legislation for validating purposes. If the Supreme Court should adhere to the doctrine in the Richmond Bank case, the mere restatement of that by statute would not add anything to

I believe in equality of taxation. Instances have been brought to my attention in a number of States of payments being made or about to be made by national banks who seek to escape their fair share of taxation by asserting the doctrine as set forth in the Richmond Bank case. If you adopt the House provisions you do just exactly what these bankers want you to do. They are not all this way. The largest bank in our State favors a change in the law.

Now, let us look at the Senate provision. The effect is to remove any objection on the part of the Federal Government to any State which legalizes or confirms a tax that had been here-

tofore levied against any national bank, providing that it was not greater than the tax imposed for the same period upon State banks or trust companies. It puts the national banks upon the same level as the State banks, and that to me is just exactly where they should be. While they are Federal agencies, they are only so in an incidental way for principally they are local banking institutions that compete for business in the same locality as the other banks whose charters are granted by State authorities. I hope that the House will vote down the proposition of the gentleman from Pennsylvania [Mr. McFadden] and vote to concur in the Senate amendment.

The SPEAKER pro tempore. The time of the gentleman

from Minnesota has expired.

Mr. McFADDEN. Mr. Speaker, I yield 15 minutes to the gentleman from Arkansas [Mr. Wingo].

Mr. WINGO. Mr. Speaker, the proposition that is presented by the pending motion does not involve the main feature of the bill. It involves simply paragraph 5 of the Senate amendment, which is the so-called validating amendment. You are called upon to vote either for paragraph 5 of the Senate amendment, which the gentleman from Massachusetts [Mr. Luce] urges you to vote for, or to vote for the motion of the gentleman from Pennsylvania [Mr. McFadden] to concur in that with an amendment which is represented by the provision of the House con-ferces. What is the difference between the two proposals? That is what I suppose the House wants to know.

As the bill passed the House the so-called validating proviston was contained in paragraph 3 of the bill. White the wording was different, the meaning of paragraph 3 as it passed the House was the same as contained in the language of the motion of the gentleman from Pennsylvania, which provides for striking out the text of paragraph 5 of the Senate amendment

and substituting the following language:

That the provisions of section 5210 of the Revised Statutes of the United States as heretofore in force shall not prevent the legalizing, ratifying, or confirming by the States of any tax heretofore paid, levied, or assessed upon the shares of national banks, or the collecting thereof, to the extent that such tax would be valid under said section.

In other words, the pending motion is to substitute the lan-guage just read for paragraph 5 of the Senate amendment, which reads as follows:

That the act of a State legalizing, ratifying, or confirming a tax heretofore levied or assessed upon shares of national associations, or providing for the retention by said State of any of the tax heretofore paid, shall not be deemed hostile to, or inimical to the interests of, the United States or any agency thereof: Provided, That the amount retained, or to be retained, by such State is not in any case greater than the tax imposed for the same period upon banks, banking associations, or trust companies doing a banking business, incorporated by or under the laws of such State, or upon the moneyed capital or shares thereof.

Now, what is the difference? In order to understand the difference you must first understand what the situation is and what is the end sought to be reached by the so-called validating The Court of Appeals of the State of New York, by unanimous decision, has declared the assessment under which certain amounts of taxes have been collected on the shares of stock of national banks in New York to be absolutely void, and under the law the entire amount is to be refunded to the taxpayers. The decision of the court was based upon its findings that these shares of national banks had been taxed at a higher rate than other moneyed capital in the hands of Individual citizens of the State of New York coming into competition with the business of national banks, the court citing as an illustration the moneyed capital employed by the individual members of the private banking firms of J. P. Morgan & Co. and Kuhn, Loeb & Co. It is admitted by all that in fairness the State of New York and the different cities and towns that have received this tax money should not be required to refund all of it and the banks thereby escape all taxation.

The House will remember that when this bill passed the House all of us expressed grave doubts whether the Congress had any constitutional power to grant any relief by use of validating authority to the State of New York. Practically all lawyers who have studied the question admit that whatever power exists the State already has, but it was thought wise, in order to meet the technical plea that Congress had only granted permission to tax these shares at the time of the regular general assessment and not by back tax laws that we include in the bill the provision in question. Now, under the proposal of the House the State of New York, through its legislature, may do either of two things. It may pass a backtax statute retaining of the tax funds referred to and ordered refunded by the court an amount equal to what would have been collected had the State made a lawful assessment in the beginning; that is, at a rate no higher than the rate imposed

upon the other moneyed capital referred to. Or it may retain all of the money, if it will pass a back-tax statute which will cover not only the moneyed capital invested in the shares of national banks but also the moneyed capital in the hands of the Individuals invested in the business of the private banking and partnerships of the State of New York.

Under the Senate provision Congress attempts to authorize the Legislature of the State of New York to pass a law overriding the decision of the court by retaining all of the meney ordered to be refunded or retain any part of it. The legal effect of the proviso in the Senate proposal is the same as that of the first three lines in the Senate proposal because the Senate provise appears to have been deliberately drawn so as to ex-

clude the private bankers from its provisions.

In other words, the House provision says to the State of New York, "You may keep all of this tax money which you have been ordered to refund provided you back tax the competitive capital invested in private banking and bring it up to the level of what you have collected on the shares of stock of national and State incorporated banks. Or, if you are net willing to make the moneyed capital invested in private banking bear the same burden, then you may retain only that part which will equal in amount the taxes that you have collected from the moneyed capital invested in private banking." Upon the other hand, the Senate proposal boldly says to the State of New York:

"To hell with your courts; you need the money, so keep it

all, even though you have unlawfully collected it."

Some gentlemen speak about being unfair and some demagogues in New York who are either ignorant of the facts or else are devoted to the private bankers complain that the House has either been misled or is unfair. Mr. Speaker, the unfairness lies in the law of the State of New York which taxes the moneyed capital invested in the State and the national banks in a greater sum, even including the income tax and all other burdens, from three to four times what it taxes the moneyed capital invested in private banking. Do I say that? No; that is the solemn unanimous decision of the Court of Appeals of the great State of New York and the findings of the joint tax committee of the Legislature of New York appointed to investigate the question.

The relief from this victous taxing system, from this favor-itism of the private banker, lies not in Congress but in the legislature of that great State. Let its citizens and its public officials instead of misrepresenting Congress go to Albany and insist that the tax laws of the State shall be rewritten so that the tax burden shall fall equally upon the private banker and the State and national banker. Let them so amend the law that no longer will the small State and National banks in up-State New York have all of their earnings and more paid to the taxgatherer, while the moneyed capital employed in the great private banking concerns of Morgan & Co. and Kuhn, Loeb &

Co. pay a mere bagatelle in comparison.

Now, gentlemen of the House, that frankly is the position The proposition which we submit to you is of your conferees. one of equality of treatment as against the Senate provision, which beldly shields the private banker and confirms him in

his special privilege.

LA FOLLETTE and Owen and others advocate an amendment to the Constitution which will permit the legislative bodies to override and veto the decision of the courts, but the Senate by its proposal does not await the adoption of such an amendment to the Constitution but it boldly commits Congress to the theory of legislative veto of judicial decision. Gentlemen of the House, if you vote for this provision of the Senate authorizing the Legislature of New York to override the decision of its court on a tax question, then what are you going to do when it is proposed in this House to have Congress by a resolution override the decision of the Supreme Court in matters of Federal taxation? To be consistent the Senate ought to send over to the House a resolution overriding the decision of the Su-preme Court in the stock-dividend case. That would be consistency upon its part. [Applause.]

Mr. LUCE. Mr. Speaker, I yield three minutes to the gentleman from South Dakota [Mr. Williamson].

The SPEAKER pro tempore. The gentleman from South Dakota is recognized for three minutes.

Mr. WILLIAMSON. Mr. Speaker and gentlemen of the House, I want to call the attention of the House to a situation which exists in most of our mid-western States. According to the definition of "moneyed capital" given by the Supreme Court of the United States in the Richmond case (256 U. S. 635) it includes not only moneys invested in private banking, properly so called, but investments of individuals in securities that represent money at interest and other evidences of in-

debtedness such as normally enter into the business of bank-Moneyed capital is also defined in the same decision as rights, credits, and demands upon which interest is received in the hands of private individuals. In other words, as here in-terpreted, it means moneys used for investment or loaning purposes, though it can in no sense be said to be used in banking operations. As a matter of fact, such investments are not in competition with the business of national banks in any

proper sense of that term.

Now, the whole difficulty with the bill as it passed the House is that it only permits the State taxing power to tax national banks at the same rate and in the same proportion as the State taxes moneyed capital in the hands of individuals. In most of our States we have a lower tax on farm mortgages and other evidences of indebtedness owned by private individuals than we have on bank stock and other personal property. law as it now stands, carrying as it does the definition of "moneyed capital" as given by the Supreme Court, no State can tax the national banks on the same basis as it does State banks, but only at the same rate as it taxes money in the hands of private individuals. The House bill, in my judgment, in no way changes existing law, but is simply a declaration of the law as laid down in Merchants National Bank against Richmond.

There is no good reason that I know of why national banks should not be taxed at the same rate as State banks. If New York has some vice in her law that permits private

banks or bankers to escape, let her correct that law.

We have private banks and State banks in my State and we tax private bankers and State banks upon exactly the same There has never been any discrimination against national banks. As long as private, State, and national banks are treated precisely alike there can be no just cause for complaint. I am firmly convinced that the Senate amendment ought to carry

in this House. [Applause.]

The constitutionality of the Senate amendment has been challenged. I do not think this challenge is well grounded. It is a principle of law of all but universal application that what a legislative body may do in the first instance may be later validated by that body. The Congress had the undoubted right to permit the States to tax national banks on the same basis as such States tax its own banks. For more than 50 years the States have taxed national banks at the same ratio as State banks in the belief that this was fully warranted under our Federal statutes. That the several States have acted in the best of falth and without discrimination, except in exceptional cases, can not be doubted. Having acted in good faith and in full compliance with the law as they understood it in assessing national banks, can there be any doubt that this Congress has full authority under the Constitution to declare-

That the act of a State legalizing, ratifying, or confirming a tax heretofore levied or assessed upon shares of national lanking associations, or providing for the retention by said State of any of the tax heretofore paid, shall not be deemed hostile to, or inimical to the interests of, the United States or any agency thereof: Provided, That the amount retained, or to be retained, by such State is not in any case greater than the tax imposed for the same period upon banks, banking associations, or trust companies doing a banking business, incorporated by or under the laws of such State, or upon the moneyed capital or shares thereof.

Pdo not think that such authority admits of reasonable doubt, We have the power and ought to exercise it. It is not just to the State banks to have to carry a burden of taxation that is not imposed upon national banks that are in direct competition with them. Fairness demands that all banking institutions in direct competition with each other, seeking business in the same field under like conditions and serving like purposes, should bear the same burden of local taxation. To tax national banks upon the same basis as moneyed capital as defined by the Supreme Court is to give them an advantage which nothing in the situation or the services rendered by them can justify.

Numerous suits are now pending in my State, instituted by national banks against the municipalities in which they are situated, through which they are seeking to recover large sums paid in taxes in the past. Such suits can not be justified upon any basis of fairness, and ought not to be given aid and en-couragement by this Congress. The Senate amendment will remedy the situation and compel these banks to bear their fair share of the burdens of government, and I therefore hope that

it will be adopted.

[Mr. WILLIAMSON had leave to extend his remarks in the RECORD.]

Mr. LUCE. Mr. Speaker, I yield eight minutes and a half to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, the course of this debate vin-

dicates strikingly the observation made by Michelet in his ac-

count of the Sicilian Vespers-that sanguinary fruit of an oppressive tax six centuries ago-about the effect produced by the "legists" upon the development of liberty, civilizaupon the development of liberty, civilization, and order in Europe. He pointed out that under the feudal system, when it was in full operation, moneys taken from the subject by the sovereign were seized by force, and when these exactions became unduly severe they inevitably bred resistance; but when the "men of law" appeared—the legists, as he styled them—their function was to invent formulas so sonorous and apparently of such lofty purpose that under their influence men naturally high spirited and impatient of oppression became submissive to wrong, while other men, who would naturally have looked with repugnance upon any exercise of tyranny, were often induced not merely to tolerate and sanction it but even to become active perpetrators of it. And so, Mr. Chairman, we have here gentlemen naturally of a robust democracy, actually defending a proposal to enrich national banks at the expense of all other taxpayers, under the spell of mellifluous phrases about the sacredness of judicial decisions, State rights, and other abstractions.

That this is not an exaggeration of rhetoric but an accurate statement of fact will be apparent if we realize the precise character of the question before the House. Stated in the briefest terms, it is this: Shall the national banks-perhaps the very richest elements of our civic life-be made to contribute their fair proportion to the cost of government-that is to say, of protecting the enormous riches which they possess-or shall their proper proportion of public expense be imposed upon others, and they the poorest members of the community?

The national banks for the last three years have been taxed certain sums which, until a short time ago, were paid without question-without any question of their fairness or justice. Lately the courts have held by a technical construction that under the law imposing this levy a distinction was created between these corporations and other entities subject to taxation. There was no pretense that any injustice has been done. It was not even held that any disproportion was actually created between these different taxpayers. But it was held that under the law as it stood such a distinction might be established between the amount collected from national banks and that exacted from other persons engaged in banking. On that technical construc-tion the whole law imposing the tax has been set aside, and some \$20,000,000 collected without question during three years, and long since expended for public purposes, must now be refunded.

Mr. STEVENSON rose.

Mr. COCKRAN. I have not the time to yield. I do not think anybody will question that this statement of the proposition now before the House is absolutely fair. The proposal we ask the House to adopt is that, notwithstanding this technical defect in the method of imposing the tax, the Federal Government in the exercise of its sovereign power through Congressthe depository of that sovereignty-shall sanction that levy.

I am not going to discuss now whether that would be "after" taxation, "back" taxation, "retroactive" taxation, or taxation under any other descriptive term. It is enough for me to

know that it is taxation.

When the power to tax exists it is necessarily absolute. without limitation of any kind on the amount to be imposed. This Congress has a perfect right to levy in one year the amount that ordinarily it might have levied in three years. And that practically is all that it is asked to do now—to sanction, to validate the collection of what these banks lawfully owed, equitably owed, during the last three years for the support of government. No one denies that here is a situation where somebody must make good the loss which the various States and municipalities affected by the decision must sustain if this proposal which we are urging be defeated. The gentleman from Arkansas [Mr. Wrsoo] tells us that he has a measure for meeting this emergency which is more perfect than the proposal we are urging. I shall not discuss the grounds of his assertion, for the reason that the bill with the Senate amendment is the only measure that has any chance of passing during this Congress. To amend it means to defeat it. The question is, Will this Government exercise its sovereign power to do justice or will it allow gross injustice to be perpetrated by failure to perform what right obviously demands?

Gentlemen on the other side seem to suggest that this enormous sum properly due for taxes might be remitted as an act of generosity to the bankers and that nobody will be hurt by it. Nothing could be further from the fact. The amount of these taxes must be obtained by the Government from some source. There is no way in which the loss of revenue caused by failure of these banks to bear their share of the public expense can be made good except through a contribution by somebody else.

Where is it to come from? In finding the answer to this question we will see clearly where lies the equity of this question.

Gentlemen may not be aware of the fact-I have taken the floor because so far it has not been made clear in this debatethat under our New York constitution no levy of taxes can be made beyond 2 per cent of the property subject to assessment. We are now collecting every year a sum equal to 1.973 per cent of that amount. We can not, therefore, increase the tax levy to make good the \$20,000,000. We can not issue bonds under the limitations of our constitution. How, then, are we to find the money that-unless Congress affords us relief-we must pay to the national banks? In one way only: We must cut down the present expenses of the city government. And where must that reduction occur? Only in one field of public expenditures is it practical: We must cut expenditures for education, for police, for prevention against fire and against the spread of disease. Here, then, is surely an occasion when the sovereign power of government should be exercised to do equity. You, gentlemen of the House, can exercise that sovereignty. And where the power to do equity exists you can not refuse to put it in effect and remain fully loyal to your duty.

Shall these bankers, bloated with profits, whose dividends have risen to a degree that almost shocks the economic conscience of the thoughtful and the patriotic, be given in addition to these swollen revenues a contribution of \$20,000,000. taken from the clerks, the scrubwomen, the policemen, the teachers, and all the other meritorious persons laboring in humble but most useful capacities for the welfare of our entire citizenship? There is no other source from which such an

unholy contribution can be taken.

To prove conclusively that if this relief be denied us there is no power anywhere to find one dollar to meet this deficiency of \$20,000,000 except by cutting down the city budget in the directions I have mentioned-that is to say, by reducing the salaries or cutting down the numbers of municipal employees-I need but mention that no later than last Monday the governor of our State, under a provision of the constitution, sent an emergency message to the legislature asking authority for the New City officials to meet and change their budget in the very direction that I have mentioned. That law was passed and signed.
It affords the only means that the State of New York can

adopt to meet this situation. If relief be afforded by adoption here of the Senate amendment, the emergency law will not be invoked. But if this Senate amendment fails, the State of New York must put this emergency law in operation. profits of the bankers will be increased enormously although there is not one of them that can show a deficit in earnings during the last few years. There is not one of them that has failed during that time to declare huge dividends. And now this House, if it reject this appeal for relief, will further increase the swollen earnings of these corporations, and at the same time take from the miserable pittances paid to public employees the amount that will be necessary to supply this deficiency. [Applause.]

The SPEAKER pro tempore. The time of the gentleman

from New York has expired.

Mr. LUCE. Mr. Speaker, how much time have I remaining? The SPEAKER pro tempore. The gentleman has half a

minute remaining.

Mr. LUCE. Mr. Speaker, I take this time in order that I may explain to the House that the motion will undoubtedly be divided and, as I understand, both sides desire that the House shall recede. The important vote comes on the question of con-I have moved to concur with the Senate amendment in order that I may relieve of their embarrassments the States in which suits to the extent of many millions have already been brought-North and South Dakota, Minnesota, Wisconsin, New York, Massachusetts-and, I understand, Vermont, Connecticut, in which suits are threatened, Virginia, in which suits are probable, for the recovery of money to which the banks are not in equity entitled, which belongs to the taxpayers under the law as it was construed for 50 years until it was upset on the score of a technicality.

Mr. McFADDEN. Mr. Speaker, referring to the remarks just made by the gentleman from Massachusetts, I hope that those people, who believe as I do, and by that I mean the Members who are in favor of the protection afforded by section 5219 of the Revised Statutes as amended by the amendment which I have proposed, will vote to recede. If the motion then is on my proposition to concur with an amendment, I shall be satisfied, but if the vote is then on the question of accepting the Senate bill as it now appears, I hope that vote will not prevail. I want to be perfectly frank with the House. The conferees are not agreed that the provisions even of the Senate bill should pass in the present form. We are not agreed that the pro-

visions in the House bill are in proper form. As I stated previously, I shall offer an amendment to perfect the other paragraphs of the bill, and they are important. I do not want the House to be deceived by the peculiar parliamentary situation which has arisen. Do I understand the vote will come first on the motion of the gentleman from Massachusetts to recede?

The SPEAKER pro tempore. The first vote will be on the motion of the gentleman from Massachusetts to recede. His motion was originally to recede and concur, but that motion has been divided on a demand for a division. The first vote will

be on the question to recede,
Mr. McFADDEN. Then the next motion-

The SPEAKER pro tempore. The next preferential motion will be on the motion of the gentleman from Pennsylvania to concur with an amendment.

Mr. McFADDEN. This is perfectly clear then. Mr. WINGO. May I suggest to the House that we on this Mr. McFADDEN. I so understand and I hope this side will

vote likewise.

Mr. WINGO. And then have a straight vote upon concurring

in the amendment.
Mr. McFADDEN. I wanted to make it perfectly clear to the membership of the House that the second vote would not be on accepting the Senate amendment, as proposed by the gentleman from Massachusetts, but upon my motion to concur with an amendment.

Mr. LUCE. Will the gentleman yield?

Mr. McFADDEN. I yield the remainder of my time to the

gentleman from Vermont [Mr. DALE].

Mr. DALE. Mr. Speaker, I simply want to make a statement in connection with the statement of the gentleman from Massachusetts that there is a suit pending in Vermont. There is no suit pending in Vermont that is based in any way on the particular question that is involved here. The suit that is pending in Vermont-and there is only one important suit pending there that he can in any way have reference to—is a suit that is based on certain specific Vermont statutes, and it is a question entirely different from the question that is now being considered here.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired. The Chair will state the parliamentary situation and the questions in the order of their precedence. The gentleman from Pennsylvania moves to recede and concur with an amendment. The gentleman from Massachusetts moves to recede and concur, which at that Massachusetts moves to recede and concur, which at that moment had precedence. A division was demanded of the motion of the gentleman from Massachusetts which the House had the right to make. The question was divided, and therefore the first motion put will be on the motion of the gentleman from Massachusetts to recede. The question is on the motion to recede.

The question was taken, and the motion to recede was agreed

The SPEAKER pro tempore. The question now recurs on the motion of the gentleman from Pennsylvania to concur with an amendment to paragraph 5, which the Clerk will again report.

The motion to concur with an amendment was again re-

The SPEAKER pro tempore. The question is on the motion to concur with an amendment.

Mr. McFADDEN. Mr. Speaker, upon that I demand the

as and nays

The yeas and nays were ordered.

The question was taken; and there were-yeas 220, nays 85, not voting 122, as follows:

YEAS-220

Burdick Curry Dale Fields Fisher Focht Almon Andrews, Nebr. Anthony Appleby Arentz Burton Butler Darrow Davis, Tenn. Deal Dickinson Byrnes, S. C. Byrns, Tenn. Cable Caple
Campbell, Kans.
Campbell, Pa.
Cannon
Cantrill
Carter
Chalm Frear Dominick Doughton Drewry Driver Dunbar Free Fuller Fulmer Gahn Barbour Barkley Bell Gahn Garrett, Tenn. Garrett, Tex. Gensman Gernerd Gilbert Goodykoontz Graham, Ill. Griest Hadley Hammer Hardy, Colo. Benham Bixler Blakeney Bland, Va. Dupré Echols Elliott Chalmers Chaimers Chandler, Okla. Chindhlom Cole, Iowa Collier Collins Colton Evans Fairchild Fairfield Faust Favrot Fenn Fess Boies Bowling Bowling
Box
Briggs
Brown, Tenn.
Buchanan
Bulwinkle Crago Cramton Crisp Hardy, Colo.

Haugen	Leatherwood	Oliver	Strong, Pa.
Hawley	Lee, Ga.	Parks, Ark.	Summers, Wash
Hays	Lineberger	Pou	Sumners, Tex.
Henry	Little	Pringey	Sweet
Hersey	Longworth	Purnell	Taylor, Ark.
Hickey	Lowrey	Quin	Taylor, Colo.
Himes	Lyon	Radcliffe	Temple
Hoch	McArthur	Rainey, Ala,	Thompson
Hooker	McCormick	Raker	Tillman
Hudspeth	McDuffie	Rankin	Tilson
Hull	McFadden	Ransley	Tincher
Humphrey, Nebr.	McKenzie	Reed, W. Va.	Tinkham
Husted	McLaughlin, Mich		Towner
Ireland	McLaughlin, Pa.	Ricketts	Tucker
Jefferis, Nebr.	McPherson	Roach	Turner
Jeffers, Ala.	MacLafferty	Robertson	Tyson
Johnson, Ky.	Madden	Robsion	Upshaw
Johnson, Wash.	Mapes	Rouse	Vaile
Jones, Tex.	Martin	Sanders, Ind.	Vestal
Kearns	Michener	Sandlin	Vinson
Kelley, Mich.	Miller	Scott, Tenn.	Ward, N. Y.
Kendall	Mondell	Sears	Wason
Ketcham	Montague	Shreve	Watson
Kless	Moore, Ill.	Sinclair	Weaver
Kincheloe	Moore, Ohto	Sinnott	Webster
Kline, Pa.	Moores, Ind.	Sisson	White, Kans,
Kopp	Morgan	Smith, Idaho	Wilson
Langley	Murphy	Smithwick	Wingo
Lankford	Nelson, Me.	Snyder	Woodruff
	Nelson, J. M.	Speaks	Woodyard
Larsen, Ga. Lawrence	Newton Ma		Wright
	Newton, Mo.	Steagall Stedman	Wurzbach
Layton Lazaro	Norton	Stephens	Wyant
Lea, Calif.	Oldfield	Stevenson	Zihlman
rica, Calli.		85.	Zaminian
	NAI		

Ackerman	Goldsborough	McLaughlin, Nebr.Riordan		
Anderson	Graham, Pa.	MacGregor	Sanders, N. Y.	
Andrew, Mass.	Green, Iowa	Magee	Sanders, Tex.	
Bacharach	Greene, Mass.	Maloney	Siegel	
Beck	Griffin	Mansfield	Snell	
Black	Hill	Mead	Stafford	
Blanton	Hogan	Merritt	Steenerson	
Bond	Huddleston	Mills	Sullivan	
Carew	Johnson, S. Dak.	Mott	Swank	
Christopherson	Kelly, Pa.	Nelson, A. P.	Tague	
Clague	Kirkpatrick	Newton, Minn.	Taylor, N. J.	
Clarke, N. Y.	Kissel	O'Connor	Ten Eyck	
Cockran	Kleczka	Paige	Underhill	
Connally, Tex.	Kline, N. Y.	Parker, N. J.	Voigt	
Cooper. Wis.	Knutson	Parker, N. Y.	Volk	
Coughlin	Lanham	Patterson, N. J.	Volstead	
Dallinger	Larson, Minn,	Paul	Williamson	
Dunu	Lehlbach	Perlman	Winslow	
Fish	Linthicum	Rainey, Ill.	Young	
Frothingham	Logan	Ramseyer	SERRE PROPERTY	
Gallivan	London	Rayburn		
Gifford	Luce	Reed, N. Y.		
	NOT VO	TING199		

NOT VOTING-122.					
Abernethy	Drane	Kitchin	- Rucker		
Ansorge	Dyer	Knight	Ryan		
Atkeson	Edmonds	Kraus	Sabath		
Beedy -	Ellis	Kreider	Schall		
Begg	Fitzgerald	Kunz	Scott, Mich.		
Bird	Freeman	Lampert	Shaw		
Bland, Ind.	French	Lee, N. Y.	Shelton		
Bowers	Funk	Luhring	Slemp		
Brand	Garner	McClintic	Smith, Mich.		
Brennan	Glynn	McSwain	Sproul		
Britten	Gorman	Michaelson	Stiness		
Brooks, Ill.	Gould	Moore, Va.	Stoll		
Brooks, Pa.	Greene, Vt.	Morin	Strong, Kans.		
Browne, Wis.	Hardy, Tex.	Mudd	Swing		
Burke	Hawes	O'Brien	Taylor, Tenn.		
Burtness	Hayden	Ogden	Thomas		
Chandler, N. Y.	Herrick	Olpp	Thorpe		
Clark, Fla	Hicks	Overstreet	Timberlake		
Classon	Huck	Park, Ga.	Treadway		
Clouse	Hukriede	Patterson, Mo.	Walters		
Codd	Humphreys, Miss.	Perkins	Ward, N. C.		
Cele, Ohio	Hutchinson	Petersen	Wheeler		
Connolly, Pa.	Jacoway	Porter	White, Me.		
Cooper, Ohio	James	Reber	Williams, Ill.		
Copley	Johnson, Miss.	Reece	Williams, Tex.		
Crowther	Jones, Pa.	Riddick	Wise		
Cullen	Kahn	Rodenberg	Wood, Ind.		
Davis, Minn.	Keller	Rogers	Woods, Va.		
Dempsey	Kennedy	Rose	Yates		
Denison	Kindred	Rosenbloom	and the billion		
Dowell	King	Rossdale			

So the motion to concur with an amendment was agreed to. The Clerk announced the following pairs: On this vote:

Mr. Greene of Vermont (for) with Mr. Treadway (against).

Mr. Moore of Virginia (for) with Mr. Rogers (against). Mr. Rucker (for) with Mr. Lampert (against).

Mr. Johnson of Mississippi (for) with Mr. Brown of Wisconsin (against).

Mr. French (for) with Mr. Cullen (against).

Mr. White of Maine (for) with Mr. Burtness (against). Mr. Kraus (for) with Mr. Kindred (against).

Until further notice:

Mr. Edmonds with Mr. Abernethy.

Mr. Begg with Mr. Woods of Virginia.

Mr. Porter with Mr. Hawes

Mr. Wood of Indiana with Mr. McClintic.

Mr. Davis of Minnesota with Mr. Park of Georgia.

Mr. Kahn with Mr. Williams of Texas.

Mr. Beedy with Mr. Brand.

Mr. Cooper of Ohio with Mr. Garner.

Mr. Denison with Mr. Humphreys of Mississippi.

Mr. Morin with Mr. McSwain.

Mr. Williams of Illinois with Mr. O'Brien.

Mr. Swing with Mr. Sabath.

Mr. Crowther with Mr. Hardy of Texas.

Mr. Dowell with Mr. Clark of Florida.

Mr. King with Mr. Drane. Mr. Freeman with Mr. Kunz. Mr. Perkins with Mr. Thomas.

Mr. Keller with Mr. Kitchin. Mr. Fitzgerald with Mr. Ward of North Carolina.

Mr. Rosenbloom with Mr. Wise. Mr. Timberlake with Mr. Jacoway. Mr. Michaelson with Mr. Overstreet.

Mr. Patterson of Missouri with Mr. Stoll.

Mr. Connolly of Pennsylvania with Mr. Hayden. The result of the vote was announced as above recorded.

Mr. McFADDEN. Mr. Speaker, I move that the House re-

cede and concur in the remainder of the Senate amendment with an amendment as follows.

The Clerk read as follows:

an amendment as follows:

The Clerk read as follows:

Mr. McFadden moves that the House recede and concur in the remainder of the Senate amendment with an amendment as follows: Beginning with line 6, on page 3, strike out down to and including line 25, page 4, and insert in lieu thereof the following:

"Sec. 5219. The legislature of each State may determine and direct, subject to the provisions of this section, the manner and place of taxing all the shares of national banking associations located within its limits. The several States may tax said shares or include dividends derived therefrom in the taxable income of an owner or holder thereof, or tax the income of such associations, provided the following conditions are complied with:

"1. (a) The imposition by said State of any one of the above three forms of taxation shall be in lieu of the others.

"(b) In the case of a tax on said shares the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of the individual citizens of such State coming into competition with the business of national banks: Provided, That bonds, notes, or other evidences of indebtedness in the hands of individual citizens not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with such business, shall not be deemed moneyed capital within the meaning of this section.

"(c) In case of a tax on the net income of an association the rate shall not be higher than the highest of the rates assessed by the taxing State upon the net income of mercantile, manufacturing, and business corporations doing business within its limits.

"(d) In case the dividends derived from the said shares are taxed the tax shall not be a greater rate than is assessed upon the net income from other moneyed capital.

"2. The shares or the net income as above provided of any national banking association owned by nonresidents, shall be taxed in the taxing districts where the association is located and

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent, in section B, the third line, that the word "the" before "individual" be stricken out.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to modify his motion in the manner indicated. Is there objection?

Mr. WINGO. Where is that?

Mr. McFADDEN. It is a stenographic error, that is all—so it will read "other moneyed capital in the hands of individual citizens" instead of "the individual citizens."

The SPEAKER pro tempore. Is there objection? [After a

mr. LONGWORTH. Mr. Speaker, will the gentleman yield?
Mr. McFADDEN. Yes.
Mr. LONGWORTH. That is an extremely complicated amendment, and one very difficult for a layman to understand. May I ask the gentleman who is the author of it and how it has been agreed upon?

Mr. McFADDEN. It is mine, with the exception of one paragraph, which is the work of the Senate conferees and the House conferees; and I may say the Senate conferees are in accord with it.

Mr. LONGWORTH. The Senate conferees are in accord with this proposition?

Mr. McFADDEN. Yes; with the exception of one paragraph, which I will endeavor to explain to the House. I will try to explain the situation.

Mr. LONGWORTH. Then, this is in compliance with or the result of those consultations?

Mr. McFADDEN. It is.

Mr. WILLIAMSON. Mr. Speaker, will the gentleman yield?

Yes. Mr. McFADDEN.

Mr. WILLIAMSON. Is the last proviso on page 5 left in

Mr. McFADDEN. We have removed the Senate provision by the vote we have just taken and substituted for it another provision by vote of the House.

Mr. MILLS. Mr. Speaker, as I heard the provision read, it provided that national banks could not be taxed at a higher

rate than manufacturing corporations.

Mr. McFADDEN. That is true under certain conditions. That is one of the limitations in one of the provisions of the bill. I think if gentlemen will wait until I have an opportunity to explain this proposition to the House all their questions will be answered. It is my intention to ask for sufficient time so that this matter may be discussed. I do not want to hold the House for a useless explanation; but this is a complicated matter, and I believe the House has the right to know about it.

Mr. Speaker, is there any objection to my unanimous-consent

request?

The SPEAKER pro tempore. The gentleman from Pennsylvania has one hour in his own right on his motion.

Mr. McFADDEN. I was not sure whether there was an objection made to my unanimous-consent request.

You have not made any. A MEMBER.

The SPEAKER pro tempore. The request made by the gentleman from Pennsylvania, which was to modify his motion, was agreed to.

Mr. LUCE rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Massachusetts rise?

To reserve the right to object.

The SPEAKER pro tempore. There is no question pending to which the gentleman from Massachusetts may object.

Mr. LUCE. I ask unanimous consent to make an inquiry of

the gentleman from Pennsylvania [Mr. McFadden].

The SPEAKER pro tempore. That can be done with the

consent of the gentleman from Pennsylvania.

Mr. LUCE. Will the gentleman yield?

Mr. McFADDEN. Yes; but not to lose the floor.

Mr. LUCE. I understand it was the gentleman's intention

that the time should be divided?

Mr. McFADDEN. It is my intention to yield for debate without losing my right to control the time. I shall be very glad to yield time if I can, if the parliamentary situation is favorable to yielding. I have no desire except to have a proper and thorough discussion of this bill by both sides, and if the parliamentary situation is such that I may yield a part of my time to those in opposition, I will do so.

The SPEAKER pro tempore. The gentleman can yield to anyone except for the purpose of offering an amendment.

Mr. WINGO. The gentleman from Massachusetts [Mr. Luce] may want to use some time?

Mr. LUCE, Yes.

Mr. WINGO. Then why not let the gentleman from Pennsylvania move that one half of the time be controlled by himself and the other half by the gentleman from Massachusetts, at the end of which time he will move the previous question?

Mr. LONGWORTH. A simpler way will be for the gentleman from Pennsylvania to yield half an hour to the gentleman

from Massachusetts.

The SPEAKER pro tempore. If at the end of the discussion it should appear that an amendment might be desirable, an amendment of some minor character, the previous question will be understood to have been ordered. The gentleman from Pennsylvania has control of the hour, and he may use it as he sees fit. The gentleman from Pennsylvania is recognized.

Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it. Mr. LUCE. Is my motion to recede and concur still pending? The SPEAKER pro tempore. The motion of the gentleman

from Massachusetts to recede and concur was submerged in the motion to concur with an amendment.

Mr. LUCE. Do I have further opportunity to make the same motion?

The SPEAKER pro tempore. The Chair thinks not, with respect to paragraph 5, but with respect to other motions, if the gentleman from Massachusetts has the floor, it would be in order to move for that purpose.

I move to recede and concur. Mr. LUCE.

The SPEAKER pro tempore. The gentleman was not recognized for that purpose.

Mr. STAFFORD. Is it not a preferential motion until the recession is had?

The SPEAKER pro tempore. The recession on this matter

has not been moved.

Mr. STAFFORD. Is not a motion to recede and concur a preferential motion over a motion to recede and concur with an amendment'

The SPEAKER pro tempore. The Chair does not understand the gentleman

Mr. MONDELL. Mr. Speaker, the chairman of the committee [Mr. McFadden] is in charge of the time. The gentleman from Massachusetts [Mr. Luce] desires to enter a preferential motion. That could be done, I assume, without the gentleman from Pennsylvania losing the floor.

The SPEAKER pro tempore. Certainly: if the gentleman from Massachusetts has a preferential motion, he may enter

it now.

Mr. LUCE. I move to recede and concur.

The SPEAKER pro tempore. That will be pending. That is in the remainder of the Senate bill.

Mr. McFADDEN. Now, Mr. Speaker, let it be clearly understood that it is my desire to yield one-half of the time to the gentleman from Masssachusetts [Mr. Luce], who is opposed to this proposition, for the purpose of debate only.

Mr. MONDELL. And the gentleman from Pennsylvania to

retain control of the time.

Mr. McFADDEN. Yes. Otherwise I shall be forced not to yield.

The SPEAKER pro tempore. The gentleman from Pennsylvania is in a position to retain the floor and to control his

Mr. McFADDEN. Mr. Speaker and gentlemen of the House, is my purpose, as briefly as I can, because of the lateness of the hour, to explain this amendment, and therefore I will ask not to be interrupted until I have completed my short analysis of this measure.

It will be noticed by the Members present who have followed the debate that my amendment deals with the balance of the bill, except that which we have voted on, which is the validating clause. This amends section 5219 of the Revised Stat-utes of the United States, and is an honest attempt to modernize the statute and reconcile the differences in the two measures before us. To say that we have confined our work to the one section of validation would be an error. We have broadened the rights of the States to tax national banks just to the extent that we believe that it is safe to permit the States to tax national banks and leave the national banks the The States of late have broadened their laws right to exist. regulating the State banks to such an extent that there is a rivalry existing to-day between the State banking institutions and the national banks. The State-bank problem has changed completely since section 5219 was originally enacted. We have almost arrived at the point where this competition for the rights given by States to their own institutions to make money is a serious matter for the national banks, which are the pillars and foundation of the Federal reserve system. rights, even, that the national banks have over the State banks the right afforded in section 5219 to protect them from an undue tax by the several States. If we open the door and permit indiscriminate taxation of the national banks, I am fearful-and in this view I have the concurrence of the Comptroller of the Currency as expressed to me to-day-that it will drive the national banks out of the system, and they will say, "What is the use? If the only remaining thing that is left to us in the way of protection is taken from us, we might as well go under the State law.

I would like to call attention to the predicament that we would be in if the national banks left the Federal reserve system to-day. There is a kind of rivalry existing among many of the larger banks due to the popularity that has grown up in the city because of the fact that the State laws have been broadened that they are driving the national banks from this

I am sure that it is unnecessary for me to call the attention of Members to this situation, but in the State of California to-day there is hardly a national bank left. In Ohio, Michigan, in interior New York, and in New England many national banks because the State laws have been broadened have left the national system. That is the one important thing in conmection with this whole matter. So the conferees have taken the two bills which the Senate and the House have passed and after due deliberation with the tax commissioners and attorneys representing the banks of the country over a period of almost a year have tried faithfully and honestly to make a workable plan. The conferees are practically in agreement on

everything except section (b) in my amendment, and in this we realize that that is the vital part, the permanent legislation providing the authority to the States to permit the future taxing of national banks.

I want to read what is in disagreement with the Senate

(b) In the case of a tax on said shares the tax imposed shall not be at a greater rate than is assessed upon other money capital in the hands of individual citizens of such State coming into competition with the business of national banks: Provided, That bonds, notes, or other evidences of indebtedness in the hands of individual citizens not employed or engaged in the banking or investment business and representing merely personal investments, not made in competition with such business shall not be deemed moneyed capital within the meaning of this section.

Now, owing to the decision of the Supreme Court of the United States in the so-called Richmond case section 5219 was broadened to include "as other moneyed capital in the hands of individuals "-mortgages, bonds, and so forth. What we are attempting to do here is to make a clean-cut proposition, so that national banks will be taxed in the same manner as private money or money in the hands of private individuals and private banking capital in the United States. The Senate's last provision suggested to the conferees provided a different classification. It provided that for the purposes of taxation national banks should be classed with State banks and be taxed in the same manner, with a provision that at no time should that tax exceed the amount of the tax that was levied on real estate and other tangible property.

Mr. LUCE. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. LUCE. I think we would all be enlightened if the gentleman would make it clear whether when he speaks of money invested in private banks he has in mind the total capital of the private banker or that part which comes in competition with national banks.

Mr. McFADDEN. I presume that it would be that portion

that comes in competition with the national banks.

Section (c) provides:

In the case of a tax on said shares the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens coming into competition with the business of national banks: Provided, That bonds, notes, or other evidences of indebtedness in the hands of individual citizens not employed or engaged in banking or investment business and representing merely personal investments not made in competition with such business shall not be deemed moneyed capital within the meaning of this section.

That provides for classification of taxation of the banks under an income form, which is a modern form of taxation which is equitable and just. There is no dispute, as I understand it, on the part of anyone about that being a proper basis for States having income tax laws.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. MILLS. What would happen if the State did not tax manufacturing corporations?

Mr. McFADDEN. That is a limitation, I would say to the

Mr. MILLS. But I notice that the gentleman has eliminated

the language that was put in in the Senate provision.

Mr. McFADDEN. I would say to the gentleman that we

provide that they shall be assessed on the same basis as financial corporations only at no higher rate than the highest rates assessed upon mercantile or manufacturing establishments. They shall be taxed upon the same basis as banks but not at a higher rate than that levied on corporations.

Mr. MILLS. Then assume, as is the case in the gentleman's State, that manufacturing corporations are not taxed at all, do you not inevitably get the result that national banks can not

be taxed?

Mr. McFADDEN. No; I do not; because they are to be taxed at the same rate as other moneyed capital in the hands of its citizens or financial institutions coming into competition with them are taxed, and in Pennsylvania they are now taxed alike, and no dispute arises and everyone is satisfied.

Mr. HUSTED. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes. Mr. HUSTED. If the business corporations were not taxed in any way, then it would have absolutely no effect whatever, there would be no control as to the rate of taxation on national banks in that State, and the only provision that would control would be the one that they are not to be taxed at a higher rate than other financial institutions.

Mr. McFADDEN. That is correct.

Mr. MILLS. Then what would happen in the case of the State of New York where the manufacturing corporations are taxed on a low income tax basis, much lower than other corporations, the theory being that we wanted to encourage manufacturing. Does that mean that national banks could not be taxed at a higher rate than we tax our manufacturing corporations?

Mr. McFADDEN. No, it provides that they shall be taxed exactly as other financial institutions shall be taxed with the limitation that in no case shall the tax exceed the amount

levied against corporations.

Mr. WINGO. Oh, no; the first test is that they shall be taxed at no higher rate than other financial corporations-that is, other banks. The other is that they shall not be assessed at a higher rate than the highest mercantile, manufacturing, and business concerns. I insisted on the change so that if they wished to exempt manufacturing corporations they could. does not say manufacturing or mercantile or business establishments, it says "manufacturing and." In other words, if you make manufacturing corporations totally exempt, business corporations having a certain rate, and then mercantile another, you would take the highest of them which should be the highest rate at which you could tax the income of national banks. You might have one rate for one, another rate for another, and another absolutely exempt, but you can tax the net income of a national banking corporation to the extent of the highest one of those three, even though one of them is wholly exempt. It is specifically worded in that way to permit the gentleman's State and mine and other States to exempt manufacturing corporations, if the State wishes to do so.

Mr. McFADDEN. Section (d) provides that in case of dividends derived from the shares so taxed the tax shall not be at a greater rate than is assessed on the net income from other

moneyed capital.

Mr. Speaker, I am ready now to yield time to the gentleman from Massachusetts if he desires it. How much time does the gentleman desire?

Mr. LUCE. I would like to have 10 minutes.

Mr. McFADDEN. I yield 10 minutes to the gentleman from
Massachusetts [Mr. Luce] and reserve the remainder of my

Mr. NEWTON of Minnesota. Mr. Speaker, I am under the impression that there was a unanimous-consent agreement as to time.

Mr. WINGO.

Mr. WINGO. No; that was not agreed to.
Mr. McFADDEN. I intend to yield one-half of the time to the other side. I asked the gentleman from Massachusetts how much time he wanted, and I yielded what he asked for, 10 minutes.

Mr. LUCE. Yesterday, in company with many other Members of the House, I received a telegram, which proved to be identical with other telegrams sent here. I call attention to its last statement:

The Senate amendment is unjust and vicious legislation and it jeopardizes the existence of our national banks.

An interesting and in some aspects an amusing thing is that the Senate amendment throws more protection around the national banks than the House amendment. The Senate amendment provides that in the matter of the taxing of shares-and not now referring to income-of banking associations they shall not be taxed at a higher rate than the shares of That amendment was not in the draft business corporations. that came from the House, and in this particular the Senate actually increased the protection thrown around the banks by the House bill. This is a vital thing because the only menace to the banks comes from such a situation as that which arose in North Dakota, where the State saw fit to try to tax the banks out of existence, if it could, in order to establish its own State institution.

The amendment proposed by the gentleman from Pennsylvania, in which he asks us to recede still further from our original position, if I understand it aright, strikes out this provision which the Senate intended for the protection of the banks, with the result that if his amendment is adopted the national banks will have a less degree of protection. I call it to the attention of the House, and I hope through you, sir, Mr. Speaker, it will reach the attention of the gentleman who sent these telegrams, that it is rash and unwise to sign form telegrams without reading them and knowing what they mean. [Applause.] When reputable men of high standing in a community see fit to send us telegrams that are untrue, how may they question our wish to exercise our judgment. I would it were possible to convey to these bankers our expression of deep regret that they should flood the Congress of the United States with inaccurate and misleading statements containing an element of untruth.

I will yield to the gentleman from New York [Mr. MILLS] 10 minutes.

Mr. WINGO. I make a point of order-

Mr. McFADDEN. Mr. Speaker, I yield the balance of the time allotted to the gentleman from Massachusetts to him now,

which, I understand, is 20 minutes.

The SPEAKER pro tempore. The gentleman from Pennsylvania yields an additional 20 minutes to the gentleman from Massachusetts, which makes a total of 30 minutes, of which he has used 5 minutes.

Mr. WINGO: I understand the gentleman has 25 minutes

remaining?

The SPEAKER pro tempore. The gentleman has 25 minutes remaining

Mr. LUCE. I yield 10 minutes to the gentleman from New York [Mr. MHLS]

Mr. McFADDEN. Mr. Speaker, I think I have one more person to speak, and I wish gentlemen on the other side could use some of their time now. It is only fair that the affirmative

side use all of their time.

Mr. LUCE. Mr. Speaker, I have no desire to be captious in the matter, but a very unfortunate situation has arisen. An amendment which may involve the most serious consequences to various States of the Union is laid before us without opportunity to study and reflect upon it. It is quite possible after an examination of the amendment we might desire

Mr. WINGO. To what amendment does the gentleman

refer?

Mr. LUCE. The amendment which has just been submitted

by the gentleman from Pennsylvania.

Mr. WINGO. The gentleman from Massachusetts and the gentleman from New York certainly have seen this proposal

Mr. McFADDEN. I will say there is not very much deviation here, except in one section (b), from what has been before

Mr. WINGO. The only difference is in one paragraph (b),

and the gentleman has studied that.

Mr. LUCE. I am advised one of my friends in this matter is ready to take the floor, and I yield 10 minutes to the gen-

tleman from Minnesota [Mr. Newton].

Mr. NEWTON of Minnesota. Mr. Speaker, I believe that shares of stock of national banks should pay their fair share of taxes in the localities and States where the banks are situated. While many national banks have voluntarily been doing so, they have not been obligated to do so since the decision of the Supreme Court of the United States in 1921 in the Richmond bank case. All credit to those who have been

voluntarily doing their part.

It is the business of this Congress to correct this inequality. If we adopt the Senate bill as amended, we will in a large measure correct it. It is true it is not just what we would like to have in Minnesota. I presume that other States will have some objections to it but it is far superior to the House bill, for if we should adopt the House bill we will merely continue the present discrimination. There certainly is no reason whatever why national banks should not pay the same tax as State banks or any other banking institution with which they

come into competition.

The national-bank law was passed in 1864. They are to a certain extent Federal agencies. As such they can not be taxed by States or localities without the consent of Congress. While they are Federal agencies and perform a function as such, this function is largely incidental to the general banking powers which they possess by virtue of their charter. In fact, for almost all practical purposes, they are local institutions like State banks and private banks relying upon the local communities for their business. This being the case their shares of stock for taxation purposes should be upon the same basis as banks chartered by the State.

The Congress that enacted the original legislation appreciated this fact and so provided in the national-bank act. day until the time of the decision of the Richmond bank case in 1921 this idea was carried out in all of the States

It will be observed that section 5219 of the Revised Statutes specifically states that nothing in the act shall prevent the States taxing the property providing it complies with two conditions. The only condition that is material in the discussion of this measure is the first one, which is that the taxation "shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State." Further provision is made that the real property be-longing to the national-bank associations shall be assessed on the same basis as other real property. The whole idea was

This phrase pertaining to "other moneyed capital in the hands of individual citizens" was construed by the Federal

courts quite early to mean merely to prevent a State favoring, for taxation purposes, institutions and banks doing a like business but not possessing a Federal charter. I quote from National Bank v. Covington (103 Fed. 523):

All that is done is, under section 5219, to guard money so invested against any form of State taxation which places it at a disadvantage as compared with money invested in State banks.

Other Federal courts rendered similar decisions and opinions. The law appeared to be settled and determined.

At the time of the enactment of the national-bank act practically all of the States taxed all personal property, both intangible and tangible, by means of a general property tax. was discovered that whereas tangible property was paying taxes a great deal of the intangible property escaped taxation. The State of Maryland with this in mind enacted a law asses ing intangible property, such as money and credits, at a 3-mill rate, which was materially less than the general property rate. The result was a tremendous increase in revenue. It was a clear demonstration that money and credits can not be effectively taxed if taxed at the same rate as real estate or tangible personal property. This has been clearly demonstrated in my own State.

In 1910, the year before our money and credit tax law took effect, there were 6,200 people in Minnesota assessed for money and credits, and we received, all told, \$379,754 in revenue. In 1911, the first year under the new rate, there were 41,439 people assessed for \$115,481,807, and in 1922 there were 109,081 people assessed for \$400,688,948. The revenue for 1922 will amount

to more than \$1,200,000.

Other States followed Maryland and Minnesota, including Kentucky, South Dakota, North Dakota, Iowa, Virginia, Pennsylvania, Rhode Island, Connecticut, Missouri, Montana, Oklahoma, and Nebraska. In addition the States of Wisconsin, New York, and Massachusetts have enacted satisfactory and effective income tax laws.

When my own State placed "money and credits" on a 3-mill basis they excepted credits secured by real-estate mortgages recorded in the State and money and credits belonging to banks, whether State or national. Shares of stock of banks, State and national, are subject to the general property tax and carry the same rate which is imposed on general personal property in the assessment district where the bank is located.

is no discrimination in favor of either. So far as I have been able to ascertain, up to recently there never has been any protest from any of the national banks of

the State about this legislation. On the other hand, it was favored by all banking interests at the time and up to the time of the Richmond bank decision. Furthermore, the "money and credits" tax law was held not to discriminate against national banks by the circuit court of appeals in an exhaustive opinion in the case of the National Bank of Baltimore against the City of Baltimore. The difference was the difference between a 3-mill tax and a 20-mill tax. In the aggregate the amount involved was \$600,000 in that particular case. This decision was apparently so well founded in justice and in law that the bank accepted it, for no appeal was taken to the Supreme Court of the United States.

It remained a law, then, until this Richmond bank case. In this case the city of Richmond levied a tax of \$1.75 per \$100 on all bank stock, State or national. The tax on money and credits was 95 cents per \$100. This Richmond bank case overturned these decisions and construed the phrase "other moneyed capital in the hands of individual citizens" literally, so that no greater rate could be charged upon shares of stock of national banks than was charged upon bonds, notes, and

other like evidences of indebtedness

When this decision was announced it was the subject of conwhen this decision was announced it was the subject of considerable thought and discussion upon the part of the tax commissioners of the States affected. They got into communication with the tax commissioners from other States of the Union, and they met here in December, 1921, and asked Congress to enact legislation which would so change the law as to avoid the effect of the Richmond bank decision. They appeared before the Committee on Banking and Currency and there advocated this legislation. They there told the committee that the States which had a money and credits tax would have to change their money and credits tax law if section 5219 was not changed so as to adapt it to modern State tax systems. A 3-mill tax on national-bank stock is a rank discrimination against State banks and other concerns paying a general property tax which is much higher. The predicament of these States was ably and fully presented. The general counsel of the American Bankers' Association appeared and urged the committee to leave the law unchanged. He said, "We (the association) do not want it altered in any respect."

The newspapers of my own city have quoted some banker as authority for the statement that it will make a difference of \$500,000 a year in the city of Minneapolis alone. I am surprised that an association of this kind should want this in-

equality to continue.

Now, if the national banks do not pay their share of the tax, it must come out of the other individuals in the community, just as the gentleman from New York said a few minutes ago. It will come out of the farmer, the merchant, and the manufacturer. Why should the national banks of the country receive different consideration than these others? Why should they ask it?

Until a day or two ago I was under the impression that the great majority of our national banks felt the same way about it, and that they did not ask to be considered any differently for taxation purposes than State banks. Some of the officials of the leading banks in Minnesota have so expressed themselves.

To-day, however, I have received a number of telegrams from banks and associations requesting me to insist on the House bill and to vote down the Senate amendment. To do so would be unfair to the great mass of taxpayers in my State, for the House bill does no more practically than reenact section 5219 as now interpreted by the Supreme Court.

This will leave us where we now are. The gentleman from Pennsylvania [Mr. McFadden] has just offered a motion to concur by amending the House bill. What this will do I do

not know and no one else does.

The first intimation that I had that the conferees would to-day submit proposals of their own was when the gentleman from Pennsylvania made the statement at the opening of to-day's session. The first opportunity that I have had to examine it was following its report to the House a moment ago. The amendment takes up a page of the bill.

Mr. SWEET. Mr. Speaker, will the gentleman yield? Mr. NEWTON of Minnesota. I regret I can not.

In this brief time I can not tell just what its effect will I am not a tax expert. But I know that the State tax commissioners of the country have advised us that the provisions in the Senate bill are workable, that they are fair to the banks and to the people, and I believe that until we get evidence to the contrary we ought to stand by those pro-

visions that have been agreed to by the Senate. Let me remind you of this practical proposition. This validating provision that we have just voted on is not a necessary part and parcel of the other provision. The bill can either pass or fail without that validating proposition being in it. But suppose the conferees, who have been for four weeks trying to get together-and I believe what the gentleman has said, that they have conscientiously tried to arrive at an agreement with the Senate conferees-can not agree? We are in session only four more days. Their differences are great, and remain so with this amendment.

The SPEAKER pro tempore. The time of the gentleman

from Minnesota has expired.

Mr. STAFFORD. Mr. Speaker, the gentleman was yielded

10 minutes; he has used only 5.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry. The SPEAKER pro tempore. The gentleman will state it.

Mr. STAFFORD. May I inquire when the gentleman from Minnesota began to speak?

The SPEAKER pro tempore. The Chair is informed that he

began at 4.20.

Mr. NEWTON of Minnesota. Mr. Speaker, it is evident that the timekeeper does not know what he is doing to-day. That is the second experience we have had this afternoon with the timekeeper. I ask for five minutes more.

Mr. WINGO. The gentleman says he has not used all his

time.

Mr. STAFFORD. If, as the timekeeper says, he began at 4.20, he has used 15 minutes. But the fact is he has used only five minutes

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to proceed for five minutes more. there objection?

Mr. STAFFORD. Not to be taken out of the hour.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota

is recognized for five minutes more.

Mr. NEWTON of Minnesota. For four weeks these conferees have been trying to get together. They have so far failed. They were so far apart that they came to the House with a They were so far apart that they came to the House with a is to continue. It means lawsuits and the probable refunding report of disagreement with the statement that they could not of millions of dollars, which can only be paid by taking it in

You and I had the right to suppose by reason of that report that they were as wide apart as the poles upon that proposition.

Now they propose to strike out one whole page of the Senate bill and insert in lieu thereof a new provision of their own. gentleman from Pennsylvania [Mr. McFadden] very frankly admitted to the House here that differences existed between the conferees and that the main obstacle to an agreement was in subdivision (b) of their amendment. And what is (b)? This is the provision pertaining to money and credits and as to how they should be taxed; the very meat of the coconut; the very thing that was determined in the Richmond bank de-So that the proposition which gave rise to all this legislation is yet in disagreement between the conferees. If we adopt the motion of the gentleman from Pennsylvania what do we do? We send this bill back to the conferees for them to again go into conference. It will undoubtedly result in a deadlock wherein we will get no legislation.

Now, I do not care to assume that responsibility when I vote upon this proposition. I am not satisfied with the Senate bill, but we must remember that the Senate has agreed to the provisions in the Senate bill. We know it at least will accomplish something. The tax commissioners say so. They should know, for they have given careful thought and study to it. They have stated the case from the standpoint of the public. We know the present parliamentary situation and the difficulties of getting any legislation through if there is further conference. We believe in everyone paying their fair share of the expenses of government in accordance with their ability to pay. Therefore there is but one course to take, and that is to support the Senate bill and vote down the amendment that has been offered by the gentleman from Pennsylvania [Mr. McFadden]. [Applause.1

Mr. McFADDEN. Mr. Speaker, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. McFADDEN. What tax is assessed in your State against private individuals on money loaned in your State which comes

under the classification of section 5219?

Mr. NEWTON of Minnesota. The tax on national banks in my State is the same as the tax on State banks. Both pay under the provisions of the general property tax. This is based upon a 40 per cent valuation on the real worth and value of the property.

Mr. McFADDEN. What tax is laid on mortgages in your

State?

Mr. NEWTON of Minnesota. We have a mortgage tax, which, if I am not mistaken, is 15 cents a hundred. I am not sure about that

Mr. WINGO. Twenty-five and fifteen. Three mills on moneys and credits.

Mr. NEWTON of Minnesota. Yes; I think the mortgage tax is 15, and there may be some exceptions running it up to 25.
Mr. WINGO. Twenty-five on long and fifteen on short.

Mr. McFADDEN. Is not the trouble you have in Minnesota that you have repealed the tax on money in the hands of private individuals?

Mr. NEWTON of Minnesota. We have done nothing but adopt the kind of legislation that the economists, bankers, and financiers of this country advocated and advised us we should adopt. This included the intangible property tax of 3 mills. There is a 5-mill tax here in the District of Columbia.

Mr. LONDON. Mr. Speaker, will the gentleman yield? Mr. NEWTON of Minnesota. Yes.

Mr. LONDON. I make the point that it is wrong for the conferees to rewrite the bill.

Mr. NEWTON of Minnesota. Yes; it is simply impossible for the Members of the House here—and I say it with all good feeling-to act with intelligence and understanding upon an amendment which is highly technical which was presented but a moment before its consideration. There is no practical opportunity with the parliamentary situation as it is to fairly consider it and pass upon its merits or demerits. thoroughly examine it might prove it to be even better than the Senate provisions. Naturally, those of us who have fought for this legislation question it when it seems to meet the approval of those who originally said, "We do not want to see section 5219 altered."

In conclusion, the adoption of the Senate amendment means legislation this session. The adoption of the amendment of the conferees means delay, which at this time is almost certain to result in no legislation. No legislation means that this inequality and discrimination growing out of the Richmond case

the form of increased taxes from farmers, merchants, manufacturers, State banks, and others who are now obligated to pay under this decision more than their share.

Mr. WINGO. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. WINGO. In your State you only tax one-quarter per cent after deducting the real estate.

Mr. NEWTON of Minnesota. The real estate belonging to

the banks?

Mr. WINGO. You have one tax of 50, another of 25, another of 33, and another of 40. Will the gentleman tell us wherein the House provision will disturb his State in the least?

Mr. NEWTON of Minnesota. I can not tell the gentleman, for I have not had time to more than hurriedly read the provision.

It will not disturb it in the least.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has again expired.

Mr. LUCE. Mr. Speaker, I yield five minutes to the gentle-

man from Wisconsin [Mr. Stafford].
Mr. STAFFORD. Mr. Speaker, a few moments ago the House by its vote deprived Wisconsin of many hundreds of thousands of dollars of income taxes that had been levied on national banks of that State under what they thought they had a right to do under section 5219. Now it is proposed to set up a new rule of taxation so far as the owners of nationalbank stock are concerned. Everyone who has the most casual acquaintance with the income tax law of the National Government knows that we have surtaxes. Under this provision you are going to except the owners of national-bank shares from the effect of surtaxes. In Wisconsin we have an income tax State law. Perhaps they have it in New York and Massachusetts. I know something about our State tax law. The owners of shares of stock in private corporations are taxed on income they receive. I have not had the time to scan this amendment as closely as I would like, or perhaps as other Members would like to scan it, but I wish to say to you gentlemen that I know of no bill or any other proposition that was given as careful consideration by the Senate of the United States in this term

of Congress as this bill now pending before us.

Senators who are leaders in questions of taxation and financial matters helped to frame this bill that we now have before Now, what does the gentleman attempt in his amendment as to one particular? Under the Senate amendment one of three ways that taxes may be levied is by taxing the dividends on taxable income of the owner or holder thereof. The State in its supreme power would have the right to tax the owner of the shares of national-bank stock wherever he might live, but under the amendment proposed by the gentleman from Pennsylvania the shares of national banking associations within its limits only are taxable. That is one difference that I have been able to ascertain in scanning this amendment. No one can deny that the provisions as the Senate enacted the bill safeguarded the interest of every national bank, and did not give the States the right under their provisions to drive national banks out of existence. It did recognize the right of the States to tax, but not to tax it on a different basis than they taxed other business associations. Under this amendment you are going to play favorites. The persons who own shares in a business corporation will be taxed if they live outside of the State, whereas the tax levied on owners of shares of national banks will escape taxation if they live outside the State, because the State under this provision will not be able to tax the shares of the bank stocks or owners of bank stock unless they live within its borders. The shares have to be located within

Mr. McFADDEN. I think the gentleman misunderstands it. Section (c) states that in case of the tax of the net income it will not be higher than the rate on other financial corporations.

Mr. STAFFORD. Let us see. It says that the several States may tax each share, including dividends derived from the taxable income of the owner and holder thereof. Somewhere in the amendment you limit the tax on shares of associations located within its limits.

Mr. McFADDEN. The gentleman is in error. Mr. STAFFORD. If the gentleman will give me a minute more, I think I will be able to show that I am right.

The SPEAKER pro tempore. The time of the gentleman from

Wisconsin has expired.

Mr. LUCE. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. Mills.]

Mr. MILLS. Mr. Speaker, it is, of course, utterly impossible to discuss the amendment before the House, because, although

in the House outside of three who have even seen it. Therefore, how in the name of common sense can we discuss a technical taxation amendment which not only undertakes to limit States as to taxation of national banks, but has literally tied up that limitation with every form of taxation that I can think of, except public-service corporations. They have told you how you can tax national banks in their relation to indi-viduals, whether they be bankers or not, how you can tax national banks in their relation to manufacturing corporations, and they are no more similar than dollars and doughnuts. They are tying your bank-taxing system up to taxation of mercantile associations, and finally, when they come to telling you how to tax individuals, they have picked out certain forms of credits, and they have segregated in one place dividends and in another place bank deposits. I would like to ask the distinguished chairman of the committee in what situation we will find ourselves in New York, in so far as the taxation of bank deposits owned by individuals is concerned, if we were to keep our present tax on national banks?

Mr. McFADDEN. I would say, in answer to the gentleman, that there is a provision in this bill which says that the imposition by said State of any one of the above three forms of taxation shall be in lieu of the others. The gentleman is confusing

the three forms for options.

Mr. MILLS. Oh, no. I want to point out to the gentleman that as I read the section you do this. You say, if you propose to tax national banks 1 per cent on their capital stock, you shall tax the bank deposits of individual citizens, whether they be bankers or manufacturers or what not, at 1 per cent.

Mr. WINGO. The gentleman is talking about the Senate pro-

vision.

Mr. MILLS. No; I am talking about the provision that I have just read.

Mr. WINGO. That is the Senate provision, and I ask the gentleman to point out in the Senate provision, which is carried in the gentleman's motion, anything that justifies what the gentleman has charged.

Mr. MILLS. I am not talking about the Senate provision, but of the amendment submitted by the gentleman from Penn-

sylvania.

Mr. WINGO. Which is identical with the addition of three words, "other financial corporation."

Mr. MILLS. No; there is this fundamental difference— Mr. WINGO. The Members of the House can turn to page 4

and read subdivision (c) if they wish.

Mr. MILLS. I will point out to the gentleman on page 3, subsection (b), and he will find there that the limitation in the case of State tax on said shares is that the rate of taxation shall not be higher than the rate applicable to other moneyed capital employed in the business of banking.

Mr. WINGO. Is that what the gentleman objects to? Mr. MILLS. I am not objecting to that.

Mr. WINGO. That is not in there. Mr. MILLS. That is the Senate provision, and you have Mr. MILLS. taken that out and you have gone back to the old Richmond case language, with this exception, that in so far as individual citizens are concerned you have eliminated certain forms of investments; and, mind you, I am speaking from a single reading of this provision.

Mr. WINGO. Oh, the gentleman has gone off on something

Mr. MILLS. What happens in the case of a State like New York in so far as bank deposits of individuals are concerned? Do we have to segregate those and tax them at a 1 per cent rate when every other form of investment is taxed at a 3 per cent rate of income?

Mr. WINGO. Why, do anything you please. The gentleman

has not stated a line that will justify his statement.

Mr. MILLS. If I can have the amendment of the gentleman

from Pennsylvania I think I can justify that.

Mr. WINGO. If the gentleman will take the Senate bill and add to it the three words on (c) he will find that that is the only change in the motion of the gentleman.

Mr. STAFFORD. Oh, there is a much greater change than the gentleman states.

Mr. MILLS. This provision reads as follows:

In the case of a tax on said shares the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens—

That is the old Richmond language-

man from New York [Mr. Mills.]

Mr. Mills. Mr. Speaker, it is, of course, utterly impossible to discuss the amendment before the House, because, although I have had the opportunity of reading it once and it is as difficult and technical a section as you can find, there is not a man

You have selected certain exceptions, but you have not included bank deposits; and what I want to know is what happens in the case of an income-tax State like New York, where you permit us to tax certain investments at 8 per cent income tax rate. Does that mean that we have to tax bank deposits on a 1 per cent basis if we desire to preserve our 1 per cent tax on the capital stock of national banks?

Mr. WINGO. Why, if the gentleman will read the bill he will know what it is. The gentleman is not asking the question for information. He knows that section (b) as read has to do with the tax shares and not the income provision. Let him

read the income provision.

Mr. MILLS. I have been asking in all sincerity, because it is something that occurred to me the first time I read the bill, what will happen to bank deposists in New York, and I am trying to point out to this House the wickedness of passing such an important amendment in an hour's time without opportunity to look at it when the particular legislation has been before this House for two years almost and you have a Senate bill which is at least a fair compromise of all interests understood and ready to be voted on. All I want to do is to voice my solemn protest, not only as an individual but in behalf of my State, that a matter of such vital importance to her should be treated in this manner. [Applause.]

Mr. McFADDEN. How much time have I remaining? The SPEAKER pro tempore. The gentleman has 15 minutes. Mr. McFADDEN. I yield 12 minutes to the gentleman from Arkansas [Mr. Wingo].

Mr. WINGO. Mr. Speaker, in the limited time left it will be impossible to cover the entire range of arguments that have been made and correct the erroneous contentions offered against the pending motion, which is to accept the Senate amendment with certain changes. The contentions that have been made show that the Members making them are wholly lacking in information both as to the decisions of the Supreme Court covering this question and the real fundamental difference between the Senate and the House proposals. One of these mistaken contentions is that the House conferees come in here at the last moment and propose an entirely new proposition of their own. Those who have kept up with this controversy and who are familiar with both the House and the Senate provisions realize how absurd and ridiculous such a contention is. Some gentlemen contend that the proposal embodied in the pending motion is a new one that they have never seen before. Such contentions upon the part of these Members indicate that they have not kept up with the consideration of this bill, because there is not a single thing proposed by the House conferees in the pending motion that has not been studied carefully, not alone by the conferees but by the representatives of both the States and the banks, who have been here in Washington pressing their views on this question.

I was very much surprised at the contention, and especially the questions, of the gentleman from New York [Mr. MILLS] because he is one Member who has devoted a great deal of study to this question, and I have great respect for his opinion, but to-day he has evidently become confused. He asked what effect the pending proposal will have on bank deposits. A moment's reflection will no doubt recall to the gentleman's mind that the question of deposits is not involved. Section 5219, as it now stands, and as rewritten in both the Senate and the House bills, covers only the question of taxation of the personal property of individual citizens represented by their moneyed capital invested in the shares of national banks, and does not cover the question of taxation of the banks themselves except upon their real estate. When the gentleman had raised the question he read the provision covering the share tax and then the next moment he shifted his contention to the question of income, when he knows that the income-tax provision is a separate and distinct provision from the one with reference to tax on the shares, and both the Senate amendment and the pending House proposal distinctly and specifically provide that where one form is used it shall be in lieu of the other two forms of taxation.

I have been very much amused, Mr. Speaker, by some of the other gentlemen who have spoken on the bill. They have paid great tribute to what they term the superior wisdom and the infallibility of the Senators and the Senate amendment. They have insisted that the Senate amendment is clear and easily understood and is perfect in all its provisions, and yet they immediately turn around and criticize very severely certain provisions in the proposal of the House conferees offered as a substitute for the Senate amendment, when everyone who has read the Senate amendment knows that every provision which these gentlemen condemn is in the Senate amendment.

I repeat, Mr. Speaker, that the major contentions offered against the proposal which the House conferees now make is based upon a total lack of information not only of the proposal itself but of the Senate amendment. For illustration, the gentleman from Wisconsin [Mr. Stafford], who is usually very well informed and is a man of great ability, and on account of his capacity and industry commands the respect of all of us, is either confused or he wholly overlooks the provision of the Senate amendment when he says that shares of national banks owned by persons outside a State will escape taxation. His error is apparent if he will turn to the pending motion and read subdivision 2, which reads as follows:

2. The shares or the net income as above provided of any national banking association owned by nonresidents of any State, or the dividends on such shares owned by such nonresidents, shall be taxed in the taxing districts where the association is located and not elsewhere; and such associations shall make return of such income and pay the tax thereon as agent of such nonresident shareholders.

By reference to subdivision 3 of the Senate amendment you will see that it is identical with subdivision 2 of the pending proposal which I have just read with one exception. That exception is represented by the words in subdivision 2, "or the dividends on such shares owned by such nonresidents." The Senate conferees agreed with the House conferees that such change in the Senate amendment was absolutely necessary or else the very evil which the gentleman from Wisconsin contends would exist in an income-tax State would be permitted; that is, the dividends of a nonresident under the Senate amendment would escape an income tax.

Another contention the gentlemen have made is that the House conferees propose to set up an entirely new rule of taxation of shares of national banks. These gentlemen are mistaken. The Senate amendment and not the House proposal sets up a new rule in the one provision that represents the only real difference between the proposal of the House conferees and the Senate amendment. The House conferees and the Senate conferees differ on only two paragraphs. One is the so-called validating provision which the House has already disposed of.

The Senate and the House conferees have agreed on every proposition embodied in the motion of the gentleman from Pennsyl-

vania except paragraph (b) of subdivision 1. On that question it is the House and the House conferees that protest against a new and untried rule, and it is the Senate that sets up the new untried rule which is certain only in one thing, and that is that it will confirm the private banker in the special privilege that he now enjoys under the laws of some

of the States Mr. SWEET. Will the gentleman yield?

Mr. WINGO. Yes, sir.

Mr. SWEET. Now, in the time the gentleman has, I wish he would explain the difference between the Senate amendment

and the proposed amendment-where they differ.

Mr. WINGO. I was just starting the explanation. tleman from Pennsyvania in the beginning of this debate told the House that which I have just told you, that the only difference in the Senate amendment and the substitute offered by the House conferees for it is in paragraph (b). In other words, the Senate and the House conferees have reached an agreement on the following language, which is embodied in the pending

substitute:

SEC. 5219. The legislature of each State may determine and direct, subject to the provisions of this section, the manner and place of taxing all the shares of national banking associations located within its limits. The several States may tax said shares or include dividends derived therefrom in the taxable income of an owner or holder thereof, or tax the income of such associations, provided the following conditions are complied with:

1. (a) The imposition by said State of any one of the above three forms of taxation shall be in lieu of the others.

(c) In case of a tax on the net income of an association the rate shall not be higher than the rate assessed upon other financial corporations, nor higher than the highest of the rates assessed by the taxing State upon the set income of mercantile, manufacturing, and business corporations doing business within its limits.

(d) In case the dividends derived from the said shares are taxed the tax shall not be at a greater rate than is assessed upon the net income from other moneyed capital.

2. The shares or the net income as above provided of any national banking association owned by such nonresidents, shall be taxed in the taxing districts where the association is located and not elsewhere; and such associations shall make return of such income and pay the tax thereon as agent of such nonresident shareholders.

3. Nothing herein shall be construed to exempt the real property of associations from taxation in any State or in any subdivision thereof to the same extent, according to its value, as other real property is taxed.

I repeat the language which I have just read and which is

I repeat the language which I have just read and which is all of the pending House proposal except paragraph (b) has been agreed to by both the House and Senate conferees. The language which I have just read is the Senate amendment with certain changes that we have agreed to, though some of the provisions which I have read I do not like but I have yielded to the unanimous judgment of the other conferees. sions which I have read and which have been agreed to cover two of the three alternative forms of taxation by the States. One is where the State levies a tax on the net income of the association and the other is where the States tax the dividends received from the shares. That leaves in dispute the rule that shall govern the States when they use the other form of taxa-tion; that is, a share tax upon the shares. By reference to the bill on page 3 you will find subdivision (b) of the Senate amendment on the question of share tax. The proviso which appears in the Senate amendment commencing with line 22 at the bottom of page 3 was admitted by the Senate conferees to be unwise and should be stricken out. With that proviso elimibe unwise and should be stricken out. With that provise eliminated by the Senators themselves, the Senate amendment on the question of a share tax is represented by this language: "In the case of a tax imposed by a State or any agency thereof on said shares the rate of taxation shall not be higher than the rate applicable to other moneyed capital employed in the business of banking within the taxing State." As a substitute for that Senate provision the House conferees propose the following language:

(b) In the case of a tax on said shares the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State coming into competition with the business of national banks: Provided, That bonds, notes, or other evidences of indebtedness in the hands of individual citizens not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with such business shall not be deemed moneyed capital within the meaning of this section.

The major difference between these two provisions is represented by the following words in the Senate amendment: "other moneyed capital employed in the business of banking within the taxing State," and the following provision in the House proposal: "other moneyed capital in the hands of the individual citizens of such State coming into competition with the business of national banks."

Broadly speaking, and at first blush, it appears that the only major difference between the two is that in the Senate provision the character of the business on which the shares are issued is the basis, while in the House provision the character of the moneyed capital invested in the shares is the basis.

But if one studies the decisions of the courts and the interpretation that has been given to the language of each provision and the practical application under such judicial determination he will see that the legal effect is that which is represented by the real difference between the two Houses.

The legal effect of the Senate language measured by all the decisions, including the Richmond decision, would be to legalize the action of those States that impose a higher tax burden upon incorporated State and national banks than they do upon the capital of the individuals engaged in private banking. In other words, the Senate provision confirms the private bankers in their special privilege which they now enjoy under the laws of some of the States.

Upon the other hand, the language employed in the House proposal adheres to the old basic rule which has been given judicial determination by numerous decisions during the last 50 years, which is clear and easily understood, and the chief virtue of which is that while it gives the State the right to tax the moneyed capital invested in a share of national-bank stock to any extent it pleases, yet it protects such capital against the discrimination in favor of the private banker. That is, the House proposal permits the State to tax such capital invested in national-bank stock without limit just so it imposes the same burden upon competing capital employed in private banking.

There is another objection to the Senate provision and that is that it would require the different States to tax savings banks, whereas many of them now exempt such institutions, and the Supreme Court, under the rule laid down in the House provision, has specifically approved the exemption of savings banks.

From what I have said it is demonstrated clearly that the House conferees have not proposed a new, untried rule, as has been charged, but that the Senate provision is the new, untried rule, which is certain to be productive of expensive and long-continued litigation and keep both the States and banks in uncertainty for years.

But some gentlemen say if you have adhered to the old rule, and in your pending proposal you repeat the rule that is laid down in section 5219, you leave the States restricted under the so-called Richmond decision. That contention might have some basis if it were not for two provisions that the House has

added to the old rule. The first provision is as follows: "Coming into competition with the business of national banks." The other provision is that which is embodied in the proviso in paragraph (b), which reads as follows:

(b) Provided, That bonds, notes, or other evidences of indebtedness in the hands of individual citizens not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with such business, shall not be deemed moneyed capital within the meaning of this section.

In order that the House may understand the effect of these proposals, and especially the two provisions which I have just read, it is necessary to direct your attention to the situation that confronts the States on this question and which called for legislation at this time. On June 6, 1921, the Supreme Court of the United States rendered what is now known as the Richmond decision, being the case of the Merchants' National Bank of Richmond against the city of Richmond. There is considerable difference of opinion among lawyers who have studied this decision as to its effect.

While I have admitted that Justice Pitney in that decision used some language that might be the basis of the contention that it laid down a new rule which overruled the settled rule that had been applied by all the past decisions, yet I have contended that the real trouble with that case was that the attorney for the city of Richmond committed the error of practically admitting the allegations of fact which were practically the substance of the statute. While the city denied the allegations of fact, yet when the bank introduced witnesses who testified not to facts but to a conclusion that bonds, notes, and other evidences of indebtedness coming into competition with national banks were taxed at a lower rate than the shares of National and State banks the city did not introduce any evidence to show that such paper and securities did not as a matter of fact come in substantial competition with the banks. In other words, the city of Richmond might as well have demurred to the petition in the first instance. I think the lawyers of the House will agree to this contention when I read the following language from that decision of the Supreme Court:

It was also shown by evidence to thout dispute that moneyed capital in the hands of individuals invested in bonds, notes, and other evidence of indebtedness comes into competition with the national banks in the loan market.

That is, the court said that in the case at bar the uncontradicted evidence showed other moneyed capital in the hands of individuals coming into competition with the business of national banks was taxed at a lower rate. If that fact existed as stated by the court, then under the law and under all the decisions that went before the tax on the national-bank stock was discriminatory and unlawful. Then instead of the Richmond decision laying down a new rule it as a matter of fact on the main question involved adhered to the old line of decision.

However, we all agree that in view of the uncertainty and the differences of opinion that has been created by this Richmond decision it is wise to restate the law, but the House conferees feel that in our effort to remove the uncertainties thus created we should not add other uncertainties and make the confusion worse confounded, which the Senate provision does. We take the position that it is easy to override the contention of the Richmond case by restating the old rule with such additional language as will show that it is the intention of Congress in the new statute to follow the rule laid down in the old line of decisions which were clearly understood and constituted a settled basis upon which the State taxing power could depend with some degree of certainty. In order to do this the House committee has added the two provisions which I last read to the old settled rule. But you may ask, Will not these two new provisions create uncertainty until they are given judicial determination by the courts? We answer "No," because we get the language of those two provisions from the language used by the courts in many decisions. Thus it will be seen that the House provision as insisted upon by the House conferees clearly overrules the Richmond decision and goes back to the old rule which the States followed for 53 years.

Under the contention in the Richmond case the tax of every State in the Union on national-bank stocks was in danger if such State provided a lower rate on any intangible property, or if, for illustration, any State exempted farm mortgages from taxation. Such exemption of farm mortgages has been held by the old line of decision as not violating the rule laid down in 5219, and by the proviso which the House conferees have put on subdivision (b) we make it clear that moneyed capital invested in farm mortgages, and which is exempt from taxation in many of the States, shall not be deemed moneyed capital within the meaning of this law.

The position of the House conferees in this whole controversy has been to overcome the contention of the Richmond case by restating the law in clear, unequivocal language, yet using the We have at all times sought to give to the old settled rule. States an unlimited permission to exercise their taxing power on capital invested in national banks with one restriction only, and that is the simple, honest limitation that in the exercise of that taxing power the States shall not destroy the national banks by discriminating in favor of the capital of private bankers that compete with the National and State banks. The position of the House conferees is: Let any State tax banking capital to any extent it wishes, just so it makes the burden equal on all banking capital.

Mr. GRIFFIN. Mr. Speaker, I understand the gentleman to

say that the Senate amendment discriminates in favor of the private banker.

Mr. WINGO. Yes.
Mr. GRIFFIN. On page 3 of the bill I call your attention to this language: That the rate of taxation shall not be higher than the rate applicable to other moneyed capital employed in

the business of banking within the taxing State.

Mr. WINGO. Why, the gentleman is a lawyer; and if he has studied this question and followed the contention made by the attorneys in the New York and Massachusetts cases, especially the latter, he knows that it has been the contention that capital invested in private banking does not come under the rule stated in the language he referred to. Their contention is that the private bank or partnership has no working capital other than the balances left on deposit with them by their customers and moneys loaned by the individual members of the partnership to the partnership. They contend that the note of the partnership given to the individual partner for the money thus loaned is not moneyed capital in the hands of the individual coming in competition with the business of national banks. But the courts have held otherwise, and it is sought by the Senate provision to change the rule from one based on "moneyed capital in the hands of individual citizens coming into com-petition with the business of banks" to the rule of "moneyed capital employed in the business of banking."

Under the latter rule it is admitted by all lawyers who have studied the question, and it is the contention of the attorneys themselves in these cases, that the notes given by private banking partnerships for the moneys advanced by way of working capital by the individual members of the firm will take such securities out from under the antidiscriminatory provisions of the law; in other words, that the State might tax such capital at a lower rate than national-bank shares without falling under the ban of the Federal statute. If the gentleman will look into the history of these cases, he will find that in the Boston case the contention that the capital employed in private banking was wrongfully taxed at a lower rate than the capital invested in national banks was sought to be met by putting on the witness stand a member of one of the well-known private banking firms of the city of Boston, who testified that the firm got its capital funds by loans made to the firm by the individual members, and it was contended that such loans were purely personal loans and did not come within the scope of section 5219. In other words, it was contended in that case that section 5219 should be interpreted so as to mean what the Senate provision now sets up; and I charge that it was the speintention of the person who framed the Senate provision on this question to permit the States of New York and Massachusetts to continue their special privilege to the private bankers by imposing upon National and State bankers a heavier tax burden than they impose on the private bankers.

Are gentlemen surprised that the State and National bankers of the United States protest against such a discrimination? Are these State and national bankers to be condemned because they appeal to you not to grant this special privilege to their competitors? No, gentlemen, the thing to be condemned is not the protest of these bankers, which you have heard criticized to-day, but the thing to condemn is the vicious effort to show a special favor to these great private banking houses. There is another reason why the banks of the country are very much disturbed, and that is that a new and untried rule will be productive of great litigation that will prove expensive not alone to the States but to the banks themselves, because it is admitted that whenever these banks go into court they have to pay their

lawvers well.

Gentlemen, the way is very clear. The Senate offers you a new and untried rule, the effect of which is certain only in one particular, and that is the special privilege that it grants to the private banker. As a substitute for that your House conferees offer you a tried simple rule that is well settled by a long line of judicial decisions, with such additions to it as will appropriate the full amount of money needed to pay all of its

clearly and unequivocally overrule the Richmond decision, leaving the States free, as they were for 50 years before that decision, to tax capital invested in national banking to any extent they please, just so they impose the same burden upon other moneyed capital that competes with such banks. [Applause.]

Mr. McFADDEN. Mr. Speaker, I do not desire to use any additional time. I understand that the vote is on my amendment to concur with an amendment. I move the previous ques-

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recede.

The question was taken, and the motion to recede was agreed to.

The SPEAKER pro tempore. The question recurs on the mo-tion of the gentleman from Pennsylvania to concur with an amendment.

The question was taken; and on a division (demanded by Mr. Newton of Minnesota and Mr. Stafford) there were 95 ayes and 32 noes.

So the motion of Mr. McFadden was agreed to.

The SPEAKER pro tempore. Without objection, the Clerk will renumber the paragraph. Is there objection?

There was no objection.

Mr. Stevenson, Mr. Newton of Minnesota, Mr. Dale, Mr. Hill, Mr. Husted, Mr. McFadden, Mr. Mondell, Mr. Strong of Kansas, and Mr. Blanton were given leave to extend their remarks in the RECORD.

THE SO-CALLED SURPLUS ALLEGED TO BE DUE THE DISTRICT OF COLUMBIA.

Mr. BLANTON. Mr. Speaker, I have secured unanimous consent to extend my remarks in the RECORD in order to discuss the so-called surplus alleged to be due the District of Columbia by the United States Government.

I have given this subject careful consideration during the past six years, and in my candid opinion the so-called surplus of \$4,438,154.92 alleged to be due by the United States Government to the District of Columbia is a myth, a sham, and a fraud attempted to be perpetrated upon the joint select committee-all splendid gentlemen-upon Congress, and upon the Government by certain avaricious citizens of Washington, which, if permitted, would constitute a shameful outrage that borders almost upon a crime against the patient, long-suffering

people of our Nation.

The present Washington, now designated as the District of Columbia, is a city of approximately 450,000 people. About 850,000 of these people have no connection whatever with the Government, but live in Washington because of its beauties, its conveniences, its advantages, and its ridiculously low tax rate. The present tax rate in Washington on personal and real property is only \$1.30 on the \$100, which embraces all taxes residents have to pay, which is less than the taxes paid by any resident in any of the 48 States of this Union. The reason that residents in Washington, D. C., are required to pay only \$1.30 on the \$100 in taxes is because all of the balance of the expenses of the city is paid by the Government of the United States. No other city in the United States is thus so fortunate. No other city in the United States has such a low tax rate. Every other city in the United States pays from two to three times as much tax as do the people of Washington. All of our constituents in the various States back home, besides having to pay their own State, county, municipal, and school taxes, are required to help the 450,000 people in Washington pay their local taxes here. Residents of Washington are thus parasites upon the people in every one of the 48 States of this Union. Washington is gradually becoming the Mecca for rich tax dodgers from all over the United States

From 1878 to 1921, 50 per cent of all of the expenses of this great city has been paid by the United States Government, including its many magnificent school plants, free schoolbooks, salaries of teachers, officers, and school employees, truant officers, and maintenance of schools, its street and alley paving, its street, alley, and driveway lights, street and alley cleaning, garbage, ash, and trash removal, sewerage, water system, parking system, police and fire protection, construction of expensive bridges and municipal buildings, its city courts, jails, asylums, libraries, public playgrounds and amusement parks, bathing pools, and many other civic improvements too numerous to men-Since 1921 this proportional expense has been reduced to a 60-40 basis.

Under this fiscal relation since 1878, as the District of Columbia collected its taxes and other revenues, such as fines, licenses, and so forth, it has deposited same in the United States Treas ury, knowing that out of such Treasury the Congress would And Congress has made such appropriations each

year from the Treasury of the United States.

But because certain avaricious residents of the District of Columbia, who are now not satisfied even with the low tax rate of \$1.30 on the \$100, made possible because the whole people of the United States are paying the balance of their expenses, have so juggled certain years that the aggregate of the deposits for same made by the District of Columbia exceeds one-half of the appropriations made by Congress during those particular years carried in the District appropriation bills, and because such excess aggregates between four and five million dollars they now claim that it now constitutes a surplus which should be credited to the District of Columbia, so that the residents may have the benefit of it in a further reduction of their already ridiculously low taxation.

Such claim of surplus is ridiculous. Since 1878 many improvements and various projects for civic conveniences and beautifying Washington have been paid for wholly by the United States Government, carried in various departmental appropriation bills. And in many instances since 1878, when making its deposits the District of Columbia by making its deposits, the District of Columbia has taken full credit for revenues, fines, and licenses, produced through overhead paid by the Government, when half of the same should have gone to the credit of the Government. And the District of Columbia has not been charged with large sums of interest which the Government has paid on obligations funded before

1878 for which the Government was in no way responsible.

When the claim for this so-called surplus was made Congress

passed the act of June 29, 1922, which provided:

When the claim for this so-called surplus was made Congress passed the act of June 29, 1922, which provided:

A joint select committee, composed of three Senators, to be appointed by the President of the Senate, and three Representatives, to be appointed by the Speaker of the House of Representatives, is created, and is authorized and directed to inquire into all matters pertaining to the fiscal relations between the District of Columbia and the United States since July 1, 1874, with a view of ascertaining and reporting to Congress what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District, or for the purpose of conducting its government or its governmental activities and agencies, or for the furnishing of conveniences, comforts, and necessities to the people of said District. Neither the cost of construction nor of maintenance of any building erected or owned by the United States for the purpose of transacting therein the business of the Government of the United States shall be considered by said committee. And in event any money may be or at any time has been by Congress or otherwise found due, either legally or morally, from the one to the other, on account of loans, advancements, or improvements made, upon which interest has not been paid by either to the other, then such sums as have been or may be found due from one to the other shall be considered as bearing interest at the rate of 3 per cent per annum from the time when the principal should, either legally or morally, have been paid until actually paid. And the committee shall also ascertain and report what surplus, if any, the District of Columbia has to its credit on the books of the Treasury of the United States which has been acquired by taxation or from licenses. And the said committee shall report its findings relative to all the matters hereby referred to it to the Senate and House, respectively, on or before the first Monday

And on February 5, 1923, after spending nearly \$20,000, the majority of the above special select committee, all of whom are splendid gentlemen, filed their report showing that they had made only

a detailed audit and examination of the District accounts from June 30, 1911, to June 30, 1922—

whereas, in said act creating said special select committee Congress provided that said committee-

is authorized and directed to inquire into all matters pertaining to the fiscal relations between the District of Columbia and the United States since July 1, 1874.

In explaining why they did not comply with the above direction and go back to 1874, instead of limiting their audit and examination to the short period between June 30, 1911, to June 30, 1922, the majority in their report said:

It would have been necessary to ask the Congress for a year's additional time, at least, within which to make a final report, and an additional appropriation of many thousand dollars.

So without covering the years Congress directed them to audit and examine, the majority of the committee recommended that Congress credit the District of Columbia with the huge sum of \$4,438,154.92 out of the Public Treasury of the whole people of the United States.

The majority of the committee wholly disregarded the following direction given them by Congress:

A joint select committee * * * is directed to inquire into all matters pertaining to the fiscal relations between the District of Columbia and the United States since July 1, 1874, with a view of ascertaining and reporting to Congress what sums have been expended by the United States and by the District of Columbia, respectively, whether for the purpose of maintaining, upbuilding, or beautifying the said District, or for the purpose of conducting its government or its governmental activities and agencies, or for the furnishing of conveniences, comforts, and necessities to the people of said District.

The committee called only two other Members of the House

The committee called only two other Members of the House before it in its very limited and superficial hearings, they being the gentleman from Michigan [Mr. CRAMTON] and the gentle-

man from Kentucky [Mr. Johnson], both of whom insisted on the above direction by Congress being followed, and both of whom stood out against said alleged surplus being allowed.

Mr. Daniel J. Donovan, auditor of the District of Columbia, testified before the joint select committee (p. 187) that in 1874 the District of Columbia was bankrupt, with a public debt of \$27,000,000, and that from 1874 to 1878 Congress appropriated each year \$1,400,000 to assist the municipality in paying the District expenses, and that in addition to the above Congress also made certain loans to assist the District in paying its interest on the funded debt and for other District expenses.

Based upon the findings of accountants, a committee headed by the gentleman from Kentucky [Mr. Johnson] reported to the House of Representatives in 1915 that on two items alone the District of Columbia was then indebted to the United States

Government in the sum of \$461,508.06.

After the organic act of 1878 Congress authorized the District to issue, and it did issue, bonds to the extent of \$1,092,300 to fund the balance of an old indebtedness, but such act provided that the United States should not be obligated for either interest, principal, or any part thereof. Yet, thereafter, the United States Government paid 50 per cent of both the princi-

pal and interest due on such indebtedness.

The distinguished gentleman from Nebraska [Mr. Evans], a member of said joint select committee, at the time the majority determined upon its report, gave notice that he would file a minority report against said alleged surplus, and that he would contend that such committee had not carried out the instructions of Congress in that they had required an audit only for the period between June 30, 1911, to June 30, 1922, while Congress had instructed them to require the audit from July 1, 1874, to date, and further because such committee had ignored the instructions of Congress that such committee should take into consideration the sums of money spent by the United States Government-

for the purpose of maintaining, upbuilding, or beautifying the said District, or for the purpose of conducting its government or its governmental activities and agencies, or for the furnishing of conveniences, comforts, and necessities to the people of said District.

Let me mention just a few of the many, many items embraced in the above: The various bridges across the Anacostia and Potomac Rivers, including the new Francis Scott Key Bridge, just completed at a cost of nearly \$3,000,000; the million-dollar bridge on Connecticut Avenue; the Congressional Library, built at a cost of \$6,871,556, and which has been maintained at a tremendous annual cost by the Government; the beautiful Lincoln Memorial, erected at a cost of \$3,016,628, which very appropriately could have been built at two other places in the United States; the beautiful reflecting pool in front of the memorial, which so far has cost \$509,069; the basin and bathing beach; the \$6,000,000 spent by the Government for the land dedicated for the use of a terminal station, a convenience to every citizen of Washington; the magnificent Western High School, the \$1,500,000 Central High School, the \$2,000,000 Eastern High School, the Tech High School, the Business High School, the Dunbar High School, the Armstrong Manual Training School, the Howard University, and the numerous graded school plants all over the District, maintained for the convenience and benefit of the people of Washington.

Also could be mentioned the Botanic Garden, the Zoo Park, Rock Creek Park, Potomac Park, the cricket and polo grounds, the numerous public tennis courts, the municipal clubhouse and golf courses, the bridal paths for horseback riders, the public vegetable garden plats along Potomac driveway, the Navy Band, and the United States Marine Band, giving public concerts each week during seasonable months, and maintained at Government expense, and a pay roll of nearly 100,000 Government employees who regularly receive every two weeks their pay envelopes containing new money that is to be first spent in Washington. The above conveniences and benefits have caused Washington to grow from a village to a prosperous

city of about 450,000 people.

The House Committee on the District of Columbia was called to meet at 10.30 o'clock a.m. on Wednesday, February 21, 1923. The committee has 21 members. The presence of 11 members is required to make a quorum. When the committee was called to order at 10.40 a. m., only eight members were present, to wit: Chairman Focht, Zihlman, Walters, Sproul, Blanton, Gilbert, Hammer, and O'Brien. After passing on routine matters, the committee conducted a hearing on the proposed legislation to extend the time for evicting alley residents, hearing the testimony of several witnesses. At 10 minutes before noon, the business of said committee apparently having been concluded, as members were then circulating a eulogy on the

chairman, the writer stated that he would have to leave, in order to be in the House when a conference report was to be

Concerning what transpired thereafter, the press reports that a motion was made to report the alley bill, but was withdrawn when a Member made the point of no quorum and then, upon motion of the gentleman from Maryland [Mr. ZIHLMAN], the few Members present ordered a favorable report on the Hardy bill (H. R. 14372), to credit said alleged surplus to the District of Columbia. At that time there was no quorum present, and said committee was sitting and acting without authority, for the House of Representatives has never granted authority to said Committee on the District of Columbia to sit during the sessions of the House. The gentleman from Kentucky [Mr. Gilbert] voted against reporting said bill. Such bill has never been considered by said committee. No hearing whatever was had on same by said committee. None of the few members of said committee present had read even the majority report of said special select committee. None of them had conferred with the gentleman from Nebraska [Mr. Evans] concerning the minority report he was going to file against said alleged surplus. The only excuse given for reporting out said bill without hearing or consideration was the statement of the gentle-man from Maryland [Mr. Zihlman] that he had promised the man from Maryland [Mr. Zihlman] that he had promised the gentleman from Colorado [Mr. Hardy] to report it out. This ridiculous half-page report shows that an amendment in the Senate is pending to attach this \$4,438,154.92 unjust legislation upon the deficiency bill which this House to-day is reading The evident intention is to pass it under the five-minute rule. without debate. These gentlemen do not understand that that surplus claim is wholly without merit,

Only day before yesterday the gentleman from Nebraska [Mr. Evans] procured permission to print his minority report and same has appeared on pages 4570-4580 of the Congres-SIONAL RECORD. The membership of the House have not yet had time even to read it, much less to study it. Let me call attention to just one section from Congressman Evans's report:

THE FINDING BY THE MAJORITY OF A SURPLUS OF \$4,435,154.02 AS DUE TO THE DISTRICT OF COLUMBIA IS NOT SUPPORTED BY FACTS OR LAW.

In order that there shall be a surplus in favor of the District in the Treasury of the United States under the law, it must appear that all accounts between the District and the Government from June 30, 1874, to June 30, 1922, have been audited and that the balance sheet covering that entire period shows such balance.

THE MAJORITY DID NOT SO FIND THE SURPLUS THEY REPORT.

The MAJORITY DID NOT SO FIND THE SURPLUS THEY REPORT.

The only period that has been covered by the majority audit is that between June 30, 1911, and June 30, 1922. The only account covered in that period is that of the District general fund. Other funds or appropriations not contained in the District appropriation acts have not been checked or audited except as to specific items, and as to the period preceding June 30, 1911, there is only the guess that it is as found by the Mayes audit, of whom it is established that they only completely checked the District general fund.

To arrive at the conclusions presented by the majority it was compelled to violate the ordinary canons of construction in construing the acts of Congress and to disregard the directions of the act of June 29, 1922, under which it was supposed to act.

In arriving at its conclusions the majority omitted from consideration the following items for the Government:

One-half of the 5-20 bonds.

One-half of the interest on the 5-20 bonds.

Interest on all items of advances or credits upon which interest has not been paid.

One-half of the fines of the police court for the Government.

One-half of the fines of the police court for the Government.

One-half of the should appropriation to buy land for the National Training School for Girls, which it seems has been expended, but no land bought.

One-half of the salaries of Army officers who work only for the District.

One-half of the salaries of Army officers who work only for the Dis-

One-half of the salaries of Army omicers who work only for the District.

And for the District the majority omitted the following items:
One-half of the fines and fees in the supreme court of the District.
One-half of the unlawfully paid premiums on the 3.65 bonds.
Interest on these items, not to mention the millions referred to by the District auditor and Mr. Colladay, the representative of the Joint Citizens' Association.

To the above there should be added whatever changes an audit of all other matters not audited might disclose. The interest item alone on known changes shows a credit to the United States of \$1,691,889.83, as shown by the majority report.

The 5-20 bonds show a credit of over a million for the Government, and interest from the dates of payment should be added.

There are many other items not included in the foregoing which are known to a limited number of persons, which, when properly inquired into, will doubtless disclose other large sums that have gone from the Treasury to the benefit of the District.

As recently said by the gentleman from Connecticut [Mr. TILSON], nothing is ever settled until it is settled right. special select committee admits that there is no law for allowing this alleged surplus to the District of Columbia, but bases its action wholly upon equity. Equity requires that one seeking equity must come in with clean hands. Also it requires that one seeking equity must first do equity. Has the District of Columbia come with clean hands? Has it done equity? No;

and it can not so long as its citizens pay a tax rate of only \$1.30 on the \$100 and the people of the United States pay the

balance of their expenses

The tax rate here in the District must be increased at least to 3 per cent. And there must be a fuller rendition. I can cite over 100 pieces of valuable big-income paying property here where same is rendered for taxes at only about one-half of its present value. Why should the whole people pay 50 per cent of Washington people's expenses, from 1878 to 1921, of the salaries of the 2,500 school-teachers and school employees here to teach the 66,000 children of Washington? Why should our constituents pay for constructing school buildings here? Why should they pay for paving streets and alleys in the rich residence sections, and for removing their garbage, ashes, and trash, and for lighting their streets and protecting them with police and firemen? This is the question that must be answered, and answered right. This so-called surplus claim should be defeated.

RED RIVER OIL LANDS, OKLAHOMA.

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

Mr. BLANTON. Mr. Speaker, I make the point that there is no quorum present. The gentleman is going to waste a lot of time on this bill.

Mr. SNELL. We have got to waste time somewhere. gentleman chooses to make the point of no quorum, he can make it. I have consulted several Members, Members on the other side, and this bill can be amended if the House wishes.

Mr. BLANTON. The gentleman says the bill can be amended?

Mr. SNELL. Yes.

Mr. BLANTON. Mr. Speaker, I withdraw my point of no quorum.

The Clerk read as follows:

House Resolution 542.

House Resolution 542.

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (8, 4197) entitled "An act to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of, certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes." After general debate, which shall continue not to exceed 30 minutes, to be equally divided and controlled between those for and against the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of such consideration the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered ordered on the bill to final passage without intervening motion except one motion to recommit. The provisions of the bill shall be considered without the intervention of a point of order.

Mr. SNELL. Mr. Speaker, this bill fully explains itself. It is

Mr. SNELL. Mr. Speaker, this bill fully explains itself. It is for the purpose of taking care of certain corporations or certain individuals who have drilled oil wells in the bed of the Red River. It was thought at the time that they drilled these wells that that land was subject to entry the same as other land under the placer act, but by a decision of the Supreme Court the bed of the Red River has been excluded. They have held that it does not come under the general act, and so these people are in no man's land, no one controls it. Unless you have some special legislation along this line there is no way to take care of the individual interests or the Government's interest in that valuable oil property. It is for the purpose of conserving private interests and the Government's interests that this bill is brought forward and asked to be considered by the House.

Mr. LONDON. How are the Government interests preserved by this bill?

Mr. SNELL. In the first place, the Government owns 12½ per cent of the oil under this land or in it, and unless the oil is taken out the Government will not get its share, but it will be drawn out by wells now being pumped on the other side of the

Mr. ALMON. Mr. Speaker, will the gentleman yield? Mr. SNELL. Yes.

Mr. ALMON. Will the gentleman indicate to us about when the Rules Committee will report out the Senate resolution authorizing the Government to purchase \$10,000,000 of Chilean nitrates and calcium arsenate and sell it to the farmers, which was unanimously reported by the Rules Committee?

Mr. SNELL. I can not say at this time, Mr. Speaker. I move

the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. SINNOTT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 4197, to authorize

the Secretary of the Interior to issue to certain persons and certain corporations permits to explore or leases of certain lands that lie south of the medial line of the main channel of the Red River, in Oklahoma, and for other purposes.

Mr. GRIFFIN. Mr. Speaker, a parliamentary inquiry. Does the rule provide for the division of time between those in favor

and those opposed?

The SPEAKER pro tempore. It does.

Mr. GRIFFIN. May I ask who is to have charge of the time in opposition?

The SPEAKER pro tempore. That arrangement has not yet been made

Mr. RAKER. Mr. Speaker, I have adverse views on the bill, and as a member of the committee I think I should be recognized to control the time in opposition.

The SPEAKER pro tempore. The gentleman from California would be entitled as a member of the committee, being opposed to the bill, to control the time in opposition thereto.

Mr. GRIFFIN. But the gentleman does not say that he is opposed to the bill. I contend that no man ought to take charge

of the time unless he is opposed to the bill.

The SPEAKER pro tempore. Who shall control the time is a matter that can be determined in the committee. The question is on the motion of the gentleman from Oregon.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 4197, with Mr. HUSTED in the chair.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

Mr. GRIFFIN. Mr. Chairman, I object. The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Mr. GRIFFIN. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enected, etc., That the Secretary of the Interior is hereby authorized to adjust and determine the equitable claims of citizens of the United States, and domestic corporations to lands and oil and gas deposits belonging to the United States and situated south of the medial line of the main channel of Red River, Okla., which lands were claimed and possessed in good faith by such citizens or corporations, or their predecessors in interest, prior to January 1, 1920, and upon which lands expenditures were made in good faith and with reasonable diligence in an effort to discover or develop oil or gas. And the Secretary of the Interior is further authorized to issue to those persons or corporations that may be found equitably entitled thereto permits to explore, or leases of, said lands so claimed by them.

In the late of the Secretary of the Interior, and shall be made within and not after 30 days from and after the date that this act becomes a law. Leases and permits under this act shall be granted to the assignees or successors in interest of the original locators or original claimants in all cases where the original locators or original claimants are granted to the assignees or successors in interest of the original locators or original claimants the said leases and permits shall be subject to all contracts, not contrary to law or public policy, between the original locators or original claimants and shall be subject to all contracts, not contrary to law or public policy, between the original locators or original elaimants and their successors in interest, which the lessee or permittee assumes and agrees to observe. In our case where there shall be any conflict and in conflict shall be granted to the person or corporation.

Sec. 3. That not more than 160 acres shall be granted by leases or permits to any one person or corporation approached the said reserves of the lease, except in thos

and sodism on the public domain," shall apply to the leases and permits granted hereunder, including the provisions of sections 35 and 36 of said act relating to the disposition of royalties: Provided, That after the adjudication and disposition of all applications under this act any lands and deposits remaining unappropriated and undisposed of shall, after date fixed by order of the Secretary of the Interior, be disposed of in accordance with the provisions of said act of February 25, 1920: Provided further, That upon the approval of this act the Secretary of the Interior is authorized to take over and operate existing wells on any of such lands pending the final disposition of applications for leases and permits, and to utilize and expend in connection with such administration and operation so much as may be necessary of moneys heretofore impounded from past production or hereafter produced, and upon final disposition of applications for and the issuance of leases and permits, after deducting the expenses of administration and operation and payment to the United States of the royalty herein provided, to pay the balance remaining to the person or company entitled thereto: And provided further, That out of the 10 per cent of money hereafter received from royalties and rentals under the provisions of this act and paid into the Treasury of the United States and credited to miscellaneous receipts, as provided by section 35 of the said act of February 25, 1920, the Secretary of the Interior is anthorized to use and expend such portion as may be required to pay the expense of administration and supervision over leases and permits and the products thereof.

SEC, 6. That nothing in this act shall be construed to interfere with the possession by the Supreme Court of the United States, through its receiver of receivers, of any part of the lands described in section I of this act, nor to authorize the Secretary of the Interior to dispose of any of said lands or oil or gas deposits involved in litigation now pending in th

act provided.
SEC. 7. That the Secretary of the Interior is authorized to prescribe the necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of

With the following committee amendments:
Page I, line 10, strike out "January 1, 1920," and insert "February
i, 1920."

Page 2, line 10, strike out "January 1, 1920," and insert "February 25, 1920," in 3, after the word "gas," strike out all of the remainder of line 3 and all of lines 4, 5, and 6 and insert in lieu thereof the following: "By Issuance of permits or leases to those found equitably entitled thereto."

Page 2, line 11, strike out the word "thirty" and insert the word "sixty."

Page 2, line 13, strike out the word "shall" and insert the word

Page 2, line 13, strike out the word "shall and insert the word."

"may."

Page 2, strike out all of lines 22, 23, 24, 25, and on page 3 all of lines 1, 2, 3, 4, and 5, and insert in lieu thereof: "In case of conflicting claimants for permits or leases under this act, the Secretary of the Interior is authorized to grant permits or leases to one or more of them as shall be deemed just."

Page 3, line 16, after the word "pay." insert the words "as royalty."

Page 4, line 2, after the word "property," strike out the words "who was." and on line 3, after the word "States." strike out the words "after deducting one-half of the cost of the said receivership, but not including the cost of drilling and operating the well."

Page 4, at the beginning of line 6 insert the words "as royalty."

Page 4, ine 6, after the word "residue," insert "after deducting and paying the expenses of the litigation incurred by the United States and the expenses of the receivership."

Mr. SINNOTT. Mr. Chairman, I yield one minute to the

gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, this is an important bill, but it is a measure that I think is very well understood by many Members of the House. There should be sufficient debate under the five-minute rule in order that the bill may be thoroughly understood, but I think that can all be accomplished and we can dispose of the matter within an hour and a half at the I hope the gentlemen will remain. We must conclude the consideration of this bill to-night.

Mr. BUTLER. May I ask the gentleman whether it is proposed that we shall stay any longer than is necessary to conclude this bill?

Mr. MONDELL. Personally, I should be willing to remain longer, but I do not know how the House will feel about that.

Mr. SINNOTT. Mr. Chairman, this bill, as the gentleman from Wyoming [Mr. Mondell] has stated, is a very important measure. It is very important both from the viewpoint of the Government and the viewpoint of the various parties interested. The oil land involved is now in the hands of a receiver. receiver has received some \$00,000 in salary since April, 1920, and the attorney's fees, in addition to that salary, make the receivership and the attorney fees amount to something like \$149,000. In addition thereto the other expenses of the receivership are running on from day to day. In these lands in the river bed of this river between the south boundary of the river, which is the southern boundary of the lands involved, and the adjacent lands in the State of Texas, there are a great many oil wells. The oil derricks in the territory make the country look like a scorched forest. This land is being drained, and it is important that this case be adjusted and receivership terminated, so that the Government may receive the royalties for the oil production and the parties interested, who in absolute good faith, according to the opinion of the committeethese men who in absolute good faith went upon this oil land and at great expense, one company having spent something like \$120,000 and another company having spent something like \$110,000 or \$112,000 in developing these oil lands, should have an equitable distribution of the proceeds and should have allotted to them a share of the land. Now, the committee in adjusting the controversies between the conflicting claimants did not follow the provisions of the Senate bill.

The committee rather followed the provisions of the oil leasing act which was approved February 25, 1920. Members of the House will remember the long-extended controversy, lasting something over six years, as to proper adjustment of the oil controversy relating to the Government-withdrawn lands in the State of California and in the State of Wyoming. After six years' consideration of that question we passed an act on February 25, 1920, and the committee in adjusting these controversies has followed as closely as the different situations permit the provisions of the oil leasing act, which has proven to be a very satisfactory act. Instead of following the Senate provision, which provided that the lands in controversy should be given to the owner first upon the land, we took the provision from the oil leasing act and provided that in case of conflict between claims for permits or leases under this act the Secretary of the Interior is authorized to grant permits or leases to one or more of them as shall be deemed just. We feel that is a fair provision, and that will give all the interested parties an opportunity to present their equitable claims to the Secretary of the Interior, who has adjusted many such claims under this identical language taken from the oil leasing act. We feel that we give every man his day in court and an opportunity to have his claims equitably adjusted.

Will the gentleman yield? Mr. LANHAM.

Mr. SINNOTT. I will.
Mr. LANHAM. Will the gentleman kindly state for the Information of the committee the area of the land in conflict

which is oil producing?

Mr. SINNOTT. Well, the entire area on the river is possibly 43 miles in length. Now, the oil production really take place within an area of about 1,000 acres, but on this area outside of the 1,000 acres there are a great many claims and a great many conflicting issues, but whether that is really oil land to any considerable extent has not been demonstrated. Now, I do not believe I shall make any further statement at this time.

Mr. ALMON. Will the gentleman state very briefly, I have

not read the report, what about the receivership?

Mr. SINNOTT. After the placer locators had discovered oil, claims were set up by riparian owners to the north, also claims were made to the land in question by parties who had permits or licenses from the State of Texas. Then a controversy arose as to the boundary line between the State of Texas The State of Oklahoma claimed and the State of Oklahoma. that the southern bank of the river was a boundary line. was decided by the Supreme Court in 1896 that the southern bank of the river was the boundary line between the two States. The State of Texas claimed that that decision did not so decide, that it was obiter, and the State of Texas claimed to the middle of the river. Then the State of Oklahoma commenced a suit before the Supreme Court of the United States against Texas to determine the boundary. The Government of the United States intervened. Then afterwards these placer-oil claimants, various oil claimants, intervened in the suit.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr SINNOTT. I will. Mr. SUMNERS of Texas. The gentleman spoke of the discovery of oil on this territory by placer miners. Is it not a fact the oil was being developed within a few miles of this territory at the time the placer-mine claims were filed on this particular property in dispute?

Mr. SINNOTT. It was in 1918, in December, when the first placer claimants went upon the land and the oil development

was some 7 miles away.

Mr. SUMNERS of Texas. Was not there a development on

both sides of the river there at that time?

Mr. SINNOTT. There was a development some 7 miles away, when Mr. Testerman made his first location.

Mr. CARTER. I think there is no development on the north side of the river yet.

No; not on the north side of the river.

Mr. HUDSPETH. If the gentleman will yield further, I believe the gentleman in answer to the question of my colleague [Mr. Lanham] said there were about 1,000 acres upon which oil had been discovered on this land. Then under the terms of this bill, and I am asking the question, the exception made in line 11, page 3-

Except in those cases where two or more locations or claims have been assigned to one person or corporation, and in such cases not more than 640 acres shall be granted by leases or permits to any one person or corporation.

Under that it will be permissible for the Secretary of the Interior to award the entire tract to one man, or practically the entire tract, would it not?

Mr. SINNOTT. It would be permissible to award to one citizen 640 acres

Mr. HUDSPETH. Or a corporation.

Mr. SINNOTT. Provided, first, that the one citizen was equitably entitled to it and that he was there in good faith and made expenditures upon the land with reasonable diligence to discover oil.

How much time have I consumed?

The CHAIRMAN. The gentleman has four minutes remain-

Mr. HUDSPETH. It would be permissible for him to award that number of placer claims up to 640 acres to a corporation under this provision?

Mr. SINNOTT. Yes. That would be permissible. On that would like to speak under the five-minute rule.

Mr. Chairman, I reserve the balance of my time.
Mr. RAKER. Mr. Chairman, no one could intelligently undertake to state the facts in this case in 15 minutes, or 20 or 30 minutes, or even in an hour; he could not do it decently and fairly and intelligently, and it is an outrage to attempt to pass a bill of this kind at this late hour in the afternoon.

This litigation has been on for many years. The Supreme Court of the United States about 40 years ago decided this case in regard to the meander line and where the Texas line was and where the Oklahoma line was. It was in that condition for over 30 years when this dispute arose. The people on the north claimed it in various ways-by virtue of riparian rights and otherwise. The people in the State of Texas claimed the right to the land and claimed the right to the land now involved on the ground that a treaty gave it to the State of Texas, and that their title ran to the medial line of the river. The resuit was that the Oklahoma people were fighting for it and the Texas people were fighting for it, and the Texas people got charge of it through the Texas Rangers and through the courts of Texas and the State administration. They held possession to all this land. The Oklahoma people were down and out and helpless.

What do they do? They go into the Supreme Court of the United States and file an original bill and a receiver is appointed. The receiver then takes charge of the property in behalf of all the parties—the riparlan owners and the Texas claimants and the Oklahoma claimants-and during that time the receiver has been holding the property, boring for oil, and impounding it. The receivers summoned before them the various parties. The Supreme Court affirmed its decision about a year and a half ago, holding that that case is res adjudicata, and that the line was on the south bank of the Red River be-

tween Oklahoma and Texas.

Mr. LONDON. To whom did the court award—
Mr. RAKER. In just a moment. That was only deciding one point. Then came the other question as to whether or not these people, or any of them, were entitled to the land. Supreme Court unanimously held that no one owned this land; that no one had any claim to it; that it is public land of the United States, not subject to the oil leasing bill, not subject to placer-mining claims; so that the Texas people who claimed to own the land through their government were wiped out by the first decision, to the effect that the line between Oklahoma and Texas was on the south bank of the Red River. The Oklahoma placer-mining claimants by the second decision, rendered a short time ago, claimed that they had been wiped out of existence so far as any claims were concerned, because the land was not subject to the homestead, placer mining, or oil leasing acts.

Another decision followed within a month ago, holding that the boundary was not in the high back but upon the back further into the river, so that it took out many acres that these people claimed who went to Texas, because the south boundary instead of being high on the elevation was closer to the river.

So here we stand. No one is entitled to the land, and that is held by the highest court of the land, so that there can be no real claimant to the land or to the oil coming from the land; and the only question now is, What is Congress going to do with the oil that has been produced and the money that has been impounded and held by the receivers, and what is going to be done with the land in the condition in which we find it without legal claim?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ROACH. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. ROACH. If I understand this situation correctly, this land that the gentleman speaks of is land that was originally between two reservations of the Klowa and Comanche Indians? Mr. RAKER. No; it has been held all the time not to be

within the Indian reservation.

Mr. ROACH. I understand it has been held to be not within the Kiowa and Comanche Reservation; but in any of these meetings that the gentleman has referred to, have the original tribe of the Kiowa and Comanche Indians or their legal representatives had any hearings in this case?

Mr. RAKER. Not so far as the committee is concerned. There are about 10 volumes of a thousand pages each before the Supreme Court of the United States, and there is a large volume of testimony taken by the Committee on Public Lands, but so far as I know that question has not been presented.

Mr. GENSMAN. Mr. Chairman, will the gentleman yield? Mr. RAKER. Yes.

Mr. GENSMAN. Has the question of the ownership of this land on the part of the Kiowa and Comanche Indians under the treaty of 1803 and the treaty of 1819 and the treaty of 1865 and 1867 ever been presented to the Committee on Public Lands?

Mr. RAKER. So far as I know, it has not.

Mr. GENSMAN. And it has never been presented to the Supreme Court of the United States. They have not been made a party to the decision.

Mr. RAKER. They have not been considered, and, so far

as I know, the Public Lands Committee has never been con-

Mr. GENSMAN. I understood the gentleman from California had filed a minority report in this matter.

Mr. RAKER. Yes.

Mr. GENSMAN. And the gentleman wanted to know when the matter was coming up. Did the gentleman know about this bill coming up this afternoon?

Mr. RAKER. No. I was here, as is my custom, and just learned by accident that it was coming up to-night.

we are.

Mr. GENSMAN. I have been inquiring of the leaders on the Republican side and the chairman of the committee as to when this bill was to come up, and I was informed that it would not come up until Thursday. Just now, when I asked the chairman to yield me part of the 15 minutes, he told me that he did not know whether he could get any time for me or not. Here we are discussing a matter involving millions of dollars, and they insist on its being considered at 6 o'clock in the afternoon.

No one knows the value of these lands.

Will the gentleman yield?

Mr. RAKER. Mr. SINNOTT. W.

Mr. SINNOTT. The gentleman said the Indians were not consulted.

Mr. RAKER. No; I did not make that statement. So far as I am individually concerned and the record shows, I have heard of no contention of any claims,

Mr. SINNOTT. The gentleman remembers that the attorney for the Department of Justice who was before the committee said that they carefully went into the matter of the Indian rights on the theory that the land belonged to the Indians, and that the evidence showed that they went carefully into that matter.

Mr. RAKER. I want to make this statement. All I say is the Secretary of the Interior wrote to the chairman of the Committee on the Public Lands stating that if we gave the placer-mining claimants 20 acres and not to exceed 160 acres, that would be doing well; that would be doing justice to all concerned.

The bill as it now stands gives 640 acres and will take all of the oil land there is in that territory. [Applause.] This report shows that there are over 50 claimants trying to lease the land, and the only question involved is, Is it just and right for Congress, without an opportunity to go into the facts, to turn around and put ourselves in the position where we are going to turn loose these lands and legislate it in favor of two claimants? I want to tell you that it is not right; it is not the right way to legislate. They have no claim legally and the land belongs to the United States.

Mr. SINNOTT. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. SINNOTT. The gentleman refers to a letter from the Secretary of the Interior saying that 160 acres should be the limit. I know the gentleman was very busy at the time and did not attend all of the proceedings of the committee.

Mr. RAKER. I attended all except one, when there was a five-day argument, and I want to say that when strength and ability is exhausted a man can not sit seven or eight hours and hear an argument five days. I had to do some other work. Mr. SINNOTT. The gentleman has overlooked the letter of

the Secretary of the Interior suggesting 480 acres.

Mr. RAKER. I have not overlooked a single thing. I know there was a subsequent letter, but I set out in the report the letter of the Secretary of the Interior of June 29, 1922, in which he states that the limit should be 20 acres and not exceeding 160 acres and afterwards he filed another letter. But he said in his first letter that 20 acres and not exceeding 160 acres is all any people ought to have or any one man or any corporation ought to have. The Government is giving it to them. They have no legal right to it, and this bill turns over to two corporations, or the stockholders of those corporations, all this valuable land.

Mr. Chairman, I yield the remainder of my time to the gentleman from Texas [Mr. CONNALLY].

The CHAIRMAN. The gentleman from Texas is recognized for three minutes

Mr. CONNALLY of Texas. Mr. Chairman, the gentleman from California has presented our contention regarding this bill very well indeed. The situation is simply this: With regard to the strip of land forming the bed of the Red River, the Supreme Court has held that particular strip of land from the middle of the river to the south cut bank to be the property of the United States. It also held that that particular land was not subject to the mining laws and consequently could not be entered upon under the placer-mining claims for oil. The placer claimants, in whose interest the bill is drawn, entered upon some of the lands and undertook to locate mining claims. After the placer claimants were there and had taken possession of the land the Department of the Interior informed them that they had no claim and could have no claim because the mining laws of the United States did not apply.

Prior to that time Texas had claimed from the center of the stream and had issued patents to some of the lands. People had gone in and occupied the land, claiming under the State, and if oil had not been discovered there never would have been any contention and the claimants under the State of Texas would now be in possession of the land. Under the decision of the Supreme Court the Texas claimants have no legal right there and the placer claimants have no legal rights there.

No one has any right there except the United States Government, and this bill grants a gift to some claimants, and our contention is that an amendment ought to be adopted to the bill providing that no single concern may get over 160 Under the bill as drawn, it is possible for one concern, the Burke Divide Oil Co., to get 640 acres of the land, which would take up practically all of it.

Mr. SINNOTT. They claim less than three claims. Mr. CONNALLY of Texas. The gentleman must remember that they claim 480 acres already.

Mr. SINNOTT. That is the Burke Divide. It is less than

Mr. CONNALLY of Texas. My information is that they have in the meantime acquired other placer claims that will bring the total up to 640 acres. Our contention is that since this is to be a gift to the claimants, no one concern ought to be allowed, and it ought not to be possible for any one con-cern to acquire practically all of that rich oil field. We therefore propose to offer an amendment to limit the maximum amount that any concern can acquire to 160 acres.

Mr. SINNOTT. Mr. Chairman, I yield the remainder of my

time to the gentleman from Arkansas [Mr. Driver].

Mr. DRIVER. Mr. Chairman, it seems from the position of the geneleman from California [Mr. RAKER] and the gentleman from Texas [Mr. Connally] that their principal objection to the bill as it is now presented is to the maximum acreage on which permits ought to be granted by the agency which this bill seeks to create for the purpose of determining the equities of the various claimants in Texas and Oklahoma under the

placer-mining permit.

Mr. GENSMAN. Mr. Chairman, will the gentleman yield?

Mr. DRIVER. Yes.

Mr. GENSMAN. I want to relieve the gentleman's mind of the idea that the amount of acreage is the only objection there is to the bill.

Mr. DRIVER. Oh, there may be other objections, but I do not care to take up other phases at this time.

Mr. GENSMAN. The Indians have rights in this matter and I intend to see that they are preserved.

Mr. DRIVER. They can be adjusted. We are not undertaking by the bill to determine the right of any one party to the controversy. That was the proposition that we worked at in the committee, and changed the Senate bill in order better to arrive at that conclusion.

Mr. GENSMAN. But you did not work out the question of the Indian's rights in the committee, because the Indian was not

a party.

Mr. DRIVER. We have excluded no one, but we would if we placed a limitation of less than 640 acres in this bill, for this reason: It is in evidence that the parties who originally developed this oil property petitioned for permits embracing an area of 20 acres each. For the better operation of their property they proceeded to go into a contract, creating an unincorporated company for the purpose of getting the necessary amount of capital to operate these properties, and in doing it they have conveyed these 20-acre plots, separate and distinct acreage under the permits, to this unincorporated company, purely a voluntary association, and in the aggregate it amounts to 640 acres.

Mr. BLACK. It is my understanding that the Secretary of the Interior refused to grant a lease, holding that this land

was not under the placer law.

Mr. DRIVER. I understand the permits were only petitioned for, but these parties are in a position to present their equitable claims to the 20-acre permits which they petitioned for. Nobody has title except the Government, but somebody went in there and spent their money and developed the oil field, and we take the position that the parties who did that in good faith, who developed this property for the Government, on which we are now realizing 12½ per cent of the money flowing from it, are entitled to consideration, and that it would be an outrage to say now that we will take them by the neck and take all this property away from them. [Applause.] If they are going to create an agency to deal with these claims, let them create that agency to determine equities in the case, not deny any man any part of a right that he may be able to convince the agency he is entitled to.

Mr. BLACK. Is it not a fact that when these gentlemen went in there oil was developed on both sides?

Mr. DRIVER. No; it is not a fact and the hearings disclose that the nearest developed well when they went in on this property was 7 miles from this property. No one disputes that. I admit that down in the Burkburnett field was developed, but no one on earth had any reason to believe that there was any more oil there than there was 6 miles the other way.

Mr. BLACK. Does the gentleman claim it to be wildcat

territory, where oil is developed on both sides?

Mr. DRIVER. I want to say that was so uncertain that

it partakes of a wildcat nature.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to adjust and determine the equitable claims of citizens of the United States and domestic corporations to lands and oil and gas deposits belonging to the United States and situated south of the main channel of Red River, Okla., which lands were claimed and possessed in good faith by such citizens or corporations, or their predecessors in interest, prior to January 1, 1920, and upon which lands expenditures were made in good faith and with reasonable diligence in an effort to discover or develop oil or gas. And the Secretary of the Interior is further authorized to issue to those persons or corporations that may be found equitably enritled thereto permits to explore, or leases of, said lands so claimed by them.

With the following committee amendment:

Page 1, line 10, strike out "January 1, 1920," and insert "February 25, 1920."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 2, line 3, after the word "gas" strike out the period and all of lines 3, 4, 5, and 6, and insert in lieu thereof the words "by issuance of permits or leases to those found equitably entitled thereto."

Mr. GENSMAN. Mr. Chairman, I rise in opposition to the committee amendment. For some time I have been exceedingly interested in this particular legislation. I have inquired of the leader on the Republican side when it would come up in the House. I have made inquiries of the chairman of the committee as to when the matter would come before the House, with a view of presenting the real facts in the case to this House. A little while ago I called at the desk of the chairman of the committee and was informed that of the 15 minutes that was given on that side he dld not know whether I would get any time or not. I then went over on the Demo-cratic side and asked for time. They advised me it was all taken up. This is no way of taking up legislation affecting land worth fortunes, possibly, or depriving the rightful owners of the land or royalties of such valuable property. I have given notice to everyone that I represented the Indians in this matter and I wanted to be heard.

Mr. Chairman, the Indians of Oklahoma are the aboriginal owners of this particular land, and if you this evening at this hour of 6.10, in your hurry to get home to your dinners, give away the land that rightfully belongs to the Kiowa and the Comanche Indians, then some Congress some time later will authorize the Indians to go into the Court of Claims, and the taxpayers will have to go down in their jeans and dig up money for the land that we are giving away which rightfully belongs to the Kiowa and the Comanche Indians and affiliated hands.

If I had time and if the chairman of this committee had given me an opportunity to present at this time the title shown by the treaties of 1803, 1819, 1865, and 1867, there would not be a lawyer here this evening who would for one moment think of voting for this bill. I am sorry to say that I have not the time, the way this legislation is being rushed through.

Mr. ROACH. Will the gentleman yield?

Mr. GENSMAN. I will.

Mr. ROACH. I agree with what the gentleman says, and I want to state to the gentleman that I have read the treaties of 1819 and 1865 and 1867, and I feel clear in my mind that if the Supreme Court is called upon to say so, they will say that the Government of the United States has been on this particular property that we now propose to dispose of in trust for the Kiowa, Comanche, and affiliated tribes

Mr. GENSMAN. Now, that is an absolute fact. Mr. ROACH has read the treaties and knows what they contain. He has all the decisions I have given him, and he has been convinced, and the chairman of the Committee on Indian Affairs knows, that this belongs to the Indians. There is no question about that, and yet you are here to rush it through in a few minutes.

Mr. RAKER. Then the only fair, decent, and proper thing to

do is to recommit this bill, is it not?

Mr. GENSMAN. At least give us more time to present it. I dislike very much, gentlemen, to do what I am about to do this evening; I dislike very much to be put in that position and attitude, but on behalf of the Indians of the Kiowa, Comanche, and affiliated bands, at this time, gentlemen, I move to strike out the enacting clause.

Mr. SINNOTT. Mr. Chairman, I desire to rise in opposition

to the motion.

Mr. BLANTON. On that I move the previous question.
Mr. CARTER. That can not be done in the Committee of the

Whole House on the state of the Union.

Mr. SINNOTT. Mr. Chairman, I rise in opposition to the gentleman's motion. Mr. Chairman, I regret very much that the gentleman from Oklahoma could not have been notified in advance of the calling up of this bill. I regret I was not notified a few hours ago. I requested the party managers that I might be given at least a day's notice before this bill was brought up. I was notified within five minutes time to come in and move to go into the Committee of the Whole House to consider this bill. We are in the last days of the session. There is a great congestion of business here. We are fortunate in being permitted to consider the bill. The gentleman came We are fortunate to my table after I had used 14 minutes and I had no time at my disposal,

Mr. GENSMAN. Will the gentleman yield?

Mr. SINNOTT. I decline to yield now, I informed him there would be plenty of time under the five-minute rule. There will be no trouble about time. Now, as to the claims of the Indians, I will say that that matter was gone into fully by the Department of Justice. In fact they predicated their first suit upon the claims of the Indians, and after a full investigation they found that it was untenable.

Mr. GENSMAN. Will the gentleman yield?
Mr. SINNOTT. Not now. It was nearly a year after Mr.
Testerman made his location upon the land in question that the Government came to a conclusion that this was public land. Some one on that side has stated that before Mr. Testerman went upon the land that he was told that he could not file upon this public land. Mr. Testerman was not told that. These locators were told that the land was not public land; there was a decision to that effect.

Mr. CARTER. Will the gentleman yield?
Mr. SINNOTT. I yield.
Mr. CARTER. I am very much in sympathy in protecting the Indian in his rights, but as a matter of fact the only right the Indian would have here-Kiowa or Comanche-upon any land would be the right of lessor, and this bill does not undertake to settle the right of the lessor or owner of the land, but simply deals with the lessee of the land. Is that correct?

Mr. SINNOTT. Yes. Mr. CARTER. The Indian is not the lessee, he is the lessor,

and it does not affect him.

Mr. SINNOTT. Mr. Chairman, I consider this Indian claim spurious claim, in order to prejudice the House against this bill. We had the Assistant Secretary of the Interior with the committee when we acted upon the bill; we had the gentleman who represented the Government in these cases before us for 10 days, going thoroughly into all these cases; the attorney from the Department of Justice which predicated the first case upon the Indian rights, and afterwards abandoned it because they were found to be untenable; and now the gentleman from Oklahoma comes in here at this last minute and tries to throw sand into the eyes of the House-tries to prejudice you on the theory that we are going to perpetrate some outrage upon the Indians, Why, Mr. Chairman, it is the purest rot.

The CHAIRMAN. The time of the gentleman has expired. Mr. CHANDLER of Oklahoma. Mr. Chairman, will the

gentleman yield? Mr. SINNOTT.

The CHAIRMAN. The time of the gentleman has expired. Mr. RAKER. Mr. Chairman, I move to strike out the last

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. BLANTON. Mr. Chairman, I make the point of order that all debate on this motion of the gentleman has been concluded and exhausted.

Mr. RAKER. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for five minutes. Is there objection?

Mr. BLANTON, I object. The CHAIRMAN. Objection is heard.

Mr. RAKER. Mr. Chairman, I move to strike out the last

Mr. SINNOTT. Mr. Chairman, we have before us the second amendment to the first section.

The CHAIRMAN. The gentleman from Oklahoma [Mr. Gensman] moves that the enacting clause be stricken out. That is what is pending.

Mr. SINNOTT. I make the point of order, Mr. Chairman, that that motion can not be made at this time, that section not having yet been read.

The CHAIRMAN. If the point of order would lie in any case, it would not lie now. It comes too late. The question now is on the motion of the gentleman from Oklahoma, that the enacting clause be stricken out.

The question was taken, and the chairman announced that

te "noes" seemed to have it. Mr. GENSMAN. Mr. Chairman, I call for a division.

The CHAIRMAN. The gentleman from Oklahoma asks for a division.

The committee divided; and there were-ayes 23, noes 81. So the motion was rejected.

The CHAIRMAN. The Clerk will report the second committee amendment.

Mr. RAKER. Mr. Chairman, this amendment has not been disposed of.

The CHAIRMAN. The gentleman is recognized for five minutes

Mr. RAKER. Mr. Chairman, a good many salutary words are used about claimants having rights. Let us not deceive ourselves. Anyone who will investigate the matter realize that there are no legal rights involved in this bill. These people are appealing to the conscience of Congress to give them at least 640 acres of valuable oil land, when that land includes two claims.

Now, do not deceive yourselves. I use the words "Texas claimants" simply because they are in the record and because they claimed it as State land belonging to the State of Texas.

The governor and every officer of the State of Texas maintained that right, and when these people claimed that all was theirs and when the Supreme Court sent its receiver out, the Texas claimants had possession of this land. Do not forget that. Now the Supreme Court has finally said that they have no right, and so they are down and out.

Now, what about the other fellows? They have been working; they have been spending their money; they have drilled wells; they have gone to large expense. But no one can say that they are equitable claimants, because the Supreme Court cuts them off at the bank of the river and they are down and out. The other fellows between the south bank of the river and the medial line did not get possession of the property. They were out. The receivers held possession under the power of the Supreme Court. The lands were taken from the Texas people.

Now they say, "We thought, we believed we could get this land by virtue of filing mineral and placer claims," some on the north side claiming it as riparian land, claiming that they owned it. Others tried to claim it in various other modes, but eight men rush in and locate 160 acres. In the same town they get another 80 acres and in another town they get another 80 acres, until they have 640 acres of Government land,

upon which no placer-mining claims can be filed.

I am willing to treat them fairly, but they have no right here to say that we have a condition here where we must give them this land. I want to say that it would be an outrage to turn this land over, this rich oil land, to two corporations. I do not care how they are formed or where they were formed. And the Members of Congress at this late hour, when they could not get any memoranda or hearings or anything in God's world before the committee, had to grab a little report in order to have it in hand; and we hear them about these people being entitled to this land because they went down there and made placer-mining filings that the Supreme Court said were absolutely null and void.

Mr. COLLINS. Mr. Chairman, will the gentleman yield?

Mr. RAKER, Yes.

Mr. COLLINS. They discovered this oil field, did they not? Mr. RAKER. No; they did not discover this oil field. I am glad the gentleman raised that question.

Mr. CHANDLER of Oklahoma. Tell us who did.

Mr. RAKER. A few miles below were booming oil wells, and everybody who knows anything knows that to go here and there in search of oil you have got to test, and then you

might find oil. The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SNYDER. Mr. Chairman, I move to strike out the last two words.

Mr. CARTER. Mr. Chairman, I ask for recognition.
The CHAIRMAN. The gentleman from Oklahoma [CARTER] is recognized. He is a member of the committee.

Mr. CARTER. Mr. Chairman, if the committee will bear with me a moment I will give a little history of this Red River bed contention. When oil drilling began on the Red River bed there was considerable controversy brought about on account of the prospective value of the land, the State of Oklahoma claiming it and the Federal Government claiming it; and finally the Texas Rangers came in and vi et armis took possession of the property.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield right there?

Mr. CARTER. I have only five minutes.

Mr. SUMNERS of Texas. I will get you more time.

Mr. CARTER. I yield.
Mr. SUMNERS of Texas. You say Oklahoma claimed it and the Government claimed it. Did not the people also claim it under title from Texas?

Mr. CARTER. Does the gentleman mean the riparian owners?

Mr. SUMNERS of Texas. No; claimants.

Mr. CARTER. I never heard of the Texas claimants to the oil rights until after the development had started, or at least

until after the drilling of the wells had begun.

So the case went through the courts and up to the Supreme Court of the United States. The court held that the boundary line was at the south bank of the river, but that portion of the river bed south of the medial line while in the State of Oklahoma did not belong to the riparian owners, but was public Then the Supreme Court went a little further and held that these particular public lands were not subject to the placermining laws. So that left all the lessees in about the same situation—those who had leased from Oklahoma authorities, those who had leased from the Federal authorities, and those who had leased from Texas authorities-with the exception that, I think has been clearly shown, that the Texas authorities did not begin development as early as those who claimed under Oklahoma and the Federal authorities.

Mr. CONNALLY of Texas. The Federal authorities never did

lease anything.

Mr. CARTER. I think the gentleman is right; they claimed

under the placer-mining laws.
Mr. CONNALLY of Texas. And the Secretary of the Interior notified them that they had no right to locate under the

placer-mining laws.

Mr. CARTER. I do not remember that; but, as a matter of fact, what ought to be done with the property will never be done; that is, this property ought to be given to the State of Oklahoma for school land in lieu of the sections 16 and 36, which all the other States got and which Oklahoma did not get. have tried to have that done, but have failed. I am going to offer, if I have the opportunity, a motion to recommit, to give these lands to the State of Oklahoma. Failing in that, I am going to support this bill. I am going to support it because I think it does justice by all the rightful claimants in the prem-I think it gives every man his day in court. Originally the bill set the date at which claims and possession must have been made as of January 1, and that shut out everybody practically except the Burk Divide people, but since it has been moved up to February 25, that seems to include and embrace all of the legitimate claimants. Therefore I shall expect to give the bill my support.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I ask unanimous consent that the gentleman from Oklahoma have five minutes more. He lives in Oklahoma, and he is an honest, fair man,

and he knows all the facts.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SUMNERS of Texas. Now, having got this time, will

the gentleman yield? [Laughter.]

Mr. CARTER. I will be very glad to.

Mr. SUMNERS of Texas. Did the State of Oklahoma ever exercise any jurisdiction over the dry land south of the Red

River; and if so, how did it do it?

Mr. CARTER. I do not know what that has got to do with the case, but the gentleman from Texas well knows the reputation of the Texas Rangers and their ability to shoot straight. Perhaps that accounts for the fact that Oklahoma did not attempt to take jurisdiction on that side of the medial line. [Laughter.]

Mr. SUMNERS of Texas. Here is what I am trying to get at: There was a dispute as to where the Red River really

was.

Mr. CARTER. Yes. Mr. SUMNERS of Texas. It wanders about in the sand there, and what I am trying to get is, Did the State of Oklahoma exercise any jurisdiction that the gentleman knows of south of where the stream is?

Mr. CARTER. I can not give the gentleman the informa-tion, but I think I have given him the reason why it might not have been attempted. One more thing and I am through.

Mr. GRIFFIN. Will the gentleman tell us where the prop-

erty is located?

Mr. CARTER. In the south part of Cotton and Tillman Counties, in the southwest part of Oklahoma, on the Red River. Now, one word with reference to the position taken by my genial friend from Oklahoma [Mr. Gensman]. He is always on the alert looking after his people, and the Kiowas and the Comanches are a part of his constituents. I sympathize in any attempt of my good friend to get legislation in favor of

his Indian constituents, but this bill does not jeopardize the Indians' rights. My motion which I propose to recommit the bill would deal with their rights. This bill deals only with the rights of the lessees, those who produced the oil, the men who have had the drilling done. It does not undertake to deal with the royalty or the title. The royalty is to be 12½ cents; and if the Comanches and the Kiowas bring suit and win it the best that they could get would be 121 cents, which is reserved here to the Federal Government, so that their rights are not brought into question at all.

Mr. GENSMAN. Does the gentleman contend that if I give away property that rightfully belongs to him, lease it for anything I propose to lease it for, that I can pay him whatever I

get for it as rental and that that satisfies him?

Mr. CARTER. The gentleman from Oklahoma well knows the relationship between the Indian and the Federal Government. The Federal Government is the guardian and the Indian is the ward. If the Federal Government makes a contract, whether in the capacity of principal or guardian, its right to do so can not be questioned, and the gentleman well knows the courts have so held on numerous occasions.

When the guardian exacts for his ward the same measure of compensation required for himself, then I think it can be truthfully said that the stewardship has been fully discharged, and that is exactly what is made possible by this bill. The Government retains the royalty of 12½ cents. That is not given to the lessee; that is not bartered away. If the courts should decree this property to the Kiowas and Comanches, they would still have the one-eighth royalty, which is all the Government

asks for itself. Mr. SNYDER. Mr. Chairman, I dislike very much to enter into this controversy at this late hour in the day, but considerable has been said about the Indians' rights in this matter, and there is some doubt in my mind as to the situation as it exists to-day; but the facts are that the Hidalgo treaty of 1819 sets "the south bank of the Red River as the north boundary of Mexico," or "Spain," as it was called at that time. In 1865 another treaty was made between the Comanches and the Kiowa Indians and the United States in which the reservation ran to the "south side of the Red River" and to "the south bank of the Red River." Three years subsequently it became necessary to prescribe to some extent the limits of the Comanche territory, and a treaty was agreed upon between the United States and the Comanche Indians, and in that treaty the line was fixed as the "center" of the Red River. It is believed that this was inadvertently done, because of the fact that in practically all such treaties and agreements the boundary would be the "center" of the stream; but in this case there is that lapse. Leaving that as it is, it occurs to me that it is a question to be proven; and no matter who gets these oil lands, they can never take away from the Indian the royalties or anything of value which will accrue from them. My judgment now is that this legislation, while it may temporarily set back the value of the income of that property to the Indians, if the old treaty proves the facts, whoever gets the oil land will have to pay the royalty eventually to the Indians, because the Government will look out for that

Mr. ROACH. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. Yes. Mr. ROACH. Has there ever been any legal determination of the interest of the Indians in this property?

Mr. SNYDER. So far as I know there has never been. Mr. CHANDLER of Oklahoma. Is it not a fact that this bill simply deals with the lessee, and the Government will collect the royalty, and if the land is found to belong to the Indians the

Indian will get the title and can collect the royalties?

Mr. SNYDER. The gentleman is right. The only interest I have in the matter is to have it understood that we are awake to this proposition, and if the bill goes through we will attempt, at some time undoubtedly, to take over these royalties and acquire the rights which we believe belong to the Indians.

Mr. CARTER. You would have to do that whether the bill passes or not.

Mr. SNYDER. Yes. Mr. GENSMAN. Mr Mr. SNYDER. Yes. Mr. Chairman, will the gentleman yield?

Mr. GENSMAN. I recognize the fact that there are only about 65 Members of the House present now, that it is 20 minutes of 7 o'clock, and that if I had the opportunity to present this matter to others, the bill would not pass. I want to make the point of no quorum, though I will withhold it until the gentleman is through.

Mr. SNYDER. I was surprised when the bill came on here this afternoon. I had intended to be here and hear the arguments pro and con in regard to it, but when I came in I found that the bill was under consideration. I want the membership of the House to at least have the facts about these treaties, and

that is all I have to say about it.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on agreeing to the second

committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

The Clerk read as follows:

Sec. 2. That applications for permits and leases under this act shall be made to the Secretary of the Interior, and shall be made within and not after 30 days from and after the date that this act becomes a law. Leases and permits under this act shall be granted to the assignees or successors in interest of the original locators or the original claimants in all cases where the original locators or original claimants have assigned or transferred their rights, but when leases or permits are granted to the assignees or successors in interest of the original locators or original claimants have assigned out transferred their rights, but when leases or permits are granted to the assignees or successors in interest of the original locators or original claimants the said leases and permits shall be subject to all contracts, not contrary to law or public policy, between the original locators or original claimants and their successors in interest, which the lessee or permittee assumes and agrees to observe. In every case where there shall be any conflict or contest on account of overlapping claims the said conflict or contest shall be determined upon competent evidence, and in every such case the land in conflict shall be granted to the person or corporation that in good faith first possessed by Judicial process or otherwise, having made expenditures thereon as in section I required.

With the following committee amendment:

With the following committee amendment:

Page 2, line 11, strike out the word "thirty" and insert the word

Mr. BLACK. Mr. Chairman, I rise in opposition to the

The CHAIRMAN. The gentleman from Texas is recognized

for five minutes.

Mr. LONDON. Mr. Chairman, the gentleman from Texas is too interesting a man to have such a small audience, and I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count.

Mr. LONDON (interrupting the count). I withdraw the point of no quorum.

The CHAIRMAN. The gentleman from Texas is recognized. Mr. CONNALLY of Texas. Mr. Chairman, a point of order. The CHAIRMAN. The gentleman will state it. The gentleman will state it.

Mr. CONNALLY of Texas. After the Chair had announced that there was no quorum present-

The CHAIRMAN. No announcement was made. Mr. BLACK. Mr. Chairman, this bill as it originally passed the Senate would have had the effect of granting these leases to two claimants. In my judgment, there is not any doubt in the world about that. The Committee on Public Lands has placed in the bill some very wise amendments, and naturally am in accord with these and shall vote for them-

Mr. LARSEN of Georgia. Will the gentleman yield?

Mr. BLACK. Yes; I yield with pleasure. Mr. LARSEN of Georgia. The gentleman from California referred to those as incorporations. I want to remind the gentleman that the two concerns he is speaking of are not corporations. The Mellish Co. is merely an association of citizens composed of a band of farmers in Oklahoma and elsewhere,

Mr. BLACK. They are in effect corporations. Mr. LARSEN of Georgia. The evidence in the case shows

Mr. BLACK. But be that as it may, the fact remains and can not be disputed that the bill as drawn and passed by the Senate had language which would have awarded these lands to two claimants. I agree with the amendments that the House committee has proposed that will permit all of these claimants to come in and go before the Secretary of the Interior and establish their equities. But I think that the committee ought to have gone further and, in the absence of their not having done so, I think the House ought to go further and amend section 3 by providing that not more than 160 acres shall be granted by lease or permit to any one person or corporation, and strike out the rest of the cost of the granted by lease or permit to any one person or corporation, and strike out the rest of the section. The gentleman from Arkansas [Mr. Driver], for whom I have a very high regard, in arguing upon this proposition contended that these claimants have gone out there in an undeveloped territory and in a wildcat enterprise have developed new oil territory. Now, as a matter of fact, they went out there on land which was adjacent to developed territory. The Secretary of the Interior held they had no right to lease the land under the placer-mining laws.

Mr. VALLE Will the gentlemen yield?

Mr. VAILE. Will the gentleman yield? Mr. BLACK. In a moment, I take the position that these claimants do not stand upon the footing of claimants who

went out into an undiscovered oil territory and by prospecting of that kind developed an entirely new field. I yield to the gentleman.

The gentleman has made a statement, which Mr. VAILE. came from several other gentlemen from the State of Texas. that these men were advised by the Department of the Interior that they could not file a placer-mining claim. The gentleman is entirely mistaken in assuming that advice was given. Before they actually applied for patent they went down to file under the advice of the best attorneys in Oklahoma and southern Texas and would not buy until the case came up upon application for patent.

Mr. BLACK. There is no contradiction between the gentleman and myself. I said the Department of the Interior, representing the United States Government, when the proposition was put up to it said that these men had no legal right to take

Mr. VAILE. That is, after they had made their location, and-

Mr. SINNOTT. These men were told by the Department of the Interior this was not public land, and they insisted it was.

Mr. BLACK. Oh, well, of course the Supreme Court of the United States held that the placer-mining laws did not apply to these lands, and the point that I make is that I am willing for the Secretary of the Interior to have the right to adjust these equities, but I do not think that two claims should be permitted under a possible ruling of the department, as this bill will permit, to take all of these public lands and get the benefit of the whole field. Certainly 160 acres is as much as should be granted to any one claimant.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BLACK. I will.

Mr. HUDSPETH. Is the gentleman aware of the fact that the Secretary of the Interior drew a bill making it 160 acres in that bill?

Mr. BLACK. Yes. I believe the Secretary made such a recommendation in the first bill that he suggested. I contend that his first recommendation was wise and should now be adhered to.

Mr. ROACH. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I am not going to take the entire five minutes to which I am entitled. I merely want to emphasize, if I may, what the gentleman from New York [Mr. SNYDER], chairman of the Committee on Indian Affairs, had to say relative to the title to this property that has brought on such a debate here this afternoon. I want if I can with no such a debate here this afternoon. I want, if I can, with no intention of obstructing this legislation, to state that, in my opinion, after having read the treaties that have been referred to in the debate, and particularly the treaties of 1865 and 1867 under which the allotments to the Kiowa and Comanche Indian Tribes were laid out, that it does seem to me that a fair and reasonable construction of what was intended to be conveyed in these treaties would result in a finding by the court, when the question is presented to them, that it was intended that this identical property that is to be disposed of was in-tended to be conveyed to the Kiowa and Comanche Tribes at that time and within reservations then laid out, and I merely wish to state here now, as a member of the Indian Affairs Committee, that we have not been asleep as to their interest in this matter. Bills are constantly being brought before our committee making requests to authorize various tribes of Indians to go into the Court of Claims to assert that some real or imaginary claim which they believe that they may have, and in my judg-ment if such a bill was presented as that in this particular case there would be more justification for favorable action upon such legislation as that, or at least as much so as any of these bills that we have previously reported.

Now, I merely wanted to announce to the committee and to the Members of Congress here present that I anticipate legislation of that character will be requested of our committee, and in my present frame of mind and with my present information and views upon what was intended to be conveyed by the two treaties to which reference has been made, the one of 1865 and the one of 1867, it is almost inconceivable to me that anyone with a legally trained mind could have made an expression such as has been referred to by the chairman of this Committee on the Public Lands, to the effect that the Indians had no rights therein. I want to say that so far as I know there has never been any legal determination of that character, and the mere fact that some departmental official, incidental to some other matter under consideration, has said that the Kiowas and Comanches have no interest in this land is ridiculous to my mind

as establishing such fact. That question could not have been gone into thoroughly; otherwise such a statement would not have been made by the departmental official referred to. Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. M Mr. ROACH. Yes.

Mr. MORGAN. All the rights that the Indians originally had are reserved, are they not?

Mr. ROACH. Yes. As I said at the outset, I am not attempting to obstruct this legislation, but I am merely replying to what the gentleman from Oregon [Mr. SINNOTT] has said, that some departmental official, incidental to some other matter, has said that these Indians had no right to this property. I say, having read these treaties, I am of the opinion that that statement is bordering on the absurd, coming from one who pre-tends to be trained in the law. I assert that in my opinion the Indians do have an interest in this property and when that matter is brought before Congress and placed before it, as the gentleman from Oklahoma indicated awhile ago would be done, it will be shown that during all these years the Government has merely held these lands in trust for the Indians, and that they are of right entitled to the title to this land.

Mr. GENSMAN. Mr. Chairman, I rise in opposition to the

amendment.

Mr. SINNOTT. Mr. Chairman, there has been already over 10 minutes of debate on the paragraph.

Mr. GENSMAN. Not on this paragraph.
The CHAIRMAN. The Chair will recognize the gentleman

from Oklahoma for five minutes.

Mr. GENSMAN. Mr. Chairman and gentlemen, looking over the House this evening, with the number of men here from Indiana, the home of so many people interested in the Burk Divide, I do not suppose if I showed you an abstract of title to this property in the Indians under deed to the Kiowa and Comanches it would receive any great attention at your hands. But regardless of that fact, I am going to try to show you an abstract of title in behalf of these Indians. Those who are lawyers will understand it, and I think it is fortunate that there are some lawyers here this evening.

Back in 1803 the Government of the United States had a treaty with France. A little bit later, in 1819, the Government had a treaty with Spain. I am sorry I have not a map here to show you just what that treaty provided, but suffice it to say, so far as that treaty affects this particular piece of property, in it the south bank of the Red River was described as the north boundary of what was then Spain, or what was afterwards known as Mexico.

That is the first page in the abstract. In 1865 the Government of the United States had a treaty with the Klowa and Comanche Indians, and in that treaty the south bank of the Red River was designated as the south side or boundary of the United States. It reads as follows:

TREATY WITH THE COMANCHE AND KIOWA, 1865.

Articles of a treaty made and concluded at the council ground on the Little Arkansas River 8 miles from the mouth of said river, in the State of Kansas, on the 18th day of October, in the year of our Lord 1865, by and between John B. Sanborn, William S. Harney, Thomas Murphy, Kit Carson, William W. Bent, Jesse H. Leavenworth, and James Steele, commissioners on the part of the United States, and the undersigned chiefs and headmen of the several bands of Comanche Indians specified in connection with their signatures, and the chiefs and headmen of the Kiowa Tribe of Indians, the said chiefs and headmen by the sald bands and tribes being thereunto duly authorized.

and headmen by the said bands and tribes being thereunto duly authorized.

Article 1. It is agreed by the parties to this treaty that hereafter perpetual peace shall be maintained between the people and Government of the United States and the Indians parties hereto, and that the Indians parties hereto shall forever remain at peace with each other and with all other Indians who sustain friendly relations with the Government of the United States.

For the purpose of enforcing the provisions of this article, it is agreed that in case hostile acts or depredations are committed by the people of the United States, or by the Indians on friendly terms with the United States, against the tribe or tribes or the individual members of the tribe or tribes who are parties to this treaty, such hostile acts or depredations shall not be redressed by a resort to arms, but the party or parties aggrieved shall submit their complaints, through their agent, to the President of the United States, and thereupon an impartial arbitration shall be had under his direction, and the award thus made shall be binding on all parties interested, and the Government of the United States will in good faith enforce the same.

And the Indians parties hereto, on their part, agree, in case crimes or other violations of law shall be committed by any person or persons members of their tribe, such person or persons shall, upon complaint being made in writing to their agent, superintendent of Indian affairs, or to other proper authority, by the party injured, and verified by affidavit, be delivered to the person duly authorized to take such person or persons may be punished according to the laws of the United States.

Art 2. The United States hereby agree that the district of country embraced within the following limits, or such portion of the same as may hereafter from time to time be designated by the President of the United States for that purpose, viz: Commencing at the northeast

corner of New Mexico, thence south to the southeast corner of the same; thence northeastwardly to a point on main Red River opposition to the 98th degree of west longitude; thence due north on said meridian to the Cimarone River; thence up said river to a point where the content of the 98th degree of west longitude; thence due north on said meridian to the Cimarone River; thence up said river to a point where the said content boundary of Kansas to the southwest corner of said State; thence west to the place of beginning, shall be and is hereby set apart for the absolute and undisturbed use and occupation of tribes as have heretofore resided within said limits, or as they may from time to time agree to admit among them, and that no white perport of the said the said that the said that the perport of the said that the

treaty.

In testimony whereof the said commissioners on the part of the United States and the chiefs and headmen of the said bands of Comanche Indians and of the Kiowa Tribe of Indians, hereinbefore

referred to and designated in connection with their signatures, have hereunto subscribed their names and affixed their seals on the day and year first above written.

JOHN B. SANBORN.	[SEAL.]
WM. S. HARNEY,	[SEAL.]
KIT CARSON,	[SEAL.]
WM. W. BENT.	SEAL.
JAMES STEELE,	[SEAL.]
THOS. MURPHY,	[SEAL.]
J. H. LEAVENWORTH,	SEAL.

Commissioners on the part of the United States.

Signed and sealed in presence of— W. R. IRWIN, Secretary. WM. T. KITTRIDGS.

D. C. MCNBIL. JAS. S. BOYD.			
Tab-e-nan-i-kah, or Rising Sun, chief of Yampirica, or Root Eater band of Camanches, for Paddy- wah-say-mer and Ho-to-		Bo-yah-wah-to-yeh-be, or Iron Mountain, chief of Yampirica band of Ca- manches, his x mark. Bo-wah-quas-suh, or Iron	[SEAL.]
yo-koh-wat's bands, his	Man din 11	Shirt, chief of De-na-vi	
x mark.	[SEAL.]	band, or Liver Eater	
Esh-e-tave-pa-rah, or Fe-		band of Camanches, his	
male Infant, headman of		x mark. To-sa-wi, or Silver Brooch.	[SEAL.]
Yampirica band of Ca- manches, his x mark.	[SEAL.]	head chief of Pennetaka	
A-sha-hab-beet, or Milky	tribuil and	hand of Camanches, his	
Way, chief Penne-taha,		x mark.	[SEAL.]
or Sugar Eater band of		Queil-park, or Lone Wolf,	CHENTENS!
Camanches, and for Co-	STELL STAN	his x mark.	[SEAL.]
che-te-ka, or Buffalo	[SEAL.]	Wah-toh-konk, or Black Eagle, his x mark.	femar 1
Eater band, his x mark. Queen-ah-e-vah, or Eagle	[SHAD.]	Zip-ki-yah, or Big Bow, his	[SEAL.]
Drinking, head chief of		x mark.	[SEAL.]
No-co-nee or Go-about		Sa-tan-ta, or White Bear,	
band of Camanches, his		his x mark.	[SEAL.]
x mark.	[SEAL.]	Ton-a-en-ke, or Kicking	
Ta-ha-yer-quoip, or Horse's		Eagle, his x mark. Settem-ka-yah, or Bear	[SEAL.]
Back, second chief of No-co-nee or Go-about	SHEEA S	Runs over a Man, his x	
band of Camanches, his		mark.	[SEAL.]
x mark.	[SEAL.]	Kaw-pe-ah, or Plumed	
Pocha-naw-quoip, or Buf-		Lance, his x mark.	[SEAL.]
fale Hump, third chief		To-hau-son, or Little Moun-	Town 7
of Penne-taka, or Sugar Eater band of Ca-		tain, his x mark. Sa-tank, or Sitting Bear,	[SEAL.]
manches, his x mark.	[SEAL.]	his x mark.	[SEAL.]
Ho-to-yo-koh-wot, or Over		Pawnee, or Poor Man, his	
the Buttes, chief of		x mark.	[SEAL.]
Yampirica band, his x		Ta-ki-bull, or Stinking	
mark.	[SEAL.]	Saddle Cloth, chief of	
Parry-wah-say-mer, or Ten Bears, chief of Yampi-		the Kiewa tribe, his x	[SHAL.]
rica band, his x mark.	[SEAL.]	SEA TOWNS OF THE PROPERTY.	fourth.

Now we have here the Red River running down, with the south bank of the stream as the south boundary of the United States, or rather the south boundary of the Kiowa and Comanche Indian Reservation. This treaty was had with the Kiowas and Comanches. Their reservation began up at the northeast corner of New Mexico and ran down to the southeast corner of New Mexico up to a point; and remember they approached Red River from the south, up to a point on the Red River, opposite the mouth of the north fork, and there-fore they describe the south bank as the south line of the Kiowa and Comanche Indian Reservation.

Now, that particular reservation in there belonged to the Indians by virtue of aboriginal ownership. That was their land. Now, we come along to 1867, when we have another treaty with the Kiowa and Comanche Indians, wherein we fixed the middle of the stream as the south boundary of the Kiowa and Comanche Indian Reservation. It reads as follows:

TREATY WITH THE KIOWAS AND COMANCHES, OCTOBER 21, 1867.

TREATY WITH THE KIOWAS AND COMANCHES, OCTOBER 21, 1867.
TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE KIOWA AND COMANCHE TRIBES OF INDIANS; CONCLUDED OCTOBER 21, 1867; RATIFICATION ADVISED JULY 25, 1868; PROCLAIMED AUGUST 25, 1868.

Andrew Johnson, President of the United States of America, to all and singular to whom these presents shall come, greeting:

[Note by the Department of State: The words of this treaty which are put in brackets with an asterisk are written in the original with black pencil, the rest of the original treaty being written with black ink.] Whereas a treaty was made and concluded at the council camp, on Medicine Lodge Creek, 70 miles south of Fort Larned, in the State of Kansas, on the 21st day of October, in the year of our Lord 1867, by and between N. G. Taylor, Brevet Maj. Gen. William S. Harney, Brevet Maj. Gen. C. C. Augur, Brevet Maj. Gen. Alfred H. Terry, John B. Sanbora, Samuel F. Tappan, and J. B. Henderson, commissioners, on the part of the United States, and Satank (Stiting Bear), Ea-Tan-Ta (White Bear), Parry-Wah-Say-Men (Ten Bears), and Tep-Pen Vavon (Painted Lips), and other chiefs and headmen of the Klowa and Comanche Tribes of Indians, on the part of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

to wit;
Articles of a treaty and agreement made and entered into at the council camp, on Medicine Lodge Creek, 70 miles south of Fort Larned, in the State of Kansas, on the 21st day of October, 1867, by and between the United States of America, represented by its commissioners duly appointed thereto, to wit, Nathaniel G. Taylor, William S. Harney, C. C. Augur, Alfred S. [H.] Terry, John B. Sanborn, Samuel F. Tappan, and J. B. Henderson, of the one part, and the confederated tribes of Klowa and Comanche Indians, represented by their chiefs and headmen, duly authorized and empowered to act for the body of the people of said tribes (the names of said chiefs and headmen being hereto subscribed), of the other part, witness:

ARTICLE I. From this day forward all war between the parties to

ARTICLE I. From this day forward all war between the parties to this agreement shall forever cease.

The Government of the United States desires peace, and its honor is here pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it. If had men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also relimburse the injured person for the loss sustained.

cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of anyone, white, black, or Indians, subject to the authority of the United States and at peace therewith, the tribes herein named solemnly agree that they will, on proof made to their agent and notice by him, deliver up the wrengdoer to the United States, to be tried and punished according to its laws, and in case they willfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as, in his judgment, may be proper; but no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian Affairs and the Secretary of the Interior; and no one sustaining loss while violating or because of his violating the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

ART. II. The United States agrees that [the *] following district of country, to wit, commencing at a point where the Washita River crosses the ninety-eighth meridian west from Greenwich; thence up the Washita River, in the middle of the main channel thereof, to a point 30 miles, by river, west of Fort Cobb, as now established; thence due west to the north fork of Red River; provided said line strikes said river east of the one hundredth meridian of west longitude; if not, then only to said meridian line, and thence south, on said meridian line, to the said north fork of Red River; thence down said meridian line, and thence south, on said meridian line, to the said orth fork of Red River; thence down said meridian line, to the

in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation, for the use of said Indians.

ART, III. If it should appear from actual survey or other satisfactory examination of said tract of land that it contains less than 160 acres of tillable land for each person who at the time may be authorized to reside on it under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart for the use of said Indians, as herein provided, such additional quantity of arable land adjoining to said reservation, or as near the same as it can be obtained, as may be required to provide the necessary amount.

ART, IV. The United States agrees at its own proper expense to construct at some place near the center of said reservation, where timber and water may be convenient, the following buildings, to wit: A warehouse or storeroom for the need to the spent of each of the agent in storing goods belong. If the physician, to cost not more than \$3,000; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding \$2,000; also a schoolhouse or mission buildings, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding \$5,000.

The United States agrees gurther to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular sawmill, with a gristmill and shingle machine attached, the same to cost not exceeding \$8,000.

ART, V. The United States agrees that the agent for the said Indians in the future shall make his home at the agency building; that he shall reside among them, and keep an office open at all times, for the purposes of prompt and diligent inquiry into such matters of complaint by and against the Indian such as a s

ART. VII. In order to insure the civilization of the tribes entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be settled on said agricultural reservations; and they therefore pledge themselves to compel their children, male and female, between the ages of 6 and 16 years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every 30 children between said ages who can be induced or compelled to attend school a house shall be provided, and a teacher, competent to teach the elementary branches of an English education, shall be furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than 20 years.

ART. VIII. When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year not exceeding in value \$100, and for each succeeding year he shall continue to farm for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid not exceeding in value \$25. And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for, and whenever more than 100 persons shall enter upon the cultivation of the soil a second blacksmith shall be provided, together with such iron, steel, and other material as may be needed.

ART. IX. At any time after 10 years from the making of this treaty the United States shall have the privilege of withdrawing the physi-

that such persons as commence farming shall receive instruction from the farme hereit the will to the soil a second blacksmith shall be provided, together with such iron, steel, and other material as may be needed.

ART. IX. At any time after 10 years from the making of this treaty the United States shall have the privilege of withdrawing the physician, farmer, blacksmiths, carpenter, engineer, and miller herein provided for; but, in case of such withdrawal, an additional sum thereafter of \$10,000 per annum shall be devoted to the education of said Indians, make such rules and regulations and the Commissioner of Indian Affairs shall, upon careful inquiry into the condition of said Indians, make such rules and regulations and moral improvement of said tribes.

ART. X. In Ileu of all sums of money or other annuities provided to be paid to the Indians herein named, under the treaty of October 18, 1885, made at the mouth of the Little Arkansas, and under all treaties made previous thereto, the United States agrees to deliver at the agency house on the reservation herein named, on the 15th day of October of each year, for 30 years, the following articles, to wit. For each male person over 14 years of age, a suit of good substantial woolen clothing, consisting of cost, pantaloons, fiannel shirt, hat, and a pair of homemade socks. For each female over 12 years of age, as a pair of woolen hose, and 12 yards of calleo, and 12 yards of "domestic."

For the boys and girls under the ages named, such fannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woolen hose for each; and in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward him a full and exact census of the Indians on which the estimates from year to year can be based; and, in addition to the clothing herein named, the sum of \$2.000 shall semmally appropriated for a period of woolen hose, but in one of the In

white women or children.

Fifth. They will never kill nor scalp white men nor attempt to do them harm.

Sixth. They withdraw all pretense of opposition to the construction of the railroad now being built along the Platte River and westward to the Pacific Ocean; and they will not in future object to the construction of railroads, wagon roads, mail stations, or other works of utility or necessity which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation, the Government will pay the tribes whatever amount of damage may be assessed by three disinterested commissioners to be a chief or headman of the tribes.

Seventh. They agree to withdraw all opposition to the military posts now established in the western Territories.

ARTICLE XII. No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of all the adult male Indians occupying the same, and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him as provided in Article III [VII] of this treaty.

ART. XIII. The Indian agent, in employing a farmer, blacksmith, miller, and other employees herein provided for, qualifications being equal, shall give the preference to Indians.

ART. XIV. The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

ART. XV. It is agreed that the sum of \$750 be appropriated for the purpose of building a dwelling house on the reservation for "Toshewa" (or the Silver Brooch), the Comanche chief, who has already commenced farming on the said reservation. And the sum of \$500 annually for three years from date shall be expended in presents to the 10 persons of said tribes who in the judgment of the agent may grow the most valuable crops for the period named.

ART, XVI. The tribes herein named agree, when the agency house and other buildings shall be constructed on the reservation named, they will make said reservation their permanent home and they will make no permanent settlement elsewhere, but they shall have the right to hunt on the lands south of the Arkansas River, formerly called theirs, in the same manner, subject to the modifications named in this treaty, as agreed on by the treaty of the Little Arkansas, concluded the 18th day of October, 1865.

In testimony of which we have hereunto set our hands and seals on the day and year aforesaid.

N. G. TAYLOR, [SEAL]

N. G. TAYLOR,
President of Indian Com'n.
WM. S. HARNEY,
Bet. Mpr. Gen.
C. C. AUGUR,
Bet. Mpr. Gen.
ALFRED H. TERRY,
Brig. and Bet. Majr. Gen.
JOHN B. SANBORN.
SEAL.]
SAMUELI F. TAPPAN.
J. B. HENDERSON.
SEAL.]
Attest: Ashton S. H. White, Secretary.
Kingans

Kioways.

Riorays.

SATANK, or Sitting Bear (his x mark).

SA-TAN-TA, or White Bear (his x mark).

WA-TOH-KONK, or Black Eagle (his x mark).

TON-A-EN-KO, or Kicking Eagle (his x mark).

FISH-E-More, or Stinking Saddle (his x mark).

MA-YE-TIN, or Woman's Heart (his x mark).

SA-TIM-GEAR, or One Bear (his x mark).

SIT-PAR-GA, or One Bear (his x mark).

SA-TA-More, or Bear Lying Down. SEAL. SEAL, SEAL, SEAL, SEAL, SEAL, SEAL, SEAL.

Comanches.

Comanches.

PARRY-WAH-SAY-MEN, or Ten Bears (his x mark).

TEP-PE-NAVON, or Painted Lips (his x mark).

TO-SA-IN, or Silver Brooch (his x mark).

CEAR-CHI-NEKA, or Standing Feather (his x mark).

HO-WE-R, or Gap in the Woods (his x mark).

TIR-HA-YAH-GUAHIP, or Horse's Back (his x mark).

ES-A-NANACA, or Wolf's Name (his x mark).

ES-A-NANACA, or Wolf's Name (his x mark).

POOH-YAH-TO-YEH-BE, or Iron Mountain (his x mark).

SAD-DY-YO, or Dog Fat (his x mark). SEAL. SEAL. SEAL. SEAL SEAL. SEAL. SEAL. SEAL.

JAS. A. HARDIE,
Inspector General U. S. Army,
SAML, S. SMOOT,
U. S. SURVEYOR,
PHILIP MCCUSKER,
Interpreter,
J. H. LEAVENWORTH,
United States Indian Agent.
THOS. MURPHY,
Superintendent, Indian Affairs.
HENRY STANLEY,
Correspondent,
A. A. TAYLOR,
Assistant Secretary,
WM. FAYEL,
Correspondent,
JAMES O. TAYLOR,
Artist.
GEO. B. WILLIS, GRO. B. WILLIS, Photographer. C. W. WHITRAKER, Trader.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the 25th day of July, 1868, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

by a resolution in the Line of the United States,

July 25, 1868.

Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the ratification of the articles of a treaty and agreement made and entered into at the council camp on Medicine Lodge Creek, in the State of Kansas, between the United States and the confederated tribes of Kiowa and Comanche Indians.

Attest: Geo. C. Gorham, Secretary.

Attest:

Geo. C. Gorham, Secretary.

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the 25th of July, 1868, accept, ratify, and confirm the said treaty.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington this 25th day of August, in the year of our Lord 1868, and of the Independence of the United States of America the ninety-third.

[Seal.]

By the President:

WILLIAM H. Seward,

Secretary of State.

Now do not forwer that when these treaties were made in

Now do not forget that when these treaties were made in 1865 and 1867 they were made by such men as Brent and Kit Carson. All above that was prairie, and there were no lawyers out there. When the treaties were made in 1865 and 1867, they were made by laymen, and at that time they did not think

that the middle or half of the Red River was worth a dime. If the question had been presented to the Indians as to whether or not they would receive an extra bag of Bull Durham for the south half of the river, they would have taken it. They did not think it was worth anything. But the fact remains that the treaty of 1865 describes the south bank of the stream as the south boundary of the Kiowa and Comanche Indian Reservation, and when in 1867 we made the reservation smaller, we described the middle of the stream as the south boundary of the Kiowa and Comanche Indians as a nation, thereby, gentlemen, holding out on the Indian the south half of the stream.

Now, if there is a man or woman here that believes that it was the intention of the Government in 1867 to hold out the south half of that stream from the Indian, he being the aboriginal owner, he being recognized as the owner of that land in the treaty of 1865-if there is one here to-night who feels that it was the intention of Uncle Sam to hold out the south half of that stream from the Indians, then I will ask you to vote for this bill. [Applause.] Otherwise, you should vote against the bill and recognize the right of the Indian to that which has always been his.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The question is on the first committee

amendment.

The committee amendment was agreed to. The CHAIRMAN. The Clerk will report the second committee amendment.

The Clerk read as follows:

Page 2, line 13, strike out the word "shall" and insert the word " may.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, after line 21, strike out lines 22, 28, 24, 25, and on page 3, lines 1 to 5, inclusive, and insert in lieu thereof the following: In case of conflicting claimants for permits or leases under this act, the Secretary of the Interior is authorized to grant permits or leases to one or more of them as shall me deemed just.

Mr. GENSMAN. Mr. Chairman, I rise in opposition to the amendment. I believe that any man who is a lawyer if he will take the first page of this abstract where in 1819 the United States Government and Spain fixed the south boundary of the stream as a line between Spain and the United States, who will look at page 2 of this abstract where the Government made a treaty with the Kiowa and Comanche Indians and affiliated bands in 1865, and describes the south bank of the stream as the south line of that reservation, and then you who are lawyers turn to the third page of the abstract and see where in 1867, through some process which I maintain that any man that looks at the instrument, taking into consideration that those representing the Government were laymen, will see was a mutual mistake on the part of the Indians and the Government, where the Government held out the south half of that stream which was owned by the Indians as aboriginal owners, which was recognized as being the property of the Indians in the treaty of 1865, and every other treaty we have had with them, you could not help coming to the conclusion that at this time the Government of the United States is holding the south half of the stream in trust for these Indians. It belongs to the Indians. They were the aberiginal owners of it, and in 1865 we said, Mr. Indian, this land is yours. But in 1867 through a mutual mistake we took that south half from him. It belongs to him and you can not afford this evening to give it away, Mr. RAKER. Will the gentleman yield?

Mr. GENSMAN. Yes.
Mr. RAKER. If the gentleman's position is correct, irrespective of the disposition of what might be the proceedings hereafter by virtue of the suit in the Court of Claims, this bill takes from the Indians this land.

Mr. GENSMAN. Absolutely; and gives it away to the placer claimants. I dislike to oppose the placer claimants; they are

good folks, but they are on Indian lands.

Mr. RAKER. If the contention of the gentleman from Oklahoma is legally sound, and it has been so stated by two eminent lawyers besides himself, why is it that this question has not been determined in the courts with all the litigation that has been carried on?

Mr. GENSMAN. Texas and Oklahoma and the Government got into litigation over these Indian lands, and the Supreme Court decided that they belonged to the Government, and the Indians were never consulted. The Indians were not parties to the suit, and, gentlemen of this Congress, their rights have

never been determined. There is not a lawyer here that will say that you can determine a man's right unless you get him into court

Mr. RAKER. It would seem from all that has been said that the possession of this land has been peaceful, and is it not a fact that after the Supreme Court appointed the receiver it was held at the point of the bayonet against both sides?

Mr. GENSMAN. Yes. I should not say bayonet. I should say six-shooter. Texas Rangers do not waste time with bayonets; they use six-shooters, I will state to the gentleman from

California

Mr. CARTER. Mr. Chairman, I can not see why the gentleman from Oklahoma will insist on repeating that the Indians' rights are involved in this bill. The Indians' rights are not involved any more than the Hottentots' rights. The gentle-man from Oklahoma is a lawyer and knows that. I think my friend from Oklahoma has some other reason, some real reason, to be against the bill. I was hoping he would tell us what it was. There can be nothing to his contention. If these Indians have any rights on these lands, they are adequately preserved. I repeat, this bill deals only with the controversy between the actual producers and in no manner attempts to settle the landowners' rights. That was done by the court decision.

Owhers rights. That was done by the court decision.

That the Secretary of the Interior is hereby authorized to adjust and determine the equitable claims of citizens of the United States and domestic corporations to lands and oil and gas deposits belonging to the United States and situated south of the medial line of the main channel of Red River, Okla., which lands were claimed and possessed in good faith by such citizens or corporations, or their predecessors in interest, prior to February 25, 1920, and upon which lands expenditures were made in good faith and with reasonable diligence in an effort to discover or develop oil or gas, by issuance of permits or leases to those found equitably entitled thereto.

In me place is the title to the level because the sevention.

In no place is the title to the land brought into the equation. The question dealt with here is the right of the different claimants, not to royalties but to all that other portion of the production belonging to the producers. Since this lets in all of such claimants I am for the bill, and I was against it until it was so amended. The only rights that the Indian has would be the same right that the Federal Government has, and that is to the royalty. A man who has lived in an oil country, as my friend from Oklahoma [Mr. Gensman] has, and as my good friend from Oklahoma [Mr. Chandler] has, and he is an oil man, will tell you that the only right that the holder of the title has which is involved in any way is the right to the royalty. He has no right to the proceeds but he has a right to the royalty of 12½ cents, and that is preserved here to the United States Government. These gentlemen are required to pay that for the past and they must pay that in the future, There can not be any legitimate contention that the right of the Indian is involved.

Mr. CHANDLER of Oklahoma. If the Indian has any right to this river bed, and he makes the claim to it in the courts. in the future, if that right is upheld, the royalty will be collected by the Government and given over to the Indian.

Mr. CARTER. My good friend knows that if the Indian has any right to this property, and he ever gets into the Supreme Court with that right—and I am not sure that he has no right the Supreme Court will give it to him and when he gets it he will get exactly the same thing that the Federal Government is getting to-day, to wit, the royalty of 121 cents, and that is what he is entitled to.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

Mr. BLANTON. Mr. Chairman, I make the point of order that all debate has been exhausted upon this amendment.

Mr. PARKS of Arkansas. Mr. Chairman, if we are going to sit here all night, I think we ought to have a quorum. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Arkansas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-nine Members are present, not a quorum.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise.

Mr. MOORES of Indiana. And on that, Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. Sinnott and Mr. Parks of Arkansas were appointed to act as tellers.

The committee divided.

The CHAIRMAN. On this vote the tellers report that the ayes are 3 and the noes are 86. There are 11 gentlemen present who did not pass between the tellers. A quorum is present, and the committee refuses to rise.

Mr. PARKS of Arkansas. Mr. Chairman, I would like to

understand about the 11 gentlemen who were present and did

not pass through the tellers, and under what kind of a system they are counted?

The CHAIRMAN. The Chair will see that the gentleman's

rights are fully protected.

Mr. PARKS of Arkansas. I am sure the Chairman will, and I am appealing to the Chair in respect to those 11 gentlemen who did not pass between the tellers. I am inquiring about

Mr. BLAND of Indiana. Mr. Chairman, I demand the regu-

lar order.

Mr. PARKS of Arkansas. I am not inquiring about the rule. The CHAIRMAN. The procedure is outlined under clause 3 of Rule XV, which provides:

On the demand of any Member, or at the suggestion of the Speaker, the names of Members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the Members voting, and be counted and announced in determining the presence of a quorum to do business.

Mr. PARKS of Arkansas. That is the thing that Speaker Reed decided.

The CHAIRMAN. The names of the Members were checked

and reported by the Clerk to the Chairman.

Mr. PARKS of Arkansas. I am not questioning the fact that these 11 gentlemen are here, but I would like to understand who they are. [Cries of "Regular order!"]

Mr. BLANTON. Mr. Chairman, I make the point of order

that the gentleman is within his rights. He has a right to know who they are

Mr. McSWAIN. Mr. Chairman, I will state that I am one of the 11. I did not care a darn which way the matter went, and I sat here and continued to read my book.

Mr. CHINDBLOM. Mr. Chairman, I demand the regular order.

The CHAIRMAN.

The regular order is demanded, and the gentleman from California is recognized for five minutes.

Mr. BLANTON. Mr. Chairman, I make the point of order that the regular order is that the gentleman has a right to know who these gentlemen are, he being one of the tellers. Mr. MONDELL. One of them was the gentleman from

Texas.

Mr. BLANTON. Oh, no; he was not. The gentleman from Wyoming is just as much mistaken on that as he has been all through this Congress.

The CHAIRMAN. The committee refuses to rise, and the

gentleman from California is recognized.

Mr. PARKS of Arkansas. Mr. Chairman, may I inquire whether those 11 men counted, one of whom distinguished him-self by acknowledging he did not go through the tellers—why It is the result can not be reported in accordance with the rules?

The CHAIRMAN. Well, this is not in accordance with the

rules, as the Chair interprets the rules, and the regular order is the gentleman from California [Mr. RAKER].

Mr. PARKS of Arkansas. A parliamentary inquiry. May I ask the Chair-

The CHAIRMAN. Will the gentleman from California yield? Mr. CHINDBLOM. If it is taken out of his time.

The Chair will determine that, The CHAIRMAN.

Mr. RAKER. I will yield for a question only.

Mr. CHINDBLOM. I object unless it goes out of the gentleman's time.

Mr. PARKS of Arkansas. Mr. Chairman, a parliamentary

The CHAIRMAN. The gentleman will state it.
Mr. MONDELL. Mr. Chairman, the gentleman from Callfornia can not be taken off his feet

The CHAIRMAN. Does the gentleman yield?

Mr. RAKER. For a question only.

Mr. PARKS of Arkansas. Mr. Chairman-

I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. PARKS of Arkansas. Mr. Chairman, a parliamentary

The CHAIRMAN. The gentleman can not take the gentleman off his feet.

Mr. RAKER. Mr. Chairman, this bill has taken a very peculiar turn. I want to ask the gentleman from Oregon, the distinguished chairman of the Committee on Public Lands, does the gentleman understand that the Indians' rights under the litigation were involved?

Mr. SINNOTT. What is that?

Mr. RAKER. Is it the gentleman's understanding that these various litigations in the Supreme Court are proceedings in which the Indians' rights were involved?

Mr. SINNOTT. The question of the Indians' rights was not directly involved.

Mr. RAKER. Here is a bill, and one man says the Indians' rights are involved, and clearly if you lease the land and the land is Government land the Indians are not entitled to the land or the proceeds because it is Government land. Another gentleman claims, an authority on Indian affairs, that it is wholly immaterial what you do with this bill, because the Indians will get their rights. Now a very distinguished gentleman, chairman of the Committee on Indian Affairs, and one of the other members, say that they are looking after the question before the Committee on Indian Affairs and the

Court of Claims to see what is going to become of the Indians. Now is it possible, trrespective of the placer mining claims and the other claims involved in this matter, that when this matter is so involved relative to the rights of these Indians that you are going to-night to pass a bill saying that they have no rights by opening the land for general leasing under the general leasing law and then some time hereafter come back and say, we are going to present a bill to the Court of Claims and let the Indians litigate the Federal Government to determine whether or not they are entitled to a certain percentage relative to the royalties on this particular tract of land? Clearly, gentlemen, that is not a proper way to legislate. There must be something back in regard to this pool of oil to try to get it through, and yet it is claimed that it is a bill for the benefit of the Indian to enable him to get his rights. You know, and I know, that he will never get a thing if you pass this bill. You know it is intended-

Mr. REED of New York. Will the gentleman yield?

Mr. RAKER. I will.

Mr. REED of New York. Is it not a fact that right south of this property in controversy there is a whole line of wells being pumped and the sooner you pass this bill the more oil there will be if the Indians have any rights, and if they are permitted to continue to pump the oil will be pumped out, and if the Indians do have any rights they will have no oil there at all?

Mr. RAKER. The same old story in regard to the Tea Pot

Dome, the same old story of every oil-leasing claim, that there is somebody pumping out; for God's sake, give it to me. Dozens of corporations stand around—there is the oil in the public land-because they are fearful somebody else will get it. Do you know there is a receiver in possession of all this land?

Mr. REED of New York. I know that; will the gentleman

Mr. RAKER. In just a moment. The point is to discharge the receiver as soon as the court disposes of it and take the money and take the land.

Mr. REED of New York. Will the gentleman yield? Mr. RAKER. I will.

Mr. REED of New York. I am interested in the Indians, and I have no interest down there, and I know of nobody in my district who has, but I can see the difference. I can see that just as long as the cloud is hanging over there the people are going to pump the oil out; I can see the people outside close to it are going to get all the oil they can; and if the Indians have any rights the other people will get those rights while the passage of this bill is delayed.

Mr. RAKER. Delay this bill! When this litigation goes along for many years and when the people of the United States claim it and are trying to claim before this committee there is no oll developed in the territory there? That is the same old claim. Unless you go on a particular tract of land and bore a well within a particular tract of 20 acres some man claims that is an undeveloped territory. Nobody knows as to the oil; that is assumed and is a camouflage. The question before this committee, and you are overlooking the fact, is that these two claims are trying to take from the Government the entire tract

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the third committee amendment. The question was taken, and the third committee amendment

was agreed to.

Mr. PARKS of Arkansas. Mr. Chairman, I ask for a division. The CHAIRMAN. The gentleman from Arkansas calls for division.

The committee divided; and there were-ayes 83, noes 1. The CHAIRMAN. On this vote the ayes are 83 and the noes

1, and the amendment is agreed to. Mr. PARKS of Arkansas. Mr. Chairman, I object to the vote

because a quorum is not present. I make the point of order that a quorum is not present.

The CHAIRMAN. The gentleman from Arkansas makes the

point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and one gentlemen are present-a quorum. The amendment is agreed to, and the Clerk will read.

The Clerk read as follows:

SEC. 3. That not more than 160 acres shall be granted by leases or permits to any one person or corporation, except in those cases where two or more locations or claims have been assigned to one person or corporation, and in such cases not more than 640 acres shall be granted by leases or permits to any one person or corporation.

Mr. CONNALLY of Texas. Mr. Chairman, I offer an amendment to section 3.

The CHAIRMAN. The gentleman from Texas offers an amendment to section 3, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Connally of Texas: Page 3, line 11, after the word "corporation," strike out the comma, insert a period, and strike out the remainder of section 3.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, the amendment which I offered strikes out of section 3 the exception that in certain cases the maximum shall

be 640 acres instead of 160 acres.

When this matter first arose the Secretary of the Interior transmitted to the chairman of the Committee on the Public Lands, the gentleman from Oregon [Mr. SINNOTT], a bill which was approved by the Secretary of the Interior. That bill provided that the maximum to be acquired by any one claimant or any one corporation should be 160 acres. We are in entire accord with that proposition. But when the Senate bill was introduced and passed through the Senate it provided that no claimant should receive more than 160 acres, except in cases where two or more locations or claims had been assigned to one person or corporation, and in such cases not more than 640 acres should be granted by leases or permits to any one person or corporation.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes. Mr. BUCHANAN. Is it not a fact that under the placer mining laws and other laws of the United States there is no instance of any one concern ever having been allowed to locate on more than 160 acres?

Mr. CONNALLY of Texas. I will say to the gentleman that I am not as familiar with the placer law as some gentlemen are, but the gentleman from California [Mr. RAKER] advises me that under the placer mining law a claimant can take up only 20 acres

Mr. RAKER. Eight individuals can join and take up 160

That is the limit.

Mr. CONNALLY of Texas. Yes; that is the limit. Mr. COLLINS. That is exactly what this provision provides.

Mr. CONNALLY of Texas. You provide for 640.

Mr. COLLINS. But four of them are joined.

Mr. CONNALLY of Texas. Under the placer laws you are permitted only one joinder of eight claims of 20 acres each.
Mr. BLANTON. This is four times as much.
Mr. CONNALLY of Texas. Now, gentlemen, I make this

statement without intending any personal offense to anyone: I make the assertion that the Senate bill was so drawn as to make it inevitable that the Secretary of the Interior, in acting under this bill, would be forced to award practically all of the oil lands in that territory to one or perhaps two concerns.

While the language of the bill was general, the conditions

which the bill laid down are such that there are no other companies except these two concerns that would fit into the holes in the wall which this bill proposes to bore in the wall. In other words, while the bill did not name the two concerns, it provided conditions that could be met by no other concern ex-

cept the two affected.

The bill originally introduced in the House by the gentleman from Indiana [Mr. Sanders] was practically the same bill as was introduced in the Senate. The House Committee on Public Lands has proposed two or three very valuable amend-ments which have already been adopted. One of those amendments provides that the Secretary of the Interior shall have discretion in the awarding of claims for land as between rival claimants, but under the original bill the plan was a deliberate plan to award by law all of the oil land, or practically all of it, to the Burke Divide Oil Co. and one other concern.

The amendment I have proposed is that we adopt as the language of this section the language proposed by the Secretary of the Interior, and that is that no one concern, corporation, or

otherwise, shall be awarded—
The CHAIRMAN. The time of the gentleman from Texas

has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask leave to proceed for three minutes more.

The CHAIRMAN. The gentleman from Texas asks unant-mous consent to proceed for three minutes more. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. We propose to adopt the language proposed by the Secretary of the Interior. He is not interested. We want no special privileges. We want no special rights, but we want a general law of the United States to apply to all the claimants, and do not favor a bill in the special interest of one or two concerns and that bill so hogtied that no other concern can adapt itself to those conditions.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. WURZBACH. Is it a fact that 640 acres would nearly

exhaust all the proven territory of the field?

Mr. CONNALLY of Texas. Yes; I am glad the gentleman asked me that question. Six hundred and forty acres will take practically all of the oil-bearing territory in this whole area. I want this House to know what it is doing to-night. land does not belong, under the Supreme Court ruling, to anybody on God's green earth except the United States Government.

The money in the registry of the Supreme Court does not belong to the claimants, does not belong to the Indians, it does not belong to the Texas claimants, it does not belong to the claimants from Oklahoma; but the money now in the registry of the Supreme Court belongs to the people of the United States. You are going to give it away, and in giving it away, gentlemen, to these claimants I want you to give it away in the manner proposed by the Secretary of the Interior. I want you to give it away in such a manner that all of these claimants will have an opportunity to present their equitable claims—because none of them has any legal standing-so that they will be able to go before the Secretary of the Interior and the Secretary of the Interior will be able to carry out his original purpose under the law, and that was that no claimant should be allowed to possess more than 160 acres. Now, let us look at section 2 we have just gone over, in line 13, wherein it says:

Leases and permits under this act may be granted to the assignees or successors in interest of the original locators or the original claimants in all cases where the original locators or original claimant have assigned or transferred their rights.

This bill proposes to recognize the transfer of rights when there were no rights. These claims were void from the beginning. When a man transfers his alleged placer claim he transfers something that had no existence; the transfer was void. So I think the House should adopt my amendment putting a limitation on the section so that the Secretary of the Interior can carry out his original purpose that no claimant shall be awarded more than 160 acre

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SINNOTT. Mr. Chairman, I rise in opposition to this amendment. I do not want to say anything to prejudice any man's claim before the Secretary of the Interior, but there has been an attempt to draw a little halo around certain claimants, so I feel that it is my duty to the House to tell them the exact situation and what happened down there. There was one locator, Tom Testerman, an Oklahoma farmer, who associated with him a number of Oklahoma farmers and they filed on four claims, 640 acres. This man Testerman is as honest a man as the sun ever shone upon. He came before our committee. There was this Senate provision that would have given him an advantage, because beyond all question he was the first man that located upon this land.

Tom Testerman went on this land in December, 1918. He and his associates spent over \$120,000 upon the land. They developed oil. He was left alone upon this property until the minute he developed oil, and then certain Texas Rangers swooped down upon him; they sat idly on the banks from April 30, 1919, till he brought in oil in August, 1919, and then they swooped down on him at the time his property was in the hands of the receiver of the Oklahoma courts. They came there armed men and drove Tom Testerman off this land after he

had discovered oil, he and his farmer associates.

Now the Senate provision put in there, not instigated or inspired by Tom Testerman, because he believed in the theory of the equitable standard set forth in the Secretary of the Interior's first bill that they should all go before the Secretary of the Interior and there try out the matter of their respective equities. When this provision was considered by the House committee Tom Testerman voluntarily came before the committee and told the committee that he was willing to forego any advantage that provision might give him; he was not for

it in the first place; he was willing to place the entire matter in the hands of the Secretary of the Interior. That was satisfactory to the attorney for the Texas claimant who appeared before our committee. Now they are not willing to do what Tom Testerman is willing to do. They want to abridge and foreclose him from presenting three-quarters of his equitable claim before the Secretary of the Interior; of the four claims of himself and associates they demand that he abandon three. This man said to them, "Although I was there first in time, although under the law and under any legal or equitable rule, being first in time, I would have the first right, prior in tempore, potior in jure, I am willing to forego all that and go before the Secretary of the Interior and let our respective equities be decided."

Having gotten this much from Tom Testerman, now they want him absolutely to surrender three of his claims, and they want to see him denied the privilege of having the Secretary of the Interior adjudicate these four claims—claims that he developed, claims that the Texas claimants did not develop, but sat idly by on the bank while they watched him spend \$120,000; then they came in and drove him off when he got oil. Not only that; they drove an employee-an agent of the United States Government—off of this property; they knocked him to the earth and so maltreated him that that man has become an imbecile, an idiot, since that time. These are the men that want to deprive Tom Testerman and his farmer associates of the right to let the Secretary of the Interior decide whether or not in equity and good conscience he is entitled to the four claims he developed. Mr. Chairman, I ask for a vote.

Mr. RAKER, Mr. Chairman, I offer the following amend-

There is one amendment already pending. The CHAIRMAN. Mr. RAKER. I offer this as an amendment to the amendment. The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 3, line 9, strike out the words "one hundred and sixty" and insert the words "twenty"; and in lines 13 and 14, strike out the words "six hundred and forty" and insert "one hundred and sixty."

Mr. SANDERS of Indiana. Mr. Chairman, I understand there is one amendment already pending.

Mr. RAKER, I offered this as a substitute.
Mr. SANDERS of Indiana. I do not think it is a substitute,
Mr. RAKER. I trust that my good-friends will not become impatient over this matter.

Mr. BLANTON. They have not had dinner yet.

Mr. RAKER. Sometimes men get hungry when they are trying to loot the Treasury, before they break in through the You can get the first one open somevarious doors of the safe: times, but it is pretty hard to get the second one.

Mr. CARTER. The gentleman from California ought to

Mr. RAKER. Mr. Chairman, I call attention to the report of the Secretary of the Interior. The distinguished chairman stated that the oil leasing bill applied to this. The oil leasing bill has no relation to lands of this character in any way, shape, or form, so that this is no guide. The Secretary of the Interior said:

The policy of leasing oil and gas deposits of the United States, as provided in the act of Congress of February 25, 1920, appears to have been a general policy intended to be applied to all lands or deposits owned by the United States, except certain reserved lands specifically excepted therefrom in section 1 of the act. The remedial sections of said law are, however, apparently not applicable to this situation. Section 18 of the act, which extends relief to placer claimants who had brought in producing wells upon their claims, is clearly not applicable to this situation, for it is limited to lands which had been withdrawn by Executive order "issued September 27, 1909."

The claim was made a few moments ago about Senator Testerman standing there drilling wells. There were eight on each claim, and Tom Testerman had seven partners in each instance. They did not bring any oil in except on one claim, and the other people claimed the land, and they had a right to stand there and see what was being done; and when they found that their substance was being taken they went to the courts of Texas and got an order and sent the Texas Rangers there to protect their property. Then the Oklahoma fellows got into a suit, and both sides got into trouble, and they were toting their guns on both sides, and finally the Supreme Court stepped in and took possession. This is what the Secretary of the Interior said:

I therefore transmit for the consideration of your committee and for introduction, if you deem it advisable, draft of a bill designed to authorize the Secretary of the Interior to consider and adjust the equitable claims mentioned in this report. As the claims are purely equitable, and the development, except that carried on by the receiver, necessarily limited, it is my opinion the permits or leases should be as nearly as practicable in 20-acre units, and that no one person or corporation should secure in the aggregate more than 160 acres, including, so far as possible, the lands they have improved or developed; that

where this is impracticable they should be allotted an area elsewhere. Of the oil and gas already produced to the extent that the proceeds have not been devoted to expenses incident to the receivership, it is believed that these claimants should pay, as is provided in the general leasing act, 12 per cent royalty on past production, and that as to future production the provisions of the general leasing act should apply

You appeal to your departments. They have gone over this matter. They went over it fully, and they say that the claims are purely equitable, and that no one individual or corporation should be given more than 160 acres, but here you come and ask the Congress at this time in the session and at this hour of the night, without any notice to anybody, to give 640 acres of valuable oil land to these people without a legal claim on earth.

Mr. CHANDLER of Oklahoma. Did the other fellow have a legal claim?

Mr. RAKER. What other fellow?

Mr. CHANDLER of Oklahoma. The other fellow that the gentleman is talking about.

What do you mean? What other fellow?

Mr. CHANDLER of Oklahoma. Whom are you talking for? The Government is given the royalty.

Mr. RAKER. I am talking for the American people.

Mr. CHANDLER of Oklahoma. I think it has been demonstrated by the gentleman forcibly this evening-

Mr. RAKER. Here they are trying to take the property from the Government.

The CHAIRMAN. The time of the gentleman from Cali-

fornia has expired.

Mr. SINNOTT. Mr. Chairman, I rise in opposition to the amendment just to say one thing. This bill does not embrace the only oil adjustment and settlement that Congress has had to make since I have been here. A little more than two years ago we adjusted an oil-location controversy in the State of California, the State of the gentleman who just spoke, who objects to the few acres being given to Tom Testerman and his group of farmers.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman

vield?

Mr. SINNOTT. No. Two years ago when we approached California, "out where the hand clasps a little stronger, out where the smile dwells a little longer," we gave them 3,200 acres, and all that time we heard no protest from the gentleman from California [Mr. RAKER].

Mr. Chairman, I move that all debate on this section and all

amendments thereto be now closed.

Mr. SUMNERS of Texas. Mr. Chairman, I move to amend

that by making it 20 minutes.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas that all debate upon the section and all amendments thereto close in 20 minutes.

The question was taken; and on a division (demanded by Mr.

SUMNERS of Texas) there were—ayes 27, noes 75.

Mr. SUMNERS of Texas. I ask for tellers on the vote.

The CHAIRMAN. Seventeen gentlemen have arisen, not a sufficient number, and the amendment is disagreed to. The motion recurs on the motion of the gentleman from Oregon that debate on this section and all amendments thereto do now close

Mr. PARKS of Arkansas. I make the point of order there is no quorum present.

The CHAIRMAN. The Chair has just counted a quorum.

The question was taken, and the Chair announced the ayes had it.

Mr. PARKS of Arkansas. I ask for a division. The CHAIRMAN. The gentleman from Arkansas asks for a division.

The committee divided; and there were—ayes 84, noes 14.
Mr. PARKS of Arkansas. I object to the vote, because a quorum is not present, and I make the point of order there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and twenty-three gentlemen are present, a quorum.

So the motion was agreed to.

Mr. UPSHAW. Mr. Chairman, a parliamentar The CHAIRMAN. The gentleman will state it. Mr. Chairman, a parliamentary inquiry.

Mr. UPSHAW. Is there any way for us to vote and get supper and still be regarded as patriotic?

The CHAIRMAN. While that may be pertinent, that is not a parliamentary inquiry. The question is on the perfecting amendment offered by the gentleman from California.

The question was taken, and the Chair announced the noes appeared to have it.

Mr. SUMNERS of Texas. Division!

The committee divided; and there were-ayes 10, noes 85. So the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced the noes

seemed to have it.

Mr. CONNALLY of Texas. I ask for a division.

The committee again divided: and there were-aves 30.

Mr. CONNALLY of Texas. Mr. Chairman, I desire to offer an amendment. Amend page 3, line 11, after the word "accept," by inserting the following: "Provided, however, That all of said leases shall be awarded to Tom Testerman." [Laughter.] I desire to be heard.

Mr. SANDERS of Indiana. I make the point of order debate

has been closed.

Mr. CONNALLY of Texas. Not on this amendment.

The CHAIRMAN. Yes. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

The Clerk read as follows:

Sec. 4. That each lessee shall be required to pay as royalty to the United States an amount equal to the value at the time of production of 123 per cent of all oil and gas produced by him prior to the issuance of the lease, except oil or gas used on the property for production purposes or unavoidably lost; and shall be required to pay to the United States a royalty of not less than 12½ per cent of all oil and gas produced by him after the issuance of the lease, except oil and gas used on the property for production purposes or unavoidably lost. Of the proceeds of the oil and gas that have been produced or that may hereafter be produced by the receiver of said property, who was appointed by the Supreme Court of the United States, after deducting one-half of the cost of the said receivership but not including the cost of drilling and operating the wells, 12½ per cent shall be paid to the United States, and the residue shall be paid to the person or corporation to whom may be granted a lease of the land on which said oil and gas were produced: Provided, That the Secretary of the Interior is authorized and directed to take such legal steps as may be necessary and proper to collect from any person or persons who shall not be awarded a permit or lease under this act an amount equal to the value of all oil and gas produced by him or them from any of said lands prior to the inclusion of said property in the receivership, except oil or gas used on the property for production purposes or unavoidably lost and except other reasonable and proper allowances for the expenses of production: Provided further, That of the amount so collected 12½ per cent shall be reserved to the United States as royalty, and the balance after deducting the expense of collection shall be paid over to the Person or persons awarded permits or leases under this act as their interests may appear.

The committee amendment was read, as follows:

Page 3, line 16, after the word "pay," insert the words "as royalty." Mr. HUDSPETH. Mr. Chairman, I desire to offer an amendment to strike out the last word. I am not going to filibuster against this bill, but, Mr. Chairman, whenever my good friend from Oregon refers to Texas Rangers swooping down on this poor old farmer, Tom Testerman, from Oklahoma, I want to say that the Texas Rangers went there under court order, under order of the Supreme Court of Texas, one lone ranger up there to keep the people from Oklahoma from taking Grayson County. We had already given them Greer County, one of the best counties, and the supreme court sent one lone ranger to stop that horde from Oklahoma.

My friend Carter, from Oklahoma, makes the statement there are no leases in the State of Texas. I want to state to my friend that your old farmer Tom Testerman and his horde of Oklahomans never dreamed of going into the bed of the Red River until they saw the smoke rising from the burning fields

on the top of the bluff.

I want to state to my friend from Oregon [Mr. SINNOTT] and to the Oklahoma people that Texas passed a law declaring the river bed in Texas a State line and permitting leases before your people ever heard that there was a Red River bed. Mr. LOWREY. Mr. Chairman, will the gentleman yield for

minute?

Mr. HUDSPETH. With pleasure.
Mr. LOWREY. I would like them to tell us what was the underlying thought in the decision of the Supreme Court when they decided that SAM RAYBURN and his county were worth the efforts of only one ranger or that it would take only one ranger to whip the Oklahoma crowd? [Laughter.]

Mr. HUDSPETH. They decided that they had given Okla-homa voluntarily Greer County and they decided that Greer

County could not be taken.

I want to state that all that the people who have claims in Texas ask for is a limitation of 160 acres, as is provided under the amendment, so that no corporation, as was admitted by my friend from Oregon [Mr. Sinnorr] would be permitted under the terms of your bill, can receive an award of every acre of this land, and the claimants in Texas, who are numerous, would stand no chance.

Mr. DRIVER. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. DRIVER. You say that the gentleman in Texas should waive his equity in order that somebody else there could get the fruits?

Mr. HUDSPETH. It seems that they want to waive their rights in favor of Tom Testerman. [Laughter.]

Mr. DRIVER. It does not say that Tom Testerman or any-one else shall get it; but it says if Tom Testerman and his friends are entitled to the equity they shall be fully safeguarded.

Mr. HUDSPETH. Let me say to the gentleman that none of this class of claimants ever had any real claim. They have only squatter rights. The Land Office failed to issue permits to them. They had only squatter rights.

The CHAIRMAN. The question is on agreeing to the amend-

ment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the second amend-

The Clerk read as follows:

Page 4, line 2, after the word "property," strike out the words who was."

The CHAIRMAN. The question is on agreeing to the amend-

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the third amend-

Mr. PARKS of Arkansas. Mr. Chairman, I would just like to inquire how I should proceed in order to secure a division on the vote that was taken. I do not want to do anything that is unseemly, but I addressed the Chair to ask the Chair for a

The CHAIRMAN. A demand is all that is required.

Mr. PARKS of Arkansas. It does not seem to have any

The CHAIRMAN. The Chair has not heard any demand for a division on these amendments.

Mr. PARKS of Arkansas. I do not want to speak so loud as

to disturb everybody in the neighborhood. [Laughter.]
The CHAIRMAN. The Chair did not hear the gentleman. The Clerk will report the third amendment.

The Clerk read as follows:

Page 4, line 3, after the word "States," strike out "after deducting one-half of the cost of the said receivership but not including the cost of drilling and operating the wells."

Mr. CONNALLY of Texas. Mr. Chairman, I want to congratulate the committee on its generosity in this particular. We find an amendment here on page 4 wherein they are actually not going to award to Mr. Testerman one-half of the cost of the receivership in this case. I never heard of Mr. Testerman until the chairman of the Committee on Public Lands over there awhile ago mentioned him on the floor of this House. I had thought that this bill provided for the matter of dealing with corporations.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.
Mr. CARTER. Mr. Testerman is in full accord with the gentleman. He has just told me-just a few minutes agothat he thought the gentleman from Texas [Mr. CONNALLY] was a fine gentleman and that he had offered a splendid amendment when he wanted to give him all the land, [Laughter.]

Mr. HERRICK. Mr. Chairman, will the gentleman yield?
Mr. CONNALLY of Texas. I do not want Oklahoma to take
up all my time. One gentleman from Oklahoma asked me to
yield, and another wants me to yield, and another is sitting up in the gallery there.

Mr. HERRICK. Will the gentleman yield? I want to give

him some information. [Laughter.]
Mr. CONNALLY of Texas. I can not yield. I understand that Mr. Testerman is in the gallery. One gentleman gives me a kind warning to the effect that he has in his pocket a six-shooter as long as my leg. I want to say to him that I am more in favor of him now than before I heard of that. But, gentlemen, I never heard of Mr. Testerman until the chairman of this committee made mention of him in his speech. I had thought that this bill was dealing with corporations and big concerns which had gone there and developed oil. My information was that it was the Burke Divide Oil Co. and the Melish interests that proposed to get, not one 20-acre lot, but the entire field of oil. That is what I thought, but, lo and behold, the chairman comes out in the open.

This Mr. Testerman that took how many claims—how many times will 20 go into 640? Thirty-two times—and the chairman of the committee during his speech never referred to any other

claimant that went onto that land except good old Tom Testerman. And how many times did Testerman squat on that land? Thirty-two times. [Laughter and applause.] And every time he squatted he got 20 acres of United States land under this bill.

Now, gentlemen, that is the nut in the coconut. it mean? It means that men are sitting in the con What does It means that men are sitting in the gallery watching and waiting for the passage of this bill. They are anxious for the time to come. They have got influence enough to make this House sit here and miss its dinner. It means that Tom Testerman and his associates have enough influence with the Republican side of the House and those in control of the bill to hold us here in the closing days of the session. when legislation of general application is pressing—to do what? To pass a general law? This is couched in general terms, but is it intended to be of general application? No; what it is intended to do is to do something for good old Tom Testerman, the ubiquitous, the curious, multiple man that can in good faith and at the same time squat on 32 separate claims under the placer mining laws that have no existence in law, that have no existence in fact, that have no existence in equity, and will have no existence whatever except by the flat of this Congress when it legislates out of the Treasury of the people of the United States several million dollars now in the registry of the Supreme Court and takes from the public domain 640 acres of land and places it in the vest pocket of good old Tom Testerman. [Laughter and applause.]

Mr. SINNOTT. Mr. Chairman, I move that all debate on this amendment and all amendments now close. The CHAIRMAN. The gentleman from Oregon moves that all debate on this section and all amendments thereto now close. The question was taken; and on a division (demanded by

Mr. BLANTON) there were 81 ayes and 3 noes.

So the motion was agreed to.
Mr. GENSMAN. Mr. Chairman, I have an amendment.
The CHAIRMAN. The committee amendments will first be The question is on the committee amendment. disposed of.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, line 6, at the beginning of the line, insert the words "as royalty."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, line 6, after the word "residue," insert the words "after deducting and paying the expenses of litigation incurred by the United States and the expenses of the receivership."

The CHAIRMAN. The question is on the committee amend-

The question was taken; and on a division (demanded by Mr. PARKS of Arkansas) there were 94 ayes and 1 no.

Mr. PARKS of Arkansas. I object to the vote, because a quorum has not voted.

The CHAIRMAN. Evidently there is a quorum present.
Mr. PARKS of Arkansas. Ninety-four and one?
The CHAIRMAN. But there were more than six Members present who did not vote.

So the amendment was agreed to.

The CHAIRMAN. The gentleman from Oklahoma [Mr. Gensman] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 25, after the word "appear," strike out the period and insert the following: "Provided further, That all royalties received as aforesaid by the United States be held in trust for such Indians as shall, in the judgment of the Secretary of the Interior, be entitled thereto."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

Mr. GENSMAN. Mr. Chairman, I ask unanimous consent to

be heard for five minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes. Is there ob-

Mr. HERRICK. I object.
Mr. RAKER. Mr. Chairman, I make the point of order that the amendment is not germane to the legislation in the bill.
The CHAIRMAN. The Chair thinks the amendment is germane and overrules the point of order. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by

Mr. RAKER) there were-ayes 22, noes 79.

So the amendment was rejected.

The Clerk read as follows:

The Clerk read as follows:

Sec. 5. That except as otherwise provided herein the applicable provisions of the act of Congress approved February 25, 1920, entitled "An act to permit the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," shall apply to the leases and permits granted hereunder, including the provisions of sections 33 and 36 of said act relating to the disposition of royalties: Provided, That after the adjudication and disposition of all applications under this act any lands and deposits remaining unappropriated and undisposed of shall, after date fixed by order of the Secretary of the Interior, be disposed of in accordance with the provisions of the said act of February 25, 1920: Provided further, That upon the approval of this act the Secretary of the Interior is authorized to take over and operate existing wells on any of such lands pending the final disposition of applications for leases and permits, and to utilize and expend in connection with such administration and operation so much as may be necessary of moneys heretofore impounded from past production or hereafter produced, and upon final disposition of applications for and the issuance of leases and permits, after deducting the expenses of administration and operation and payment to the United States of the royalty herein provided, to pay the balance remaining to the person or company entitled thereto: And provided further, That out of the 10 per cent of money hereafter received from royalties and rentals under the provisions of this act and paid into the Treasury of the United States and credited to miscellaneous receipts, as provided by section 35 of the said act of February 25, 1920, the Secretary of the Interior is authorized to use and expend such portion as may be required to pay the expense of administration and supervision over leases and permits and the products thereof.

Mr. HERRICK. Mr. Chairman, I do not think I want the

Mr. HERRICK. Mr. Chairman, I do not think I want the full five minutes I am entitled to, because I think about three will do, as a small horse is soon curried. I merely rose to reply to some of the inslnuations that have been cast by the gentleman from Texas [Mr. Connally] upon my old friend and neighbor, Tom Testerman. If the gentleman from Texas would pluck a few quills from the wings of his imagination and stick them in the tail of his judgment, he would never have made that statement. [Applause and laughter.] He undertakes to say that Tom Testerman squatted thirty-two times on a certain tract of land. Tom Testerman is only one squatter out of a company of squatters. I have not seen all of them, but I know, personally. I have seen one other beside him, a lady named Miss Wright, and I hope she will get her rights.

I want to remind you of the fact that it is not because it is Tom Testerman that this has hurt some people here, but it is because Tom happens to be a farmer instead of a corporation attorney or some wealthy stockholder in a corporation. I venture to say that if he had not been a farmer at least twothirds of the objections that we have heard here to-night would not have been put forth on this floor, but it seems that whenever the word "farmer" pops up, it is just like shaking a red rag in the face of a bull—they charge at it. They do not stop to realize that if it was not for the farmer, the man who plows and sows and reaps, all others would have nothing to do. I object to having the farmer made a target, and I also object to the insinuations that have been cast upon my old friend Tom Testerman, because I know him personally and I can vouch for him. His neighbors are not sitting around with shotguns watching for him, and no man is putting out any bear traps for him. [Applause and laughter.]

The Clerk read as follows:

The Clerk read as follows:

SEC. 6. That nothing in this act shall be construed to interfere with the possession by the Supreme Court of the United States, through its receiver or receivers, of any part of the lands described in section 1 of this act, nor to authorize the Secretary of the Interior to dispose of any of said lands or oll or gas deposits involved in litigation now pending in the Supreme Court of the United States, until the final disposition of said proceeding. The authority herein granted to the Secretary of the Interior, to take over and operate oil wells on said lands, shall not become effective until the said lands shall be, by the Supreme Court of the United States, discharged from its possession. And nothing in this act shall be construed to interfere with the jurisdiction, power, and authority of the Supreme Court of the United States to adjudicate claims against its said receiver, to direct the payment of such claims against the said receiver as may be allowed by the said court, to settle the said receiver's accounts, and to continue the receivership until, in due and orderly course, the same may be brought to an end. The Supreme Court of the United States is hereby authorized, upon the termination of the said receivership, which the Attorney General is hereby directed to apply for and secure at the earliest practicable date, to direct its receiver to pay to the Secretary of the Interior all funds that may at that time remain in the hands of the said receiver; and when said funds shall be paid to the Secretary of the Interior the same shall be administered as in this act provided.

Mr. SINNOTT. Mr. Chairman, I offer the following commit-

Mr. SINNOTT. Mr. Chairman, I offer the following committee amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. Sinnorr: Page 7, line 6, after the word "funds," insert "derived from oil and gas produced from lands of the United States."

The CHAIRMAN. The question is on agreeing to the amend-

Mr. SUMNERS of Texas. Mr. Chairman, I rise in opposition to the amendment. I realize that it is late and you are all tired, but I am going to take only a few minutes, and I hope to have the attention of the House for just a short time. A motion to

recommit will be offered, I understand, the purpose of which will be to limit to 160 acres the right of each person or corpora-tion under this bill. I hope that motion will be seriously considered. During the discussion which we have had it has We are developed that nobody has any legal interest here. dealing now with this as an original proposition, in so far as the creation of legal rights is concerned, and we are dealing with a valuable public property. I submit to the House that if you were dealing with this as an original proposition, expressing your legislative judgment as to the disposition of this property, you would not agree that not more than 160 acres of this valuable property go to any one individual or corporation. It has not been disposed of yet. It is being disposed of now, in so far as the expression of legislative judgment and authority are concerned. I submit that the Congress, expressing its legislative judgment with regard to so valuable a public interest in property, ought not to say that more than 160 acres of the land should go to one corporation or person. Equity does not require and no citizen has the right to ask that there be given to him as a matter of equity that which he has at-tempted to appropriate in violation of the law, that which, if a law had preceded the taking, authorized him to take at all, it would not have authorized him to take to the extent of his attempted appropriation.

The Members of this House are not concerned with a dispute between people who happen to live in Texas, Oklahoma, Indiana, or anywhere else. You are concerned simply with the discharge of a legislative duty in regard to public property. This property is just as completely within the ownership of the Government as if no human being had ever put his foot upon it. If you would not have consented to the granting of more than 160 acres of this valuable public property to one indi-vidual or to one corporation prior to the taking of illegal possession of it—I mean possession without legal right—I submit that there is no sufficient reason in equity or public policy why

you should do so now. Equity does not require and it can not be claimed in morals, It seems to me, that it is the duty of the Government to convert an equitable claim, whatever it may be, into a legal title, beyond that which the law would have granted had the law pre-ceded rather than followed the taking of possession. That, it seems to me, is the real question upon which the judgment of

the House is to be taken. The CHAIRMAN. The question is on the committee amendment offered by the gentleman from Oregon.

The amendment was agreed to.
Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 6, in lines 8 and 9, strike out the words "nothing shall interfere with the Supreme."

Mr. BLANTON. Mr. Chairman, that motto is all through this bill—"Nothing shall interfere with the supreme." It is the supreme few pushing this bill to passage. The gentleman from Oregon [Mr. Sinnorr] says that this bill affects one man down in Oklahoma. Some of our friends on the other side said it affects one corporation. Others have gone a little bit further and they have said that it may affect two corporations, and we have been the last four hours passing on this kind of legislation at the close of Congress that could affect at most two corporations, possibly, and an individual.

This House has now been in continuous session for 8 hours

and 45 minutes. The balance of the day was taken up by the great Committee on Banking and Currency in the consideration of a bill that affects two States—Massachusetts and New York when that same Banking and Currency Committee has a favorable report, I understand a unanimous report, on the rural credits bill, a measure that vitally affects every farmer in the United States. From the entire other side of the aisle it remains for the distinguished gentleman from Oklahoma [Mr. HERRICK] to speak for the farmer.

What has become of the promised rural credits bill? Why did they put it off until to-morrow? Why, it was on the program received this morning

Mr. HERRICK. Will the gentleman yield?

Mr. BLANTON.

Always to my distinguished friend. I would like to make this answer to the Mr. HERRICK. distinguished gentleman.

Mr. BLANTON. I want the gentleman to have all the time wants while his renowned Oklahoma constitutent, Tem Testerman, is in the gallery.

Mr. HERRICK. I want to answer. The gentleman asked what has become of the farmers' rural credits bill, and I want to say to the gentleman from Texas that I do not eare what has become of the rural credits bill if we can get a bill through

this House that will give the farmer better prices and enable him to get out of debt instead of getting deeper in debt. [Laughter and applause.]

Mr. BLANTON. Well, I have been hopeful that on some of these famous aerial excursions that our friend from Oklahoma has been taking lately that he might discover some means of finding proper markets for the farmer, for Congress owes it to the farmer to provide markets, and I want to say this-

Mr. HERRICK. I want to reply to the gentleman from Texas that no flight of fact I have accomplished will equal

the gentleman from Texas' flight of fancy. [Laughter.]
Mr. BLANTON. When I received the daily program from the majority leader this morning, as all of you receive it every morning, and I saw that upon that program for to-day's work was the farmers' rural credits bill, I felt rejoiced and I thought that at last it was going to be passed into a law; but the Committee on Banking and Currency sidetracked the farmers' bill and took up most of the day on a bill that affected the two States of New York and Massachusetts, and then we have spent all of the time to-night on a bill that refers, they say, to one rich oil man and maybe to two corporations. That is the way valuable time is frittered away.

Mr. CONNALLY of Texas. It is to help the farmer, because

this man is a farmer.

Mr. BLANTON. I want to help all the farming farmers, not merely a rich oil farmer from Oklahoma.

Mr. SINNOTT. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

The motion was agreed to.

Mr. GENSMAN. Mr. Chairman, I offer an amendment. The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will report the amendment. The Clerk read as follows:

Amendment offered by Mr. GENSMAN: Page 7, line 10, after the period insert: "Provided further, That all royalties received as aforesaid by the United States be held in trust for such Indians as shall in the judgment of the United States be entitled thereto."

Mr. GENSMAN. Mr. Chairman—
The CHAIRMAN. All debate is closed.
Mr. GENSMAN. I ask unanimous consent to be heard. This is one amendment I want to present to this House.

The CHAIRMAN. Is there objection?

Mr. HERRICK. I object.

The CHAIRMAN. Objection is heard. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 7. That the Secretary of the Interior is authorized to prescribe the necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act.

Mr. SANDERS of Indiana. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, I shall not talk but a very few moments. I introduced a bill which is identical with the Senate bill we have been considering, but the bill passed the Senate first, and therefore we are considering the Senate bill. But I can not let this opportunity go by without saying a word in reference to the work of the Committee on the Public Lands of the House in connection with this measure. It has not been an easy task, but that committee sat during hearing which occupied many days, and I hold in my hand the printed hearings covering 474 pages. I have never seen any committee go more conscientiously into any subject than did the Committee on the Public Lands into the subject matter of this measure. Being interested in the bill myself, because many of my constituents are interested in it, I have followed it from its inception. I attended the hearings, and I merely rose to say I am very grateful to the members of that committee for their arduous and conscientious work, and I am also grateful to my colleagues in the House, who have stayed away from their dinner and helped to make a quorum, so that this just measure could be considered.

Mr. GENSMAN. Mr. Chairman, I want to say this in conclusion on this bill: I have absolutely no reason for opposing this bill so far as the personnel of those who would be benefited by the bill are concerned. I have known Tom Testerman, the Cincinnatus who left his plow standing in the fieldthis farmer who stepped down to Red River and spent \$120,000 on oil production, and all these pioneer oil men and women down there who have gone to Red River and developed the field down there, and I assure you I want to say of Mr. Testerman and every one of these promoters

SEVERAL MEMBERS. And other farmers.

Mr. GENSMAN. That I am very much in favor of helping them along in any way I can so far as it is possible; but I maintain, gentleman, that this land belongs to the Indians, and I am not going to be a party to robbing them, and I want to say this to you, that to-night you are giving away some land here that belongs to Kiowa and Comanche and affiliated tribes of Indians, and some time, somewhere along the line the Congress of the United States may at this late hour of a hard day's labor be requested to authorize the Kiowas and Comanche Indians to go down here to the Court of Claims and present their claims to the court for this land which you are taking away from these Indians to-night, the aboriginal owners, the owners who were recognized in every treaty that the United States Government has ever had with the Indians. You are to-night giving away the lands that rightfully belong to them under every treaty, and you are giving it away to some men and women who have gone down and squatted upon this land who have no right to it whatever except by virtue of wildcatting on the land, and some time the Court of Claims of the United States will render judgment in favor of these Indians and your posterity will go down into their pockets and will pay for the error that you commit this night. There is absolutely no question in the world about it.

You can not by any process of legerdemain or otherwise give away property which an abstract of title shows belongs to the Indian as this does. If you stopped and looked at it a moment you would understand that. And you can not foreclose the Indian of all rights that he may have, especially in view of the fact that the United States Government is in the position of guardian and the Indian in the position of ward. Of course, time is passing. You are incorporating in this bill a provision whereby this 12½ per cent—

Mr. HERRICK. Mr. Chairman, will the gentleman yield for just a question?

Mr. GENSMAN. No: I do not yield.

You have in this bill a provision for 124 per cent. You ought to incorporate in the bill, at the point where the 121 per cent is provided as royalties, that is to be paid to the Kiowa and Comanche Indians and the affiliated bands. Even Mr. CARTER, who spoke in support of the bill, said that there was no question but that the Indians were entitled to this land, and that I merely had the wrong view of the law in the case.

I differ with Mr. Carter. I am a lawyer, and he is not. may be wrong and he may be right, or I may be right and he may be wrong. But nevertheless, gentlemen, if you get down to the final analysis you can not help coming to the conclusion

that this property belongs to the Indians.

Mr. ROACH. Mr. Chairman, will the gentleman yield? Mr. GENSMAN. Yes.

Mr. ROACH. I agree with the gentleman in the conviction that the Indians are entitled to this property. Is there anything in this bill that would prevent the Indians from going into the courts and asserting their rights?

Mr. GENSMAN. The Indians, in order to present their claim against the Government of the United States, will have to come and get a jurisdictional bill through Congress so that

they can sue the Government.

Mr. ROACH. They can get this money out of the Treasury

just as well as to assert their title to the land, can they not?

Mr. GENSMAN. I do not know as to that. To say the least, Mr. GENSMAN. I do not know as to that. To say the least, the amendments I have offered giving the Indians the royalties to this land should be adopted. Why not settle this now?

Mr. RAKER. Mr. Chairman, I desire to be recognized.

Mr. SINNOTT. Mr. Chairman from Oregon, the chairman of the committee, is recognized.

Mr. SINNOTT. Mr. Chairman the contlemen from Oregon.

Mr. SINNOTT, Mr. Chairman, the gentleman from Oklahoma [Mr. Gensman] has reiterated from time to time that we are taking land away from the Indians. We are not taking an acre of land away from the Indians. The only land that is referred to in this bill, the only oil and gas deposits that are referred to in this bill, are land and oil and gas deposits belonging to the United States, and have been so declared by the Supreme Court.

The gentleman from Oklahoma expressed great solicitude to-night regarding the interests of his Indian constituents in Oklahoma; he is to be commended for his vigilance, but I think he is unduly alarmed. Uncle Sam will not permit the Indians

to be defrauded.

Mr. Chairman, I move that all debate on this section and all

amendments thereto be now closed.

The CHAIRMAN. The gentleman from Oregon moves that all debate on this section and all amendments thereto be now closed. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

Mr. RAKER rose.

The CHAIRMAN. Does the gentleman from California desire to offer an amendment?

Mr. RAKER. Yes; I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 7, line 13, strike out the ords "and to do any and all things."

The CHAIRMAN. The question is on agreeing to the amend-

Mr. RAKER. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

Mr. SINNOTT. I object.

The CHAIRMAN. Objection is heard. The question is on agreeing to the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.
Mr. SINNOTT. Mr. Chairman, I move that the committee
do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. JONES of Texas. Mr. Chairman, I offer a new section, to be known as section 8, "That this act shall take effect on

July 1, 1923."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 7, after line 14, d a new section, to be known as section 8, as follows:
"SEC, 8. That this act shall take effect on July 1, 1923."

Mr. SINNOTT. Mr. Chairman, I move that all debate on this amendment and all amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Texas [Mr. Jones].

The question was taken, and the amendment was rejected. Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. Campbell of Kansas, Speaker pro tempore, resumed the chair.

Mr. CONNALLY of Texas. Mr. Speaker, I make the point

that no quorum is present.

Mr. SINNOTT. A parliamentary inquiry, Mr. Speaker. The SPEAKER pro tempore. The gentleman will state it.
Mr. SINNOTT. Is the previous question ordered under the

The SPEAKER pro tempore. It is,
Mr. CONNALLY of Texas. The point of no quorum prevents any report on this bill.

The SPEAKER pro tempore. The gentleman from Texas is within his rights. The previous question was ordered when the rule was adopted.

Mr. BLANTON. It does not take effect automatically until we get a quorum.

The SPEAKER pro tempore. That question is not before the

Mr. CONNALLY of Texas. I make the point that there is no quorum and therefore the Chair can not receive the report of the Committee of the Whole until we have a quorum.

Mr. MONDELL. The House is not in session and a quorum is present until the Chairman of the Committee has reported.

Mr. BLANTON. I make the point of order that the moment the Speaker takes his place in the chair that the House is automatically in session.

Mr. MONDELL. Gentlemen who want to defeat the agricultural rural credits bill can not filibuster, because in any event if we adjourn at this moment the first business in the morning will be the continuation of the business now before the House.

A parliamentary inquiry, Mr. Speaker. If the House adjourns now, in the morning the report of the Chairman of the Committee will be received, the previous question having been ordered?

The SPEAKER pro tempore. That is true; the previous question is provided for in the rule.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker pro tempore signed the same:

H. R. 11637. An act authorizing the Secretary of the Interior to approve indemnity selections in exchange for described granted school lands;

H. R. 10816. An act to fix the annual salary of the collector of customs for the district of North Carolina;

H. R. 13032. An act to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County board of the American Legion, Bessemer, Mich.;

H. R. 10003. An act to further amend and modify the war

risk insurance act;

H. R. 7010. An act for the relief of the Southern Transporta-

H. R. 10287. An act for the relief of John Calvin Starr; H. R. 9309. An act for the relief of the Neah Bay Dock Co.,

a corporation;

H. R. 14081. An act granting the consent of Congress to the Valley Transfer Railway Co., a corporation, to construct three bridges and approaches thereto across the junction of the Minnesota and Mississippi Rivers, at points suitable to the interests of navigation;

H. R. 14249. An act for the relief of the owners of the Ameri-

can schooner Mount Hope;

H. R. 11579. An act to amend section 1 of an act approved January 11, 1922, entitled "An act to permit the city of Chicago to acquire real estate of the United States of America";

H. R. 11738. An act for the relief of Maj. Russell B. Putnam; H. R. 8921. An act for the relief of Ellen McNamara;

H. R. 8046. An act for the relief of Themis Christ;

H. R. 13272. An act granting a license to the city of Miami Beach, Fla., to construct a drain for sewage across certain Government lands;

H. R. 11340. An act to advance Maj. Ralph S. Keyser on the lineal list of officers of the United States Marine Corps so that he will take rank next after Maj. John R. Henley;

H. R. 2702. An act for the relief of J. W. Glidden and E. F.

Hobbs:

H. R. 4421. An act for the relief of John Albrecht;

H. R. 962. An act for the relief of the heirs of Robert Laird McCormick, deceased;

H. R. 1290. An act for the relief of Cornelius Dugan;

H. R. 7967. An act granting certain lands to Escambia County, Fla., for a public park; H. R. 7053. An act to grant certain lands to the city of Canon

City, Colo., for a public park;

H. R. 10047. An act for the relief of Frances Martin; H. R. 370. An act for the relief of Charles W. Mugler

H. R. 6954. An act fixing rates of postage on certain kinds

of printed matter:

H. R. 6423. An act to detach Pecos County, in the State of Texas, from the Del Rio division of the western judicial district of Texas and attach same to the El Paso division of the western judicial district of said State;

H. J. Res. 47. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy, at Annapolis, Mr. Jose A. de la Torriente, a citizen of

H. R. 10179. An act for the relief of Americus Enfield:

H. R. 13827. An act relating to the sinking fund for bonds

and notes of the United States;

H. R. 11603. An act to validate for certain purposes the revocation of discharge orders of Lieut, Col. James M. Palmer and the orders restoring such officer to his former rank and

H. R. 12751. An act to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots) in the State of Arkansas;

H. R. 13326. An act in reference to a national military park

at Yorktown, Va.;

H. R. 9944. An act for the relief of Vincent L. Keating;

H. R. 7322. An act for the relief of John F. Homen; H. R. 6538. An act for the relief of Grey Skipwith;

H. R. 8448. An act for the relief of Joseph Zitek; H. R. 6358. An act authorizing the accounting officers of the Treasury to pay to A. E. Ackerman the pay and allowances of his rank for services performed prior to the approval of his bond by the Secretary of the Navy;

H. R. 9862. An act for the relief of the Fred E. Jones Dredg-

ing Co.;

H. R. 5251. An act for the relief of Ruperto Vilche; and

H. R. 13793. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV Senate bills of the following titles were taken from the Speaker's table and referred to their

appropriate committees, as indicated below: S. 2792. An act granting a pension to John L. Livingston; to

the Committee on Pensions.

S. 4622. An act to remit the duty on a carillon of bells to be imported for St. Ann's Church, Kennebunkport, Me.; to the Committee on Ways and Means.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 28, 1923, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. MADDEN; Committee on Appropriations. H. R. 14435. A bill making appropriations to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1924; without amendment (Rept. No. 1724). Referred to the Committee of the Whole House on the state of the Union.

Mr. McKENZIE: Committee on Military Affairs. An act authorizing the sale of real property no longer required for military purposes; with amendments (Rept. No. 1726). Referred to the Committee of the Whole House on the state of

the Union.

Mr. BLAND of Indiana: Committee on Industrial Arts and Expositions. S. J. Res. 274. A joint resolution to provide for the participation of the United States in the observance of the one hundredth anniversary of the enunciation of the Monroe doctrine and of the ninety-second anniversary of the death of James Monroe; with amendments (Rept. No. 1728). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCOTT of Tennessee: Committee on the Public Lands. H. R. 12953. A bill to establish a national park in the State of Virginia; without amendment (Rept. No. 1729). Referred to the Committee of the Whole House on the state of the

Union.

Mr. SNYDER: Committee on Indian Affairs. H. R. 13452. bill to ascertain and settle the title to lands and waters in New Mexico belonging to the Pueblo Indians, to preserve their ancient customs, rites, and tribal ceremonies, and providing an exclusive forum wherein all controversies as to the rights of the Pueblo Indians may be adjudicated; with an amendment (Rept. No. Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. MILLER: Committee on Military Affairs. H. R. 13104.
A bill for the relief of Orrin F. Strickland; without amendment (Rept. No. 1725). Referred to the Committee of the Whole House.

Mr. JEFFERS of Alabama: Committee on the Public Lands. H. R. 11873. A bill authorizing the Secretary of the Interior to sell and patent to George M. Bailey certain lands; with an amendment (Rept. No. 1727). Referred to the Committee of the Whole House.

Mr. HULL; Committee on Military Affairs, S. 930. An act for the relief of Thomas J. Temple; without amendment (Rept. No. 1732). Referred to the Committee of the Whole House,

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials

were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 14435) making appropriations to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1924; committed to the Committee of the Whole House on the state of the Union.

By Mr. PORTER: A bill (H. R. 14436) to authorize the President in certain cases to reduce fees for the visé of pass-

ports; to the Committee on Foreign Affairs. By Mr. BURDICK: A bill (H. R. 14437) to amend section 5908, United States Compiled Statutes, 1916 (R. S., sec. 3186, as amended by act of Mar. 1, 1879, ch. 125, sec. 3, and act of Mar. 4, 1913, ch. 166); to the Committee on the Judiciary.

By Mr. FOSTER: A bill (H. R. 14438) making provision

for the erection of a monument to the memory of Robert Morris, to be located in the city of Washington, D. C.; to the Committee

on the Library.

By Mr. REED of West Virginia: A resolution (H. Res. 566) authorizing the Commissioners of the District of Columbia to investigate and report at the beginning of the Sixty-eighth Congress upon the advisability or necessity of legislation looking to an increase in the number of judges of the police court of the District of Columbia; to the Committee on the District of

By the SPEAKER (by request): Memorial of the Legislature of the State of Oregon petitioning Congress to pass an act whereby all revenue secured by the Federal Government from leases on Sand Island shall be turned over to the treasurer of the State of Oregon; to the Committee on Military Affairs.

Also (by request), memorial of the Legislature of the State of California favoring the establishment of a forest experiment station in California; to the Committee on Agriculture.

By Mr. BECK: Memorial of the Legislature of the State of Wisconsin petitioning Congress to enact legislation relating to forest products; to the Committee on Agriculture.

By Mr. McARTHUR: Memorial of the Legislature of the State of Oregon, urging Congress to enact legislation guaranteeing the price of wheat; to the Committee on Agriculture.

By Mr. PATTERSON of New Jersey: Memorial of the Legislature of the State of New Jersey, urging reorganization and certain corrections of administration in the second district of the United States Veterans' Bureau; to the Committee on In-

terstate and Foreign Commerce.

By Mr. RAKER: Memorial of the Legislature of the State of California, relative to the immigration bill; to the Committee

on Immigration and Naturalization.

Also, memorial of the Legislature of the State of California, relative to the establishment of a forest experiment station in California and indorsing Senate bill 3031 and House bill 11249; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 14439) granting a pension to Austin Price; to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 14440) granting an increase of

pension to Ellen L. Stone: to the Committee on Invalid Pen-

By Mr. SNELL: A bill (H. R. 14441) granting an increase of pension to Cleopatra Soper; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: A bill (H. R. 14442) for the relief of

Emma B. McOmber; to the Committee on Claims.

By Mr. IRELAND: A resolution (H. Res. 565) authorizing the appointment of a legislative clerk at the rate of \$1,800 per annum; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7467. By Mr. BRITTEN: Petition of representatives of the American Assyrians in Chicago, Ill., urging Congress to permit the remaining Assyrians outside of the United States to immigrate into this country; to the Committee on Immigration and Naturalization.

7468. By Mr. CONNOLLY of Pennsylvania: Petition from sundry citizens of the fifth Pennsylvania district, indorsing House Joint Resolution 412, providing for the relief of the distress and famine conditions in Germany and Austria; to the

Committee on Foreign Affairs. 7469. By Mr. FESS: Petition of 165 members of the congregation of the United Presbyterian Church, of Sebring, Ohio, to amend the preamble of the Constitution of the United States;

to the Committee on the Judiciary.
7470. By Mr. KELLY of Pennsylvania: Petition of General Putnam Council, Sons and Daughters of Liberty, of Pittsburgh, Pa., urging restriction of immigration; to the Committee on Immigration and Naturalization.

7471, Also, petition of citizens of Allegheny County, Pa., opposing the prohibition of transportation and sale of firearms; to the Committee on Interstate and Foreign Commerce.

7472. By Mr. KISSEL: Petition of the Woman's Republican Club, New York City, N. Y., urging an amendment to the Constitution of the United States to limit or prohibit the labor of children; to the Committee on the Judiciary.

7473. Also, petition of New York State Association of Builders, Rochester, N. Y., urging the passage of Senate bill 4304, which provides for the admission of immigrants regardless of the legal quota; to the Committee on Immigration and Natu-

7474. By Mr. RAKER: Petition of Mrs. Nettie Bowe, president Admiral Glass Auxiliary, No. 26, United Spanish War Veterans, indorsing and urging support of House bill 13298 and Senate bill 4142; also Julia A. Martin Auxiliary, No. 2, United Spanish War Veterans, of Oakland, Calif., indorsing and urging the passage of House bill 13298 and Senate bill 4142; to the Committee on Interstate and Foreign Commerce.

7475. Also, resolution of the National Association of Manufacturers, 50 Church Street, New York City, relative to the provisions of the Sterling-Lehlbach bill (H. R. 8928); to the

Committee on Reform in the Civil Service.

7476. Also, petition of Karl H. M. Gardner, chief priest and master supreme of the Holy Rosikrucian Church, of San Francisco, Calif., relative to Treasury Decision 3391, providing for securing sacramental wines; to the Committee on the Judiciary.

7477. Also, petition of the First National Bank of Alturas, Calif., urging support of House conferees on bank tax bill (H. R. 11939) and to reject the Senate amended bill; to the Committee on Banking and Currency.

7478. Also, resolution adopted by the Siskiyou County Pomona Grange, of Sisktyou County, Calif., relative to the early completion of the best and most feasible highway from ocean to ocean; to the Committee on Roads.

7479. By Mr. ROUSE: Petition of 230 citizens of Campbell County, Ky., protesting against the enactment of any legisla-tion toward the change of the present immigration law that will permit admission of aliens other than provided by present laws; to the Committee on Immigration and Naturalization.

7480. By Mr. WINSLOW: Petition of residents of Massachusetts and California, opposing House bill 4388; to the Committee on the District of Columbia.

SENATE.

WEDNESDAY, February 28, 1923.

The Senate met at 11 o'clock a. m. The Chaplain, Rev. J. J. Muir, D. D., offered the following

Our Father and our fathers' God, we turn our thoughts to Thee with the beginning of the day's duties and seek Thy wisdom. We ask that whatever may come before this body in connection with its high responsibilities, wisdom may always be dispensed unto it, and that each one under the consciousness of his charge may fulfill the duties for the highest interests of the country and to the glory of Thy great name. We ask in Jesus' name.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, February 26, 1923, when, on request of Mr. Curtis and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Let the roll be called.

The reading clerk called the roll, and the following Senators answered to their names:

Ladd
Lenroot
Lodge
McCormick
McKellar
McKellar
McKellar
McNary
Moses
Norbeck
Norris
Oddie
Overman
Pepper
Phipps
Pittman
Poindexter Ashurst Ball Sheppard Shields Shortridge Fernald Fletcher Frelinghuysen Bayard Shortridge Smoot Spencer Stenley Sterling Sutherland Swanson Townsend Wadsworth Walsh, Mass. Walsh, Mont, Warren Watson Weller Frelinghuy George Gerry Glass Gooding Hale Harreld Harris Harrison Heflin Hitchcock Borah Brandegee Brookhart Bursum Calder Cameron Capper Caraway Colt Couzens Culberson Cummins Hitchcock Johnson Jones, N. Mex. Jones, Wash. Kellogg Kendrick Keyes King Curtis Dial Dillingham Weller Poindexter Ransdell Reed, Pa, Robinson Willis Edge Ernst

Mr. PHIPPS. I desire to announce the absence of my colleague [Mr. Nicholson] on account of illness.

Mr. KING. I wish to announce that the senior Senator from

South Carolina [Mr. SMITH] is detained on account of official husiness.

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

REPORT OF THE FEDERAL RESERVE BOARD.

The VICE PRESIDENT laid before the Senate a communication from the acting governor of the Federal Reserve Board, transmitting, pursuant to law, the ninth annual report of the Federal Reserve Board covering operations for the year 1922, which was referred to the Committee on Banking and Cur-

NORTH CAROLINA STATE CLAIM.

The VICE PRESIDENT laid before the Senate a communica-tion from the Comptroller General of the United States, transmitting, pursuant to Senate Resolution 324, agreed to July 22, 1922, a report of the reexamination and restatement of the account of advances and expenditures made by the State of North Carolina for military purposes in the War of 1812, which was referred to the Committee on Claims and ordered to be printed.

JUDGMENTS IN CLAIMS AGAINST THE UNITED STATES (S. DOC. 324).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims, as follows: Under the Department of the Interior, \$480; under the War Department, \$111,025.22; in total amount, \$111,455.22, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

TRANSPORTATION OF ANTHRACITE COAL DURING COAL EMERGENCY.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Interstate Commerce Commission, in response to Senate Resolution 418, agreed to January 23 (calendar day, January 24), 1923, and submitted by Mr. Walsh of Massachusetts, transmitting a report adopted by the commission relative to the recent transportation and distribution of anthracite coal, which was referred to the Committee on Education and Labor.

Mr. WALSH of Massachusetts. I move that the report be printed in the Record and referred to the Committee on Education and Labor.

The VICE PRESIDENT. Is there objection? There being no objection, the report was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

INTERSTATE COMMERCE COMMISSION, Washington, February 28, 1923.

Sir: I transmit herewith report adopted February 27, 1923, in response to Senate Resolution 418, of January 23 (calendar day, January 24), 1923, directing the Interstate Commerce Commission to report to the Senate:

1. Whether it has investigated the feasibility and advisability of ordering an embargo upon shipments of anthracite coal to foreign countries.

dering an embargo upon snipments of antifiactic contributions;

2. The action taken as a result of such investigation, if one has been made, together with the facts considered and the conclusions reached by the commission;

3. If no investigation has been made, whether such an investigation should not be immediately instituted to determine the feasibility and advisability of ordering such an embargo; and

4. What other necessary and appropriate steps for the priority in transportation and equitable distribution of coal (anthracite) have been taken to prevent, upon the part of any person, partnership, association, or corporation, the purchase or sale of coal (anthracite) at prices unjustly or unreasonably high.

Respectfully,

B. H. Meyer, Chairman.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES.

INTERSTATE COMMERCE COMMISSION, February 27, 1923. (No. 14624.)

TRANSPORTATION AND DISTRIBUTION OF ANTHRACITE COAL. BEPORT OF THE COMMISSION.

BEPORT OF THE COMMISSION.

By the commission:

By Resolution No. 418, adopted by the Senate of the United States on January 23, 1923, we were directed to report to the Senate (1) whether we have investigated the feasibility and advisability of ordering an embargo upon shipments of anthracite coal to foreign countries; (2) the action taken as a result of such investigation, if one has been made, together with the facts considered and the conclusions reached by us; (3) if no investigation has been made, whether such an investigation should not be immediately instituted to determine the feasibility and advisability of ordering such an embargo; and (4) what other necessary and appropriate steps for the priority in transportation and equitable distribution of coal (anthracite) have been taken to prevent, upon the part of any person, partnership, association, or corporation, the purchase or sale of coal (anthracite) at prices unjustly or unreasonably high.

Accordingly, of our own motion, we instituted a formal proceeding of inquiry and investigation into the matters set out in the resolution, and we held public hearings in the city of New York and Washington on four days in the present month, at which we afforded an opportunity to all parties interested therein to be heard. Prior to such formal investigation and prior to the adoption of the Senate resolution, in an informal way, in the usual course of our service work, we had obtained reasonably full and reliable current information as to the matters set out in the resolution.

The strike of the United Mine Workers and the strikes of the railway shop crafts during the year-1922 brought about conditions in the

transportation and distribution of fuel which invited and throughout the past nine months have received our close attention. In the light of the information elicited at the hearings and information which we have gathered informally we make the following report:

1. We have investigated the matter and have elicited information which we deem to be sufficient to enable us to report to the Senate upon the feasibility and advisability of ordering an embargo upon shipments of anthractic coal to foreign countries.

2. We have concluded that we should not order any common carrier to lay an embargo against the shipment or transportation of anthractic coal to any foreign country.

The report of the Bureau of Foreign and Domestic Commerce, in the Department of Commerce, for the calendar year 1921 shows that anthractic coal to any foreign country was exported to 33 foreign countries; that during that year 4,035,014 long tons of authractic coal were exported to Canada; 15,397 long tons of anthractic coal were exported to Canada; 15,397 long tons of anthractic coal were exported to Mexico; 47,901 long tons of anthractic coal were exported to Mexico; 47,901 long tons of anthractic coal were exported to Canada; 16,397 long tons of anthractic coal were exported to Canada; and the tonnage of anthractic coal were exported to Mexico; 47,901 long tons of bituminous coal were exported from the United States to Canada, and that 975,118 tons of the 190 tons of 190 tons

The production of anthracite up to January 29, 1923, as a whole as not departed to a material extent from the estimate referred to

has not departed to a material extent from the estimate referred to above.

Many complaints of shortage of coal in various communities in the New England States and in the northeastern section of the State of New York have been brought to our attention.

The Hudson Coal Co., which produced approximately 10 per cent of the anthracite coal produced in the State of Pennsylvania during the period involved, refused to furnish to the Federal Fuel Distributor, and did not furnish up to the time we held hearings in this matter, information as to the tonnage of anthracite coal which it distributed to the several States, to the District of Columbia, and to Canada during the present coal year. Two other producers of anthracite coal also refused to furnish and have not furnished such information to the Federal Fuel Distributor. During the hearing the Hudson Coal Co. furnished part of the desired statistics of distribution of anthracite coal made by it, but those statistics are not now sufficient to enable the Federal Fuel Distributor to include those figures with the statistics of distribution reported to him by approximately 78 producers and shippers of anthracite coal. Therefore, the following figures, which show distribution of anthracite coal during the present year to the New England States, the State of New York, and the Dominion of Canada, reflect only approximately 87 per cent of the allotments and distributions to those States, the District of Columbia, and Canada. It is estimated that the distribution made by the three companies which refused to report their distribution figures amounts to approximately 13 per cent of the total distribution of anthracite coal made during the present coal year.

Distribution of anthracite coal made by 78 producers and shippers to certain States during the present coal year.

To-	Allotment up to Jan. 20, 1923.	Distribu- tion up to Jan. 20, 1923.	Overdis- tribution.	Short distribu- tion.
Maine New Hampshire Vermont Massachusetts Rhode Island Connecticut	Long tons. 174,382 71,136 34,770 1,372,351 231,097 643,720	Long tons. 201, 659 70, 913 35, 584 1, 384, 964 198, 483 642, 965	Long tons. 27, 277 814 12,613	223 32,614 755
Total for the New England States	2, 527, 456	2, 534, 568	7,112	1001111111
New York	4,657,850	4, 703, 221	45, 371	

The distribution of anthracite coal, which was produced at collicries and washeries operated by the Hudson Coal Co. during the present coal year up to February 15, 1923, to the New England States,

the State of New York, and Canada, as reported during the hearing by the Hudson Coal Co., was as follows:

To-	Up to Jan. 20, 1923.	Up to Feb. 18, 1923.
Maine New Hampshire Vermont Massachusetts Rhode island Connecticut	34,936 61,945 81,902 490,647 6,108 1,458	Long tons. 39,107 68,774 94,032 556,866 10,361 1,498
Total for the New England States	676, 091	770, 638
New York Canada	797, 921 840, 174	944, 694 391, 818

At the time this report is written we are without information as to the distribution made of the anthracite coal produced at colleries and washeries of the Hudson Coal Co. during the coal year ended on March 31, 1922. Therefore we can not compute the allotments to the New England States and the State of New York on the 60 per cent basis for the distribution of the production of those collieries and washeries during the present coal year. We expect that the Hudson Coal Co. will secon furnish the statistics which are not now at hand. However, the aggregate of the distribution of anthracite coal made to Canada by the 78 producers and shippers and the Hudson Coal Co. up to January 20, 1923, was 1,280,959 long tons, which is 20,400 tons short of the allotment due Canada on that date. These figures are based upon reports of approximately 37 per cent of the distribution made during the present coal year.

The allotment to any community is not more than 60 per cent of a normal supply of that fuel and the basis for the allotment is the coal year ended March 31, 1922, which included a comparatively mild winter. The present winter has been especially severe in the New England States and in the State of New York and undoubtedly the several communities in those States have needed more fuel during this winter than they used during the corresponding period last winter, and, therefore, the basis of allotments of anthracite for this winter is below the quantity desired by those communities. Necessarily each of them must procure and use fuel other than anthracite to augment the supply of anthracite which they may reasonably expect to receive. The shortage of fuel in those communities undoubtedly has been accentuated by delay in the transportation of coal ascribable to insufficient motive power, to heavy snows, and to storms which have impeded rail transportation of coal ascribable to insufficient motive power, to heavy snows, and to storms which have impeded rail transportation of an embargo against shipment of anthracite coal t

cite coal to Canada, if laid, would effect a substantial departure from that plan.

We can not give our approval to an embargo which, if enforced, might benefit certain communities but which inevitably would deprive other communities of their allotted supply of anthracite coal, which in most cases is but 60 per cent of the quantity actually needed. We can not overlook the possibility that such embargoes, if approved, might tend to incite appropriation of a full supply of fuel in the State or the communities in which it is produced and that the ultimate result might be accentuation of the distress elsewhere.

We have given consideration to the expediency of issuing an order for priority in the movement of anthracite coal from the mines in Pennsylvania to points of consumption in the New England States and in the northeastern section of the State of New York. Several reasons and conditions, including those outlined below, have impelled us to refrain at present from issuing such an order for priority.

A regular and orderly movement of cars through classification yards of the carriers is essential to normal or expedited movement of traffic. The plans of switching, of classification of cars, and of making up trains in such yards generally contemplate the assembling of cars on the several tracks in such yards in accordance with the destinations, or groups of destination, of such cars. The yard and train crews of the individual carrier are familiar with the plan in use. A priority order would impose a different plan upon the operation of such yards; that is, it would require a special classification of one or more commodities, which would call for reassignment of yard tracks, additional instructions to many railway employees, and plans for the handling or storage of monpriority freight traffic on the line at the time the priority order becomes effective. More or less confusion may arise before the expedited movement required by the order can be effected.

The need for expedited movement of anthracite coal from mines in the State of Pennsylvania to the New England States and to approxi-

mately 60 points in the State of New York, as presented to us. seemed to be immediate and pressing. Therefore on Pebruary 16, 1923, we took the following action, which we believe will be more effective in expediting the movement of anthractic coal to the points in need of fuel than an embargo or a priority order would be.

We sent telegrams of the following substance to the presidents of the Delaware & Hudson Co., the Boston & Maine Bailroad Co., the Boston & Maine Bailroad Co., the Hartford Railroad Co., and the New York Central Railway Co.:

"It has been urged upon the commission that emergency conditions exist in northern New York and New England involving great distress because of shortage of fuel. We have been importuned for assistance in the movement of the we have confidence that you appreciate the situation and can deal with its astisfactority. For this reason and fearing that priority orders might bring about conditions that would retard movement, we are not issuing order to-day. We request you to exert every power to transport coal needed and will support you maintain contact with the fuel distributors. New York and New England in order to facilitate location of coal to be moved. Advised they have list of communities to be served and points at which coal can be obtained. Please advise Federal Fuel Distributor and commission daily of situation."

Each of those presidents responded with a promise of cooperation and they immediately took action to that end.

We also advised either the governors or the fuel administrators of those seven States of the contents of the above-described telegrams and made the following suggestions to them:

"Commission is ready to exercise its power by order to facilitate any movement necessary. Rely upon you to advise railways and this commission points of origin and destination of coal you desire moved. We are sending inspectors to-night to all important gateways to those with a promise of cooperation of the sevents and majores to the sund instructions to act and cooperate w

lines.

3. We have made an appropriate investigation of the matter.

4. Prior to the hearings no substantial evidence as to any purchase or sale of anthracite at prices unreasonably or unjustly high had been brought to our attention, formally or informally. At the hearings we afforded an opportunity for the presentation of evidence by any person who had information in respect of the purchase or sale of anthracite coal at prices unjustly or unreasonably high. One person suggested that advertisements which had appeared in certain Canadlan newspapers were indicative of such purchase or sale. However, competent evidence of the purchase or sale of such coal at such prices is not before us and information sufficient to invoke further investigation thereof has not been presented to us. We are of opinion that no steps or action other than the action described above should be taken at present.

INTERNATIONAL COURT OF JUSTICE.

Mr. LODGE. I present a letter from Bishop McDowell, chairman, and the Reverend Doctor Watson, secretary of the Federal Council of the Churches of Christ in America, which I ask to have printed in the RECORD.

There being no objection, the letter was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA, Washington, February 26, 1923.

Senator Henry Cabot Lodge, Chairman Committee on Foreign Relations:

Chairman Committee on Foreign Relations:

In behalf of the Federal Council of Churches of Christ in America, representing 32 of the leading Protestant denominations of the United States, with a constituency of some 21,000,000 membership, we wish to express to you our great gratification at the message of the President of the United States to this Congress requesting action permitting the United States to enter into the International Court of Justice. There is no action that can possibly be taken by Congress upon which the sentiment of the churches of this country is more unified than favorable action upon this recommendation of the President. The Federal Council of Churches again and again has expressed the mind of the churches as desiring such participation by the United States. We beg to present to you the following action taken by the Federal Council at a meeting January 30, 1922:

"The Federal Council of the Churches of Christ in America sees in the Permanent Court of International Justice not only the fruition and consummation of many decades of American discussions, plans, and desires for international peace through justice based on law but also the promise of a larger and truer righteousgess and justice among the nations, a step forward in the establishment of the Kingdom of God among men. It believes this court will promote the development of a well-considered body of international law and the substitution of reason, justice, mutual good will, and universal law in place of the crude and savage methods of war or threats of war in maintaining even legitimate and vital national interests.

"It understands, through the careful Inquiry of its commission on international justice and good will, that participation in the court is open to any nation mentioned in the annex to the covenant of the League of Nations.

"It is informed that 45 States have already become members and supporters of the court, of which 18 nations have indicated their acceptance of the jurisdiction of the court as 'obligatory in any or all of the four legal categories enumerated.'

"Moreover, among the members of the international committee which framed the plan creating the Permanent Court of International Justice was our own distinguished citizen, Hon. Ellhu Root, and among the 11 judges chosen to constitute the first court is another distinguished citizen, Dr. John Bassett Moore: Therefore

"Resolved, That this administrative committee of the Federal Council of the Churches of Christ in America, expressing the repeated action of our constituent bodies in behalf of this method of settling international disputes, earnestly requests President Harding, Secretary of State Hughes, and the Senate to take into consideration the importance of such action as may be necessary to enable the United States to become a party to and supporter of the Permanent Court of International Justice."

We may add that delegations of the Federal Council have from time

a party to and supporter of the Permanent Court of International Justice."

We may add that delegations of the Federal Council have from time to time waited upon the President and the Secretary of State, urging upon them the desire of the churches and the religious forces of the country generally for participation by the United States in the International Court of Justice. The action of the Federal Council of Churches is based upon actions of the governing bodies of practically all the constituent bodies forming the council. We realize that the time is extremely short for action by this Congress, and respectfully urge that this question, which we believe to be vital to the world's welfare, be promptly and favorably acted upon by the Foreign Relations Committee. But for the shortness of the time and the multitude of matters pressing toward the conclusion of this session of Congress, we could gather before your committee outstanding representatives of all these bodies from every section of the country unanimously urging prompt and favorable action upon this recommendation of the President. In the shortness of time, however, and aware of the great pressure upon the committee for time, we simply ask opportunity for a local committee, representing the Federal Council of Churches, to present its plea briefly to the Committee on Foreign Relations at the earliest moment possible.

Respectfully,

WILLIAM F. McDowell., Chairman.

WILLIAM F. McDowell, Chairman. E. O. Watson, Secretary.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the bill (S. 4197) to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of, certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had receded from its disagreement to the amendment of the Senate to the bill (H. R. 11939) to amend section 5219 of the Revised Statutes of the United States, and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker pro tempore had signed the bill (H. R. 13978) granting the consent of Congress to the Hudson River Bridge Co., at Albany, to maintain two bridges already constructed across the Hudson River, and it was thereupon signed by the Vice President.

STATEMENT BY SENATOR EDGE ON INTERNATIONAL CONFERENCE.

Mr. CALDER. Mr. President, I ask unanimous consent to have printed in the Record, in 8-point type, a statement issued by the junior Senator from New Jersey [Mr. Edge] and recently published in the New York papers.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR WALTER E. EDGE, OF NEW JERSEY.

Providing other nations affected will openly, frankly, candidly, and without evasion or subterfuge agree to join with the United States in a sincere effort to adjust existing international economic difficulties, it is the duty of the United States, both in the interest of our own citizens and to the civilized world to initiate and in every way to encourage such an under-

Before any material headway can be made to bring about practical or lasting readjustments, an inventory of the assets and liabilities of every debtor nation in the world needing help must be taken; and this can only be accomplished through

complete show-down, with frankness on all sides To date, few nations have approached the problem excepting from a selfish standpoint, and while I have no idea that the millennium has arrived or perhaps ever will, still from some personal observation and study during the past two months I am convinced that conditions abroad are now so acute, and in some instances almost appalling, that the necessity for our help and cooperation will demand and assure an entirely new reception of our willingness to "sit in" is properly manifested.

It is folly to attempt to fool ourselves with the thought that an isolation policy is permitting us to escape contamination, as it were, or forms an insurance for our people against foreign entanglements. Every false economic move abroad directly affects our own prosperity and from the material standpoint millions of dollars are being lost annually by our pro-

ducers, especially the farmers, who are our greatest exporters, because of the sickness of Europe, which can only be cured by the assistance of the United States. We saved ourselves unnecessary complications by our waiting policy while the selfishness of European nations was so manifest, but in my judgment the time has arrived when a continued policy of aloofness is not only too costly to ourselves but Europe, generally speak-ing, is so prostrated that the stricken countries must and will now listen to reason.

However, some other agency than the League of Nations must be employed through which to formulate a broad policy of rehabilitation. The American people have spoken in no uncertain terms and would never have confidence in the league. A new tribunal whose ritual is based first on common sense business lines and not on the selfishness inevitably invited by the treaty of Versailles with its territorial grabbing and per-petuated by the league, must be established. I thoroughly appreciate the Entente have held many conferences since the impossible treaty of Versailles and mostly without result. But to use plain language, they have all been greatly superficial and with force and more force as the background and never, and with force and more force as the background and never, so far as I can recall, with any real demand that common sense business principles and understandings be adopted as the fundamental basis for negotiations. Conferences are as old as the hills. There is no new healing power in the word "conference." It must be the spirit represented by the people I agree any further conferences of the average participating. variety would be just as resultless and useless, as stated, unless nations abroad are prepared to drop the cloak of party or political diplomacy and really try to prepare a formula for a world and financial rehabilitation, then the United States should still remain on the side lines.

The present administration inaugurated a new type of international discussions or conversations, as the diplomat might put it, at the limitation of armament and pacific problem conference a little more than a year ago, and accomplished more in 10 weeks than any conference before or since. In that spirit with real determination must Europe meet the present crisis or the United States is helpless to make concessions or greatly remedy the deplorable situation. The futility of congreatly remedy the deplorable situation. The futility of conferences conducted and controlled by old-style diplomacy is well demonstrated by a review of the many held in Europe during the past three years. In all, 18 conferences were convened between January, 1920, and March, 1922. The United States was invited to participate in several, but consistently refused mainly because the time was not six and consistently refused, mainly because the time was not ripe, and apparently it was well recognized by the President and the State Department that the agenda was not sufficiently far-reaching to bring effective results and that European nations had not suffered sufficiently to be ready to generally subscribe to the policy, as Mr. Balfour once put it, of "what the world has been slow to learn, that the advantage of the part is best to be reached by the advantage of the whole."

However, whatever may have been the reasons for the declination of the United States to participate, such decision was well justified, as the general results of the conferences so far as curing world ills were concerned have been negligible. Apparently those gatherings have always evaded the real fundamentals. Discussions of the reduction of armaments, cutting down expenditures for military purposes, balancing budgets, or stabilizing or controlling paper or fiat money issues were always studiously avoided. The result has been, as already referred to, almost a complete breakdown of continental gov-

ernmental financing.

There is more than a grain of truth in the witticism, "Conferences only succeed when their results are arranged beforehand." Witness again the success of the Washington gather-

Kennedy, the English writer, in his recently published book, Rennedy, the English writer, in his recently published book, "Old Diplomacy and New," says of the Washington conference, when comparing its results with the futile European meetings, "It was carefully arranged and ably conducted." Again he speaks of "the greatness of America's diplomatic achievement. Being herself the power least crippled by the war, she could have made a bold bid for naval supremacy. She deliberately chose to substitute the principle of agreed limitation of armaments for that of competition, and gained the support of the world's four principal powers in eliminating from the naval sphere that burden of rival building which diverted wealth and effort from productive purposes and fed the disease of international jealousy of which it was itself the outgrowth."

He further adds: "The Washington conference, the first great international diplomatic gathering at which English displaced French as the official language, was a triumph of the new diplomacy. Secrecy and privacy are abhorrent to the Americans, and the negotiations were carried on with great frankness and publicity. * * * Although international conferences may henceforth be more frequent, any change to be real and lasting must be in the spirit rather than in the method."

Only two weeks ago I was in Paris, and following much heralding and flare of trumpets it was announced that the much advertised Council of the League of Nations would meet there and some of the perplexing and acute problems of the hour, and none was more acute than the French occupation of the Ruhr, could be discussed and adjustments or at least friendly suggestions for a better and clearer understanding would follow. The facts are that the council met in all solemnity and the Ruhr was not even mentioned and after a few academic passages, the august body that was to be the arbiter of the world's troubles adjourned.

And yet we are criticized for not taking the helm. nomic conference-yes, but not until continental Europe is ready to lay down her arms and substitute frankness and candor for intrigue and bluff. In order that such a conference be successful, delegates should be appointed by the respective nations with understandings and powers similar to those possessed at the Washington conference. If the representatives are not given plenary powers, then it must be generally understood that their respective Governments will accept any fairly unanimous agreements reached at such a gathering. are to be secured, the utmost frankness must precede such a conference. Each nation must present its complete budgets, its real, honest cash income, against expenditures and the purposes of such expenditures. These are times one must call a spade a spade and evasion or smart bookkeeping be avoided.

For instance, in France, it is stated on good authority that the Government is right now spending approximately three times her income and to a great extent making up the balance with short-time notes rather than to try to collect necessary revenues from the citizens, hoping against hope or expectation that sufficient can be collected from Germany to make up the difference. Apart from Great Britain, similar conditions, I believe, exist with other allied nations. In some circles we are asked to reduce our claims against various nations. We exacted no cash indemnity from Germany but we have insisted that our accounts, representing direct loans to other nations, be paid. It must be conceded that Germany, evading and side-stepping, as she has, can not meet the demands, if her earning power is more and more destroyed. Of course, the Allies can not have the cake and the penny both. can not annihilate and at the same time collect. Neither can they consistently ask the United States for concessions, when they steadfastly refuse to grant any.

Further, it must be recognized that some countries can not pay us unless Germany pays, and all good business men, when dealing with badly involved creditors make the best deal possible, rather than show happiness or satisfaction looking at a fixed frozen credit balance through smoked glasses. Therefore, it must be seen that our interests demand that Germany be permitted—yes, be made to pay, not by destruction, but by a cold-blooded surveillance over her activities and compelling her to work and permitting her to do so.

To add to the inconsistency, according to the press reports only last week, the Chamber of Deputies of France approved a bill authorizing a governmental loan of 400,000,000 francs to Poland. It is alleged this is mainly for military purposes. How can France ask the United States for financial concessions if such a report is accurate? So more and more does it become necessary for nations to sit around the same table and frankly face and solve the present conflicting problems and not compound the confusion and distrust through long distance negotiations or old fashloned drawn-out diplomacy. In other words, bring some order out of the chaos resulting from the effort to enforce the Versailles treaty and the four years of lone-hand administration which has followed.

A casual study of the present condition in foreign exchange must likewise reveal the present status and foretell the inevitable collapse. It is not sufficient to draw attention to the worthlessness of the German mark or the Austrian krone. But when Belgian francs show a drop of 50 per cent in six months, French francs almost as much, Italian lira selling under 5 cents, and still all creditor nations in their relations with Germany, it must be readily understood how remote is the chance of their being able to buy the American dollar and thus trade with us unless we step into the breach and force a stabilization, which under a proper understanding we can do. It must always be remembered that the people of these nations

are not bankrupt. Securities of priceless value are obtainable everywhere, but their Governments must cease their deceiving efforts to delude their own people by false financing and calls on the United States for help or concessions as long as they are unwilling to properly balance budgets and administer a business government. Again, the question of the nature of expenditures must be considered by the United States, and very properly, if we are to be the world's bankers, as it were.

Any such conference to be successful must take into account a reduction "of military expenses." We can not afford to help or encourage Europe to maintain the doubtful peace provided by the treaty of Versailles through preparation for more war.

Until European nations are ready to assemble with an announced readiness to proceed on the basis that peace can best be guaranteed without large armies, there is no place at the conference table for the United States.

Francisco Nitti, former premier of Italy, in his book, The Decadence of Europe, just fresh from the press, is authority for the statement that there are now 4,780,953 men under arms in Europe. France has the largest army, with 760,000 men, and Russia next, with approximately 700,000. Military expenditure, in proportion to the population, is greatest in Yugoslavia and France. These figures are much greater than before the war.

However, and notwithstanding the rather involved situation, I have great sympathy for France. She suffered at the hands of Germany almost beyond repair. She is now beset by internal emotions most difficult to influence or control. I do not criticize her occupation of the Ruhr or question her right to do so. I, of course, can not prophesy the direct result of her action so far as it may or may not effect immediate cash returns on account of our due indemnities. I am convinced, however, that her bold stroke will at least reawaken world interest in Germany's failure to meet her promises and obligations and will stimulate the necessity for united effort in an endeavor to meet situation which unadjusted simply invites open hostilities. Germany has clearly evaded every possible obligation, and with France holding a majority interest in remunerations she could have little sympathy for four-year moratoriums. On the other hand, her occupation should be confined to an endeavor to compel Germany to make a strict accounting, and not with any thought of annexation or subsequent control or of a destruction of her industries. Germany should and must pay to the utmost for her damnable challenge to progress, international comity, and an enlightened civilization, but it should be ascertained in a business way what she can pay and, as stated, then made to do it.

As to preparations for such a conference, in my judgment, the Senate should not attempt to force their hand or to direct the executive department in matters of this character. We are not sufficiently well acquainted with the rapidly changing facts and conditions and it is anyhow an Executive function. I have every confidence in the judgment of the administration. The views of Senators are always in order, but the time for action should not be determined here. The Senate can assist, not by directing the Executive how and when to act but rather when requested by giving the administration the authority necessary to be able to properly represent the interests of the country.

The Senate can not do the negotiating, neither should it be so jealous of its prerogatives and power that it insists in sitting as a judge over every detail of adjustment. No treaties can be ratified without Senate approval, and as the Constitution provides that we have last say, is it not fair and logical that we should be satisfied, without exercising that great power?

When one has the opportunity of having close personal contact with the really appalling conditions in the greater portion of continental Europe and compares them with the prosperity at home, the great difference is all the more appealing, and it makes one feel in spite of our conviction that their policy is wrong, that if there is any way to help adjust the situation without oppressing our own people that it is our duty to use our very best efforts.

If other nations are finally ready to subscribe to the new diplomacy and the Executive must first learn that, then a great opportunity lies open to the United States. The peace of the last four years, which as Clemenceau has well said "has been mainly used as a method of continuing the war," can be transformed into a lasting and abiding peace, and in the words of Nitri:

The people which accomplishes this great task will acquire in the world a prestige which will be vastly superior to any which can be conferred by wealth, by continued success, or by an unbroken chain of victories.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate resolutions unanimously adopted at a meeting of the Minneapolis Unit No. 35, Steuben Society of America, protesting against the occupa-tion of German territory by the French, and favoring the calling of a world conference to make a new peace conformable to the promises made in the "fourteen points" as they were submitted to the German Government, which were referred to the Committee on Foreign Relations.

Mr. LODGE presented resolutions of the Federal Council of the Churches of Christ in America; of the Chamber of Commerce of the United States; of the Executive Commission of the Church Federation of Harrisburg, Pa.; of the Moorestown Church Federation of Moorestown, N. J.; of the Executive Committee of the Council of Churches of Atlantic City, N. J.; of Methodist Ministers of Milwaukee, Wis.; of the staff of the Young Men's Christian Association of Milwaukee, Wis.; of the Pastors' Association of Bridgeport, Conn.; of the Federation of Churches of Cheyenne, Wyo.; of the Council of Churches of Duluth, Minn.; of the Council of Churches of Dayton, Ohio; and of the Council of Churches of New York City, favoring the adherence of the United States to the protocol under which the Permanent Court of International Justice has been erected at The Hague, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by sundry citizens of Provincetown, Mass., in town meeting assembled, favoring the passage of legislation fixing a maximum price of coal, etc., which were referred to the Committee on Education and Labor.

Mr. WARREN presented communications in the nature of petitions of the Federal Council of the Churches of Christ in America, and the Cheyenne (Wyo.) Federation of Churches, praying that the United States enter into the Permanent Court of International Justice at The Hague, which were referred to the Committee on Foreign Relations.

Mr. McLEAN presented petitions of sundry members of Hannah Benedict Carter Chapter, Daughters of the American Revolution, of New Canaan; the board of directors of the Young Women's Christian Association of Bridgeport, and members of the College Club, of Greenwich, all in the State of Connecticut, praying for an amendment to the Constitution governing the passage of legislation regulating child labor, which were ordered to lie on the table.

He also presented a memorial of the Steuben Society of New Haven, Conn., remonstrating against the French occupation of the Ruhr district, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Connecticut League of Women Voters, of Sound Beach, Conn., praying for the passage of the so-called Voigt filled milk bill, which was ordered to lie on the table.

He also presented a memorial of Goddess of Liberty Council No. 3, Sons and Daughters of Liberty, of New Haven, Conn., remonstrating against any relaxing of existing immigration laws, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the annual convention of the Connecticut Dairymen's Association, at Bristol, Conn., favoring the passage of legislation permitting the admission of a total of 3 per cent net immigration in any fiscal year, which was referred to the Committee on Immigration.

Mr. EDGE presented resolutions adopted by the Third Annual State Caucus of the National Disabled Soldiers' League, at Newark, N. J., which were referred to the Committee on Finance and ordered to be printed in the Record, as follows:

resolution petitioning Congress to authorize the Veterans' Bureau to train 150 men and 9 officers for the permanent caretaker positions and other positions in the national cemeteries in France, Belgium, and England.

gium, and Engiand.

Whereas it is the intention of the Quartermaster Corps to employ 9 officers and 150 men for the permanent positions in our national cemeteries in France, England, and Belgium; and
Whereas the United States Veterans' Bureau is to-day training disabled soldiers, who are vocationally handicapped as a result of the recent World War; and
Whereas these disabled soldiers could be trained by the United States Veterans' Bureau for these positions; and
Whereas it is the opinion of this caucus that the disabled soldier would make a desirable employee for these particular positions; and

whereas, if Congress will grant this petition, it will be the means of rehabilitating 159 men: Now, therefore, be it

Resolved, That the National Disabled Soldiers' League, Department of New Jersey, at the third annual State caucus assembled at Newark, N. J., on February 10, 1923, hereby petition the Senate and the House of Representatives to enact a law authorizing the Veterans'

Bureau to train these 159 men for these permanent cemeterial positions in our national cemeteries in France, England, and Beigium.

This is to certify that this resolution was unanimously adopted at the third annual State caucus of the National Disabled Soldiers' League held in Newark, N. J., on February 10, 1923.

[SEAL.] THOMAS V. FIELDS.

THOMAS V. FIELDS,
State Commander.
H. D. MURPHY,
Secretary-Treasurer.

Attest:

FRANK URBAN

This is to certify that the Ladles' Auxiliary of the National Disabled Soldiers' League, Department of New Jersey, in third annual State caucus assembled at Newark, N. J., February 10, 1923, did unanimously concur in the above resolution,

[SEAL.]

Rose Wythe Lewis, State Auxiliary Commander.

Attest:

EDITH BORCHER, State Auxiliary Secretary.

A resolution petitioning Congress to grant permission to institute an action in the circuit court to contest the legality of the decision of the legal counsel of the United States Veterans' Bureau, which ruled that the bonuses paid disabled men and deducted by the Veterans' Bureau from their training allowances should not be returned.

Whereas the United States Veterans' Bureau issued an order in October, 1921, ordering the deduction of bonuses paid disabled soldiers in placement vocational training by the patriotic merchants, manufacturers, and other business men who had these men in placement vocational training with them; and

Whereas this order was rescinded February 17, 1922, and since that time no further reductions have been made; and

Whereas district No. 2, comprising New York, New Jersey, and Connecticut, are the only States wherein these deductions were made; and

Whereas district No. 2, comprising New York, New Jersey, and Connecticut, are the only States wherein these deductions were made; and
Whereas just a few of the trainees of district No. 2 in vocational training were subjected to this deduction; and
Whereas the National Disabled Soldiers' League has continually petitioned the United States Veterans' Bureau to refund these moneys because of the unfairness of the ruling and because the National Disabled Soldiers' League felt that the ruling must have been wrong, since it was rescinded; and
Whereas the legal counsel of the United States Veterans' Bureau has just recently ruled that these moneys will not be refunded to the disabled veterans: Now, therefore, be it
*Resolved, That the National Disabled Soldiers' League, Department of New Jersey, at the third annual State caucus, assembled in Newark, N. J., on February 10, 1923, hereby petition the Senate and House of Representatives of the United States that they be granted permission to institute action in the circuit court of the United States to determine the legality of this unjust decision, which has discriminated against some of our disabled ex-service men.
This is to certify that this resolution was unanimously adopted at the third annual caucus of the National Disabled Soldiers' League, held in Newark, N. J., on February 10, 1923.

[SEAL.]

THOMAS V. FIELDS,
State Commander.

THOMAS V. FIELDS, State Commander. H. D. MURPHY, Secretary-Treasurer.

Attest:

FRANK URBAN, Caucus Secretary.

This is to certify that the Ladies' Auxiliary of the National Disabled Soldiers' League, Department of New Jersey, in third annual caucus assembled, at Newark, N. J., February 10, 1923, did unanimously concur in the above resolution.

ROSE WYTHE LEWIS, State Auxiliary Commander,

Attest:

EDITH BORCHER, State Auxiliary Secretary.

Mr. EDGE presented resolutions adopted by the third annual State caucus of the National Disabled Soldiers' League, at Newark, N. J., which were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

resolution petitioning the Congress of the United States to rescind the order of the cemeterial division of the Quartermaster Corps, United States Army, which prohibits the return of American deceased soldiers from our national cemeteries in France, Belgium, and England.

Whereas there are many mothers, wives, and families of our deceased heroes who now rest in our national cemeteries in France, England, and Belgium who desire to have returned the bodies of their loved

and Belgium who desire to have returned the bodies of their loved ones; and
Whereas the cemeterial division of the Quartermaster Corps. United States Army, has issued an order stating that no bodies will be returned from overseas: Now, therefore be it
Resolved, That the National Soldiers' League, in third annual State caucus assembled, hereby petition the Senate and House of Congress of the United States of America to reschid this order and to permit the return of American deceased soldiers from our national cemeteries in France, England, and Belgium, and that a copy of this resolution be sent to the Senate and the House of Representatives.

This is to certify that this is a true copy of the resolution of the above title which was adopted at the third annual State caucus of the National Disabled Soldiers' League, assembled at Newark, N. J., on February 10, 1923.

February 10, 1923.

THOMAS O. FIELDS,
State Commander.
K. W. MURPHY,
Secretary-Treasurer.

FRANK URBAN, Canous Secretary.

This is to certify that the Ladles' Auxiliary of the National Disabled Soldiers' League, Department of New Jersey, in third annual caucus assembled at Newark, N. J., February 10, 1923, did unanimously concur in the above resolutions.

ROSE WYTHE LEWIS, State Auxiliary Commander.

Attest:

EDITH BORCHER, State Auxiliary Secretary.

resolution calling upon Congress to grant free transportation to the Gold Star Mothers to visit the graves of their sons in France, Belgium, and England.

Belgium, and England.

Whereas in most cases where the next of kin have requested the Quartermaster Corps to return their loved ones, who paid the supreme sacrifice in defense of our flag, has been granted; and

Whereas there are still 30,000 of our heroes in our national cemeteries in France, Belgium, and England; and

Whereas many of the next of kin are unable to visit the graves of their loved ones in France, England, and Belgium because of the enormous expense connected with such a trip: Now, therefore, be it Resolved. That the National Disabled Soldiers' League, in third annual State caucus assembled at Newark, N. J., on February 10, 1923, hereby evidence and record their desire to petition the Congress and Senate of the United States to grant free transportation to the Gold Star Mothers, or next of kin, to our national cemeteries in France, Belgium, and England.

This is to certify that this resolution was unanimously adopted at the third annual caucus of the National Disabled Soldiers' League, held in Newark, N. J., on February 10, 1923.

THOMAS O. FIELDS,

THOMAS O. FIELDS, State Commander. K. W. MURPHY, Secretary-Treasurer,

Attest:

FRANK URBAN. Caucus Secretary

This is to certify that the Ladies' Auxiliary of the National Disabled Soldiers' League, Department of New Jersey, in third annual caucus assembled at Newark, N. J., February 10, 1923, did unanimously concur in the above resolution.

ROSE WYTHE LEWIS, Auxiliary Commander.

EDITH BORCHER. State Auxiliary Secretary.

REPORTS OF COMMITTEES.

Mr. RANSDELL, from the Committee on Commerce, to which was referred the joint resolution (S. J. Res. 209) to establish a national hydraulic laboratory, reported it with amendments and submitted a report (No. 1240) thereon.

Mr. SPENCER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 13835) authorizing the Secretary of the Interior to approximate the committee of the Interior to approximate the Interior to approximat

tary of the Interior to appraise tribal property of Indians, and for other purposes, reported it with amendments and submitted a report (Rept. No. 1241) thereon.

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them

severally without amendment:

H. R. 624. An act for the relief of Albert H. White, Mary E. Fowler, Lorena B. Winkler, E. E. White, and C. A. White (Rept. No. 1242);

H. R. 8625. An act to provide for the cession to the State of Michigan of certain public lands in the county of Keweenaw, State of Michigan (Rept. No. 1246);

H. R. 12171. An act to grant certain lands to the city of Skagway, Alaska, for a public park (Rept. No. 1243);
H. R. 13724. An act for the relief of Hugh Marshall Montgomery (Rept. No. 1244); and

H. R. 14296. An act to authorize the county of Huron, State of Michigan, to convey a certain described tract of land to the State of Michigan for public-park purposes (Rept. No. 1247)

Mr. BORAH, from the Committee on Education and Labor, to which was referred the bill (S. 4635) to amend the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, reported it with an amendment.

Mr. CAMERON, from the Committee on Military Affairs, to which was referred the bill (H. R. 1252) for the relief of John

A. Douglas, reported it without amendment and submitted a

Mr. BURSUM, from the Committee on Military Affairs, to which was referred the bill (H. R. 13004) authorizing the Secretary of War to lease to the Kansas Electric Power Co., its successors and assigns, a certain tract of land in the military reservation at Fort Leavenworth, reported it without amendment.

ENROLLED BILL PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on February 27, 1923, they persented to the President of the United States the enrolled bill (S. 3083) authorizing the Baltimore & Ohio Railroad Co, to construct an elevated RIO GRANDE RIVER BRIDGE BETWEEN TEXAS AND MEXICO.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments the bill (S. 4592) granting the consent of Congress to the Eagle Pass & Piedras Negras Bridge Co. for construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico, and I submit a report (No. 1245) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill.

The amendments of the Committee on Commerce were: On page 1, line 7, after the word "navigation," to strike out "and to purposes for which said bridge is to be operated"; in line 10, after the word "Mexico," to strike out "to unite and connect the street railroad to be constructed by said corporation in the said city of Eagle Pass with any street railroad that may be constructed by any person or company in said city of Piedras Negras, and to build and lay on and across said bridge ways for the passage of animals, foot passengers, and vehicles of all kinds and charge a reasonable toll therefor, subject to reasonable revision and regulation by the Secretary of War"; and on page 2, at the end of line 10, to strike out the period and insert a colon and the following proviso: "Provided, That the consent of the proper authorities of the Republic of Mexico to the construction, maintenance, and operation of the bridge shall also be obtained"; so as to make the bill read:

Be it enacted, etc., That the consent of Congress be, and is hereby, granted to the Eagle Pass & Piedras Negras Bridge Co., a corporation organized under the laws of Texas, to construct, maintain, and operate a bridge and approaches thereto, at a point suitable to the interests of navigation across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: Provided, That the consent of the proper authorities of the Republic of Mexico to the construction, maintenance, and operation of the bridge shall also be aptained, Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed,

LEASE OF LAND FOR GOVERNMENT HOTEL.

Mr. FERNALD. Mr. President, from the Committee on Public Buildings and Grounds I report favorably a Senate joint resolution which I ask to have read at length and for which I ask immediate consideration. In the event that any explanation is necessary, which I think is not, I shall ask unanimous consent to be given five minutes to make a statement.

The joint resolution (S. J. Res. 290) authorizing the President of the United States to lease certain land in the District of Columbia, and pay rental from revenues derived from the operation of Government hotels for Government workers, was read the first time by its title and the second time at length as

follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized to enter into an agreement of lease with the owner or owners of squares Nos, 632, 681, and part of 680 in the city of Washington, D. C., for the use and occupancy of the said land by the Government, for the period commencing on the 14th day of November, 1922, and terminating on the 31st day of January, 1924, or any extension thereof, at a fair and reasonable rental, to be determined by him, and he is further authorized to pay the said rental out of the money collected from the operation of the Government hotel for Government workers in the District of Columbia: Provided, That the charges made to occupants of said buildings upon said premises shall be sufficient to meet said rental to be paid to said railway company in addition to all charges and expenses now paid by the said United States Housing Corporation: Provided further, That the President may exercise the power and authority herein granted through such agency as he may designate.

The VICE PRESIDENT. Is there objection to the immediate

consideration of the joint resolution?

Mr. JONES of Washington. Mr. President, the other morning we had a bill reported in this way and unanimous consent was given for its immediate consideration, and it took up the whole morning hour. I am not willing to give my consent unconditionally to the consideration of bills or other measures reported from committees. If it will take but a short time to dispose of the joint resolution reported by the Senator from Maine, I am perfectly willing to have it taken up, but I want it done with the understanding that if it leads to prolonged debate an objection may be entered and the joint resolution will go to the calendar.

Mr. BALL. Mr. President, I would like to state that the bill to which the Senator refers was reported from the Committee on the District of Columbia. The joint resolution just reported railroad siding adjacent to its tracks in the city of Washington. I really comes from that committee, although reported from a

different committee. The amendments which caused the discussion on the bill the other day will not be proposed to the joint resolution now presented.

Mr. JONES of Washington. But other amendments may be proposed, and I give my consent with the condition understood that an objection may be interposed at any time.

Mr. FERNALD. I ask that the joint resolution be taken up

under the five-minute rule.

Mr. SMOOT. Mr. President, there was so much confusion in the Chamber that I could not hear the reading of all the joint resolution, but from the little I did hear I gathered that the amount of the rental is to be left to the President of the United States, and that the President is to pay the amount of the rental out of the receipts from the so-called hotel. Does the Senator from Maine think that there will be receipts enough to pay the rental? Up to the present time they have only been able to pay expenses out of the receipts.

Mr. FERNALD. Last year there was a credit of \$86,000 from the operation of these hotels. If it shall become necessary to advance the price a dollar a week, the girls are perfectly willing to pay that. Unless some legislation be enacted, those hotels will probably be torn down on the 1st day of April. action, it seems to me, would be exceedingly unfortunate. There will be no expense to the Government in this matter. These girls ought to be allowed to remain there, in my judgment, until such time at least as those buildings shall require extensive

repairs.

The whole United States is represented there. I do not think there is a State in the Union but has girls living in those buildings, and that is true as to almost every Representative district.

Mr. SMOOT. Mr. President, I am not objecting to the girls remaining there, but I doubt whether the President can carry out the direction of this joint resolution. It evidently means that the expense shall be paid out of the receipts which come to the housing corporation from the employees of the Govern-ment residing in the buildings. The Senator says that there was a credit of \$86,000, but that does not pay all of the expenses by any manner of means. Does the Senator have any

idea of what the rent is going to be?

Mr. FERNALD. I have no idea at all as to that, because I had no authority to determine the question. I am satisfied that the prices charged the girls residing in the buildings may be readily advanced to pay the rental for the land. It seems to me that some legislation must be enacted by this Congress. We have The committee went into the matter very carefully. some very good lawyers on the committee. We decided unantmously that this was the best way to handle the situation. The chairman of the Committee on Public Buildings and Grounds in the other House agreed with us, and this seemed to be the one piece of legislation which we could promptly have passed through both branches of Congress.

Mr. SMOOT. Does the Senator from Maine desire the Senate to understand that the increased charge to the employees who are now occupying the rooms in those buildings will take

care of the rent of the ground?

Mr. FERNALD. Yes, sir; I do. Mr. SMOOT. Is that perfectly understood?

Mr. FERNALD. Of course, that is provided in the joint resolution

Mr. ROBINSON. Mr. President, can the Senator from Maine state what rental it is proposed shall be paid to the railroad

Mr. FERNALD. I will say to the Senator from Arkansas Mr. FERNALD. I will say to the Senator from Arkansas that I can not. That property was condemned in 1913. Then the Baltimore & Ohio Railroad Co. granted the Government a lease of the land until one year after the close of the World War. That time expired on the 14th day of last November. Since 1913 the railroad company, I think, have paid about \$75,000 in taxes. The taxes on this particular piece of land are in the neighborhood of \$20,000 a year, and, of course, the railroad company is anxious to sell it.

Mr. ROBINSON. How much has the Government been re-

quired to pay for the lease?

Mr. FERNALD. The Government has been required to pay nothing at all for the lease except the taxes on the land.

Mr. ROBINSON. But the Government did pay the taxes?
Mr. FERNALD. Yes; the Government paid the taxes. The
term of the lease expired last November. No one on the committee, however, knew that it had expired until last week. Then there was no opportunity to go into it sufficiently thoroughly to undertake to purchase the land, though, of course, the Government must eventually have it. So we thought this was the best way to handle the matter until the convening of another Congress.

Mr. ROBINSON. Neither the Senator nor his committee has undertaken to ascertain the terms upon which a new lease

may be obtained?

Mr. FERNALD. No; but I thought the matter was of suf-Mr. FERNALD. No; but I thought the matter was of sufficient importance to investigate; so, after talking with the real-estate department of the railroad, I called up Mr. Willard, the president of the road, and he said, "We desire to do whatever the Government wants to do. There is going to be no forcing of a sale there." I told him that I believed it was not at this time feasible to make that purchase. He said, "If you feel that the Government should have a lease of the land the feel that the Government should have a lease of the land, the railroad company will be perfectly willing to lease you the property for a nominal sum."

Mr. ROBINSON. If this joint resolution is not passed or

if some action is not taken by Congress to retain the right of the Government to occupy the area, what will occur?

Mr. FERNALD. Beyond a doubt the buildings will be taken down on the land which is owned by the Baltimore & Ohio Railroad Co.

Mr. ROBINSON. Then the occupants will be required to find other quarters in which to live?

Mr. FERNALD. They will be turned out of doors. We have

six buildings there, outside the power house and other property. Mr. OVERMAN. How many girls are quartered in those buildings'

Mr. FERNALD. There are 1,876 girls now there, and there is a waiting list of several hundred. There has never been a time when every room was not occupied except for a few months, for a short time, I think, two years ago.

Mr. ROBINSON. Under the conditions respecting the rentals of apartments in the city of Washington I think it would be calamitous to permit these buildings to be destroyed at this

time.

Mr. SMOOT. Mr. President, in reading the resolution I find there is no mention whatever of any increase in the charge for rooms in order to meet this additional amount for the pay-

ment of the rent.

Mr. FERNALD. That may be done by the manager of the buildings there. He is allowed to advance or decrease the rent. At first the charges were \$55 per month, then they were reduced to \$50 a month, then to \$47.50, and now they are \$45 and \$43 per month. The manager may at any time decrease or advance the price.

Mr. KING. Mr. President, will my colleague yield to me?

Mr. SMOOT. I yield to my colleague.
Mr. KING. Mr. President, I am going to ask the Senator from Maine to accept an amendment. I will say it is prompted by a suggestion which has been made by my colleague. I suggest the following amendment to the joint resolution:

Provided, That the charges made to the occupants of said buildings upon said premises shall be sufficient to meet said rental to be paid said railroad company in addition to all charges and expenses now paid by the United States Housing Corporation.

Will the Senator from Maine accept that amendment? Mr. FERNALD. I have no objection to that amendment. think, however, it is already covered by the joint resolution as

it new stands.

Mr. KING. I do not think so.

Mr. McKELLAR. What rental is it proposed shall be paid?

Mr. FERNALD. There is no proposition of that kind. I was not authorized to make any proposition, but we said it

should be a fair and reasonable rate of rental.

Mr. McKELLAR. Unquestionably these buildings ought to be retained for the present; I concur with the Senator entirely about that, and I hope the joint resolution may pass; but we are proposing to give to the railroad company rights and privileges, and we ought to make some arrangement with them by which no extra cost shall be entailed upon the Government.

Mr. KING. Mr. President, the Senator from Maine, as I understand him, has accepted the amendment which I have hastily prepared and which I have read?

Mr. FERNALD. The amendment proposed by the Senator

from Utah is entirely satisfactory to me.

The VICE PRESIDENT. The question is on agreeing to the

amendment offered by the Senator from Utah.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

THE CALENDAR-UNANIMOUS-CONSENT AGREEMENT.

Mr. CURTIS. I desire to submit a request for unanimous ensent. I ask unanimous consent that at the conclusion of the routine morning business the Senate shall proceed with the consideration of the calendar, disposing of unobjected bills, commencing at No. 996, which is the number where the Senate left off when the calendar was last under consideration.

Mr. McKELLAR. What effect will that have on the unanlmous-consent agreement which we already have?

Mr. CURTIS. It will not affect that.

Mr. ROBINSON. Mr. President, I have no objection to the request. I think the unobjected bills on the calendar ought to

be disposed of as quickly as possible.

Mr. KING. Mr. President, I shall have no objection to that, because I know the importance of disposing of the bills upon the calendar, but I have upon the table a resolution calling for the action of the Senate upon the proposal of the President of the United States recently submitted with respect to the international court of justice. I shall seek during the day an opportunity to present that resolution to the Senate, but I shall not object now to the request made by the Senator from Kansas.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kansas? The Chair hears none, and the

unanimous-consent agreement is entered into.

Mr. JONES of New Mexico. Mr. President, owing to the confusion which obtained in the Chamber at the time the Senate was proceeding under the order of petitions and memorials, I failed to get the attention of the Chair. I ask now to refer to a petition coming from the Legislature of the State of New Mexico regarding the extension of the time during which cattle taken over into old Mexico for pasturage purposes may be returned to the United States without the payment of duty.

The House of Representatives has passed a bill upon that subject, which bill has been referred to the Finance Committee of the Senate and a unanimous report has been made by the Finance Committee, with the recommendation that a couple of amendments be added to the bill, making it a little more specific. I ask unanimous consent for the consideration of that bill.

Mr. CURTIS. Mr. President, in view of the unanimous-consent order I think I ought to object to the request of the Sena-tor from New Mexico. The bill to which he refers will be reached in the morning hour between now and 1 o'clock.

Mr. JONES of New Mexico. I doubt whether it will be reached, because it comes rather late on the calendar.

Mr. CURTIS. Only unobjected bills are to be taken up, and I think the bill in which the Senator is interested will be reached if we proceed expeditiously.

The VICE PRESIDENT. Objection is made.

INVESTIGATION OF DISTRICT STREET RAILWAYS.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably Senate Resolution 456, providing for the appointment by the Vice President of a special committee to inquire into the traffic situation in this city and also resolutions providing for the reappointment of certain clerks of certain committees of the I ask unanimous consent for the present consideration of these resolutions.

Mr. JONES of Washington. Mr. President, I understand that there are 10 or 12 of these resolutions, and I think they should go to the calendar. It seems to me that bills on the calendar should be taken up before we consider resolutions providing for the appointment of additional clerks to serve during the vacation.

McKELLAR. I hope the Senator from Washington will not object to the resolution with respect to street car fares.

Mr. JONES of Washington. I have no objection to the one with reference to the street car situation.

Mr. McKELLAR. I ask unanimous consent for the present consideration of that resolution.

The VICE PRESIDENT. Is there objection?
Mr. BRANDEGEE. Mr. President, the Senator from Illinois [Mr. McKinley] told me that he desired to be here at the time that resolution was considered; that he was called away to one of the departments for an hour, and he would be back

Mr. McKELLAR. I will let it go over now, then, and call it

up later in the day when he can be here.

Mr. BRANDEGEE. Very well. Mr. CALDER, Mr. President, is there objection to the immediate consideration of these other resolutions?

Mr. CURTIS. Let them go to the calendar. Mr. CALDER. I withdraw the reports for

I withdraw the reports for the present.

Mr. McKELLAR. I presume that does not include the street railway matter.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DILLINGHAM:

A bill (S. 4614) authorizing the superintendent of the Washington Asylum and Jail to execute the judgments of the courts in

the District of Columbia in capital cases, and ratifying and confirming appointments to the position of such superintendent made by the Commissioners of the District of Columbia; to the Committee on the Judiciary.

By Mr. MOSES:

A bill (S. 4645) granting an increase of pension to J. Alphonso Courtemanche (with accompanying papers); to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 4647) for the relief of the Maryland Casualty Co.; to the Committee on Claims.

By Mr. CALDER:

A bill (S. 4648) for the relief of Louis Leavitt; to the Committee on Claims.

SHIPMENT OF FILLED MILK.

Mr. DIAL submitted an amendment intended to be proposed by him to the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce, which was ordered to lie on the table and to be printed.

CLAIMS OF CERTAIN OIL COMPANIES.

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (S. 4479) for the relief of Rose City Cotton Oil Mill and others, which was referred to the Committee on Claims and ordered to be printed.

AMENDMENTS TO THIRD DEFICIENCY APPROPRIATION BILL.

Mr. LODGE submitted an amendment authorizing the Secretary of Labor, under such regulations as he may deem advisable, to pay extra compensation to immigrant inspectors and other immigration employees when, at the request of any transportation company, corporation, or individual bringing aliens to the United States, such officers or employees are required to report for extra duty or to work overtime, or on nights, Sundays, or holidays in connection with the examination of allen passengers or crews; and the transportation company, corporation, or in-dividual requesting such extra service shall pay to the Secretary of Labor as reimbursement the amounts expended by him for such extra service in accordance with his regulations, and such reimbursement shall be credited to the appropriation "Expenses regulating immigration," intended to be proposed by him to House bill 14408, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SPENCER submitted an amendment proposing to increase the salary of the laborer in charge of private passage, under the office of Sergeant at Arms and Doorkeeper of the Senate, intended to be proposed by him to House bill 14408, the third deficiency appropriation bill, which was ordered to lie on the table and to be printed.

ANNOTATION OF SENATE RULES.

Mr. CURTIS submitted the following resolution (S. Res. 459), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That an annotation be made of the Standing Rules of the Senate with the more important decisions on points of order and parliamentary questions listed and digested under each rule, with a full index, and that 1,000 copies be printed and bound for the use of the Senate. The Rules Committee is authorized to employ a competent person to assist in preparing the annotation, if necessary, his compensation to be paid out of the contingent fund of the Senate.

ENCOURAGEMENT OF IMMIGRATION.

Mr. SPENCER. I ask unanimous consent to have printed in the RECORD a letter from the St. Louis Malleable Casting Co. which contains some valuable information on the immigration question which I think will be of great interest to the Senate.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

ST. LOUIS MALLBABLE CASTING Co., St. Louis, February 23, 1923.

Hon. SELDEN P. SPENCER, Washington, D. C.

MY DEAR SENATOR: In reference to the various proposed bills on immigration, I desire to explain to you the situation in our line of business, which is the manufacturing of malleable-iron castings, as shown by the above letterhead.

There are 73 malleable-iron foundries in the United States, each employing from 150 to 2,000 men, and nearly half of these are what are known as molders (skilled labor). Before the war when foundries were running to full capacity they employed from 40 to 80 per cent foreigners—Polacks, Hungarians, Italians, Germans, Frenchmen, Belgians, and Swedes.

The malleable foundries of this country have an association, meeting once a month, and at the last meeting it was learned that there is not a single foundry in the United States in this line but what is suffering for the want of molders.

After the armistlee so many men returned to Europe and so few came back since then that we are really suffering for the want of these men. We have plenty of business, but not enough molders.

In Poland, Germany, Belgium, and Hungary we know positively that there are thousands of molders out of employment and their families suffering almost to starvation.

If the laws would permit us we would be only too happy to pay the fare of any of these molders that wanted to come here and guarantee them steady employment for a year, earning from \$7 to \$9 daily, out of which they could not only support themselves but their families in Europe, and at the end of the year, if they would not want to remain here, we would be glad to pay their fare back, but we are sure that before the year was up many of them would send for their families. In the meantime the terrible situation with them in Europe and us here would be relieved.

Can not something be done that we can get these men? We are positive that 5.000 molders at least could obtain positions immediately if they were here.

Anything at all that can be done to relieve this situation will certainly be very much appreciated, not only by us but by every foundry in the country.

The gray iron and steel foundries, who employ even more molders than the malleable foundries, are also in the same position.

in the country.

The gray iron and steel foundries, who employ even more molders than the malleable foundries, are also in the same position.

Assuring you, dear Senator, that any relief we can obtain from this situation will be more than appreciated, I am

Yours most respectfully,

CHAS. G. ETTE, General Manager St. Louis Malleable Casting Co.

TAXATION OF THE RAILROADS.

Mr. President, I am in receipt of resolutions Mr. CALDER. adopted by the New York Board of Trade and Transportation relating to the increasingly heavy burden of taxation imposed upon the railroads, and having particular reference to some remarks made by the Senator from Idaho [Mr. Borah] in the Senate. I ask unanimous consent that the resolutions may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

New York Board of Trade and Transportation, New York City.

At a general meeting of the New York Board of Trade and Transportation held this day. Wednesday, February 21, 1923, in the rooms of the board, New York City, the committee on taxation reported the following preamble and resolutions, which were unanimously adopted by the board:

DEPRECATING THE INCREASINGLY HEAVY BURDEN OF TAXATION WHICH THE RAILBOADS HAVE TO CARRY.

Whereas Senator Borah, in the course of a speech in the United States Senator Borah, in the course of a speech in the United States Senate on December 21 last, said:

"We discuss considerably in these days the question of reducing freight rates; and the reduction of freight rates is an indispensable step in the recovery of our producing classes, because at the present time the freight rates are such as to fake away all possible profit from that which they may produce. It will be very difficult to reduce freight rates if we continue in this country to increase taxes upon railroads as we have for the last four years. More than one-half of all the net carnings of the railroads which I shall mention was taken during the last year to pay taxes"; and

Whereas the roads mentioned by the Senator are: The Santa Fe, the Chicago & North Western, the Chicago, Miwaukee & St. Paul, the Great Northern, the Southern Pacific, and the Union Pacific; and

Whereas the Senator pointed out also that in the State of Idaho taxes on the railroads were \$540 per mile in 1916, but had risen to \$1,458 per mile in 1920; in Oregon the taxes per mile on the roads were \$530 in 1916, but had risen to \$1,661 in 1920; in Vashington, \$772 in 1916 and \$1,709 in 1920; and

Whereas while these illustrations were drawn only from western roads, the burden of taxation is in fact nation-wide. The taxation per mile of line on class 1 roads throughout the country was \$680.12 in 1916; it was \$921.28 in 1917; \$956.09 in 1918; \$994.36 in 1919; \$1,150.03 in 1920, and \$1,179.05 in 1921; and

Whereas the total burden of taxation of class 1 roads for 1916 was \$157,113.372; in 1917 the total taxation was \$213,920.095; in 1918 it was \$223,175.379; in 1919, \$222,601,336; in 1920, \$272,061.453; in 1921, \$275,882,150; and for class 1 roads the total taxes in 1921 were almost three times as great as in 1911; Therefore be it

Resolved by the New York Board of Trade and Transportation, That we cordially commend Senator Borah for calling the attention of the Congress to t

B. B. ODELL, Acting Chairman, SAMUEL S. CONOVER, J. S. BACHE, M. L. SEIDMAN, ALEXANDER GILBERT, the Committee on Taxation.

LEE KOHNS, President.

Attest:

A true copy.

FRANK S. GARDNER, Secretary.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 26, 1923:

S. 851. An act authorizing the Secretary of War to make settlement with the lessees who erected buildings on a fiveyear lease on the zone at Camp Funston, Kans., and for other purposes;

S. 2023. An act defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States in the years 1918 and 1919 for the purchase of wheat, rye, or oats for seed, and for other

S. 3350. An act for the relief of Alice M. Gorman;

S. 4310. An act for the relief of the owners of the steamship

S. 4311. An act for the relief of the owners of the steam

lighter Comport; and

S. 4522. An act authorizing the Secretary of State to convey certain land owned by the United States in Santiago, Chile, to the municipality of that city and to acquire or receive in exchange therefor other land located in the said city.

On February 27, 1923:

S. 3611. An act authorizing and directing the Secretary of War to abrogate a contract lease of water power on the Muskingum River:

S. 4358. An act to authorize the American Niagara Railroad Corporation to build a bridge across the Niagara River between the State of New York and the Dominion of Canada; and

S. 4411. An act granting the consent of Congress to the cities of Minneapolis and St. Paul, Minn., or either of them, to construct a bridge across the Mississippi River in section 17, township 28 north, range 23 west of the fourth principal meridian, in the State of Minnesota,

On February 28, 1923:

S. 3593. An act to authorize an exchange of lands with owners of private land holdings within the Glacier National Park;

S. 4187. An act to extend the time for payment of charges due on reclamation projects, and for other purposes.

INTERNATIONAL COURT OF JUSTICE.

The VICE PRESIDENT. Resolutions coming over from a

previous day are in order.

Mr. KING. Mr. President, a moment ago I stated that I had a resolution lying upon the table. In view of the manifest desire of Senators to proceed with the consideration of bills on the calendar, I shall pretermit for the moment asking for the consideration of the resolution to which I have just referred.

LIQUOR SALES BY SHIPPING BOARD.

The VICE PRESIDENT. The Secretary will state the other resolutions coming over from previous days.

The reading clerk read Senate Resolution 446, submitted by Mr. Mckellar on the 19th instant, as follows:

Mr. McKrilar on the 19th instant, as follows:

Resolved, That the Shipping Board report to the Senate at the earliest practicable hour the following:

1. What quantity of whisky, wine, beer, and other alcoholic beverages was sold on Shipping Board vessels during the time that such sales were carried on with the approval of the Shipping Board?

2. What was the quantity dispensed per vessel?

3. What quantity of these liquors was purchased by the Shipping Board or by its agents, and what was the total value thereof and the total receipts thereof per vessel?

4. How many pints, quarts, and cases of liquor were sold to passengers independent of what they purchased over the bars of the vessels?

5. How much liquor was purchased by the crews of such vessels and what was the value thereof?

6. Was liquor served as a part of the crews' mess and could the crews of such vessels purchase liquor freely?

7. How many pints, quarts, gallons, and barrels of whisky, wine, beer, and cognac and other intoxicating beverages were in the possession of the Shipping Board when the order was given to stop selling same aboard vessels?

7½. Has any of these liquors been sold in the United States?

8. Where is this liquor at the present time? If disposed of, to whom, at what prices, where shipped, and what was total amount of sales?

9. Was any of it sold to officers or members of the crews of such

whom, at what prices, where shipped, and what was total amount of sales?

9. Was any of it sold to officers or members of the crews of such vessels or to any employees of the Shipping Board, and at what prices, when the order for stoppage of sales was given?

10. Did any of the officials of the Shipping Board or officers of Shipping Board vessels engage in the sale of liquors to passengers aboard vessels for private gain?

11. To what extent, if any, is liquor being sold aboard vessels at the present time? Are any prohibition enforcement officers allowed aboard such vessels?

12. What was total amount of profits made by the Shipping Board out of sales of intoxicating beverages?

Mr. McKELLAR. I ask unanimous consent for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. JONES of Washington. I think it ought to go over. The VICE PRESIDENT. The resolution will be placed on the Table Calendar.

FEDERAL AND STATE DEBTS.

The reading clerk read Senate Resolution 451, submitted by Mr. Norris on the 26th instant, as follows:

Whereas the public debts of the United States and of the several States and their political subdivisions, many of which are exempt from taxation, have reached enormous proportions of the total wealth of the country; and

Whereas many of the agricultural, manufacturing, and other industries, or trades, of the country are suffering from heavy indebtedness and from burdensome taxation; and
Whereas the situation as to international debts in relation to the revival of productive enterprise throughout the world presents a problem of great complexity, and a general accounting with regard to the economic position of this country is necessary in order to formulate an intelligent policy: Now, therefore, be it

*Resolved**, That the Federal Trade Commission is hereby directed to make an inquiry into, and to compile data concerning, the total amount of the chief kinds of wealth in the United States, including land, improvements, movables, and other tangible and intangible goods, and also the ownership thereof, and the various liabilities incumbent thereon, including public and private debts of various kinds, corporation stocks and other choses in action, and to make inquiry into, and compile data concerning, the amount of the annual increase in autional wealth in recent years in different lines of economic activity and of the income received by different classes of the population, including data as to the amount of the income from securities exempt from taxation under the Federal income and profits taxes; and to make report on the aforesaid matters, as soon as practicable: Provided, however, That in respect to such data no information shall be reported or published which would reveal the amount of wealth, property, indebtedness, or income of any person, partnership, or corporation; and be it further

*Resolved**, That in accordance with section 8 of an act approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," the President is requested to direct the Internal Revenue Bureau of the Department of the Treasury, the Census Bureau of the Department of the Treasury, the Census Bureau of the Department of the Treasury, the Census Bureau of the Department of the

Mr. NORRIS. Mr. President, the Senator from Illinois [Mr. McCormick], who is not in the Chamber—I sent for him some time ago in anticipation of this resolution being reacheddesired to offer an amendment to it. He was here when I introduced it, and it went over. I think there is no objection to the resolution and I have no objection to his amendment.

He did not leave it with me. Did he leave it at the desk?

The VICE PRESIDENT. The Chair is informed that he did not.

Mr. NORRIS. With the understanding that I can call up this resolution when the Senator from Illinois comes into the Chamber, I do not want to delay the Senate, but still I do not want it to go over for the day. I ask unanimous consent that it may be temporarily passed over, so that I can call it up later in the day.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. NORRIS subsequently said: Mr. President, the Senator from Illinois has now returned. I ask that the resolution which I had temporarily laid aside be now taken up.

The VICE PRESIDENT. Is there objection to the present

consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. NORRIS. The Senator from Illinois has an amendment.

Mr. McCORMICK. Mr. President, I offer the amendment which I send to the desk and ask that it be stated.

The VICE PRESIDENT. The amendment will be stated. The READING CLERK. It is proposed to add, at the proper place, the following:

The commission shall further present tables to show by States the aggregate taxes levied by municipalities and by other local taxing bodies and by the States for the last completed fiscal year, and for the corresponding fiscal year five years ago.

Mr. NORRIS. I have no objection to the amendment, Mr. President.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FERNALD. Mr. President, have we any information about the expense of this commission? How many men will the investigation require? Are we about to establish another commission to travel over the country, like the Federal Trade Commission, and determine the value of railroads?

Mr. NORRIS. No. Mr. President. It will cost some money, it is true; but I understand—at least, it is my idea—that all this information is in existence. It is scattered all over, as the resolution itself shows, in the Internal Revenue Bureau, the Federal Trade Commission itself, the Interstate Commerce Commission, the Census Bureau, and perhaps some others. The idea I had in proposing the resolution was to compile the information and get it together as one document.

Mr. JONES of Washington. It is not a committee of the

Senate. is it?

Mr. NORRIS. It is not a committee of the Senate.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution, as amended, was agreed to.

TAXICAB AND AUTOMOBILE RATES IN THE DISTRICT.

Mr. HARRISON. Mr. President, I offered a resolution that properly should have been on the table, but it was allowed to go to the committee. It has been reported, and I ask for its consideration. There can not be any objection to it. It is Senate Joint Resolution 283.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The resolution (S. J. Res. 283) directing the Public Utili-ties Commission of the District of Columbia to investigate rates charged by taxicabs and automobiles for hire, was read, as

Resolved, etc., That the Public Utilities Commission of the District of Columbia be, and it is hereby, directed to make full and complete investigation of the rates charged by the owners or operators of taxicabs and automobiles for hire in other cities and in the District of Columbia, and to recommend to the Commissioners of the District of Columbia, for action and enforcement such rates as may be reasonable and which may compare with such rates as are permitted to be charged by the owners or operators of automobiles and taxicabs for hire in other cities of the United States.

That the Commissioners of the District of Columbia shall make full report of the investigations and findings of the Public Utilities Commission on or before the convening of the next regular session of the Sixty-eighth Congress.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of

the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE MERCHANT MARINE.

Mr. CARAWAY. Mr. President, I introduce a bill which I ask to have referred to the Committee on Commerce.

The bill (S. 4646) to provide for the disposal of vessels held by the United States Shipping Board was read twice by its title.

Mr. CARAWAY. Mr. President, I should like the attention of the Senator from Washington [Mr. Jones].

The ship subsidy bill, I understand, is to go to its grave to-day, amid the rejoicing of all who do not think that all the people ought to be taxed to enrich the few. The bill authorizes the Shipping Board to turn over, under such conditions as the board may direct, to States or municipalities or other political subdivisions thereof ships sufficient to care for the commerce of their ports. Among these are regulations requiring those who receive the vessels to give bond to keep them in repair and insured and to operate them on trade routes which shall be approved by the said Shipping Board.

If Mobile, Ala., New Orleans, La., Galveston, Tex., or New-port News, Va., Seattle, Wash., Los Angeles, Calif., New York City, or Wilmington, N. C., believe that they are entitled to additional shipping, the board will be authorized to turn over these vessels to them without charge, upon condition that they shall operate them for five years upon the routes where ships are needed. If, at the expiration of that time, they have observed their charter agreements, and will agree to operate the vessels for a period of three years longer, the Government will transfer title to the ships to these municipalities or governmental agencies of the States, and they thereafter will own the ships, conditioned upon their continuing their operation.

As it is now, I understand, judging from an interview of Mr. Lasker, that the Shipping Board will sacrifice all these vessels. Instead, then, of giving them to private individuals who wish to speculate upon them, or selling them to be junked at a price that is not at all commensurate with their real value—practically no price at all—the Government will part with title to municipalities or States or subdivisions of the States that may see fit to take these vessels, conditioned upon their operation. I hope the chairman of the Committee on Commerce will call a committee meeting and let us report the

Mr. President, I desire to make a brief statement also in reference to the shipping bill that is just about to be withdrawn.

I did not engage in any filibuster against the bill. I am willing for the majority to carry the responsibility of the legis-lation, if it cares to enact it; but we have 1,400 ships, that cost us somewhere near \$3,000,000,000. It is admitted that they can not be operated now without loss. The policy of the shipping bill that we have been considering was to let private individuals have these vessels at whatever price they might see fit to give, and, in addition, to give them a subsidy.

Mr. CURTIS. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. CURTIS. Is the Senator limited to five minutes this morning? We have a unanimous-consent agreement to dispose of unobjected bills.

Mr. CARAWAY. I have no desire to interfere with the consideration of bills on the calendar, and I will suspend at this time. I will complete the statement later.

The VICE PRESIDENT. Without objection, the bill introduced by the Senator will be received and referred to the Committee on Commerce.

Mr. CARAWAY subsequently said: Mr. President, if all the Senators who wish to confess that their faith is different from their vote—in other words, that their vote is on one side and their wish is on the other—have concluded, I wish to finish the statement I started to make a few moments ago, but which I had not finished when I acceded to the suggestion of the Senator from Kansas [Mr. Curtis] that I yield for the consideration of other matters during the morning hour. I wish now to complete the statement which I intended to make, and I shall not long delay the vote on the motion of the Senator from North

Dakota [Mr. Ladd] to take up the filled milk bill.

Mr. President, the bill I introduced this morning authorizes the Shipping Board to deliver ships to any State, municipality, or a subdivision of a State that would undertake to keep the ships in repair, insured, and in operation. It has been charged that the Shipping Board intends to wreck this fleet, or, if not to wreck it, to give it to its favorites. As I said this morning, it is admitted that the ships can not be operated without a loss at this time. It has been asserted, however, that within 10 years, with certain subsidies, the ships could become self-sustaining. I do not know as to that, but I wish to say—and I think I possibly partly stated it—

The VICE PRESIDENT. The Senate will be in order.

Mr. CARAWAY. Mr. President, I am not complaining about the disorder. It is always customary after a funeral for the friends to get together and recite the good qualities of the deceased. I do not object to their now doing that, because it will not take them very long, for the deceased shipping bill had so few good qualities that the noise will be over in a minute.

We own the ships; the American people paid for them. The proposed plan that is to be displaced is in effect to give these ships to private parties, and to give with the ships the right to tax the American people at least \$750,000,000, and perhaps \$1,000,000,000, in order to make profitable the operation of these ships. After the American public shall have lost its ships and after it shall have paid another billion dollars to private individuals to experiment with operating the ships, if the experiment proves successful those private interests will own the ships and the American public would be out its original investment of \$3,000,000,000 and its subsidiary investment in a subsidy, amounting to another \$1,000,000,000, or \$4,000,000,000 in all.

Mr. DIAL. Mr. President-

Mr. CARAWAY. I yield to the Senator from South Carolina.
Mr. DIAL. I did not hear the beginning of the Senator's speech. In the bill which he has introduced to whom does he propose the ships shall be turned over?

Mr. CARAWAY. I introduced the bill merely as a tentative measure. Of course it is not going to get favorable consideration now, because there is no possibility of anyone getting something for nothing out of it; therefore it will not appeal to the present majority.

Mr. DIAL. I am very much afraid that we are going to give the ships away, in any event.

Mr. CARAWAY. Yes; we are going to give them away; but

Mr. CARAWAY. Yes; we are going to give them away; but I have introduced a bill the provisions of which are to give the ships to States and municipalities which want to operate them from ports where there is necessity for them to be operated.

The proposal of the bill just introduced by me, as I said, is to permit municipalities, States, or political subdivisions of States to have ships assigned to them, to operate them for five years, and if they operate them successfully, and will agree to operate them continuously for a period of three years longer, the Government shall give them the ships.

My friend the Senator from Louisiana [Mr. Ransdell] has made four speeches in favor of the ship subsidy bill; he wants Louisiana taken care of and New Orleans made a great commercial port. Well, if New Orleans has the cargoes and New Orleans believes it can operate the ships, let the Senator from

Louisiana support this proposition and the Government will turn over to New Orleans or to the State of Louisiana enough ships to care for the commerce of the port of that great city, New Orleans.

If Montgomery, Ala., or any other port believes that it has the commerce, or the possibilities of commerce, and is willing to back the faith that it can become a great port, let it prepare to operate the ships, maintain the routes that will be beneficial to the American public, and we shall see that it gets the ships.

What I protest against, Mr. President is the proposition to give the ships away—for that is what selling them for such an insignificant sum would amount to—and to give with them a privilege to tax the American public for 10 or 15 years to the extent of \$75,000,000 or \$100,000,000 a year. Then, if the experiment proves profitable, private interests will have the ships and the good will that goes with them and the American public will have lost \$4,000,000,000 and have received nothing. On the other hand, if at the end of 10 years the experiment has proven a failure, the private interests can quit; they will have invested nothing; they will have paid nothing for the ships; but the American public will have been taxed to run the ships. So the private interests may walk out of the bargain and say, "It was an unprofitable experiment; the public has paid the bill, and we have had the experience; that is all."

Now, we want to say to those who are advocating ship subsidy that if the Senator from Washington, for instance, believes that the great port in his State would furnish cargoes for ships let his State or the municipality in his State take the vessels and operate them at their expense, and, if they prove to be profitable, we will let them continue to operate them and the ships will cost them nothing.

I know and everybody knows that there is going to be an attempt by the Shipping Board to punish certain sections of this country when this bill is dead by withdrawing from them the ships they have heretofore allocated to them, in order to make it appear that if we had passed this bill their ports would have been taken care of, but their representatives not having voted for it, their communities are thus punished.

If there is any real belief upon the part of the majority in the Senate, Mr. President, that an American merchant marine can be put upon the seas and maintained, let those ports that have the commerce and those States that have that faith take the ships and operate them and build up a real commerce. us not, after taxing the people \$3,000,000,000 to build these ships, give them away to private interests, as this deceiving bill purported to do, and with them give what America never gave to a private interest before, namely, the right of taxing people for 10 or 15 years—to go into the pockets of every man, woman, and child in America and take therefrom money to be turned over to a group of private individuals in order to enable them that they may speculate whether they can maintain an American merchant marine. If there is faith in this body that an American merchant marine can be maintained-and I have such faith-let us show that faith, but do not let us do it by robbing the American public for the benefit of speculative interests. I am willing to agree upon some proposition that is fair to all the people, but do not let us tax the people \$3,000,000,000 to build ships, then give them to private interests in two or three ports in this country, and give with it the right, as I said a moment ago, to go into the pocket of the American public for another billion dollars in order that private interests may experiment as to whether they can run the ships; and if the operation proves profitable, theirs is the profit, while, if it results in a loss, the American people shall sustain it. This scheme proposes to plunder the long-suffering, tax-paying American public, first, of \$3.000,000,000 worth of ships it now owns, and then of a billion dollars more to enable a speculative group to ascertain whether they can operate these ships successfully.

I move that the bill be referred to the Committee on Commerce.

The motion was agreed to.

Mr. ASHURST obtained the floor.

Mr. KING. Mr. President, will the Senator yield to me for a few minutes?

Mr. ASHURST. I will yield cheerfully, so long as I do not lose the floor.

Mr. KING. Mr. President, apropos of the statement made by the Senator from Arkansas [Mr. Caraway], I should be giad if he would accept as an amendment to his bill the provisions of a measure which I have offered and which is now pending, and which, of course, will receive no consideration at the hands of the majority of the Commerce Committee. The bill which

I have introduced transfers all of the functions, powers, and authority of the Shipping Board to the Department of Com-The Shipping Board has lost the confidence of the an people. It has failed to function properly, eco-American people. nomically, or efficiently, and many believe that it has been criminally wasteful and extravagant and has frittered away hundreds of millions of dollars. I think it would be a wise policy to abolish both the Shipping Board and the Emergency Fleet Corporation and to confer upon the Department of Commerce the necessary authority to carry out the wishes of Congress. There are objections to this course, but, giving to them due weight, I am of opinion this course would be for the best interests of the people. The Shipping Board will soon, if it pursues its present course, dissipate all of its assets. It lives now by great annual appropriations from Congress. Its assets are diminishing, and within two or three years the property in hand will be of less value than the sums appropriated during the same period to keep it alive. The Department of Commerce could handle the work of the Shipping Board far more economically and could break away from the unwise and destructive policies which now control the heard. Costainly in tive policies which now control the board. Certainly it could do no worse, and it would be far more reassuring to the people if the Department of Commerce were empowered to take the place of the Shipping Board.

Mr. FRELINGHUYSEN. Mr. President, will the Senator

yield?

I have not the floor.

Mr. ASHURST. I yield to the Senator from New Jersey. Mr. FRELINGHUYSEN. I should like to ask the Senator from Utah a question.

Mr. KING. If I may trespass further on the time of the Senator from Arizona, I shall answer briefly, if I can.

Mr. ASHURST. I will yield for that purpose.

Mr. FRELINGHUYSEN. Mr. President, I should like to ask the Senator from Utah if it is not true that when the Shipping Board was taken over by Mr. Lasker it was losing approximately \$360,000,000 a year, and that to-day the losses have been reduced to less than \$50,000,000. Is not that true?

Mr. KING. Mr. President, answering the question cate-gorically, I say no. I can not trespass further to explain my

answer and present the facts. Mr. ASHURST. I yield.

Mr. FRELINGHUYSEN. Those are the figures, simply because the appropriations asked for under the old board to operate it were \$360,000,000 a year. To-day it is being run at \$50,000,000 a year, and is much more efficient, categorically or not.

Mr. KING. Mr. President, I do not agree with the statement or the conclusions of the able Senator from New Jersey. In the first place, if I may be pardoned-

Mr. ASHURST. I yield. Mr. KING. A considerable part of the amount which the Senator first named as having been appropriated for the Shipping Board under the régime anterior to the advent of Mr. Lasker was utilized in the construction and completion of ships, not their operation. Most of the work of construction had been completed when Mr. Lasker took charge, so that of necessity there was a reduction in the expenditures of the Shipping Board. Moreover, hundreds of ships were being withdrawn from service just before this period, which resulted in reducing the expenses of the board. Mr. Lasker, as we were informed, was to work great reforms; he was to abolish the MO-4 contract and introduce efficient methods. He has perpetuated the MO-4 contract, and has tied up many more vessels. The withdrawal of ships from service and the termination of construction has, of course, reduced the expenses of the board. one time 1,400 ships were being operated by the Shipping Board; now but about 600 or 700.

Mr. FRELINGHUYSEN. Mr. President-

Mr. FRELINGHUYSEN. Mr. President—
Mr. ASHURST. I yield to the Senator from New Jersey.
Mr. FRELINGHUYSEN. I simply wish to state that the
abolition of construction by Mr. Lasker was in itself an
economy. The program of the previous board was grossly
wasteful, and for that Mr. Lasker is to be commended and
congratulated. Whatever the Senator from Utah may say, the spirit of economy has prevailed in the Shipping Board ever since Mr. Lasker took charge of it, and it has been efficiently

managed, and it can not be shown otherwise.

THE CALENDAR.

The VICE PRESIDENT. If there is no further morning business, the morning business is closed. The calendar under Rule VIII is in order, under the unanimous-consent agreement, beginning at Order of Business 996.

The first business on the calendar under the unanimous-consent agreement was the bill (S. 3773) to reduce night work in the postal service.

Mr. DIAL. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4315) to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 81, 1894, was announced as next in order.

Mr. SMOOT. Let that go over. The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3544) to enlarge the powers and duties of the Department of Justice in relation to the repression of prostitution for the protection of the armed forces, was announced as next in order.

Mr. KING. Let that go over.
The VICE PRESIDENT. The bill will be passed over. The bill (S. 1517) for the relief of Antti Merihelmi, was

announced as next in order. Mr. SHORTRIDGE. Mr. President, was Senate bill 3544 disposed of?

The VICE PRESIDENT. It went over.
Mr. SHORTRIDGE. I would ask, if there was objection, that it be withdrawn. This matter was up some 10 days or 2 weeks ago, and, upon the suggestion of the Senator from Montana [Mr. Walsh], there was a slight amendment, and as of that time the bill was briefly explained. I hope the

Senator will withdraw the objection.

Mr. ROBINSON. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state his point

Mr. ROBINSON. Mr. ROBINSON. An objection was interposed to the consideration of the bill at the time it was reached on the calendar, was it not?

The VICE PRESIDENT. It was.

Mr. SHORTRIDGE. I did not hear it, and I am asking that it be reconsidered. There was so much confusion that I did not hear it

The VICE PRESIDENT. Is there objection to reconsidera-

Mr. WALSH of Montana. Mr. President, I hope no objection will be urged to the bill. It seems to me that with the amendment made the other day it ought to have the very general approval of the body.

Mr. KING. What bill is it? The VICE PRESIDENT. Senate bill 8544.

Mr. KING. I objected to it. The VICE PRESIDENT. There is objection, and the bill will be passed over.

ANTTI MERIHELMI.

The bill (S. 1517) for the relief of Antti Merihelmi was announced as next in order.

Mr. McKELLAR. Will the Senator in charge of the bill ex-

plain what it provides?

Mr. CALDER, Mr. President, this bill as introduced was to pay Antti Merihelmi \$5,000 for damages incurred to his person as a result of being struck by a motor truck. The committee reduced the amount from \$5,000 to \$500. There is some question as to his responsibility for the accident, but it appears that the truck was not under the control of the driver at the time, and it seems to me the man is entitled to some damages.

Mr. McKELLAR. Why should not the bill be drawn so as to refer it to the Court of Claims and let him there establish his claim, if he has a just claim? There is a question raised about

the liability.

Mr. CALDER. It has been the practice of Congress to pay damages in cases of this kind without a reference to the Court of Claims, where it can be proven that the injury was the fault of the Government,

Mr. McKELLAR. I do not object,

Mr. DIAL. I do not object to the consideration of the bill, but I think it ought to be defeated. I note that the man made a claim for \$5,000, which shows that he had no regard for justice and equity and that he was inclined to mulct the Government. I have no respect for a man who tries to magnify an injury in this manner. It is true the committee has offered an amendment to cut it down to \$500, but it should not have recommended that he be given anything. It is a hard matter for us to decide these cases on ex parte statements. On page 2 the report states:

That the foregoing accident was due to the fact that while Antti Merihelmi was crossing Mail Street, not paying attention to traffic, truck No. 45533 came from behind him, turning from Broadway into Mail Street, and struck him, injuring him as described.

The man did not receive a permanent injury. There were no bones broken. It just bruised him a little. I read further from the committee report:

That the board is of the opinion that the Army truck was not traveling at an excessive rate of speed, inasmuch as the traffic was heavy, and that it would be impossible to turn a large truck into a narrow street at a high rate of speed.

That the driver of the Government truck did not have his truck under the proper control necessitated by the crowded condition of the traffic, and to this extent contributed to this accident and to this extent is responsible.

responsible.
That Antti Merihelmi crossed the street without paying proper heed to the traffic—

Mr. KING. Will the Senator permit an interruption?

Mr. DIAL.

Mr. KING. I shall object to the consideration of the bill. Mr. DIAL. I am not objecting to the consideration of the bill.

Mr. KING. I object.

Mr. DIAL. I do not want it to pass, however.

The VICE PRESIDENT. Objection is made, and the bill will be passed over.

BILLS PASSED OVER.

The bill (H. R. 6134) for relief of estate of Anne C. Shymer, was announced as next in order.

Mr. SMOOT. Let that go over. The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7864) providing for sundry matters affecting the Naval Establishment, was announced as next in order.

Mr. KING. Let that go over. The VICE PRESIDENT. The bill will be passed over.

ORGANIZATION OF THE CUSTOMS SERVICE.

The bill (S. 4245) to provide the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922, and all other customs revenue laws, was considered as in Committee of the Whole.

Mr. CALDER. The Senator from Utah [Mr. King] objected to the consideration of this bill yesterday, but he has informed me that if an amendment were adopted striking out certain language on the first page, he would not object, and I offer an amendment to strike out lines 3 to 7, inclusive, on the first

The VICE PRESIDENT. The Secretary will state the

amendment.

The READING CLERK. On page 1, strike out lines 3 to 7, inclusive, as follows:

That on and after the passage of this act the President is authorized and directed to fix the compensation of collectors of customs, comp-trollers of customs, surveyors of customs, and appraisers of mer-chandise, to be effective on and after the first of the fiscal year next

The amendment was agreed to.

The bill had been reported from the Committee on Finance with amendments, on page 2, line 8, to strike out the word "employees" and insert in lieu thereof the word "officers"; on line 18, after the word "appoint" to strike out the words "and fix the compensation of"; on line 19, to insert the words "in number" after the word "service"; on line 20, after the word "law," to insert the words "and fix their compensation" and a comma; on page 4, line 8, to strike out the words "from within the District" and to insert the words "or transfer' within the District and to insert the words "or transfer"; on line 17, to strike out the words "traveling expenses and actual expenses incurred for sub-"; on page 5, line 2, after the word "employees" and the comma, to insert the words "including the Director and Assistant Directors of Customs"; on line 6, to strike out "section 1" and to insert "section 1 to 6 inclusive, as amended"; and on line 7 to strike out the words "limiting the compensation of laborers in the Customs Service," and to insert the words "an act fixing the compensa-tion of certain officials of the customs service, and for other purposes," so as to make the bill read:

purposes," so as to make the bill read:

Be it enacted, etc. That on and after the passage of this act the Secretary of the Treasury is authorized and directed to appoint, pursuant to the civil service laws and regulations, fix the compensation, and prescribe the duties, when not otherwise defined by law, of one director of customs (in lieu of Chief, Division of Customs), two assistant directors of customs (the lieu of two assistant chiefs, Division of Customs), one director, special agency service of the customs, and one assistant director, all with headquarters in the District of Columbia. The director of the special agency service and assistant director shall be officers of the special agency service familiar with the statutory and prescribed duties of that service.

Sec. 2. That the Secretary of the Treasury is hereby further authorized and directed to appoint deputy collectors, deputy comptrollers, deputy surveyors, deputy and assistant appraisers, examiners of merchandise, inspectors and such other customs officers, laborers, and other employees as he shall deem necessary, prescribe their designations and duties when not otherwise defined by law, and fix their compensation. He is authorized to appoint special agents of the customs service in number as now provided by law and fix their compensation, and to appoint and fix the compensation of such number of customs agents as he may deem necessary, all of whom shall perform their duties as

defined by existing law or prescribed by the Secretary of the Treasury, under the immediate supervision of the director, special agency service of the customs. He shall likewise appoint and fix the compensation of the clerks and other employees of the Board of United States General Appraisers. The appointment of such customs officers and employees shall be made pursuant to the civil service laws and regulations upon the nomination of the principal officer in charge of the office to which such appointments are to be made.

SEC. 3. That the collectors of customs, comptrollers of customs, surveyors of customs, and appraisers of merchandise shall each, with the approval of the Secretary of the Treasury, appoint a customs officer familiar with the customs laws and procedure, to act and be known as the assistant collector, the assistant comptroller, the assistant surveyor, and the chief assistant appraiser in lieu of the special deputles), and the Secretary of the Treasury shall fix their compensation. The collector of customs at the port of New York shall also, with the approval of the Secretary of the Treasury, appoint a customs officer qualified in the law and familiar with customs procedure, to act and be known as solicitor to the collector, whose compensation shall likewise be fixed by the Secretary of the Treasury.

Sec. 4. That in case of a vacancy in the office of a collector of customs, comptroller of customs, surveyor of customs, or appraiser of merchandise, such assistant collector, assistant comptroller, assistant surveyor, or chief assistant appraiser shall give bond when required act as such officer, and receive the compensation of such office until an appointment thereto has been made and the person so appointed has duly qualified. Whenever a vacancy occurs in the position of such assistants, chief assistant, and solicitor to the collector, herein provided for, it shall be filled, with the approval of the Secretary of the Treasury, by the promotion or transfer of a trained and qualified customs officer

The amendments were agreed to.

Mr. KING. May I make an inquiry of the Senator? The bill does not authorize the transfer of employees from the ineligible list to the eligible list?

Mr. CALDER. It does not.
Mr. KING. It does not waive any of the requirements of the civil service?

Mr. CALDER. It does not.
Mr. SMOOT. None whatever.
Mr. KING. As I understand, it does not exceed the appropriations made for this particular agency of the Government?

Mr. CALDER. That is correct.

Mr. KING. It gives more power to readjust salaries with respect to the responsibilities resting upon the several employees?

Mr. CALDER. The Senator is correct.

Mr. KING. I have no objection to the passage of the bill. The bill was reported to the Senate as amended, and the

amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONTAINERS FOR FRUITS AND VEGETABLES.

The bill (S. 4399) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. McNARY. I can not conceive that any Senator would object to the consideration of this bill. Has objection been. made?

Mr. McKELLAR. It is an important bill. I would like to have the Senator explain what is sought to be accomplished by it. I think it ought to be considered carefully before it is passed.

Mr. McNARY. The bill passed the House almost unanimously.

Mr. HARRISON. Will the Senator yield?

Mr. McNARY. I yield to the Senator.
Mr. HARRISON. If the Senator from Tennessee should not

object, I would object to the consideration of the bill; it is so far-reaching, and it would just delay the taking up of other important bills.

Mr. McNARY. May I ask the Senator from Mississippi if he has read the bill and the report?

Mr. HARRISON. I have studied the bill.

Mr. McNARY. It met with little opposition in the House, and it is very much needed by those who consume and those who produce. I should like to have it considered at this session of Congress, because it means much to the people of the country

Mr. HARRISON. I will say that there is an amendment I wish to offer, and if the Senator would accept it I would have no objection to the bill. It seeks to eliminate what is known as the seven-eighths bushel hamper, which has been in use 50 years by the producers in my State and in many other States of the South. It is the custom of the trade to use it, and some people are trying to put this measure through who do not know anything about that situation.

Mr. McNARY. I will state to the Senator from Mississippi that is the particular container we want to abolish. That container is an outlaw device in seven of the States of the Union and comes in competition with the container holding a full bushel

Mr. HARRISON. I do not care to discuss the proposition on the floor. I have very strong convictions about it, and I can present a very long argument. I doubt whether it would convince the Senator from Oregon, but this bill is fraught with such evil to a large number of producers in my State that I feel compelled to object to the bill and will fight it.

Mr. McNARY. Let me ask the Senator from Mississippl if he will not be satisfied to permit it to go to a vote and then take such action as he desires?

Mr. HARRISON. I would be thoroughly satisfied if the Senator would accept an amendment that would prevent the elimination of the seven-eighths bushel hamper.

Mr. McKELLAR. I would like to have this go over to-day, anyway, until I can make some investigation about it. I hope the Senator will let it go over. I will undertake in the meantime to communicate with people I know are interested in this

The VICE PRESIDENT. There is objection.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry. Mr. McNARY. Is it in order to move to take the bill up?

The VICE PRESIDENT. The Chair does not understand that it is in order, as the unanimous-consent agreement is that the Senate shall consider only unobjected bills.

FARM CREDITS.

The bill (S. 4132) to amend an act entitled "An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes." proved April 5, 1918, and for other purposes, was announced as

Mr. NORBECK. Mr. President, this is a bill that was reported unanimously by the Committee on Agriculture and Forstry some time ago. I offered it as an amendment to the Lenroot bill when that was pending. It provides credit for foreign exports. The measure was fully explained and is well understood. It is the one measure before us that would probably grant substantial relief to the agricultural interests by helping them dispose of their surplus.

Mr. SMOOT. It would be absolutely impossible to pass the bill under the five-minute rule. If there were time, I would be glad to have it taken up, but it can not be disposed of under the five-minute rule, and I therefore ask that it may go over. The VICE PRESIDENT. The bill will be passed over.

COL. JOSEPH S. HARDIN AND CAPT, P. A. SCHOLL,

The bill (S. 4425) to authorize appropriations for the relief of certain officers of the Army of the United States was announced as next in order.

Mr. McKELLAR. Will not the Senator from South Carolina

explain the bill?

Mr. DIAL. It is a bill to relieve Joseph S. Hardin, who was a licutenant colonel in the Army, in a case where funds under his control were stolen by an employee furnished him by the Government over whom he had no control. The young man who stole the money was under bond, and the bond was collected. and the bill is to reimburse the officer for the amount of the balance he had to pay. The man who stole the money was sent to the penitentlary. The War Department recommends the passage of the bill. There was no negligence whatever on the part of the officer, and the committee unanimously reported that the bill be passed. The Senator from Indiana [Mr. New] had the bill called up the other day, and there was no objection; so I trust it will pass. It is just like scores of others we have passed for the relief of civil officials, postmasters, and others, under similar conditions.

Mr. SMOOT. I am not going to object to the consideration of the bill, because so many similar bills have passed the Senate already, but I want to say once more that the Government of the United States will have to do something to protect itself against thousands of cases similar to this that are arising. seems to me that in effect we are notifying all officers of the Army, all postmasters, any employee of the Government who handles money, that they need not take care of the money at all, and that if anybody steals it from them the Government of the United States will relieve them of any responsibility. There have been a hundred cases in the last five years where there used to be one. This practice is growing so fast I do not know where it will end, and I think the only way to stop it is to compel every employee of the Government who handles Government funds to be bonded to the Government for the amount in his hands.

Mr. DIAL. I entirely agree with the Senator from Utah. I think we should take such steps as the Senator suggests, but we have passed many similar bills in the last few days and I hope there will be no objection to the passage of this bill.

The bill was considered as in Committee of the Whole, and

was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to allow and credit in the accounts of Lieut. Col. Joseph S. Hardin, Finance Department, the sum of \$6.779.96, and in the accounts of Capt. P. A. Scholl, Finance Department, the sum of \$202.02, which amounts represent public funds which were stolen by a former employee.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENT IN MEMORY OF COLORED MAMMIES OF THE SOUTH,

The bill (S. 4119) authorizing the erection in the city of Washington of a monument in memory of the faithful colored mammies of the South, was announced as next in order.

Mr. SMOOT. Mr. President, some Senator who is not now present asked me to object to the consideration of this bill, but I have forgotten which Senator requested it.

Mr. HARRISON. Was it not some Senator who asked the

Senator from Utah to look after it for him?

Mr. SMOOT. No; I will say to the Senator that was not the case

Mr. HARRISON. I hope there will be no objection to the consideration of the bill. My colleague [Mr. WILLIAMS] has a very acute interest in this particular measure. It is the last of a great number of important bills which he has had on the This is the only one remaining. I hope before he goes out of the Senate this bill may be enacted into law.

The Senate as in Committee of the Whole proceeded to consider the bill, which had been reported from the Committee on the Library with amendments on page 2, line 2, after the word "joint" to strike out the word "library," and in line 3 strike out "of Congress, with" and insert in lieu thereof "on

3 strike out "of Congress, with" and insert in lieu thereof "on the Library, after procuring," so as to make the bill read:

Be it enacted, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to select a suitable site and to grant permission to the Jefferson Davis Chapter No. 1650, United Daughters of the Confederacy, for the erection as a gift to the people of the United States on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, Potomac Park, and the White House, a monument in memory of the faithful colored mammles of the South: Provided, That the site chosen and the design of the memorial shall be approved by the Joint Committee on the Library, after procuring the advice of the Commission of Fine Arts; that the monument shall be erected under the supervision of the Chief of Engineers; and that the United States shall be put to no expense in or by the erection of the said monument.

The amendments were agreed to.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INCREASE OF PENSIONS.

The bill (S. 4305) granting an increase of pension to certain soldiers of the Mexican War and Civil War and their widows and minor children, widows of the War of 1812, Army nurses, and for other purposes, was announced as next in order.

Mr. DIAL. Let the bill go over.

Mr. BURSUM. Mr. President, I hope the Senator from South Carolina will withdraw his objection. This is a general pension bill, much modified, involving much less cost to the Government than the former pension bill, which was passed without a dissenting vote in the Senate and which passed the lower House. That bill was vetoed by the President. The present bill has been gone over by the Secretary of the Interior and analyzed, and is satisfactory.

The bill only grants an increase of pension to the very aged widows and very aged veterans. Only those veterans 78 years of age or more can benefit by the bill. Only those widows 68 years of age or more can benefit by the provisions of the bill. It should be apparent to everyone that these aged widows and veterans are in great need. We ought to take care of them. The bill would give them a slight increase of pension.

Mr. KING. I call for the regular order.

Mr. BURSUM. Is it in order at this time to move to proceed to the consideration of the bill?

The VICE PRESIDENT. It is not in order under the unani-

mous-consent agreement.

Mr. BURSUM. I ask unanimous consent that the bill may be taken up for consideration to-morrow morning at 11 o'clock. The VICE PRESIDENT. Is there objection?

Mr. DIAL. I object.
The VICE PRESIDENT. The bill will go over.

ELEPHANT BUTTE IRRIGATION DISTRICT.

The bill (S. 4232) authorizing the Secretary of the Interior to enter into a contract with the Elephant Butte irrigation district of New Mexico and the El Paso County improvement district No. 1 of Texas for the carrying out of the provisions of the convention between the United States and Mexico, preclaimed January 16, 1907, and providing compensation therefor,

was announced as next in order.

Mr. OVERMAN. Mr. President, from a reading of the bill it appears that there is apparently a million dollars involved. I would like to hear the report of the committee read. The committee reported on the bill, and let us have the report

Mr. BURSUM. I will say to the Senator from North Carolina that the committee made a favorable report and the Secretary of the Interior made a favorable report.

Mr. OVERMAN. Let us have the report read so that we

may see just what it is

The VICE PRESIDENT. The report will be read.

The reading clerk proceeded to read report No. 1080, submitted by Mr. McNary February 1, 1923, from the Committee

on Irrigation and Reclamation.

Mr. SMOOT. Mr. President, I have not had much time to examine the measure, but in hastily going through the report can not see but what this is simply taking a million dollars out of the reclamation fund and crediting the project with that amount. If that is the case, it seems to me we ought, in justice, to go into every reclamation project in the United States which has cost more than the amount estimated by the Reclamation Service and credit each project with the amount over and above the estimated cost. If that were done we would not have money enough in the reclamation fund in the next 20 years to pay those credits.

Mr. BURSUM. Mr. President, may I interrupt the Senator? Mr. SMOOT. Certainly.

Mr. BURSUM. That is not quite a correct analysis of the bill.

Mr. SMOOT. That is what I want to find out.

Mr. BURSUM. Here is the proposition: The Government of the United States entered into a treaty with Mexico to deliver at the head gates of the ditch entering into Mexico 60,000 acrefeet of water annually. In order to deliver that water, the actual annual cost involved was found to be \$35,000. That cost has already been paid by the water users for six years, but now they have agreed to deliver it perpetually without cost to the Government

Mr. SMOOT. But the treaty was made before the reclama-

tion project was begun, was it not?
Mr. BURSUM. Yes; but there is an obligation to deliver the water, and the operating expense of delivering the water is

Mr. SMOOT. It does not make any difference what it costs to deliver the water; the treaty was in force before the reclama-tion project was undertaken. When the project was undertaken the agreement was that they should deliver annually 60,000 feet of water to Mexico.

Mr. BURSUM. That was the agreement of the Government,

but it was not the agreement of the farmers to do it at their

own expense.

Mr. SMOOT. The farmers understood very well that the

agreement was to be carried out.

Mr. BURSUM. Not at all. The reservoir was built at the expense of the farmers and not at the expense of the Govern-

Mr. SMOOT. Does the Senator mean to say that the farmers of New Mexico consented to build the project and never knew

there were 60,000 acre-feet of water to be delivered annually to Mexico?

Mr. BURSUM. Oh, yes; they knew that. Mr. SMOOT. Then they are estopped. Mr. BURSUM. But the Government itself recognized its obligation to pay its proportion of the cost of delivering the

Mr. OVERMAN. May I inquire if this money would come out of the Treasury of the United States?

Mr. BURSUM. It would not. Here is the situation— Mr. SMOOT. I can say to the Senator that it would not be paid back into the Treasury of the United States.

Mr. BURSUM. There was some money paid out by the Reclamation Service

Mr. SMOOT. Mr. President, I shall have to object to the present consideration of the bill.

The VICE PRESIDENT. The bill goes over under objection. Mr. JONES of New Mexico. Mr. President, I hope Senators may read the report on the measure just under discussion coming from the Secretary of the Interior. It contains, I think, a very clear and concise statement of the situation, and I believe if it is understood there will be no objection to the passage of the bill. We will undoubtedly have an opportunity to-morrow to take it up again on the call of the calendar. I trust that Senators will read the report in the meantime.

Mr. LODGE, Mr. President, I ask for the regular order.

The VICE PRESIDENT. The Secretary will report the next

bill on the calendar.

RILLS PASSED OVER.

The bill (S. 2098) for the relief of Jacob Mull was announced as next in order.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4396) for the relief of Eldredge & Mason, of Malone, N. Y., was announced as next in order.

Mr. McKELLAR. Will some one explain what the bill pro-

Mr. WILLIS. The Senator from New York [Mr. Wads-WORTH] is temporarily absent. I suggest that the bill be passed

over without prejudice until he returns to the Chamber. The VICE PRESIDENT. Without objection, is is so ordered.

WIDENING OF FIRST STREET NE.

The bill (H. R. 5018) to authorize the widening of First Street NE., and for other purposes, was considered as in Committee of the Whole, and was read as follows:

mittee of the Whole, and was read as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter I of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the widening of First Street NE., along the eastern boundaries of squares numbered 675, 676, and 677, to a width of 60 feet, as shown on plan on file in the office of the Engineer Commissioner of the District of Columbia: Provided, however, That of the amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said widening, plus the costs and expenses of the proceeding hereunder, not less than two-thirds thereof shall be assessed by the jury as benefits.

SEC, 2. That there is hereby authorized to be appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the condemnation proceeding taken pursuant hereto and for the payment of amounts awarded as damages. The amounts assessed as benefits when collected shall be repaid to the District of Columbia and covered into the Treasury to the credit of the revenues of the District of Columbia.

SEC, 3. That the act approved June 11, 1910, entitled "An act authorizing the widening of First Street NE., in the District of Columbia," be, and the same is hereby, repealed, and the Commissioners of the District of Columbia are hereby authorized and directed to discontinue and abandon the proceeding heretofore instituted by them under said act for the widening of said First Street, now pending in the Supreme Court of the District of Columbia, and known as District court cause numbered 922.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER,

The bill (H. R. 12368) to abolish the inspection districts of Apalachicola, Fla., and Burlington, Vt., and the office of one supervising inspector, Steamboat Inspection Service, was announced as next in order.

Mr. REED of Pennsylvania. I ask that the bill may go over. The VICE PRESIDENT. The bill will be passed over. The bill (S. 4318) authorizing the Secretary of the Treasury

to make collections and refunds of taxes out of the proceeds of sales of property held in the Treasury was announced as next in order.

Mr. KING. Reserving the right to object, let the bill be read. The reading clerk read the bill.

Mr. WILLIS. I observe that the Senator from North Dakota [Mr. McCumber] is not in the Chamber at this time. This is a very important bill, and I suggest that it be passed over temporarily without prejudice.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill (S. 1194) for the relief of Northrup Banks was announced as next in order.

Mr. KING. Let the bill go over.
The VICE PRESIDENT. The bill will be passed over.
The bill (S. 4282) for the purchase of the statue "The Pilgrim Mother and Child of the Mayflower" and presentation of same to the Government of Great Britain was aunounced as next in order.

Mr. REED of Pennsylvania and Mr. MOSES asked that the

bill go over.

The VICE PRESIDENT. The bill will go over.

ROBERT F. HAMILTON.

The bill (S. 3023) for the relief of Robert F. Hamilton was announced as next in order.

Mr. KING. Let the bill go over.

Mr. HARRELD. Mr. President, I hope the Senator will not

object to the consideration of that bill.

Mr. KING. I will withhold my objection pending an explana-

Mr. HARRELD. This bill provides for relief in another one of those cases where a soldier in the Union Army during the Civil War was taken as a prisoner of war and confined in prison. He was afterwards paroled and returned to his home. He was young and did not know that it was necessary for him to secure a formal discharge from the Army. I personally am acquainted with this man and know that this is a very meritorious case

Mr. KING. I should like to hear the report in this case

read. It is not very long.

The VICE PRESIDENT. The report will be read.

The reading clerk read the report (No. 1131) submitted by Mr. Sheppard on the 10th instant, as follows:

The Committee on Military Affairs, to which was referred the bill (S. 3023) for the relief of Robert F. Hamilton, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The report on this bill from the War Department is appended hereto and made a part of this report, as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
April 12, 1922.

The Adjustant General's Office, April 12, 1922.

It is shown by the records that Robert F. Hamilton, 18 years of age, was enrolled October 15, 1863, with the consent of his guardian—J. H. Hafford—at Shelbyville, Tenn., and mustered into the service as of the same date, as a private in Company M, Tenth Regiment Ohio Cavalry, to serve three years. He appears to have served faithfully until March 14, 1864, when he deserted at La Vergne, Tenn., never thereafter returning to his command, which remained in the service until July 24, 1865, when it was mustered out at Lexington, N. C.

The medical records show that he was treated in field hospital at Chattanooga. Tenn., from December 24 to 25, 1863, for indigestion and debility, and in Cumberland General Hospital, Nashville, Tenn., from December 29, 1863, to January 15, 1864, for intermittent fever. No record has been found of the alleged capture of this man.

Applying for removal of the charge of desertion and for an honorable discharge, R. F. Hamilton, under date of February 15, 1890, testified as follows:

"About February 15, 1864, claimant and a comrade named Roberson went out of camp to have washing done; nearest place could get it done was 3 miles from camp; on returning to camp were captured by bushwhackers, Capt. Sam Moore. Roberson escaped fifth night after; claimant was kept as kind of waiting boy by Captain Moore, under close watch; was taken sick middle of July, 1884, in swamps of Alabama and when no longer able to serve the captain was given a parole and told to do the best he could; made his way to house of Union man named Neal, where stayed until could travel and then went back to Tennessee until war closed."

He again testified under date of January 30, 1892, that he served faithfully until on or about the 15th day of February, 1864, when without any intention of desertion he left the regiment under the following circumstances:

"Was captured while out of camp by Confederates. Was held as a prisoner until July, 1864; was paroled, but being unable for se

no guardian.

Application for removal of the charge of desertion and for an honorable discharge in the case of this soldier has been denied, and now stands denied, on the ground that the soldier did not serve until May 1, 1865, and that it has not been established that he was prevented from

completing his term of enlistment by reason of disability incurred in the line of duty, and because the case does not come within the provi-sions of the act of Congress approved March 2, 1889, which is the only law in force governing the subject of removal of charges of desertion. Respectfully submitted.

ROBERT C. DAVIS, Acting The Adjutant General.

The SECRETARY OF WAR.

Your committee has carefully considered the merits of this case and has come to the conclusion that Hamilton did not desert his command. Mr. Hamilton enlisted at the age of 15; he is now 74. The circumstances as he describes them are corroborated by affidavits on file in connection with this case. They support his story that he was captured by Confederates and after imprisonment for several months was paroled. He observed his parole until the close of the war, serving however, in a home guard company to check marauders in his community.

Mr. OVERMAN. Is there any evidence to sustain the affidavit of the beneficiary in this case? I think it is evident from the report that there is no corroborating evidence.

Mr. KING. It is merely the statement of the beneficiary. Mr. OVERMAN. Then let the bill go over, Mr. President. The VICE PRESIDENT. The bill will go over.

ELDREDGE & MASON, OF MALONE, N. Y.

Mr. WADSWORTH. Mr. President, I understand that in my absence from the Chamber just a little while ago Order of Business 1065, being Senate bill 4396, was postponed until my turn. I ask that that number be now called.
The VICE PRESIDENT. The bill referred to by the Senator

from New York will be stated by title.

The Reading Clerk. A bill (S. 4396) for the relief of Eldredge & Mason, of Malone, N. Y.

Mr. WADSWORTH. Mr. President, I understand that an explanation of that bill was desired.

Mr. McKELLAR. Will the Senator from New York explain the bill?

Mr. WADSWORTH. The complete explanation of the bill is found in the report of the committee thereon. This is a case involving the seizure of an automobile which was being operated in northern New York by a bootlegger. A man named Disotelle purchased an automobile from this concern, Eldredge & Mason, paying part cash and giving a note for \$500 for the balance of the price of the car, which was secured by a chattel mortgage given to Eldredge & Mason. Disotelle was caught later on transporting liquor. He was tried and convicted, as I recollect, and the court ordered the automobile sold and sufficient of the proceeds from the sale paid to Eldredge & Mason to satisfy their lien. The automobile was sold and the officer who sold it turned the money in to the clerk of the court, who, failing to recollect the order of the court, turned the money into the Treasury of the United States. This concern, as I have stated, had a lien on the car, and the court ordered that that lien be satisfied, but the clerk of the court made an error and did not do so.

Mr. OVERMAN. How was that lien to be satisfied?

it to be satisfied according to the decree of the court by the

payment of the money to this concern?

Mr. WADSWORTH. Yes. This lien had been filed against the car.

Mr. OVERMAN. Did the court order the lien to be paid in that way

Mr. WADSWORTH. It did; that was the decree of the court.

Mr. OVERMAN. Then ought not the clerk be made to pay the money if the court had ordered it to be paid by the clerk and he did not do it?

Mr. WADSWORTH. He did not do his duty, but turned the

money into the Treasury of the United States.

Mr. McKELLAR. And, of course, after it got into the possession of the Treasury it was impossible to get it out except by congressional action.

Mr. WADSWORTH. It requires an appropriation by Congress to get it out.

The VICE PRESIDENT. Is there objection to the consider-

ation of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4396) for the relief of Eldredge & Mason, of Malone, N. Y. It proposes to pay to Eldredge & Mason, of Malone, N. Y., \$473.25, erroneously paid into the Treasury of the United States, which was the proceeds of a marshal's sale of an automobile which was seized by the Federal authorities for violation of the Volstead Act and upon which automobile Eldredge & Mason held a lien.

The bill was reported to the Senate without amendment. ordered to be engrossed for a third reading, read the third time,

and passed.

MONUMENT AT FORT PIERRE, S. DAK.

The bill (S. 4350) authorizing the Secretary of the Interior to erect a monument at Fort Pierre, S. Dak., to commemorate the explorations and discoveries of the Verendrye brothers and to expend not to exceed \$25,000 therefor, was announced as next

Mr. ROBINSON. Mr. President, there is no printed report accompanying this bill, but it proposes to establish a policy which I think may result in large and numerous appropriations for the erection of monuments in different parts of the country. I think the bill ought to go over.

The VICE PRESIDENT. The bill will go over.

Mr. STERLING, Mr. President, will the Senator permit a brief statement with regard to this measure?

Mr. ROBINSON. Certainly.

Mr. STERLING. Mr. President, I think this bill should It is, I think, a matter of national importance that important places of discovery and claims of territory should be marked. In the year 1743, now just about 180 years ago, the Verendrye brothers, two French explorers, made claim to this territory in behalf of the King of France, and at the point at Fort Pierre where it is proposed to erect this monument they fixed a tablet. That tablet was discovered, I think, in the year The exact place where the Verendrye brothers stood and claimed this territory for France has thus been located, and it is of great national importance, I think, that places such as this should be appropriately marked. Since the bill does not call for an appropriation of over \$25,000, or, rather, authorize an appropriation for more than that sum, I hope there will be no further objection.

Mr. ROBINSON. Mr. President, there are thousands of historical incidents at least as important as any incident connected with the Verendrye brothers or any act of their lives; and if this Government embarks upon the policy of appropriating \$25,000 to commemorate events of the character mentioned in this bill, it will occasion the expenditure of very large sums of money. I think the policy as a whole ought to be considered rather than entered upon through a specific case of this charac-

ter. I object to the consideration of the bill.

The VICE PRESIDENT. Being objected to, the bill will go

JOINT RESOLUTION PASSED OVER.

The joint resolution (S. J. Res. 91) authorizing the President to require the United States Sugar Equalization Board (Inc.) to adjust a transaction relating to 3,500 tons of sugar imported from the Argentine Republic was announced as next in order.

Mr. WALSH of Montana. I object to that, Mr. President.
The VICE PRESIDENT. There is objection,
Mr. FRELINGHUYSEN. I appeal to the Senator from Montana to allow the bill to be considered. Other bills of a similar character have been considered. This is the case of a man who lost everything. Under the report it is shown that he actually had written stipulations regarding the transaction.

Mr. WALSH of Montana. The Senator knows I am opposed

to this legislation-

Mr. FRELINGHUYSEN. I know the Senator is.

Mr. WALSH of Montana. And have fought it heretofore on the floor. It will occupy the entire morning hour to dispose of these matters if they are taken up.

Mr. FRELINGHUYSEN. If it leads to any discussion, I

will allow the bill to go over.

Mr. WALSH of Montana. I can assure the Senator that it

will lead to discussion.

Mr. FRELINGHUYSEN. Of course, if the Senator wishes to speak on it to that extent, any appeal is useless. The Senator, then, will not withdraw his objection?

Mr. WALSH of Montana. I insist upon the objection.
The VICE PRESIDENT. The joint resolution will be passed

The joint resolution (S. J. Res. 172) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 2,000 tons of sugar imported from the Argentine Republic and adjust the loss sustained thereby was announced as next in order.

Mr. WALSH of Montana. I object to the joint resolution. The VICE PRESIDENT. The joint resolution will be passed

MONUMENT SYMBOLIZING THE NATIONAL GAME OF BASEBALL.

The joint resolution (S. J. Res. 277) granting permission for the erection of a monument to symbolize the national game of baseball was announced as next in order.

Mr. ROBINSON. Mr. President, I suggest that that joint resolution go over.

Mr. PEPPER. Mr. President-

Mr. ROBINSON. I can not consent at this time, under the conditions that surround the business of the Senate, to the consideration of a measure to provide for the erection of a monument to the national game of baseball. I object to the consideration of the joint resolution.

Mr. PEPPER. I ask the Senator to reconsider the position he has taken. This is the case of an offer by the American League of Professional Baseball Clubs to erect, without expense to the Government, and in accordance with designs approved in

the usual way by the Fine Arts Commission-

Mr. ROBINSON. If the Senator will pardon me, my objection goes to the fact that we are consuming the time of the Senate of the United States in the consideration of trivial matters when it ought to be engaged in the consideration of important matters. I object, Mr. President, to the consideration of the joint resolution for the present.

Mr. PEPPER. Mr. President, I merely wish to suggest to the Senator that a work of art symbolizing the idea of play

and sport in America-

Mr. ROBINSON. Mr. President, if the Senator persists in discussing the joint resolution, we may pass it; so I withhold

my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Chief of Engineers, United States Army, to select a suitable site and to grant permission to the American League of Professional Baseball Clubs for the erection, as a gift to the people of the United States, on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, Library of Congress, the Mall, West Potomac Park, and the White House, of a monument to symbolize the national game of baseball and the benefits resulting therefrom to the people of the United States; but the site chosen and the design of the monument shall be approved by the Joint Committee on the Library of the Congress after procuring the advice of the Commission of Fine Arts; and the monument shall be erected under the supervision of the Chief of Engineers, and the United States shall be put to no expense in or by its erection.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read

the third time, and passed.

PRICE OF WHEAT.

The bill (S. 4478) to promote agriculture by stabilizing the price of wheat was announced as next in order.

Mr. WADSWORTH. I ask that that bill go over. The VICE PRESIDENT. The bill will be passed over.

REORGANIZATION OF THE FOREIGN SERVICE.

The bill (H. R. 13880) for the reorganization and improvement of the foreign service of the United States, and for other purposes, was announced as next in order.

Mr. ROBINSON. Mr. President, this appears to be a bill of importance. Reserving the right to object, I ask the Senator

from Massachusetts to make a brief explanation of it.

Mr. LODGE. Mr. President, it is a bill of very great importance. It has been very carefully prepared by the department, by the House committee, and by the Senate committee.

The main purpose of the bill is the consolidation and interchangeability of the services, to put the consuls and all diplomatic officers below the rank of minister together, so that they can be used in either service. It puts them under the law providing civilian pensions for service. They are the only class that have none.

Those are the two principal features of the bill. It would

take me some time to go into all the details.

Mr. ROBINSON. Mr. President, is the report of the committee unanimous?

The report is unanimous. There was no ob-Mr. LODGE.

jection to it either in the House or in the Senate.

Mr. STERLING. Mr. President, I have some hesitation in consenting to the passage of this bill. It provides an annuity, after the analogy, of course, of the civil service retirement law. The largest annuity paid under the civil service retirement law is \$720 per annum.

Mr. ROBINSON. Mr. President, I object to the present con-

sideration of the bill.

The VICE PRESIDENT. There is objection. The bill will be passed over.

BLATTMANN & CO.

The bill (S. 3701) for the relief of Blattmann & Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Foreign Relations with an amendment, on page 1, line 3, after the words "sum of," to strike out "\$145,526" and insert "\$124,383.86," so as to make the bill read:

Be it enacted, etc., That the sum of \$124,383.86 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of compensating Blattman & Co., of Waedenswil, Switzerland, for losses sustained through the wrongful seizure and sale of 1,057,100 pounds of devitalized gluten by the Allen Property Custodian of the United States which belonged to the said Blattmann & Co. Custodian

Mr. McKELLAR. Mr. President, this seems to be a good, large sum. I wish the Senator in charge of it, or the Senator responsible for it, would explain it to the Senate.

Mr. KING. Mr. President, I am not in charge of the measure, but I know something about it. It was under discussion here the other day and went over.

Mr. McKELLAR. I see that the Senator from Connecticut is here.

Mr. BRANDEGEE. Mr. President, I could not hear what the Senator from Utah said.

Mr. KING. The Senator from Tennessee asked for some explanation, and I saw that the Senator from Indiana [Mr. New], who had charge of the bill, was not here, and I was responding and giving such information as I could.

Mr. BRANDEGEE. I wish the Senator would continue his

statement.

Mr. KING.

Mr. KING. I shall be glad to yield to the Senator.
Mr. BRANDEGEE. I did not want the Senator to. I thought he took his seat after asking a question.

Mr. President, this bill was before the Committee on Foreign Relations. It is a claim for the value of property which the Alien Property Custodian had taken over during the war, on the ground that it belonged to an alien enemy. It was proved before a subcommittee of the Committee on Foreign Relations, to which the claim was referred, that the owner of the property was not an alien enemy, and never had been. Blattmann & Co. were Swiss, and the claim was substantiated by proper evidence and affidavits. The former Senator from Georgia, Mr. Smith, appeared before the committee as counsel for the claimant and advocated the claim, and satisfied the committee that it was a just one. This money is to compensate the man for the amount of property that was taken from him, which the Government now admits was not the property of an alien enemy. The Government did pay him a certain amount in cash, for which it holds his receipt; I think it was \$65,000; and this is the difference between that amount and

the amount that the property was worth.

Mr. President, I will state further that I was the chairman of the subcommittee that considered the matter. The Senator from Indiana [Mr. New] and the Senator from Nebraska [Mr. HITCHCOCK] were the other two members of the subcommittee. was instructed to draw the report of the subcommittee, When I went down to the committee room to look at the letter which the Secretary of State had written in relation to the claim in response to the request of the chairman of the committee—the Senator from Massachusetts [Mr. Lodgel—I noticed that the Secretary of State said that he had written two letters to the Alien Property Custodian requesting information and the opinion of that officer upon the merits of the claim, and he had been unable to get a reply from him. The State Department made no objection to the bill, but they did state that fact, whereupon I took the liberty of delaying the report and wrote the Alien Property Custodian, Colonel Miller, myself, asking him to give me such information as he could about the claim. I received no reply from him, and I thereupon conferred with the Senator from Nebraska and the Senator from Indiana and told them that I would like to know why he would not answer the letters in relation to that matter that had taken place in his department. There it stands. I have no more information about it than I had. The claim, as proved before the committee, seemed to be perfectly justifiable and legal.

Mr. McKELLAR. Mr. President-

Mr. BRANDEGEE. I yield.

Mr. McKELLAR. As I understand the Senator, this property belonging to Blattmann & Co. was taken by the Government during the war and turned into the hands of the Alien Property Custodian. A part of it has been turned back to them by the Alien Property Custodian, and this bill is to return the remainder. Is that the situation?

Mr. BRANDEGEE. Part of it was sold by the Alien Property Custodian at a very greatly reduced price, not a fair price in the market at all, and what was received from that sale-I think \$65.000-was paid to Blattmann & Co. Now they ask for the fair value of what was not accounted for to them.

Mr. McKELLAR. And this is to pay the difference between what the property sold for and its fair value?

Mr. BRANDEGEE. Yes, sir; but, as I say

Mr. McKELLAR. Has it been determined that Blattmann was a resident citizen?

Mr. BRANDEGEE. Blattmann was a Swiss, and he was over here in this country. He was not an alien enemy and never had been, nor had any of his firm. The former Senator from Georgia, Mr. Smith, offered to produce him before the subcommittee and allow us to examine and question him, and had him here in the galleries and downstairs, subject to our call. We saw no necessity of having him there, as the documents seemed to be ample to prove the claim and there was no dispute about it.

What I am at a loss to account for, however, is why the Alien Property Custodian, whose office made this blunder, will not answer either the Secretary of State or the Foreign Relations Committee as to what the situation about that claim is; and although it seemed to me that the case was a perfectly clear one, and that the claim ought to be paid, I hesitated to have final action taken upon it and then perhaps have the Alien Property Custodian say that it was all wrong and that it ought not to have been paid.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. BRANDEGEE. I yield.

Mr. ROBINSON. I notice in a letter printed in the report, which letter is dated August 22, 1919, that the Assistant Attorney General, Mr. R. P. Stewart, made the following statement:

The nonenemy character of the claimant is fully established and its claim accordingly has been allowed.

That was with reference to the proceeds of the property sold. Why did not the committee call the Alien Property Custodian before it and require him to testify about the matter?

Mr. BRANDEGEE. As I say, it was not until I noticed in the letter of the Secretary of State to the Senator from Massachusetts [Mr. Longe], the chairman of the committee, that he had written two letters to the Alien Property Custodian for information, but had not received a reply to either of them, that I was put upon inquiry. I then wrote a courteous letter to the Allen Property Custodian, telling him that we had reported the bill favorably, and that it was upon the calendar, but that before final action was taken I should like to know why he did not answer the letters of the Secretary of State, and what the position of his department or bureau was on the question. I have received no reply from him. The Senator from Indiana [Mr. New] told me yesterday or the day before, when I spoke to him about this matter, that he had talked to the Alien Property Custodian, who told him verbally that the elaim was all right; and I can not understand why he will not put that in writing so that there may be a record of it. The Senator from Indiana told me that I might state that fact upon the floor, and, if I understood him correctly, stated that the Alien Property Custodian said he had no objection to being quoted to that effect.

That is all I know about this matter.

Mr. McKELLAR. Mr. President—
Mr. BRANDEGEE. I yield.
Mr. McKELLAR. If the Senator and the committee are absolutely certain that this man, the claimant, was a Swiss and not a German or an Austrian—

Mr. BRANDEGEE. There is no question about his being

a Swiss

Mr. McKELLAR. If there was no question about his nationality, and no question about the difference in value, it seems to me the Government should pay it.

Mr. BRANDEGEE. It seemed so to the committee, and they so reported.

Mr. STERLING. Mr. President, I think the time limit has expired.

Mr. ROBINSON. I shall not object to the consideration of the bill.

The VICE PRESIDENT. The time of the Senator from Connecticut has expired.

Mr. WALSH of Montana and Mr. HITCHCOCK addressed the Chair.

The VICE PRESIDENT. The Senator from Montana, Mr. WALSH of Montana. Mr. President, although this claim seems on its face to be absolutely just, and the man apparently is entitled to his money, this is a rather startling kind of a proposition. Apparently, the Alien Property Custodian not only seized and took possession of this man's property and held it in trust, but he went on and sold the property, and now, apparently, there is no controversy whatever but that the man is a Swiss. It does seem to me that under those circumstances. some explanation ought to be forced out of the Alien Property Custodian by subpoening him before the committee. they must have had some reason, they must have had some in-

formation, they must have had some testimony to establish that the claimant was indeed a subject of one of the enemy that the claimant was indeed a subject of one of the countries. There must be in existence, as it seems to me, evicently appears in this record. If I dence countervailing that which appears in this record. If I might say so, there must be a file of the case in the office of the Alien Property Custodian.

Mr. BRANDEGEE. Mr. President, if the Senator will yield

to me

Mr. WALSH of Montana. I yield.
Mr. BRANDEGEE. The Senator will recall that I stated
that I had requested the Alien Property Custodian to furnish me with information on the case, and he does not even answer the letter. He speaks verbally to the Senator from Indiana [Mr. New] about it, and I am at a loss to know why he will not answer the letter, why he will not put in writing, either to the Secretary of State or to the Senate committee, his views upon this question. He knows that the bill has been favorably reported, and if there is anything in his files that shows that it is an unjust bill. I assume that he would tell us so; but why he will not give in writing his opinion that the claim ought to be paid, if that is his opinion, I do not know.

Mr. STERLING. Mr. President, I invoke the rule as to time.

Mr. BRANDEGEE. The Senator from Montana yielded to

Mr. STERLING. I did not so understand. Mr. WALSH of Montana. The Senator is speaking in my time

Mr. BRANDEGEE, I want to call the Senator's attention to the fact that this property was taken not by the present Alien Property Custodian but by the previous one, and was sold by the previous one.

WALSH of Montana. Presumably he proceeded upon

some information.

Mr. BRANDEGEE. I have no doubt he acted in good faith,

and that he thought it was alien property.

Mr. WALSH of Montana. We ought to have the benefit of the information upon which he acted, at least.

Mr. HITCHCOCK. Mr. President, this has been a very serious comedy of errors, and I am actually in doubt at the present time whether Congress ought to recognize this claim or not. It was referred to a subcommittee, as the Senator from Connecticut has said, and the subcommittee gave a hearing to the attorney who represented Blattmann. It appeared to the sub-committee that it was a good claim. It was evident that Blattmann was not an alien enemy. It was evident that he had bought a certain amount of gluten prior to the war and had it stored in the United States. It was evident that it was seized by the Alien Property Custodian. It was evident that it was sold by the Alien Property Custodian for \$65,000, and when Blattmann made his claim to the State Department, the State Department made representations to the Alien Property Custodian, and the proceeds of the sale were paid over to Blattmann. A receipt was taken from the Swiss minister which purported to be a receipt in full, except for a note at the bottom that it was to the extent of \$65,000.

The evidence before the committee was that this gluten had cost Mr. Blattmann's firm \$88,000, and he received back in cash \$65,000, and this evidence was not before the committee at the What he claims is the advance in the value of the gluten which occurred since he purchased it in the United States, which, if paid, would amount to something like \$120,000.

When this came before the committee we were told that the State Department had been unable to get any reply out of the Alien Property Custodian as to the merits of the case, but a little later we learned that the Alien Property Custodian had directed the counsel for the Alien Property Custodian to reply, and he had replied. I think his name is Wilson. He disputed the right of Blattmann to have any further sum returned. I have not the Wilson letter here, but it was evident that it was an error to assume that the Alien Property Custodian had not resisted the claim, because, through his counsel, he did resist it.

The present attitude of the Alien Property Custodian is to

avoid committing himself on the case. He declines to write a letter and declines to advise the committee, except as he per-

sonally says it would be all right to pay the claim.

Mr. WALSH of Montana. Was any evidence given as to the reason why Blattmann did not proceed, as entitled by law, to establish his claim in court?

Mr. HITCHCOCK. No explanation was made.
Mr. WALSH of Montana. He has a perfect right to do that.
Mr. HITCHCOCK. I think he has, but it was considered by
the State Department as a matter of courtesy and grace that the United States should make good for the mistake. I think there is a legal question as to whether we are called upon to make good for the amount the goods might have been sold for

if they had been sold for the full market value. There is a question as to whether Blattmann is to be compensated for what he actually lost, taking the cost of the goods into account, or whether he should be compensated for what he lost, taking the advanced value into account.

Mr. McNARY. Mr. President— Mr. HITCHCOCK. I am rather inclined to think it is a legal question, and that it would be better to have it submitted in the proper way as provided by the law. I yield to the Senator.

Mr. McNARY. If this bill leads to further discussion, I shall have to object to its consideration. It is taking the whole morning, and there are many bills that ought to be considered.

Mr. HITCHCOCK. I think I ought to make one statement, if the Senator will permit me. When the subcommittee discovered this additional evidence, it requested that the bill be recommitted to the committee, and that was done. Then, without any action by the committee, or any action by the subcommittee, it was again put upon the calendar, I think through an inadvertence, by the Senator from Indiana. We have never had an opportunity to consider it, as had been intended when we asked the Senate to recommit it.

Mr. OVERMAN. I just want to ask one question in regard

to the bill.

Mr. McNARY. I object to the further consideration of the

The VICE PRESIDENT. There is objection.

Mr. LODGE. I ask for the regular order.

The VICE PRESIDENT. The regular order is the calendar, The Secretary will call the next number on the calendar.

PUBLIC WORKS.

The bill (S. 4472) to make an investigation of the needs of the Nation for public works to be carried on by Federal, State, and municipal agencies in periods of business depression and unemployment was announced as next in order.

Mr. DIAL. Let that go over.
Mr. FRELINGHUYSEN. Will not the Senator withhold his objection for a moment? This is a very important bill, and I do not think it will take long to consider it.

Mr. DIAL. I have no objection to the Senate considering it, but I object to its passage. If the Senator wants to make a statement, I will withhold the objection.

Mr. FRELINGHUYSEN. Does the Senator insist on his

objection?

Mr. DIAL.

The VICE PRESIDENT. The bill will be passed over.

GRADE CROSSINGS IN THE DISTRICT OF COLUMBIA.

The bill (S. 1847) to amend an act approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore & Potomac Railroad Co. in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," was con as in Committee of the Whole, and was read, as follows: was considered

as in Committee of the Whole, and was read, as follows:

Be it enacted, etc.. That section 12 of the act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore & Potomac Rallroad Co, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901, be, and the same is hereby, amended as follows:

Strike out the following words in said section: "Each street-railway company using said bridge shall pay, in addition to other taxes as by its charter provided, one-half of I cent for each and every passenger carried across said bridge," and insert in lieu thereof the following: "The street or electric railway company, or if more than one, then all, but not each, of such companies, using said bridge shall pay, in addition to other taxes as by its or their charter or charters provided, the sum of \$10,000 annually as compensation for the use of said bridge."

SEC. 2. That all acts or parts of acts inconsistent with this act be, and they are hereby, repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALLEY DWELLINGS IN THE DISTRICT OF COLUMBIA.

The bill (S. 4414) to amend the act of Congress approved September 6, 1922, relating to the discontinuance of the use as dwellings of buildings situated in alleys in the District of Columbia, was announced as next in order.

Mr. McKELLAR. Let the bill go over.

Mr. BALL. I trust the Senator will withdraw his objection, This is a very important bill. There are between fourteen and fifteen thousand alley dwellers in this District who, under the law, will be turned out on the 1st day of June. The law compels the District authorities to close all alleys by that date.

Mr. McKELLAR. I had an understanding about this matter with the Senator from Delaware, and I hope the measure can be passed; but I am not going to permit it to go through to-day unless the agreement the Senator and I had is carried out.

Mr. BALL. I did not understand the Senator. Does he insist on his objection?

Mr. McKellar. For the present I do. The VICE PRESIDENT. The bill will be passed over.

TERMINAL FACILITIES.

The bill (H. R. 6650) providing additional terminal facilities in square east of 710 and square 712 in the District of Columbia for freight traffic was announced as next in order.
Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

STANDARD FOR BUTTER.

The bill (H. R. 12053) to define butter and to provide a standard therefor was announced as next in order.

Mr. STERLING. I desire to submit a letter from the Secretary of Agriculture upon the bill, and would like to have it read. The VICE PRESIDENT. Without objection, the Secretary will read the letter.

The reading clerk read as follows:

Hon. THOMAS STERLING, United States Senate.

Dear Sexator: I am writing in response to a request from your office made on February 13 for an expression of the department's views regarding the pending Senate bill 3858, which proposes to establish a legislative standard for butter.

In the administration of the Federal food and drugs act, this department has been compelled to operate on the basis of administrative standards. It has been necessary in each instance where litigation involving the composition of butter was concerned to secure competent evidence from experts in the trade in support of the department's standard for that product. This necessitates considerable expense. The standard under which this department orginally operated in the enforcement of the Federal food and drugs act was published in 1906, and called for a milk fat content of 82.5 per cent. This figure correctly represented the composition of butter as it was manufactured at that time. Conditions in the trade have changed, however, and the present practice sanctions the manufacture of butter having a milk-fat content as low as 80 per cent. In view of this the department has for several years observed in its regulatory work a tolerance of 2.5 per cent and no action under the law has been instituted against butter containing 80 per cent of milk fat or more. Many States, however, have in their laws a provision which automatically makes effective within the State, without providing for tolerances, those administrative standards adopted by this department. As a consequence, there has been during the last few years a great deal of confusion in the butter industry because of the variance between the Federal Government and certain States.

In recognition of this fact the department, on January 19, 1923, issued a new administrative standard for butter which calls for a fat content of not less than 80 per cent, which is the fat standard called for in the pending bill.

Mr. STERLING. I do not ask for the further reading of the

Mr. STERLING. I do not ask for the further reading of the letter. The Secretary of Agriculture has fixed the standard at 80 per cent instead of 821 per cent, as it has been heretofore. He finds that the old standard does not accord with the custom of the trade, and is unworkable, and so he asks that the standard be fixed at 80 per cent, and that is the only purpose of this

Mr. OVERMAN. I understood there was a conflict between the Federal Government and the governments of some of the

States of the Union.

Mr. STERLING. There is: because some of the States of the Union have fixed 80 per cent as the standard. Where they have fixed 821 per cent, the States have found the standard unworkable, and there is great confusion in the standards, and it is very hard to administer these varying regulations. Hence the Secretary of Agriculture says, in effect, "If you adopt an 80 per cent standard, which is sufficient, and make it the law, that will settle the matter, will make it certain, and the law will be more easily enforced than a mere regulation."

Will the Senator accept an amendment on Mr. McKELLAR. line 8, to strike out the words "and with or without additional

coloring matter

No; I will not. Then I object to it. Mr. STERLING. Mr. McKELLAR.

Mr. STERLING. Let me say to the Senator from Tennessee, that that is allowed now under the law. We have two statutes which allow of coloring matter.

Mr. McKELLAR. If it is allowed under the law, then it ought to be stricken out, and unless the Senator will permit that amendment, I object.

Mr. STERLING. I can not permit the amendment. I can not agree to the changing of the law.

Mr. NORRIS. I would like to ask the Senator from South

Dakota what committee reported the bill?

Mr. STERLING. The Committee on Agriculture and Forestry, in the first place, and this is the same as the Senate bill reported by the Committee on Agriculture, except in the last

six words, which are added.

Mr. OVERMAN. I object. It would interfere with the laws

of some of the States.

Mr. McKELLAR. I call for the regular order.

The VICE PRESIDENT. The regular order is the calendar, and the Secretary will call the next number on the calendar.

BILLS PASSED OVER.

The bill (H. R. 5020) to provide for the sale by the Commissioners of the District of Columbia of certain land in the District of Columbia acquired for a school site, and for other purposes, was announced as next in order.

Mr. McKellar. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 5027) to amend an act approved February

28, 1899, entitled "An act relative to the payment of claims for material and labor furnished for District of Columbia build-

ings," was announced as next in order. Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

ALLEY DWELLINGS IN THE DISTRICT OF COLUMBIA.

Mr. KING. I ask unanimous consent that the Senate consider Senate bill 4414, which the Senator from Tennessee objected to, a bill introduced by the Senator from Delaware, com-monly called the "alley bill."

Mr. McKELLAR. I object for the present. Mr. KING. It is a very important measure. The VICE PRESIDENT. Objection is made.

JOSEPH F. RECKER.

The bill (S. 3615) for the relief of Joseph F. Becker was

announced as next in order.

Mr. NORRIS. I think that in the consideration of a bill similar to this the Senate reached the conclusion that it wanted to provide for a different method of treatment than that provided for in this measure, and now I offer the same amendment, with the exception of the change of the name, that was offered by the Senator from New York [Mr. WADSWORTH] in the Livingston case and agreed to.

Mr. DIAL. What is the number of the bill?

Mr. NORRIS. It is Senate bill 3615. This is the same kind of a bill as the one in the Livingston case. I have that before me as it was agreed to.

Mr. OVERMAN. Was this man an officer of the same rank

as Livingston?

Mr. NORRIS. No; of higher rank than that officer. I move to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of Joseph F. Becker, late lieutenant commander, United States Naval Reserves, and pay him a pension at the rate of \$150 a month, to begin at the date of his dis-

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. SMOOT. As the only Senator who voted against granting a pension of \$150 a month to a lieutenant in the Navy, I do not propose to vote for any such proposition. I do not think the House will ever pass the bill. Therefore I shall object to its consideration.

Mr. NORRIS. Will the Senator just wait a moment? In the other case, after debate of an hour or two-three hours, as is suggested by a Senator near me-the Senate decided on the procedure it would follow. This is the same kind of a case, except that this man is an officer of higher grade than the one in the case we disposed of the other day. It seems to me the Senate, having decided on a policy in this kind of a case, should not allow a pension to one and refuse it to another.

Mr. SMOOT. I voted against the other bill.

Mr. NORRIS. I understand, and the Senator can vote against this bill.

THE MERCHANT MARINE.

The VICE PRESIDENT. The hour of 1 o'clock having arrived, under the unanimous-consent agreement the Senate will vote on the motion of the Senator from Arkansas [Mr. Robinson] to recommit to the Committee on Commerce the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes, on which the year and nays have been ordered.

Mr. LODGE. Mr. President, I make the point of no quorum,

The VICE PRESIDENT. The roll will be called.

The reading clerk called the roll, and the following Senators answered to their names

Ashurst	Broussard		Colt	Dillingham
Ball	Bursum	1	Couzens	Edge
Bayard	Calder		Culberson	Ernst
Borah	Cameron		Cummins	Fernald
Brandegee	Capper		Curtis	Fletcher
Brookhart	Caraway		Dial	France

Frelinghuysen
George
George
Gerry
Glass
Gooding
Hale
Harris
Harrison
Heffin
Hifchcock
Johnson
Jones, N. Mex.
Jones, Wash.
Kellogg
Kendrick Keyes King Ladd La Follette Norris Oddie Spencer Oddie Overman Page Pepper Phipps Pittman La Follette Lenroot Lodge McCormick McCumber McKellar McKinley McLean McNary Moses Myers New Norbeck Sterling Sutherland Townsend Wadsworth Walsh, Mass. Walsh, Mont. Poindexter Pomerene Ransdell Reed, Pa. Robinson Warren Watson Sheppard Shields Shortridge Smith Williams Willis

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present. The question is on the motion made by the Senator from Arkansas [Mr. Robinson] to recommit the shipping bill, on which the yeas and nays have been ordered. The Secretary will call the roll. The reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. Owen]. At this time I am unable to secure a transfer. If permitted to vote, I would vote "nay."

Mr. LODGE (when his name was called). I announce my general pair with the senior Senator from Alabama [Mr. Underwood]. I am unable to obtain a transfer, so I refrain from voting. If allowed to vote, I should vote "nay."

Mr. OVERMAN (when Mr. SIMMONS's name was called). desire to announce that my colleague [Mr. Simmons] is absent on account of illness. He has a general pair with the junior Senator from West Virginia [Mr. Elkins]. If my colleague were present and permitted to vote, he would vote "yea."

Mr. FLETCHER (when Mr. TRAMMELL's name was called).

My colleague [Mr. TRAMMELL] is unavoidably absent. He has

a general pair with the Senator from Rhode Island [Mr. Colr]. I will let this announcement stand for the day.

The roll call was concluded.

Mr. COLT (after having voted in the negative). I have a general pair with the junior Senator from Florida [Mr. Tram-MELL]. I am unable to obtain a transfer, so I withdraw my

Mr. CURTIS. I wish to announce that the senior Senator from Minnesota [Mr. Nelson] is paired with the senior Senator from Missouri [Mr. Reed] and that the junior Senator from West Virginia [Mr. ELKINS] is paired with the senior Senator from North Carolina [Mr. SIMMONS].

The result was announced-yeas 36, nays 48, as follows:

YEAS-36. Kendrick King La Follette

Ashurat Bayard Borah Brookhart Capper Caraway Culberson Dial Fletcher	France George Gerry Glass Harris Harrison Hefin Hitchcock Jones, N. Mex.	Kendrick King La Follette McKellar McNary Myers Norris Overman Pittman	Robinson Sheppard Shields Swith Stanley Swanson Walsh, Mass. Walsh, Mont. Williams
	NA.	YS-48.	
Batt Brandegee Bronssard Bursum Calder Cameron Couzens Cunnins Curtis Dillingham Ernst Fernald	Frelinghuysen Gooding Hale Harreld Johnson Jones, Wash. Kellogg Keyes Ladd Lenroot McCormick McCumber	McKinley McLean Moses New Norbeck Oddle Page Pepper Phipps Poindexter Pomerene Ransdell	Reed, Pa. Shorfridge Smoot Spencer Sterling Sutherland Townsend Wadsworth Warren Watson Weller Willis
	NOT V	OTING-12.	
Colt Edge Elkins	Lodge Nelson Nicholson	Owen Reed, Mo. Simmons	Stanfield Trammell Underwood

So the Senate refused to recommit the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes, to the Committee on Commerce.

FILLED MILK.

I move that the Senate proceed to the considera-Mr. LADD. tion of the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce, and I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. HARRISON. Mr. President, I merely desire to know before I answer to my name if the motion which has been made by the Senator from North Dakota [Mr. Ladd] is agreeable to the Senator from Washington?

Mr. JONES of Washington. Mr. President, I think I stated to the Senator from Mississippi the other day clearly what my position is.

Mr. HARRISON. But I should like to hear the Senator state it again.

Mr. JONES of Washington. I expect to vote for the motion of the Senator from North Dakota.

Mr. HEFLIN. Mr. President, this is the last test vote that will be had upon the ship subsidy bill, and I take it that the Record discloses the fact that those who were for the bill voted against recommitting it and those who were against the bill voted to recommit it.

Mr. COUZENS. Mr. President, I merely wish to point out that the conclusion of the Senator from Alabama that those who voted for the recommitment of the bill were in favor of the bill is not a correct assumption, for I voted against recom-

mitting the bill, and I am not in favor of the bill.

Mr. HARRELD. Mr. President, I wish to say that the Senator from Alabama has no right to speak for me at any time.

REFERENCE OF NOMINATIONS.

Mr. LODGE. Mr. President, I ask unanimous consent that as in open executive session the nominations sent in by the President this day be referred to the appropriate committee.

The PRESIDING OFFICER (Mr. WILLIS in the chair). there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

AMENDMENTS TO THE CONSTITUTION-TERMS OF PRESIDENT AND VICE PRESIDENT.

Mr. ASHURST. Mr. President, on February 13 last the Senate by the requisite majority agreed to the following Senate joint resolution.

joint resolution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

SECTION I. That the terms of the President and Vice President of the United States, elected after the adoption of this amendment, shall commence at noon on the third Monday in January following their election.

SEC. 2. That the terms of Senators and Representatives, elected after the adoption of this amendment, shall commence at noon on the first Monday in January following their election.

SEC. 3. That the Congress shall assemble at least once in every year and such meeting shall be on the first Monday in January, unless they shall by law appoint a different day.

Mr. President, the Constitution, Article II, section I. or-

Mr. President, the Constitution, Article II, section 1, or-dains that the President and Vice President shall hold office for the term of four years, but does not provide when the terms shall commence. The only recognition of the 4th of March succeeding the day of a presidential election as the day of the commencement of the terms of the President and Vice President is the provision in the twelfth amendment to the Constitution, effective September 25, 1804, that-

if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them before the 4th day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

This would probably be construed to be a provision that the term of the President expired on the 4th of March after a presidential election—that a vacancy then exists—in which event the then Vice President succeeded to the office,

The time when the presidential electors should be elected, and the date on which they shall meet and give their vote is, by Article II, section 1, of the Constitution, left to the discretion of Congress, with the restriction that the day of voting shall be the same throughout the United States. An act was passed February 3, 1887, requiring them to meet and give their vote on the second Monday in January next after their appointment, in such place in each State as the legislature thereof shall direct; which vote, duly certified, to be delivered to the President of the Senate before the first Wednesday in February, and be canvassed by Congress, in joint session, on the second Wednesday in February thereafter.

The Constitution, while providing that Representatives shall hold their offices for two years (Art. I, sec. 2) and Senators for six years (Art. I, sec. 3), does not provide when the terms shall commence.

The commencement of the terms of the first President and Vice President, and of the Senators and Representatives composing the first Congress, was fixed by a resolution of Congress adopted September 13, 1788, providing "that the first Wednesday in March next—which happened to be the 4th day of March-be the time for commencing proceedings under the Constitution.'

Congress has provided (act of Mar. 1, 1792, Rev. Stat., sec. 152) that the terms of the President and Vice President shall commence on the 4th day of March next succeeding the day on which the votes of the electors have been given, but there seems to be no statutes enacted since the adoption of the Constitution

fixing the commencement of the terms of Senators and Representatives.

The Constitution is proposed to be amended by the resolution os follows:

1. The terms of the President and Vice President, by the first section, are made to commence on the third Monday in January instead of the 4th day of March succeeding the election of

The terms of Senators and Representatives are, by the second section, made to commence on the first Monday in January fol-

lowing their election.

The third section merely changes the second paragraph of section 4 of Article I of the Constitution, in effect, so as to provide that Congress shall meet each year, commencing on the first Monday of January instead of the first Monday in December

Under the present law Congress does not convene in regular session until 13 months after the election of its Members. There was some reason for such a provision at the time of the formation of our Government, as it then took a long time to ascertain the results of elections and to reach the Capitol from remote parts of the country. But there is no excuse what-ever now, since the most distant States of the Union are within

a few days' travel of Washington.

Senators heretofore have been elected by the legislatures of the States in January, and sometimes not until February or March. But since the adoption of the seventeenth amendment to the Constitution, by which Senators are to be elected by the people, probably at the November election, it becomes opportune for Congress to convene in January following. The convening of Congress on the first Monday of December, as at present, is inopportune, as adjournment for the Christmas holidays is always taken and many Members go to their homes, returning late, which precludes any real work

The reasons for the adoption of the proposed amendment are

First. Congress should at the earliest practicable time enact-within the limits of the Constitution-the principles of the majority of the people, as expressed in the election of each Congress. That is why the Constitution requires the election of a new Congress every two years. If it be not to reflect the sentiment of the people these frequent elections have no meaning nor purpose. Any evasion of this is sub-versive of the fundamental principle of our Government, that the majority shall rule. No other nation has its legislative body convene so long after the expression of the people upon

governmental questions.

During the campaign preceding a congressional election the great questions that divide the political parties are discussed for the purpose of determining the policy of the Govern-ment and of having the sentiments of the majority crystallized into legislation. It seems to be trifling with the rights of the people when their mandates can not be obeyed within a reasonable time. It is unfair to an administration that the legislation which it thinks so essential to the prosperity of the country should be so long deferred. It is true an extraordi-nary session may be called early, but such sessions are limited generally to one or two subjects, which of necessity make for enormous waste of the time of each House, waiting for the

other to consider and pass the measures.

Second. As the law is at the present time, the second regular session does not convene until after the election of the succeeding Congress. As an election often changes the political complexion of a Congress, under the present law many times we have the injustice of a Congress that has been disapproved by the people enacting laws for the people opposed to their last expression. Such a condition does violence to the rights A Member of the House of Representatives of the majority. can barely get started in his work until the time arrives for the nominating convention of his district. He has accomplished nothing, and hence has made no record upon which to go before his party or his people. This is an injustice both to the Members and to the people. The record of a Representative should be completed before he asks an indorsement of his

Third. Under the present system a contest over a seat in the House of Representatives is seldom, if ever, decided until more than half the term, and in many instances until a period of 22 months of the term has expired. For all that time the occupant of the seat draws the salary, and when his opponent is seated he also draws the salary for the full term; thus the Government pays for the representation from that district twice. But that is not the worst feature of the situation; during all of that time the district is being misrepresented, at least politically, in Congress.

By Congress meeting the first Monday in January succeeding the elections, contested-election cases can be disposed of at least during the first six months of the Congress.

Fourth. The President and Vice President should enter upon the performance of their duties as soon as the new Congress can count the electoral votes. The newly elected governors of the States are inducted into office as soon as the new legislatures of the States canvass the votes and declare their election. It is the old Congress which now counts the electoral votes. It is dangerous to permit the defeated party to retain control of the machinery by which such important officers are declared

In the event that no candidate for President receives a majority of the electoral votes, the Constitution provides that the House of Representatives shall elect the President, each State having one vote. At the present time it is the old Congress that elects the President under such contingency, and thereby it becomes possible for a political party repudiated by the people to elect a President who was defeated at the election. Under the present provision of the Constitution, in the event the House fails to choose a President before the 4th of March, then the Vice President then in office becomes President for four years. This affords a temptation by mere delay to defeat the will of the people, and if it is ever exercised it will likely produce a revolution.

It is true that January weather might be inclement for an inaugural parade, but that is a reason too insignificant to constitute an argument against a constitutional amendment which promises so much for good government. Nearly all thegovernors of the States are inaugurated in January. and ceremony which usually attend the coronations of monarchs

are at least not necessary to a republic.

But, Mr. President, even greater in importance than advancing the date for the inauguration of President and Vice President is our duty to submit a constitutional amendment so that the people themselves may have an opportunity to be heard upon the ratification of amendments.

I am happy to say that on Monday, February 26, the Senate Committee on the Judiciary ordered a favorable report on the

following proposed amendment, to wit:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the vote of the qualified electors in three-fourths of the several States, and that, until three-fourths of the States shall have ratified or more than one-fourth of the States shall have rejected or defeated a proposed amendment, any State in like manner may change its vote: Provided, That no State, without its consent, shall be deprived of its equal suffrage in the Senate.

If this proposed amendment should be ratified and become therefore a part of the Federal Constitution, it would mean that hereafter neither the legislatures of the various States nor conventions therein would be eligible to ratify proposed amendments to the Federal Constitution and that the qualified electors themselves would be the only eligible authority to ratify proposed amendments. This is simply a back-to-the-people amendment

The Federal Constitution conserves and protects all that real Americans hold precious; it should not be changed by legisla-

tive caucus.

There is not a State in the Federal Union whose constitution may be amended by the State legislature. The State of Delaware is an apparent but not a real exception, as Delaware requires that an amendment to the State constitution must be proposed by at least two-thirds of one legislature, then there must be notice to the electors for a certain period before the next election, so that if they desire they can express their will at the polls upon the proposition, then the amendment must be ratified by a second legislature by a two-thirds vote, which gives them an indirect vote. The various State constitutions may be amended only by the electorate of the State. How utterly archaic, therefore, it is to deny the electorate an opportunity to express itself upon the proposed change in our fundamental law.

If the consent of the voters be required to alter and amend a State constitution, a fortiori, the vote of the people should be

required to change the Federal Constitution.

It is vital to our American system that the voter should have an opportunity to say at the ballot box under what form of government he desires to live.

If you are not willing that the State legislatures should choose United States Senators, for a much stronger reason the State legislatures should not change your fundamental law. Every argument in favor of the election of Senators by a

direct vote of the people is a stronger argument in favor of consulting the people on constitutional amendments,

I favored the amendments providing for the income tax, direct election of Senators, prohibition, and woman suffrage. I believe they were wise amendments, and that they were in response to the deliberate judgment and progressive thought of a vast majority of our countrymen; indeed, I believe those amendments were demanded by the people and were not forced upon the people. My belief, unfortunately, does not settle the question; for the stubborn fact exists that millions of our countrymen thoroughly believe that the prohibition and woman-suffrage amendments were adopted by cunning, by craftiness and indirection, and that the Congress and the State legislatures were either browbeaten into voting for the amendments or were induced to do so by an insidious lobby. It is my opinion that if a referendum to the people on the prohibition and woman-suffrage amendments could have been had, each amendment would have been adopted and ratified by the electors. We should, therefore, take the requisite steps to preclude in the future a recurrence of such discontent and suspicion by providing a means by which the electors of each State may pass upon amendments to the Federal Constitution.

Mr. President, there are 435 Members of the House of Representatives and 96 Members of the Senate, in all 531. I ask unanimous consent to include in the Record, as a part of my remarks, a statement showing the number of State senators, number of members of the house or assembly, as the case may be in the State legislatures.

Number of members in State legislatures according to the year 1919.

State.	Senate.	House or assembly
Alabama	35	100
Arizona	19	3
Arkansas	35	100
California	40	8
Colorado.	35	61
Connecticut	35	25
Delaware	17	3
Florida	32	77
Georgia	44	189
Idaho	37	6
Illinois	51	150
Indiana	50	100
lowa	50	108
Konsas.	40	125
Kentucky	38	100
Louisiana	41	115
Maine	31	151
Marylaud	27	103
Massachusetts	40	240
Michigan	32	100
Minnesota	67	136
Mississippi	49	139
Missouri	34	145
Montana	41	95
Nebraska	33	100
Nevada	17	37
New Hampshire	24	40
New Jersey	21	66
New Mexico	24	49
New York	51	150
North Carolina	50	120
North Dakota	49	113
Ohio	36	129
Oklahoma	44	111
Oregon	30	60
Pennsylvania	50	207
Rhode Island.	39	100
South Carolina	44	124
South Dakota	45	103
Pennessee	33	96
l'exas	31	142
Ctah	18	46
Vermont	30	246
Virginia	40	100
Washington	41	97
West Virginia	30	94
Wisconsin	33	100
Wyoming	27	57
Astronomical Services and Services (Services)	1,760	5,643

according to the figures for the year 1919. Not two-thirds but a bare majority of that 7,400 men may pass upon an amendment to the Constitution.

We find ourselves in this posture: Two-thirds of the Congress and a majority of the 7,400, or about 4,500 men, pass upon the destiny of the most advanced people that ever lived in the tide

destiny of the most advanced people that ever lived in the tide of time. We set ourselves up as the leader among the nations in thought and as responsive to the people's will, and yet 4,500 men, if they saw fit, could Prussianize the Republic.

At this juncture I will read a brief extract from the statement by Mr. Caperton Braxton, of Staunton, Va., that was read

to the Committee on the Judiciary whilst Senate Joint Resolution No. 40 was being considered. It relates to the method in which the fifteenth amendment to the Constitution was ratified:

THE FIFTEENTH AMENDMENT—AN ACCOUNT OF ITS ENACTMENT.

[By A. Caperton Braxton, of Staunton, Va.]

"If the passage of this amendment through Congress was unseemly, its ratification by the State legislature was, in several instances at least, nothing short of scandalous.

"The amendment passed the Senate rather late Friday night, February 26, 1869. The next morning, as soon as the enrolled resolution was signed by the Presiding Officer, it was telegraphed by Congressman Sydney Clarke to the Legislature of Kansas, then on the point of adjournment. His telegram, entirely unofficial, was received by the legislature during its afternoon session, and that very evening, in less than 24 hours after the amendment had passed Congress, long before it had been certified to the States for action, and before anyone in Kansas had even seen it (other than Clarke's telegraphic copy), the legislature of that State ratified it. The people of Kansas, at the polls about a year previous, had voted against negro

suffrage by a majority of 2 to 1.

"Senator Stewart, of Nevada, was, if anything, more anxious than Congressman Clarke, of Kansas, to obtain action by existing legislatures before the people could make themselves heard. The State of Nevada had very recently adopted a constitution which restricted suffrage to 'white' men. The people of that State, like those of California and Oregon, were overwhelmingly opposed to an extension of the elective franchise to any but white men-not so much for fear of the negro as of the Chinese vote. It was generally conceded among the radical press that Nevada would certainly reject the amendment, but they underrated the resources of their own generals. Late Friday night, as soon as the Presiding Officer had announced that 39 votes was two-thirds of a Senate of 66 Members, Senator Stewart, impressed with the fact just stated by him to the Senate that the legislatures were waiting to ratify the amendment, and that if it was not done by them, and at once, the whole thing would be lost, caused the Secretary of the Senate. without even waiting for the resolution to be enrolled or signed. to telegraph it to the Legislatures of Nevada and Louisiana, to which telegrams he and three others added a message urging the immediate ratification by the legislatures.

This remarkable dispatch did not reach Nevada till the next morning, Saturday, when the legislature at once endeavored to comply with its instructions, but they were not quite so docile as in Kansas, and did not succeed until Monday morning. March 1, 1869, when they ratified the amendment against a strong written protest of the minority, including Republicans and Democrats. This protest insisted, among other things, that the amendment had not received the constitutional two-thirds majority in the Federal Senate; that the Legislature of Nevada had as yet no official knowledge of the proposed amendment (the telegraphic report of it being, as it afterwards transpired, materially incorrect); that the people of Nevada should be given an opportunity to be heard upon it, and that the people, by voting the Republican ticket for President, had just few months past ratified the declaration of the Republican platform of May, 1868, that the control by loyal States of their suffrage laws should not be interfered with. But all this was as baying at the moon, and Nevada was recorded as the second

State ratifying the fifteenth amendment.

"The records of the Legislature of Missouri fail to show how that body was informed of the passage of the fifteenth amendment in Congress; the newspapers of the day said someone heard of it by telegram. This was enough; accordingly, that legislature, early Monday morning, March 1, 1869, suspended their rules and ratified what they thought was the amendment, but it turned out, after they had adjourned, that the thing they ratified was not the amendment at all and so they had to ratify all over again when they next assembled."

We have had 19 amendments to the Federal Constitution. I will consider the first 10 amendments as a part and parcel of the original Constitution, because when the Constitution was ratified it was upon the implied, in some cases express, understanding that these Bill of Rights amendments would be adopted. They were proposed and submitted by the First Congress on the 15th of September, 1789. They were 12 in number. The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth were ratified by the required number of States within exactly two years and three months. But No. 1 and No. 2 are still pending, and on the 15th day of next September will have been pending 134 years.

Congress, in submitting the prohibition amendment, laid a limit upon the time within which the States could ratify.

Amendments have been brought about by "amendment epochs." The eleventh and twelfth amendments were adopted in the 10-year period between 1794 and 1804, the twelfth having been brought about by the unfortunate tie in the Electoral College between Thomas Jefferson and Aaron Burr. Call that the first amendment epoch. Then, notwithstanding the fact that many scores of amendments were introduced in Congress and two were proposed between 1804 and 1864, no amendment was adopted; thus there was a 60-year period of immobility with respect to amending our Federal Constitution.

Then came the second amendment epoch, which began in 1865 and lasted until 1875. In that 10-year period the thirteenth, fourteenth, and fifteenth amendments were proposed and adopted.

Then came nearly 40 years of immobility, and then came the sixteenth, seventeenth, eighteenth, and nineteenth amendments—the third amendment epoch, 1909 to 1923—showing that these amendments move in cycles.

It is startling to investigate and then reflect upon the perils that have come and that in the future may come by a continued failure to set a time limit within which a proposed amendment

may be ratified.

Four different amendments duly proposed by the Congress are now pending before the States for their action. These amendments are as follows:

One, proposed September 15, 1789, 134 years ago, relating to enumeration and representation:

ARTICLE I. After the first enumeration required by the first article of the Constitution there shall be one Representative for every 30,000 until the number shall amount to 100, after which the proportion shall be so regulated by Congress that there shall be not less than 100 Representatives, nor less than 1 Representative for every 40,000 persons, until the number of Representatives shall amount to 200, after which the proportion shall be so regulated by Congress that there shall not be less than 200 Representatives nor more than 1 Representative for every 50,000 persons.

Another, proposed September 15, 1789, 134 years ago, relating to compensation of Members of Congress;

ART. II. No law varying the compensation for the services of the senators and Representatives shall take effect until an election of Representatives shall have intervened.

Another, proposed May 1, 1810, 113 years ago, to prohibit citizen of the United States from accepting presents, pensions, or titles from princes or from foreign powers:

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

Another, proposed March 2, 1861, 62 years ago, known as the Corwin amendment, prohibiting Congress from interfering with slavery within the States:

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State. (12 Stat. 251.)

On September 15, 1789, 12 constitutional amendments were proposed by the First Congress. The requisite number of States ratified proposed articles numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 within exactly two years and three months, whilst Nos. 1 and 2, although proposed 134 years ago, have not, according to the latest available returns, received favorable action by the requisite number of States and are yet before the American people, or the States, rather, have been for 134 years, and are now subject to ratification or rejection by the States. After those two proposed amendments, to wit, Nos. 1 and 2, had been in nubilous—"in the clouds"—for 84 years, the Ohio State Senate in 1873, in response to a tide of indignation that swept over the land in opposition to the so-called "back-salary grab," resur-rected proposed amendment No. 2 and passed a resolution of ratification through the State senate. No criticism can be visited upon the Ohio Legislature that attempted to ratify the No criticism can be amendment proposed in 1789, and if the amendment had been freshly proposed by Congress at the time of the "back-salary instead of having been drawn forth from musty tomes, where it had so long lain idle, stale, and dormant, other States doubtless would have ratified it during the period from 1873 to 1881.

Thus it would seem that a period of 134 years, or 84 years, within which a State may act is altogether too long, and I will support a proposition limiting the time to 6, 8, or 10 years within which a State may act under a particular submission, so that we will not hand down to posterity a conglomerate mass of amendments floating around in a cloudy, nebulous haze, which a State here may resurrect and ratify, and a State there may galvanize and ratify.

We ought to have homogeneous, steady, united exertion, and

We ought to have homogeneous, steady, united exertion, and certainly we should have contemporaneous action with reference

to these various proposed amendments. Judgment on the case should be rendered within the ordinary lifetime of those interested in bringing about the change in our fundamental law. Final action should be had while the discussions and arguments are within the remembrance of those who are called upon to act.

There is still another reason why a time limit should be set: When the 12 amendments were submitted in 1789 there were only 13 States. Vermont had not been admitted, if I remember

correctly.

Question: Should three-fourths of the States then in the Union or three-fourths of those now in the Union be the test as to what shall be the number required for ratification?

The amendment proposed on May 1, 1810, was submitted to the States under interesting and peculiar auspices and was as follows:

If any citizen of the United States shall accept, claim, receive, or retain any title of noblity or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States and shall be incapable of holding any office of trust or profit under them, or either of them.

What was the reason for that proposed amendment? It is probable that the Congress which submitted the amendment believed that when officials accept presents of great value they dissolve the pearl of independence in the vinegar of obligation.

Unfortunately, the annals of Congress and contemporary newspapers do not give any of the debate upon this interesting proposition. The only light thrown upon the subject by the annals is the remark of Mr. Macon, who said "he considered the vote on this question as deciding whether or not we were to have members of the Legion of Honor in this country." What event connected with our diplomatic or political history suggested the need of such an amendment is not now apparent, but it is possible that the presence of Jerome Bonaparte in this country a few years previous, and his marriage to a Maryland lady, may have suggested this measure.

An article in Niles's Register (vol. 72, p. 166), written many years after this event, refers to an amendment having been adopted to prevent any but native-born citizens from being President of the United States. This is, of course, a mistake, as the Constitution in its original form contained such a provision; but it may be possible that the circumstances referred to by the writer in Niles relate to the passage of this amendment through Congress in regard to titles of nobility. The article referred to maintains that at the time Jerome Bonaparte was in this country the Federalist Party, as a political trick, affecting to apprehend that Jerome might find his way to the Presidency through "French influence," proposed the amendment. The Federalists thought the Democratic Party would oppose it as unnecessary, which would thus appear to the public as a further proof of their subserviency to French influence. The Democrats, to avoid this imputation, concluded to carry the amendment. "It can do no harm" was what reconciled it to all.

That amendment was submitted 113 years ago, and it was ratified within two years by Maryland, Kentucky, Ohio, Delaware, Pennsylvania, New Jersey, Vermont, Tennessee, Georgia, North Carolina, Massachusetts, and New Hampshire. It was rejected by two or three of the States. At one period of our national life the school-book histories and the public men stated that it was a part of our organic law, because in the early days of our Government the Secretary of State did not send messages to Congress announcing ratification or promulgate to the public any notice whatever as to when an amendment became a part of the Constitution. I have caused the journals, records, and files in the Department of State to be searched, and there may not be found any notice of any proclamation or promulgation of the ratification of the first 10 amendments to the Constitution. The States assumed—it was not an unwarranted or violent assumption—that when the requisite number of States had ratified an amendment it was then and there a part of our organic law.

When the War between the States began to throw its shadow over the land, men rushed here and there with a compromise to heal the breach, if possible, and tried to avert the shock that was apparently about to come to our governmental structure.

Expedient after expedient was proposed, and just before the adjournment of Congress—to wit, on March 2, 1861—the following amendment, known as the Corwin amendment, to the Constitution of the United States was proposed to the States, and it read as follows:

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State. (12 Stat. 251.) Proposed by Congress March 2, 1861.

That amendment was proposed by Congress on the 2d of That amendment was proposed by Congress on the 2d of March, 1861, and I warrant there are not 5,000 people in the United States to-day who know that such an amendment is now pending before the various States of the Union for their ratification. The amendment was ratified by the State of Ohio and by the State of Maryland through their legislatures and by the State of Illinois in 1862 by a convention.

Thus we perceive that a system which permits of no limitation as to the time when an amendment may not be voted upon

tion as to the time when an amendment may not be voted upon by the State is not fair to posterity nor to the present genera-tion. It keeps historians, publishers, and annalists, as well as the general public constantly in doubt.

Having searched closely as to whether there is in the Constitution itself any expressed or implied limitation as to when an amendment may not be adopted, I am driven irresistibly to the conclusion that an amendment to the Constitution, once having been duly proposed, although proposed September 15, 1789, could not be recalled even by the unanimous vote of both Houses, if the Congress wished the same recalled, because the power to submit an amendment is specifically pointed out; but no power is given to recall it, and silence is negation.

I am not without authority, and I shall include in the RECORD

some data I have collected on this subject.

I ask unanimous consent to insert in the Record some data respecting the ratification of the various amendments to the Con-

The PRESIDING OFFICER (Mr. WILLIS in the chair). Is there objection? The Chair hears none, and it is so ordered. The matter referred to is as follows:

DISCUSSION OF CONSTITUTIONAL QUESTIONS INVOLVED.

(Jameson.)

The matter referred to is as follows:

DISCUSSION OF CONSTITUTIONAL QUESTIONS INVOLVED.

(Jameson.)

Sac. 585. VI. Two further questions may be considered: (1) When conservations has submitted amendments to the States, can it recall them? and (2) How long are anendments that states, and it recall them? and (2) How long are anendments thus submitted open to adoption or rejection by the States?

1. The first question must, we think, receive a negative answer. When Congress has submitted amendments at the titze deemed by itself or its constituents desirable to concede to that body the power of afterwards recalling them would be to give to it that of definitely rejecting such amendments, since the recula would withdraw them from possible. However this may be, it is enough to justify a negative answer to say that the Federal Constitution, from which alone Congress derives its power to submit amendments to the States, does not provide for recalling them upon any event or condition, and that the power to recall can not be considered as involved in that to submit as necessary to its complete execution. If therefore can not exist.

2. The same consideration will perhaps furnish the answer to the mind amendments to the States for this purpose, but there it stops. No power is granted to prescribe conditions as to the time within which the amendments are to be ratified, and hence to do so would be to transcend the power given. The practice of Congress in such cases has always conformed to the implied limitations of the Constitution, It has contented itself with proposing amendments to be instrument. It is therefore possible, though hardly probable, that an amendment once proposed is always open to adoption by the nonacting or normatifying States.

The better opinion would seem to be that an alteration of the Constitution proposed to day has relation to the sentiment and the felt needs of to-day, and that, if not ratified early, while that sentiment may fairly be supposed to call, it ought to the regarded as waived and not

limitation prescribing the time within which proposed amendments shall be adopted or be treated as waived ought by all means to be passed. (Jameson, John A. A Treatise on Constitutional Conventions (4th ed., 1887), pp. 634-636.)

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES PROPOSED BY CONGRESS BUT NOT RATIFIED BY THREE-FOURTHS OF THE STATES, COLLATED BY SENATOR ASHUEST.

APPORTIONMENT OF REPRESENTATIVES.

After the first enumeration required by the first article of the Constitution, there shall be 1 Representative for every 30,000 until the number shall amount to 100; after which the proportion shall be so regulated by Congress that there shall be not less than 100 Representatives nor less than 1 Representative for every 40,000 persons, until the number of Representatives shall amount to 200; after which the proportion shall be so regulated by Congress that there shall not be less than 200 Representatives nor more than 1 Representative for every 50,000 persons. (1 Stat, 97.) (Submitted at the same time as those which became part of the Constitution as amendments 1 to 10.)

Proposed by Congress September 15, 1789.
Ratified by the following States:
New Jersey, November 20, 1789. (Senate Journal, p. 199, 1st Cong., 2d sess.)

sess.) Maryland, December 19, 1789. (Senate Journal, p. 106, 1st Cong.,

2d sess.)
North Carolina, December 22, 1789. (Senate Journal, p. 103, 1st Cong., 2d sess.)
South Carolina, January 19, 1790. (Senate Journal, p. 50, 1st Cong.,

South Carolina, January 12, 22d sess.)

New Hampshire, January 25, 1790. (Senate Journal, p. 105, 1st Cong., 2d sess.)

New York, March 27, 1790. (Senate Journal, p. 53, 1st Cong., 2d

Rhode Island, June 15, 1790. (Senate Journal, p. 110, 1st Cong.,

Sess.) Virginia, October 25, 1791. (Senate Journal, p. 30, 2d Cong., 1st

Pennsylvania, September 21, 1791. (Senate Journal, p. 11, 2d Cong., 1st sess.)
Vermont, November 3, 1791. (Senate Journal, p. 98, 2d Cong., 1st

sess.)
Pennsylvania had first rejected the proposed amendment March 10, 1790.

Rejected by Deleware January 28, 1790.
The Journals give no record of the action of the Legislatures of Massachusetts, Connecticut, and Georgia.

COMPENSATION OF MEMBERS OF CONGRESS.

No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened. (1 Stat. 97.) (Submitted at the same time as those which became part of the Constitution as amountments 1 to 10.)

me as those three to 10.)
Proposed by Congress September 15, 1789.
Ratified by Congress September 15, 1789.
Maryland, December 19, 1789. (Senate Journal, p. 106, 1st Cong.,

North Carolina, December 22, 1789. (Senate Journal, p. 103, 1st ong., 2d sess.) South Carolina, January 19, 1790. (Senate Journal, p. 50, 1st Cong.,

Delaware, January 28, 1790. (Senate Journal, p. 35, 1st Cong., 2d

Vermont, November 3, 1791. (Senate Journal, p. 98, 2d Cong., 1st

Virginia, December 15, 1791. (Senate Journal, p. 69, 2d Cong., 1st

sess.)

Rejected by New Jersey, November 20, 1789 (Senate Journal, p. 199, 1st Cong., 2d sess.); New Hampshire, January 25, 1790 (Senate Journal, p. 105, 1st Cong., 2d sess.); Pennsylvania, March 10, 1790 (Senate Journal, p. 39, 1st Cong., 2d sess.); New York, March 27, 1790 (Senate Journal, p. 53, 1st Cong., 2d sess.); Rhode Island, June 15, 1790 (Senate Journal, p. 110, 1st Cong., 2d sess.).

The Journals give no record of the action of the Legislatures of Massachusetts, Connecticut, and Georgia.

TITLES OF NOBILITY.

TITLES OF NOBILITY.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any Emperor, King, prince, or foreign power, such person shall cease to be a citizen of the United States and shall be incapable of holding any office of trust or profit under them or either of them. (2 Stat. 613.)

Proposed by Congress May 1, 1810,
Ratified by the following States;
Maryland, December 25, 1810,
Kentucky, January 31, 1811.

Ohio, January 31, 1811.

Delaware, February 2, 1811.

Pennsylvania, February 6, 1811.

New Jersey, February 13, 1811.

Vermont, October 24, 1811.

Tennessee, November 21, 1811.

Georgia, December 13, 1811.

North Carolina, December 23, 1811.

Massachusetts, February 27, 1812.

New Hampshire, December 10, 1812.

Rejected by New York (senate) March 12, 1811; Connecticut, May session, 1813; South Carolina, approved by senate November 28, 1811, reported unfavorably in house and not further considered December 7, 1813; Rhode Island, September 15, 1814.

AMENDMENT ABOLISHING 68 INTERFERING WITH SLAVERY PROHIBITED

AMENDMENT ABOLISHING OR INTERFERING WITH SLAVERY PROHIBITED (CORWIN AMENDMENT).

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State. (12 Stat. 251.)

Proposed by Congress March 2, 1861.

Ratified by the following States:
Ohio, March 13, 1861.

Maryland, January 10, 1862.

Illinois (convention), February 14, 1862.

ATTEMPTS TO REGULATE RATIFICATION.

On May 23, 1866, when the resolution proposing the fourteenth amendment was under consideration, Mr. Buckalew, of Pennsylvania, submitted an amendment to add to the resolution the following additional section:

"Sec. 6. This amendment shall be passed upon in each State by the legislature thereof which shall be chosen, or the members of the most popular branch of which shall be chosen, next after the submission of the amendment, and at its first session; and no acceptance or rejection shall be reconsidered or again brought in question at any subsequent session; nor shall any acceptance of the amendment be valid if made after three years from the passage of this resolution." (Cong. Globe, vol. 36, p. 2771.)

When the fifteenth amendment was before the Senate on February 3, 1869, Mr. Buckalew, of Pennsylvania, proposed to add to the resolution submitting it to the States the words:

"That the foregoing amendment shall be submitted to the legislatures of the several States, the most numerous branch of which shall be chosen next after the passage of this resolution." (Cong. Globe, vol. 40, p. 828.)

"That the foregoing amendment shall be submitted to the legislatures of the several States, the most numerous branch of which shall be chosen next after the passage of this resolution." (Cong. Globe, vol. 40, p. 828.)

His speech in support of this proposal on February 5, 1869, is reported in the Congressional Globe, volume 40, pages 912 and 913. On February 8, 1869, this amendment was rejected—yeas 13, nays 43.

On February 17, 1869, an amendment practically identical with the above was offered by Mr. Hendricks, of Indiana, and the constitutionality of such a limitation was discussed by Senators Morton, Bayard, Buckalew, Dixon, and Yates. The question being taken, the amendment was rejected—yeas 12, nays 40. (Cong. Globe, vol. 40, pp. 1311–1314.)

On Jannary 30, 1882, Mr. Berry, of California, introduced a joint resolution (H. J. Res. 116, 47th Cong., 1st sess.) proposing an amendment to the Constitution to regulate ratification, as follows:

"Secrion 1. The legislature of a State shall not vote upon a proposed amendment to the Constitution of the United States except at a regular session held following an election of the members of the most numerous branch of the State legislature, which election must take place subsequent to the time of submission by Congress or a convention of the proposed amendment.

"Sec. 2. This amendment shall not take effect until the 5th of March, 1885."

On March 17, 1869, Mr. Morton, of Indiana, introduced in the House, identical joint resolutions (S. J. Res. 32 and H. J. Res. 57, 41st Cong., 1st sess.), which read as follows:

"Be it enacted, etc., That on the sixth legislative day of a regular session, or of a legally called special session, of any State legislature, each house of said legislature, at the hour of 12 meridian, shall proceed to the consideration of any amendment of the Constitution of the United States to the legislatures of the several States for ratification according to the provisions of the fifth article of the Constitution of the United States to the legislatur

FILLED MILK.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Dakota [Mr. LADD] that the Senate proceed to the consideration of the bill (H.R. 8086) to pro-hibit the shipment of filled milk in interstate or foreign commerce.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Gerry Glass Gooding Hale Harreld Harris Harrison Heffin Hitchcock Johnson McCormick
McCumber
McKellar
McKinley
McLean
McNary
Moses
New
Norbeck
Norris Robinson Ashurst Bayard Robinson Sheppard Shields Shortridge Smith Smoot Spencer Sterling Sutherland Swanson Baya. Borah Brookhart Brooksard Broussar Calder Cameron Capper Caraway Couzens Cummins Norreck Norris Oddie Overman Page Pepper Phipps Pittman Poindexter Ransdell Johnson Jones, N. Mex. Jones, Wash. Kellogg Kendrick Swanson Townsend Wadsworth Walsh, Mass. Walsh, Mont. Curtis Dial Dillingham Keyes Ladd La Follette Lenroot Lodge Warren Watson Weller Edge Ernst Frelinghuysen George Williams Willis

The PRESIDING OFFICER. Seventy-six Senators having

answered to their names, a quorum is present.

The question is on the motion of the Senator from North Dakota [Mr. Ladd] to proceed to the consideration of House bill 8086, known as the filled milk bill. The year and nays have been ordered.

Mr. DIAL. Mr. President, I understand the shipping bill is at an end and will not be brought up any more during this session. Therefore we are at liberty to vote now as we see proper with reference to other legislation. The motion now pending is to take up the so-called filled milk bill. To my mind the legislation is unnecessary, and certainly at this late day in the session will take up considerable time and create a great deal of discussion. I do not deem it of any great importance one way or the other.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. DIAL. Certainly.
Mr. LENROOT. I would like to remind the Senator that
the shipping bill is still before the Senate but will be displaced if the pending motion prevails.

Mr. DIAL. But we could displace it by taking up any

other business.

Mr. LENROOT. Any matter that is taken up would displace it. The point I wanted to make is that the shipping bill is still before the Senate.

Mr. DIAL. I understand that; but it will not be seriously pressed again.

Mr. LENROOT. Of course, no other motion can be made until the pending motion is disposed of.

Mr. DIAL. I understand the parliamentary situation, and I am going to ask Senators to vote down the pending motion, That is the way to get rid of it, as I understand it.

We have a great many bills on the calendar. Probably every Senator is interested in getting some of the bills passed. I myself have some bills that I am anxious to get disposed of at this session if possible. If the filled milk bill is taken up I have a very important amendment which I propose to offer and which, no doubt, will provoke a great deal of discussion. I do not deem that the discussion would be out of place at all, because I think it would be very enlightening to the country. also help to educate the people along lines upon which I am very desirous of having them better posted.

Therefore I think the Senate ought to know beforehand that if the filled milk bill is taken up it will consume considerable time, possibly a day or two. We ought to vote down the motion and proceed with the calendar where we left off this afternoon. I hope the motion will be voted down and that we may proceed with the calendar.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Dakota [Mr. LADD] to proceed to the consideration of the so-called filled milk bill, on which the yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. Not having been able to secure a transfer, I withhold my vote.

Mr. LODGE (when his name was called). On this question my general pair, the senior Senator from Alabama [Mr. Underwood], has a special pair with the Senator from New Mexico [Mr. Bursum]. I am therefore at liberty to vote. I vote "yea." The roll call was concluded.

Mr. ERNST. I have a general pair with the senior Senator from Kentucky [Mr. STANLEY]. I transfer that pair to the senior Senator from Maryland [Mr. France] and vote "yea."

Mr. SWANSON (after having voted in the affirmative). I have a pair to-day with the senior Senator from Michigan [Mr. Townsend]. I understand that he would vote as I have voted, so I let my vote stand.

The PRESIDING OFFICE (Mr. WILLIS, after having voted in the affirmative). The present occupant of the chair is paired with the senior Senator from Ohio [Mr. POMERENE]. He transfers that pair to the senior Senator from Minnesota [Mr.

Mr. PEPPER. Mr. President, I merely wish to say that the vote I have cast in opposition to the pending motion is not because of any opposition to the filled milk bill, which I heartily favor and for which I shall vote, but merely in conformity with my position that the ship subsidy bill should not be dis-

posed of otherwise than by voting it up or down.

Mr. CURTIS. I wish to announce the following pairs:

The Senator from West Virginia [Mr. Elkins] with the Senator from North Carolina [Mr. Simmons];
The Senator from Colorado [Mr. Nicholson] with the Senator from Missouri [Mr. REED];

The Senator from New Mexico [Mr. Bursum] with the Senator from Alabama [Mr. Underwood];

The Senator from Delaware [Mr. Ball] with the senior Senator from Florida [Mr. Fletcher];

The Senator from Rhode Island [Mr. Colf] with the junior

Senator from Florida [Mr. TRAMMELL]; and

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. Owen].

The result was announced—yeas 63, nays 7, as follows:

YEAS-63.					
Ashurst Borah Brookhart Cameron Capper Couzens Cummins Curtis Dillingham Ernst Fletcher Frelinghuysen George Glass Gooding	Harreld Harrison Heffin Hitchcock Johnson Jones, N. Mex. Jones, Wash. Kellogg Kendrick Keyes Ladd La Follette Lenroot Lodge	McKellar McKinley McNary Moses Norbeck Norris Oddie Overman Page Pittman Poindexter Ransdell Reed, Pa. Robinson Sheppard	Shortridge Smith Spencer Sterling Sutherland Swanson Townsend Wadsworth Walsh, Mass. Walsh, Mont, Warren Watson Weller Williams		
Hale	McCormick	Shields			

		NAIS-L.	
Bayard Calder	Dial Gerry	New Pepper	Phipps
	370	m Trompara no	

tall	Edge	Myers	Smoot
Brandegee	Elkins	Nelson	Stanfield
roussard	Fernald	Nicholson	Stanley
ursum	France	Owen	Trammell
araway	King	Pomerene	Underwoo
olt	McCumber	Reed, Mo.	
hlberson	McLean	Simmons	

So the motion was agreed to: and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. LADD. I ask that the formal reading of the bill be dis-

pensed with, that the bill be read for amendment, and that the

committee amendments be first considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota? The Chair hears mone, and it is so ordered.

Mr. DIAL. Mr. President, I send to the desk an amendment

to the pending bill.

The PRESIDING OFFICER. The Chair advises the Senator from South Carolina that under the order just made committee amendments are to be first considered.

Mr. DIAL. I do not ask for the present consideration of the amendment. I merely ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

NOMINATION OF SENATOR NEW TO BE POSTMASTER GENERAL.

Mr. HARRISON. Mr. President, on yesterday there came before the Senate the nomination of the junior Senator from Indiana [Mr. New] to be Postmaster General of the United The Senate did the very appropriate thing in confirming that nomination quickly and unanimously in open executive session. I am quite sure that the nomination of Senator New for Postmaster General is pleasing not only to all his colleagues on this side of the aisle but to every Member of the Senate. No Senator in this body has more warm personal friends than has the distinguished junior Senator from Indiana. dent by this appointment shows a feeling of personal gratitude as well as party appreciation.

As a member of the minority, I wish to say that it delighted me to see the nomination come in. I am sure that the Senator will continue to reflect credit on his State, as he has done heretofore, as well as upon his colleagues with whom he has served in the Senate. We wish for him success and happiness in his new public service.

THE RAILBOAD AND THE FINANCIAL SITUATION.

Mr. GOODING. Mr. President, early in this session I introduced three bills proposing to amend the interstate commerce act. Unfortunately, because of the illness of the chairman of the Committee on Interstate Commerce [Mr. CUMMINS], there was no hearing had on any of the bills. It seems to me it is very unfortunate that a great committee of the Senate like the Interstate Commerce Committee should cease to function merely because its chairman is ill. I feel it very proper for me at this time to give the Senate some reason why I introduced the bills.

On December 8, 1922, I introduced Senate bill 4120 amending the fourth section of the interstate commerce act, making it unlawful for any common carrier subject to the provisions of that act to charge or receive a greater compensation for the transportation of freight for a shorter haul than for a longer haul over the same road moving in the same direction.

The violation of the fourth section, which permits railroads to charge more for a shorter haul than for a longer haul, has broken down and destroyed the use of our rivers for the transportation of freight, and at the same time it has worked a great hardship on the interior of all the Western States. policy has done much to build up great cities at the expense of the interior, a policy that, in my judgment, is dangerous, unfair, unjust, and un-American.

The purpose of the bill is to deny to the Interstate Commerce Commission the right to permit the railroads to charge more for the shorter haul than for a longer haul on the same class of freight over the same railroad moving in the same direction

to meet water competition.

This bill does not forbid such violations of the fourth section as have been permitted on circuitous roads whose lines are much longer than those of railroads that are constructed directly through the country. There may be some merit in permitting violations of the fourth section in such cases. The purpose of this bill is to deny to the Interstate Commerce Commission the right to permit violations that have for their purpose the destruction of water competition on our rivers and the coastwise shipping of the country.

Nothing in our railroad laws has been so much discussed or caused so much litigation as the violations that Lave been permitted under the fourth section of the interstate commerce act

by the Interstate Commerce Commission.

Mr. President, I voted for the appropriation of \$56,000,000 for river and harbor improvements as passed by the House and reported by the Senate committee, and recommended by the engineers as being necessary at this time for river and harbor improvements, for I believed if the amendment cutting down the recommendations of the engineers for river and harbor improvements from \$56,000,000 to \$27,000,000 should pass it would mean the abandonment of all the smaller projects that benefit the interior of the country. With an appropriation of only \$27,000,000 I was satisfied that only harbors, and possibly some of the rivers in the South where there is much levying yet to be done, could receive any consideration by the Government

I believe that the reduction to \$27,000,000 would mean the abandonment of the work proposed on the Columbia River, which is of vital importance to what we call in the West the

inland empire, the granary of the West.

For a number of years water transportation on the Columbia and on the Snake, which flows through my State, has had a remarkable influence on freight rates at Lewiston, Idaho. Lewiston is in what we call the inland empire, and around Lewiston is one of the great wheat sections of America. Because there was water transportation on the Snake a number of years ago, the wheat rate from Lewiston to Portland, Oreg., is 24 cents per 100, while the wheat rate from Weiser, Idaho, which is in the southern part of the State, but is not affected by water transportation and is practically the same distance from Portland, is 351 cents per 100. The farmers at Lewiston, because of the possibility of water transportation, are receiving a rate that is 47½ per cent lower than that granted to the farmers around Weiser, with practically the same length haul over railroads owned and operated by the same system.

If the amendment providing an appropriation of \$27,000,000 had been adopted the country would have had a right to believe that it was the intention of Congress to abandon all of our river improvements for the benefit of water transportation.

Mr. President, if it became known that it was the policy of this Government to abandon river improvements designed for the benefit of water transportation, overnight the railroads would be petitioning the Interstate Commerce Commission for an increase in railroad rates that are now affected by water transportation.

With me the small projects in the interior of the country constituted the strength of the appropriation recommended by the engineers, for if this country is to reach its fullest possible greatness as a nation and is to continue to be a factor in the trade of the world, in view of the high freight rates on our railroads to-day there are two things that are of vital necessity: First, more electric power and cheaper power; and second, water transportation on all of our rivers where it is possible, even by a system of canalization.

It is through this system that I hope some day to see water transportation extended on the Snake River in Idaho until the people of my State are able to ship by water the products of the great valley of the Snake from some place in southern

Idaho to the markets of the world.

I am satisfied that the amount of power that could be developed on such a project as the Snake River, together with the benefit that water transportation would afford, would make this project entirely feasible.

Mr. President, let me say to the Senators that it is not strange that the railroads should destroy water transportation wherever it is possible for them to do so. With the railroads it is a business proposition not to permit any development of water transportation where it is possible to break it down and destroy it. Nor am I blaming the Interstate Commerce Commission altogether for permitting the violation of the fourth sec-tion. Congress has refused for many years to pass a bill that would make the fourth section absolute.

As I see it, the responsibility for the destruction of transportation on our rivers rests with Congress, and the responsibility can not be shifted to the railroads or to the commission. In this age of selfishness it must be expected that the railroads are going to hold a monopoly of the transportation of this country and destroy water competition just as long as Congress

will permit them to do so.

But it is not my purpose at this time to discuss at any length the bill which I have introduced. It is a great disappointment to me that the Interstate Commerce Committee of the Senate has not seen fit to give the measure some consideration, for the

bill is of great importance.

On December 9 I introduced Senate bill 4135, the purpose of which is again to amend section 4 of the interstate commerce act, making it unlawful for any common carrier subject to the provisions of that act to charge or receive a greater compensa-tion for the transportation of the same kind of freight for the same distance in one direction than in another, to divert traffic from the short haul to the long haul, or to deny shippers the right to route traffic via the short haul in connection with competing carriers by rail or water. For example, the Union Pacific controls the Oregon Short Line and the Oregon-Washington Railroad & Navigation Co., so that it can be said that the lines of the Union Pacific extend from the Missouri River to Portland, Seattle, and other Pacific coast points.

Through the policy of charging excessive rates for the short haul westbound to water transportation the railroads force practically all of the farm products of Idaho and eastern Oregon over the long haul to the eastern markets. In this way the Union Pacific denies to the people of Idaho the use of the great Pacific Ocean, which God Almighty no doubt created for the benefit of all the people. At the same time they have denied to the people of my State and eastern Oregon the use of the Panama Canal, which the people of the interior were taxed to help build, as were the remainder of the people of America.

This same policy is followed on all the great transcontinental

railroads in the West. Wherever it is possible the transcontinental railroads have forced all kinds of freight from the

interior over the long haul to the East.

Mr. President, this policy has done much to bring about the car shortage in America, from which all the country has suffered during the last 20 years. It is this policy of forcing all of the products of the West over the long haul to the eastern markets which brings about the great congestion in the eastern freight yards when farm products are moving to market.

In railroad circles the Chicago freight yards are called the "neck of the bottle," through which much of the traffic of the West must pass. In those yards great congestion occurs every year when farm products are moving to market, causing great

delay and contributing to the car shortage.

By every right all of Idaho's wheat and all of Idaho's wool and most of Idaho's products should be shipped to Portland, where they would receive the benefit of water transportation through the Panama Canal to the eastern and southern markets.

Here are a few concrete examples of what happens to the farmers of Idaho: The distance from Weiser, Idaho, to Portland is 412 miles; the distance from Weiser to Chicago is 1,861 The rate on wheat to Portland from Welser is 351 cents per hundred; the rate on wheat from Weiser to Chicago is 651 cents per hundred.

If the Idaho farmers at Weiser were given the same rate on a mileage basis to Portland that they are to Chicago, they would have a rate of 14½ cents per hundred instead of 35½ cents per hundred. The rate on wheat from Portland to Weiser is just two and a half times more on a mileage basis than

it is to Chicago.

Take wool: The rate on wool from Shoshone, Idaho, to Portland, a distance of 608 miles, is \$1.291 per hundred. rate on wool from Shoshone to Boston, a distance of 2,691 miles, is \$2.81 per hundred. If the farmers had the same rate on wool on a mileage basis from Shoshone that is made on wool to Boston, they would have a rate of 63 cents per hundred instead of \$1.29\frac{1}{2}\$ to Portland.

I quite agree that more should be charged on a mileage basis for a short haul than for a long haul, but I find that the average freight haul in the United States is 181 miles; so the haul of 416 miles from Weiser to Portland and the haul of 608 miles from Shoshone to Portland can not be called a short hanl

It takes from 30 to 60 days for a car of wool shipped from Shoshone, Idaho, to reach Boston. It is safe to say that the same car, if shipped to Portland, would reach that point in from 6 to 10 days. The same is true of wheat shipped from Weiser to Portland. A car of wheat shipped from Weiser would take from four to six days to reach Portland, while it is safe to say that it requires 30 days to transport this same car of wheat to Chicago.

All of the railroads in the United States insist on forcing every ton of freight they can over the long haul on their railroads, whenever it is possible to do so, by charging exorbitant

rates for the short haul.

In this car shortage, hundreds of millions of dollars have been lost by the American people to sustain a policy of criminal extravagance in handling the commerce of the country. This outrageous policy has done much to retard the growth and development of the West. The purpose of this policy, of course, is to destroy as far as possible water transportation in this country, and up to the present time its work has been almost complete.

Mr. President, as far as the West is concerned, I believe the rallroads themselves would be benefited if they would adopt a policy that would give the interior of our Western adopt a policy that would give the interior of our States a chance to grow, a chance to develop their own resources, a chance to have manufacturing institutions, a chance to enjoy the same privileges as other people in America, which is impossible at the present time under the policy of our trans-

continental railroads.

One of the great needs of the country to-day is a better distribution of the people. The present policy of the railroads is to build great cities at terminal points. This policy is responsible, in a large measure, for the congested condition of our population-a policy that, if continued, will impair the growth and development of the whole country and make the problems of Government harder to solve.

Mr. President, on December 11, 1922, I introduced Senate bill 4148. If this bill could have been passed at this session of Congress it would have given the farmers of this country

immediate relief.

Of course, I understood when I introduced this bill that I should be told that Congress should not legislate on railroad rates; that it is impractical, and that a great injustice might be done the railroads of this country. It seems to be all right for the railroads to paralyze the great agricultural interests of the country, but when agriculture asks for relief we immediately hear about the wrecking of the great railroad system of America.

If I had believed that a majority of the Interstate Commerce Commission were in sympathy with and wanted to be fair to the great agricultural interests of the country, then I should not have introduced this bill; but when I investigate the horizontal increases made as the result of the Federal control act and the Esch-Cummins Act, in which, with but one or two exceptions, horizontal increases were made on the agricultural products, the same as on the higher-priced commodities of the country, without any investigation or consideration of what the farm products would bear to carry them to market, or as to how high the rate or how low the rate was originally, or how long the haul or how short the haul I am forced to the conclusion that at least a majority of the Interstate Commerce Commission is without sympathy for the great agricultural interests of this country; for any expert on railroad rates must have understood that such a horizontal increase was unfair and unjust and they should have known that it was criminal, and that the results would be just what they have been—the wrecking of agriculture.

Mr. President, the action of the Interstate Commerce Commission in ordering these horizontal increases was beyond my understanding until I read an article in the Manufacturers' Record, of Baltimore, of February 22, 1923. I will read the headlines of this article, and I am going to ask that it be printed in the Record, in 8-point type, following my remarks.

There being no objection, the matter referred to was ordered to be printed in the Record in 8-point type.

Mr. McNARY. Mr. President—

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Idaho yield to the Senator from Oregon? Mr. GOODING. I do.

Mr. McNARY. The article referred to by the able Senator from Idaho is a splendid one, and I should like to have it read

The PRESIDING OFFICER. Without objection, it is so ordered.

The reading clerk proceeded to read the article. After having read for some time-

Mr. GOODING. Mr. President, I ask that the reading be discontinued and that the remainder of the article may be printed in the RECORD without reading.

Mr. DIAL. I object. Let us have the whole article read. It is very interesting

The VICE PRESIDENT. The reading will be continued. The reading clerk continued and concluded the reading of the

Mr. STERLING. Mr. President, a parliamentary inquiry. The VICE PRESIDENT. The Senator will state his parliamentary inquiry

Mr. STERLING. I inquire whether the reading of this document is bound to continue, or whether a Senator may object to the further reading at the desk under the circumstances?

The VICE PRESIDENT. The reading has been concluded. Mr. STERLING. I am glad to hear it.

Mr. DIAL. Mr. President, will the Senator from Idaho yield?

Mr. GOODING. I yield. Mr. DIAL. Mr. President, the article which was being read at the desk was, I thought, much longer than indicated by the I was very much interested in hearing the article read, but if there is any more of it, and if the Senator desires to put it in the RECORD, I shall have no objection.

Mr. GOODING. I am glad the Senator has withdrawn his objection. I ask that it may be printed in the Record in 8-

point type as an appendix to my remarks.

The VICE PRESIDENT. The article having been read, it

goes in the Record, anyway.

Mr. GOODING. Mr. President, the article just read embodies a resolution adopted at the meeting therein referred to, which seems to me to be the most remarkable resolution ever passed by any body of men in America. Why bankers who met in this city to deflate credits and to deflate everything else should want to inflate railroad rates is clear beyond my understanding, unless, of course, it was for the purpose stated in the editorial in the Manufacturers Record, to deflate the whole country and to destroy its prosperity. God knows that was its effect. No man ever uttered truer words than Governor Harding did when he said on dismissing that body of bankers, "Your work will spread throughout the whole country." A short time after that meeting of May 18, 1920, the bankers of the West were called to Chicago, and the damnable work of this conspiracy of destroying the prosperity of America was spread all over the country

Will anyone tell me why the bankers, with the Secretary of the Treasury sitting in their midst, should unanimously pass a resolution providing for the appointment of a committee of five to go before the Interstate Commerce Commission and the Shipping Board to ask for increased freight rates? No body of men in America understand, Mr. President, any better than did the men who were present at that meeting that the farmers of this country pay the freight; there is not any doubt about that; and that increase in freight rates meant, of course, a deflation in the price of farm products. That was the purpose of it, and that was the method of following the lines of easiest resistance. Of course, the unorganized agricultural interests broke down, and during the last three years have lost, because of this deflation, something over \$34,000,000,000 in the shrinkage in the value of their land and the value of their products as compared with 1919. Talk about a conspiracy! This country never heard of such damnable work as followed the adoption of the resolution passed at that meeting of the Federal Reserve Board and those who met with them.

Mr. President, this is most important, it seems to me, but I am not going to discuss it any longer, for the editorial discusses the whole problem very fully. I think the people of this country owe a debt of gratitude to the Manufacturers Record, of Baltimore, for having the courage to publish the story of this conspiracy as it was formed here in this city on May 18, 1920. I offer the resolution which I send to the desk.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. GOODING. I yield for a question.

Mr. HEFLIN. Does the Senator recall the fact that some days ago some one on the floor of the Senate said that the country banks were trying to shift the responsibility onto the regional reserve banks, stating that the country banks refused to make loans to the people, and gave as their reason for so doing that the necessary money was denied them by the Fed-

eral reserve banks. This conspiracy discloses the fact that they agreed not to make loans to the country banks, and it was agreed that they must get these bankers to meet them face to face and tell them they were not going to get the loans.

Mr. GOODING. The Senator is correct.

This article shows they refused to make loans on notes backed by Government Liberty bonds, to purchase which some people had almost bled, and that through that method they deflated the price of Liberty bonds and forced them on the market. I ask for the reading of the resolution which I send to the desk.

The VICE PRESIDENT. The Secretary will read as re-

quested.

The principal legislative clerk read the resolution (S. Res. 460), as follows:

The principal legislative clerk read the resolution (S. Res. 460), as follows:

Whereas it is reported in the Manufacturers' Record of February 22, 1923, that on May 18, 1920, there was held in Washington a secret meeting of the Federal Reserve Board, the Federal Advisory Council, and the class A directors of the Federal reserve banks; and Whereas it is reported in the Manufacturers' Record of February 22, 1923, that the then governor of the Federal Reserve Board, in closing the above-mentioned meeting, said: "I would suggest, gentlemen, that you be careful not to give out anything about any discussion of discount rates. That is one thing there ought not to be any previous discussion about, because it disturbs everybody, and if people think rates are going to be advanced, there will be an immediate rush to get into the banks before the rates are put up and the policy of the Reserve Board is that that is one thing we never discuss with a newspaper man. If he comes in and wants to know if the board has considered any rates or is likely to do anything about any rates, some remark is made about the weather or something else and we tell him we can not discuss rates at all. And I think we are all agreed it would be very ill advised to give out any impression that any general overhauling of rates was discussed at this conference. We have discussed the general credit situation and your committee, which has been appointed with plenary powers, will prepare a statement which will be given out to the press to-morrow morning and we will all see what it is. You can go back to your banks and, of course, tell your fellow directors as frankly as you choose what has happened here to-day, but caution them to avoid any premature discussion of rates as such. We have had an exceedingly interesting day, gentlemen, The suggestions which have been made are valuable and we have profited by your views. I wish to express on behalf of the board our appreciation of your coming here and to thank you for the unselfish and loyal interest you h

what was being done or would be done by Federal reserve banks"; and
Whereas numerous other assertions are made in the Manufacturers' Record of February 22, 1923, indicating that the above-mentioned meeting discussed defiation in currency, restriction of credit, breaking down of prices, and higher freight rates, with a view to governing the future administration of the Federal reserve banks by adherence to such policies, and indicating that the conclusions of this meeting were reached in secret and withheld from the public: Therefore better

meeting were reached in secret and withheld from the public: Therefore, be it

Resolved, That the President is requested to cause an investigation to be made to determine the truth of the above statements, and, if not, in his judgment, incompatible with the public interests, to report thereon to the Senate.

Mr. GOODING. I ask that the resolution be referred to the Committee on Interstate Commerce.

Mr. HARRISON. Mr. President, does not the Senator want it referred to the Committee on Banking and Currency? It is a matter that relates to the Federal Reserve Board.

Mr. GOODING. All right; then I will ask that it go to

Mr. HARRISON. I should imagine that would be the proper committee, I do not know. I have no suggestion to make.

Mr. HEFLIN. Why does the Senator ask that the Presi-

dent have the matter investigated? Why not have the resolution changed, so as to provide that a committee from the Senate shall be appointed by the Chair to investigate and report at the next session of Congress?

Mr. GOODING. I think that this conspiracy of May 18, 1920, is of such importance to the American people that it should have the attention of the President, and I want him to investigate it in his own way. I think the President can best investigate the conspiracy of that date, and I believe that he is going to do it. I want to know what influence the special committee that was appointed by this meeting on May 18, 1920, had on the Interstate Commerce Commission in increasing freight rates. want the President to find out. The country is entitled to know.

The VICE PRESIDENT. The resolution will be referred to

the Committee on Banking and Currency.

Mr. GOODING. Mr. President, this resolution explains very fully to me the action of the Interstate Commerce Commission in increasing rates. I hope the President will find out how many bankers who were in that meeting are large owners of railroad stocks in America. If the country can not be protected against a conspiracy of that kind, then we have not much of a Government. If the whole country is to be wrecked and ruined by the money changers of America, then God pity this free Government of ours.

I do not know whether the commission acted on the resolution or not; but on August 26, 1920, they made a horizontal increase in all rates as they existed at that time, with one or two

The conspiracy of the Federal Reserve Board worked better than they knew. It brought about the greatest crisis this country has ever known. It is not strange that the agricultural interests of the country, unorganized as they are, should be the first to break down; and in the last three years, taking 1919 as a basis, there has been a shrinkage in the value of farm products and farm lands of more than \$34,000,000,000.

It is quite evident that the Federal Reserve Board and the Interstate Commerce Commission understood and knew the easiest lines of resistance. By increasing railroad rates they knew they could paralyze the agricultural interests of the country and bring about the deflation so much desired, regardless of

who suffered from their damnable conspiracy.

When we learn of the conspiracy of the Federal Reserve Board and the treatment that the farmers received from the Grain Corporation during the war, in which they forced the farmers of this country to produce wheat far below the actual cost of production, it is not strange that we hear the distressing stories that come from American farms all over this country Hardships and privations have been the price that the American farmer has been forced to pay for thrift and industry.

I want to offer here for the RECORD, Mr. President, a table showing the price of a bushel of wheat received by the farmers in the different States of the Union. I shall not take time to read it. I am offering it to show who pays the freight rate. In South Carolina the farmer received \$2.08 for his wheat in 1921; in Wyoming he received 79 cents; in Colorado, 76 cents; in Utah, 75 cents; in Idaho, 72 cents. The farther away he is from the market the higher the freight rate and the less the farmer receives for a bushel of wheat. I offer , this table to show who pays the freight rate.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Farm prices for 1921 wheat, taken from Yearbook.

	(Page 138.)
South Carolina	
Maine	
Georgia	
Alabama	
North Carolina	
Nevada	
Mississippi	
Arizona	
West Virginia	

ndiana	
New Mexico	
Michigan	
Tennsylvania	
Internet	
floround	
dissouri	
Jelaware	
Ulanesota	
Visconsin	
CHIISUS	
owa	
South Dakota	
Klanoma	
Washington	
Iontana	
Oregon	
orth Dakota	
Vebraska	
Vyoming	
Itah	
Milly	

The great	surplus	comes	from	the	West:	the	surplus	States	are	as
follows:										

	Dushers.
Kansas	74, 000, 000
South Dakota	
Oklahoma	
Washington	
Montana	10, 700, 000
Oregon North Dakota	
Nebraska	
Wyoming	800, 000
Colorado	
Utah	400,000
Idaho	10, 700, 000
Nevada	400, 000
Minnesota	
Missouri	18, 000, 000
	. 10, 000, 000

All other States produce a deficit, in other words, they do not produce as much as they consume.

Mr. GOODING. A simple comparison of the freight rates that the low-priced farm products pay to carry them to market with the rates that the low-priced manufactured articles pay on their market value to carry them to market shows very conclusively the injustice and the crime that was committed against agriculture when these horizontal increases were made by the Interstate Commerce Commission.

For instance, if we take the percentage of the value that goes to make up the freight rates on the low-priced farm products, such as wheat, potatoes, onions, and hay, that make up a large acreage of agriculture, and compare it with the percentage that goes to make up the freight rate on manufactured articles, such as men's suitings, men's and women's shoes, and cotton goods, we find that these low-priced farm products are paying 2,892 per cent higher rates, according to their value, than the manufactured articles that I have mentioned.

If the Interstate Commerce Commission—these experts in freight rates-had wanted to be fair and just to the agricultural interests of the country, they would not have placed the great burden upon the agricultural industry that they did when

these horizontal increases were made.

Mr. President, I ask leave to have printed in the Record part of the President's message of December 8, 1922, in which he advocated a reduction in freight rates on farm products and the basic materials of the country, stating that he had suggested it to the railroad men of the country and the Interstate Commerce Commission, and that the Interstate Commerce Commission, together with the railroads, refused to make the reduction on the low-priced products.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

The matter referred to is as follows:

This transportation problem can not be waived aside. The demand for lowered costs on farm products and basic materials can not be ignored. Rates horizontally increased, to meet increased wage outlays during the war inflation, are not easily reduced. When some very moderate wage reductions were effected last summer there was a 10 per cent horizontal reduction in rates. I sought at that time, in a very informal way, to have the railway managers go before the Interstate Commerce Commission and agree to a heavier reduction on farm products and coal and other basic commodities and leave unchanged the freight tariffs, which a very large portion of the traffic was able to bear. Neither the managers nor the commission saw fit to adopt the suggestion, so we have the horizontal reduction too slight to be felt by the higher class cargoes and too little to benefit the heavy tonnage calling most loudly for relief.

Mr. GOODING. Mr. President, it is not strange that the ma-

Mr. GOODING. Mr. President, it is not strange that the majority of the Interstate Commerce Commission refused to accept the suggestions of the President for a more liberal reduction on agricultural products than the higher-priced products when we are advised that a committee of five was appointed at the meeting of the Federal Reserve Board on May 18, 1920, urging an increase in freight rates.

I find, however, that five members of the Interstate Commerce Commission were willing to place the entire reduction of 10 per cent that was made at that time on farm products and the basic materials of the country, letting the higher-class, higher-priced products carry a heavier burden in freight rates. In justice to five members of the commission, I think I ought to

Mr. President, I am going to review briefly the increases made under the Federal control act passed March 21, 1918, also the increases made by the Interstate Commerce Commission under the act passed February 28, 1920, known as the Esch-Cummins Act.

On March 21, 1918, the Federal control act was approved, and under that act the Director General of Railroads, Mr. McAdoo, on June 25, 1918, ordered a 25 per cent horizontal increase on all railroads in the United States, regardless of how long the haul or how high the rate, with one or two slight modifications, and without any regard as to what the products would bear to carry them to market. It was a war measure, however, and some excuses can possibly be made for the horizontal increases that were made at that time.

During the period of Federal control it was agreed that the Government should pay for the use of the railroads the average yearly earnings of the railroads for the three years pre vious to Government control, which was claimed by the railroads to be \$906.500,000. The three years previous to Government control were the most prosperous years in the history of the railroads of this country.

Under Federal control the railroads fell far short of earning this amount, so that for 1918 the Government was forced to pay \$216,000,000 out of the Treasury to the railroads to make up the deficiency. In 1919 the Government paid out of the Treasury to the railroads \$390,000,000, and for the first two months of 1920, \$108,000,000. The total amount paid to the railroads under Government control to make the earnings of the roads equal the test period before the war was \$715,000,000.

The Federal control of our railroads terminated March 1, 1920, and on February 20, 1920, the transportation act known as the Esch-Cummins Act was approved. That act guaranteed to the railroads the same annual rate of return for six months, beginning with March 1, 1920, as the earnings of the railroads shown in the test period before Federal control.

It is estimated that the Government will be forced to pay to the railroads \$536,000,000 to make up the deficiency in the

earnings of the railroads for those six months.

Subdivision 2 of section 15-a of the Esch-Cummins act makes it mandatory upon the Interstate Commerce Commission to fix rates that will, after paying the cost of operation, earn an amount equal to a fair return on the aggregate value of the railway property as a whole or in different groups.

The language of subdivision 2, section 15-a, is as follows:

The language of subdivision 2, section 15-a, is as follows:

In the exercise of its power to prescribe just and reasonable rates the commission shall initiate, modify, establish, or adjust such rates so that the carriers as a whole (or as a whole in each of the rate groups or territories as the commission may from time to time designate) will, under bonest, efficient, and economical management and reasonable expenditure for maintenance of way, structures, and equipment, earn an aggregate annual net railway operating income equal as nearly as may be to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation: Provided, That the commission shall have reasonable latitude to modify or adjust any particular rate which it may find to be unjust or unreasonable and to prescribe different rates for different sections of the country.

Subdivision 3 of the same act places the duty on the com-

Subdivision 3 of the same act places the duty on the commission of determining what is a fair rate of return, and denies the commission the right to fix the fair rate of return at less than 5½ per cent, permitting discretionary power to add on one-half of 1 per cent for improvements and betterments for the two years beginning March 1, 1920. The exact wording of subdivision 3 is as follows:

division 3 is as follows:

The commission shall from time to time determine and make public what percentage of such aggregate property value constitutes a fair return thereon, and such percentage shall be uniform for all rate groups or territories which may be designated by the commission. In making such determination it shall give due consideration, among other things, to the transportation needs of the country and the necessity under honest, efficient, and economical management of existing transportation: Provided, That during the two years beginning March 1, 1920, the commission shall take as such fair return a sum equal to 5½ per cent of such aggregate value, but may, in its discretion, add thereto a sum not exceeding one-half of 1 per cent of such aggregate value to make provision, in whole or in part, for improvements, betterments, or equipment which, according to the accounting system prescribed by the commission, are chargeable to capital account.

Subdivision 4 of the same act charges the commission with

Subdivision 4 of the same act charges the commission with the duty of determining the value of the railway property. Subdivision 4 reads as follows:

Subdivision 4 reads as follows:

For the purpose of this section such aggregate value of the property of the carriers shall be determined by the commission from time to time and as often as may be necessary. The commission may utilize the results of its investigation under section 19a of this act, in so far as deemed by it available, and shall give due consideration to all elements of value recognized by the law of the land for rate-making purposes, and shall give to the property investment account of the carriers only that consideration which under the law it is entitled to in establishing values for rate-making purposes. Whenever pursuant to section 19a of this act the value of the railway property of any carrier held for and used in the service of transportation has been finally ascertained, the value so ascertained shall be deemed by the commission to be the value thereof for the purpose of determining such aggregate value.

In obedience to the dictates of that section the Interestate Com-

In obedience to the dictates of that section the Interstate Commerce Commission entered upon a hearing and fixed the aggregate value of the properties for rate-making purposes as follows: *8, 800, 000, 000 2, 000, 000, 000 8, 100, 000, 000

18, 900, 000, 000 Then, realizing that some railroads might earn more than

others, a brake was applied to those roads by the insertion of the recapture provision, providing that one-half of the return of any railroad in excess of 6 per cent should be paid into a con-tingent fund for the purpose of making loans to other railroads. The value taken by the Interstate Commerce Commission was

largely based on the book values of the railroads. It is true

that the amount fixed was less than the amount claimed by the railroads, but there is nothing to indicate the correctness of the valuation, for the valuation department of the Government has not finished its work of finding the value of the railroad properties in the United States.

In fixing rates that would earn a return of 54 per cent, plus one-half of 1 per cent for improvements and betterments and equipment, the Interstate Commerce Commission, on August 26. 1920, increased the rates by horizontal increases on all railroads in the United States, as follows.

Per	cent.
For the eastern group of railroads	_ 40
For the western group of railroads	- 35
For the southern group of railroads	25
For the Mountain Pacific group	25
From one group to another	331

On July 1, 1920, a reduction of 10 per cent was made in and between all of the groups, effective January 1, 1922. Rates on grain products and hay throughout the western and Mountain Pacific groups were reduced approximately as follows: On wheat, hay, and other grain products, 13 per cent; on corn, rye, oats, and barley, 20 per cent.

October, 1921, rates on live stock throughout the western and Mountain Pacific groups in excess of 50 cents were reduced per cent. These constitute the principal rate reductions. Taking all of the increases and reductions made by the

Interstate Commerce Commission since 1913 into consideration, and calling the rates of 1913 100 per cent, the rates to-day are as follows:

Eastern group, 190 per cent; southern group, 141 per cent; western group, 152 per cent; Mountain Pacific group, 141 per cent; from one group to another, 149 per cent. Notwithstanding the fact that the eastern group rates were increased a greater per cent than the other groups, the rates of the West are still much higher than the rates of the East and the South. This is accounted for by the fact that the rates for the western group of railroads, especially the Mountain Pacific group, were very much higher originally than on any other railroads in the United States

For the year 1921 the average revenue per ton-mile for the eastern roads was 12.43 mills; for the South, 10.81 mills; for the West, 14.22 mills per ton-mile.

In other words, the rate per ton-mile in the western group is 14.4 per cent higher than in the eastern group, and is 31.5 per cent higher than in the southern group.

It will be recalled that subsection 3 of the Esch-Cummins law fixed the fair rate of return at 51 per cent, plus one-half of 1 per cent for improvements, betterments, and equipment, for a period of two years, beginning March 1, 1920.

May 16, 1922, the Interstate Commerce Commission fixed a rate of 5% per cent of the aggregate value of all properties as a fair return effective on and after March 1, 1922.

And so our railroads are being operated to-day under the Esch-Cummins law with the interest earnings fixed at 5% per cent, based on the valuation of \$18,900,000,000 and, as I analyze the railroads, very few of them are having any trouble to earn 53 per cent, and some of them are earning more than twice that amount.

Taking the year 1913 as a normal year on our railroad systems, and comparing it with 1921, a year after the Esch-Cummins law was passed, I shall have no trouble in showing that the railroads are in a prosperous condition to-day under a reckless expenditure of money that, in my judgment, is nothing less than criminal.

Mr. President, the Nation's freight bill has nearly doubled since 1913. The freight revenue for 1913 and 1921 is as follows: \$2, 140, 083, 394 3, 911, 204, 509

1, 771, 121, 115 which is an increase of 83.5 per cent.

There was only a very slight increase in the tonnage. The ton-miles increased as follows:

297, 722, 528, 693 806, 736, 765, 622 9, 014, 236, 929 Increase____

which is an increase of only 3 per cent.

Railroad officials will tell you that the expense of a railroad is largely measured by train-miles; that it is the train-miles that make the expense.

A comparison of freight train-miles shows that there were not nearly as many train-miles in 1921 as in 1913:

Freight train-miles in 1913______Freight train-miles in 1921______ 118, 028, 576

or a decrease of 18.8 per cent.

In other words, the people were called on to pay 83.5 per cent more revenue for 3 per cent additional ton-miles, which was performed by 18.8 per cent less freight train-miles.

The decrease in freight train-miles was brought about in two ways: First, by cooperation on the part of the people by heavier loading per car; second, by handling more cars per train-mile.

The cost to the people, measured by the ton-mile rate, is as

	on-mile.
1921	12. 75
Increase	5. 56

empty-car movement per train-mile has considerably

Empty cars per train-mile 9. 59 Increase.

which is an increase of 48 per cent.

This reflects the unsettled condition of the country and shows the lack of purchasing power on the part of the farmers. move their goods to market and have no money with which to buy. A reduction in rates would stimulate the loading both ways and would increase the revenue without corresponding increase in the expense.

The increased cost of passenger traffic is shown in the follow-

ing figures: \$678, 966, 749 1, 151, 771, 045

472, 804, 296 It cost the people 70 per cent more in 1921 to travel on our

railroads than in 1913. There was a slight increase in the passenger miles, as follows:

3, 437, 500, 008 or an increase in the passenger miles of only 10 per cent.

The passenger-train miles, like the freight miles, decreased: 572, 503, 969 554, 799, 797

> 17, 704, 172 Decrease ...

or a decrease of 3 per cent.

The increase in the passenger revenue is a net gain to the railroad, for the reason that passenger trains, unlike freight trains, run on regular schedules, whether there is anyone to ride on them or not, while freight trains move only when there is sufficient tonnage.

Mr. President, the importance of agriculture to the great railroads of this country is clearly shown in the number of tons of agricultural products shipped over our railroads in 1913 as compared with 1921, and the number of tons shipped by other great industries of the country in 1913 and 1921.

The farmers of the country produce what we call a vital ecessity of life. Most of the other industries are producing necessity of life. what might be called a deferred necessity. In other words, for a time we can defer the use of mine products and the products of the forest; and when there is an overproduction our manufacturers can close down, and they do close down, and public opinion sustains them in closing their factories. But that is not so with the farmer. He must go on, regardless of what his products bring on the market. The lower the price of farm products, the more he must produce in order to keep the wolf from the door; but unless the country treats him with more of a spirit of fairness in the future than it has in the past, especially as far as freight rates are concerned, he will be forced to limit his production and let the wolf wait at some other man's door.

These figures show the amount of different classes of freight transported in 1913 and 1921 and tell a most wonderful story. They show how vital the agricultural industry of the country

is to the railroads themselves. The number of tons hauled by the railroads in 1913 and in 1921 is as follows:

	1913	1921	
Products of agriculture Products of animals. Products of mines Products of forests. Products of manufacture	Tons 203, 203, 192 42, 261, 263 4, 099, 867, 548 203, 615, 494 506, 087, 990	Tons. 222, 678, 348 41, 777, 754 878, 224, 636 148, 042, 863 400, 039, 094	

Mr. President, I have had time to examine into the affairs of but a few of our railroads, but from the few I have examined I am satisfied that the people by rights own a large interest in our railroads to-day upon which they are now asked to pay an interest charge of 5% per cent under the Esch-Cummins law.

For instance, examination into the affairs of the Union Pacific system, which is one of the greatest railroads in the United States to-day, shows that practically all of the great development on that system, such as double tracking, building new roads and equipment, has been made out of the earnings of the road after paying interest on their funded debt and

dividends to their stockholders.

I find on examination of the three roads, the Union Pacific Railroad, the Oregon-Washington Navigation Co., and the Oregon Short Line, which make up the Union Pacific system, that the amount of the stocks and bonds on June 30, 1902, was \$451,752,965, and on December 31, 1921, the total amount of capital stocks and bonds outstanding was \$701,502,130. The capital stock increased in the last 20 years \$118,181,635, and bonds outstanding increased \$131,567,530, or a total increase in stocks and bonds of \$249,749,165.

During the same time their investments in outside securities increased from \$141,494,986 in 1902 to \$301,075,047 in 1921, an increase of \$159,580,061 in 20 years; and their book value of road and equipment increased from \$355,029,493 in 1902 to \$653,962,537 in 1921, an increase in the book value of road and equipment of \$298,933,044 in 20 years, making a total increase outside securities and investment in road equipment of \$458,513,105.

Now compare this increase in investment of \$458,513,105 with the increase in stocks and bonds during the same time of \$249,749,165. It shows that there was a greater increase of \$208,763,940 in the investment than in stocks and bonds. This undoubtedly came from the earnings of the company.

Nor was this all. During the same 20 years the road paid \$501,180,713 in dividends, and during the same 20 years, 1902-1921, inclusive, the company set up a surplus above dividends

and fixed charges of \$216,301,818.

Now if we compare the increase in the stocks and bonds of \$249,749,065 with the accumulated surplus account during the same period of \$216,301,818, we find a difference of only \$33,447,347, which may be designated as new money invested

in the Union Pacific system in the last 20 years.

The book value of the Union Pacific system on December 31, 1921, is shown to be \$653,962,537, and the road during the past 20 years set up out of earnings a surplus account above dividends and fixed charges of \$216,301,818. In other words, the people contributed \$216,301,818 toward the \$653,962,537 to build the Union Pacific system, upon which the company now asks the people to pay an interest charge of 54 per cent. By every right this \$216,301,818 should be deducted from the value of the Union Pacific system and the people only required to pay a rate on \$437,660,719, instead of \$653,962,537, as claimed by the Union Pacific system. This same system of building the road out of the earnings has been carried on ever since the road was constructed and I am satisfied that if an investigation was made and the water squeezed out of the book value the people of the West would have freight rates that would permit the West to develop.

I have also learned that stock was sold to favored stockholders at less than market price. I have not been able to find out just what amount of stock was sold, or the price for which it was sold, but I understand that it was sold at a price considerably less than the market price. The difference between what the stock was sold for to the favored stockholders and the market price may be sufficient to wipe out the new money figure of \$33,447,247.

A large part of the Union Pacific system 25 or 30 years ago was little better than a cow trail. To-day it is one of the greatest roads in this country. All the heavy grades have been eliminated. Practically every mile of the Union Pacific has been double-tracked. The Oregon Short Line has been developed and improved and part of it double-tracked. It is a first class works in warm round.

first-class system in every respect.

The same can be said of the Oregon-Washington Navigation Co. It is on this road that new branches have been built of very expensive and difficult construction. On the Union Pacific system in the last 20 years 1,931 miles of new road have been constructed and equipped. All of this wonderful development has been done out of the earnings of the system after paying at times excessive dividends, and the interest charge on their indebtedness, with the exception of \$33,447,347 of new money, as to the existence of which there is much doubt. I have no doubt that an investigation would show that this method has been practiced by all railroads.

Mr. President, I am satisfied that if the Senators who voted for the Esch-Cummins law would take time to investigate the administration of our railroads under that law they would be forced to the same conclusion that I have reached—that the Esch-Cummins law, under the reckless and extravagant administration of our railroads, was a most serious mistake.

In 1913 there was 1,746,092 men employed on the railroads, and in 1921 there were 1,622,758 employed, a decrease of 123,334 men. During that time there was a decrease of 18.8 per cent in the freight-train miles and a decrease of 3 per cent in the

passenger-train miles.

With all these reductions in train miles and passenger miles, and a reduction of 123,334 empolyees, I find that in 1913 it required 12,928 general and division officers to administer our railroads, and that in 1921 it required 21,763 general and division officers to administer our railroads, an increase of 8.835 The salaries of these officers in 1913 were \$39,over 1913. 869,656, and in 1921 their salaries were \$86,026,886, or an increase of \$46,157,230.

The operating revenues and expenses of the railroads in the United States were as follows:

	1913	1921
Operating revenues	\$3, 108, 361, 215 2, 173, 463, 563	\$5, 516, 556, 455 4, 562, 668, 302
Net revenue	934, 897, 653	943, 888, 153

The railroads in 1921 made a greater net earning than in 1913 by \$8,990 501

During the same time there was a decrease in the train miles, both freight and passenger, and a decrease of 123,334 employees, and an increase of 8,835 officers, and an increase in officers' compensation of \$46,157,230.

Taking the increase of \$8,990,501 and cutting out the extravagant increase of \$46,157,230 for the management of the roads, it would make the net revenues for 1921 \$55,147,731

greater than in 1913.

The extravagance and waste undoubtedly run all through the operation of the roads. If this waste was cut out the rates could be reduced and the railroads would be in a very prosperous condition to-day. I am satisfied from my investigation that the railroads of this country are in a prosperous condition to-day, or would be if they would give their roads an honest and economical management. The cry of "wolf" is only to divert the people's attention from the real, true condition of our railroads. Some day the people will discover that there is no "wolf," and that the managers and officers of the railroads themselves are the real "wolves."

Mr. President, I have tried very hard to find some reasonable excuse for the remarkable increase in the number of officers on the railroads of the United States, but nowhere have I been able to find the slightest reason or excuse for the increase.

It is far from me to want to do any injustice to the men who direct the affairs of the great railroad systems of America, and if any Senator can shed any light on this tremendous increase I

have shown I shall be more than gratified to hear it.

If there is any difference in the operation of our railroads to-day than in 1913 I am unable to find it. The only difference that I find in the railroad situation to-day as compared with that of 1913 is that for two years our railroads were under Government control, and that to-day the railroads are operating under the Esch-Cummins Act, with a fixed earning interest charge of 5% per cent, based on a valuation of \$18,900,000,000, and now we have an income tax that some corporations have

not accepted in a very fair spirit.

It makes but little difference to me whether the increased number of officers are actually employed on the railroads or whether they are dummies set up to show an increase in the operation of the roads. If they are actually in existence, then I want to say that it is an unwarranted extravagance and is

criminal in its nature.

Mr. President, I have never been in favor of Government ownership of railroads in this country, and I hope the time will never come when I will be forced to change my position on that great question; but the selfishness and reckless and extravagent management of our railroads to-day may force many people in this country to change their position on Government ownership and operation of railroads.

An article in the Literary Digest, under the headline our railroad presidents worth their salaries," says that "five railroad executives, the first, second, third, fourth, and seventh highest paid in the United States, with offices in New York City, receive salaries, according to the Interstate Commerce Commission, aggregating \$427,674, an average of \$84,934."

With an increase of 8,835 officers of our railroads in 1921 over 1913, it seems to me that the work of these great generals should have been made so much lighter that their salaries might have been decreased instead of increased.

Mr. President, I have but little regard for the man in this country who is not willing to give our railroads a fair return on their investment. The man who is not willing to do that is an undesirable citizen and should be branded as an anarchist. We have had a few such citizens, but not many. They are harmless, however, in any country so long as there is honesty in what is called the upper strata of life.

But when greed becomes so common in a country that men who occupy high positions in its business affairs can so far forget themselves that for any purpose they permit such con-ditions to exist as are shown to exist by the reports which I have received from the accounting department of the Interstate Commerce Commission in the management of their roads there is grave danger some day, unless this selfishness is curbed, that this country may suffer the same fate of other countries where selfishness and greed have created anarchy and together have broken down and destroyed one government after another as far back as authentic history tells the story of the rise and fall of civilizations.

SECTION 4 OF INTERSTATE COMMERCE ACT.

The resolution (S. Res. 472) submitted this day by Mr. Gooding, was considered by the Senate and agreed to, as follows:

Resolved. That the Interstate Commerce Commission is directed to investigate and report to the Senate the following information relating to the administration of section 4 of the

interstate commerce act:

(a) The number of applications in special cases for relief from the operation of such section, filed with the commission, granted by the commission, granted by the commission after investigation including hearing, denied by the commission, or denied by the commission after investigation including hearing, for each of the following periods: The period between the amendment of the interstate commerce act on June 29, 1906, and its amendment on June 18, 1910, the period between such amendment on June 18, 1910, and the enactment of the transportation act, 1920, and the period since the enactment of the transportation act. 1920;

(b) The number of such applications granted since the date of the enactment of the transportation act, 1920, in order to meet rail competition, and the number granted since such date

in order to meet water competition;

(c) The number of such applications granted since the date of the enactment of the transportation act, 1920, in which proof was presented satisfactory to the commission that the rate applied for would be reasonably compensatory for service performed, and the number of such applications granted since such date in order to meet water competition in which proof was presented satisfactory to the commission that the water competition was actual and not merely potential;

(d) The names of the railroads that have made such applications, the purposes intended to be accomplished and actually accomplished, in the opinion of the commission, by the filing and granting of such applications, and the effect of such appli-

cations on other railroads;

(e) The localities that have been most interested in having the railroads make such applications, and what pressure such localities have brought upon the railroads and other localities

in order to obtain the filing of such applications; and

(f) The number of cases of increases of rates previously reduced in order to meet competition from a water route, and the number of such cases in which there was presented proof satisfactory to the commission that such increase rested upon changed conditions other than the elimination of the water competition.

APPENDIX.

[From the Manufacturers Record, February 22, 1923.]

N AMAZING REVELATION OF SECRET FINANCIAL MEETING—ON MAY 18, 1920, FEDERAL RESERVE MEETING IN WASHINGTON DISCUSSED DEFLATION, RESTRICTION OF CREDIT, BREAKING DOWN OF PRICES, AND HIGHER FREIGHT RATES, BUT GOVERNOR HARDING WARNED THOSE PRESENT NOT TO DIVULGE THE DISCUSSIONS OF THE DAY—THE INSIDE STORY REVEALED BY A STENOGRAPHIC REPORT OBTAINED BY THE MANUFACTURERS RECORD.

"After one of the most fateful meetings in the financial history of the world, a meeting which no other organization, including the Interstate Commerce Commission or the Supreme Court of the United States, would ever have dared to hold in secret and reach its conclusions in secret and withhold its conclusions from the public, Governor Harding, of the Federal Reserve Board, in closing that meeting of the Federal Re-

serve Board, the Federal Advisory Council, and the class A directors of Federal reserve banks, said: 'I would suggest, gentlemen, that you be careful not to give out anything about any discussion of discount rates. That is one thing there ought not to be any previous discussion about, because it disturbs everybody, and if people think rates are going to be advanced there will be an immediate rush to get into the banks before the rates are put up, and the policy of the reserve board is that that is one thing we never discuss with a newspaper man. If he comes in and wants to know if the board has considered any rates or is likely to do anything about rates, some remark is made about the weather or something else and we tell him we can not discuss rates at all. And I think we are all agreed it would be very ill advised to give out any impression that any general overhauling of rates was discussed at this conference. We have discussed the general credit situation and your committee, which has been appointed with plenary powers, will prepare a statement which will be given out to the press to-morrow morning and we will all see what it is. You can go back to your banks and of course tell your fellow directors as frankly as you choose what has happened here to-day, but caution them to avoid any premature discussion of rates as such. We have had an exceedingly interesting day, gentlemen. The suggestions which have been made have been valuable and we have profited by your views. I wish to express on behalf of the board our appreciation of your coming here and to thank you for the unselfish and loyal interest you have taken in the Federal bank situation throughout the country in giving this matter the careful thought and consideration that you have. And I am sure that the spirit which has manifested itself at this meeting here to-day will spread throughout all the country, to the member and nonmember banks, and if it does we can look the future in the face with courage and confidence.

"These closing words of a fateful conference, it can be conservatively said, are the most damning indictment of the management of the Federal reserve system which could be penned by the worst enemies of that organization. The Manufacturers Record has shown since shortly after that meeting was held some of its decisions, but it has never until within the last few days been able to get hold of a stenographic copy of the minutes. But with this stenographic report we are now able to give to our readers some details regarding that meeting which strengthened and confirmed the work of deflation which had already been inaugurated. After a long conference and full discussion, covering 37 pages of foolscap, closely typewritten, the statement that Governor Harding closed the meeting with was emphatic warning to those in attendance that the deliberations of that meeting should be held as strictly confidential except to fellow directors and that the public should not be allowed to know what had taken place and the newspapers should know only so much of the

meeting as the carefully prepared statement would present.
"As far back as July 3, 1919, the Manufacturers Record warned the Federal Reserve Board against some of the actions that were then being taken, and said:

Not for a moment would we suggest that the members of the Federal Reserve Board were in any way financially interested in the stock market, but we can readily understand the limitless power of stock speculation and the manipulation of the stock market which would be available to anyone who knew a few hours in advance of such proposed action by the Reserve Board. It is entirely within the power of that board to break the stock or the cotton market or to bring about a big boom movement in cotton or stocks. The power is too great to rest in the hands of any seven men, even if they were angelic in character, for they might be succeeded by those who were not so angelic.

"That editorial emphasized the control which big financial interests had held over the stock market to break it when it suited their convenience to buy in stock or to boom it when ft suited their convenience to unload stocks, and we added: 'It was hoped that the organization of the Federal Reserve Board would make this impossible; but the recent action of the board would make this impossible, but he recent action of the board resulted in a very rapid break in the stock market, and it is within the power of the board to bring about a rapid ad-vance whenever there is a change of policy and prevent the calling of loans or the sharp advance in money.'

"In that editorial we quoted from the Boston News Bureau a very sharp arraignment of some of the methods of the Federal Reserve Board and closed with the statement from the

"'Before the Federal reserve system a money squeeze was one of the tricks of the trade to frighten the public out of their stocks. Are the administrators of the Federal reserve system going to countenance the same old game by allowing the people who have the control of money to play with values on a discount

basis, arresting advancement and prosperity?'
"When two years ago the Manufacturers Record urged that every important meeting of the Federal Reserve Board should be held in the open, with the right of the public to know what was taking place, so that no secret acts should be passed giving to the insiders limitless possibilities for money-making, we knew that we had thrown a bombshell into the camp of secrecy, but we did not at that time know that Governor Harding had so specifically and emphatically urged that that conference should regard its whole discussion as secret and to be withheld from the newspapers and from the public at large. The human mind is somewhat staggered as it tries to outline the limitless possibilities for money-making on the part of every man who, having this secret information, knew exactly what would happen in the business world long in advance of what the general business public could even suspect, even if no man ever used this information to his own individual profit. This conference, the closing statement of which we have quoted, was held on May 18, 1920. Those in attendance were as follows

"Hon. Adolph C. Miller, member of the Federal Reserve

"Hon. Henry A. Mohlenpah, member of the Federal Reserve Board.

"Hon. John Skelton Williams, Comptroller of the Currency and member ex officio of the Federal Reserve Board.

"Hon, David F. Houston, Secretary of the Treasury and member ex officio of the Federal Reserve Board.
"George L. Harrison, counsel, Federal Reserve Board.

"Also the members of the Federal advisory council: "Philip Stockton, Federal reserve district No. 1.

"A. B. Hepburn, Federal reserve district No. 2. "L. L. Rue, Federal reserve district No. 3. "W. S. Rowe, Federal reserve board No. 4.

"J. G. Brown, Federal reserve district No. 5. "Oscar Wells, Federal reserve district No. 6.

"James B. Forgan, Federal reserve district No. 7. "F. O. Watts, Federal reserve district No. 8. "E. F. Swinney, Federal reserve district No. 10,

"R. L. Ball, Federal reserve district No. 11. "A. L. Mills, Federal reserve district No. 12.

"J. H. Puelicher, Marshall & Ilsley Bank, Milwaukee, Wis. "John Perrin, chairman of the board and Federal reserve agent, Federal Reserve Bank of San Francisco.

"Hon. Edmund Platt, chairman of the Banking and Currency Committee, House of Representatives.

"Also the following class A directors of the Federal reserve banks:

"Boston: Thomas Beal, Edward S. Kennard, and Frederick S. Chamberlain.

"New York: James A. Alexander, R. H. Treman, Charles Smith, and J. H. Sisson.

"Philadelphia: Joseph Wayne, jr., M. J. Murphy, and Francis

"Cleveland: O. N. Sams, Robert Wardrop, and Chess Lam-

"Richmond: John F. Bruton, Charles E. Rieman, and Edwin

"Atlanta: J. K. Ottley, Oscar-Newton, P. R. Kittles, and

W. H. Kettig.
"Chicago: George M. Reynolds, Charles H. McNider, and E. L. Johnson.

St. Louis: J. C. Utterback and Sam A. Ziegler.

"Minneapolis: Wesley C. McDowell and E. W. Decker.
"Kansas City: J. C. Mitchell, C. E. Burham, and W. J.

"Dallas: John T. Scott, E. K. Smith, and B. A. McKinney.
"San Francisco: C. K. McIntosh, J. E. Fishburn, and M. A. Buchan.

DOOM OF COUNTRY'S BUSINESS INTERESTS SOUNDED AT CONFERENCE COMPOSED EXCLUSIVELY OF BANKERS.

"It will be noted that those in attendance were preeminently bankers and that business men as such were not there, though the business men and not the bankers are the ones who create the business of the country, whether in agriculture, manufacture, or other lines of industry. Their doom was being settled in a conference composed exclusively of bankers.

"In opening the proceedings Governor Harding, referring to

those in attendance, said:

"The class A directors are the banker members of the boards of directors of the Federal reserve banks. They are not only directors, and as a rule very influential directors, of Federal reserve banks but they are officials of member banks, and thus they see both sides of the picture. So it seems to be

peculiarly appropriate at a time when there is a banking situation to discuss to have bankers here to discuss it.

"It is true that it might have been important to have bankers there to discuss the subjects up for consideration that day, but is it not also true that the manufacturers, the merchants, the farmers, and all others representing the producing and transportation interests of the country were just as vitally interested in a conference of this kind as those who were exclusively engaged in banking? In a rather lengthy opening speech Governor Harding said:

"'Every effort should be made to stimulate necessary production, especially of food products, and to avoid waste.'

"And having encouraged the farmers to the utmost extent during the spring of 1920 to carry forward their farming operations despite the high wages that were being paid labor drastic deflation was put into effect, breaking down the prices of farm products to an extent that literally bankrupted hundreds of thousands of farmers.

"'We can,' said Governor Harding, 'restrict credit and expand production, letting the expansion of production proceed at a greater rate than the restriction of credit, and we are

then working along in the right direction.'

"No human being has yet found a way to restrict the credit facilities essential for increasing production and at the same time bring about increased production. That statement is so rankly absurd on its face that it is an amazing thing that any man professing to be either a banker or a political economist could presume to suggest that restriction of credit and ex-

pansion of production could go hand in hand.

"It is in striking contrast with the statement quoted from Hon. Reginald McKenna, formerly Chancellor of the Ex-chequer of Great Britain and one of the world's great banking authorities, given elsewhere in this issue, in which Mr. Mc-Kenna said: 'The continuance of a high rate or the adoption of any other method for the purpose of forcing down prices is bound to strangle trade and reduce output. We must not interfere with the natural flow of trade by any restriction of existing producing power but must seek a general increase of wealth through a more abundant output.'

"And as that day's meeting was devoted to a discussion of how to increase interest rates in order to lessen the volume of business, it is interesting to quote from a statement made by Comptroller Crissinger, recently nominated as governor of the Federal Reserve Board, in which he said: 'Falling prices and high interest rates are never twin sisters of prosperity. I can not too emphatically say that I do not believe deflation in currency and credits can go hand in hand with a régime of high interest rates without imposing great and

dangerous hardships upon the people.'
"'It is very clear,' said Governor Harding, 'that if we find it impossible under the present circumstances to increase the volume of production of the most essential articles, the only thing for us to do is to reduce consumption of those articles." In other words, here was a definite plan to break down business and lessen consumption at a time when the American people and the world at large were buying freely of everything

that could be produced.

"This plan of forcing down prices and breaking down business had been secretly inaugurated long before the meeting whose records we now have before us and from which we have been quoting, for on February 12, 1920, the Manufac-turers Record published an extract from a letter from one of the foremost bankers of the country, in the course of which, criticising this paper because we had denounced the efforts of banks through the pressure of the Federal reserve system to call all loans on Government bonds, he said:

You can further see that if by any pressure these bonds can be turned out of the Federal reserve banks and passed over to the strong boxes of great institutions-savings banks, life-insurance companies, large estates, benevolent and philanthropic institutions-just to that extent the 12 banks would be in a position to extend additional facilities to merchants and business men generally. Of course it seems hard that anyone who for patriotic purposes should have invested in Government bonds should be practically called upon to part with, say, a loss of from 8 to 9 per cent, but facts are stubborn things and conditions more important than theories.

"That same banker wrote us that he would not lend money on any collateral of any kind, it mattered not how good it might be, and that there was too much business in the country and it should be brought down to normal conditions.

"That was the spirit which was being inculcated by the then management of the Federal reserve system. Stripped of all its useless verbiage, the meeting of May 18 was largely devoted to the discussion of how to lessen the activity which was pre-

vailing throughout the country and bring on deflation of business and of credits. Governor Harding said: 'We should be careful, however, not to overdo this matter of liquidation, because too drastic a policy of deflation, which might result in crowding to the wall and throwing into bankruptcy legitimate enterprises, however unessential their operations may be, would have a tremendously bad effect and would defeat the purpose of the very policy which we are trying to have established.' He added 'A sensible and gradual liquidation will result in permanent improvement, as we all know, but any attempt at radical or drastic deflation, merely for the sake of deflation, will result in very serious consequences, and such a policy should be avoided.'

"But drastic deflation is exactly what took place. Some of the men who went from that meeting went with the impression, and said so, that a policy of deflation and the breaking down of prices could be put into effect and that the Federal reserve management would have the power to stop this deflation and price breaking at any point when it might decide that it had gone far enough, not having financial ability sufficient to comprehend the fact that when they started business on the toboggan slide they would not be able to stop it until it collapsed at the bottom. Every man of ordinary intelligence ought to have been able to see the inevitable result of the policies dis-

cussed and outlined in that campaign.

"Over and over again during the process of deflation it was stated by Governor Harding and others that the banks of the country were guilty of misleading, even to the extent of practically lying to their customers by declining to make loans, alleging the opposition of the Federal Reserve Board, but in Governor Harding's speech he said: 'The directors of the Federal reserve banks are clearly within their rights when they say to any member bank, "You have gone far enough; we are familiar with your condition; you have got more than your share and we want you to reduce. We can not let you have any more," They must exercise their discretion as to the proper course to pursue but they have the power and there are many cases where the rule ought to be laid down and a member bank ought to be made to understand that it can not use the resources of the Federal reserve banks for its own private advantage for profit,'

"At the close of his address Mr. Hepburn asked if any arrangement had been made to place Governor Harding's opening remarks before the public and to this Governor Harding said: 'I have a synopsis prepared which was given to the press on yesterday for release to-morrow morning. It is rather more abridged than the statement I made this morning, but it is the

substance of it.'
"It is interesting to take this statement in connection with Governor Harding's closing remark at the end of the conven-tion which we have already quoted and in which he insisted that the discussion of the meeting should not be given to the press or to the people and the only thing which should be given to the press would be a summary prepared by the committee.
"Thus neither the press nor the public ever had any real in-

formation on what took place at that meeting.

TRIFLING DISCUSSION BY FIRST DISTRICT OFFICIALS.

"After closing his address the meeting was opened by Governor Harding with an invitation to those in attendance to make reports as to conditions in their communities and in the Federal reserve banks with which they were connected. Mr. Thomas Beal, of the Federal Reserve Bank of Boston, said: 'We seem to have been able to have had some liquidation in our district.

And the public knew only too well that there has been a great deal of liquidation due to drastic deflation, not only in

Boston but elsewhere.

"Mr. Chamberlain, of the Boston bank, had nothing to say, but added, 'I am the baby director on the board and Mr. Beal

is our spokesman.'
"Mr. Kennard, of the same bank, said: 'I am a group 3 director of the first Federal district, and I want to say that we

have a very healthy looking baby.'
"But whether he was referring to the bank as a healthy looking baby or to Mr. Chamberlain as the baby director we have no means of knowing, but the public can probably gain some light from the trifling discussion of the healthy looking baby and baby director from men who were facing one of the greatest financial problems that the world has ever had to meet. It was a time which called for real men, men who could think and who could say and did not plead the baby act or newness. However, Mr. Kennard, continuing, said, 'I also think that the rates for money should continue on a high level, with the hope of causing liquidation in commodities. Of course, liquidation would result in low prices and the easing up of business. I do not think this body should encourage any drastice measures of readjustment. I think the deflation should be gradual, and I think we should give more care to the commercial paper that is rediscounted at the Federal reserve banks.

That Mr. Kennard or anyone else has found out how high rates of money shall be forced upon a country without producing drastic liquidation in place of gradual deflation he will have discovered something that no other human being has yet been able to discover. Mr. Kennard emphasized the congestion of the transportation facilities and the fact that the warehouses were congested because they did not have the shipping facilities, and this thought runs through a great many of the discussions of that day, and yet without shipping facilities merchants and manufacturers were told that they must ship their stuff in order to liquidate their accounts.

NEW YORK BANKERS FAVORED CURTAILMENT OF EXPANSION WHEREVER POSSIBLE.

"Mr. James A. Alexander, of New York, said, 'We find today, I think, a hesitation in business. Large users of credit are inquiring as to what the future has in store for them. I think now is the logical time to deal with this question, perhaps the best time that has occurred up to now, to bring this credit situation home to the users of credit. Although while this hesitation is on they will get some loans, prices are being reduced, but nevertheless, unless there is a very substantial contraction and a very definite and positive announcement made in some way, the users of credit in the country may become more hopeful again that the situation is not one to be feared, and they feel justified in going ahead and making very substantial and

large commitments for the future.'

"Following this, Mr. Alexander suggested that the discount rate should be raised, 'not to 61 or 61 per cent but to 7 per cent on commercial paper.' In reply to a question from Governor Harding as to whether the raise in rate would penalize anybody who could not liquidate on account of transportation facilities, Mr. Alexander said: 'I am afraid somebody is bound to be penalized in order to bring about "production." A percentage of 1 per cent is not a very heavy penalty in the way of an interest charge, but it is a very positive announcement that the credit situation is such that further expansion must be prevented and that curtailment should be had wherever possible.' When asked as to the transportation situation in his district Mr. Alexander said: 'There is almost no such thing there now'; and he added: 'There is one thing, I think, to be feared, and that is that if the transportation facilities are improved and commodities moved freely and credits are thereby released it may make a temporary ease in the money market, and may encourage people to go ahead and expand. now is the time to put the rates up and to keep them up.

"From this one might interpret Mr. Alexander's statement as indicating that he did not desire to see transportation facili-ties improved and commodities moved freely, because that would release credits and encourage the business people to go ahead. May Heaven save this Nation from a policy so narrow

visioned and so amazing as that!

"Mr. Treman, also of the New York district, said: 'I think Mr. Alexander has well expressed the general sentiment of the directors in our district, that there is a spirit of hesitation and uncertainty prevailing throughout the country, and that the business interests are looking to the Federal Reserve Board and the Federal reserve banks to indicate what is to be done. We have felt in New York that it was advisable to advance the rate further than at present, because we got good results from the action which was taken in the winter. We believe the time is coming when there should be a further warning by the advancement of the rate throughout the country. Not that it would curtail business-that is, the advancement of a point or a half point in the commercial rate-but it would be a warning to a great many banks that will not be affected by the graduated or progressive rate that in dealing with their customers they should recognize what many of them apparently do not recognize yet, and that is that the credit situation is a very strained one and should be dealt with now before the conflagration becomes too severe. As to the particular method to be employed, Mr. Alexander, I think, has correctly stated the position of the directors of the Federal Reserve Bank of New York—that is, that there should be an immediate raise in rate; second, that the position outlined by Governor Harding with regard to the process and methods of education should be car-I am in very close touch with certain of ried out. the distributing interests-jobbers in hardware and jewelry and other lines—and I am sure that they are disturbed and they are looking to the Federal Reserve Board and the Federal reserve banks to outline a remedy which will deal with the situation in a sound and sane way at the present time without causing undue alarm. We can do that if we begin and restrict

within reason the granting of credit through individual banks. You must do something more than send them requests not to do it. The way to do it is to bring them face to face with the officials of the Federal reserve banks in each district and have them understand the situation and have them in turn go back and deal with the commercial and business interests. in addition to reaching the business organizations through their officials reach the agricultural societies and organizations though their officials, so that if there should be an effort to get in touch with the large interests in each district and merely point out the necessity for a reasonable curtailment of credit, the same as we curtailed sugar and coal when there was a real need for it, it seems to me that by the raising of rates now, by the education of bankers individually and by these group meetings and by going on further and extending our suggestions to the business interests of the country, I believe that we can forestall any very serious disturbance in the fall.'

"Mr. Alexander was asked by Mr. Ottley, referring to the suggested raise in rates to 7 per cent; 'In view of the basic line that is under consideration by the Federal reserve bank, would it be your idea, Mr. Alexander, to just make a flat rate of 7 per cent or start off the basic line at 6 per cent with a rising scale?' And to this Mr. Alexander replied: 'Make the And to this Mr. Alexander replied: 'Make the basic rate 7 per cent. I am in hopes that there will be no plan of progressive rates put in effect in New York. Make the rate 7 per cent. I am speaking of commercial paper. Commercial paper is the thing that is being created in volume right now and we want to limit it as much as we possibly can

"Mr. Charles Smith, of New York, said: 'The entire board of our bank is in hearty accord with the advancement of rates as expressed by both Mr. Alexander and Mr. Treman.'

"Mr. John Skelton Williams said: 'Before we leave this question, Mr. Alexander, as you suggest a 7 per cent rate, do you not think that one of the effects of a 7 per cent rate as a minimum rate for all banks would be to discharge essential industries? Six per cent is the maximum rate in New York except on bonds and certain other things. A small bank might have an application from an essential industry and it would realize that if it were to lend to that industry the accommodation that it needed it could only reimburse itself at the higher rate or at a loss. It would have to charge that essential industry 6 per cent and would have to pay 7 per cent, and there would therefore be no inclination to extend the accommodation at a loss even to an essential industry. On the other hand, if you put the rate at 7 per cent, that would not deter the profiteers who are making 70 per cent profit, 60 per cent, or 50 per cent. My apprehension and wonder is whether a higher rate of interest would not in the long run discourage the essential producers and at the same time have no effect at all upon the profiteers, upon the men who are making exorbitant and extortionate profits.

"Mr. Alexander replied: 'In the case of a corporation there can be a contract rate, whatever is agreed upon. But to this statement Mr. Williams replied: 'The farmers, for example, are not corporations and a great many of the smaller transactions are not carried on with corporations.' And to this Mr. Alexander replied: 'No, I am coming to that point. Between Alexander replied: 'No, I am coming to that point. Between corporations there is a contract rate, but in smaller transactions, where you are dealing with individuals and with farmers, 6 per cent is the legal rate. I do not think it makes a particle of difference to any of these borrowers, certainly to none of those with whom we come in contact, whether they pay 5 per cent, 6 per cent, or 7 per cent. The question is, "Can we get the money?" That is the question to-day. They say, "You lend us the money and we will pay the rate." Now, there is the chiestion as stand by vary of charging 7 represents the Now, there is the objection as stated by you of charging 7 per cent to the member banks when they can only collect 6 per cent. I think that is a feature of the situation that must be met. In other that is a feature of the situation that must be met. words, I think the purpose to be served is so great and of such prime importance that these other matters must be considered of smaller importance. I think the bank would have to stand in between the users of credit for essential purposes, if necessary, or they can have balances which will justify them in making a loan at 6 per cent, although they have to pay 7 per cent for the money.'

"Continuing the discussion, Mr. Alexander said: 'That is

exactly what you would accomplish by making a profiteer understand that credit is a luxury and difficult to get,' and so a great New York banker, holding the purse strings over hundreds of milions, we believe, wants to make it out that credit is a luxury and it is difficult to get. In this particular case he was referring to the profiteer, but that spirit that 'credit is a luxury, and is difficult to get,' in this particular, prevailed in too many banking rooms where a man was entitled to credit and should not

have been made to feel that credit was a luxury.

"Mr. Williams suggested that in dealing with a profiteer the purpose could be better accomplished by saying to him: 'We won't let you have the money,' than by letting him have the

money, even at 10 per cent.
"Mr. Alexander agreed to this statement as true and added: 'We could say that they could not have the money and we should see to it that the profiteer is cut out and that the essential industry is carried, even at the expense of the bank." Referring to those who had engaged in what was called profiteering during the period of rising prices, Mr. Alexander said: 'People of that kind will disappear rapidly, I think, under present conditions, because they will be forced out."

THIRD DISTRICT COOPERATED IN DEPLATION OF CREDIT.

"Mr. Joseph Wayne, of Philadelphia, said that he did not think the third district was unduly alarmed over the credit situation, but that they 'felt for some time that it required rationing and the green signal had been out."

When the Government sold its bonds the Treasury Department and the banks of the country pledged to 20,000,000 buyers of these bonds that they could be carried through the banks until they could be paid for out of earnings. On the subject of liquidating these Government bonds, Mr. Wayne said:
"'We may have been subject to criticism for not liquidating

more promptly the obligations secured by Government bonds, but we more or less acted along the suggestion of the previous Secretary of the Treasury and the Federal Reserve Board at the time these loans were taken, and it now looks to us to be a pretty bad time to force these bonds on the market. are being more or less liquidated. We have been endeavoring in our own bank in the last month to force Liberty bonds on the market, but they do not go on very comfortably. People who have to part with them and lose 13 points do not part with their money very gracefully.'

When asked by Governor Harding if a 7 per cent rate in New York had forced the Philadelphia bank to put on a 7 per cent rate, Mr. Wayne said: 'No; but you know the general custom is that when one bank raises its rate we usually get a suggestion from the Federal Reserve Board that they will approve a raising of rate for our district, and that usually goes When asked as to transportation facilities, Wayne reported them as very poor and the freight blockade as serious, and that during the past few weeks the transportation

situation had not shown any improvement.

Mr. Francis Douglas, of the Philadelphia Reserve Bank, reported that some banks were not cooperating to the fullest extent with the Federal reserve bank, and he suggested that a letter stating the actual conditions should be sent to the various banks, not only member banks but nonmember banks, throughout the country, in a plan of education, and added: 'It would be very beneficial and would help a great deal in the deflation of credit.

FOURTH DISTRICT OFFICIAL FAVORED BREAKING DOWN BUSINESS AND BUILD-ING UP FROM BOTTOM.

"Mr. Robert Wardrop, of the Cleveland Reserve Bank, said: 'I think a reasonable depression in business will be a good thing for the country,' and he added, 'I really think we would do better if we could get down to a lower basis, a different basis, and then from that we can work up again.'

"In other words, it would be a good thing, according to Mr. Wardrop, which was the view of a leading banker we have already quoted, that business should be broken down and then take a fresh start from the bottom. Millions of people who lost by that kind of teaching naturally question its wisdom.

"Mr. Chess Lamberton, of the Cleveland bank, one whom we have already quoted, also classes himself as a 'baby director.' and declined to express any opinion on any of the subjects

NECESSITY FOR RAISING DISCOUNT RATE DOUBTED BY FIFTH DISTRICT REPRESENTATIVES.

"Notwithstanding the fact that the Richmond Federal Reserve Bank sent out a circular letter in August, 1920; that it had been urging its member banks for more than 12 months to restrict credit, Mr. John F. Bruton, of the Richmond bank, referring to the heavy demands of agricultural loans, said: 'I hope it will not be necessary to increase the rate of interest, for fear that it might be construed as a reflection upon this great industry, which in the final analysis is doing the work of the country. Probably I am a little old-fashioned, but I have the impression that some positive relief could be had at the discount table of the Federal reserve bank by the discounting committee in drawing in on certain few banks in the district and limiting their borrowings, which would give to their banks the opportunity to make essential arrangements." When referring to some banks that he thought had been borrowing too heavily, Mr. Bruton said: 'Some of them have two

feet in the trough already and it might be advisable to reduce on some of them.

The suggestion that any bankers trying to take care of their customers were hoggishly inserting two feet in the credit trough seems a little rough, and perhaps Mr. Bruton spoke unadvisedly.

"Mr. Charles E. Rieman, of Baltimore, a director of the Richmond bank, said: 'I hardly see the necessity of increasing the rate at this time. * * With regard to the retail business, I have made a pretty close examination of it, and I do not think the shelves are overloaded.'

"Mr. Rieman was entirely correct in his position that there was no necessity of increasing the rate and that the country

was not overstocked with goods.

PENALTIES IN SIXTH DISTRICT CERTAINLY BECAME STRONG.

"Mr. J. K. Ottley, of the Atlanta Federal Reserve Bank, said: 'The condition of the farmers, merchants, and manufacturers in the sixth district, in large majority, is good.

"Contrast this good condition of farmers, merchants, manufacturers in the latter part of May, 1920, as reported by Mr. Ottley, with the chaotic condition of business in that district when, by higher rates and curtailment of credit, business chaos was produced, not only in that immediate district but throughout the country generally. In further discussion of the matter Mr. Ottley said: 'I would not feel at this time, from an independent standpoint, that a raise in the rate was necessary other than to put in this basic line and make the penalties very strong as they progressed."

"In view of the fact that penalties for higher rates were inflicted by the Atlanta bank on one Alabama bank, which was trying to protect its farmer customers, up to 871 per cent, the Atlanta bank evidently carried out the suggestion of making

'the penalties very strong.'

EMINENT CHICAGO BANKER SOUNDED WARNING NOTE.

"Mr. George M. Reynolds, of Chicago, was evidently not in favor of breaking down business so as to get a new basis from which to start again, for he said: 'If we pass through this crisis successfully and maintain prosperity at anything like its present level, I think the first requisite necessary is the maintenance of confidence. Believing, furthermore, that confidence is to a considerable extent a state of mind, it seems to me that we people who are from the outside points here could do more for the state of mind along the line of trying to enable the members of the Federal Reserve Board to look through our glasses and get the focus of things as we see them at the other end of the line.'

What a daggerlike thrust that was on the part of Mr. Reynolds against some members of the Federal Reserve Board when he, as one of the greatest bankers of America, suggested that one of the most important things was to get the Federal Reserve Board to look at the situation from his standpoint. What an infinite pity Mr. Reynolds was not able to bring about such a desirable change of vision! Further discussing the subject, Mr. Reynolds said: 'I would not be honest with myself if I did not express my own frank opinion on some of the questions. that have been raised here. I have not lost my belief in the theory that the yardstick is the interest rate, which is after all the best means of controlling the demand for money. I hope the Federal Reserve Board and the other people interested in this problem will not overlook this one principle.

"'As I understand it, reserves are kept and enmassed and impounded for the purpose of loans in times of emergency. Take the central reserve cities, and there are deposited in those banks, as you know, secondary reserve deposits, which since the organization of the system have been lying there dormant. In times like this when there is an emergency there is shrinking first in deposits, and then many of these institutions come back to us for credit requirements which are not borrowed ordinarily. We have that situation in this crisis. borrowed ordinarily. * * * In every institution in this country there is a large amount of paper which is not eligible for rediscount at the Federal reserve bank, but at the same time it represents the very cream of paper in so far as the question of safety is concerned. * * * It may seem to you people here that under conditions which arise whereby there should be deflation rather than inflation the banks should stop loaning money. That is just as impossible without trouble as it is for us to fly out of this room. * * I have not one particle of fear about of this room. * * * I have not one particle of fear about the outcome. It is just a question of using what we might call horse sense and not getting stampeded or excited or doing something under stress of excitement or going off, as we sometimes say in the country, half cocked."
"Mr. Charles H. McNider said: 'We feel there must be rea-

son, there must be sanity, that the essentials must be taken care of, that there can not be an extraordinary cutting down of credits at this time because that would create disaster. * * * • We ought to deflate in a sane and reasonable manner.'

We ought to deflate in a sane and reasonable manner.'
"Unfortunately, Mr. McNider's suggestions were not taken,
for we deflated in an insane and extraordinary manner, and the
result was world disaster.

result was world disaster.

"Mr. E. L. Johnson, of the Chicago Reserve Bank, said: 'I believe that education and propaganda must be carried on, with authority and with strength, carried on from this board and from these gentlemen here down to all the nonmember banks on to the small business man in the small factory.'

"Evidently the propaganda was carried on and carried on with authority and with strength, for bankers everywhere were warned to curtail credits, and naturally any man who was not a fool from the top of his head to the bottom of his feet knew that that meant the breakdown of prices, the breakdown of business, and the increase of unemployment; and therefore every man stopped buying raw materials or finished products of every kind. Mr. Johnson added that Governor Harding's speech should be 'properly disseminated among them with the show of authority, even if you do not have it.'

"What an amazing statement for one of the directors of the Federal Reserve Bank of Chicago to make to the effect that Governor Harding's speech should be broadly disseminated among the banks with a show of authority, even if Governor Harding did not have such authority!

MINNEAPOLIS BANKER WANTED TO STOP HIGH FINANCE IN POLITICS AND BUSINESS.

"Mr. Wesley C. McDowell, of the Minneapolis Reserve Bank, said: 'I do not like this increase in rates. Out in our part of the country we have been going a little bit wrong on our thinking, so that we have established a bank of our own, called the State Bank of North Dakota. I think that any method that would raise the rate arbitrarily when the farmer has had four or five years of poor crops * it looks to me like the institution they told us of when we started the Federal reserve system, that was going to take care of us and prevent panics, was now going to fall down and penalize them. It seems to me that now is a poor time to penalize the little fellow. * * * The Federal Reserve Bank of Minneapolis is making \$10,000 a day. Is that profiteering, when they have been using our money without any interest ever since it started? Is the Federal Reserve Board going to be put in the same class with the sugar profiteer and the manufacturer who has been making big money? * * * So I say again, it does not sto me that now is the proper time to increase our rate. * So I say again, it does not seem want to cure that unrest out there more than we do anything else. We want to stop some of this high finance in politics, in business.'

DRASTIC REMEDIES OF TENTH DISTRICT MANAGERS PROVED PATAL TO VICTIMS,

"Mr. J. C. Mitchell, of Denver, director of the Kansas City Federal Reserve Bank, referring to the condition in his district, said: 'In my opinion we corrected the trouble there by putting in the progressive interest rate; we felt we had to do something. We considered it a little bit drastic, but we thought we would try it, and we did try it.'

"It looks like the directors of that bank were trying an experiment the end of which they could not see. Mr. Mitchell thought it was a success. We venture to say that a million people in that territory thought it was a dismal failure. It looks very much like the quack doctor called in to attend an ill child. The quack admitted that he could not diagnose the case, but, said he: 'I am hell on fits, and I will throw the child into fits and cure the fits.' Unfortunately, the child died, and many a farmer and many a business man in the Southwest died financially because of the action of the Kansas City bank.

"Mr. W. J. Bailey, of the Kansas City Reserve Bank, said: 'I am well convinced, gentlemen, that you will bring the Federal reserve system back to a reserve system rather than a commercial system if you will make it unprofitable for certain great banks to use the funds of other banks.'

"What a pity that Mr. Bailey did not mention by name the great banks against which he aimed this dart! Then he added: 'I think the real remedy is in a graduated rate. Of course, make the basic line whatever you want and let us say you would raise the rate to 7 per cent. Now, the only complaint we have among our banks is that there ought to be a maximum rate. I do not believe that, gentlemen. I would put a danger signal here and another there and another up there—that is, death; and he will never go against the death signal. You have made the Kansas City Federal Reserve Bank a broker's shop; you have changed it from a reserve bank to a commercial bank and I want to get it back, and that is the reason I am in favor of the graduated rate.'

"Mr. Forgan offered a resolution that a committee of five be appointed 'to prepare a resolution in regard to the effect the transportation situation is having on the expanded condition of credit in the country, with a view to placing such a resolution before the Interstate Commerce Commission, requesting them to do what in their power they can to relieve the situation by increased freight rates or otherwise."

"It has been reported that one of the thoughts expressed by some at that meeting was that one way to break down business in addition to restricting credit was to secure increased freight rates and thus lessen the volume of business, bringing business down to a point where the railroads and the banks without trouble could transport and finance the business then in operation. That does not, however, appear in the resolution nor in the report of the meeting, but that was a current report in Washington at the time of the meeting as the intention of those who sought to persuade the Interstate Commerce Commission to raise rates.

GRADUAL DEFLATION FAVORED BY ELEVENTH DISTRICT MANAGER, WHO DOUBTED WISDOM OF PROPOSED RAISE IN RATES—WITH 100 PER CENT PROFIT, FEDERAL RESERVE BANKS WERE ALREADY CHARGED WITH PROFITEERING.

"Mr. John T. Scott, of the Dallas bank, said: 'Speaking of the increased rates proposed by some of the districts, I can not find myself in agreement on that proposition. We have already increased the rate, and the increase of the rate is not going to correct the evil unless the member banks all cooperate.

"'We might increase the rate from 7 to 8, 9, and 10, and the situation would still be uncorrected. I believe we ought to continue our efforts with our member banks throughout the country and induce them to curtail their loans as far as possible to only the legitimate needs of legitimate business, and by that means we can bring about in a normal way the deflation of credit. We must remember that this inflation has not taken place over night; it has been going on from three to four years, and it is going to take some time to correct it. We can not hope to correct the situation in a day or a month or in six months. We have got to go at it in a sensible way, to bring it about in a gradual way rather than attempt to correct it within a short period of time. The Federal reserve banks have been charged with profiteering by reason of the rates they are now charging. We are making in the neighborhood of 100 per cent on our cap-The Federal Reserve Bank of Dallas has already ital. adopted the progressive rate proposed to be put in wherever the executive committee finds it necessary to do so. have sent out two letters within the last three months to the member banks. The last one was sent out at our last directors' meeting, under the order of the directors, to be sent under personal cover to the president of each member bank and by registered mail, so the letter would receive attention, and they were requested to read these letters at the next meeting of their boards.

"With a registered letter to the president of each member bank and requirement that he read this letter at the next meeting of his board of directors the Dallas bank was evidently following the suggestion of Mr. Johnson, of the Chicago bank, who suggested that the governor's speech should be disseminated among the bankers with a show of authority, even though the governor did not have the authority. The Dallas bank either had the authority or it took it, and at any rate the member banks that received that registered letter well knew they were taking their life in their hands if they falled to obey it.

"Mr. B. A. McKinney, of the Dallas bank, said: 'From a study of the condition of those banks I can say that throughout all the districts they are in stronger condition to-day than they were a year ago.'

"That favorable condition, however, hardly held good after drastic deflation was put into effect.

WIELDING A CLUB ON FRIEND AND FOB ALIKE NOT APPROVED BY TWELFTH DISTRICT DIRECTOR.

"Mr. C. K. McIntosh, of San Francisco, said: 'We are thoroughly in accord with the resolution adopted and with the of Governor Harding outlining the methods that are desirable for us to proceed on. We can see the problem and we know fairly well some of the causes. We know that there is a demand that exceeds the supply of credit; we know there must be discrimination, and we are ready to join in any propo-I can hardly conceive that it is wise, in the endeavor to keep out the undesirable feature, to permit it to be rocked, even though the rocker is willing to pay 7 per cent for the privilege. I find it hard to convince myself that it is the most intelligent restraint to wield a club on the heads of friends and foes alike A rate which applies beyond a certain arbitrary and calculated line has its effect, but without regard to what the man on the other end of the line is doing it is something like running into a melee with a club in one's hand to assist in quelling it and making up your mind you are going to strike every fellow on the other side of the fence, whether he has his coat off helping to reduce the melee or whether he is one of the main instigators. It seems to me the character and not the amount of opposition should be the prevailing factor in penal-We must have the assurance, or should have the assurance, that we may have the unqualified support of the Federal reserve banks in our district, because that is their job; also the reserves are not sacrosanct; they are not to be framed and hung on the wall. That given the purpose, given the fact that the real purpose is being served by the advance, the Federal reserve bank must help us, must help those who are doing that thing, and must decline when discrimination is practiced against those not doing that thing. * * * If we can go to our people with the assurance that there is credit available for the production of essential and quickly assimilable things and that as compensation for that use we must ask to refrain from the demand for credit for those things not essential or for those which in our minds are not essential, we shall have gone a long way toward solving the difficulty as far as it is within our power to do so.'

"Unfortunately for the good of the country the reserves were regarded as sacrosanct and were not called upon to help out in the emergency—the very thing for which they were established-and the banks did not, with the cooperation of the Federal reserve system, guarantee to their customers credit for essential things.

CALLING LOANS AGGREGATING \$2,000,000,000 PROPOSED AS DESIRABLE WAY TO PREPARE FOR FALL BUSINESS.

"Mr. John Perrin, of the Federal Reserve Bank of Chicago, said: 'The way to meet that problem is to bring about in the next three or four months a definite amount of contraction which would permit us to expand correspondingly in the fall. If it were possible for every bank in the country to reduce its loans during the next three or four months to the extent, say, of 10 per cent, there would be a total expansion in the possible of approximately \$2,000,000,000."

"Here is a definite suggestion as to calling loans amounting to \$2,000,000,000 in order that they might be reloaned in the fall, or, in other words, break down business in order to give

it a fresh start a few months later!
"Mr. Forgan said that the calling of the convention 'has stirred up sentiment throughout the country and there has been some thought, I think, of a good deal of misapprehension of what we were going to do when we got here. The fear got out that we were going to meet here and in some way were going to classify loans into essentials and nonessentials and with that even send an order through the country that there were to be no loans on what we term nonessentials."

Mr. Forgan then presented some documents from the American Bankers' Association committee and other organizations which had been disturbed by the unrest already created throughout the country by the campaign of deflation which had been for some time under way by Federal reserve banks and by the fear that this convention would make still more drastic rulings. Letters were presented also from some leading business concerns along the same line. If any of these big business interests were tipped off in advance as to what was to be done prior to this information leaking out to the public they would have had an opportunity to make many millions of dollars. If, for instance, some corporation through some member of this meeting learned that deflation was to be continued it would have had a chance to unload before the break in prices came. It is hardly possible that, as 100 copies of the report from which we are quoting were printed for con-fidential circulation, so we are advised, and the type then destroyed, some people did not have an opportunity of learning what the public had not learned and thus of having the opportunity of utilizing this information in a way which might have made millions or saved millions.

Mr. F. O. Watts, of Federal Reserve District No. 8, chairman of the committee on transportation, made a report for the committee reviewing the inadequate transportation facilities of the country, which were hampering business, and in the course of which it was said: 'A striking necessity exists which can only be relieved through the upbuilding of the credit of the railroads. This must come through adequate and prompt increase in freight rates. Every delay means the paying of greater cost, directly or indirectly, and places a burden on the credit system which in the approaching time for seasonal expansion may cause abnormal strain. Even under the light of war inflation, high price level, and extravagances the bank reserves would probably be sufficient if quick trans-portation could be assured during the time of the greatest

strain.'

WERE INCREASED FREIGHT RATES SUGGESTED AS MEANS OF LESSENING VOLUME OF BUSINESS?

"Mr. Watts offered the following resolution, which was

unanimously adopted:

Resolved, That this conference urge as the most important remedies that the Interstate Commerce Commission and the United States Shipping Board give increased rates and adequate facilities such immediate effect as may be warranted under their authority, and that a committee of five be ap-pointed by the chair to present this resolution to the Inter-state Commerce Commission and the United States Shipping Board with such verbal presentation as may seem appropriate to the committee.'

What was the verbal presentation made by the committee to the Interstate Commerce Commission in behalf of increased Was it, as some have surmised, a suggestion freight rates? that it would be better temporarily to lessen the volume of business of the country in order to enable the railroads and the banks to handle it? Some rumors to that effect were

circulated at the time. Were they correct?

"Mr. Wayne raised the question of graduated rates on borrediscounts and said: 'I would like to know rowings or whether in the districts that have adopted this procedure there has been eliminated the question of borrowing on Government securities from calculations as to the line of credit granted to a bank?

"Governor Harding replied: 'In the Kansas City district and the Dallas district, in their tentative plans they have eliminated entirely borrowing on Treasury certificates of in-debtedness and on Liberty bonds actually owned on the 1st of April, 1920.'

Mr. Wayne then asked: 'Have they made any reference to collateral notes of customers that have been discounted

by the banks as a result of Liberty loan subscriptions?"
"Mr. Bailey replied: 'They have to belong to the bank on the first day of April. We have made that rule.'

Mr. Scott said: 'It is the same way in the Atlanta dis-

"Mr. Wells said: 'He wants to know if customers' notes

secured by Liberty bonds are exempt from the application of it'; and Mr. Bailey said: 'They are not.'

"When the Federal reserve system undertook to violate every promise made by the Government and by the banks in persuading people to buy Liberty bonds, promising to carry them and then calling loans on them in order to force them out of the banks, breaking them down from 12 to 15 points or more, the honor of the Government and the good faith of banks was trampled in the mire and millions of bonds bought in good faith by patriotic people to help the banks and help the Government were forced to be sold at a loss, and the National Government bought in \$2,000,000,000 of its own dishonest promises to pay and the Secretary of the Treasury boasted of the money that had been saved in doing so! at these low prices hundreds of millions of bonds were bought in by big estates and big institutions, with heavy losses to innocent original purchasers.

"At the afternoon session it was proposed to appoint a committee of five, as that number 'would be more impressive,' to prepare some kind of a statement or memorandum to be submitted back to the conference, which we can use as a basis of a press statement and which you can all use as a basis of a statement to your own banks when you get back home touching the situation as you see it, and forestalling any more remarks such as were made in the Senate yesterday as to all kinds of trouble coming, and yet being careful not

to stir up another bomb.

PRESS DENIED OPPORTUNITY OF GETTING FACTS OF MEETING.

"When the press is denied the right to learn for itself what is going on and must accept as law and gospel any prepared report, the public may rest assured that it is not getting the real facts, and yet such a prepared report was all that the press has heretofore ever been able to secure as to the discussions which took place in that meeting.
"Mr. John Skelton Williams, discussing in the afternoon

some of the things that had been said during the morning, said: 'I do not think myself that there is any ground for expecting a commercial cataclysm or crisis such as some people are predict-I see nothing in the situation to justify the fear of such a commercial crisis or financial catastrophe as we had either in 1873 or in 1890 or in 1907. If anything of that kind comes it will be our fault, the fault of those who are in charge of the banking and commercial interests of the country, and I do not believe they are going to bungle it."

Unfortunately those in charge of the banking interests of the country did bungle it and bungled it badly, as Mr. Williams

has repeatedly said that they did, and proved by the figures which he has published showing how badly it was bungled.

Mr. Henry A. Mohlenpah, member of the Federal Res Board, and who, it is generally thought, joined Mr. Williams from time to time in vigorous opposition to the drastic deflation campaign carried out by Governor Harding and other members of the board, in following Mr. Williams's address said: 'I think it to be right to say that there is no member of the board at this time that has been related to your problem so directly as perhaps I have been, because I have just come from the desk and I have during the past six months visualized the proposition you are up against, and I want to say right here, gentlemen, that I refuse to be a pessimist. I quite agree with the comptroller. That does not mean to say that I am an expansionist or an inflationist, but I do believe in the broad general proposition that we have just as much right to take stock of our assets and of our privileges and of our opportunities as we have of the darker phases of the question. * * * I believe out of this question will come a stronger, higher morale on the part of the bankers themselves.' And referring further to the situation he said: 'It is just exactly to my mind what this situation needs; not a contraction that is going to hurt; it needs the steady nerve of the bankers, just as they faced their problems in 1903 and 1907

The situation did need, just as Mr. Mohlenpah said, the kind of handling that would not produce a contraction to hurt business, but in place of that it got a contraction that well nigh destroyed business. Mr. Mohlenpah and Mr. Williams thought that the management of the Federal reserve system would not bungle the job, but the most disastrous commodity panic in the world's history and the most disastrous agricultural condition which this country has faced in its whole life proved that the job was badly bungled, unpardonably bungled. As one of the speakers said, it had taken three or four years of inflation to carry us to the top, and it should have been evident to every man that the only way to come down safely was to take as long in coming down from inflation as we had taken in climbing up. This, however, was made impossible by the urgent efforts of Federal reserve banks to cause member banks to restrict credit and with the Federal Reserve Board carrying out its constant efforts to impress upon all banks the need of restricting credit and curtailing business operations chaos was inevitable.

\$32,000,000,000 LOSSES AS RESULT OF RESERVE BOARD'S DEFLATION PROGRAM.

"As the Manufacturers Record showed a few weeks ago, the decline in the value of farm lands in 1920 and 1921 under deflation amounted to about \$18,000,000,000, and the decline in the value of farm products of these two years as compared with 1919 prices showed a decrease of over \$14,000,000,000, making a total loss to the farmers of upward of \$32,000,000,000 If to this we add the decrease in securities, stocks, and bonds of railroads and industrial corporations and the losses in the decline of output in manufacturing and mineral industries, it will be found that under the system pursued of erroneous financing and financing directly contrary to the teachings of such bankers as Reginald McKenna and others of his standing we wiped out about \$50,000,000,000 of values, a staggering loss which well nigh shocked the very life out of the country. Mr. Wayne, referring to the proposed progressive discount rate. said: 'It does not appeal to me as a director of the Federal reserve bank at all, at least for operation in our district. am afraid it will do just the opposite for which the Federal reserve act was enacted. In other words, the act was proposed to enable the banks to cater to commercial business. in the operation of our bank we were very often called upon to borrow quite heavily and we cut it down as fast as we could, but if we are going to accumulate a batch of commercial paper, either by direct transactions for customers or by purchase on the market, because our borrowings at the Federal reserve banks happen to go beyond a certain limit we are going to be heavily penalized, we are going to stop buying the paper, and we are going to invest our money in call loans on Wall Street, which is exactly what the Federal Reserve Board does not want the member banks to do. * * I think that you are going to defeat the very purpose of the act, which was to enable commercial banks of the country to do a safe commercial business. We will simply be driven into call loans on Wall Street for our surplus money if they are going to penal-

"Mr. Scott, in discussing the matter, said: 'We find that about 80 per cent of our members are small country banks, with a small capital and small deposits. * * * They are the ones that we really need to help out in the farming communities. We had a complete list made up of every borrowing bank, showing what its rate would be if they were under the Kansas City plan, and we found that some of them ran up as high as 18 and 19 per cent. If that plan were applied it would mean the ruination of the agricultural districts.

"That plan was put into effect and the agricultural districts

were ruined, exactly as Mr. Scott had predicted.

"After considerable discussion in regard to the progressive rate and vigorous opposition on the part of a number, Mr. Mohlenpah said, 'Is it absolutely necessary in every transaction made in a Federal reserve bank that it has got to be made on a basis of profit to the Federal reserve bank, or is it not time that these reserve banks will have to forego their profit in this overplus of borrowing when the country banks have to move crops or other commodities?

'Judging by the 100 per cent profit that the Dallas bank was making, as one of its officers said, and the \$10,000 a day that the Minneapolis bank was making, it looks as though every Federal reserve bank did business only on the basis of a profit on each transaction, regardless of its effect upon the country at

UNHEEDED WARNINGS OF COMPTROLLER OF THE CURRENCY JOHN SKELTON

"As shown by letters from John Skelton Williams, then Comptroller of the Currency and a member of the Federal Reserve Board, Mr. Williams repeatedly warned the board of the danger that faced the country from its deflation campaign. In a speech before the Maine Bankers' Association at Bangor June 26, 1920, Comptroller Williams called attention to the fact that the Federal reserve banks had an unused lending power at that time of about \$700,000,000 and that if the reserve requirements should be temporarily reduced by only 10 per cent the total unused lending power of the reserve system could be increased to two thousand million dollars.

"Nevertheless the financial situation, under the reserve board influence, grew worse, and on July 31, 1920, Comptroller Williams gave a statement to the press showing that the unused lending power of the reserve banks was still \$750,000,000. Mr. Williams added in that statement: 'Such figures as these ought to be sufficient to allay fears of pessimists as to the financial

condition of the country at this time.'

"Mr. Williams's statement was resented by the chairman of the Federal Reserve Bank of New York, who promptly wrote a letter to the reserve board complaining that Mr. Williams's public statement was interfering with the plans for deflation.
"On August 9, 1920, Mr. Williams called attention of the

reserve board to the fact that certain banks in New York were using the funds of the reserve system for speculative ventures and were extorting grossly excessive interest rates from customers, so that business men and merchants needing funds for legitimate business were being required to pay exorbitant rates.

"August 26, 1929, Comptroller Williams filed a memorandum with the board urging a reduction in rates which the reserve banks were exacting on Liberty bonds and for legitimate business transactions, and he also warned the board at that time that the drastic liquidation which had already taken place in leading commodities, including cotton, corn, wheat, rice, silk, wool, leather, etc., had brought about a shrinkage in some cases amounting to over 50 per cent. He also showed the board that the pressure had been so great that the prices of Government bonds and other high-class investment securities had been broken down to the lowest level they had touched in half a century. At that time he told the board: 'Such additional liquidation as is needed could be brought about without the exaction of interest rates as high as those which have pre-

"On October 26, 1920, in a letter to the Secretary of the Treasury, remonstrating against the reserve board's policies and urging a revival of the War Finance Corporation, he said: 'The shrinkage in our leading commodities throughout the current year has ranged from 25 to 75 per cent from prices of less than a year ago. This shrinkage amounts not to millions or hundreds of millions but to billions of dollars. The strain upon the business fabric of the country is in some respects unparalleled, and I do feel that the time has come for the exercise of such salutary and constructive powers as may be at our command.'

"The reserve board's answer to Mr. Williams's protestation and remonstrances was to tighten the serews still further and to force a contraction or deflation in loans held by the reserve banks which amounted to one thousand million dollars in the succeeding 12 months, every month showing an actual contrac-

tion from the preceding month.
"When Comptroller Williams a few weeks later offered a
resolution in the board to require the banks which had been exacting extortionate interest rates from member banks—as high as 50, 60, 70, and 85 per cent—to limit interest charged member banks to 6 per cent, the board voted down his resolu-tion, and when in February, 1921, he offered another resolution to limit the interest rates charged member banks to 10 per cent

they also voted that down.
"At the close of the meeting, in which only one day was given to this general discussion of the most tremendous financial problem that this country had every faced, when days and days might well have been spent in a careful analysis of the situation, the meeting was closed with the statement by Governor Harding, which we have quoted in the opening paragraph, Insisting that nothing should be given out by those in attendance in regard to the discussions that had taken place; and thus the public was to be kept in dense ignorance, knowing nothing except the official statement issued by the committee, and from which the public and the press could get no information worth having as to what was being done or would be done by Federal reserve banks.
"We do not know what has become of the 100 copies of this

stenographic report of the day's proceedings which were printed for confidential distribution, but the Manufacturers' Record feels that in having secured one copy and in giving this summary of it to its readers it is rendering a service of inestimable

value to the Nation."

PRESIDENTIAL NOMINATIONS.

During the delivery of Mr. Gooding's speech,

Mr. PAGE. As in open executive session I present for confirmation several nominations from the Committee on Naval Affairs. We have held our last committee meeting, and it is quite essential that they be presented. I ask that that may be done.

The VICE PRESIDENT. Without objection, the nominations will be received and placed on the Executive Calendar.

POTOMAC RIVER BRIDGE.

Mr. CALDER. Mr. President, will the Senator yield to me? Mr. GOODING. I yield to the Senator from New York. Mr. CALDER. I have two bills from the Commerce Com-

mittee, one that the Senator from Washington [Mr. Poin-DEXTER] is anxious to have passed, a bridge bill, and one that we have already passed in the Senate, but a House bill of exactly the same character has come over.

Mr. GOODING. If there is no discussion of them, I will

yield.

Mr. CALDER. I make the request with the understanding that they will not lead to any debate, and that if they do I shall

From the Committee on Commerce I report back favorably without amendment House bill 13554, authorizing the construction, maintenance, and operation of a dam and appurtenant intake and outlet structures across or in the Potomac River at or near Williamsport, Washington County, Md.; and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as fol-

Be it enacted, etc., That the Williamsport Power Co., a corporation organized and existing under the laws of the State of Maryland, its successors and assigns, is hereby authorized to construct, maintain, and operate, at a point suitable to the interests of navigation, a dam and appurtenant intake and outlet structures across or in the Potomac River at or near Williamsport, Washington County, Md.: Provided, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: Provided further, That this act shall not be construed to authorize the use of such dam and/or other structures to develop water power or generate hydroelectric energy.

other structures to develop water power or generate hydroelectric energy.

SEC. 2. That the authority granted by this act shall cease and be null and void unless the actual construction of the dam and other structures hereby authorized is commenced within one year and completed within three years from the date of approval of this act: Provided. That from and after 30 days' notice from the Federal Power Commission, or other authorized agency of the United States, to said company or its successors, that desirable water-power development will be interfered with by the existence of such dam and/or other structures, as the case may be, the authority hereby granted to construct, maintain, and operate such dam and/or other structures designated in such notice shall terminate and be at an end; and any grantee or licensee of the United States proposing to develop a power project at or near such dam and/or other structures shall have authority to remove, submerge, or utilize such dam and/or other structures under such conditions as said commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of such dam.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, or-

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLUMBIA RIVER BRIDGE.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment Senate bill 4638, authoriz-ing the Great Northern Railway Co. to maintain and operate,

or reconstruct, maintain, and operate, its bridge across the Columbia River at Marcus, in the State of Washington, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as

follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Great Northern Railway Co., a corporation organized and existing under the laws of the State of Minnesota, its successors and assigns, to maintain and operate, or reconstruct, maintain, and operate, its existing bridge and approaches thereto across the Columbia River between the town of Marcus, Wash., and a point across the river opposite thereto, all in Stevens County, Wash., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved. expressly reserved

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION OF DISTRICT STREET RAILWAYS.

Mr. GOODING having resumed his speech,

Mr. McKELLAR. Mr. President, will the Senator from Idaho yield to me while I ask unanimous consent for the immediate consideration of a resolution of investigation of local street-car matters?

Mr. GOODING. Mr. President, I am very sorry that I can not yield to the Senator for that purpose. I am quite sure it will take up considerable time.

Mr. McKELLAR. I do not think there will be any debate at all about it.

Mr. McNARY. Mr. President, I should not want to have the resolution considered in the absence of the chairman of the committee, the Senator from Delaware [Mr. BALL].

Mr. McKellar. As I understood, he agreed to it. Mr. McNary. We had better wait until he comes in. Mr. GOODING. Mr. President, I object.

Mr. GOODING having resumed his speech,

REPORTS FROM COMMITTEE TO AUDIT AND CONTROL CONTINGENT EXPENSES.

Mr. CALDER Mr. President-

The PRESIDING OFFICER (Mr. WATSON in the chair). Does the Senator from Idaho yield to the Senator from New York?

Mr. GOODING. I yield. Mr. CALDER. I desire to report from the Committee to Audit and Control the Contingent Expenses of the Senate several resolutions providing for the employment of several clerks. I expect to be out of the Chamber most of the afternoon. the Senator from Idaho object to my reporting those resolutions now and asking unanimous consent for their present consideratin, with the understanding that if any debate at all is caused they will be withdrawn?

Mr. GOODING. I yield to the Senator from New York with

that understanding.

Mr. CALDER. I make the request with the understanding that there shall be no debate.

Mr. GOODING. That is my understanding.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

ASSISTANT CLERK TO THE VICE PRESIDENT.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate Resolution 401, and I ask unani-

mous consent for its present consideration.

The PRESIDING OFFICER. The resolution will be read.

The reading clerk read the resolution (S. Res. 401) submitted by Mr. Lodge January 10, 1923, as follows:

Resolved, That Senate Resolution 57, agreed to May 2, 1921, authorizing the Vice President to employ an assistant clerk, payable out of the contingent fund, during the Sixty-seventh Congress, be, and the same is hereby, extended in full force and effect until the end of the Sixty-eighth Congress.

Mr. ROBINSON. I have no objection to that resolution. The resolution was considered by unanimous consent and agreed to.

ASSISTANT CLERK TO COMMITTEE ON FOREIGN RELATIONS.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate Resolution 402, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The resolution will be read.

The reading clerk read the resolution (S. Res. 402) submitted

by Mr. Lodge on January 10, 1923, as follows:

Resolved, That Senate Resolution 448, agreed to March 3, 1921, authorizing the Committee on Foreign Realtions to continue the employment of an assistant clerk, payable out of the contingent fund, until the end of the present Congress, be, and the same hereby is, further continued in full force and effect until the end of the Sixty-eighth Congress.

Mr. ROBINSON. I understand that the resolution merely proposes to continue in employment a clerk who is already engaged, and that his services are necessary?

Mr. CALDER. Yes, sir. Mr. ROBINSON. I have no objection to the resolution.

The resolution was considered by unanimous consent and agreed to.

ASSISTANT CLERK TO COMMITTEE ON CLAIMS.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate Resolution 380, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The resolution will be read. The reading clerk read the resolution (S. Res. 380) submitted

by Mr. Capper December 9, 1922, as follows:

Resolved, That S. Res. 442, agreed to March 3, 1921, being a resolution authorizing the Committee on Claims to employ an assistant clerk during the Sixty-seventh Congress, at the rate of \$2,200 per annum, said compensation to be paid out of the miscellaneous items of the contingent fund of the Senate, be, and the same is hereby, further extended in full force and effect until the end of the Sixty-eighth Congress

Mr. ROBINSON. I am familiar with the work which this clerk does, and I am sure that the committee could not get along without his services.

The resolution was considered by unanimous consent and agreed to.

JOINT COMMISSION OF GOLD AND SHIVER INQUIRY.

Mr. GOODING having resumed his speech,

Mr. ODDIE. Through the courtesy of the Senator from Idaho, I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 287) creating the joint com-

mission of gold and silver inquiry.

I will state that the joint resolution has had the approval of the Senate Committee on Mines and Mining and of the House Committee on Mines and Mining. My colleague [Mr. PITTMAN] who has taken an especially active part in this matter, and several other Senators on the other side, as well as Senators on this side of the Chamber, are heartily in favor of this joint

resolution, originally introduced by Senator Nicholson.

Mr. PITTMAN. Mr. President, I sincerely hope that permission will be given for the consideration of the joint resolution at this time. It will take but a few moments to consider and

act upon it.

Mr. GOODING. If the joint resolution can be disposed of without debate, I will yield; but if it leads to debate, I will refuse to yield.

The VICE PRESIDENT. Is there objection to the immediate

consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

Resolved, etc., That a joint commission is hereby created, to be known as the joint commission of gold and silver inquiry, which shall consist of five Senetors, three of whom shall be members of the majority party and two of whom shall be members of the minority party, to be appointed by the President of the Senate, and five Representatives, three of whom shall be members of the majority party and two of whom shall be members of the minority party, to be appointed by the Speaker.

Said commission shall investigate and report to the Congress on January 1, 1924, upon the following subjects:

1. The causes of the continuing decrease in the production of gold and silver.

Said commission shall investigate and report to the Congress on January 1, 1924, upon the following subjects:

1. The causes of the continuing decrease in the production of gold and silver.

2. The causes of the depressed condition of the gold and silver industry in the United States.

3. The production, reduction, refining, transportation, marketing, sale, and uses of gold and silver in the United States and elsewhere.

4. The effect of the decreased production of gold and silver upon commerce, industry, exchange, and prices.

The said commission is further authorized:

1. To confer with citizens, associations, or corporations of foreign countries with a view to the stabilization and wider use of silver in exchange.

2. To propose, either formally or informally, to the President of the United States or the heads of the proper departments plans for negotiations with foreign governments to the same end.

The commission shall include in its report recommendations for legislation which in its opinion will tend to remedy existing conditions and shall specifically report upon the limitations of the powers of Congress in enacting relief legislation.

The commission shall elect its chairman, and vacancies occurring in the membership of the commission shall be filled in the same manner as the original appointments.

The commission or any subcommittee of its members is authorized to sit during the sessions, recesses, or adjournments of the Sixty-seynth and Sixty-eighth Congresses in the District of Columbia or elsewhere in continental United States, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to employ a stenographer at a cost not exceeding 25 cents per folio to report such hearings as may be had in connection with any subject which may be before said joint commission, and to employ such personal services and incur such expenses as may be necessary to carry out the purposes of this resolution; such expenditure shall be paid from the contingent

funds of the Senate and the House of Representatives in equal propor-tions upon vouchers authorized by the committee and signed by the chairman thereof.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEFLATION POLICY OF FEDERAL RESERVE BOARD.

Mr. HEFLIN addressed the Senate. After having spoken for half an hour,

FILLED MILK-UNANIMOUS-CONSENT AGREEMENT.

Mr. LADD. Mr. President— Mr. HEFLIN. I yield to the Senator from North Dakota. Mr. LADD. I ask unanimous consent that to-morrow at 5 o'clock all debate cease on the filled milk bill (H. R. 8086),

and that the request apply to the bill and all amendments. The PRESIDING OFFICER (Mr. CAPPER in the chair). there objection to the request made by the Senator from North Dakota that all debate on the filled milk bill cease te-morrow at 5 o'clock. The Chair hears none, and the unanimous-consent agreement is entered into.

Mr. STERLING. I understand the unanimous-consent agree-

ment has been entered into?

The PRESIDING OFFICER. It has been agreed to. The agreement was reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at 5 o'clock p. m. on the calendar day of Thursday, March 1, 1923, debate shall cease upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. K. 8086), an act to prohibit the shipment of filled milk in interstate or foreign commerce.

ORDER FOR ADJOURNMENT.

Mr. JONES of Washington. Mr. President, will the Senator from Alabama yield to me a moment?

Mr. HEFLIN. I yield.

Mr. JONES of Washington. I ask unanimous consent that

when the Senate closes its business to-day it adjourn until 11 o'clock to-morrow morning.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Washington? The Chair hears none, and it is so ordered.

AMENDMENT OF COAL COMMISSION ACT.

During Mr. Heflin's speech,
Mr. BORAH. Mr. President—
The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. HEFLIN Trainly in the Senator from Idaho?

Mr. HEFLIN. I yield to the Senator from Idaho. Mr. BORAH. Mr. President, I have asked the Senator from Alabama to yield to me in order that I may ask unanimous consent for the consideration of a bill, with the understanding, consent for the consideration of a bill, with the understanding, of course, that it shall not take any considerable time to pass it. I do so because, if we do not get the bill through to-day, we are not likely to get it through the other House, and it is a matter of wide-reaching public interest. I refer to Senate bill 4160, to amend what is known as the coal commission act.

The PRESIDING OFFICER. The Secretary will state the

title of the bill.

The Reading Clerk. A bill (S. 4160) to amend the act of Congress entitled "An act to establish a commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes," approved September 22, 1922.

Mr. BORAH. I can state in two minutes what the amend-

ments are

The PRESIDING OFFICER. Is there objection to the pres-

ent consideration of the bill?

Mr. ROBINSON. Mr. President, the Senator from Idaho has explained to me the purposes of the bill, and I hope it may be considered and passed.

The PRESIDING OFFICER. Does the Senator from Idaho

desire to discuss the bill?

Mr. BORAH. No; I do not desire to take the time to discuss it unless some one wants to ask me a question about it.

The PRESIDING OFFICER. Is there objection to the pres-

ent consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the first paragraph of the act of Congress entitled "An act to establish a commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes," approved September 22, 1922, is amended to read as follows:

"That for the purpose of securing information in connection with questions relative to interstate commerce in coal and all questions and problems arising out of and connected with the coal industry, there is hereby established a governmental agency to be known and designated as the United States Coal Commission, to be composed of

not more than seven members appointed by the President of the United States, by and with the advice and consent of the Senate. Judges of courts of the United States shall be eligible for appointment as members of the commission, and the appointment, qualification, and service of a judge as member shall in nowise affect or impair his tenure as judge. No Member of the United States Senate of of the House of Representatives shall be eligible to serve on said commission. Said commission shall elect a chairman by majority vote of its members and shall maintain central offices in the District of Columbia, but may, whenever it deems it necessary, meet at such other place as it may determine. A member of the commission may be removed by the President for neglect of duty or malfeasance in office but for no other cause. Each member of said commission, shall receive a salary of \$7,500 a year, except that if a judge of any court of the United States serves as a member of the commission, he shall continue to receive only his salary as judge, and shall receive no salary and may as a present of the commission, and the preceive only his salary as judge, and shall receive no salary and may as member of the commission, or who has heretofore under appointment by the President served on or advised with the commission, shall be allowed for his necessary expenses of travel and reasonable expenses of maintenance while necessarily away from his place of official residence as judge and in the service of the commission, the same amount, and upon like certificate, as is by law allowed circuit and district judges of the United States when transacting official business at places of the than their place of official residence as judge, such payment to be paid out of any appropriation for said commission. Any vacancy on the commission shall be filled in the same manner as the original appointment. Said commission shall cease to exist one year after taking effect of this act."

Sec. 2. That such act of September 22, 1922, is amended by adding

or by imprisonment for not more than one year, or by both such fine and imprisonment.

"That in case of disobedience to any subpœna issued by the commission or any member thereof, or of refusal or neglect to testify fully and freely concerning any matter or thing under investigation by the commission, or of refusal to make written answer to any question propounded by the commission or any officer or agent thereof, or of refusal to permit access to any book, account, record, document, correspondence, paper, or other evidence, by any person, the commission may invoke the ald of the district court of the United States for the district in which such person resides in requiring obedience to its process, orders, and requests; and the several district courts of the United States are hereby invested with jurisdiction in case of such contumacy or refusal to obey the process, orders, and requests of the commission to issue an order requiring compliance therewith. Any failure to obey such order of the court may be punished by the court as a contempt thereof."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time. and passed.

FREE ENTRY OF CERTAIN DOMESTIC ANIMALS.

Mr. JONES of New Mexico. Mr. President, will the Senator

from Alabama yield to me?

Mr. HEFLIN. I yield to the Senator.

Mr. JONES of New Mexico. I desire to ask unanimous consent for the consideration and passage of a joint resolution, which has already passed the House and has been favorably reported from the Finance Committee, relating to permission to return to the United States cattle which have been taken over to Mexico on account of the drouth. The committee reports it with two amendments.

The PRESIDING OFFICER. Is there objection to the pres-

ent consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 422) permitting the entry free of duty of certain domestic animals which have crossed the boundary line into foreign countries, which had been reported from the Committee on Finance, with amendments.

The amendments were, on page 1, line 6, to strike out "here-tofore" and to insert "during the years 1921 and 1922," and on page 2, lines 2 and 3, to strike out "within 12 months from

the time they so strayed or were driven," and to insert "on or before July 1, 1924," so as to make the joint resolution read:

Resolved, etc., That despite the provisions of the third paragraph of paragraph 1506 of Title II of the tariff act of 1922, horses, mules, asses, cattle, sheep, goats, and other domestic animals, which during the years 1921 and 1922 have strayed across the boundary line into any foreign country, or been driven across such boundary line into any foreign country, or been driven across such boundary line by the owner for temporary pasturage purposes only, or which may so stray or be driven before March 1, 1923, shall, together with their offspring, be admitted free of duty, under regulations to be prescribed by the Secretary of the Treasury, if brought back to the United States on or before July 1, 1924.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

INVESTIGATION OF DISTRICT STREET RAILWAYS.

Mr. CALDER. Mr. President, will the Senator from Alabama yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New York?

Mr. HEFLIN. I yield.
Mr. CALDER. Mr. President, I have asked the Senator to yield to me in order that I might report, from the Committee to Audit and Control the Contingent Expenses of the Senate, Senate Resolution 456.

Mr. McKINLEY. Mr. President, I object at this time. The

filled milk bill is being delayed.

Mr. McKELLAR. Mr. President, the Senator from New York has a right to make a unanimous report from a committee. The Senator from Illinois can not object to it.

Mr. LADD. Mr. President, I have not objected to routine matters coming in, but we will not get through with this bill to-night if we keep devoting our time to something else, and I shall have to object to all other business

Mr. McKINLEY, I demand the regular order, Mr. President.

The PRESIDING OFFICER. Objection is made. The regular order is demanded.

Mr. McKELLAR. Mr. President, a parliamentary inquiry. When a Senator has the floor and submits a report from a committee, does he have to get unanimous consent to do so? He has a right to do so; has he not?

The PRESIDING OFFICER. He must secure unanimous

consent unless it is during the regular morning hour.

Mr. McKELLAR. Very well; we will present it to-morrow morning

The PRESIDING OFFICER. The Senator from Alabama has the floor and will proceed.

Mr. HEFLIN resumed his speech. After having spoken for some time.

Mr. STANFIELD. Will the Senator from Alabama yield that the Chair may lay before the Senate amendments of the House to a Senate bill?

Mr. HEFLIN. I yield for that purpose.

LEASES ON LANDS IN OKLAHOMA.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4197) to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore or leases of certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes, which were, on page 1, line 10, to strike out "January 1, 1920," and insert "February 25, 1920"; on page 2, line 2, to strike out all after "gas" down to and including "them," in line 6, and insert ", by issuance of permits or leases to those found equitably entitled thereto"; on page 2, line 9, to strike out "thirty" and insert "sixty"; on page 2, line 11, to strike out "thirty" and insert "sixty"; on page 2, line 11, to strike out "shall" and insert "may"; on page 2, line 12, to strike out all after "interest" down to and including "required," in line 3, page 3, and insert ". In case of conflicting claimants for permits or losses under this act the formula of the conflicting claimants for permits or leases under this act the Secretary of the Interior is authorized to grant permits or leases to one or more of them, is authorized to grant permits or leases to one or more of them, as shall be deemed just"; on page 3, line 11, after "pay," to insert "as royalty"; on page 3, line 22, to strike out "who was"; on page 3, line 23, to strike out all after "States," down to and including "wells," in line 25; on page 3, line 25, after "centum" insert "as royalty"; on page 4, line 1, after "residue," to insert "after deducting and paying the expenses of the litigation incurred by the United States and the expenses of the receivership"; and on page 6, line 24, after "funds," to insert "derived from oil and gas produced from lands of the United States" United States."

Mr. STANFIELD. I move that the Senate concur in the House amendments

Mr. JONES of Washington. Are these amendments material

or are they mere matters of form?

Mr. STANFIELD. They are material, although in principle they are really matters of form. I will state the principal amendment which has been made to the bill by the House. The Senate laid down the rule by which the Secretary of the Interior was to judge of the right of claimants. In the House amendment they have applied the rule laid down in the general leasing act, that in case of conflict and contest the Secretary of the Interior is empowered to give leases to one or more in case of contest or conflict as he shall judge. That is the principal change.

Mr. JONES of Washington. Has the Senator conferred with any of the other members of the committee and learned that the

amendments are satisfactory to them?

Mr. STANFIELD. I have, and they are agreeable to the

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon to concur in the amendments of

The motion was agreed to.

DEFLATION POLICY OF THE FEDERAL RESERVE BOARD.

Mr. HEFLIN. Mr. President, the Senator from Idaho has had read into the RECORD a part of the great editorial written by Richard H. Edmonds, the editor of the Manufacturers' Rec-That editorial ought to be read by every man and woman in the country. It is a masterful document, written by one of the ablest, cleverest, and most courageous editorial writers in the Republic. He was the first editor of a great magazine to set himself to the task of exposing the conspiracy to bring about destructive deflation in the United States. When hundreds of newspapers in the country were working in concert to prevent the truth of this thing from being known, when they were doing everything in their power to lull the people to sleep at home, suppressing news from the Capitol, and trying to hush up any discussion that would lead to the real truth in the case, Richard H. Edmonds was writing strong, powerful editorials demanding an investigation and bringing to the attention of the

public just what he believed had transpired.

The first newspaper, Mr. President, to take up the fight was the Augusta Chronicle, the oldest newspaper in the South, which is ably edited by the brave and brilliant Tom Hamilton, of Augusta. I feel that these two men are entitled to have something of praise and commendation said of them in the closing hours of a Congress to which they have given so much information and aid in disclosing the greatest conspiracy that was ever planned and consummated in the United States. These two men, Richard H. Edmonds and Tom Hamilton, deserve the praise of

all the American people.

Mr. President, it is a difficult thing to have to combat the many influences which are working in the Government to suppress the truth and to cripple and break down those who are trying to disclose the truth to the country. I know what that is.

The Washington Post of last Monday morning had a column and more describing a cock fight over in the State of Maryland where a few boys and men had gathered to see game cocks from Virginia and Maryland do battle. article was on the front page of this great administration sheet on Monday last, and it devoted a little more than a column to describing a chicken fight. I remarked to one of my newspaper friends that the Washington Post had given more space to that cock fight in one day than it had given to my fight against the evils of deflation and the deflation crooks in the fight of two long years. The Supreme Court of the United States rendered a decision months ago taking the Federal Reserve Board seriously to task, criticizing and condemning its conduct in its effort to destroy a little State bank out in Nebraska, and no news was ever sent out from the Capitol regarding that decision. If that decision had been against the State bank and had been favorable to the Federal Reserve Board and its criminal policies against that little bank, it would have been printed and sent broadcast through the country. I wondered what influence it was that kept that information from going out to the country.

Mr. President, I know that when I make a fight to have a fair deal for the people with the newspapers of the country I incur the displeasure of that portion of the press which is subsidized. I want to state again that a large portion of the press is not subsidized; it is honest and clean; but there is a portion of it that is as corrupt as it is possible for a newspaper to be, and I know that I incur the displeasure of that

rotten element of the press, but that does not deter me. it to my constituents and I owe it to the country I am trying to serve to keep on fighting here until a fair deal is had for the people of the country. Somebody should tell the truth about it.

When a man subscribes for a newspaper, they usually tell him, "You want this paper so that you can keep up with the news. Congress will be in session soon, and you want the paper so that you can keep up with the news of Congress, thousands of people subscribe to these papers for the purpose of getting the news about the great public questions that are being discussed, what the Members of the House are saying, and what the Members of the Senate are saying about the issues

of the day and the conduct of the Government.

Mr. President, I have been engaged in the Senate for two years in a fight vital to 110,000,000 American people. But few newspapers have given me a fair deal. Scores of newspapers nestling about these regional reserve banks have attacked me, have written editorials criticizing and condemning me for the fight that I have made. They did not know anything about the fight I was making. They did not know the merits of the cause I was pleading. They were simply doing what they were They were simply told to fire upon me, to level their broadsides against me; that I was treading close to a dangerous thing, and that if it should be disclosed it would burt many of those who were enjoying a respectable status at that time; that if I was not stopped, the truth would be made known and these people would be discredited. That was the effort that they made, but it did not deter me, Mr. President. I said on this floor time and time again that there was a conspiracy, a secret meeting held somewhere, I did not know where, to bring about deflation. I said that it did not come of its own accord; that it was prearranged. That statement was denied. These newspaper yelpers of the Federal Reserve Board said, "There is nothing in it." They said that it was a pipe dream; that it could not be substantiated; and I kept on saying that there was a conspiracy. When I was at the high tide of the battle against them in the Senate the Wall Street Journal was criticizing me, and the New York Journal of Commerce was criticizing me; and when I saw the criticisms coming from that quarter I knew that I was right and that I was moving in the right direction. I knew that they knew that I was treading dangerously near something that they did

What happened since Governor Harding went off this board? I have here a copy of the little journal that was kept of that conspiracy that they held. Here it is. It is entitled:

Transcript of stenographic minutes of conference with the Federal Reserve Board of the Federal Advisory Council and the class A direc-tors of the Federal reserve banks, held at Washington, May 18, 1920.

We never got hold of this little document until Governor

Harding was driven from the Federal Reserve Board.

Mr. President, I did not have that document when I was making the fight here for nearly two years; but I told about what had happened at this meeting without really knowing all of the inside facts. Those who will take the time to read this document and read the charges and the argument I made will see how closely I tracked what occurred. I said that they agreed not to tell what had happened. I said that there was a secret arrangement. I said that those present were to go home and whisper the word around.

Mr. President, Governor Harding in closing that meeting cautioned them all to be exceedingly careful and discreet, and to say nothing about anything that was said regarding rediscount rates. That was the vital question. They had agreed to raise the rediscount rate. They knew what effect that would have upon the business of the country; and they agreed in secret conclave not to let the American people, who were to be vitally affected by the change, know anything about what had hap-

pened or what was going to happen.

After that parting injunction of Governor Harding these gentlemen dispersed. The country did not know that it was sleeping over a volcano. The country did not know that within 30 days there would be serious trouble in the financial world The country did not know that the Liberty bonds, which the Government had plighted its faith to hold at par to the people who bought them out of patriotic motives, were to tumble down, and that the people who had them and who were trying to hold them would be forced to throw them upon the market, and that the bond sharks of Wall Street would feast and fatten upon them at the cost and expense of the American people who bought them to help their country in the hour of its peril.

Mr. President, at that meeting Mr. Treman, the acting governor of the Federal Reserve Bank of New York, in advocating that the reserve banks begin to restrict the granting of credit through individual banks, said:

You must do something more than send them requests not to do it.

That is, not to make loans.

The way to do it is to bring them face to face with the officials of the Federal reserve bank in each district and have them understand the situation and have them in turn go back and deal with the commercial and business interests.

Mr. President, on the floor of the Senate I called attention to one of these meetings where these bankers were brought face to face with the Federal reserve agent out in southern California. I can understand it all now. All this sort of business was discussed and agreed upon. It was agreed in that secret meeting to hoist the black flag; but the people to be slaughtered did not know it. Out in southern California the bankers' convention was in session. Judge Swing, Congressman from that State, was there, and a friend of his said, "Come and go into the convention and sit with me." The officials, it seems, did not know that any man was in the convention who was not a banker, and this Federal reserve agent got up and said to these bankers, "You must not loan any more money on farm paper, agricultural products, live stock," and so forth, and dozens of bankers sprang to their feet and said, "We do business with the farmers and cattle people. We loan money to them. Our business is tied up with their business. They need money, and we must let them have money." Then this agent made this significant statement: "If you loan them money we will not rediscount sweet and the statement of the significant statement." you loan them money, we will not rediscount your paper." That was the first open and bald act, so far as I know, carrying out the secret instructions given at the secret conference held here in the city of Washington May 18, 1920. What was it doing? Striking dead the agricultural business and the cattle business of the West.

What happened here in the Senate on that same day? The Senator from Illinois [Mr. McCormick] introduced a resolution in a way suggesting deflation, calling upon the board to know what it was going to do about deflation. I have said here a dozen times that there must have been some understanding that that action should be taken here in the Senate the same day this advisory council was in oathbound secret session in Washington. That resolution was passed through this body, and the Senator from Oklahoma [Mr. Owen] made a speech in the Senate in which he said that that resolution was a nucleus around which they hoped to hang deflation, and he was a prophet. Just what he said would happen did happen, and he said that he could easily understand how the financial interests of New York, and the financial interests of Chicago, the home of the Senator from Illinois [Mr. McCormick], would be interested in having this decision brought about.

That resolution passed, and Governor Harding immediately wrote a reply to the Senate, and in it promised to use every power at his command to do what was suggested in the Senate resolution.

Mr. President, I knew they had not given the country any notice, but I did not know that they actually promised in this secret meeting that no notice would be given to the various business interests of the country. I did not know that I would find on printed page somewhere that Governor Harding had actually said such a thing, and that some of the things said had been taken down so that it could be read and preserved, but in speaking upon this subject one day I said that it was a secret arrangement, and that no notice was given to the country; that nobody had notice as to what was going to happen so that he could prepare himself or herself and be ready for the crash when it came.

I referred to a man from the Northwest, a Republican, himself a wealthy man, now a Senator in this body, telling me that they sent him word that they were going to deflate, and telling him to act accordingly and get in out of the weather, and he said, "I can not get in. My business is in such shape that if you do deflate, it is going to cost me thousands of dollars," and he said, "It did cost me thousands of dollars."

I likened that situation to people sitting in a theater, hundreds of men, women, and children looking at the stage and laughing and being entertained, happy at what was transpiring there, when some one slipped down the aisle and went over to a box and whispered to the distinguished personages there that a bomb was being planted under the building, and that in 15 minutes it would go off; for them to get out while the getting was good; that they gathered up their wraps and coats and hats, and silently stole away; that they had gone hardly

a couple of blocks before the bomb went off, the roar was heard for miles, the groans of the dying were heard, and hundreds of people were murdered in the crash.

I said that was what happened under the deflation drive, They deliberately planted this bomb under the business of seventy-odd million people in America, and they touched it off without giving them a moment's notice. The little man, the one-horse farmer, the ten-horse farmer, the blacksmith, the crossroads merchant, the village merchant, the town merchant, the country banker, men in all kinds of business in the common walks of life, were literally slaughtered by that cruel deflation drive, and not a moment's warning was given to any of them. That is precisely what the Federal Reserve Board did.

The Senator from Idaho [Mr. Gooding] has introduced a resolution calling upon the President to have this thing investigated. The President has held the same Federal Reserve Board in office. Governor Harding did not go off the board until his term expired by law August 9. He held on two years after President Harding went into office. He held on during all the time some of us were condemning deflation here in the Senate. I said repeatedly that the President ought to remove him, that unless he condoned what he did and indorsed his policy he ought to get rid of him; but he did not get rid of him. He did not get rid of him until his term expired under the law and it was disclosed that he could not be confirmed by the Senate if he had been reappointed. The other members are still on the board.

I do not know just how vigorous and thorough the investigation would be if the President should conduct it. The President has so many things to occupy his mind. I had rather have a congressional investigation. I may seek to get one next fall, when we come back, unless good results come from this investigation, if such an investigation is ordered, because I want a real investigation. I would like to interrogate these gentlemen myself. I have already convicted Governor Harding of a grave national crime. I would like to ask them about certain things and go a little more into detail as to what occurred in that secret conference.

I would like to ask them if the spekesman for the New York bank did not protest, as this secret record shows he did, against having this progressive interest rate applied to New York, and I would like to ask them why it was they never did apply that rate to New York. I would like to ask them if the governor of the bank which serves my State, Governor Wellborn, of the Atlanta bank, and the governor of the bank of Dallas, did not ask them not to apply the progressive rate down there, and why it was that it was applied at those two banks and not to New York. There are several questions I would like to propound to these gentlemen in this connection.

I have contended all along that deflation was cruel, criminal, inexcusable, and indefensible. I still contend that. It was a cut and dried plan to pillage and plunder the American people. God only knows how much money they made out of that steal. Think of it, these men sitting behind closed doors, playing with billions and billions of wealth, and agreeing amongst themselves that they would go out and strike a blow that would cause the destruction of property values by the billions, and nobody but themselves and those in the inner circle was to know anything about it.

Do you know, Mr. President, there are men in this Republic who speculate who would have given \$50,000,000 for that information that night. If they could have been told, and I suppose they got the tip, that this thing was going to happen, they would have gone upon the stock exchanges and sold and sold and sold. Senators, when men sell on these exchanges, the lower the price goes, the more money they make, and they would take no risk whatever in selling, because they knew that what was going to happen by the direction of Governor Harding and his board would tumble prices down and down, and they would gather up their profits by the millions. That is what the conspirators did.

President Wilson was very ill at that time. If I had been President, that deflation policy should never have been pulled off. If I had been President and I had known they intended to pull it off, I would have in a quiet way tried to stop it, and if I could not have stopped it that way, I would have employed sterner means and have been tempted to do as Old Hickory Jackson did in the case of old Biddle. You know what he told him, do you not? Biddle went to Jackson and wanted to have Congress couple some of his speculative measures with a Government measure and told Jackson that they ought to be put through together. Jackson would not agree to it. Then Biddle said to Jackson, "I will not let your bill pass." Jackson

told him that he could not prevent its passage. Biddle said that he could. Then Jackson said to him that was too much power for one man or one concern to have, and he would take it from him; and he did. Then what did old Biddle tell Jackson? He said, "I will contract the currency and produce a panic." And Old Hickory Jackson said to Biddle, "If you do, damn you, I will hang you." He ought to have been hanged for such a crime. Biddle's panic dld not come. The men who inspired and pulled this deflation conspiracy in 1920 were criminals. They destroyed property values by the billions. They swept away in thousands of instances the accumulations of a life-

time. They deserved to be hanged.

Mr. President, that deflation policy drove men mad. Hundreds were driven to death by their own hands. They were good men struggling for an honest livelihood, struggling to support their wives and children, and yet this deflation was produced through the conspiracy held here in Washington, and it brought this crash upon the country, and it dazed and stunned hundreds of these men and drove them mad, and I have said drove them to kill themselves. Why not hang half a dozen conscienceless criminals rather than permit hundreds of men to be driven to death by their own hands or into the

insane asylums of the country?

The reason they wanted to suppress me was because I was on a hot trail and they feared that I would disclose to the public the truth of their cruel and criminal conduct and I was interfering with their false theories regarding panics. were spreading their propaganda over the country in an effort to educate the people that panics could not be prevented, that they would just come anyhow every 5 or 10 years. I knew that that was not true and I said so. It is a falsehood as black as midnight. There is no excuse for a panic in a great Government like ours under the Federal reserve system and our other banking institutions if they are honestly administered. must be honestly administered. A few Senators in this body, who have the courage to speak their minds and who have the zense to study the problems presented from time to time, can do a great deal toward keeping the Federal Reserve Board on We can get the news to the bankers and to business generally through the Congressional Record. I have received hundreds of letters saying something like this: have been reading your speeches about this deflation policy. I agree with you. We only get this information through the RECORD. The newspapers do not give it to us."

Mr. President, I want to mention another thing just here. would like to know why the nomination of Mr. Crissinger has not been favorably reported to the Senate. He was appointed governor of the Federal Reserve Board several weeks ago. Why is he being held up? What does this delay in reporting his name mean? Why can we not have the opportunity to vote on his confirmation? There would be no question about his confirmation. Why does the majority of the Banking and Currency Committee hold back the report? Do they want to give Mr. Crissinger a recess appointment? Do they want him to go without confirmation until next December? Do they want these vultures to have an opportunity to pick at him and peck at him for nine months? Why is it they do not bring his name into this Chamber? He is a good man, I repeat, and an honest man. He favored a reduction of the rediscount rate when I was making a fight for it here for months; he incurred the displeasure of Wall Street by saying it ought to be reduced. Why does not the Banking and Currency Committee bring his name into this Chamber and let us vote on him before adjourn-

I am going to insist on his confirmation. He must be confirmed before we adjourn or the people must know the reason why. I want to read here what the Manufacturers' Record says on this subject:

WHAT ARE THE FORCES FIGHTING CONFIRMATION OF MR. CRISSINGER AS GOVERNOR OF RESERVE BOARD?

GOVERNOR OF RESERVE BOARD?

The question may be well asked, Why should the confirmation of Mr. Crissinger be held up on account of the fight on Mr. McNary?

Are they the ones which two years ago were declaring that the office of the comptroller ought to be abolished? (And we presume that the chief reason for desiring to abolish the office was the great fight of the then comptroller, who was actively antagonizing the deflation campaign of the Federal Reserve Board.)

Now, these influences are saying that the comptrollership is so important that Mr. Crissinger must not be confirmed until his successor is in office.

portant that Mr. Crissinger must not be confirmed until his successor is in office.

This apparently is a trick to prevent the confirmation of Crissinger and compel him to accept a recess appointment, and thus have held over his head a possible failure of the next Congress to confirm his appointment.

Mr. Crissinger has repeatedly given evidence of his sympathy for the troubles of agriculture and his desire to make the Federal reserve system useful to farmers and business men generally.

His failure to be confirmed would in many respects be a calamity to the country. Senators who have the true interest of the country at heart and who want to make certain that no such policy of secrecy, fatal to the management of the Federal Reserve Board, shall prevail in the future should demand that Mr. Crissinger be confirmed immediately, whether the Committee on Banking acts or doesn't, and in this way administer a much-needed rebuke to the forces of reaction which have subtly endeavored by indirection to prevent a vote on his nomination to the governship of the Federal Reserve Board.

The exposé in the Manufacturers' Record of last week of the amazing methods adopted to prevent the public and the press from getting information about the actions of the reserve board and the secrecy enjoined upon those in attendance should awaken the Senate and the country to the supreme necessity of confirming Mr. Crissinger immediately, despite the quiet but determined efforts of the forces which seek to continue their control over the Federal reserve system.

That is a strong and timely editorial from the Manufacturers' Record of February 28, 1923.

Oh, Mr. President, the people are getting tired, they are getting exceedingly weary of making a football of this great Federal banking institution and playing politics with it. it administered fairly and honestly. I have never criticized the system. I am proud of it. I helped to create it. I said all the time that deflation was not the fault of the system, that they perverted it from the end of its institution, that they maladministered it and turned it over to the control of the Wall Street financiers.

I said a moment ago that the deflation was inexcusable and indefensible. I want to read, in support of that statement, Governor Harding's own words in the report of the board for 1920. Here is what he said:

The Federal reserve system has met the requirements of war and readjustment by expanding, without, however, encroaching upon its legal reserves. It is capable, if need be, of expanding still further without having recourse to the emergency provisions of the act, and very much further by availing itself of these provisions.

Why did we create the reserve system? We created it for the purpose of resorting to the reserves in a crisis. We created it for the purpose of calling upon the reserve if the hour came when it was necessary to do so. We had no pride in merely providing a reserve and nursing it as a plaything and permitting a crash to come throughout the country, destroying the business of the people. The business of the people was not created for the purpose of supporting the Federal reserve The Federal reserve system was created for the purpose of aiding and supplying the needs of the business interests of the country. Now what happened?

Mr. President, John Skelton Williams was at that meeting here in Washington. He made a statement to the board that if this thing was to be done at all, it should be done in a sane manner, gradually, so as not to seriously disturb business. He said, in substance, "If a crash comes, you will be responsible," speaking to the members of the Federal Reserve Board, "for that crash," because the sound condition of the Federal reserve system was such, he said, that any serious business dis-

turbance would be wholly unjustifiable.

Mr. President, wherever they have had their hired agents-I mean the crooked, subsidized press-they have distorted what I have said. They have circulated in my own State newspaper articles from other States which have been reproduced in one or two papers in Alabama to the effect that "Senator Heflin renewed his attack on the Federal reserve system again to-day," and so forth, or "Senator Heflix made another speech attacking the Federal reserve system." I challenge anybody to read the speeches I have made and find one word where I have ever criticized the Federal reserve system. I have always praised it. I have criticized the conduct of those who betrayed it, of those who entered into a conspiracy to destroy business and produce a panic, and that is what they planned to do in this secret meeting held here in Washington.

There are several of these quotations from this little pamphlet, with comments thereon from a former member of the Federal Reserve Board and the Comptroller of the Currency, that I want to print in the RECORD. I shall not take the time to read them, but I ask permission to readjust them and print

them in the RECORD.

The PRESIDING OFFICER. Without objection, the request is granted.

(See Appendix 1.)
Mr. HEFLIN. 1 shall not detain the Senate much longer.
In view of the fact that some of the newspapers have printed articles that misrepresent my position upon the question, I ask unanimous consent to print in connection with my speech some of the letters I have received complimentary to my work against the Federal Reserve Board's deflation policy.

The VICE PRESIDENT. Is there objection? The Chair

hears none, and it is so ordered.

(See Appendix 2.)

Mr. HEFLIN. Mr. President, I shall conclude, because I do not want to detain Senators at this time. I shall have some-thing to say on various occasions on the subject. God being my helper, I am going to fight to prevent the recurrence of such a Under this deflation drive I saw the agricultural masses of the South and West swept down, pillaged and plundered by the speculators and gamblers of the country. I saw 7,000,000 men driven out of employment. I saw industries stand idle. I saw stagnation in business in my country, while a few men flourished in evil doing and clipped their coupons by the million as a result of this conspiracy held in Washington May 18, 1920.

Mr. President, in order that I may get in form for circulating purposes a statement, I propose to put something in the RECORD regarding the subsidized press that has undertaken to hamper me and misrepresent me in this work.

Mr. President, the man who winks at and condones a thing that he believes is wrong, a thing that he believes is fraught with danger to his country, is not the right kind of a citizen; but the one who dares to do what he believes is right, and condemns wrong whenever he finds it-in the strong as well as in the weak-he is a good citizen, valuable in many ways to his day and generation.

The press, like the public servant, owes a duty to the people. Both should ever be on guard, striving at all times to do that which will promote the common weal and best serve the cause of humanity. Predatory interests can work no injury to the country as long as the press is free and fearless and the public servant is honest and faithful. But a corrupt and venal press, like a corrupt and crooked public official, becomes a constant menace and danger to the life of the State and Nation. one should have the respect or support of patriotic, self-respecting people anywhere. An incorruptible press and an incorruptible public official are essential to the prosperity and happiness of the people, and absolutely necessary to the preservation of our free institutions. Then it is true, of course, that a corrupt press and a corrupt public official are the enemies of all that is clean and wholesome in our Government, and they should both be pointed out and treated as arch enemies to the country.

When the criminal agencies of greed and avarice go out to gather where they have not planted, to reap where they have not sown, to deprive others of the fruits of their toil, they seek first to corruptly control certain newspapers and then they seek to elect to office men who have no courage or convictions-men who will do what they want done without regard to the principles of right and justice. While a large portion of the American press is still free, the number of subsidized and corrupt newspapers are increasing to an alarming degree. The successful effort is being made by certain selfish and sinister interests to buy control of certain newspapers. They have in mind two things in doing that; one is to prevent the paper in question from antagenizing their propaganda and putting the people wise to just what they are trying to do, and the other is to make the paper their own enthusiastic agent or handy instrument in depaper their own entities agent of handy instrainent in de-ceiving and misleading the people. In buying over secretly and corruptly controlling one of these papers in some communities they frequently leave the people without a single paper that will give the truth regarding matters that vitally affect the welfare of the community.

The Bible tells us that the truth is the light, and yet subsidized newspapers suppress the truth and spread the darkness of deception and falsehood where God's sunlight of truth should ever shine. Thank God there are newspapers in America many of them-that stand foursquare to every wind that blows. some of them—that stand four-square to every wind that blows. Some of them are country weeklies, published far from the hustle and stir of the city. Such papers, daily and weekly, year in and year out advocate what they conscientiously believe is right and best for the country. They are serving their day and generation well, and contributing to the strength and glory of the Republic. They are mighty factors in the preservation of American ideals, and they are contributing in a superb and powerful way to the perpetuity of American institutions. All Long live the courageous and unbridled press of hail to them! Long live the courageous our country! May their tribe increase.

No honest man has any right to contribute a dollar in subscription, or in any other way, to the support of a newspaper that belongs soul and body to predatory interests. What do people do when they discover that a public official they have been voting for has become the tool of their enemies and is being used to misrepresent and rob them? Why, they quit voting for him and he is retired to private life.

What would happen to the corrupt newspaper, the bribed agent of the corrupt interests, if the people who subscribe to it

would write to the editor or manager and simply say: "My dear sir, your paper editorially is antagonistic to the principles of fair play and justice. You traduce and slander the public officials who advocate measures that are good for the masses of the You seem to represent those who are diametrically opposed to my interest, and if I continue to subscribe to your paper am aiding you to destroy those who are fighting for me and which they get big money, are given to them because of the large subscription list that they have amongst the people. Cut down the subscription list, reduce it to a low figure, and the advertisements would immediately fall off and the corrupt sheet would die. When the citizen subscribes to and helps to support a corrupt and venal newspaper, he becomes responsible in part for the wicked work of such a paper. He not only permits the vile and venomous sheet to carry its scurrilous slime into his home, but he is helping to make it possible for such a sheet to continue its rotten and infamous existence.

I want to see the rank and file of our citizens, men and women everywhere, wake up to a full realization of their duty and responsibility in the matter of fighting, not supporting, but fighting, that part of the press which has no principle, no conviction, but is corrupt and venal, and therefore dangerously harmful to the best interest of the American people.

On the other hand, the newspaper that cries out against a dangerous policy and gives the truth to the people, in spite of the greed and wealth of those back of that policy, is the kind of newspaper that must continue if the Republic is to live. Such a paper is entitled to the confidence and support of patriotic people everywhere. I have in mind several such newspapers. I am going to mention one of them now. In 1920, when the Republican leaders and the big speculators and financiers of Wall Street conspired to bring on deflation and produce a panic, the effort was made by the conspirators to keep the truth from the people. The propaganda was started in New York and Washington, and spread rapidly over the country, to the effect that the business distress and financial disaster that had come upon us in all their fury could not be helped, but just came of their own accord from somewhere. Many people, dazed and stunned by the blow that came with the destruction of property values and the utter collapse of business of every kind, accepted the theory of the deflation propagandists as they gazed despond-ently upon the ruin that deflation had wrought. The big crimi-nals of the biggest financial crime of the century were busy fooling the people, covering up their tracks, hiding the proof of their guilt, as they gathered in the rich fruits of their crime. was that Tom Hamilton, the brave and brilliant editor of the oldest newspaper in the South, the Augusta Chronicle, commenced to lay the blame for deflation upon the Federal Reserve Board and its fellow conspirators. His was the first daily paper in the country that dared to lay at the door of the Federal Reserve Board the charge that deflation was deliberately planned and brought about for the purpose of enriching the few at the expense of the many. It required courage of a high order to do that. While some other papers took up the fight and rendered valuable service later on, the Augusta Chronicle and the Manufacturers' Record were first and foremost in the great battle against the deflation conspirators.

I wonder what would happen if they could drive out, scare out, and buy out all the courage and moral stamina left in our public men. Time was when the public man who condemned the wrong and cried out against crooks in high places had the support of most of the press of the country. But the time has come when some newspapers will openly and brazenly attack, vilify, and slander the public man who dares to condemn the conduct of the man or set of men that they have been hired

to boost, protect, and defend.

The question is, Shall devotion to duty, courage, and love of fair play and justice in our public men be encouraged and upheld as things to be prized in the land that we love, or shall the corrupt newspapers be permitted the use of the mails and come into our homes in order to peddle out their bartered

poison against clean and courageous public men?

Mr. President, because of the unfair treatment of me by certain newspapers in other parts of the country and one or two in my own State, I feel it my duty to print excerpts from some of the letters that I have received regarding my the Senate. Those who read them will understand that I am placing them in the CONGRESSIONAL RECORD so that the people who have read the criticisms and perversions of the truth regarding my service may read what others, unbribed and unafraid, have voluntarily written to me upon the subject.

APPENDIX 1.

CENTRAL BUREAU OF THE CENTRAL VEREIN, St. Louis, Mo., August 16, 1922.

Hon, J. THOMAS HEFLIN.

United States Senate, Senate Office Building, Washington, D. C.

Hon. DEAR SIR: The St. Louis Globe-Democrat of August 3 contained a short report regarding statements made by you on the previous day in the Senate. We clipped this item and compared it with the stenographic report as printed in the Con-gressional Record, and thereby discovered how misleading the newspaper report is.

We concluded to bring this matter to the attention of our people and have done so in our Press Bulletin of August 9,

which we are sending you herewith. Sincerely yours,

CENTRAL BUREAU OF THE CENTRAL VEREIN, F. P. KENKEL, Director.

[From Press Bulletin of the Central Bureau of the Central Verein, vol. 10, August 9, 1922, No. 10.]

NOT SUPPRESSED BUT GEOSSLY DISTORTED—SENATOR HEFLIN'S SERIOUS CHARGE OF EXTORTION AGAINST FEDERAL RESERVE BOARD—PRESS ITEM COMPARED WITH REPORT IN CONGRESSIONAL RECORD.

The manner in which the reading public is being misled by the news vendors-that is, the parties responsible for the information distributed to the dailies—is well illustrated by the following observation: Papers of August 3 contained an account from Washington saying that Senator Herlin, of Alabama, in opposing the reappointment of Governor Harding, of the Federal Reserve Board, had declared that interest of 871 per cent had been charged a small bank in his State by the Atlanta Federal Reserve Bank in 1920. Senator Smoor, of Utah, thus the item continues, said he could not understand how Senator HEFLIN's statement could be true, or how a bank could pay such an interest rate and survive.

Senator Herian's response to the doubt the Utah Senator cast on his remarks is quoted in the newspaper report, but in a manner that seems intended to mislead the reading public. "Senator Heflin," thus runs his reply, as contained in the item from Washington, "insisting he had documents to prove his statements, said the Alabama bank barely managed to live but that its business and customers were destroyed.'

Now, the fact that Senator HEFLIN is simply "insisting he had the documents" and not producing them would naturally lead skeptical newspaper readers, or those who favor the present banking system, to doubt, as Senator Smoor did, the possibility of so preposterous an interest charge as the one Senator HEFLIN alleged an Alabama bank to have paid. But what did Senator Heflin really say? Turning to the Congressional Record, No. 196, issue of August 2, 1922, we find, on page 11871, that, having charged the governor of the Federal Reserve Board, Mr. Harding, with having applied the progressive interest rate to the agricultural sections of the South and West, but not at all to the other sections of the country, the Senator continued: "I hold in my hand a letter, written by the governor of the Federal Reserve Bank of Atlanta, in which he acknowledges that they charged a bank in my State 871 per cent interest.

Now, this is evidently something entirely different from what Senator HEFLIN was reported in the daily papers as having Furthermore, he added weight to what we have quoted from his address in the Senate by informing his colleagues that this valuable document had been furnished him by the former Comptroller of the Currency, Williams. "I made that charge," Senator Heflin continued, "on this floor for more than a year, and I could get no information on the subject from either the board or the bank of Atlanta as to the correctness or incorrectness of my charge. In the meantime the governor of the Federal Reserve Board was proclaiming that agriculture was in no way being discriminated against. declared that agriculture had been aided in every way possible, when the real facts show that agriculture was stricken down and practically destroyed by the deflation policy conduct of Governor Harding."

Clinching his arguments, Senator Heflin, addressing himself to the Chair, proclaimed: "Mr. President, I have the proof now. A bank in my State, furnishing money and credit to farmers at the crop-moving time, had the progressive interest rate applied to it by the Reserve Bank of Atlanta and forced to pay 87½ per cent interest." "Does that look like a fair deal for agriculture?" he exclaimed. "Does that look like aiding

agriculture in every way possible?"

At this point Senator Rosnson, of Arkansas, interjected a question regarding the object of imposing such a rate. Senator

HEFLIN, answering the interrogation, said: "The object was to shut off loans, to prevent agriculture from getting money, to force the farmer to sell regardless of market conditions, because the edict had gone out, in a quiet way, to stop loaning money on cotton and live stock and other farm products.' Moreover, Senator Heftin made it absolutely clear that this rate was actually collected. "I criticized the Federal Reserve Board," he stated furthermore, "for its brutal and inhuman conduct in this matter, until I, with John Skelton Williams, forced the policy to be changed and the money to be refunded. The injury had been done, however, before the money was refunded.'

To the question now put to him by Senator Robinson: "How could a bank continue in business and pay that exorbitant rate?" the Senator from Alabama replied: "It practically had to quit, barely lived through that trying time." And while bank in the South, the dependence of agriculturists, had in New York borrowed many, many times more than its capital, and they never applied the progressive interest rate to it at all." In other words, as Senator Heflin so trenchantly put it: "Six per cent in New York, and an interest rate of 871 per cent in Alabama."

Let anyone compare the item regarding Senator Heflin's accusation, as it appeared in the papers of August 3, with the stenographer's report printed in the Congressional Record, and the result must be the conviction that the public was kept entirely in the dark regarding the serious indictment against the Federal Reserve Board pronounced by the Alabama Senator. And it is difficult to believe that the misleading newspaper report was due to the incompetence of some reporter. The account, as it was given to the papers, impresses one as studied, inasmuch as the writer can not be accused of having suppressed the fact of the charge, while only a comparison of his item and the report printed in the Congressional Record would prove that in reality Senator Heflin's damaging state-

ments had been falsified. CENTRAL BUREAU OF THE CENTRAL VEREIN.

AUGUST 22, 1922.

Mr. F. P. KENKEL,

Director Central Bureau of the Central Verein. 3835 Westminster Place, St. Louis, Mo.

MY DEAR SIR: Your letter inclosing a copy of press bulletin of the Central Bureau of the Central Verein has been received and noted. I have read with keen interest and appreciation your bulletin, in which you show how unfairly my speech was reported on the date mentioned.

I am receiving letters from all over the country indorsing my position on the destructive deflation policy conducted by the Federal Reserve Board. Wherever the Congressional RECORD goes and the people can get the truth I have received letters strongly indorsing my stand in this matter. I have never seen one report sent out from Washington on a speech that I made upon this subject that gave a fair report of what I said in discussing the subject. Some strange influence has been at work to keep the facts that I have given from time to

Again thanking you for your interest and kindness in this matter, I am, with best wishes,

Yours sincerely,

J. Thos. Heflin.

APPENDIX 2.

Mr. HEFLIN. Here is a copy of an interesting letter, written by Hon. John Skelton Williams to the editor of the Manufacturers' Record, Hon. Richard H. Edmonds, of Bal-

Dear Mr. Edmonds: I thank you for sending me a copy of the letter addressed to you by Acting Governor Platt, of the Federal Reserve Board, in which he pretends to set forth, but really misrepresents, my position at the conference of May 18,

1920, at which I was present during a part of the proceedings.

After the well-merited excoriation which Judge Brand, of Georgia, publicly administered to this self-same Platt on the floor of the House of Representatives a year or so ago, he "ran to cover" and nothing was heard from him for some time. you probably know, he is the particular member of the board to whom I referred in my speech before the Georgia Press Association on July 14, 1921, when I said:

Upon another occasion when certain policies were being discussed in the Federal Reserve Board, which were being opposed on the ground that they might result in forcing the failure or retirement from business of many small State banks throughout the country, a certain member of the board, who has never been conspicuous for a knowledge of banking or an adequate comprehension of the difficulties which the country has had to face in the past year, spoke up and said, in effect, 'If this plan means the failure of the small State banks, that need not stop it; in fact, if we can't get rid of the small State banks by any other method, it might be as well to get rid of them that way'—that is to say, by their failure. It was the same statesman and member of the board who a few weeks later condoned the action of a large bank in a big city which had been discovered to have charged a valued customer the equivalent of about 200 per cent per annum interest on a loan of several hundred thousand dollars for about six months, with the remark that 'all banks charge those rates, more or less.'"

Mr. Platt's statement to the effect that all banks charge such unconscionable rates as those which I was at the time condemning was of course untrue, for there are thousands of decent and self-respecting banks throughout the country who have never charged or countenanced those unscrupulous rates.

If Platt denies now the above statement which I made publicly more than 18 months ago, and was never denied as far as I have ever heard, he will only furnish additional evidence of his reckless mendacity. The speech in which I made those charges was made by me openly before the Joint Commission on Agricultural Inquiry of the United States Senate and House of Representatives on August 2, 1921, in the presence of several members of the Reserve Board, and they did not dare to question or deny them. It is too late now for them to try to do so

In his speech before the May 18 conference, in admitting his ignorance of banking matters, Mr. Platt said to the assembly:
"I feel a little bit of trepidation before an audience made up

"I feel a little bit of trepidation before an audience made up exclusively of bankers, because I think I may be subject to a little criticism for not having had a great deal of banking experience. In fact, my actual banking experience is confined chiefly to acting as teller at a few bank elections."

His whole conduct on the board impresses me as confirmatory of that confession. Platt's letter to you is so ill-tempered, so undignified, and so full of misstatements that I doubt whether you will think it worthy of a reply.

I note that he has the impudence to say to you:

"If persons who took part in the discussion decide to prosecute the Manufacturers' Record for libel, as I shall urge them to do, it would be natural to expect Mr. Williams to join in the prosecution, because his own attitude is as grossly misrepresented as anyone's."

As your editorial was a plain, dignified, and forceful statement of facts and contained no misrepresentation of anyone, as far as I can see, Platt may be right in saying that my attitude was subjected to the same degree of misrepresentation as anyone's when no one's was misrepresented; but if I should undertake to "join in a prosecution" it would not be of the Manufacturers' Record, which has so courageously exposed and turned the light of publicity upon the proceedings of the May 18 conference, for Platt knows well enough the intense and bitter feeling which exists against the men who have been described on the floor of the Senate and elsewhere as "conspirators," who, after the soothing assurances which they gave as to the orderly, intelligent, and considerate manner with which a reasonable degree of deflation was to be brought about, cut the props from under the country's prosperity and precipitated, artificially, and as many believe designedly, the most ruinous and drastic deflation and contraction of credits which the commercial, industrial, and agricultural interests of the world ever experienced.

In his letter to you he has the effrontery to say that I-

"First. Agreed to the conclusions of the meeting.

" Second. Voted for the resolution adopted.

"Third. Advocated deflation in express terms, and was practically the only person taking part in the discussion who did so."

Those brief extracts from his letter contains three false and misleading statements.

I did not agree to the conclusions of the meeting as put into practice.

I dld not vote for the resolution adopted

I was not practically the only person taking part in the discussion who advocated deflation in express terms.

Platt doubtless knows well enough that at conferences and hearings of that character the members of the board present who are conducting the hearing do not vote on the questions brought up; at least they did not when I was a member of the board. Such meetings and conferences go on record by the

passage of resolutions, and their resolutions are taken up subsequently at meetings of the board in executive session for consideration and action if desirable.

Platt admits a little later in his letter, however, that what I advocated was a "proper and reasonable degree of contraction"—"a reasonable degree of deflation."

When, in the meeting of May 18, 1920. I had unsuspectingly commended Governor Harding's opening address, in which he had given those positive assurances that whatever liquidation was to be brought about was to be "gradual" and "sensible," and that great care was to be taken "not to overdo this matter of liquidation," I never imagined that a majority of the Reserve Board could sympathize or agree with the views of the chairman of one of the Federal reserve banks who got up during the meeting and actually suggested that the reserve system should "without disturbance" bring about a contraction of loans during the ensuing three or four months of two or three billions of dollars, or 10 per cent of all outstanding loans, which he stated to the meeting was the kind of liquidation that had been "spoken of in the Federal reserve system as orderly liquidation." I can not conceive how any sane and intelligent man I can not conceive how any sane and intelligent man could regard such ruinous deflation as would naturally follow the calling in of two or three billions of loans in three or four months as indicative of the "wise and discriminating judg-ment" which Governor Harding had assured those present at the meeting was to be exercised in this supremely important matter. If any such program had been adopted openly at that time the country would have been stunned but would have revolted immediately and would have prevented the cataclysm.

Mr. Platt says in his letter to you that I "wanted contraction at once," and that I criticized a colleague for going no further than "to desire and hope that we would not inflate any further." Mr. Platt knows that his statement is a perversion of my consistent position throughout that whole period. I was in favor of curbing and restraining profiteers and speculators, but I urged that the fullest consideration should be given to the country's legitimate business and commerce—agricultural interests and essential industries. To quote my exact words in this connection, at that meeting I said:

"It seems to me the greatest factor would be to restrict arbitrarily the granting of credit to nonessential industries or those concerns that are making inordinate profits, especially on products that are not most needed."

A few weeks later, on August 26, 1920, I urged upon the board a moderation of its contraction policies, and filed a memorandum with the board in order that the record might be clear. I said in that warning note:

"Mr. Williams called attention to the drastic liquidation which has already taken place in the past six or eight months in leading commodities, including cotton, wheat, corn, rice, silk, wool, leather, and so forth, the shrinkage in some cases amounting to over 50 per cent. He also stated that prices of standard securities, including United States Government bonds, high-class railroad bonds and shares, and other securities, had this summer reached the lowest level they had touched in half a century, and expressed the view that such additional liquidation as is needed could be brought about without the exaction of interest rates as high as those which have prevailed.

In a communication to the governor of the board on January 28, 1920, I bad remonstrated against the reckless manner with which the funds of the Federal reserve system were being withdrawn from the legitimate channels of trade and commerce to feed the fires of speculation in New York. I pointed out in that letter that the Reserve Bank of New York was lending to a certain conspicuous banking institution in that city an amount equal to nearly six times the capital of the Federal Reserve Bank of New York, or an amount in excess of the total loans and discounts made about that time to all of their member banks by either the Federal Reserve Banks of St. Louis, Minneapolis, Kansas City, Richmond, or Atlanta, and I showed that the amount which was being loaned to that one particular trust company was about twice as much as the aggregate of all loans and discounts and purchased paper held at that time by the Federal Reserve Bank of Dallas.

I registered my protest against such an abuse of the aims and purposes of the reserve system in the following language in a letter to the governor of the board. I said:

"This is a concentration of the funds of the system with one debtor bank conspicuous for its speculative operations and promotions, which in my judgment is not only not justified but distinctly dangerous, and I feel it my duty to register my strong dissent from a continuance of such conditions as these by writing you, as I am doing, as an ex officio member of the board. * * * With such facts before us * * * as I

have here undertaken to bring to your attention, our responsibility becomes serious and very real."

My recommendations at that time, however, were unfortunately disregarded, and the concern referred to continued its speculative operations and promotions and its absorption of Federal reserve funds, and about 18 months later the bankers of New York City were hurriedly called together to provide from \$75,000,000 to \$100,000,000 to prevent a disastrous failure.

Like so many others, I was also misled for a while by Governor Harding's specious promises and protestations as to the "gradual" and "sensible" manner in which "reasonable" deflation was to be brought about. The stenographic record shows that I said to the conference:

"I see nothing in the situation to justify the fear of such a commercial crisis or financial catastrophe as we had either in

1873, 1890, or 1907."

That was perfectly true. There was no justification or excuse for the cataclysm which was subsequently precipitated. It is clear now that I had greater confidence in the "wisdom," "discriminating judgment," and real intentions of a majority of my colleagues on the board than was justified. their tremendous power for evil as well as for good, but I did not think that it was the power for evil that was to be exercised rather than the power for good; but I did warn the conference, in referring to the commercial crisis of 1873, 1890, and 1907, that "if anything of that kind comes, it will be our fault—the fault of those who are in charge of the banking and commercial interests of the country, and I do not believe they are going to bungle it."

In commenting upon that statement by me you say, very

properly, in your editorial:

"Unfortunately those in charge of the banking interests of the country did bungle it, and bungled it badly, as Mr. Williams has repeatedly said that they did, and proved by the figures which he has published showing how badly it was bungled."

The clear and unmistakable written record of those times shows how I urged and implored the Federal Reserve Board, when I realized the dangers of the drastic deflation and contraction which they were bringing about and the annihilation in commodity values of all kinds which was taking place not the "proper and reasonable degree of contraction" of which I had spoken-to put on the brakes and save the situation from such ruthless deflation before it should be too late.

Governor Harding's reply to one of my communications was to the effect that the paralyzing collapse in values which was taking place was merely the puncturing of a balloon and letting out hot air, to which I replied that intelligent men in charge of the management of a balloon were not expected to "puncture" it and bring it crashing in ruin to earth, but to effect a safe landing by the intelligent use of valves, ropes, and ballast.

Did you notice Mr. Platt declares in his letter that in your article "it is stated that 100 copies of the report of this meeting 'were printed for confidential circulation' at the time and the type destroyed"? His statement is plainly false. You did not say in the article from which Platt intends to quote that the 100 copies were printed "at the time." The words "at the time" were simply inserted by Platt without warrant. For aught we know, however, 100 or more copies may also have been distributed "at the time" of the meeting as well as later. It would quite naturally have caused a shudder throughout the country if the board had foretold the ruinous deflation plans which it put into execution in the ensuing months.

The Manufacturers' Record did not misrepresent my position in the least degree; but I do resent very thoroughly the "gross perversion and falsification" of my recorded position which Mr.

Platt attempts to make in his letter to you.

By the way, I notice that your long editorial of 18,000 words was considered to be of so much importance to the whole country that two United States Senators, from North Dakota and from Idaho, in the past few days have each had the entire editorial inserted in the Congressional Record as a part of their speeches in the Senate. And on February 28, as your editorial was being commended by Senator Gooding, Senator McNary obtained the floor to say that "the article referred to by the able Senator from Idaho is a splendid one and I should like to have it read from the desk."

Senator DIAL, of South Carolina, arose and said:

"Let us have the whole article read. It is very interesting."
The clerk of the Senate then read your 18,000-word editorial throughout. Upon the conclusion of the reading, Senator Gooding said to the Senate:

"I think the people of this country owe a debt of gratitude to the Manufacturers' Record, of Baltimore, for having the

courage to publish the story of this conspiracy, as it was formed here in this city on May 18, 1920."

I again congratulate you upon the manner in which you have brought this important subject before the country.

Yours very truly,

JOHN SKELTON WILLIAMS.

Mr. Richard H. Edmonds, Editor Manufacturers' Record, Daytona, Fla.

THIRD DEFICIENCY APPROPRIATION BILL.

Mr. WARREN. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, and I submit a report (No. 1250) thereon. I give notice that I shall expect to have the bill taken up to-morrow.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BURSUM. I desire to give notice that upon the disposition of the pending bill I intend to move that the Senate take up for consideration the bill S. 4305, granting an increase of pension to certain soldiers of the Mexican War and Civil War and their widows and minor children, widows of the War of 1812, Army nurses, and for other purposes.

SULPHUR RIVER BRIDGE, TEX.

Mr. SHEPPARD, From the Committee on Commerce I report back favorably without amendment the bill (S. 4631) granting the consent of Congress to the counties of Bowle and Cass, State of Texas, for construction of a bridge across Sulphur River at or near Paces Ferry, in said counties and State, and I submit a report (No. 1249) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as

Be it enacted, etc., That the consent of Congress is hereby granted to the counties of Bowie and Cass, State of Texas, to construct, maintain, and operate a bridge and approaches thereto across the Sulphur River at a point suitable to the interests of navigation, at or near Paces Ferry, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed,

RENT FOR OFFICE, RECORDER OF DEEDS (S. DOC. NO. 326).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the District of Columbia, office of the recorder of deeds, fiscal year 1923, in amount \$3,890, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PRINTING AND BINDING, PATENT OFFICE (S. DOC. NO. 328).

The VICE PRESIDENT laid before the Senate a supplemental estimate of appropriation for the Interior Department, fiscal year 1923, for printing and binding, Patent Office, \$54,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PREVENTING FOREST FIRES AND INSECT INFESTATION (S. DOC. NO. 329).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Agricultural Department, fiscal year 1923, for fighting and preventing forest fires and combating insect infestation, \$35,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

TEMPOBARY POST-OFFICE CLERKS AND CARRIERS (S. DOC. NO. 330).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Post Office Department, fiscal year 1923, in amount \$550,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

INDUSTRY IN COLORADO RIVER BASIN (S. DOC. NO. 331).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce, fiscal year 1924, in amount \$7,500, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

DISTRIBUTION OF BOLL-WEEVIL INSECTICIDES (S. DOC. NO. 332).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Agricultural Department, fiscal year 1923, for developing the use of the airplane as a means of distributing insecticides for the control of the boll weevil, \$60,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

REPAIRS TO COURTHOUSE, DISTRICT OF COLUMBIA (S. DOC. NO. 327).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the District of Columbia, fiscal year 1923, for repairs and improvements to the courthouse, District of Columbia, \$15,300, and a draft of proposed legislation to increase the amount authorized to be paid from the policemen and firemen's relief fund, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

BUILDING AT FORT TOTTEN (N. DAK.) INDIAN SCHOOL (S. DOC. NO. 833).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Interior Department, fiscal year 1923, for rebuilding and reequipping the shop building at the Fort Totten Indian School, Fort Totten, N. Dak., recently destroyed by fire, \$10,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SEARCH FOR BODY OF JOHN PAUL JONES (S. DOC. NO. 334).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State, fiscal year 1923, for the payment of a claim of the Government of France to reimburse a French citizen for loss and damage to property resulting from the search for the body of Admiral John Paul Jones, in amount \$13,511.13, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

DISCREPANCIES IN CERTAIN ACCOUNTS (S. DOC. NO. 335).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department, fiscal year 1923, for the adjustment of any discrepancies in the paper accounts between the office of the Secretary of the Treasury and the Bureau of Engraving and Printing existing on April 8, 1922, and the adjustment of any actual losses which may be shown to have occurred to the Government on account of such discrepancies, in amount \$100,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

COLLECTION AND DISBURSEMENT OF PUBLIC MONEYS (S. DOC. NO. 336).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department, fiscal year 1923, for the collection, safe-keeping, transfer, and disbursement of public moneys, \$15,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUBTREASURY AND ASSAY OFFICE, NEW YORK CITY (S. DOC. NO. 337).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department, fiscal year 1923, in amount \$50,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

COURTHOUSE AND POST OFFICE, PHILADELPHIA, PA. (S. DOC. NO. 338).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department, fiscal year 1923, in amount \$40,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

LANDS WITHIN PUEBLO INDIAN GRANTS.

Mr. CURTIS. I move that the Senate adjourn.

Mr. LENROOT. Mr. President, will the Senator withhold that motion for a moment in order that I may make a statement?

Mr. CURTIS. I withhold the motion. Mr. LENROOT. Mr. President, there is a bill known as the Pueblo Indian bill, or the Bursum bill, which has caused a great deal of controversy. The Committee on Public Lands and Surveys have held hearings for several weeks on the measure, and all parties have now agreed upon a bill. There is no objection to the bill that has been reported, and if it is passed to-night I think probably the bill can be passed at this session through both Houses, otherwise it can not be passed until next winter. I therefore ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The title of the bill will be stated. The READING CLERK. A bill (S. 3855) to ascertain and settle land claims of persons not Indian within Pueblo Indian land, land grants, and reservations in the State of New Mexico.

Mr. WALSH of Massachusetts, Mr. President, I have re-ceived some communications criticizing the bill which the Senator from Wisconsin desires to have considered.

Mr. LENROOT. I have had many telegrams from the Senator's State all favoring the bill to which I have referred.

It was the old bill which was so severely criticized.

Mr. WALSH of Massachusetts. I may be misinformed about the particular bill. I will inquire if the Senator from New Mexico [Mr. Jones] approves of the bill in its present shape?

Mr. JONES of New Mexico. Yes; I think all parties who have taken an interest in the subject are agreed upon the bill which the committee has now presented.

Mr. WALSH of Massachusetts. Mr. WALSH of Massachusetts. Very well; I shall make no objection to the consideration of the bill.
Mr. LENROOT. If the bill shall lead to any debate, I will

not insist upon its consideration.

The VICE PRESIDENT. Is there objection to the imme-

diate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3855) to ascertain and settle land claims of persons not Indian within Pueblo Indian land, land grants, and reservations in the State of New Mexico, which had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all after the enacting clause and to insert:

of New Mexico, which had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all after the enacting clause and to Insert:

That in order to quiet title to various lots, parcels, and tracts of land in the State of New Mexico for which claim shall be made by or on behalf of the Pueblo Indians of said State as hereinafter province, the United States of America, in its sovereign capacity as guardian of said Pueblo Indians, shall, by its Attorney General, file in the District Court of the United States for the District of New Mexico its bill or bills of complaint with a prayer for discovery of the nature of any such claim or claims of any kind whatsoever adverse to the claim of said Pueblo Indians, as hereinafter determined.

SEC. 2. That there shall be, and hereby is, established a board to be known as "Pueblo lands board," to consist of the Secretary of the Interior, the Attorney General, and a third member to be appointed by the President of the United States. The board shall be provided with suitable quarters in the city of Santa Fe, N. Mex., and shall employ such clerical assistance, interpreters, and stenographers, with such compensation as the Attorney General shall deem adequate, and it shall be provided with such necessary supplies and equipment as it may require on requisitions to the Department of Justice. The compensation and allowance for travel and expenses of the member appointed by the Attorney General.

The pointed by the Attorney General shall deem adequate, and report and set forth by metes and bounds, illusticated determine, and the provided with such necessary supplies and equipment as it may require on requisitions to the Department of Justice. The compensation and allowance for travel and expenses of the member appointed by the Attorney General.

The board shall find not to large that the restinguished for the provisions of this act, and the board shall not include in their report any claims of non-Indian claimants who, in the opinion of said board afte

Sec. 5. The plea of such limitations, successfully maintained, shall entitle the claimants so pleading to a decree in favor of them, their heirs, executors, successors, and assigns, for the premises so claimed by them, respectively, or so much thereof as may be thus established, which shall have the effect of a deed of quitclaim as against the United States and said Indians, and a decree in favor of claimants upon any other ground shall have a like effect.

The United States may plead with like effect in favor of the pueblo or any Individual Indian thereof, as the case may be, the said limitations hereinbefore defined.

Sec. 6. That all lands the title to which is determined in said sult or suits shall, where necessary, be surveyed and mapped under the direction of the Secretary of the Interior, at the expense of the United States, but such survey shall be subject to the approval of the judge of the United States district court, and if approved by said judge shall be filed in said court and become a part of the decree or decrees entered in said district court.

Sec. 7. That necessary costs in all original proceedings under this act, to be determined by the court, shall be taxed against the United States, and any party aggrieved by any final judgment or decree shall have the right to a review thereof by appeal or writ of error or other process, as in other cases, but upon such appeal or writ of error or other process, as in other cases, but upon such appeal being taken each party shall pay his own costs.

Sec. 8. That in the sense in which used in this act the word "purchase" shall be taken to mean the acquisition of community lands by the Indians other than by grant or donation from a sovereign.

Sec. 9. That any person not impleaded in any such action, and claiming any interest in the premises involved, may be made a party defendant thereto, or may intervene in such action, setting up his claim in usual form.

SEC. 9. That any person not impleaded in any such action, and claiming any interest in the premises involved, may be made a party defendant thereto, or may intervene in such action, setting up his claim in usual form.

SEC. 10. That as to all lands within the exterior boundaries of any lands granted or confirmed to the Pueblo Indians of New Mexico, by any authority of the United States of America, or acquired by said Indians as a community by purchase or otherwise and which have not been claimed for said Indians by the findings and report of the board as herein provided, the Secretary of the Interior shall cause notice to be published in some newspaper or newspapers of general circulation issued, if any there be, in the county in which the said lands or some part of them are located, otherwise in some newspapers of general circulation published nearest to such lands, once a week for five successive weeks, setting forth as nearly as may be the names of claimants of land holdings within said exterior boundaries and not embraced within the lands claimed for said Indians as aforesaid, with a description of such several holdings as shown by a survey of Pueblo Indian lands heretofore made under the direction of the Secretary of the Interior, and commonly known as the Joy Survey, or as may be otherwise shown, and requiring that any person or persons claiming such described parcel or parcels of land adversely to the apparent claimant or claimants so made as aforesaid, or their heirs or assigns, shall, on or before the thirtieth day after the last publication of such notice file his or their adverse claim in the United States land office in the land district wherein such parcel or parcels of land are situate, in the nature of a contest, stating the nature and basis of such adverse claim, and notice of such contest shall be served upon the claimant or claimants named in the said notice, in the same manner as in cases of contest of homestead entries if no such contest is instituted as aforesaid, the Secretary of the Inter

said Indians to the grantee, naming him, and to the United States and said Indians to the grantee, naming him, and to his heirs and legal representatives.

Sec. 11. That if any non-Indian party to any such suit shall assert against the Indian title a claim based upon a Spanish or Mexican grant, and if the court should finally find that such claim by the non-Indian is superior to that of the Indian claim, no final decree or judgment of ouster of the said Indians shall be entered or writ of possession or assistance shall be allowed against said Indians, or any of them, or against the United States of America acting in their behalf, unless it shall be found that such non-Indian claimant shall also be entitled to said land under the provisions of section 4 as herein provided. In such case the court shall ascertain the area and value of the land thus held by any non-Indian claimant under such superior title, excluding therefrom the area and value of lots or parcels of land the title to which has been found to be in other persons by adverse possession under the provisions of this act: Provided, however, That any findings by the court under the provisions of this section may be reviewed on appeal or writ of error at the instance of any party aggrieved thereby in the same manner, to the same extent, and with like effect as if such findings were a final judgment or decree. When such finding adverse to the Indian claim has become final, the Secretary of the Interior shall report to Congress the facts, including the area and value of the land so adjudged against the Indian claim, with his recommendations in the premises.

Sec. 12. That when any claimant, other than the United States for said Indians, falls to sustain his claim to any parcel of land within any Pueblo Indian grant, purchase, or donation under the provisions of this act, but has held and occupied any such parcel in good faith, claiming the same as his own, and the same has been improved, the value of the Improvements upon the said parcel of land shall be fou

SEC. 13. That if any land adjudged against any claimant be situate among lands adjudicated or otherwise determined in favor of non-Indian claimants and apart from the main body of the Indian land, and the Secretary of the Interior deems it to be for the best interest of the Indians that such parcels so adjudged against the non-Indian claimant be sold, he may, with the consent of the governing authorities of the pueblo, order the sale thereof, under such regulations as he may make, to the highest bidder for cash, and if the buyer thereof be other than the losing claimant, the purchase price shall be used in paying to such losing claimant, the purchase price shall be used in paying to such losing claimant the adjudicated value of the improvements aforesaid, if found under the provisions of section 12 hereof, and the balance thereof, if any, shall be paid over to the proper officer or officers of the Indian community, but if the buyer be the losing claimant, and the value of his improvements has been adjudicated as aforesaid, such buyer shall be entitled to have credit upon his bid for the value of such improvements so adjudicated.

SEC 14. That the pleading, practice, procedure, and rules of evidence shall be the same in all causes arising under this act as in other civil causes in the Federal courts except as otherwise herein provided.

Mr. JONES of New Mexico. Mr. President, the committee

Mr. JONES of New Mexico. Mr. President, the committee reports what is virtually a substitute bill. To that substitute I have a couple of amendments to propose, one of which is acceptable to all the other members of the subcommittee. presume that now is the time to propose the amendment. I therefore offer the following amendment to the amendment reported by the committee.

The VICE PRESIDENT. The amendment to the amendment

will be stated.

The READING CLERK. On page 15, after line 11, it is proposed to add the following:

to add the following:

That in the event there is submitted to the Pueblo land board any claim or claims originating during the 20-year period provided for in subsection (a) of section 4 of this act under and by virtue of a deed or deeds, or a contract for a deed or deeds, entered into by the authorities of any pueblo with such claimant or claimants in behalf of such pueblo then the board shall not report such claim or claims for suit to quiet title, but shall investigate all the circumstances surrounding the transaction, the value of the improvements upon and extent of use of the land claimed, and shall report the facts fully to the Secretary of the Interior, who in turn shall report the same to Congress with his recommendations in the premises: Provided, however. That if after one year from the date of the transmittal to Congress of the recommendation by the Secretary of the Interior no action has been taken pursuant thereto, then the claimant or claimants shall be served with process in the appropriate suit to quiet title and his or their rights shall be litigated in the same manner as would any other claim under the provisions of this act: And provided further. That if it shall appear that any of the claims above mentioned in this paragraph originated prior to June 20, 1910. such claims shall, if the governing authorities of the pueblo interested in the premises shall file with the said board their written approval thereof, he recognized as valid and disposed of in the manner provided for the disposition of the claims included in the provisions of section 10 of this act.

Mr. SMOOT. Mr. President, I have been trying to follow

Mr. SMOOT. Mr. President, I have been trying to follow the reading of the amendment in detail, but it was impossible for me to do so. Therefore, I should like to ask the Senator having the bill in charge if the amendment which has just been offered by the Senator from New Mexico has been agreed to by the subcommittee?

Mr. LENROOT. Mr. President, I will say to the Senator that the subcommittee has not considered the amendment, but I will state the effect of it. It is that where there has been possession under a deed purporting to come from the pueblo the matter shall be referred to Congress before action may be brought to quiet title; and if Congress does not act, the action shall nevertheless be brought unless the pueblo thereafter shall consent to the ratification of their deed

Mr. SMOOT. Is there any time limit as to the action of Congress

Mr. LENROOT. There is a time limit of one year. I think no possible harm can come from it.

Mr. SMOOT. I shall make no objection to it, if it is limited to one year.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Mexico to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. SMOOT. Mr. President, just a word for the Record. I have had my attention called to the fact that this is a bill which the Senator from Idaho [Mr. Borah] had recalled after it was passed and had gone to the House. I have been asked I have been asked whether the Senator from Idaho is in favor of the bill as it has now been reported. I could not say definitely, but I have understood that the Senator had no objection to the bill as it is now reported. I simply wanted to make that statement for the RECORD.

Mr. LENROOT. Mr. President, may I say to the Senator that submitted the bill to the Senator from Idaho and asked him to examine it carefully? He reported to me that he had examined it carefully and had no objection, but was willing to accept it.

Mr. SMOOT. Very well; I merely desired that statement to go into the RECORD.

Mr. JONES of Washington. Mr. President, I have had some very severe criticisms in reference to the original bill-at any rate, the origin of it, and so forth-much of which, I think, was rather unjust; but, as I understand, the committee believe that the bill now reported protects fully the rights of the Indians, and it is especially framed to that end.

The Indians themselves have agreed to the Mr. SMOOT.

provisions of the bill, as I understand.

Mr. LENROOT. That is, their attorney has.
Mr. SMOOT. Yes; their attorney has.
Mr. LENROOT. Mr. President, I desire to offer a formal amendment to the committee amendment. On page 18, line 21, I move to amend by striking out the word "such."

The VICE PRESIDENT. Without objection, the amendment

to the amendment is agreed to.

Mr. JONES of New Mexico. Mr. President, the counsel for the Indians and the Indians themselves have insisted upon having an attorney satisfactory to them to be associated with the United States attorney. I present an amendment which is in the language of a proposal in another form of bill which was prepared by the attorney for the associations representing these Indians. It provides that if 15 pueblos in council shall ask that they be accorded an attorney satisfactory to them, then the Secretary of the Interior shall appoint such attorney, if he be a reputable attorney in the State of New Mexico; and he is only authorized to be associated with the attorney representing the United States in the ordinary way.

Mr. WILLIS. Mr. President-

Mr. JONES of New Mexico. I yield. Mr. WILLIS. I want to be assured by the Senator upon one point. As recently as this morning there was brought to my office a very vigorous protest against this bill. I have had no time to examine it. Does the Senator know whether all these objections have been met in the amendments that have been proposed by him and by the Senator from Wisconsin [Mr.

Mr. JONES of New Mexico. I do not know, of course, what the objections are which were presented to the Senator from

Mr. LENROOT. Mr. President, I have not received a single

protest

Mr. JONES of New Mexico. I have not received a single protest, but I have in my pocket a number of telegrams approving this bill as reported by the subcommittee.

Mr. LENROOT. From the other side?

Mr. JONES of New Mexico. They come from the people who objected so strongly to the so-called Bursum bill.

Mr. WILLIS. Both Senators are confident that this bill

properly protects the rights of the Indians?

Mr. JONES of New Mexico. I must say that I feel that this bill will be fair both to the Indians and to the non-Indians, and will meet with general approval.

Mr. WILLIS. That is the opin

That is the opinion of the Senator from Wis-

consin, is it?

Mr. LENROOT. It certainly is.

Mr. JONES of New Mexico. If that is not the result, I shall certainly be grossly and greatly disappointed.

The VICE PRESIDENT. The Secretary will state the amendment offered by the Senator from New Mexico to the amendment of the committee.

The READING CLERK. On page 22, after line 12, it is proposed to insert a new section, to read as follows:

SEC. 15. If at a general council attended by representatives of not less than 15 pueblos it is decided that it would be desirable to have an associate counsel to act for the Indians with the United States attorney in the proceedings contemplated by this act, and shall in a formal request to the Commissioner of Indiah Affairs designate a reputable member of the bar of the State of New Mexico for such position, such person so designated shall be appointed by the Secretary of the Interior as such associate counsel, at a compensation in an amount not less than that allowed to an assistant United States attorney for New Mexico and an allowance for a stenographer of not less than \$90 per month.

new mexico and an anowance for a stellographer of hot less than 500 per month.

Such associate counsel may join with the United States attorney in all pleadings or file separate pleadings in behalf of the Indians after the institution of the suits provided for in section 3, and may participate in all arguments, written or oral, and may take appeals where the United States has failed for any reason to do so, and may participate in all appellate proceedings, including arguments, written or oral.

Mr. LENROOT. Mr. President, I hope this amendment will net be accepted but will be voted down. I will say that the subcommittee had the matter up informally with the department and was assured that the department would ask the different pueblos to recommend to the department a number of qualified attorneys, and if any of them were qualified the department would appoint some one whom they had recommended. which I think is vastly more for the benefit of the Indians than

to let the Indians themselves directly select some attorney who may use political and other methods in bring about his selection.

Mr. JONES of New Mexico. Mr. President, just a word. I understand the agreement, if it may be called such, to which the Senator from Wisconsin has just referred; but I wish to call to the attention of the Senator from Wiseonsin the fact that the amendment which I propose does not require the pueblos to select an attorney at all, but provides that in the event that not less than 15 of the pueblos shall meet in council and make a request, then the attorney shall be appointed. Of course they would not make the request if the Indian Office had already selected an attorney satisfactory to them; but if through some mischance the attorney selected should not be satisfactory to the Indians, this would give them an opportunity to suggest some one with whom they would be satisfied.

Mr. LENROOT. Mr. President, will the Senator yield?
Mr. JONES of New Mexico. Gladly.
Mr. LENROOT. The Senator knows very well that if it be left solely to the selection of the Indians they will be hounded. by these professional Indian attorneys, and very likely one of them will be selected who may not be qualified, while the interests of the Indians are much better protected under the understanding that we have had.

Mr. JONES of New Mexico. Mr. President, I think that criticism is cared for in the amendment, because it provides, in the first place, that the attorney shall be a reputable attorney and that he shall be a member of the bar of the State of New Mexico. There are no professional Indian attorneys in the State of New Mexico, so far as I know; and that provision was put in at the suggestion of the Senator from Montana to meet the criticism which the Senator from Wisconsin now offers.

Mr. LENROOT. I imagine that there are some attorneys in New Mexico who are not of the highest class and who might take advantage of these Indians if they had the opportunity to

do 80.

Mr. JONES of New Mexico. The amendment provides that the attorney shall be a reputable member of the bar, and the question as to whether or not he is a reputable member of the bar of course is left for the decision of the Department of the Interior; so I think that criticism is fully met in the amendment.

Mr. BURSUM obtained the floor.

Mr. ROBINSON. Mr. President, it was represented that a complete agreement had been reached touching this bill, and that debate would not be required; and with that understanding consent was given for its consideration.

Mr. JONES of New Mexico. I may say to the Senator that

the debate is ended right new.

Mr. BURSUM. No; I have something to say about it. Mr. President, I think it would be very unwise to adopt this

amendment. In the first place, the Government is now providing legal services for these Indians. The district attorney for the district of New Mexico-

Mr. ROBINSON. Mr. President, it was represented to the Senate that an agreement had been reached touching this bill, and with that understanding the Senate proceeded to its consideration. We have been debating it now for some minutes. I think, in good faith, in view of the representations that were made to the Senate in open session, if this debate is to continue, that we ought to adjourn.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New Mexico [Mr. Jones] to the

amendment of the committee,

Mr. BURSUM. I am perfectly willing not to have debate; but it is very unfair to have one side of the question stated, and

then undertake to shut off the answer to it.

Mr. ROBINSON. Mr. President, I ask recognition. I shall move that the Senate adjourn if the debate is to continue; and I want to give notice to Senators that hereafter when a representation is made that a unanimous agreement has been reached, and that a bill will not require debate, that representation must

Mr. LENROOT. Mr. President, will the Senator yield?
Mr. ROBINSON. I yield.
Mr. LENROOT. I wish to say to the Senator that upon the first amendment there was no debate. As I understood the Senator from New Mexico, he wished to offer the other amendment formally, but it was not expected that it would be discussed or debated.

Mr. JONES of New Mexico. That is quite true.
Mr. ROBINSON. If we can vote now, we will vote.
The VICE PRESIDENT. The question is on agreeing to the

amendment offered by the Senator from New Mexico [Mr. Jones | to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

The title was amended so as to read: "A bill to quiet the title to lands within Pueblo Indian land grants, and for other purposes."

ADJOURNMENT.

Mr. CURTIS. Mr. President, I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate, under the order previously entered, adjourned until to-morrow, Thursday, March 1, 1923, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

Wednesday, February 28, 1923.

The House met at 12 o'clock noon, and was called to order

by Mr. Campbell of Kansas, as Speaker pro tempore.
The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our fathers' God, from out of whose hand we receive the boundless gifts of life, we thank Thee. There is a guidance for each of us, and by lowly listening we would hear Thee speak. With singleness of heart we wait that we may know Thy will. May all that we do to-day yield sweetness and strength. Above all motives may the love of country and the welfare of our fellowmen direct us to diligence, patience, and wisdom in the performance of all duty. As children of the day let us turn our faces toward the light, and may we covet the uphill of life where the sunsets are more beautiful and the twilights last

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

Mr. SNELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from New York makes the point of order that there is no quorum present.

Evidently there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge.	Focht	Lineberger	Riddick
Bird	Freeman	Linthicum	Rodenberg
Brennan	Garner	Longworth	Rose
Brooks, Ill.	Gould	Luhring	Rossdale
Brooks, Pa.	Graham, Pa.	McClintic	Ryan
Brown, Tenn.	Greene, Vt.	McCormick	Sabath
Browne, Wis.	Hooker	McLaughlin, Nebr	
Buchanan	Huck	McLaughlin, Pa.	Scott, Mich.
Burke	Humphrey, Nebr.	Michaelson	
Burtness	Hutchinson		Sears
		Moore, Ill.	Slemp
Cantrill	Jacoway James	Morin	Smith, Mich.
Chandler, N. Y.		Mudd	Smithwick
Chandler, Okla.	Jefferis, Nebr.	Nelson, Me.	Stiness
Clark, Fla.	Johnson, Miss.	Nolan	Stoll
Classon	Johnson, S. Dak.	O'Brien	Sullivan
Cockran	Jones, Pa.	O'Connor	Taylor, Ark.
Codd	Kahn	Ogden	Thomas
Collins	Keller	Olpp	Thorpe
Connolly, Pa.	Kelley, Mich,	Overstreet	Treadway
Cooper, Ohio	Kennedy	Paige	Voigt
Copley	Kindred	Park, Ga.	Volk
Crisp	King	Patterson, N. J.	Ward, N. C.
Crowther	Kitchin	Paul	Wheeler
Cullen	Kleczka	Perkins	White, Me.
Drane	Knight	Petersen	Williams, Tex.
Edmonds	Kreider	Rainey, Ala.	Wood, Ind.
Ellis	Lampert	Ransley	moon, ma.
Evans	Lee, Ga.	Reber	
Fairchild	Lee, N. Y.	Rhodes	

The SPEAKER pro tempore. Three hundred and thirteen Members have answered to their names, a quorum.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to. The doors were opened.

RED RIVER OIL LANDS, OKLA.

Mr. SINNOTT. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The gentleman from Oregon demands the regular order. The regular order is the report of the Chairman of the Committee of the Whole House on the state of the Union which was considering the bill (S. 4197) to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of, certain lands that lie south of the medial line of the main channel of the Red River, in Oklahoma, and for other pur-

Mr. BLANTON, Mr. Speaker, I make the point of order that when the Chairman of the Committee of the Whole House on the state of the Union fails to make his report to the House before adjournment, when the House meets again it becomes simply a question of recognition by the Chair, and that the regular order is not that the Chair must recognize the Chairman who had the bill in charge, because the Speaker may recognize some one else.

The SPEAKER pro tempore. The Chair is ready to rule. The Chair recognizes the gentleman from New York, Chairman of the Committee of the Whole House on the state of the Union.

Mr. HUSTED. Mr. Speaker, the Committee of the Whole House on the state of the Union, having had under considera-tion the bill S. 4197, directs me to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended

do pass.

The SPEAKER pro tempore. Is a separate vote demanded. on any amendment? If not, the Chair will put them in gross, The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

Mr. CONNALLY of Texas. Mr. Speaker, I offer the following motion to recommit, which I send to the desk.

The Clerk read as follows:

Mr. Connally of Texas moves to recommit the bill to the Committee on Public Lands, with instructions to report the same forthwith, with the following amendment: On page 3, line 11, after the word "corporation," strike out the comma, insert a period, and strike out all of the remainder of section 3 of the bill.

Mr. SINNOTT. Mr. Speaker, on that I demand the previous

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken, and on a division (demanded by Mr. Connally of Texas) there were—ayes 30, noes 193.

Mr. CONNALLY of Texas. Mr. Speaker, I demand the yeas and navs.

The yeas and nays were refused.

So the motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. Sinnott, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk. announced that the Senate had passed without amendment bills of the following titles:

H. R. 14317. An act granting permission to Capt. Norman Randolph, United States Army, to accept the decoration of the Spanish Order of Military Merit of Alfonso XIII;

H. R. 7267. An act granting permission to Mrs. R. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the bust of Bolivar:

H. R. 5018. An act to authorize the widening of First Street NE., and for other purposes; and

H. R. 10677. An act for the relief of Quincy R. Craft.

The message also announced that the Senate had passed bills of the following titles in which the concurrence of the House of Representatives was requested:

S. 4500. An act authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army

S. 4609. An act to authorize the President in certain cases to reduce fees for the visé of passports;

S. 4639. An act to remit the duty on a carillon of bells to be imported for Grace Church, Plainfield, N. J.;

S. J. Res. 290. Joint resolution authorizing the President of the United States to lease certain land in the District of Columbia and pay rental from revenues derived from the operation of Government hotels for Government workers; and

S. 4592. An act granting consent of Congress to the Eagle Pass & Piedras Negras Bridge Co. for construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico.

BONUS FOR CIVIL EMPLOYEES.

Mr. MADDEN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 14435) making appropriations to provide additional compensation for certain civilian employees of the Governments of the United States and the District of

Columbia during the fiscal year ending June 30, 1924.

The SPEAKER pro tempore. The gentleman from Illinois moves to suspend the rules and pass the bill, H. R. 14435, which

the Clerk will report.

The Clerk read the bill, as follows:

moves to suspend the rules and pass the bill, H. R. 14485, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enocted, its., That all civilian employees of the Governments of the United States and the District of Columbia who receive a total of compensation at the rate of \$2,500 per annum or less, except as otherwise provided in this act, shall receive during the fiscal year ending June 30, 1824, additional compensation at the rate of \$2,400 per annum: Provided, That such employees as receive a total of annual compensation at a rate more than \$2,500 and less than \$2,740 shall receive additional compensation, at the rate of \$2,740 per annum, and no employee shall receive additional compensation, at the rate of \$2,740 per annum, and no employees shall receive additional compensation under this act at a rate which is more than 60 per cent of the rate of the total annual compensation received by such employee: Provided further, That the increased compensation at the rate of \$2,40 per annum for the act seems of \$2,102, for the rate of \$2,40 per annum for the act seems of \$2,102, for the rate of \$2,102 per annum, or where an employee in the service on June 30, 1922, for great 1924, an increase of salary at a rate in access of \$200 per annum, or where an employee, whether previously in the service or to, has received during the fiscal year 1923, or shall receive during the fiscal year 1923, or shall receive during the fiscal year 1924, and the lace of salary at a rate in access of \$200 per annum, or where an employee, whether previously in the service or to, has received during the fiscal year 1923, or shall receive during the fiscal year 1923, or shall receive during the fiscal year 1924, and the service since June 30, 1922, while received on the first of the first

LEGISLATIVE.

United States Senate, including 17 employees who are authorized to be paid from the contingent fund, \$189,000; House of Representatives, \$315,000; Library of Congress, \$111,600; Library Building and Grounds, \$24,996; Architect of the Capitol, \$91,104; Botanic Garden, \$13,440; Government Printing Office, \$960,000.

EXECUTIVE AND JUDICIAL.

Independent offices: Bureau of Efficiency, \$7,200; Civil Service Commission, \$114,000; Commission of Fine Arts, \$480; Executive Office and Executive Mansion and Grounds. \$38,000; Federal Trade Commission, \$55,000; General Accounting Office, \$504,288; Interstate Commerce Commission, \$300,000; National Advisory Committee for Aeronautics, \$24,000; Smithsonian Institution, \$92,744; State, War, and Navy Departments Bulldings, \$369,360; Tariff Commission, \$42,000; United States Employees' Compensation Commission, \$15,840; United States Employees' Compensation Commission, \$15,840; United States Veterans' Bureau, \$3,353,280.

Executive departments: Department of Agriculture, \$3,304,800; Department of Commerce, \$1,958,956; Department of the Interior, exclusive of employees of the Government fuel yard, who shall be paid the additional compensation, if entitled thereto, from the fund for maintenance and operation of the Government fuel yard, Bureau of Mines, \$2,832,449; Department of Justice and the Judiciary, \$875,000; Department of Labor, \$566,640; Navy Department, \$434,892; Naval Establishment, \$75,780; Post Office Department, employees engaged in connection with the distribution, sale, and keeping of accounts of Treasury savings certificates as provided in the deficiency appropriation act approved November 4, 1918, \$11,520; Department of State, \$134,000; Treasury Department, \$10,749,292; War Department, Including the Military Establishment and all other field activities, \$5,124,537; National Home for Disabled Volunteer Soldiers, \$960,000; Panama Canal, \$17,520. tional H \$17,520.

Military Establishment and all other field activities, \$5,124,537; National Home for Disabled Volunteer Soldiers, \$960,000; Panama Canal, \$17,520.

Post Office Department, payable from the revenues of the Post Office Department, \$337,248.
In all, section 6, \$34,003,966.

Sec. 7. That to pay the additional compensation provided in this act to employees of the government of the District of Columbia the following sums are hereby appropriated: \$1.511,327, of which 40 per cent is appropriated out of any money in the Treasury not otherwise appropriated and 60 per cent out of the revenues of the District of Columbia, sec. \$22,320 from the revenues of the water department, on account of employees of that department; \$20,880 from the revenues of the water department, on account of employees of the Washington Aqueduct; \$21,296 wholly out of the revenues of the District of Columbia, on account of employees of the District of Columbia, on account of employees of the District of Columbia, on account of employees of the District of Columbia, on account of employees of the United States whose basic compensation is payable 40 per cent out of the Treasury of the United States and 60 per cent out of the revenues of the District of Columbia, the following sums are hereby appropriated, 40 per cent out of the Treasury not otherwise appropriated and 60 per cent out of the revenues of the District of Columbia, the following sums are hereby appropriated, 40 per cent out of the Army, \$182,640; National Zoological Park, \$19,960; Department of barry, \$16,644; in all, \$219,244.

In all, section 7, \$1,795,067.

Sec. 8. That so much as may be necessary to pay the increased compensation provided in this act to persons employed under trust funds who may be construed to be employees of the Government of the United States or of the District of Columbia is authorized to be paid, respectively, from such trust funds.

Sec. 9. That the additional compensation granted in this act shall be applied by administrative officers in such a manner that the

The SPEAKER pro tempore. Is a second demanded? Mr. SISSON. Mr. Speaker, I demand a second. Mr. MADDEN. Mr. Speaker, I ask unanimous consent that a

second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, this bill carries \$35,799,033. That is \$2,622,960 less than was requested by the various departments. I have a statement here giving the amount allotted to each bureau, and I ask unanimous consent to have that inserted in the RECORD at this point.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The statement is as follows:

Statement of appropriations for increase of compensation, fiscal year 1923, and of estimates for increase of compensation, fiscal year 1924, in detail.

	Appropria- tions for 1923.	Estimates for 1924.
Legislative: Senate House of Representatives Office, Architect of Capitol	\$188, 520, 00 315, 000, 00 91, 220, 00	\$189,000.00 315,000.00 91,104.00
Government Printing Office— Office of the Public Printer. Public printing and binding Office of Superintendent of Documents	27, 360, 60 872, 060, 00 57, 840, 00	24, 480, 00 877, 920, 00 57, 600, 00
Total, Government Printing Office	957, 260. 00	960, 000. 00

Statement of appropriations for increase of compensation, fiscal year 1923, etc.—Continued.

Estimates for 1924. Appropria-tions for 1923. Legislative—Continued.
Library of Congress—
Salaries.
Care and maintenance \$105,600.00 \$111,600.00 24,996.00 Total, Library of Congress..... 12 000.00 13, 440, 00 Botanie Garden..... 1,694,356.00 1,705,140,00 Total under legislative..... 25,080.00 7,920.00 Total, Executive Office..... 31, 950, 00 33,000.00 720.00 7, 200. 00 Civil Service Commission— 70, 560. 00 43, 440. 00 Local....Field.... Total, Civil Service Commission..... 87, 936, 00 114,000.00 Commission of Fine Arts Employees' Compensation Commission. Federal Trade Commission General Accounting Office. 480, 00 15, 800, 00 50, 600, 00 506, 400, 00 480. 00 15, 840. 00 55, 000. 00 504, 288. 00 Interstate Commerce Commission-182, 759, 00 17, 883, 00 4, 648, 00 5, 242, 00 105, 280, 00 174,000,00 20,000.00 5,000.00 5,000.00 96,000.00 Total, Interstate Commerce Commission.... 315, 812, 00 300,000.00 National Advisory Committee for Aeronautics.... 15,600.00 24,000,00 Smithsonian Institution—
National Museum
Bureau of American Ethnology
International exchanges
National Gallery of Art
Astrophysical Observatory
International catalogue of scientific literature 78,036.00 4,080.00 3,600.00 2,208.00 1,200.00 4,300.00 3,700.00 2,288.00 1,580.00 960, 00 980.00 Total, Smithsonian Institution..... 90,084.00 92,744.00 State, War, and Navy Department Buildings—
Office of the Superintendent State, War, and Navy Buildings.

Walker-Johnson Building
Potomae Park Office Buildings.

Mail Office Building.

Lemo Building.

Temporary building, 1800 Virginia Avenue.
Temporary building, 1800 Virginia Avenue.
Temporary building, 1800 Estreet.
Temporary buildings Ison Estreet.
Temporary fice buildings
Interior Department Buildings
Interior Department Building.
Pension, Patent, and General Land Offices.
Department of Commerce Building.
Department of Labor Building.
Wardman-Justice Building
Civil Service Commission Building.
Interstate Commerce Commission Building. 30, 003. 00 4, 560. 00 94, 320. 00 65, 280. 00 1, 680. 00 10, 320. 00 2, 880. 00 47, 550. 00 47, 520, 00 34, 560, 00 42, 240, 00 8, 640, 00 6, 000, 00 7, 680, 00 2, 880, 00 10, 800, 00 Total under Superintendent State, War, and Navy Department Buildings..... 1 372, 000. 00 369, 360, 00 Tariff Commission..... 20, 000. 00 42,000.00 United States Veterans' Bureau— Central office. District and subdistrict offices. Hospitals. 881, 280, 00 833, 480, 00 2, 298, 720, 00 889, 680, 00 786, 000, 00 1, 677, 600, 00 Total United States Veterans' Bureau... 4, 013, 480.00 3, 353, 280, 00 Total Executive Office and Independent Establishments. 5, 527, 342.00 4, 911, 912.00 Department of Agriculture:

Office of the Secretary
Weather Bureau
Bureau of Animal Industry
Bureau of Plant Industry
Forest Service
Bureau of Chemistry
Bureau of Soils
Bureau of Entomology
Bureau of Entomology
Bureau of Biological Survey
Division of Accounts and Disbursements
Library
Division of Publications
States Relations Service
Bureau of Public Roads
Bureau of Agricultural Economics
Insecticide and Fungicide Board 95, 587, 84 204, 036, 56 920, 937, 52 233, 385, 00 114, 900, 90 28, 848, 00 86, 000, 00 45, 276, 35 8, 880, 00 8, 640, 00 59, 000, 00 60, 000, 00 160, 164, 00 313, 029, 54 96, 690, 00 205, 000, 00 920, 938, 00 774, 500 00 120, 000, 00 91, 000, 00 47, 200, 00 9, 120, 00 9, 120, 00 53, 424, 00 60, 000, 00 168, 964, 00 338, 030, 00 11, 520, 00 313, 029. 54 11, 257. 18 ¹This appropriation was largely in excess of the requirements and was not allotted to the several buildings.

Statement of appropriations for increase of compensation, fiscal year 1923, etc.—Continued.

1923, etc.—Continued.	ENDOUGH SHE	
	Appropria- tions for 1923.	Estimates for 1924.
Department of Agriculture—Continued. Federal Horticultural Board. Enforcement of the packers and stock yards act Enforcement of the future trading act Fixed nitrogen laboratory. Seed loan office. Reserve.	\$44, S56. 06 20, 888. 00 1, 640. 00 23, 302. 15 430. 00 28, 204. 86	\$46, 735.00 25, 888.00 5, 640.00 22, 206.00 480.00
Total, Department of Agriculture	3, 232, 863, 00	3, 341, 800. 00
Department of Commerce: Office of the Secretary Bureau of Standards Bureau of Foreign and Domestic Commerce Coast and Geodetic Survey Bureau of Navigation Steamboat Inspection Service Bureau of Lighthouses Bureau of the Census Bureau of Fisheries Reserve	40, 260, 00 190, 600, 00 106, 120, 00 157, 000, 00 42, 900, 00 79, 760, 00 916, 500, 00 190, 000, 00 106, 000, 00 6, 619, 00	30, 240, 00 185, 000, 00 172, 512, 00 166, 000, 00 52, 320, 00 80, 720, 00 930, 000, 00 230, 000, 00 112, 164, 00
Total, Department of Commerce	1, 835, 159. 00	1, 958, 956 00
Interior Department: Secretary's office. Office of the Solicitor General Land Office Indian Office Pension Office Patent Office Bureau of Education Geological Survey Reclamation Service. Bureau of Mines National Park Service. Alaskan Engineering Commission St. Elizabeths Hospital Freedmen's Hospital War Minerals Relief Commission Government in Alaska.	35, 280, 00 9, 380, 00 281, 600, 00 1, 061, 200, 00 204, 720, 00 60, 000, 00 128, 210, 00 280, 000, 00 117, 600, 00 8, 120, 00 280, 000, 00 12, 972, 00	35, 280, 00 9, 380, 00 254, 500, 00 984, 520, 00 243, 840, 00 63, 360, 00 151, 390, 00 400, 000, 00 75, 880, 00 3, 120, 00 292, 000, 00 14, 124, 05 2, 800, 00 4, 100, 00
Total, Interior Department	2, 803, 092, 00	2, 918, 309. 00
Department of Justice	121, 089, 00	65, 648. 00
Judicial— United States courts. Detection and prosecution of crime. Penal institutions.	482, 793, 00 90, 000, 00 82, 002, 00	534, 895, 00 143, 500, 00 82, 957, 00
Total, Judicial	654, 795, 00	761, 352. 00
Total under Department of Justice	775, 884. 00	827, 000. 00
Department of Labor: Office of the Secretary Division of Conciliation. Bureau of Immigration Bureau of Labor Statistics. Bureau of Naturalization Children's Bureau Employment Service	26, 352. 00 1, 200. 00 396, 240. 00 29, 280. 00 60, 240. 00 34, 320. 00 19, 200. 00	20, 880, 00 1, 200, 00 396, 240, 00 29, 280, 00 63, 120, 00 34, 320, 00 21, 600, 00
Total, Department of Labor	566, 832, 00	568, 640. 00
Navy Department: Bureau of Aeronauties. Bureau of Construction and Repair. Bureau of Engineering. Bureau of Medicine and Surgery. Bureau of Navigation Bureau of Navigation Bureau of Ordnance. Bureau of Supplies and Accounts. Bureau of Yards and Docks Office of the Secretary Judge Advocate General. Operations. Naval records and Library. Office of Naval Intelligence. Director of Naval Communication. Hydrographic Office. Branch Hydrographic Office. Naval Observatory.	18, 240. 00 30, 000. 00 29, 522. 00 11, 280. 00 70, 080. 00 15, 840. 00 129, 120. 00 18, 480. 00 18, 480. 00 9, 840. 00 11, 520. 00 7, 200. 00 5, 780. 00 22, 080. 00 38, 400. 00 5, 280. 00 16, 080. 00	20, 000. 00 26, 800. 00 25, 768. 00 11, 040. 00 67, 920. 00 13, 672. 00 122, 400. 00 16, 012. 00 18, 000. 00 10, 320. 00 7, 440. 00 5, 760. 00 11, 120. 00 37, 680. 00 5, 280. 00 15, 120. 00
Total, Navy Department	458, 640. 00	434, 892. 00
Naval Establishment: Hydrographic Office Survey General Board Compensation Board Examining Board Board of Inspection and Survey Marine Corps Naval Home Naval Academy	1 920 00 1	1, 440, 00 1, 680, 00 4, 500, 00 1, 440, 00 2, 880, 00 22, 080, 00 17, 040, 00 24, 720, 00
Total, Naval Establishment	78, 480. 00	75, 780. 00
Grand total, Navy Department	537, 120. 00	510, 672, 00
Post Office Department (from postal revenues); Postmaster General First Assistant Postmaster General Second Assistant Postmaster General Third Assistant Postmaster General	342, 192, 00 1, 200, 00 1, 200, 00 960, 00	326, 208, 00 1, 200, 00 1, 200, 00 1, 920, 00

Statement of appropriations for increase of compensation, fiscal year 1923, etc.—Continued.

	Appropria- tions for 1923.	Estimates for 1924.
Post Office Department (from postal revenues)—Con- Fourth Assistant Postmaster General	\$1,440.00 5,808.00	\$1,440.00 5,280.00
Total, Post Office Department (payable from postal revenues)	352, 800. 00	337, 248. 00
Post Office Department (from Treasury): Treasury savings certificate employees	12,000.00	11, 520, 00
Grand total, Post Office Department	364, 800. 00	348, 768. 00
State Department	144,000.00	134,000.00
Treasury Department: Office of the Secretary. Office of Chief Clerk and Superintendent. General Supply Committee. Office of Commissioner of Accounts and Deposits. Division of Bookkeeping and Warrants. Division of Deposits. Public Debt Service. Division of Appointments. Division of Appointments. Division of Printing and Stationery. Division of Mails and Files. Office of the disbursing clerk. Customs Service. Bureau of the Budget. Federal Farm Loan Bureau. Office of the Treasurer of the United States. Office of the Comptroller of Currency. Internal Revenue Service.	16,000.00 147,312.00 30,000.00 30,000.00 20,160.00 1,923.00 647,040.00 8,169.00 10,089.00 3,129.00 4,800.00 4,800.00 6,723.00 161,989.00 24,800.00 4,800.00 6,723.00 11,989.00 11,98	5, 760. 00 141, 024. 00 29, 760. 00 960. 09 960. 09 20, 160. 00 1, 920. 00 10, 080. 00 3, 120. 00 4, 980. 00 7, 200. 00 259, 264. 00 259, 264. 00 4, 510, 000. 00 4, 510, 000. 00 31, 920. 00 4, 510, 000. 00 31, 920. 00 18, 800. 00 739, 260. 00 178, 800. 00 1, 389, 164. 00
Coast Guard. Bureau of Engraving and Printing. Secret Service Division. Public Health Service. Mint Service. Office of the Supervising Architect.	811, 260, 00 178, 769, 00 1, 393, 524, 00	
Total, Treasury Department	10,724,326.00	10, 789, 292. 00
War Department: Secretary of War. General Staff Corps. Adjutant General's Department Army War College. Inspector General Judge Advocate General Judge Advocate General Finance Department Quartermaster Corps. Signal Corps. Air Service Medical Department. Bureau of Insular Affairs Corps of Engineers. Ordnance Department Chemical Warfare Service. National Board for Promotion of Rifle Practice. Chief of Infantry Chief of Cavalry. Chief of Cavalry. Chief of Field Artillery Militia Bureau United States Military Academy Inland and Coastwise Waterways Service. National Military Parks. National Military Parks. National Military Parks. National Military Parks. National Home for Disabled Volunteer Soldiers. Panama Canal General Reserve. Total, War Department	93, 850, 00 2, 180, 00 23, 760, 00	2, 160, 00 27, 500, 00 960, 000, 00 17, 520, 00
District of Columbia: Salaries. Public Library. Miscellaneous. Streets. Electrical department Schools. Pelice Fire Health Courts. Charitles and Corrections. Hospitals. Board of Children's Guardians. Homes. Sewer and street improvements and general and special engineering and construction work. Water Department and Washington Aqueduct. Under Engineer Corps. National Zoological Park Courts. Total, District of Columbia. Grand total.	20, 736. 00 6, 696. 00 33, 120. 00 13, 680. 00 13, 680. 00 155, 280. 00 25, 680. 00 16, 932. 00 50, 040. 00 25, 626. 00 19, 687. 00 76, 960. 00 180, 720. 00 18, 960. 00 3, 600. 00	136, 240. 00 22, 416. 01 22, 136. 01 32, 840. 01 33, 440. 00 245, 760. 01 163, 120. 0 25, 200. 01 18, 612. 0 51, 720. 0 34, 780. 0 6, 960. 0 19, 459. 0 30, 000. 0 43, 200. 0 182, 640. 0 19, 960. 0 182, 640. 0 182, 640. 0 182, 640. 0 182, 640. 0 38, 421, 963. 0
	SIL STATE OF	Control of the Contro
SUMMARY.		
Legislative Establishment: Senate. House of Representatives. Architect of the Capitol Government Printing Office.	. 91,220.00	\$189,000.0 315,000.0 91,104.0 969,000.0

Statement of appropriations for increase of compensation, fiscal year 1923, etc.—Continued.

SUMMARY-continued.

	Appropria- tions for 1923.	Estimates for 1924.
Legislative Establishment—Continued- Library of Congress.	\$130, 356, 00	6100 100 00
Botanie Garden	12,000.00	\$136,596.00 13,440.00
Total, Legislative Establishment	1,694,356.00	1,705,140.00
Executive Office and Independent Establishments:		
Executive Office	31,950.00	
Arlington Memorial Bridge Commission		720.00
Bureau of Efficiency	7, 200, 00	7, 200.00
Civil Service Commission	87, 935, 00	114,000.00
Commission of Fine Arts	480,00	480.00
Employees' Compensation Commission	15, 800, 00	15, 840, 00
Federal Trade Commission	50,600,00	55, 000, 00
General Accounting Office	506, 400, 00	504, 288, 00
Interstate Commerce Commission	315, 812, 00	300, 000, 00
National Advisory Committee, Aeronauties	15,600.00	24, 000, 00
Smithsonian Institution	90, 084, 00	92,744,00
State, War, and Navy Departments Buildings	372, 000, 00	369, 360, 00
Tariff Commission	20,000.00	42,000,00
Tariff Commission. United States Veterans' Bureau.	4,013,480.00	3,353,280.00
Total, Executive Office and Independent Estab-	TEAN SE	
lishments	5,527,342.00	4,911,912.00
Executive Departments:		
Department of Agriculture	3, 232, 863. 00	3, 341, 800, 00
Department of Commerce	1, 835, 159, 00	1, 958, 956, 00
Interior Department	2, 803, 092, 00	2, 918, 309. 00
Department of Justice	775, 884, 00	827, 000, 00
Department of Labor	566, 832, 00	566, 640, 00
Navy Department	537, 120, 00	510, 672, 00
Post Office Department	364, 800, 00	348, 768, 00
State Department	144, 000, 00	134, 000, 00
Treasury Department.	10, 724, 326, 00	10, 789, 292, 00
War Department	8, 831, 958, 00	8, 599, 437. 00
Total, Executive Departments	29, 816, 034. 00	29, 924, 874. 00
District of Columbia.	1,697,441.00	1,810,037.00
Grand total	38, 735, 173, 00	38, 421, 993, 00

Mr. MADDEN. Mr. Speaker, the policy of allowing a bonus to the civil employees of the Government was established in

For the fiscal year 1918 the amount paid for this purpose was \$11,402,439.49. It was based on the 5 per cent increase of the compensation of all receiving pay over \$1,200 per annum in 1918 and 10 per cent on all receiving pay under \$1,200 per annum. In 1919 the policy was changed, and instead of paying on a percentage basis the amount was fixed at \$120 per annum on all receiving compensation under \$2,500, and the amount expended during the year 1919 was \$18,077,763.40. In 1920 the compensation was increased to \$240 per annum, and the amount paid was \$54,184,884.70. In 1921 the amount reached \$63,639,-643.64. But that was due to the fact that the Secretary of the Navy at the end of the year issued a blanket order for the payment of the bonus to men who were excluded from the privilege of receiving the bonus under the law. In 1922 the amount paid was \$39,066,666.02. In 1923 the amount paid was \$38,735,-The amount requested in 1924—that is, in this bill—is \$38,735,173. And by a study of the questions involved and by an examination of the departments the committee was able to reduce the amount to the figures proposed in the bill, namely, \$35,799,033. The pending classification bill makes no provision for the employees in the legislative branch of the Government. The temporary increase has been applicable to employees of the Senate and House in the past. When reclassification is enacted the salaries of the great bulk of the employees of the legislative branch of the Government will revert to pre-war figures unless some provision is made to provide for them. The committee therefore recommends an additional section in the accompanying bill providing for the creation of a joint committee, consisting of three Senators and three Representatives, to report to Congress on the first day of the next regular session upon such adjustments as they may deem necessary to be put into effect when the application of the temporary increase ceases. The section is as follows:

SEC. 10. That a joint committee of Congress is hereby created, consisting of three Senators who are Members of the Sixty-eighth Congress, to be appointed by the Vice President, and three Representatives-elect to the Sixty-eighth Congress who are Members of the Sixty-eighth Congress who are Members of the Sixty-eighth Congress who are Members of the Sixty-eventh Congress, to be appointed by the Speaker. It shall be the duty of the joint committee to investigate and report to Congress on the first day of the next regular session what adjustments, if any should be made in the compensation of the officers and employees of the Senate and House of Representatives, including joint committees and joint commissions, the office of the Architect of the Capitol, the legislative drafting service, and the Capitol police.

All other services are provided in the classification act, if it becomes an act. No one knows to-day whether the classificapending in the Senate will become a law, but even if it does this bill will be necessary because it will be impossible to put the classification act into effect, in my judgment, for a year. It has been said, I know, by Members here and there that all you have to do is to pass the bill and it will put itself into operation. They have had the bill over in the Senate for 14 months. It went there in December, 1921. Up to this good hour it has not become the law. It has been reported to the Senate. It is on the calendar, but when it will be taken up, if ever, no one can tell, but even if it is taken up and it is passed, there is no provision for putting it into effect, and it will take a year, in my judgment, before it can be effectively put into operation, and in the meantime some provision must be made toward the payment of additional compensation allowed under the act and to the extent that the provisions of this bill will meet the situation the appropriations herein contained will apply.

Mr. FESS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. FESS. Are there amendments to the bill as it was sent

over by the House?

Mr. MADDEN. A good many amendments, and after it goes to conference nobody knows what will happen. Nobody even knows whether it will ever come up in the Senate. Nobody knows whether it will be passed or not, but we have entered upon a policy of adding to the basic compensation of the men and women in the service. Everybody admits that the basic compensation is not adequate to meet the present needs, and commend the enactment of this temporary measure to meet the situation which exists among the employees of the Government all over the United States to the extent that this provision will meet those necessities.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. BYRNES of South Carolina. Does this legislation differ in any respect from the existing appropriation for the current

Mr. MADDEN. No; this bill is just the same. It goes into detail, and this year and last year are the only two years in which specific items were set out in the bill. We limit the amount which each bureau of the Government may spend for bonus by specifying the amount that is to be allowed. I reserve the balance of my time and yield three minutes

Mr. MOORE of Virginia. Before the gentleman takes his

seat, may I ask him a question?

Mr. MADDEN. Yes. Mr. MOORE of Virginia. Conceding the merits of the bill, it seems that the amount for 1924 is not a great deal less than the amount for 1922 and 1923?

Mr. MADDEN. That is true. Mr. MOORE of Virginia. There has been a good deal of talk about reducing the official force of the Government. Has the gentleman any information as to the extent to which reductions have been put into effect?

Mr. MADDEN. It is a little less than \$3,000,000-less than

it was in 1923

Mr. MOORE of Virginia. I thought perhaps the gentleman had some figures as to the number of employees in 1922, as compared with those in 1921.

Mr. MADDEN. I have not. I yield to the gentleman from

Tennessee [Mr. BYRNS].

The SPEAKER pro tempore. The gentleman from Tennes-

see is recognized.

Mr. BYRNS of Tennessee. Mr. Speaker, this bonus has been paid to the civilian employees of the Government drawing a salary of \$2.500 and less for the past six years. When a similar resolution was pending before the House a year ago providing for the fiscal year 1923, I voted against it, and I did so because I felt that Congress should take up the question of the readjustment and equalization of the salaries paid employees of the Government by some sort of permanent legislation, and not continue, as we had done theretofore on account of the exigencies of the war and other conditions, to give them what we commonly called a bonus. I said at the time that I believed that those who particularly favored fair salaries for those employees who draw the very small salaries and who need relief could best serve them by defeating the resolution and thus forcing the consideration of some bill looking to the reclassification of the employees.

The House had passed the reclassification bill in December, 1921, and it was pending at that time in the Senate. I think subsequent events have justified the statement I made, because,

despite the fact that the bill was passed by the House in December, 1921, no consideration has been given to it by the Senate. We are now told through the newspapers that it may possibly be passed during the closing days of this session, and if the newspapers are correct, it is proposed to pass a bill radically different from the two bills which were considered by the House.

I am frank to say to you that the question being such a big one, involving all the salaries, large and small, of employees under the Government, and there being so many different propositions involved, I do not believe that bill ought to pass and be put on the statute books in the last two or three busy days of the session, because, of course, it will be impossible to give it that consideration and deliberation that it ought to have in order to do justice, both to the Government and the people. I realize, however, gentlemen, that that bill not having passed, if this resolution is not passed it will mean practically a reduction of salary to the employees of the Government, and since Congress is to adjourn March 4 until December there will be no opportunity to provide proper relief.

The SPEAKER pro tempore. The time of the gentleman

from Tennessee has expired.

Mr. BYRNS of Tennessee. Can the gentleman from Illinois give me two minutes more?

Mr. MADDEN. Yes; I yield to the gentleman from Tennes-

see two minutes more.

Mr. BYRNS of Tennessee. It will mean a sharp reduction of salary to the lower paid employees of the Government, with no opportunity for Congress to readjust their salaries before December. Owing to the increased cost of living and the conditions here in Washington it would, to my mind, be a very serious injustice to them, and for that reason I am going to vote for this resolution. I think it ought to pass, particularly in justice to the lower paid employees of the Government, who need this particular relief, and whose salary I am not willing to reduce by my voting against this particular resolution.

This resolution, as the gentleman from Illinois [Mr. Madden]

said, carries a reduction below the amount carried in the last bill of something over \$2,000,000. That has been explained by him and accounted for by the fact that certain employees of the War Department that are paid out of lump sums and whose salaries may be fixed by the administrative officers can be paid out of those lump sums and their salaries fairly fixed by these out of those tump sums and their satures lating fixed by these administrative officers, and the fact that the \$23,000 paid to the employees of the fuel yard should be paid by the fuel yard, which is expected to be self-sustaining. With these deductions it is found that we are providing for next year a bonus to 1,315 fewer employees than were appropriated for for the present fiscal year. For the reasons stated I propose to give this reso-

lution my support.

Mr. SISSON. Mr. Speaker and gentlemen of the House, as the Members of the House doubtless know, I have never been in favor of paying bonuses to employees. I did give my support to the bonus during the war as a war measure. The cost of living in the District of Columbia and the rents here were so high that it was very difficult for the employees to fairly exist on the salaries paid. But we gave the employees the \$240 in the form of a bonus with the express understanding of the Members of Congress and with the express understanding by the members of the committee—and it was so stated on the floor of the House repeatedly—that it was not to become part of the base pay of the employees of the Government. It was paid in this form for the express purpose of not being a part of the base pay. To our surprise, within the last two years the Committee on Appropriations and the Reclassification Committee find themselves confronted with the statement that the \$240 is a part of the base pay. It was not so intended, nor did we believe that the language used in the bill that was passed would warrant any such construction as that.

Now, the salaries of all the Government employees may not be too high, but I want to impress, if I can do so, upon the membership of this House that if you take the average salary for the same kind and character of work throughout the United States the pay of the Government clerk and the pay of the Government employee is better than the average pay in any community throughout the country. This is why so many thousand people are daily seeking to get on the Government pay roll. At this particular time I am not willing to give my support to a proposition that takes out of the Treasury about \$37,000,000 in the form of a bonus. I am willing that the re-classification bill should pass. If these Government clerks are not getting a sufficient amount of money let each department of the Government have their salaries classified and pay their people what they are entitled to and what they earn. But under this plan now existing, whether a man is efficient or not, whether

he earns his pay or not, he gets, by virtue of the application of this law, \$240 increase. I do not believe we are warranted in

doing this, and I can not support the bill.

I realize that I am trying to do a vain thing. I know that when a man comes before the House or the Senate and makes any sort of a contest for the purpose of saving the Treasury money, he is working against overwhelming odds, against overwhelming influences that are brought to bear on Members of Congress by virtue of the employees from their State. It is Every good Memnot my money; it is the taxpayers' money. ber of Congress should keep this in mind and be more careful of this money than of his own. But unfortunately this is not true. They vote their constituents' money away with ease and carelessness. They serve those on the pay rolls and not the This attitude will soon destroy the Government. taxpavers. Why should our Members of Congress rather serve the people who are burdens upon the taxpayer than the taxpayer? can not forget the people back home who are bearing the burden of carrying the load. The Government employees have the majority of Congress in the hollow of their hands. I know that I shall get but little support and that I shall be voted down by a large majority, but I shall do my duty as I

I want to state to the House seriously that this matter has impressed on me the fact that there is nothing so wicked as a precedent, and a bad precedent is infinitely worse than a bad law. A custom can not be gotten rid of. Now, the customs of a people are more fixed than the constitutional law of the land, and so are precedents. When we gave the bonus to the employees of the District of Columbia, as we started out to do, of course it rapidly grew until all the employees had it, and now every employee in the country claims that it is a part of the basic pay, and whenever it is suggested taking the bonus away they say it is reducing salaries. The very reason that we gave it in this form in the first place was to prevent an increase of salary, and so that it could be dropped simply by taking the item out of the bill. So, gentlemen of the House. I shall not give this bill my support. I state the sentiment of a majority of the Committee on Appropriations when I say that a majority of the committee is opposed to this method of legislation.

I believe we tried last year to take out of the bill the \$240 bonus, but it did not last as long as the paper collar in a fight when it got on this floor. Oh, how fortunate for the country that the Government employees do not know their influence. They could fix their own salaries if they only knew it. gress can not resist the pressure. So I realize that I am doing nothing more than protesting against what I conceive to be a bad precedent and bad legislation. I presume many throughout the country will rejoice when they contemplate that this will be my last stand against Government extravagance.

SEVERAL MEMBERS. No! No!

Mr. SISSON. When I came into the House, as my colleagues know-and that accounts perhaps for my being a member of the Committee on Appropriations-I began to fight against extravagance. When the Democrats got control of the House, I was placed on that committee. I consistently fought against what I conceived to be extravagance, and let me tell you that it is a very thankless job. A man gets mad when you stand between him and a dollar, and if it is a good many dollars,

he gets very mad. So this will be my last effort, and in doing this I do it also with a degree of sadness, because most people who get the bonus are as good people as there are in the world, and as good friends of mine as there are in the world. I have endeavored never to let my friendship interfere with my good judgment, and I have never permitted my enmity to interfere with justice being done in the House of Representatives. I have no man to be afraid of, and I am simply making a protest against the passage of this bill because I do not think it is right. If I had my way about it, I would give all these people more than \$240. If I could with Midas touch fill the Treasury, I would double the salary of these people and would not hesitate to do it. But when I am conscious of the fact that we are straining in every direction to find the methods of raising money, when I look abroad and see the taxpayers groaning under the burdens of taxation, not only of the Federal Government but city, county, and municipal burdens, I feel it to be my duty to resist the payment of every dollar that is being taken out of the Public Treasury unnecessarily.

Now, while the taxpayers are making some sacrifices back home, I feel that those of us drawing salaries, the Government employees, might for a generation, if you please, make some sacrifices to help the Government in its dire need and dire

distress. That is why I am making this protest now; although it is vain, I am protesting because I want my people and the Members of the House to understand my feelings.

Now, I want to congratulate the country on the chairmanship of this great Committee on Appropriations. Every chairman of that committee, so far as I know, has been a consistent economist, and there has never been a chairman of that committee, so far as I know, who has not fought to conserve the resources of the Treasury. I have served here in the House with five great chairmen, beginning with Mr. Tawney, then Mr. Fitzgerald, then Mr. Sherley, next Mr. Good, and now present chairman, Mr. MADDEN.

The State of Illinois has furnished two great chairmen of that committee, Uncle Joe Cannon, the well beloved ex-Speaker, He made a great reputation as chairman of the Committee on Appropriations. [Applause,] We all love him and respect him. He has made history and will live among the great Speakers and the great men of the country, and I will say this now of Uncle Joe: He has been one of the really great men

that I have been permitted to know intimately.

I say now, without hesitation, that the present chairman of the committee measures up to the full standard of the chairmanships of this committee in the past, and Illinois will have the distinction, in my judgment, of furnishing two of the very greatest chairmen of this great committee. Under the present organization of the House and the Government, the next place in importance to that of President of the United States is the position occupied by my ffiend from Illinois as chairman of the Committee on Appropriations. He is performing that duty well and the House, the Government, and the country ought to be congratulated that his party saw fit to make him the chairman of that committee. He has made good in every sense of the word.

Mr. Speaker, I now yield five minutes to the gentleman from

Texas [Mr. Blanton].

Mr. Speaker, the present pay of the Government employees is unequal and not proportionate to their respective services rendered. The reclassification bill seeks to remedy that defect. It seeks to properly adjust inequities, to stop paying to the inefficient employee a larger salary than is paid to the efficient employee. That classification bill is a scientific readjustment, and it ought to pass. It is the only means of bringing about a proper readjustment. Just so long as you continue these bonus bills you are never going to get a classification bill passed. It has been going on and on and on. This bonus was a war-time proposition. Four years and three months have gone since the armistice and still the bonus is continued. This will be the seventh bonus that you have granted to civilian employees. We have already granted \$1,320 of bonus in cash to civilian employees-one bonus of \$120 and five of \$240 eachand this is another one for \$240. I am not in favor of it. am going to vote against this bill, and I wish that there could be enough Members to vote against it to stop its passage. Whenever you stop the passage of this bonus bill you will get some action in the other end of the Capitol on the reclassification measure and there will be a chance to get it into conference and out again before the conclusion of the session. A great injustice is done to many employees in this District now. Go down here and talk to them in the departments as I have done. You will find many who are idle, many who are careless, many who are indifferent, many who are inefficient, with positions of little responsibility, who are receiving more salary than the active, energetic, careful, efficient employees of the Government who are in positions of great responsibility. How long are we going to let it last? If you want to get some action on the reclassification bill kill this bonus bill now. As one Member of the House, I believe if that be done that the reclassification bill will be acted upon and will go to conference, and I believe that the conferees will iron out the differences and that we can pass it before the Congress closes. I am surprised that the distinguished gentleman from Illinois [Mr. MADDEN] should bring a measure of this kind upon the floor, the seventh bonus measure. I can remember the time in the history of this House when he used to fight the proposition, even shortly after

Mr. MADDEN. Oh, I think the gentleman is mistaken about Mr. BLANTON. I remember that he helped me kill one

bonus measure.

Mr. MADDEN. The gentleman is mistaken about that.
Mr. BLANTON. I can get the record.
Mr. MADDEN. Get it.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to insert such matter in the Record, as soon as I have time to look it up, on the proposition to which I have just referred.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, I ask for a vote.
The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois to suspend the rules and pass

The question was taken; and on a division (demanded by Mr. Blanton) there were—ayes 139, noes 8.

Mr. BLANTON. Mr. Speaker, I object to the vote and make the point of order that there is no quorum present. The SPEAKER pro tempore. The gentleman from Texas objects to the vote and makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety-four Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll.

The Clerk called the roll; and there were-yeas 300, nays 20,

not voting 107, as follows:

YEAS-300.

Ackerman	Favrot Fenn	Larsen, Ga.	Rouse
Almon			Rucker
Anderson	Fess	Lawrence Lazaro	Sabath
Andrew, Mass.	Fields	Lea, Calif. Leatherwood	Sanders, Ind.
Andrews, Nebr.	Fish	Leatherwood	Sanders, Ind. Sanders, N. Y. Sanders, Tex.
Anthony	Fisher	Lee, Ga. Lee, N. Y. Lehlbach	Sanders, Tex.
Appleby Arentz	Fitzgerald Fordney	Lee, N. 1.	Sandlin Schall
Aswell	Foster	Lineberger	Shaw
Atkeson	Frear	Little	Shreve
Bacharach	Free	Logan	Siegei
Bankhead Barbour	French Fuller	London Luce	Sinclair
Barkley	Funk	Lyon	Sinnott Smith, Idaho
Beck	Gallivan	McDuffie	Smithwick
Beedy	Garrett, Tenn. Garrett, Tex.	McFadden	Snell
Begg	Garrett, Tex.	McKenzie	Snyder
Bixler Black	Gensman Gernerd	McLaughlin, Mich McLaughlin, Pa. McPherson	1. Speaks
Blakeney	Gifford	McPherson	Stafford
Bland, Ind.	Goldsborough	McSwain	Stedman
Bland, Ind. Bland, Va.	Goodykoontz	MacGregor	Stephens
Boles	Gorman	MacLanerty	Stevenson
Bond Bowers	Green, Iowa	Madden	Strong, Kans. Strong, Pa.
Box	Greene, Mass. Greene, Vt.	Magee Maloney	Sullivan
Briggs	Griest	Mapes	Summers, Was
Britten	Griffin	Mead	Swank
Bulwinkle	Hadley	Merritt	Sweet
Burdick	Hammer	Michener	Swing
Burton Butler	Hardy, Colo. Hardy, Tex.	Miller Mills	Tague
Byrnes, S. C.	Haugen	Mondell	Taylor, Ark. Taylor, N. J. Taylor, Tenn.
Byrnes, S. C. Byrns, Tenn.	Hawes	Montague	Taylor, Tenn.
Cable	Hawley	Moore, Ohio Moore, Va.	Temple
Campbell, Kans.	Hayden	Moore, Va.	Ten Eyck
Campbell, Pa. Cantrill	Hays Henry	Moores, Ind. Morgan	Thompson Tilson
Carew	Herrick	Morin	Timberlake
Carter	Hersey	Mott	Tincher
Chalmers	Hickey	Murphy	Tinkham
Chindblom	Hicks	Nelson, Me.	Tucker
Christopherson	Hill	Nelson, A. P.	Turner
Clarke, N. Y. Cockran	Hoch Hogan	Nelson, J. M. Newton, Minn.	Tyson Upshaw
Cole, Iowa	Hooker	Newton, Mo.	Vaile
Collins	Huddleston	Nolan	Vestal
Colton	Hudspeth	Norton	Vinson
Connally, Tex. Cooper, Ohio Cooper, Wis.	Hukriede	O'Brien	Volgt Volk
Cooper, Onio	Hull Humphrey, Nebr.	O'Connor Oldfield	Volstead
Coughlin	Humphreys, Miss.	Oliver	Walters
Cramton	Husted	Parker, N. J.	Ward, N. Y.
Curry	Ireland	Patterson, Mo.	Wason
Dale	Jefferis, Nebr.	Perlman	Watson
Dallinger Darrow	Jeffers, Ala. Johnson, S. Dak. Johnson, Wash.	Porter Pou	Weaver Webster
Davis, Minn.	Johnson, Wash.	Pringey	White, Kans.
Davis, Minn. Davis, Tenn.	Kearns	Purnell	Williams, Ill.
Dempsey Dickinson	Kelley, Mich. Kelly, Pa. Kendall	Radcliffe	Williamore
Dickinson	Kelly, Pa.	Rainey, Ill.	Wilson Wingo
Doughton Dowell	Ketcham	Ramseyer	Winslow
Drewry	Kiess	Ransley	Wise
Driver	Kirkpatrick	Ransley Reed, N. Y. Reed, W. Va.	Wood, Ind.
Dunbar	Kissel	Reed, W. Va.	Woodruff
Dunn	Kleczka Kline N V	Rhodes Ricketts	Woods, Va.
Dupré Dyer	Kline, N. Y. Kline, Pa.	Ricketts	Woodyard Wright
Echols	Knutson	Roach	Wurzbach
Elliott	Kopp	Robertson	Wyant
Evans	Kreider	Robsion	Yates
Fairchild Fairfield	Kunz Langley	Rodenberg Rogers	Young Zihlman
r an neru	Langue)	iiogers	Miniman

NAVS-20

nton wling il ninick	Graham, Ill. Johnson, Ky. Jones, Tex. Kincheloe	Lanham Lowrey Parks, Ark.	
bert	Kraus	Quin Rankin	

Rayburn Sisson Sisson Sumners, Tex. Tillman Underhill

ash.

NOT VOTING-107.

wnsorge	Crowtner	Kittenin	Rainey, Ala.
Bell	Cullen	Knight	Reber
Benham	Denison	Lampert	Reece
Bird	Drane	Larson, Minn.	Riddick
Brand	Edmonds	Layton	Rose
Brennan	Ellis	Linthicum	Rossdale
Brooks, Ill.	Focht	Longworth	Ryan
	Fulmer	Methintie	
Buchanan	Gahn	McCormick	
			Smith Mich
Chandler Okla			
Clarine			
		Overstreet	
	Jones, Pa		
	Kahn		
Crisn			Translatio, ICA.
Brooks, Pa. Brown, Tenn. Browne, Wis, Buchanan Burke Burtness Cannon Chandler, N. Y. Chandler, Okla, Clague Clark, Fla. Classon Clouse Codd Cole, Ohio Collier Connolly, Pa. Copley Crago Crisp	Freeman Frothingham Fulmer Gahn Garner Glynn Gould Graham, Pa. Himes Huckinson Jacoway James Johnson, Miss, Jones, Pa. Kahn Keller Kennedy Kindred King	Luhring McArthur McCinntic McCormick McLaughlin, Neb Mansfield Martin Michaelson Moore, Ill. Mudd Ogden Olpp Overstreet Paige Park, Ga. Parker, N. V. Pattlerson, N. J. Paul Perkins Petersen	Scott, Mich. Scott, Tenn. Scars Shelton r. Slemp Smith, Mich. Steagall Stenerson Stiness Stoll Taylor, Colo. Thomas Thorpe Towner Treadway Ward, N. C. Wheeler White, Me. Williams, Tex

So two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. Frothingham with Mr. Bell. Mr. Treadway with Mr. Garner Mr. Cole of Ohio with Mr. McClintic.

Mr. King with Mr. Steagall.

Mr. White of Maine with Mr. Brand. Mr. Paige with Mr. Clark of Florida. Mr. Freeman with Mr. Linthicum.

Mr. Graham of Pennsylvania with Mr. Martin. Mr. Perkins with Mr. Thomas. Mr. Steenerson with Mr. Williams of Texas.

Mr. Kahn with Mr. Buchanan.

Mr. Browne of Wisconsin with Mr. Kindred. Mr. Connolly of Pennsylvania with Mr. Drane.

Mr. Edmonds with Mr. Cullen.

Mr. Moore of Illinois with Mr. Park of Georgia,

Mr. Longworth with Mr. Collier. Mr. Kennedy with Mr. Kitchin. Mr. Crowther with Mr. Stoll. Mr. Lampert with Mr. Fulmer.

Mr. Michaelson with Mr. Mansfield.

Mr. Patterson of New Jersey with Mr. Crisp. Mr. Denison with Mr. Johnson of Mississippi. Mr. Mudd with Mr. Overstreet.

Mr. Keller with Mr. Ward of North Carolina.

Mr. Ellis with Mr. Rainey of Alabama.

Mr. Olpp with Mr. Jacoway.

Mr. Chandler of Oklahoma with Mr. Sears. Mr. Brennan with Mr. Taylor of Colorado.

The result of the vote was announced as above recorded. The SPEAKER pro tempore. The Doorkeeper will open the doors.

FARM CREDITS LEGISLATION.

Mr. SNELL. Mr. Speaker, I desire to submit a privileged report from the Committee on Rules.

The SPEAKER pro tempore. The gentleman from New York presents a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House Resolution 567 (Rept. No. 1737).

House Resolution 567 (Rept. No. 1737).

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (8, 4280) entitled "An act to provide additional credit facilities for the agricultural and live-stock industries of the United States; to amend the Federal farm loan act; to amend the Federal reserve act; and for other purposes."

That there shall be not to exceed four hours of general debate on said bill, one-half to be controlled by those favoring the bill and one-half by those opposed.

That during the consideration of the bill and committee amendments as reported by the Committee on Banking and Currency shall be subject to a point of order.

That at the conclusion of general debate the bill shall be read for amendment under the five-minute rule. At the conclusion of such consideration the bill shall be reported back to the House with amendments, if any, whereupon the previous question shall be considered as ordered on the bill and all amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. SNELL. Mr. Speaker, the rule, in effect, if adopted by

Mr. SNELL. Mr. Speaker, the rule, in effect, if adopted by the House, simply makes provision for the consideration of the bill S. 4280, an act to provide additional credit facilities for

Bla Boy Dea Don Gill

the agricultural and live-stock industries of the United States, and for other purposes. It provides for four hours of general debate and to be read as usual under the five-minute rule. Section 3 simply provides that the matter reported by the committee shall be in order for consideration in the House. That is necessary for this reason: The Senate has passed two rural credits bills, one known as the Capper bill and the other known as the Lenroot-Anderson bill. In order that we may move along with this bill, and the bill may immediately go to conference if passed by the House, our Banking and Currency Committee has reported Senate bill 4280, but they have struck out everything after the title and they have included in their bill the main provisions, as I understand it, of both the rural credits bills passed by the Senate, so that if we pass it here now in this way it can immediately go to conference and we will get some action during the present session.

Mr. TILSON. Will the gentleman yield?
Mr. SNELL. I will.
Mr. TILSON. Is it the intention of the Is it the intention of the gentleman to finish this bill to-day?

Mr. SNELL. It is the intention to try to finish it. Mr. TILSON. Why should we have four hours of general Why not have less general debate and more under the five-minute rule in order that we may discuss the matters in

Mr. SNELL. Well, I can say to the gentleman that he is in the same position that I took, but I was overruled and voted down on that proposition. The general purpose of this bill is to respond to the recognized need of credit facilities for agricultural operations extending over a longer period than may be provided for by the Federal reserve banks, but falling short of the longer term credit provided by the Federal farm loan act

and based upon a different type of securities.

The banks that are created under this act will be under the Federal Farm Loan Board. While I do not consider that this will cure all of the evils affecting the financial burdens of the rural districts of this country, I do hope it is a step in the right direction. I know that this legislation is important enough so that it has been mentioned by the Executive in special messages to the Congress. It is desired to be considered by Members of the House, and I also know that there is an honest and earnest demand from every part of the country that we give some consideration to legislation of this character at this time, and it is simply the desire of the Rules Committee at this time to clear the legislative road and make it possible to consider this legislation, and we trust the recommendation will be approved by the House.

Mr. WINSLOW. Will the gentleman yield?

Mr. SNELL. I will.
Mr. WINSLOW. On the assumption that the measure is as meritorious as you say it is, and on the further assumption this House will vote for it, which is a predetermined conclusion, why not cut down the time and give some other bill a chance to come in for consideration?

Mr. SNEILL. In answer to the question of the gentleman from Connecticut, I said on that proposition I was voted down, and I would be breaking faith with the committee to consent at this time to that amendment.

Mr. COCKRAN. We can vote this down.

Mr. SNELL. I reserve the balance of my time.

Mr. WINSLOW. I do not want to be shunted off— Mr. BURTON. Will the gentleman from New York yield for a question?

Mr. SNELL. I will.

Mr. BURTON, Under this rule would it be possible to strike out one portion of this bill, such as the intermediate credit banks?

Mr. SNELL. It is open for general amendment, under this

Mr. BURTON. No restrictions?
Mr. SNELL. No special restrictions.
Mr. DUPRÉ. Will the gentleman yield?
Mr. SNELL. I will.

Mr. DUPRÉ. What has become of the Strong bill, which passed the House the other day?

Mr. SNELL. I can not tell the gentleman. I yield 10 minutes to the gentleman from North Carolina.

Mr. STEVENSON. The Strong bill is absolutely in here just as it passed the House.

Mr. DUPRÉ. I thought so, and I am sorry that the acting chairman of the committee is so ignorant of the measure he is reporting to the House,

Mr. WINSLOW. Mr. Speaker, will the gentleman allow me

some time?

Mr. SNELL. On the rule I can.

Mr. Speaker, I reserve the balance of my time and yield 10 minutes to the gentleman from North Carolina [Mr. Poul

The SPEAKER pro tempore. The gentleman from North

Carolina is recognized for 10 minutes.

Mr. POU. Mr. Speaker, there is no controversy about the rule which the gentleman from New York [Mr. SNELL] has pre-

sented. I think it comes with unanimous report.

Mr. Speaker, the life of this Congress is now counted by hours rather than by days. Ordinarily I would not avail myself of this opportunity to discuss even very briefly a joint resolution in which our people are deeply interested, if there were adequate time for discussion in the future. Immediately following this so-called rural credits bill, as I understand the program to be, another rule will be presented providing for the consideration of the \$10,000,000 revolving fund plan, which gives the President of the United States authority to purchase poison to kill the boll weevil and to purchase nitrate of soda to force the cotton plant in its growth.

Gentlemen, it is impossible to put in words the importance of that resolution to the cotton-producing sections of the country and, incidentally, every section of the country. Every consumer throughout the United States is vitally affected by that measure. Unless something can be done to stop the ravages of the boll weevil the time is rapidly approaching when you will see 50-centsa-pound cotton instead of 28-cents-a-pound cotton. The blight of this pest is so complete that people hesitate to invest their money in the production of cotton, and there are only two practicable ways of combating the boll weevil. The first is to use nitrate of soda to force the plant forward in its growth, and the second is to use this poison-calcium arsenate-to kill the

boll weevil.

The resolution I am discussing has this parliamentary status: It was unanimously passed by the Senate, and I understand it has the recommendation of the Secretary of Agriculture. was unanimously recommended by the Committee on Agriculture in this House. There was not a voice raised in the Committee on Rules when it was considered, and I appeal to this House not to allow this session to end without passing that measure. [Applause.] Mr. CHALMERS.

Mr. Speaker, will the gentleman yield?

Mr. POU.

Mr. CHALMERS. I want to ask the gentleman, then, why is it necessary to spend four hours on general debate on this rural credits bill when by so doing you may jeopardize other bills of

such importance as the one the gentleman mentioned? Mr. POU. I thoroughly agree with the gentleman. one of those who wanted to cut down the time for general de-bate on this bill. But I can not have my way. The majority rules. I will vote now to cut down the general debate to two hours. [Applause.] I have done everything in the world I could to facilitate and expedite the passage of this measure, which is so vital to people all over the cotton-producing sections. People all over the cotton-producing sections of the Na-

tion are watching our action with the deepest interest.

Mr. JOHNSON of South Dakota. Mr. Speaker, will the gen-

tleman yield?

Mr. POU. Yes.

Mr. JOHNSON of South Dakota. As a matter of fact, the majority of the Committee on Rules would be glad to see this time cut down so that we can consider these bills.

Mr. POU. Yes. I would be glad to vote to reduce the time. Mr. BRIGGS. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. BRIGGS. Does the acting chairman of the Committee on Rules propose to offer an amendment for cutting down the

time for general debate to two hours?

Mr. POU. In reply to the gentleman's question, I will say that when the gentlemen asking for a rule came before the Committee on Rules and said, "We can not get along with less than four hours," it was not known at that time that other measures were going to occupy so much time. At that time the Committee on Rules thought there would be time to allow four hours to the discussion of this legislation, and also to give ample time for the consideration of other bills which the membership of the House is anxious to consider.

Mr. McFADDEN. I agree with what the gentleman is saying

about the time, but I am sure he realizes the responsibilities of those having charge of the bill and the desire of many gentlemen who wish to speak thereon. I expect to have charge of the time in favor of the bill, and I have insistent demands for

time in excess of two hours.

Mr. POU. Everybody, I think, understands the attitude in which the chairman of the Committee on Banking and Currency finds himself. He is not absolutely free to fix the time. When gentlemen wish time to discuss so important a measure, necessarily time must be given them if possible.

Mr. WINSLOW. Mr. Speaker, will the gentleman yield for a question?

Mr. POU.

Mr. WINSLOW. I assume that the committee acted in entire good faith in establishing four hours for the reason you assign; that they did not appreciate the onrush of business. But the business has rushed on here before Congress. I do not see why the time allowed for general debate on this bill, which is already forestalled as to the outcome, should be extended to four hours to give gentlemen an opportunity to talk simply because they want to talk, when other measures equally meritorious can not be talked on at all. [Applause.]
Mr. GARRETT of Tennessee. Mr. Speaker, will the gentle-

man yield?

Mr. POU.

Mr. GARRETT of Tennessee. I do not think we should go wild over this question of four hours of general debate without understanding something about what it is and what the situation is. This bill is a Senate bill. It has but one amendment. If gentlemen choose to exercise their power there can be just 10 minutes of debate under the five-minute rule. Four hours of general debate is not too much.

Mr. POU. With all these important measures pending it seems to me that for one time we might have a night session and get rid of the rural credits bill to-night, I believe. I am willing to stay here; there would be little objection to a night

session.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. SNELL. We expect to be in session to-night. Mr. POU. I am glad the gentleman makes that statement.

Mr. Speaker, I will take only one more minute to remind the House that this measure has the indorsement of the Secretary of Agriculture, the Senate, the Committee on Agriculture of the House, the Committee on Rules, which is here with a unanimous report, that it will not cost the taxpayers of the Nation one cent. I conclude with the earnest hope that the friends of the measure on both sides will see to it that the gavel does not fall until this measure is considered by the House of Rep-

resentatives. [Applause.]
Mr. SNELL. Mr. Speaker, the Rules Committee intends and tries to be fair with the Members of the House, and also tries to give due consideration to important measures. We considered this matter very carefully, and incessant demands were made by the people interested on both sides of this House for four hours. Now, we considered this very carefully, and insistent demands were made by people interested on both sides for four hours, and some even more. As long as it was so important and entirely a new proposition, we did feel that they were entitled to that much consideration. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

Mr. GALLIVAN. Mr. Speaker, I raise the point that there

is no quorum present.

The SPEAKER pro tempore. The gentleman from Massachusetts raises the point of order that no quorum is present. The Chair will count. [After counting]. Two hundred and

eighteen Members present—a quorum.

Mr. McFADDEN. Mr. Speaker, I move that the House re-solve itself into Committee of the Whole House on the state of the Union for the consideration of Senate bill 4280, and pending that I ask unanimous consent that the time be divided between the geutleman from Massachusetts [Mr. Luce], who is opposed to the bill, to control one-half of the time, and that I control the other half.

The SPEAKER pro tempore. Is there objection to the re-

quest of the gentleman from Pennsylvania?

Mr. WINGO. Reserving the right to object, I have some interest in knowing what part of the time, both for and against, Members on the Democratic side will have.

Mr. McFADDEN. Will the gentleman yield?

Mr. WINGO. Certainly.

Mr. McFADDEN. I will say that I will yield to Members on both sides in favor of the bill.

Mr. LUCE. My understanding is that I will yield to both sides in the same way.

Mr. WINGO. I will state that ordinarily I would insist on a division of the time on party lines, but in view of the situation I do not blame the Republican organization for suggesting that they control all the time on that side.

The SPEAKER pro tempore. The Chair hears no objection to the request of the gentleman from Pennsylvania. The question is on the motion of the gentleman to go into Committee of the Whole House on the state of the Union for the consideration of the bill S. 4280.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SANDERS of Indiana in the chair.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the title of the bill, as follows:

S. 4280. An act to provide for the incorporation and supervision of corporations formed for the purpose of making agricultural and livestock loans; to amend the Federal reserve act; to amend the Federal farm loan act; to extend and stabilize the market for United States honds and other securities; to provide fiscal agents for the United States, and for other purposes.

Mr. McFADDEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to dispense with the first reading of the

bill. Is there objection? Mr. UNDERHILL. I object. The Clerk began reading the bill.

Mr. TILSON (interrupting the reading). Mr. Chairman, I wish to renew the request that the further reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

Mr. UNDERHILL. Mr. Chairman, reserving the right to object, I merely wish to say to some of the men who are particularly interested in this bill, that those of us who are vitally interested in another measure which was killed by indirection and the same method, are keenly alive to the possibilities of the situation that is presented to us.

Mr. WINGO. To what bill does the gentleman refer?

Mr. UNDERHILL. The Cape Cod bill.

WINGO. Does the gentleman think that the friends of this bill killed that bill?

Mr. UNDERHILL. I think a great many of them did; the gentleman from Texas and the gentleman from Alabama.

Mr. WINGO. Neither one of them had anything to do with the framing of this bill. Does the gentleman know how the Democratic members on the Banking and Currency Committee stood on the Cape Cod bill?

Mr. UNDERHILL. I hope they were all right.

Mr. WINGO. The gentleman admits that he is shooting in the air and bringing charges against men whose attitude on the measure he does not know. I suggest that the gentleman get his information first.

Mr. UNDERHILL. I have heard several gentlemen complain about the influence of New England. Why, she has not got a single solitary piece of legislation through, and in spite of the claim that it is said that New England is dominating Congress we have not been able to get any of our measures passed.

Mr. WINGO. Oh, the gentleman only exposes his ignorance with reference to my attitude on the matter.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Chairman and gentleman of the House, I appreciate the difficulty, notwithstanding the fact that the debate has been limited as it has been, of attempting to explain a bill which is as long as this one is and as important as this bill is, containing some 98 pages, in the time which I shall feel at liberty to take in discussing and explaining the several items of it. I appreciate the fact that the House has had very little time to study the merits of these measures, because of the fact that the bills were not sent to the House from the Senate until a few days ago. The Senate then sent separate bills to the House, which were referred to the Committee on Banking and Currency in the regular way. The committee has been very diligent in trying to put these pills together in a workable form. We realize, of course, that legislation of this kind has been demanded for some 15 years or more; and we all realize that it was in response to the demands of the commercial as well as the agricultural interests that the Federal reserve act was formulated and passed in 1913. I am not sure but that the passage of that act had somewhat to do with the situation which became apparent with respect to farmers in regard to a proper division of credit for them, because the enactment of the Federal reserve act did classify credit paper. I am not sure but that perhaps some of the relief which the farmers formerly had through the different banking channels was denied to them when the Federal reserve act was passed, because of this

definition of eligible paper. But we all know that after the Federal reserve act was passed there still remained an insist-ent demand from the agricultural interests of the country, particularly from those large producing areas in the South,

Southwest, and the Central West.

With an honest attempt to remedy the farmers' situation in 1916 the Congress enacted the Federal farm loan act. This was a constructive piece of legislation and has been functioning to quite some extent and has relieved the farmers' requirements to a great extent on long-time credits. It has permitted the farmers of the country, under the rules and regulations of this system, to borrow up to 50 per cent of the value of their farms and 20 per cent of the value of their improvements for a period of as long as 30 years, with a provision that those payments could be amortized and paid off in small installments at the various interest-paying periods. The farm-loan system has loaned something over \$700,000,000 to the farmers through this system, and at the present time it is functioning to its full ability and is daily making new loans to farmers under the law. Notwithstanding that fact, however, and perhaps due somewhat to the strained conditions resulting from the war, the need of the farmer, according to those who are familiar with it and the evidence which has been presented to Congress for some time past, is not being fully met by the present banking facilities; and this, too, in face of the fact that during his period of readjustment the Congress enacted the law providing for the War Finance Corporation, having for its purpose the relief of the war industries but later broadened to aid in the export of farm products and other commerce in export trade. In some cases loans were made to industrial organizations. Much relief was given to the cattlemen and cattle-loan companies and the cooperative-marketing associations when the Congress passed this amendment to the War Finance Corporation act and permitted loans to be made to that class of agricultural interests. At one time the War Finance Corporation had loaned, for the relief of the cattlemen and the cooperative marketing associations principally, in excess of \$360,000,000.

At the present time this corporation is still functioning under the law, and is loaning a large amount of money to this class of Notwithstanding this, and as I said before, the incessant demand continues and I am sure that if the agricultural interests of the country are not being properly taken care of we must come to the point where we recognize the fact that our present banking facilities are not competent care for the requirements of the country. If we consider and enact legislation of this kind it must be upon that basis, because we must look the matter squarely in the face that we are creating by this instrument a Government bank. This bill provides for a capitalization of \$60,000,000, which shall be subscribed by the Secretary of the Treasury and the stock then owned by the United States. This institution is to be added as an adjunct, under the present form of the bill, to the Federal farm-loan system. There are to be 12 banks located in the same district

in which the Federal farm-loan banks are located.

As the gentleman who presented this rule this morning said, this is a composite bill composed of the so-called Capper bill and the so-called Lenroot-Anderson bill. The committee have also seen fit to add to it certain sections of the Strong bill, which passed the House the other day. And right here I would like to explain to the House why we have done that. We are all familiar with the fact that during these closing days of Congress both Houses are filled to the limit with demands for legislation. Our reason for adding the Strong amendments to this bill is the importance of these amendments to the Federal farm-loan system, taking into consideration the fact that in all probability the Senate will not have an opportunity to consider that bill; therefore we have added it for the purpose of its becoming law at this session because we believe this rural credit bill will have the right of way.

Mr. WOODRUFF. Will the gentleman yield? Mr. McFADDEN. I will. Mr. WOODRUFF. I would like to ask the go

I would like to ask the gentleman if the committee has added any part of the Strong bill stricken out in the House?

Mr. McFADDEN. I do not think we have. There may be a

slight variation-

Mr. STRONG. If the gentleman will permit, section 5, stricken out in the House, was not included in this. But I

want to say it ought to be included, but it was not.

Mr. McFADDEN. I appreciate that fact. It has been my attempt, as chairman of the committee, to keep out of the bill anything from the Strong bill that might cause any opposition in the other body, so that it might have clear sailing and become the law at this session of Congress. The provisions of the socalled Capper bill were thoroughly discussed by the committee.

The committee felt that in this bill there was an opportunity to serve the agricultural interests of the country without getting the Government into the banking business, but we realized we were confronted with the fact that there was a large public senti-ment in favor of the Lenroot-Anderson bill. The committee also realized there was a large number, if not a majority, of the House who would be quite insistent upon the enactment of that measure. We were confronted with the problem of looking the situation squarely in the face as to what could be done, realizing that if there were an attempt upon the floor of the House to substitute this bill by amendment or otherwise we might have a bill that might not be workable. We tried to consolidate this bill into a workable form, and we believe we will have done it when we have added a few more amendments which will be offered upon the floor of the House.

Mr. CARTER. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. CARTER. I do not want to divert the gentleman from his argument, but I want to know if he is going to discuss before he gets through the amount of capitalization of the banks and the procedure; whether they will take deposits, and so on?

Mr. McFADDEN. I was going to try if I could in the limited

time which I have.

Will the gentleman yield? Mr. HUSTED.

Mr. McFADDEN. I will.

Mr. HUSTED. Does the gentleman think that sufficient private capital could be enlisted to finance all the necessary agricultural credits without Government aid?

Mr. McFADDEN. The gentleman has always hoped such

might be the case.

Mr. HUSTED. Has the gentleman any reason to believe

such is not the case?

Mr. McFADDEN. That is the statement of the agricultural interests, and the conclusion that it will not be served in any

Mr. WILLIAMSON. Will the gentleman yield?

Mr. McFADDEN. I will. Mr. WILLIAMSON. I notice that in the rewriting of the Anderson-Lenroot bill the committee has endeavored to segregate the intermediate banks from the Federal farm-loan banks. Will these intermediate credit banks conduct their business in the same building as the Federal farm-loan bank, have the same directors, or will they use a separate building or institution?

Mr. McFADDEN. So far as possible in regard to the assets and liabilities we have attempted absolutely to segregate, so that the two systems will not be liable for each other's obligations, and each system will have control of its own assets.

Mr. BURTON. Will the gentleman yield for a couple of

questions:

Mr. McFADDEN. I will.

Mr. BURTON. First, the so-called intermediate credit banks and the agricultural corporation make the same class of loans

and cover the same ground, do they not?

Mr. McFADDEN. To a very great extent; yes. I will say to the gentleman that it is claimed that those who are being served now through the War Finance Corporation are the existing loan companies, cooperative market organizations. We feel they can be served and are entitled to be served through the Lenroot-Anderson portion of the bill, which is the intermediate credit bank part of this bill.

Mr. BURTON. Is it not true that if the Government should subscribe capital amounting to \$60,000,000 that that would practically exclude investments by private parties under the section of the bill pertaining to agricultural-credit corporations? Would not the fact the Government is provided by a subscription of \$60,000,000 prevent private investors going in the same

field and competing with them?

Mr. McFADDEN. It would mean Government competition with those concerns. Of course this system provides a system which would be a serious impediment, I should think, to individuals embarking in the same line of loaning business.

Mr. BURTON. As regards this \$600,000,000 debentures which may be issued, has the Government under this bill any responsibility for the payment of these debenture associations

or corporations issuing them?

Mr. McFADDEN. No, we have inserted a clause in the bill which prescribes specifically the Government shall assume no liability

Mr. BURTON. Does the gentleman believe that a limita-tion in these debentures could be placed?

Mr. McFADDEN. I believe so, yes. I believe there are so many other attractive features in connection with the issuance and sale of these debentures that they will be readily salable.

Mr. HUSTED. There is the highest kind of moral responsi-

bility, is there not? Those debentures are the debentures of a

corporation in which the Government owns every dollar of the

Mr. McFADDEN. That is correct. Mr. COCKRAN. Mr. Chairman, will the gentleman yield for

Mr. McFADDEN. I think many of the questions that are being asked will be answered in my general explanation of the provisions of the bill, if I can make it; but I yield to the gentleman from New York.

Mr. COCKRAN. I do not think the gentleman has explained what I have in mind, although he has been partially over the ground. The gentleman speaks of the difficulty of obtaining service by certain borrowers. May I ask him what he means

by the difficulty in obtaining service?

Mr. McFADDEN. I will say to the gentleman that I mean by that that the farmers' cooperative marketing associations and cattle loan companies and all those people who are engaged in furnishing financial relief to the agricultural sections of the country claim that they are not able to secure sufficient funds to take care of the requirements of the agricultural interests, not only in planting but in bringing their crops and their cattle to the period of sale or harvesting and the marketing of the same.

Mr. COCKRAN. In other words, they can not borrow as much as they would like to borrow? That is the substantial meaning of the statement that they are not properly served?

Mr. McFADDEN. Of course, they present a very incessant demand for further service.

Mr. WINGO. Mr. Chairman, will the gentleman yield? Mr. McFADDEN. Yes.

Mr. WINGO. Is not what he really has in mind the fact, which is very obvious, that an intermediate credit paper is not eligible for rediscount at the Federal reserve banks?

Mr. COCKRAN. Is that the gentleman's answer? Mr. McFADDEN. That is the collateral answer. put it that way as a part of it. In other words, the farm in-terests of this country are demanding that their financial requirements should be taken care of. At the present time they claim they are restricted.

Mr. COCKRAN. Will the gentleman yield for a moment

further?

Mr. McFADDEN. They complain that they are not given sufficient rediscount facilities in the Federal reserve system, and that they can not borrow for a period of one to three years from any agency, although they can borrow from the Federal farm loan system for a longer time and from the Federal reserve banks for a shorter time, but there is a gap between these two that should be filled which will permit them to finance agricultural operations and market their productions in an orderly manner.

Mr. COCKRAN. Let me ask the gentleman if this is practically what he means, that this bill is intended through Federal aid to enable these agriculturists to borrow more money on their property than they could obtain in the ordinary and

regular channels of trade?

Mr. McFADDEN. That is the idea.

Now gentlemen will have to desist, because I want to get through my explanation of the bill. The House is entitled to know what is in this bill.

Mr. COCKRAN. I have learned what I wanted to ascertain. Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. ARENTZ. Mr. Chairman, will the gentleman yield? Mr. McFADDEN. Yes. Mr. ARENTZ. The farmers of to-day when they want to borrow a sum of money for five years have a mortgage placed on their farm and that mortgage is discounted and secured. If a man wants to borrow a thousand dollars for six months he goes to a bank and the bank furnishes him that money out of its own funds. But if he wants to borrow for two years or more, the bank has not the money to furnish the farmer for a term of 18 months or two years. This bill furnishes the facilities whereby the farmer can borrow money for 18 months or a year on live stock or anything else.

Mr. COCKRAN. Will the gentleman let me ask him another question, so that we can put the proper interpretation of his

meaning before the House?

Mr. McFADDEN. Yes. Mr. COCKRAN. The gentleman means, as I understand, that the object of this legislation is to enable farmers to borrow practically on mortgage and get credits that ordinarily were given on mortgages and to classify it under the head of banking?

Mr. McFADDEN. No; I fear the gentleman has not read this bill with reference to the different classes that he is discussing. The gentleman will find provisions in this bill which will permit a producer of agricultural products to store them

in a warehouse or put them with a factor and take the warehouse receipt or what is given to him by the factor and borrow from the bank.

Mr. COCKRAN.

Mr. COCKRAN. He can do it now. Mr. McFADDEN. And then he can get a portion of his money down immediately.

Mr. COCKRAN. He can do that now. Mr. McFADDEN. This is to facilitate This is to facilitate that, so that there will be no clogging of the system, so that the farmer can get the money when he wants it. Many of the farmers complain that they can not do it through their banks and through the cooperative associations because those concerns are not properly financed.

Mr. COCKRAN. When it comes to ordinary banking and credits they are distinguished from other credits in the one element, I may say, that they are always for a brief time, so as to be liquid, and other financial transactions or loans are made for fixed periods, and in such cases they are entirely apart from regular banking transactions. The gentleman will concede that, will he not?

Mr. McFADDEN. No; I would not concede that. This is to take care of longer credit than the gentleman has referred tocredits between what the banks are now handling and loans of the farm-loan system or those of the Federal reserve banks.

Mr. COCKRAN. These credits that heretofore have been a feature of agriculture are brought within the system of banking by this bill?

Mr. McFADDEN. Yes.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. BRIGGS. Under this act the farmers can get a longer credit than is extended by the banks at the present time.

Mr. McFADDEN. In order to get this into workable form we have amended the farm loan act and amended title 2. Title 2 starts out with the so-called Lenroot-Anderson feature. We have provided that these institutions shall be established in the same cities as the 12 Federal land banks, and the officers and directors of those banks shall be ex officio officers and directors of the intermediary credit banks. We have provided for a separation of expenses in the operation in the bill so that there will be no overlapping in that respect. We have given the institution corporate powers of institutions of that kind. They have also been given authority to act as fiscal agents of the Government. They may buy and sell Government securities, Federal farm loan bonds, and instruments which are issued by the intermediary credit organizations. We have provided also that in case of liquidation through failure, that the liquidation shall be carried on by the Federal Farm Loan Board. The charters of the intermediary credit banks shall be granted on the application of the directors of the Federal land banks. In other words, we have given the management to the Federal farm land banks. During the discussion of the bill under the five-minute rule I expect to offer an amendment changing that to some extent. The original Capper bill provided that in the creation of institutions under that plan that certain supervision of the operations of these banks should be given over to the Comptroller of the Currency, and it provided that the Secretary of Agriculture should license appraisers who were to pass on the value of the assets of these people before they attempted to appeal through this system. What we are trying to do is to surround the system with all the safeguards we can.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. McFADDEN. I will.
Mr. PARKER of New Jersey. Is it not rather dangerous for the assets of two different banks to be kept in the same building, so that if inspections are made at different times they can be substituted?

Mr. McFADDEN. I do not think that applies to these institutions

Mr. PARKER of New Jersey. I have known it in two institutions under the same management, where they were sent to New York and came back between the days of inspection on Tuesday and Friday.

Mr. McFADDEN. All these operations are going to be under the trustee, and the securities or debentures which we submit for additional funds to take care of agricultural interests. We have tried in every way to surround the system with safe-guards which will protect the investor in the securities and prevent loss.

We have provided that the institution can Issue debentures and that they can go, under certain conditions, to the Federal reserve system and get relief. We have provided that under no circumstances shall they issue obligations in excess of ten times their capital.

Mr. KNUTSON. Will the gentleman yield?
Mr. McFADDEN. I will.
Mr. KNUTSON. What sort of securities, aside from ware-

house receipts, can be accepted as collateral?

Mr. McFADDEN. We provide that they can make advances secured by warehouse receipts and other merchantable products having an agricultural origin up to 75 per cent of their value.

Mr. BRIGGS. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. BRIGGS. The gentleman spoke a moment ago about debentures being readily marketed. Are these to be tax ex-

Mr. McFADDEN. There is a provision in the bill to that

effect.

Mr. KINCHELOE. Will the gentleman yield? Mr. McFADDEN. I will yield to the gentleman from Ken-

Mr. KINCHELOE. If I understand the provisions of this bill, for instance, take a farmer who has tobacco stored in a warehouse duly insured; he is advanced 50 per cent of the value and issued warehouse certificates for the balance. Under the provisions of the bill, can he go to a bank and deposit that certificate as collateral, and is there anything in the bill that authorizes the Federal reserve system to authorize its banks to loan money on that certificate?

Mr. McFADDEN. We have made an amendment to the Federal reserve act which makes factor paper eligible for discount,

Mr. KINCHELOE. What does that mean? Mr. McFADDEN. The middleman who stands between the market and the producer, the man who finances the farmer in the production of cotton or tobacco-he loans the farmer money to buy fertilizer and will take a mortgage on the crop and carry it until the farmer has a return from his sale. man is a factor in every sense of the word.

Mr. KINCHELOE. Let me ask the gentleman further: Under the cooperative marketing system of tobacco which we have in Kentucky, when the farmer delivers the tobacco to the warehouse he receives 50 per cent of the value and 50 per cent in a The title to the tobacco goes to the corporation.

Where would the factor man come in there?

Mr. McFADDEN. That is in conflict with the cooperativemarketing idea. Generally speaking, the factor is in compe-

tition with the cooperative-marketing plan.

Mr. KINCHELOE. That farmer surrenders his title to the The warehouse certificate is issued in lieu of the tobacco. value of the property. He is permitted under this bill to go to the banks created under this bill and borrow money and deposit that as collateral. I was wondering whether there was anything in the bill permitting the Federal reserve system to

do the same thing.

Mr. McFADDEN. That is in charge of the cooperative market concern. I do not know whether they would be permitted

Mr. KINCHELOE. It is a loan on the tobacco and is good as manufacturers' paper.

Mr. McFADDEN. I suppose the bank would work out some-

thing whereby he would get relief.

Mr. KINCHELOE. Is there a provision in the bill to permit member banks of the Federal reserve system in their dis-

cretion to take this as collateral for loans?

Mr. McFADDEN. Not directly; but the Federal reserve system can rediscount for member banks, and they can under certain conditions rediscount for the creations under this bill, so that, I think, indirectly there is some relief for the situation to which the gentleman refers.

Mr. BARKLEY. What is the maturity of these rediscount papers as provided in this bill?

Mr. McFADDEN. Up to six months; and we have amended the bill so that agricultural paper up to nine months can be rediscounted in the Federal reserve system. There are certain restrictions, however, in that which will not permit the paper to be used as a basis for the issuance of Federal reserve notes on as long time as that, but it must come within a shorter maturity date.

Mr. BARKLEY. At present the maximum maturity date is six months, and you increase that to nine months under certain

Mr. McFADDEN. Yes.

Mr. HUSTED. Does not the bill provide that it can not be rediscounted for less than six months? It is six months and three years, not less than six month nor more than three years.

The gentleman is referring to the clause Mr. McFADDEN. in respect to the intermediate credit banks. I was referring to an amendment to the Federal reserve act itself. All of these intermediate credit banks have the right, subject to the ap-

proval of the Federal Farm Loan Board, to issue and sell collateral trust obligations with a maturity at the time of issue of not more than five years, which shall be secured by at least a like safe amount of cash, or notes, or other such obligations discounted or purchased or representing loans made under subdivision (a).

We have the provision in here also which fixes the rate of

interest as follows:

Rates of interest upon debentures and other such obligations issued under this subdivision shall, subject to the approval of the Federal Farm Loan Board, be fixed by the intermediate credit bank making the issue, not exceeding 6 per cent per annum.

SEC. 202. That before making any discounts under the provisions of this act, each intermediate credit bank shall establish and promulgate a rate of discount to be approved by the Federal Farm Loan Board. Any intermediate credit bank which has made an issue of debentures under the provisions of this act may thereafter establish, with the approval of the Farm Loan Board, a rate of discount not exceeding by more than 1 per cent per annum the rate borne by its last preceding issue of debentures.

That is practically the same provision we put in the Federal farm loan act, which fixes the rate of interest to borrowers

Mr. BRIGGS. Is it possible under this to charge as high a

rate as 10 per cent?

Mr. McFADDEN. No. We have attempted to hold the interest rates down. I would say to the gentleman in that respect that the regulation of interest rates is largely a State matter. The States control the rate of interest in the various States, and what we have tried to do here is to see to it that the farmer gets his money and is not exploited by either the present banking institutions or these creations under this act, and we are trying to hold it down to 1 per cent higher than the amount that these debentures sell for in the locality, and we believe that that will mean that the farmer will get his money at a low rate of interest.

Mr. BRIGGS. At approximately what rate:

Mr. McFADDEN. If the gentleman can tell me what rates these debentures will sell for in the open market, I shall tell him. That is what regulates the rates to be charged to borrowers-1 per cent in excess of that. Another provision in the bill is this: That these intermediate credit banks shall go into the open market and buy and sell their own debentures for the purpose of maintaining the market, and in order to do that we inserted the provision that they shall buy them at not less

The capital for each one of these banks is \$5,000,000. There are to be 12 of these banks. We have provided, as I previously said, for the expenses and management of these institutions. have also provided for the disposition of the profits, and this is the provision, that after the necessary expenses of the banks have been paid or provided for, any profit that accures shall revert to the Public Treasury, and we have inserted a provision that is practically the same as is in the Federal reserve act, that the Treasury shall dispose of these earnings by a reduction of the public debt or place them to the gold redemption fund.

Mr. KINCHELOE. Who stands the loss in case there is loss

on the part of these intermediate credit banks?

Mr. McFADDEN. The banks themselves would stand the loss. Mr. ARENTZ. Mr. Chairman, will the gentleman yield? Mr. McFADDEN. Yes.

Mr. ARENTZ. I think the question has been asked by several Members of the House in the last few minutes as to whether the identity of the collateral will be retained; in others words, you put farm products in a warehouse and put a distinguishing mark upon the sacks or the container, and a loan is issued upon the warehouse receipts up to 50 per cent of the value of the products. At the end of nine months the loan must be paid, and the question arises whether or not that collateral could be moved to another section of the warehouse and another nine months' loan made on the same goods?

Mr. McFADDEN. That is largely a matter of warehousing, but I would imagine that these institutions in handling that would probably permit a substitution, but at the same time they would always see to it that they were properly secured. If, for instance, the borrower had seen fit to sell a part of his goods which were in storage and get the money and wanted to substitute other products that were satisfactory to the loaning institution, I presume that would work out in about that manner.

Another provision is the question of the consent to be examined. These banks in order to borrow money from this institution have to submit to an examination. I mean by that State banks, savings institutions, trust companies, and so forth. they want to come in under the privileges afforded under this system, they must submit to this examination. They have to do that in writing, and must agree to submit reports as required by the Federal Farm Loan Board,

Mr. BURTON. Is there any provision for an examination as

to the condition of the cooperative associations?

Mr. McFADDEN. That would come under the authority and the rules and regulations promulgated by the Federal Farm Loan Board, and I would presume that they would investigate those institutions thoroughly at all times.

Mr. BURTON. Are these cooperative associations to have any capital whatever?

Mr. McFADDEN. Yes.

Mr. BURTON. Is there any provision in the bill to that effect?

Mr. McFADDEN. No; but there will be an amendment introduced covering that subject. There is also a provision which requires the publication of reports of these institutions, such special reports as may be called for by the Federal Farm Loan Board. My own opinion is that there should be an independent examination of these institutions by the Comptroller of the Currency. That is especially so when the paper which some of these institutions will hold might go into the reservoirs of the Federal reserve system. These institutions can be organized by groups of people, not less than five in any case, and, I think, as the gentleman says, we should put a limitation there that

they should have a certain amount of capital.

The name of the Capper organizations, so called, we have decided on as Agricultural Credit Corporations. They shall have corporate powers similar to other organizations, and what was planned there was that they should be practically independent organizations. It permits the incorporation of companies with \$250,000 of capital. It also provides a right to these institutions to issue debentures and other obligations, which can be sold in the open market or can be used for the purpose of rediscount with the Federal reserve system. They are authorized also to make loans, advances, to discount, rediscount, purchase or sell, negotiate with or without its indorsement any obligations issued for agricultural purposes.

They are also authorized to act as fiscal agents of the United There is a provision also in the bill which permits national banks to subscribe to the stock of these corporations up to 6 per cent of their capital. You remember when we passed the Edge Corporation Act we gave the national banks the right to subscribe to the stock of those institutions up to 10

per cent.

Mr. BRIGGS. Will the gentleman yield for another question?

Mr. McFADDEN. I will.

Mr. BRIGGS. Is there any provision anywhere for the extension of the life of the War Finance Corporation?

Mr. McFADDEN. There is not, but I will say to the gentleman the reason for that is this, that we felt, inasmuch as we were creating an institution here which was to be financed out of the Public Treasury, it would not be necessary in the long run to continue the life of the War Finance Corporation because these two instrumentalities which are created here would serve the same purpose, but the committee have been practically convinced, I think, that it will be necessary to continue the War Finance Corporation until these Institutions can be organized and made to function.

Mr. BRIGGS. That is what I had in mind.

Mr. McFADDEN. My own thought and suggestion in regard to it is we should perhaps continue the life of the War Finance Corporation until December 31, 1923.

Mr. BRIGGS. It expires now the 1st of July?
Mr. McFADDEN. It does; and under the present plan of dissolution it provides that no loans can be made and no new obligations received after May 30. They can continue to close loans up to June 30 on applications received and in process before that time. After July 1 the method in the bill provides for an orderly liquidation over a period of from three to five years.

Mr. BRIGGS. Does the gentleman expect to have a joint resolution passed by the Congress before its adjournment extending the life of this corporation?

Mr. McFADDEN. I understand such a proposal will be of-

fered.

In respect to the loans made from the War Finance Corporation, are not they paid back with remarkable effectiveness?

Mr. McFADDEN. I understand so; yes.

Mr. McFADDEN. I understand so; yes,
Mr. HUSTED. May I interrupt the gentleman?
Mr. McFADDEN. Yes.
Mr. HUSTED. I see that the bill provides that the intermediate credit bank may loan up to 20 per cent of its capital on one class of paper to one borrower. Now, can it loan on different classes of paper to one borrower more than 20 per cent?

Mr. McFADDEN. I will say to the gentleman that is a provision to which the committee gave very careful consideration, and I am frank to say there will be an amendment offered here which will increase that up to 50 per cent.

Mr. HUSTED. On one class of paper?

Mr. McFADDEN. Yes.

Mr. HUSTED. That is 50 per cent on one class of paper and

50 per cent on another?

Mr. McFADDEN. The problem was largely a problem of the cooperative market organizations. For instance, take the Texas Cotton Growers' Association, which has been one of the large borrowers from the War Finance Corporation. Last year they made application and the War Finance Corporation loaned some \$9,000,000 to that organization. Suppose it were one of those institutions at Dallas, Tex., or some other accessible point in Texas, and the Texas corporation of the cotton association came in with a demand for relief through its organization for \$9,000,000. The capital of this local institution would be \$9,000,000. The capital of this local institution would be \$5,000,000. The gentleman can readily see that the Cooperative Market Association could not be served, and he will bear in mind also the loan may be on the basis of 75 per cent of the value of the goods as security.

Mr. HUSTED. I can say this, that a national bank is only permitted to loan up to 10 per cent of its capital and surplus to

one borrower on any kind of security.

Mr. McFADDEN. The gentleman is a little confused in this respect. These loans on agricultural products were made on warehouse receipts, and the Federal reserve act makes loans up to a much higher rate than that. The Cooperative Market Association demands, and they are fully satisfied that they can borrow, up to 65 per cent of the value of their securities.

Mr. HUSTED. I know, but these intermediate credit banks are not only banks of discount but of rediscount and can re-

write and loan their money to certain institutions.

Mr. McFADDEN. Yes.

Mr. HUSTED. On certain classes of paper. Now, this bill provides, as I understand it, they can make loans up to 20 per cent of their capital on any one class of paper to one borrower.

Mr. McFADDEN. That is what the provision is. The committee considered the proposition and we cut it down to 25 because we wanted diversification of loans. It was pointed out to the committee, however, that these are different institutions from institutions which take deposits. They only handle goods as security.

Mr. HUSTED. I realize they do not take deposits, but practically the loans are the same. Does the gentleman think it is consistent with sound banking to permit a thing of that kind to be done?

Mr. McFADDEN. I think it is well to have a limitation on it perhaps, but the demand of the Cooperative Market Association is that the limit ought to be taken off entirely and they ought to be permitted to borrow up to at least 65 or 75 per cent of the value of their products. The probabilities are instances of that kind, with this organization of 12 banks, that those loans will be split up and the burden of responsibility will be shifted from the institutions to 3 or 5 or possibly the 12 banks.

Mr. HUSTED. Is it not true under the provisions of this bill that a few borrowers could exhaust the entire capital of one of these intermediate credit banks?

Mr. McFADDEN. Yes. But all of these operations are to be carried on subject to the regulations provided by the Federal Farm Loan Board.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?
Mr. McFADDEN. Yes.
Mr. KINCHELOE. The gentleman stated that it is contemplated to extend the life of this War Finance Corporation until the 31st of next December. Is that for the purpose of making loans up to that time or for the purpose of liquidation?

Mr. McFADDEN. I should say it was for the purpose of making loans and to proceed practically as it is now doing, but to continue the life of it up to December 31. Congress will then be in session, and Congress can decide whether or not it is necessary to continue the life of the institution for a longer period. I hope however it will not be processary. period. I hope, however, it will not be necessary.

Now I want to get along. I do not want to take up the whole four hours in explaining this bill. We have provided that these institutions can start business when they have paid in 25 per cent of the capital stock, and the balance of it must be paid in and security made in 10 per cent installments. We have also provided that the capital of these institutions can not be reduced without a corresponding reduction of their liabilities, so that the same rate of protection is carried through as the capital might be decreased.

These rediscount corporations can only be organized with a capital of \$1,000,000, and they are provided for the purpose of permitting smaller institutions organized with a capitalization of \$250,000 each to rediscount their paper through these institutions.

Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. BRIGGS. What form of supervision will the Farm Loan

Board have over these intermediate credit banks?

Mr. McFADDEN. I hope that machinery will be provided so that they will be supervised by the Comptroller of the Currency. I believe it will be an additional safeguard to transfer the examination of these institutions from the Federal Farm Loan Board over to the Comptroller of the Currency, and at the proper time I am going to offer such an amendment. I think also they should be further protected by having appraisers.

I do not know anything that would make them more attractive and give evidence of security to a greater extent than to have that paper as originally approved and to have these appraisers keep track of the securities; if it is cattle, to know that the cattle are being taken care of, and so on, so that when that paper goes out in the investment market they will feel that the

security is cared for.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield again?

Mr. McFADDEN. Yes. Mr. BRIGGS. Will the Federal Reserve Board have any control over the credit of these intermediate credit banks?

Mr. McFADDEN. Not directly. But if, as a matter of fact, any of this paper gets into the Federal reserve system in the way of rediscount I can imagine that the Federal reserve system will see to it that they have full knowledge of the security back of those obligations.

Mr. BRIGGS. So that there will be a certain amount of indi-

rect control?

Mr. McFADDEN. Yes. I should say there would be.

Mr. WINGO. I did not get what the gentleman said he

would propose with reference to farm loans.

Mr. McFADDEN. I said there would be an independent examination of these institutions through the office of the Comptroller of the Currency, like that of the Federal farm loan.

Mr. WINGO. What is the idea?

Mr. McFADDEN. The original Capper bill made such a provision, and it is the general opinion of those engaged in the operation of the War Finance Corporation, which has been handling these loans that are to be continued through this other organization, that that is the proper channel to supervise the issue of that paper, the farm loan system being engaged in the handling of long-time credit mortgage loans, and they will be charged with the responsibility of handling the long-time credit from the intermediate banks.

Mr. WINGO. I thought we had settled that dispute when we

made the decision in regard to the farm loan system.

Mr. McFADDEN. I do not think we will have any difficulty when we come to the consideration of that proposition.

Mr. WINGO. Do you not provide under the bill that the board may call for and require the comptroller to furnish reports on the banks that are trying to do business through the

intermediate banks? Do you not?
Mr. McFADDEN. That is very true.

Mr. WINGO. And do you not provide for a special audit by special examiners?

Mr. McFADDEN. Yes; under the control of the Federal Farm Loan Board, I will say to the gentleman. Mr. WINGO. Yes. You do provide, first of all, to get in-Mr. WINGO. Yes. You do provide, first of all, to get in-formation from the comptroller's office, and then you also provide for the board calling for special reports not exceeding three times a year, something comparable to the case of national banks. Then you also provide for an examiner on the part of the board to check up those banks, do you not? Mr. McFADDEN. The gentleman is correct.

Now, I do not care to take up any more of the time of the committee with these explanations. I have tried to explain the various provisions of the bill. We have an amendment of the Federal farm loan act, and there is an element as to rediscount which is very important. We have also inserted a provision

making eligible factor paper.

The amendments to the Federal reserve act are on page 93. We have provided for the repeal of the progressive interest rates, which provision was put in the Federal reserve act during the war and was intended to prevent overborrowing by certain

Mr. WILSON. Will the Mr. McFADDEN. Yes. Will the gentleman yield?

Mr. WILSON. Relative to the tax-exempt feature of the securities issued, I understand that those which are to be issued

by the intermediate credit banks would amount to \$600,000,000 available for loans.

Mr. McFADDEN. That is right. Mr. WILSON. What about the debentures issued by the agricultural associations?

Mr. McFADDEN. They are all exempt.

Mr. WILSON. So that all the paper issued by the banks and the organizations created and authorized in this bill will be exempt?

Mr. McFADDEN. There is a general tax-exemption provision inserted in the bill. I want to make it clear, however, that it does not meet with my approval. The House has gone on record against these tax-exempt securities, and I hope that it may be possible to strike it out. I think these institutions can get along without it.

Mr. WILSON. Will the gentleman give an estimate of the

volume of these securities?

Mr. McFADDEN. Six hundred millions, and I think it will run more than that; it may run up to one billion two hundred millions.

Mr. HUSTED. Will the gentleman yield?

Mr. McFADDEN. Yes. Mr. HUSTED. Is it not true that under the provisions in this bill the intermediate credit banks can issue tax-free debentures up to the full amount of its value and all securities and cash?

Mr. McFADDEN. That is true. Mr. LONDON. Will the gentleman enumerate the credit

agencies available to the borrower, the farmer?

Mr. McFADDEN. Banks, saving institutions, cooperative produce and marketing organizations-practically every financial institution in the country; and the institutions created under this act have a right to get into the Federal farm loan and Federal reserve system.

Mr. LONDON. You have the farm-land banks and the jointstock land banks, and you are now creating the intermediate credit banks. You are establishing a new financial system. None of the existing institutions seem to be able to furnish the

necessary relief.

Mr. McFADDEN. I stated in the beginning that that is evidently the situation. Mr. Chairman, I reserve the balance of my time.

I yield 10 minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Chairman, it would take 10 hours to outline the three bills included in this one committee amendment. I shall not undertake that task, but I want to submit a few observations for the benefit of my Democratic colleagues. of course, are not surprised at the situation in which we find this legislation. The last Democratic administration took up certain parts of its major program, the revision of the banking and currency laws and the credit agencies of the Nation. Whatever may have been the maladministration of any part of the Federal reserve system, it is conceded by all that this great constructive act is one of the greatest pieces of legisla-tion that any party or any Congress ever enacted. At that time those of you who were present will recall that I insisted that the legitimate credit demands of the American farmer should be taken care of to a greater extent than was taken care of in the Federal reserve act. You will remember the fight we had over the agricultural paper section of that act. The Democratic administration at that time said that the next problem we will take up will be the rural credits, and we took up and we passed the farmers' measure called the Federal We were compelled to confine the act to the land bank act. land-credit system, but we did that with the assurance that the next problem tackled would be that of intermediate credit; that is, the credit that was personal in its character and with a maturity beyond the maturities of the Federal reserve act, But before the Democratic Party could take up and make a solution of that problem the Great War broke out. Of course, then every energy had to be directed toward the winning of the war. Just as the war was about to end the American people, for reasons that it is not necessary to discuss-because there would be a difference of opinion on that-but whatever the reasons may have been, the American people in a moment of mental weakness put this House into the charge of the Republican Party. That was four years ago. They promised then in that campaign that they would carry out that great constructive program which only remained to be completed by taking care of the intermediate credit, and the American people believed it. I said then that they would not keep faith with the American farmer, and now in face of the fact that only a few more days remain of this Congress the problem still remains unsolved.

They had success in the last campaign, and then said, "If you will just elect us to the present Congress, we will do it then," and the American people trusted them once more. thought I understood the temper and honest convictions of those who are in control of this administration, so I predicted we would find ourselves in the situation we are in at the present Two years of this Congress have come and gone and here at the last moment we are called upon to act hastily upon this composite bill, and there are not three lawyers in America who can agree upon a majority of its provisions. We warned our Republican friends in the beginning of this session that they had delayed this matter, and we told them that the Democrats were willing to help them, that we would not obstruct, but to the contrary we said that any effort that they would make to solve this problem would find sympathy and aid from the Democrats. But they said in the beginning of this session of Congress, "We have got to settle the row among the farmers and I think the time has come to tell the truth about this situation. There has been a great deal of camouflage in the newspapers about it and about who is to blame for the present situation. Our Republican friends on the Banking and Currency Committee have had to admit that the Democrats were not to blame. They have said: "Let us get the warring elements in the Senate together. We can not get the Cappers, we can not get the Lenroots, we can not get the La Follettes and the Andersons to agree among themselves, and whenever we do we will put it through the Senate." So the Banking and Currency Committee of the House was restrained by administrative influences and orders from considering this matter until the Senate had got together. Finally they decided that they would have a Capper bill and that they would have an Anderson bill, and they split it up and duplicated the identical words in both bills on some of the provisions, and they sent those into the House committee just a few days ago, in the closing hours of Congress, and then they set up a howl that we must act quickly, that the Banking and Currency Committee was holding it up.

I repeat that the Democratic members of that committee and the Democratic Members of this House have said for two long years to our Republican friends, "Go on and devote yourselves to this problem and solve it; and whatever you try to do, however little it may do for the American farmer, we will come along with you and we will not obstruct"; and we have not obstructed. If there is any man that challenges the accuracy of that statement or says that I have obstructed or refused to help, or that any other Democrat has, I want him to stand up now and challenge it. Do you? Well, if you do not challenge it now, I want you to forever after hold your peace.

Mr. STEAGALL. Mr. Chairman, I desire to call the gentleman's attention to the fact in that connection that the Democrats of the Committee on Banking and Currency have furnished

the quorum.

Mr. WINGO. The truth of the business is that you would not have had this bill out if it had not been for the Democrats, but that is another story that I will tell you about at another time.

Let us get down to this bill. I am talking to you Democrats, and our Republican friends need not listen, because they have

got their order from one group or the other.

will say to them in passing that the bill is not as bad as some of you think it is, nor is it as good as the rest of you think We have pursued the policy of sincerely wanting to help, and we have worked night and day trying to help get something out, hoping that there might be something that would help the farmer. I do not believe there is going to be the great relief coming to agriculture from this bill that the farmer has been told there is going to be. I do not think it is quite as vicious as some of these gentlemen have indicated by their questions. course, most of the questions here this morning indicated that the gentlemen who asked them had not read the bill, or else they were ignorant of the present Federal reserve act. That is the situation that confronts the Democratic Members of the House. Of course, I understand how you feel. Those of you who have been studying this question know that this whole question is being handled from a viewpoint that does not touch the real problem of rural credits. As I said here a few weeks ago on this floor, our Republican friends seem to be wholly incapable of grasping the proposition that by continually improving the credit facilities and the agencies of the man who buys the commodity from the farmer you do not solve the immediate, primary problem of the producer. He may get an indirect benefit, provided the man you are helping, the factor, the cotton factor, the wheat elevator man, will pass the benefits down to the man below. Oh, gentlemen, some of you heard me

10 years ago on the Federal reserve act and the question of agricultural paper.

The CHAÎRMAN. The time of the gentleman from Arkansas has expired.

Mr. McFADDEN. Mr. Chairman, I yield five minutes more

to the gentleman from Arkansas.

Mr. WINGO. What is the problem of rural credits? Each year the tide of tenantry rolls higher and higher; each year it is more difficult not alone for the man who has already his farm home to live and exist and educate his family but it becomes all the more impossible for the young farmer starting out in life, under our present credit agencies, to find any means or system or any plan by which he can finance himself, so that by hard work, by industry, thrift, and economy he can hope to build himself a home that is a home in the real sense of the word because he has builded it and paid for it with his sweat and his brawn. That is the real problem of rural credits. One of the gentlemen by his question suggested something about not being banking paper. Where did we get our ideas of banking paper? We borrowed them from England. We borrowed our maturities of 60 and 90 days from England, because the English business was purely a manufacturing and a commodity business. It did not fit all of the requirements of the business of America. Under the Federal reserve act there are three distinct classes of paper-industrial, commercial, and agricultural. Now, your 60 and 90 day paper takes care of your commercial and industrial matters, because it fits the turnover of manufactures and of industry, but it does not fit the turnover requirements of American agriculture; and I am sick and tired of hearing men—good men, it is true—who know nothing of this problem talk about the farmer wanting some special privi-For years the American furmer has knocked at the doors of Congress, not asking for special privilege, but he says: "You have given an adequate credit system to the manufacturer; you have given an adequate credit system to commerce and business, one that fits its maturities, and in that system you have made it possible for the paper of manufacture and industry and commerce to be used as a basis for the issuance of currency and gold demand obligations on the United States Treasury.'

The farmers say that if you will just give us some agency that will amply and reasonably rediscount our paper, we will not ask for the other. He is not asking for a special privilege, but he is demanding that you at least in part give equal facilities to work out his problems upon the farm, build up his industry, and increase the wealth, the strength, and the credit of the Nation by increasing its food supply and the production of raw material upon the farm. Those are just a few scattered thoughts I desire to leave with you to-day. Later on I may discuss this bill; I am not going to tell you it is absolutely perfect; I am not going to tell you it will make the American farmer wealthy and happy. It is not going to give that credit which some gentlemen believe it can. Neither is it going to bankrupt the Treasury of the United States, nor is it going to overturn all the credit agencies of America. It is not so important as either the enemies or the friends of the measure

insist that it is.

The CHAIRMAN. The time of the gentleman has expired. Mr. LUCE. It is almost a calamity that problems of this magnitude should be laid before the House in the closing days of the session, with the necessity of hasty consideration and imperfect treatment. I am told that gentlemen worked over the act creating the Federal reserve system for three months. The House will not now have devoted three days to a system that in principle and perchance in possibilities is just as important or will prove to be as important as the Federal reserve system. The most dangerous part of this bill was considered by the committee with less time than it has given to any other important proposition since I have been one of its members. As a member of the committee I conceived it to be my duty, although opposing many features of the bill and intending to oppose it as a whole, to contribute as I could toward perfecting the measure. If perchance in considering it under the fiveminute rule I should have occasion to point out defects which we did not remedy I trust it may be understood that had they been brought to attention before the committee had reported I should have tried to secure attention to them then and shall now present objections in no captious or dilatory spirit.

It is particularly desirable that there shall be at least one consecutive statement of the situation, even though it must be laid before less than one-fourth of the Members of the House who will pass the final judgment upon this measure. But accepting the conditions under which Congress works, although with great regret that such a huge problem as this

will be voted upon by many gentlemen who have not heard a word of the argument-accepting the conditions, I shall take advantage of the good fortune that gave me the control of the time in opposition to ask your indulgence for as nearly an adequate statement of the problem as it is within my power to

In the course of the Great War the American farmer profited more than any other class in the community. The average yearly earnings of the factory employee, as measured on the basis of prices of 1913 and as reported by your instrument of the farmers' bloc, the Commission of Agricultural Inquiry, fell from \$793 to \$725 in two years. The average yearly earnings of Government employees fell from \$810 to \$566. The average

reward per farmer rose from \$534 to \$826. This wonderful accession of prosperity to the class which of all classes in the community might, without intent of invidious suggestion, be called the profiteering class during the war, this wonderful accession of prosperity resulted in resort to comforts and luxuries not before that enjoyed, and ended with the farmer having laid by little or nothing against the lean years. He was first hit by deflation and he suffered the worst. The outcome was that in 1921 his condition became lamentable and he turned to Congress for relief. Whether or not the charges made by my Democratic friend from Arkansas just now are justified, the fact that the Republicans must stare in the face is that many months have passed without giving the farmer the full measure of relief he has asked. Meanwhile in the last year the condition has changed once more, and there is no longer that crying need for help which previously existed. The total actual value of the cultivated crops of 1922 was \$7,483,000,000, or about 83 per cent greater than in 1921, and it is estimated by the Department of Agriculture that those crops had a 43 per cent greater purchasing value than the crops of 1921. In spite, however, of this rapid return toward prosperity the farmers have risen en masse and demand of us help out of the Public Treasury.

The trouble with the farmer is very simple. After the infla-tion period following the war he raised more crops than the world could or would buy. He overproduced. The natural and inevitable work of the law of supply and demand followed. The farmer had put upon the market more food than the world could or would buy. The price of his food fell. He imagines various remedies desirable. One appears in bills now before the Congress providing for loans to possible buyers in Europe. It is as if a merchant who finds his trade is falling off—customers are not coming into his shop—should say, "I will go out on the street and lend the passers-by \$10,000 in order that they may come in and trade with me."

Of course, the one remedy when you raise more than the world will buy is to stop raising so much food. That is what When men will we people in the manufacturing centers do. not buy our shoes or our cloth or our other products we shut down the factories or reduce the force and let employees go into occupations where there is a demand for what they can produce. Instead of that the farmer comes up here and makes two types of demands: One, "Lend to the poor people of the world money so that they can trade with me"; the other, "Lend me money so that I can hold my product until the rest of the world gets able to buy."

At present there are at the command of the farmer material sources of credit. The War Finance Corporation now has loans outstanding to the amount of \$131,000,000. The national banks have lent, under that provision of the statute relating to loans on farm lands and real estate, the last time I made inquiry, \$163,000,000. Those are small sums compared with the one thousand million dollars or thereabouts that we have lent through the system of farm-loan banks and joint-stock land banks, and there are 30,000 national and State banks throughout the country hunting for business.

Within a fortnight a banker in Illinois has written to me telling me that he has on hand to lend in a farming region three times as much money as he can safely lend upon the security that is offered.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. RANKIN. What interest does he propose to charge? Mr. LUCE. I do not know.

Yet the farmer, having been impregnated with the idea that the way to prosper is to borrow, and being in dire straits, as he thinks, comes up and asks that we emulate Moses. You will remember that Moses had told the Lord that the people were almost ready to stone him, as there was no water in the desert, and He said: "Behold, I will stand before thee there upon the rock in Horeb; and thou shalt smite the rock and there shall

come water out of it that the people may drink." And Moses did so in the sight of the elders of Israel.

These men come and ask that, like Moses or Alexander Hamilton, we smite the rock that the flood of credit may come out and relieve their ills; and to that end we are asked to plunge the Government still further into the operations of business and to construct a system that shall furnish this stream of credit at the expense of the taxpayer.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. LONDON. If Moses could do it, why can not Capper or Tincher do it? [Laughter.]

Mr. LUCE. One of those gentlemen is here to answer for himself as to his power.

Mr. STAFFORD. Let the gentleman yield to the stately gentleman from Kansas to answer. [Laughter.]

Mr. LUCE. He will get time after I have finished if he

Let me recall to you that Buckle, in his History of Civilization, made this statement:

The accusation which the historian is bound to bring against every government which has hitherto existed is that it has overstepped its proper functions, and at each step has done incalculable harm.

And further:

No government having recognized its proper limits, the result is that ery government has inflicted on its subjects great injuries.

And still further, as of particular application to the bill be-

Legislators, in every attempt to protect some particular interests and to uphold some particular principles, have not only failed but have brought about results diametrically opposite to those which they proposed.

Now let us draw some conclusions from recent economic history as to whether in this instance the results for the farmer himself as well as for the people may not be diametrically opposite to those which are hoped. For instance, the only reason why the farm-loan system was justified and adopted was that it would lessen tenancy, the hiring of farms. Not as a result of but coincident in part with the early development of the system we find that tenancy in the United States actually increased from 37 per cent in 1910 to 38.1 per cent in 1920.

Mr. McSWAIN. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.
Mr. MosWain. Does the gentleman consider whether or not but for the enactment of the Federal farm-loan system it would have increased 60 per cent? I know that a farm owner would have become a tenant except for the relief that that system gave him.

Mr. LUCE. That is possibly true. But one can only draw the apparent conclusion from the figures presented. The mortgage indebtedness of Iowa increased from \$205,-

000,000 in 1910 to \$490,000,000 in 1920, or about 140 per cent.

Mr. LONDON. For the same acreage? Mr. LUCE. As to that I have not the figures.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. LUCE.

Mr. JOHNSON of South Dakota. The gentleman realizes, however, that the value of lands in Iowa increased more than 140 per cent in the same period-the value of the farms them-

Mr. LUCE. The values of land in Iowa change so rapidly from day to day that I would not undertake to tell at what

point they stood on any given date in 1920.

Mr. JOHNSON of South Dakota. The gentleman will recognize that, as they change from day to day, it is an increase instead of a decrease?

Mr. LUCE. Not in the last year or two. The arrow that went up has come down. Almost everything that goes up comes down.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. LUCE.

Mr. STEVENSON. If the farmers in Iowa are going back, as the gentleman has stated, does not the gentleman think that we ought to help them out?

Mr. LUCE. Of course we are here to help them out,
Mr. STEAGALL. Will the gentleman yield?
Mr. LUCE. I will.
Mr. STEAGALL. If the farmer's indebtedness in Iowa has increased, as stated by the gentleman, which I do not question, since 1910, is not that a good argument in favor of some legislation that will increase his credit facilities?

Mr. LUCE. The appetite grows by what it feeds on.

[Laughter.]

Mr. STEAGALL. Does not the necessity grow where there is such an enlargement of public indebtedness?

Mr. LUCE. The victim of the borrowing disease imagines it.

Will the gentleman yield? Mr. FESS.

I will yield to the gentleman from Ohio. Mr. LUCE.

Immediately after we entered the war there was Mr. FESS. such an inflation of farm-land prices that in many places the price of the farm, not the value, went up two or three times what it was normally. In my section farms that would sell for \$150 an acre sold as high as \$300 an acre.

And it is the men who got caught that come here Mr. LUCE.

and ask for this legislation.

Mr. FESS. When such prices as those were offered many people in my community sold-perhaps for \$100 down and \$200 given as a mortgage, so that the mortgage on that particular piece of land was 200 per cent more than the mortgage would have been before the war. The difficulty is that when the slump came here is the mortgagor holding the property with a mortgage on it and the whole value of the farm would hardly pay the mortgage. I do not see how we can remedy that by more That is a bad situation growing out of the war. legislation.

Mr. LUCE. I quite agree with the gentleman. Mr. JONES of Texas. Will the gentleman yield? Mr. LUCE.

Mr. LUCE. Yes

Mr. JONES of Texas. I want to suggest that in my section the trouble is not so much that there is no credit, but the rates that are charged, compounding the interest every 90 days, and in many instances at the rate of 8 and 10 per cent, that we want some credit system devised whereby credits may be at a lower rate of interest.

Mr. LUCE. The Banking and Currency Committee worked long and faithfully to devise such a system, and last Thursday had such a system ready to present to the House, with almost unanimous agreement, when in the twinkling of an eye we had the whole work spoiled by adding a fifth wheel to the coach. I may come to that later, if I am permitted to proceed.

Mr. RANKIN. Will the gentleman yield?

Mr. LUCE. I will yield.

Mr. RANKIN. The gentleman was apparently quoting some authority a few minutes ago to the effect that when the Government stepped beyond the bounds of propriety of legitimate authority to enact legislation apparently protecting a class or an element, that invariably they brought about a more direful situation than when they attempted to

Mr. LUCE. I have another illustration.

Mr. RANKIN. I want to ask the gentleman if that does not

apply more forcibly to the tariff?

Mr. LUCE. My next illustration is directly on that point. My friend may remember that I fought as vigorously as I could against the so-called emergency tariff bill. Was the gentleman with me in that matter?

Mr. RANKIN. I was. I am opposed to all tariff except for revenue. I want to say further, the gentleman sald a minute ago that in the manufacturing business you relieve the situation when you have low production. You criticized the farmers because they can not relieve their situation and then you say that in the manufacturing sections they cut down the products, when as a matter of fact they come to Congress and ask a raise in the tariff to take care of it.

Mr. LUCE. Continuing with the illustration in question, I want to lay before the House the fact that when the emergency tariff bill was passed the price of wheat was \$1.33\frac{1}{2}, and in the course of the operations of the emergency tariff the price

fell to 92.7 cents.

Mr. CARTER. Will the gentleman yield? Mr. LUCE. Yes. Mr. CARTER. Is the gentleman attempting to prove by that that the tariff does the farmer no good and that the Democratic idea that it is all bunk is correct?

Mr. LUCE. I am trying to prove that every time Congress

hands out special legislation or special privilege to help a class it hurts the recipient.

Mr. DOWELL. Will the gentleman yield?

Mr. LUCE. I will.

Mr. DOWELL. Does the gentleman hold that same notion in reference to the purchase of the Cape Cod Canal?

Mr. LUCE. The Cape Cod Canal can stand on its own

The effect of it was to reduce the exportation of wheat flour from this country from 26,000,000 barrels and odd to 16,000,000 barrels and odd. We lost the milling of 10,000,000 barrels of flour. At the same time we kept the price of bran and shorts where it was. The farmer got it coming and going as the result of the special privilege.

Another instance of special privilege is the War Finance Corporation.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Yes. Mr. LUCE.

Mr. WINGO. The gentleman is still talking about the tariff, is he not?

Mr. LUCE. I have just embarked upon another feature of discussion. Let us take up the tariff after I have finished with the others.

Mr. WINGO. I thought the gentleman had been discussing

the tariff all of the time.

Mr. LUCE. I am now turning my attention to a field of Government activity with which the Democrats have been in just as hearty sympathy as the Republicans, in the committee and out of the committee. I demurred at extending the operations of the War Finance Corporation, you will recall, was revived very largely in order to lend money to foreigners with which they might buy our overproduction, and in the course of the corporation's effort to do this they succeeded in one year in financing as many exports as would have been handled ordinarily by our exporters in four days and a half out of the 365. Not accomplishing their promises in that direction, they undertook to lend money to save the struggling farmer. They did not lend a cent in New England, in New Jersey, in Pennsylvania, Delaware, Maryland, the District of Columbia, or West Virginia, and in New York they lent about one-fifth of 1 per cent of all their loans.

I do not desire to be understood as criticizing the administrative excellence of the work of the War Finance Corporation. From the first I have held that it is always unwise for the Government to embark upon any enterprise when private capital is ready to engage therein. I have the same objections in the present instance, and fear that the same result will follow the further debauching of the spirit of self-reliance which has

been the boast of the American people. mr. BLACK. Mr. BLACK. Yes. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Does the gentleman take the position that the War Finance Corporation has not rendered very great assistance to the cooperative organizations in the marketing of cotton and tobacco, and so forth? And can the gentleman cite any other agency that would have taken care of those credits in

the event that the Congress had not created it? Mr. LUCE. At the very moment that you were passing the

bill bankers were gathered in Chicago for the purpose of starting precisely this movement; and as soon as the Government undertook it private enterprise disappeared. It always does, and it will follow in this case. You are creating here two competing systems, a Government system and a private system; and the private system is idle, vain, and useless, because the Government system, which will be free from taxation and all of the other charges of private operation, will leave no opportunity for private enterprise to succeed.

Mr. BLACK. Speaking of exports, we passed a law authorizing what is known as Edge corporations. There has been no restriction upon them, and we are bound to admit that private capital has not availed of it. So far as I know, none of these

corporations has been organized.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. LONDON. Is not a bank a public reservoir of private

Mr. LUCE. Yes. Mr. LONDON. Then, the public should have something to do with it.

Mr. LUCE. The gentleman and I are using the word "public," however, in different significations.

I told you we had prepared a bill that we hoped would meet the exigency, combining the provisions of what is known as the Capper bill and the Strong bill, when there was precipitated upon us the proposal to incorporate the Lenroot bill.

At this point I desire to lay before the House the judgment of that bill given by the man who is the chief financial adviser of the United States of America at the present time, the Secretary of the Treasury. His words are apropos of my statement that these things do not benefit recipients. He says:

I am convinced that no benefits will inure to the farmer from a system which is financially unsound. The farmer has suffered enough in the past from unsafe banking systems. Let us not now add to this source of danger to the farmer by giving the sanction of the United States to a system which violates every canon of sound banking to which this Government has been committed since the establishment of the national-bank system.

Let us, then, consider this proposal which violates every canon of sound banking. It is, of course, unfortunate that in this matter two other Secretaries of the Cabinet take an oppo-Mr. Hoover and Mr. Wallace praise this thing with glittering generalities-as many as the facts that Mr. Mellon uses in condemnation. It is not true that the thing before us was ever approved by the Federal Reserve Board or the Treasury Department or recommended by the credit committee of the Agricultural Conference. I doubt if the thing actually before us has been studied by any of the men who have written letters to you or sent you telegrams.

I think I am within the bounds of accuracy in declaring my confidence that not one man in five of your Committee on Banking and Currency believes in his heart that this is a sound bill, and yet you are asked hastily, precipitously, to sweep this thing upon the statute books. Gentlemen, in pity for myself I recall my own situation when in the recent presidential campaign I left no stone unturned to declare it my own judgment that the Congress of the United States should make the laws for the

Nation.

Let us see what is the trouble with this bill. Its purpose is fundamentally dangerous. The maintenance of prices at a level higher than is warranted by the operation of the law of supply and demand is always an ill-advised economic proposition, sure to be a disappointment to those whom it is meant to benefit,

The operations of the bill will constitute a serious menace. It is proposed here to build a banking system upon the security of staple crops. Let me point out to you that in the 10 years between 1912 and 1921 the price of No. 2 yellow corn in Chicago fluctuated from a minimum of 60 cents to a maximum of \$1.95.

You are to use as security for loans of as long a term as the farmer can induce the credit bank to make-up to three years products ranging in a single decade between the extreme of 60

Mr. BLACK. The gentleman does not mean to tell the House that there is in contemplation in this bill any loans to be made on the marketing of corn for three years, does he?

Mr. LUCE. I see no reason why not, if the marketer desires to store the corn for three years. Pharaoh, or was it Joseph,

stored it for seven years.

Mr. BLACK. The gentleman knows that it is not contemplated to make loans on commodities stored in warehouses for any longer time than the marketing season.

Mr. LUCE. But what is to prevent it?

Mr. BLACK. Of course, there is no express prohibition in the bill.

Mr. LUCE. My friend knows that one of the purposes of this bill is to enable the farmer to gamble with his products.

Mr. BLACK. Oh, no; I absolutely deny the gentleman's conclusion. Of course, I know that he would not make a willful misstatement, but I take issue with the gentleman. The very purpose of the bill is to eliminate speculation.

Mr. LUCE. It has that as one purpose, but we have been told again and again and again that the farmer is now in the hands

of the middleman.

Will the gentleman yield? Mr. McSWAIN.

Mr. LUCE. That the farmer is now in the hands of the middleman and the commission merchant, and that his only salvation is to let him do the work of the middleman and the commission merchant himself. We are told that the farmer ought to be furnished facilities to hold his product until he can get a good price for it. That is just as much the purpose of the bill as is that of any other provision.

Mr. McSWAIN. While I am not on the committee and know nothing of its secrets or purposes, I would vote for the bill on the assumption that its purpose is to enable the farmer, if anybody is going to speculate, to speculate on what he has raised before the other fellow gets a chance to speculate on it.

Mr. LUCE. Precisely. Mr. MORGAN. Will the gentleman yield?

Mr. LUCE. If the gentleman will confirm my argument, as

did the gentleman from South Carolina, I will yield.

Mr. MORGAN. The gentleman referred to the fact of the fluctuation in corn between certain periods. The grain business happens to be one business I am engaged in. Is not it the fact that there is a preferred credit through banking institutions securing loans to gamblers upon farm products, and that the gambler receives a higher range of prices or profits than the price the farmer receives; that the speculator ultimately receives a higher price for his product because he is a preferred creditor over the farmer?

Mr. LUCE. That confirms my understanding.

Mr. MORGAN. Because the credits are not limited. Hence the frozen credit will not occur in the case of the farmer's credit because of the credits extended to speculators on the market beyond a base on which it can be maintained.

Mr. LUCE. So far as the gentleman's statement refers to he point I was making I understand he agrees with the gentleman from South Carolina. The farmer comes up here and says, "Deal me a hand." [Laughter.]

Mr. BLANTON. Will the gentleman from Massachusetts

yield?

Mr. LUCE. I will.

Mr. BLANTON. The gentleman designates it as naughty gambling.

Mr. LUCE. Naughty?

Mr. BLANTON. At least he intimated it was naughty gambling that permitted the farmer—
Mr. LUCE. I deny the word "naughty." I did not use it.
Mr. BLANTON. I gathered that from the gentleman's tone of voice. Why should not the farmer as well as the manufacturer of the implements he uses or the manufacturer of his clothing, both of them can go upon the market under the financial system that the gentleman has helped to establish and get all the money they want and hold over their articles in the market as against them, and why should not the farmer have

the same right?

Mr. LUCE. Simply because the manufacturer, the trader, comes pretty near gambling on a sure thing and the farmer is

gambling on a most uncertain thing. Mr. BLANTON. I have seen a farmer who raised milo maize one year that would not sell at \$5 a ton, and if he could have held it for less than nine months milo maize was selling at

\$20 a ton. Mr. LUCE. It might be selling at 20 cents a ton.

Mr. BLANTON. Yes; and if he could have a chance he should have the same right as well as everybody else.

Mr. LUCE. I am perfectly willing, but I do not want him to take my money so that he may gamble. I do not want him to tax me to get money with which to speculate.

Mr. BLANTON. It is a question of who is being taxed Mr. LUCE. Here is another illustration: In January, 1921,

butter was being put on the market out of cold storage in New York at 40 to 45 cents a pound, 10 cents a pound less than what the middleman paid. In my State the egg men a little while ago came pretty near going broke by reason of the rapid fluctuation in foodstuffs. Take the matter of wheat. In the war period, from July, 1920, it was selling at \$2.88, and it dropped and dropped until it got to 92.7 cents.

The farmer, in my judgment, is not by training or tempera-

ment as a rule qualified to be a good marketer. I do not believe it is wise for this Congress to encourage him in trying to be a marketer; but if he is to be a marketer and if we are to give an equal chance, let him have a system without the defects

of this one.

You propose to set up side by side with the national banks a system of Government owned and controlled banks offering lending facilities. Will not the first effect be that your local banker will turn over to it all the worst loans? He will unload the bad debts on the Government.

In the second place, we are putting a huge system of longtime credits in the hands of inexperienced men. Within two or three years there have failed in my city, or rather in the city of Boston, where I have my office, five trust companies, involving about \$45,000,000, handicapping and harassing 116,000 depositors. The reason that those failures took place—the primary reason-was the volume of money that had been lent to manufacturers for the purpose of furnishing them working capital.

Here is the basic weakness of this system, in my judgment: The attempt at the expense of the taxpayer to furnish working capital to farmers through institutions where there ought to be at least liquidity enough to secure the payment of the debentures to be issued when these debentures are due.

Mr. HILL. Mr. Chairman, will the gentleman yield for a

question?

Mr. LUCE. I would like to finish this line of argument. Next, the question of the security upon which this money is to be lent; and here again I desire to quote from the Nation's chief financial expert, the Secretary of the Treasury. He says:

He says:

One might expect to find, therefore, safeguards and limitations thrown about such paper comparable to the safeguards thrown around the farm-mortgage paper upon which the existing Federal farm-loan system is based.

No such limitations or safeguards are provided. Only in the case of direct loans to cooperative producing or marketing associations is there any requirement as to security. Such direct loans must be upon live stock or commodities, and must not exceed 75 per cent of their value. These limitations are not applicable to paper rediscounted for banks, rural-credit corporations, live-stock loan or farm-credit companies, or cooperative credit associations. A farm-credit corporation could invest ten times its capital in crop mortgage paper, with all its

hazards and uncertainties. A cooperative credit association, without a dellar of capital, could make unlimited loans to its members without any security whatever. And such paper, discounted with a farm-credit department, could form the security for debeatures issued under Government auspices and sold to investors.

Now notice the conclusion of your chief financial expert, officially the foremost financial authority;

cially the foremost financial authority:

It is apparent, therefore, that the most elementary principles of sound finance have been overlooked in drafting the bill. In its national banking laws the United States Government has set up a standard of sound banking which is regarded as a model among the States. Through the Federal Reserve Board it endeavors to promote sound banking practices on the part of State banks which are members of the system. In its Federal farm-loan system it has set a standard of conservatism and soundness which has won the confidence of investors. It is difficult to conceive that Congress should now stand sponsor for a system which violates every sound banking principle and contains not even the rudiments of safety.

It seems to me that a careful study of the measure in the light of this memorandum leads necessarily to the conclusion that its financial provisions as now drawn are unsound and dangerous, and that its administrative features are unworkable.

And further:

And further:

And further:

I am convinced, however, that no benefits will inure to the farmer from a system which is financially unsound. The farmer has suffered enough in the past from unsafe banking systems. Let us not now add to this source of danger to the farmer by giving the sanction of the United States Government to a system which violates every canno of sound banking to which this Government has been committed since the establishment of the national banking system.

A fundamental defect in the Lenroot-Anderson bill, from the point of view of the farmers whom it is intended to benefit, will be its inelasticity. The Federal reserve system is based upon the theory of an elastic currency. As long as reserve requirements are met the Federal reserve banks can issue all the currency that is required for legitimate commercial or agricultural needs. The farm credits system created by the Lenroot-Anderson bill, however, depends upon the sale of debentures in the investment market. In a time of difficulty debentures may be unsalable. Yet it is in periods of stress that the farmer is generally most in need of credit. During the collapse in agricultural prices in 1921 the situation was greatly aggravated by a general calling of loans on the part of the banks, due to reduced deposits. A bank has a strong incentive to accommodate its customers in a time of stringency. The investors bolding farm credit debentures will have no such incentive. They will expect that the debentures be paid when due, regardless of the needs of the farmer. To protect their debentures the land banks will be compelled to liquidate their paper, to press it for collection, regardless of the hardships to the farmer. Far from supplying a reserve facility in times of deflation and stringency, the Lenroot-Anderson bill will, therefore, tend to accentuate the stringency and accelerate the contraction of credit.

This still further puts the Government into business, and probably permanently. Secretary Hoover gives what I think is an inaccurate impression when he speaks of this money being a It will be a long, invested. We have temporary advance from the covernment.

long time before the profits repay the capital invested. We have war-finance system was first under consideration in this House the gentleman from North Carolina [Mr. Kitchin] commented that even for the purposes of war it was so radical and economically revolutionary that a mind most radical would hesitate to indorse it. More recently, in August, 1921, my friend from Arkansas [Mr. Wingo] quoted the chairman of our committee [Mr. McFadden] as saying:

I will agree to it, provided you will bring the business to a close July 1, 1922.

Mr. Meyer himself, the head of the corporation, came before our committee on the previous 9th of August and said:

We feel that July 1, 1922, would be an appropriate date on which to terminate positive action in connection with this power.

But Mr. Meyer wrote to the President on April 20, recommending an extension until 1923. I thought on Saturday night that we had put a quietus on this temporary expedient; but this afternoon the chairman of the committee has assured the House that before we conclude the consideration of this bill he is going to move to extend its life still more.

How many assurances are necessary in order to secure the

ending of any temporary governmental emergency?

The great objection to this matter is that it is class legis-One-quarter of the men of this country are farmers; one-quarter. It is proposed here to give the special privilege of working capital free from taxation to this one-quarter of the You are going to give it to the man who raises the calf, but you are not going to give it to the man who turns the calfskin into a shoe. You are going to give it to the man who raises the wheat, but you are going to refuse it to the man who turns the wheat into flour. You are going to help one-quarter of this country with a special privilege that you deny to the other three-quarters.

More than that, you are going to confine all actual help of this system, if it gives any help at all, to one region of the country. Gentlemen of the West and South do not admit that there is a farm east of Pittsburgh. But I would point out to them the fact that in New England and the Middle States there are nearly 600,000 farmers, using property valued at \$5,000,000,000 and with an agricultural output of \$2,427,000,000. Through you, Mr.

Chairman, I want to tell some of my agricultural constituents that this bill will not give one iota of help to any eastern farmer. It is meant for the Junkers of Iowa and Kansas and Ne-braska, the men who come here and say, "Our farms are worth \$60,000 or \$80,000 or \$100,000. We must have money out of the Public Treasury." No small farmer will get anything out of this. No small farmer will be allowed to participate. This is going to go on for the benefit of that one-eighth of the farmers of the United States who have prospered so greatly that they have put themselves into the industrial class, and now they ask special favor.

They ask for bread and you give them a stone. nothing compelling the banks to use this system. The discount limitations strangle the thing. The delay in putting it into operation will prevent it from being of any value to the farmer this year.

It is almost wholly built on warehouse certificates. We have no warehouse certificates in New England. A New England farmer meeting a warehouse certificate in the dark would be afraid of it.

The system is inelastic, and that is its weakest point. It can be the least used when it is most desirable, for in times of stress you can not sell the debentures. Only when there is plenty of money can you sell the debentures. What is going to happen? In times of stress the farmer will come to the Treasury, as he came in the case of the Farm Loan Board, and say: "I can not sell the debentures; give me the taxpayers' money." We gave it to him, through the Farm Loan Board, in millions. That is what is going to happen here. You have built this system absolutely the reverse of the Federal reserve system, which was created so that in time of stress, when men most needed and deserved credit they could be protected from ruin. Here you have the opposite of that system. Whenever the clouds appear on the horizon there is no haven of refuge. When the storm breaks the door is shut, and the farmer can get no relief.

Mr. McSWAIN. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. McSWAIN. If what the gentleman says is true, would it not be fair to have the notes and obligations of the farmer placed in the Government agency, just like the Federal Re-serve Board, and issue upon that the currency of the United States just as obligations of merchants and manufacturers are issued under the Federal reserve system, so as to relieve the stress and strain that the gentleman is arguing against?

Mr. LUCE. My friend will have ample opportunity to pre-

sent that in the next presidential campaign when he takes the stump in favor of Henry Ford as President and Thomas A. Edison as Vice President. [Laughter.]

Mr. McSWAIN. Did not my friend and the bankers make that same argument against the Federal reserve system in 1913?

Mr. HILL. Will the gentleman yield?

Mr. LUCE. I will.

On page 17 of the report of the committee I Mr. HILL. notice this:

The intermediate credit banks are permitted to rediscount paper purchased by them and to issue collateral trust notes and debentures based on such paper and sell the same for the procurement of additional loanable funds. These debentures are made tax free and may be purchased by Federal reserve banks with the restriction that no such debentures may be purchased by a Federal reserve bank which has a maturity of more than nine months from the date of purchase.

I would like to ask the gentleman if he has estimated how much these tax-free securities will amount to?

Mr. LUCE. Six hundred million dollars. Mr. HILL. The intermediate banks ar

The intermediate banks are to be capitalized and capital owned by the United States-\$5,000,000 a bank; Does the gentleman know why, in view of the fact that the United States Government is to be the sole stock-holder, the shares are put at \$5 a share?

Mr. LUCE. Those are mysteries of the bill that I have not yet solved.

Mr. LONDON. It is no mystery. It is a part of the fraud to make the poor devil believe that there is such a thing as a \$5 share. It is not any mystery at all.

Mr. LUCE. Now, let me get down to some facts that may show the real problem and the real remedy. There came before our committee one man who knew what he was talking about. Probably there were others, but there was one experienced man whom I particularly have in mind. He had actually solved the problem. After we had gone into the war he wanted to help. Some wealthy friends in New York asked him what he could do. He said, "You put \$500,000 at my command and I will get the farmers of New York State to grow crops." He started an institution known as the Farmers' Fund (Inc.), and in four He started an weeks it was lending money.

That is what private initiative did. After the war he continued the concern as a philanthropic enterprise. It has loaned money to more than 26,000 farmers in New York State-1 out of every 10. It has loaned more than a million dollars. What did this man-who knew what he was talking about, who had tried out the thing, who knew what the farmer wanted and what he needed-what did he tell us? He told us that the average size of his loan had never exceeded \$110—that he had made scores of loans of \$50—and he said, "If you will only furnish rediscount opportunity you need do nothing more. That is what the Capper bill provides. But at the moment when private enterprise begins to meet the real needs of the men who need the money—the poor farmers, the struggling farmers, not the wealthy land barons of Iowa, but the struggling farmers of all the land-you are making provision sure to throttle private enterprise. If you will only devise some system to meet those needs, you have fulfilled your promise.

Recently has appeared a statement of what is being done in Iowa, where the supplicants for public bounty have overloaded

themselves and demand this help.

I find that at this very instant a concern capitalized at \$5,000,000, known as the Iowa Farm Credits Corporation, is at work promising to accomplish successfully that which these gentlemen desire to do at public expense.

Every time you start the Government into business and give it the support of tax-free money, give it unjust and unrighteous advantage over private competitors, you destroy

private competition.

Remedy in the way of private initiative has been the most useful result of the War Finance Corporation. Mr. Meyer went through the West and induced the starting of live-stock association after live-stock association. Now he advises us to furnish machinery, without cost to the taxpayer, by which men may help themselves. That is the secret of the safety of this country.

I come from an industrial city, a city of wage earners, the city of Waltham, in Massachusetts, a city of 30,000 people, having very few persons of large means. Let me show you what the savings bank is doing in a city of 30,000 people. We have a savings bank with 13,799 open accounts. Almost one for every two inhabitants of the city. We have deposits of These men with a small daily wage are furnishing \$6,449,000.

You of the West point your finger reproachfully at me as representing the interests, as representing Wall Street and State Street. I do. I am a director in one of the lesser insurance companies, and every time I earn a \$10 bill by going to a directors' meeting-and that is all I get out of it for the use of my name, it is a mutual concern-I hear the report of the investment committee giving the list of loans. They are made in Oklahoma, in Kansas, in Missouri, in Iowa, in Minnesota. I do represent the interests. Where is this money coming from which is going there? It is coming from 10 and 15 and 20 and 25 cents a week savings made by scrub women, by cooks, by laundry workers, by poor men and women who lay aside that much every week in order to be sure of enough money to pay the doctor and the undertaker. That is the money that is going out there to fertilize the fields of Kansas and Oklahoma and Iowa.

We are furnishing it because we have inculcated in my country the doctrine of thrift. There is your remedy—not in any recourse to the Public Treasury for funds, not in coming to Congress for a law that will compel the taxpayers to help you out of the hole. Let you gentlemen of the South and the West organize mutual savings banks and cooperative banks, and out of your own savings furnish your own capital.

This bill does not even contemplate the offering of a single share of one of these credit associations to anyone to buy. prevents investment. It does not encourage anybody to take any part in the enterprise. It shuts the door on thrift, and says that you will rely only upon the taxpayer and on Washington. I deplore that program. I beg of you to imitate the East in what it has done in saving this money, in putting this capital into the hands of those who will use it profitably. If you will turn to thrift and self-help and make your motto, "God helps them that help themselves," then you will cure your ills. [Applause.]

Mr. McFADDEN. Mr. Chairman, I yield five minutes to the

gentleman from Kansas [Mr. Tincher].

Mr. TINCHER. Mr. Speaker, my friend from Massachusetts is here, and I am glad he is here. I think that all schools of thought should be represented in a body of this kind. We all knew what position he would take. When the farmers of America agreed to ask that a certain kind of legislation be enacted into law, we did not have to wait until the Banking and Currency Committee reported a bill to know that our friend Luce would be against the bill. Those of us who have had the pleas-

ure of serving with him knew the position that he would take. I want you to stop and think about one thing he says. the farmer should not be a marketer. He repeated it time and again. What did that mean? That means that my constituents must be peasants, not even have the facilities for marketing their own productions, while his constituents should be the marketers. Ah, Mr. Luck, the day and time has passed when we shall legislate only for the man who manufactures "cawfskin" into a shoe, ignoring the man who produces the "cawf." Them days are gone forever. I think one distinguished Congressman said to the gentleman that he was born under a shell, and I say that he should come out from under his shell; he should get out of the New England fog and appreciate the fact that this great country of ours in the main is west of the Allegheny Mountains. [Applause.] We have some rights. When you say that we should not be marketers, when you say that there should not be any legislation for the man who raises the "cawf," when you say to the American farmer that he should not have the same credit facilities and the same advantages in business as the man that manufactures in Boston, then I say, how about special legislation for Boston? I have been to Boston, and when I was there I wished that your common council would pass an ordnance to straighten out some of your streets. How could a man be straight on a bill and advocate good legislation who winds his way around those streets? [Laughter.]

Of course the gentleman represents the interests, and he is

honest because he says we should be peasants, but those days are getting better and better every day. I was up to your own town and your own people did not agree with you. They sent for me because you told them that I belonged to a farm bloc, and they thought they were going to see a fellow come there with horns, but when I told them that they were narrow provincials they said "no," that it was just their Congressman who was that way. They have seen the light. I will tell you how Henry Ford can be elected President. Let you write the Republican platform. That is the only way that he can be elected President. Let you write the tariff laws, and let you be the Republican Party; but you are not it. You do not represent

even the majority of your own delegation.

I predict now without having talked to the Members of Congress from Massachusetts that we will get 80 per cent of the votes for this bill which is in the interest of the producer of the calf and not the manufacturer of the calfskin. Of course you were against the emergency tariff law because it was not a law to place a tariff on the products of your district. Thank God I represent a district that will let me vote for a law that is for the benefit of the whole people. They do not have to get a special benefit in the seventh district of Kansas for me to vote for a law; if it is good for the whole Nation I can vote for it, and the time has come when grand old Massachusetts is going to take the same attitude. We are in the Union, we are part of it; we help feed you, and we help clothe you, and we are entitled to our credit facilities the same as you are. Of course, you would like to keep on lending money at 10 per cent in harvest time, and of course you would like to keep up the possibility of our paying 8 and 10 per cent; you would like to have that for Boston, but the time has come when you must stand the same as we do, and the laws of this country must apply to Kansas and Texas and every other place just the same as they do for the people of Massachusetts. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McFADDEN. I yield to the gentleman from North Da-

kota [Mr. Young].

Mr. YOUNG. Mr. Chairman, I do not find anything in this bill which permits farmers to make deposits. That was to my mind a very serious defect in the Federal farm loan act.

Those who went to Europe on behalf of the Government to investigate the workings of rural-credit banks recommended upon their return the enactment of a rural credits law largely as afterwards contained in the Federal farm loan act. recommended that the land banks be permitted to receive deposits of money. The Federal farm loan bill, as originally introduced and referred to the committee, contained a provision permitting such deposits to be made, but the committee struck this provision out.

Evidently there must have been some influence used to climinate this provision, because the committee on legislation of the American Bankers' Association reported at the annual meeting, first held thereafter, that they had succeeded in preventing the inclusion in the Federal farm loan act of a provision to per-

mit deposits. They boasted of it.

Farmers are in a dependent position at this time. They are practically in the attitude of saying "how much," no matter what kind of transaction is made, either of purchase or sale. When they offer their products for sale they take the prices fixed by the market, which are sometimes actually less than the cost of production. They can not themselves fix the price as manufacturers and other producers do. - When farmers buy they are also obliged to let other men fix the price, and they fix it so that it will give the cost of production plus a profit. So, as already stated, whether the farmer buys or sells he is

in a dependent position.

a dependent position.

When it comes to the matter of borrowing money they are also in a dependent position. They say to the banker, "How much interest will you charge?" Or if they go to the Federal farm-land banks for money upon real estate security the managers of those banks say the rate must be so-and-so because certain people who buy our bonds will not buy them unless the rate is made satisfactory to them, and that condition is bound to continue just so long as the Federal land banks must depend

entirely upon what people will pay for their bonds.

To my mind all legislation should be shaped as far as possible to make the farmers independent and to give them real control

of their own business.

I do not have figures covering the period since the Great World War, but prior to that time the rural-credit banks of France and Germany had such immense sums of money on deposit made by the farmers themselves that it was not necessary for them to depend on the sale of bonds, although they did sell considerable quantities of them. In doing so, however, they were able to fix the rates of interest. They were strong enough so that they had something to say about it. They were in a position of independence.

While the Federal farm loan act has been of great value to the farmers, to my mind it was a fundamental defect to make no provision in that law to permit the farmers to gradually build up strong loaning institutions out of their own savings.

I hope that all those who believe my position is correct regarding this, both here and throughout the country, will get back of this idea, with the hope of some day being able to write it into all the laws respecting our rural-credit institutions.

Mr. LUCE. I yield 15 minutes to the gentleman from Ohio [Mr. Burron]. [Applause.]
Mr. BURTON. Mr. Chairman and gentlemen, I wish for 15 minutes, as far as possible, without interruption, to engage in a dispassionate discussion of this very important subject. I should count myself lacking not alone in courage but in duty to my constituency and my country if I were not just as ready to espouse that which is apparently an unpopular cause as to advocate the most popular cause that might be presented here before this Congress. There is no one who has a more sympathetic feeling for the farmer because of the disasters through which we have been passing in recent years than I. Part of my constituency is made up of farmers. No measure that is fair and practical will meet with opposition from me. But you can not cure these conditions by legislation. What is the reason for the farmer's distress in recent years? Shall we ignore the fact there was a Great War in which millions of men were taken out of agricultural employment; that the demands of war enormously increased the sale of food; that one of the richest granaries of the world in Russia, in the Balkan region, was shut off during the time of that conflict. All these factors caused the price of wheat to go ballooning and to reach unprecedented prices in 1920. Live stock reached its maximum in 1919. Now, there was after the war and for some months preceding the armistice what is little short of an obsession. It held in its grip a great many of the industrials and farmers of the I was engaged in the banking business during the war and for some six months thereafter. Our principal task was to point out to a considerable number of the borrowers who were coming to us the fact that they were proceeding with confidence in the continuance of a condition which could not endure. We said, "You are buying too much raw material; you are enlarging your plants as if this extraordinary and exceptional demand would continue indefinitely. It will not." refused frequent demands for those purposes.

There are some men here before me who are investors in corporations that have gone on the rocks when those organizations would have survived and have been profitable to-day if they had accepted the advice offered to them in those recent years. Now, what was the result? There was an inevitable falling off after the increased demands caused by the war had There was a falling off in the price of wheat. Now, I am about to make a statement to you that is paradoxical to many of you-that the chief injury to the farmer himself has been too much borrowing, too much credit. Why? These very men who are coming here, many of them, and pressing these bills, advised the farmer in 1920, when prices sagged a little, to hold his wheat, to hold his corn, borrow money at the banks. The good farmer took their advice, and what is the result? He held his wheat, he borrowed all that he could at the bank,

prices went down and down, and he was a heavy loser. One of the slogans of the campaign of 1920 was "More business in Government and less Government in business." [Applause.] We had lessons enough. We lost some two or three billions by the Government going into the shipping business, we lost other billions by the Government going into the management of the railroads, and now you want the Government to go into the banking business, which affords a more fruitful and, it seems to me, a more frightful field of loss than any of them. What are you proposing to do here? You are proposing to have the Government of the United States subscribe \$5,000,000

for each of 12 regional banks.

Now, those banks are to loan money to divers associations on agricultural products. I want to say to you, my colleagues, that the proposition presented here of the class of loans that they are allowed to make is neither feasible nor safe as a banking proposition. There are two kinds of banking which can be conducted safely and profitably; one upon loans upon that which is imperishable, as mortgage loans or things which have permanent value. Those can run for an indefinite time. The other, upon things that are perishable, things that are subject to fluctuation in price, that are subject to uncertainty as to realization. That second class of banking is provided for by short-time loans, and in no other way can it be made safe except by short periods, and in case the loans are made by those who are in close touch with the borrowers, who are familiar with their business.

Mr. BLACK. Mr. Chairman, will the gentleman yield? Mr. BURTON. I regret I can not until I am through.

That means the banks in the near-by locality are the only institutions adapted to that.

Let me call your attention to one thing, in the contrast between the loans of the farm-loan banks secured by mortgage and these loans proposed by this bill to run from six months to three years. The distinction, in my mind, is little short of ridiculous. In passing let me say I believe in the farm-loan banks and the joint-stock banks. I think they have rendered an excellent service. I would be willing to favor the second part of this bill, where private organizations of \$250,000 capital may be established. But I most unhesitatingly make the pre-diction that this first plan here will fail. It is calling upon the Government to perform functions which it should not perform.

The distinction to which I referred is that in making farm loans the land banks are allowed to lend only up to 50 per cent of the value of the land and 20 per cent of the permanent insured improvements thereon. What are you doing in this bill? Seventy-five per cent of what many bankers would call "cats and dogs," I would not say that I share their opinion, but 75 per cent of things that are perishable and uncertain, while the legislation we now have on the statute books restricts you to 50 per cent on the value of the land and 20 per cent on the value of the permanent improvements insured.

Now, gentlemen, can you justify that distinction? Can you justify a plan under which you are lending 75 per cent on live stock that may take two or three years to grow, on all kinds of crops, which weather or wind may destroy, which a drought may render useless?

Mr. McFADDEN. Mr. Chairman, will the gentleman yield?

Mr. BURTON.

Yes.

N. In answer to what the gentleman states on the day are making loans on Mr. McFADDEN. In answer to what the gentleman states will say that commercial banks to-day are making loans on They are loaning 80 and sometimes 90 per cent that basis. on butter and wheat and corn.

Mr. BURTON. That is a very different kind of transaction. It is by a bank which presumably knows the farmer or other grower or producer of butter or wheat or corn, and he makes the loan, not for six months to three years but for two or three months, or a very limited period.

Mr. McFADDEN. The kind of loans he makes is for the period of the probable marketing of the same, and that is the

way it is done on cattle loans.

Mr. BURTON. They have a special organization to make it. If you want to have a private organization familiar with the

business, let them go into that business,

Now, the House voted here two to one not long ago to do away with tax-free securities in the future. This bill proposes the issuance of at least \$600,000,000, and it may be \$1,200,000, 000, of debentures which shall be tax free. I do not know about those debentures. One of two things must happen. They must be guaranteed by the Government, or they must stand on their value as debentures with the securities presented, having a maturity not less than six months and not more than three years. Now, if the Government guarantees those deben-tures, they are good. If the Government does not guarantee those debentures, they will not have a steady market and maybe they can not be sold at all. You must be confronted by that situation and realize it from the start.

Mr. Chairman, how much more time have I?

The CHAIRMAN. The gentleman has three minutes remaining. Mr. BURTON. Mr. Chairman, I regret very much that the time is so limited that I can not go into a further analysis of this bill.

You are placing the Government in a business that it ought to refrain from. You are creating side by side in the same bill two agencies for loans, one of which must presumably exclude the other from the field. Here is one, \$5,000,000 for 12 banks backed by the Government. Well, is the private investor who is thinking of embarking in that business, and who would go into the business and supply every rational demand, likely to enter it with the Government right beside him, with the partiality of Government management and Government ownership and presumably very much more lenient regulations as to the manner of making the loans?

You must concede, gentlemen, that there is a certain difference between the business of farming and other lines of business. But there is enough vitality in the farming communities, there is enough interest in this supremely important line of production, to provide every means that is necessary to furnish loans where they are needed. I am perfectly willing to see the second provision, so far as I am concerned, of this law, this so-called Capper bill, prevail,

Let these private corporations be organized; let them do business; let men be placed at the head of them who have knowledge of it. During the war many things were done which we would not justify in times of peace. But I want to stand here firmly against the Government of the United States entering upon an untried path and embarking upon the business of banking, when in a few years it will not only be the farmer that will wish credit institutions for his benefit but the miners and the labor unions and all those who think that the Government owes them a debt, all those who are suffering from depression which, though temporary, we trust can readily be explained. I am not willing to allow this bill to be presented here for passage without entering my protest against it. Stand by the rational method for transacting business. No man will be injured worse in the long run through this legislation than the farmer himself if he is made the beneficiary of this measure. Just as sure as the night follows the day, there will be a reaction in which the privileges he has enjoyed will cause the legislatures of this country to turn against him at the time when he most needs their aid. [Applause.]

Mr. MacGREGOR. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. Stevenson].

Mr. Chairman and gentlemen, there has Mr. STEVENSON. been a good deal said about this being a special favor to the farming population. Criticism has been made of the rehabilitation of the War Finance Corporation, which has been a wonderful benefit to the farming population. Before I begin to discuss the bill I want to call the attention of the distinguished gentleman from Massachusetts to the fact that so long as the War Finance Corporation was restricted to the loaning of its money or money of the Government to the New Haven & Hartford Railway Co., which, I believe, got \$60,000,000 of it, and other institutions of that kind, I heard no complaint from the gentleman from Massachusetts; but when it comes to broadening its scope and giving it an opportunity to assist the agricultural people of this country who were in dire stress, into which they had been plunged by no fault of theirs, then he enters his serious protest. I would like to call the gentleman's attention to the fact that this is not such a discrimination in favor of the farming population, because in the Esch-Cummins bill, which was supported by my friend from Massachusetts and the majority of the House—I voted against it, I am glad to say—after presenting the railroads with \$746,000,000, the imagined shrinkage of the earning of the first six months after their return, we provided a loan fund of \$350,000,000 and put it under the control of the Interstate Commerce Commission, and to-day from time to time the railroads are borrowing from that fund.

Now, if it is so fearfully wrong to loan Government money to the extent of \$60,000,000 to the farmers, I want to call attention to the fact that they industrially are as basic and fundamental as the railroads in this country, and we are only giving one-sixth of what we loaned the railroad interests

Now, what does the bill do? It simply creates 12 banks of intermediate discount which can loan in certain ways. can you get the money? A great many people have asked this, slon of which it shall reconvene and take up bill under the five-minute rule for amendm market his cotton when the market will absorb it as we are doing it now. By the way, I turned my cotton over last fall

when cotton was 20 cents, and to-day they are selling it at 30 and 32 cents because they did not dump it all on the market at once but waited until the market could take care of it. That is a godsend to the cotton spinner as well as the farmer, because the cotton spinner does not pay any more than he would have to pay anyway, and under the old way the middleman got between the spinner and the farmer. The farmer can turn it over to the association and the association can make the advances. The cooperative company can take the paper and go to the corporation we are establishing and get their paper discounted and carry it until they sell the cotton, wheat, or corn as they are designed to do.

Wheat, or corn as they are designed to do.

But some man does not want to put his notes in the hands of the association. All right; put the crop in a good warehouse, have it properly insured and certificated, take the certificates to the local bank, whether it is a State bank, a national state of the local bank. tional bank, a member bank, or any other kind of bank, put up the warehouse receipt as security and the bank can take the note, if it is for nine months, to the intermediate bank and discount it and get the money. In turn they can go to the Federal reserve bank and rediscount the paper and the funds can be used. How else can you get it? Go to your cooperative association, join yourselves together, unite, put yourselves together and have it properly warehoused, and take the corporation notes to the discount banks we are establishing and get your money. That can be rediscounted in the Federal reserve banks if it has not over nine months to run.

It can sell debentures to the extent of ten times its capital stock. You say that that is too much. You should remember that these intermediate banks are not banks of deposit, and therefore their liability is nothing except their bills payable. What bank in this country that has deposits—demand deposits, withdrawable every day and every minute during banking hours—that does not owe to its depositors alone more than ten times its capital stock? It is of the most dangerous kind, because it can be drawn in a minute by every depositor. Ten times the amount of the debentures issued does not mean so much. They have a fixed time to mature and a fixed time at which the interest is paid. There is no uncertainty about it, and it is safe. I do not think the Government stands a chance to lose any money, and I am sure that nobody else does. since we stood the loss that we have had with the railroads and with the ships and the losses that we will have to stand before we are through loaning the railroads the \$350,000,000 revolving fund that is provided in the Esch-Cummins Act, I venture to say that you will lose ten times as much through these institutions that run into New England as you will in these institutions that are established for the benefit of the farmer.

Mr. ALMON. How long do these railroad loans extend? Mr. STEVENSON. I do not remember, but you will see every now and then where some railroad company has applied to the Interstate Commerce Commission for a loan from that fund.

Mr. McSWAIN. And is it not true that most of the people who would naturally oppose this legislation are in favor of a ship subsidy, where we do not propose to lend money but to give it away?

Mr. STEVENSON. I am inclined to think that is true, but I do not want to bring that ghost in here. I do not care to scare that crowd with seeing the ghost of their child come back here, so that they will run off and kill this bill. This bill is the only thing proposed for the farmer during this session that has amounted to anything.

The CHAIRMAN. The time of the gentleman has expired. Mr. STEVENSON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. Campbell of Kansas having resumed the chair as Speaker pro tempore, Mr. Sanders of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 4280, and had come to

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent that at the conclusion of the general debate upon this bill, which should be about 6.30 o'clock this evening, the committee then stand in recess for a period of two hours, at the conclusion of which it shall reconvene and take up the reading of the bill under the five-minute rule for amendment, and I hope to go to the point of the previous question to-night, and if not, then

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. ANDERSON. Mr. Speaker, I suggest that the gentleman set a definite time, say, 8.30 o'clock.
Mr. McFADDEN. I accept that suggestion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania that the Committee of the Whole House on the state of the Union shall stand in recess at the conclusion of general debate upon the bill until 8.30 o'clock this evening?

There was no objection.

AMENDING THE REVENUE ACT.

Mr. GREEN of Iowa. Mr. Speaker, I present for printing, under the rule, a conference report upon the bill H. R. 13774, to amend the revenue act of 1921 in respect to the exchange of

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13774) to amend the revenue act of 1921 in respect to exchanges of property, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2,

3, 4, and 5.

W. R. GREEN, NICHOLAS LONGWORTH, OGDEN L. MILLS, J. W. COLLIER, W. A. OLDFIELD, Managers on the part of the House. P. J. McCumber. REED SMOOT, A. A. JONES. Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13774) to amend the revenue act of 1921 in respect to exchanges of property, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment Nos. 1, 2, and 3: These amendments are clerical changes and the Senate recedes.

On amendment No. 4: This amendment makes effective on the passage of the bill, instead of January 1, 1923, as provided by the House, an amendment to section 202 of the revenue act

of 1921. The Senate recedes.

On amendment No. 5: This amendment allows a taxpayer to exchange, without taxable gain or deductible loss, stock owned by him in a corporation for other stock in the same corporation. It also strikes out of section 202 of the revenue act of 1921 a definition of "reorganization." The Senate recedes,

W. R. GREEN, NICHOLAS LONGWORTH, OGDEN L. MILLS, J. W. COLLIER, W. A. OLDFIELD, Managers on the part of the House.

FARM CREDITS LEGISLATION.

Mr. McFADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4280.

Mr. WINGO. Mr. Speaker, pending that I wish to get a definite understanding from the gentleman as to his intention in respect to the session to-night. take it up to the previous question? The gentleman desires to

Mr. McFADDEN. That is correct.

Mr. WINGO. And a vote upon a motion to recommit or upon the final passage will not take place?

Mr. McFADDEN. No.

Mr. WINGO. Gentlemen on this side desire a complete understanding that a final vote on a motion to recommit or on the passage of the bill will not take place to-night.

Mr. McFADDEN. That is correct; it will not.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4280.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4280, with Mr. Sanders of Indiana in the chair.

Mr. LUCE. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. Husted].

Mr. HUSTED. Mr. Chairman, the farmers of this country, particularly of the Middle West and of the Northwest, were in sore straits after the Great War was over. That was partly due to economic conditions and partly due, I think, to an un-wise policy of the Federal Reserve Board. They increased the discount rates and in some States applied the progressive discount rates. The result was that these farmers could not get their papers rediscounted in the Federal reserve banks and were forced to secure some kind of immediate relief or in many cases go to the wall. It was a very serious, a very critical situation which affected the cattlemen of the Northwest and the great crop producers of the Middle West. emergency we continued the life of the War Finance Corporation, with Mr. Eugene Meyer, of New York, at its head. Mr. Meyer thoroughly understood farm conditions in the West and was very sympathetic toward agriculture, even though he does come from the State of New York and happens to be a distinguished citizen of the district that I have the honor to represent.

He went out into the West and into the Southwest, and he called these farmers together and he explained the situation to them and suggested to them the remedy. He told them that they would have to help themselves by organizing loan institutions with ample capital, so that they could extend the relief to the farmers which the farmers needed and really had to have. Mr. Meyer's campaign in the West was eminently successful. Those private loan associations were instituted, and the War Finance Board rediscounted the paper of these loan associations and the agricultural paper of the local banks, so that the farmers got the relief and very few suffered when we thought that many would lose their all. Of course, the Government aided in that matter. The War Finance Corporation under Mr. Meyer loaned altogether about \$300,000,000, and I do not think there is going to be any loss on those transactions. The indications are that every dollar will be paid back to the Government of the United States; but it was not intended by the Congress that the War Finance Corporation was to be a

permanent institution.

The War Finance Corporation was used as an instrument of temporary relief in the great emergency caused by the war, and it did not mean that the Government of the United States had adopted a policy of permanently going into the business of loaning money to its citizens. But Mr. Eugene Meyer, the head of the War Finance Corporation, realized that the farmers of the Northwest and the farmers of the Middle West and the cotton planters of the South did not have the credit facilities which their peculiar business needs require, and as he knew that the life of the War Finance Corporation was coming to an end he set his brains at work to devise means of giving permanent relief to these grain producers of the Middle West and the cotton planters of the South and the cattle producers of the Northwest and the cattle-finishing farmers of the Corn Belt, and he drafted what is known as the Capper-McFadden bill. He invited the representatives of the great live-stock industry of this country to come to Washington, and the National Livestock Association, which is one of the biggest and most influential of the agricultural associations in the Nation, sent its officers here, and they indorsed the Capper-McFadden bill line for line and word for word, and they said they did not want any change in it and particularly they said they did not want any Government money invested in the business. They said it ought to be done and that it could be done by the employment of private capital and that under the Capper-McFadden bill adequate credit facilities were furnished. Why, in the great Northwest where they produce cattle it takes three years for a calf to come to maturity, so they provided credit for three years for the farmers of the cattle-producing States, and it takes nine months in the States where they fatten and finish the cattle, so they provided for nine months' credit, and they also provided for nine months' credit for the producers of crops, and that is long enough. It certainly seems to me, when the Capper-McFadden bill was perfectly satisfactory to all of the 18 States which produce cattle and apparently to all the Middle States that produce

crops, that legislation should be enacted by this Congress, which would give all the needed facilities without putting the Government into business

But what have we got here? We have got here a combination of the Capper bill and the Lenroot bill. Well, the Capper bill was based upon sound banking principles and the Lenroot bill was based upon what the Secretary of the Treasury says are absolutely unsound banking principles. You have eliminated some of the worst features of the Lenroot bill, and you have retained many features which are unsound and unwise, and you have retained the provision that puts the Government into the business of loaning money permanently by providing for the organization of these 12 intermediate credit banks with a total capital of \$60,000,000, all of which is to be subscribed for by the United States Government and represented by stock to be held by the Treasurer of the United States. Then you provide that each one of these banks may issue five-year debentures up to ten times the amount of its capital stock, and you say that the Government is not responsible for those de-bentures, although it owns every dollar of the capital stock of the corporation. Well, I submit here that if the Government owns and holds every dollar of the capital stock of these corporations it is morally responsible for every debenture issued by those corporations, and the corporations can issue debentures up to \$600,000,000, so that the Government may be legally and morally responsible for \$660,000,000. Under the provisions of this bill, when it is unnecessary, you are establishing a very dangerous precedent by instituting a system through which public money is used in making direct and indirect loans to individuals. This amounts to nothing less than state socialism. You have put some safeguards in this bill, but you have not put all the safeguards that you might and should put in it. You and I know perfectly well that demands will be made from time to time for the liberalizing of these provisions, to make loans easier, to bring the rate of interest down, to reduce the discount rate, to enlarge the classes of securities in which Government money can be invested. always what happens when the Government gets into business, and it is very difficult, indeed, for the Government to resist the pressure. You will establish here to-day by the passage of this bill in its present form one of the most dangerous, one of the most vicious precedents that Congress has ever set in the whole period of its history. It is absolutely unnecessary to do it in order to give to the farmers of the West, the South, or of the great Northwest all the credit facilities, all the money they need to finance their operation under any sound and proper system of finance. [Applause.]
Mr. McFADDEN. Mr. Chairman, I yield 15 minutes to the

gentleman from Minnesota [Mr. Anderson].

Mr. ANDERSON. Mr. Chairman, I had hoped to make a detailed analysis of the provisions of this bill, but in the time I have I can not do that. I want to nail right off the bat, however, the statements which have just been made with respect to the use of Government finances in connection with this bill. We heard no such complaint as that in connection with the subsidy bill, and I am sure that if we had brought up the bill to purchase Cape Cod there would not have been any objection to using Government funds for that purpose. In addition to that, I want to remind Members of this House that the Federal reserve banks and the business interests which they serve have received \$3,800,000,000 in the form of Federal reserve notes, which represents a far greater use of Government money than is proposed by the \$660,000,000 which this bill will permit to be loaned the farmers of the United States, only 60,000,000 of which is money of the Government of the United States. The gentleman from Arkansas referred to the contest which was waged over the provisions of the Federal reserve act in reference to discounts of paper for agricultural purposes. I refer to that because it never has been claimed by anyone, so far as I know, that the provision which permited agricultural paper carrying a maturity of six months represented an adequate finance to the farmers of the United States.

That was a purely marketing credit, a credit which was extended not to the farmer but to the people who handled the farmer's commodities. This bill extends the maturity of agri-cultural paper which can be discounted by a Federal reserve bank to nine months. That is all right, as far as it goes, but it will be of relatively little concern to the farmers of the United States. Sixty-seven per cent in number and 33 per cent in banking power in the United States are represented by banks not in the Federal reserve system, and those banks are largely in the agricultural centers of the United States, so that, so far as the provisions of the Federal reserve acts relating to the discount of agricultural paper are concerned, they will be of little value to the agricultural sections of the United States.

Now, why had the farmer never been able to get credit for more than six months? There is no law, so far as I know, no regulation that prohibits a bank from making a farm loan for more than six months. The reason has been that paper having a maturity of more than six months had no market. A banker whose deposits were withdrawn or who for some other reason required money, could take a commercial paper with a maturity of less than 90 days and discount it with the Federal reserve bank and make good whatever deficit he had, but if he had paper running to run for eight months or a year or eighteen months, there was no place where that paper could be discounted. In other words, there was no market for that note.

Mr. SNYDER. Mr. Chairman, will the gentleman yield there

for a question?

Mr. ANDERSON. Yes.
Mr. SNYDER. Of course, the gentleman knows that it is the practice of every bank to-day that takes farm paper to take notes for three or four months and renew that note if the farmer can not pay it at that time.

Mr. ANDERSON. Yes. But that has nothing to do with

the argument I am making.

Mr. SNYDER. Yes. The farmers to-day are getting credit for three months and six months and nine months, and in some instances it is extended for as long as twelve months.

Mr. ANDERSON. That is at the option of the banker. It was

assumed that the marketing period of farm products was approximately six months, and the period of six months was fixed partially on that theory and partially on the theory that the bank notes having a longer maturity than that ought not to be rediscounted in a system where liquidity was a prime requisite. But as a matter of fact the production and turnover period of the farmer, which is the real measure of the period of maturity which ought to be permitted upon farm loans, is a much longer period than six months. For example, between the time the farmer makes his purchase of fertilizer and the time he can sell his crop may be as much as 18 months. It is admitted that in the case of cattle the period of production and marketing may run as long as three years. Now, in order to make a market for this longer intermediate term paper, it is proposed in this bill to set up intermediate credit banks in the same cities where the Federal land banks are located. These corporations are to be officered and have the same directors as the Federal land banks, so that they become in effect a part of the Federal land-bank system. They are They are supervised by the Federal Farm Loan Board, which deals with the longer-time land-mortgage credits of the farmer.

Of course these intermediate banks themselves must have credit. They can not do business entirely upon capital, and in order to secure that credit they issue a debenture backed by the cash capital and by the agricultural paper which they may

have discounted.

Now, what is back of these notes? First, the personal security of the commodity when the loan is so secured. Most of the men who have talked about warehouse receipts and cattle loans have apparently assumed that these loans were based on a single cow out somewhere in somebody's barn or on a few bushels of grain in a warehouse. But these loans are secured not only by the actual mortgage security covering them but the total net assets of the farmer who makes the loan.

In the second place, back of these debentures is the indorsement of the bank which made the loan, because these intermediate credit banks will only rediscount for national banks, State banks, or cooperative banks. So that you have back of these debentures the mortgage credit, the personal assets of the farmer, the indorsement of the bank, and finally the assets of the intermediate credit bank.

I have no doubt that debentures of this sort will sell. will sell just as readily as the mortgage bonds issued by a Federal land bank. I think there may be a much larger market for them, because the field for short-time debentures is not nearly so thoroughly occupied as the field for long-time bonds.

Now I want to refer just very briefly to the system set up under the so-called Capper bill. This bill provides for the creation of two other classes of banks, or rather discount corpora-The first of these, organizations having a capitalization of \$250,000, are authorized to purchase paper or rediscount paper which has back of it warehouse receipts or mortgages upon live stock being fattened for market, or dairy herds. In the case of warehouse receipts or stock that is being fattened for market the maturity period can not be for more than nine months. In the case of stock that is being purchased or used for dairy purposes it may be for three years. These \$250,000 corporations are permitted to discount paper they may take with another corporation, which must have a capital stock of \$1,000,000.

In other words, you have two parallel systems, practically the same situation as you now have in the case of the Federal land bank system, the Federal land banks and the joint-stock land banks. If I could have my way about it, I think less difficulty in operation would result if one system or the other could be adopted. But in the compromise that inevitably results in legislative matters the committee has reported out these two parallel systems. They do not interfere with each other. the bill remains as it is, all of these institutions will be all under the supervision of the Federal Loan Board. They will furnish the farmer with the kind of credit which the character of his operations necessitates. This does not represent any special privilege to the farmer. The maturity of the paper discounted by the Federal reserve system is predicated on the needs of the commercial business of the country. All the farmer is asking is that machinery be provided which will handle paper which corresponds with the needs of his business. Those who are in control of the Federal reserve system are not willing that paper having a maturity of more than nine months shall be eligible for discount under the Federal reserve system, and I think they are right about it. The paper discounted by the Federal reserve system must be self-liquidating. They are dealing with banks whose resources are in deposits, and the whole system ought to be liquid and based on short-time paper. The banks created by this bill are not banks of deposit; they do not deal with short-time funds at all. They get their funds on debentures which may run from one to five years, and they will not have the fluctuations in their volume of assets which characterize the banks of deposit. Gentlemen who object to what we are trying to do overlook the fact that there is an essential difference between dealing with investment credits dealt with in this bill and dealing with deposit credits which is the commodity dealt with in the Federal reserve system.

I recognize the fact that the farmer is not going to be benefited in the long run by setting up any system that is unsound in any essential particulars. You have to remember that in deal-ing with a matter of this kind there are two ends to it—the fellow that borrows the money and the fellow that lends the money. If you are not giving the fellow that lends the money the security which he believes he ought to have, you have not benefited the farmer, because nothing will flow through the system. What we are trying to do is to make it possible for the great agricultural interests west of the Mississippi River, where more than two-thirds of the commodities are produced, to get into the great investment pool of the East, where the money and credit resulting from commerce necessarily tends to concentrate-to draw that money out into the great stretches of agricultural countries where credit demands are greater than credit volume, and by doing that to reduce the interest rate which the farmers in the West have to pay. [Applause.]
Mr. LUCE. Mr. Chairman, I yield five minutes to the gentle-

man from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, I shall try to get at the gist of this bill—the Lenroot bill. It authorizes the issue of \$600,000,000 of debentures, which are instrumentalities; not obligations of the United States, but obligations of banks in which the United States owns and subscribes for all of the capital stock, \$60,000,000. By section 208 these debentures are to have the tax exemption that is accorded to farm-loan bonds, which means that they are absolutely free from income They can be issued at 6 per cent. The Govtax and surtax. ernment is refunding its debt and trying to do it on 4 per cent bonds or less, which is now subject to surfax and here-after will be subject to the income tax. The selling of these debentures will break the market for these Government bonds and render the refunding impossible.

This statement is perfectly plain on its face—that with these 6 per cent bonds tax free, morally guaranteed by the United States, in the market, the Government will not be able to issue

its own bonds at any low rate.

Then the money got by sale of these debentures is to be invested by these "intermediate credit banks," with the \$60,000. 000 capital paid by the Untied States. They are to invest that money in agricultural products or live stock up to 75 per cent of its market value on loans running from six months to three years. What certainty is there of the value of agricultural products during such a period?

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. PARKER of New Jersey. In a moment. We remember when meat was three times as high as it is now, when wheat was \$2,25 a bushel, and it is now \$1.25. The intermediate credit bank may make those loans at 1½ per cent more than the 6 per cent, or at 7½ per cent, and this in three years will put 25 per cent more on the borrower. I have known farmers in the old days to try to carry crops from year to year, and they were all eaten up by interest. That is not all. Stored agricultural products hardly ever keep without depreciation except perhaps, cotton. Wheat has mold and weevils, and damp brings in mold. Moth and rust do corrupt, and even a warehouse receipt does not protect the creditor if prices or the goods depreciate. Cattle have to be fed and cared for during the course of years, and the man who makes the loan has to take the chance of blizzards, cattle plague, accidents, and whether the money is really spent on their maintenance. He must really depend upon the solvency and honesty of the man who is in the cattle business, and a more uncertain business can not be found anywhere. For this reason these loans are not now made They are ordered to make loans on the security of these products only for short periods, so that they can guard against depreciation, decay, or change in value. This puts the Government into the banking business, and I do not believe in carrying stock for farmers any more than I do in carrying stocks for bankers.

Mr. Parker of New Jersey extended his remarks as follows: This Lenroot-Anderson bill is sections 201 to 208, and if it remains there will be no life in the Capper-McFadden provisions. sections 209 to 227, providing for agricultural credit corporations. with their comparatively small capital of \$250,000 each, which are to function without United States aid and with no tax-free privileges. Private banks can not compete with great central institutions whose capital is furnished and whose debentures are morally guaranteed by the United States. The two schemes will not work together, and unless the scheme of Government banking is dropped that of private agricultural credit corpora-

This latter scheme is a good one. Privately owned companies will be more careful as to their loans. The plan provides for cooperation among farmers, and while it might be better instituted by the several States it is fairly a branch of the United States banking system.

If agricultural credit corporations are desired, the great

United States owned banks must be abandoned.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. McFADDEN. Mr. Chairman, I yield to the gentleman

from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman, I am in favor of this bill and will therefore vote for it. The reasons for such an attitude on my part are so clearly and succinctly set forth in the report of the committee that any attempt on my part at great elaboration would be a work of supererogation. God said let there be light, and there was light" needs no ornamentation.

The report without rhetorical flourish and void of any oratorical coloring is convincing. It is a judgment that will receive the approbation of common-sense Americans from ocean

The necessity for preserving the basic industry of the land upon which has been reared such a towering and majestic superstructure has been preached and orated upon in State legislatures, in this House, and in the Senate, and in innumerable conventions held in every city of the United States during a number of years past. It is doubtful, however, if all of the wisdom contained in these eloquent dissertations, sermons, homilies, preachments, and orations is equal to that which finds such ready access to the mind, as that which is expressed in the noble and alluring lines dear to every country boy and girl, and which are found in the immortal Deserted Village:

Ill fares the land, to hastening ills a prey, Where wealth accumulates and men decay; Princes and lords may flourish, or may fade; A breath can make them, as a breath has made; But a bold yeomanry, their country's pride, When once destroyed, can never be supplied.

Just as Byron has immortalized The Dying Gladiator, rescuing this noble sculpture from the neglect and oblivion into which it was falling in its Roman repository on Capitoline Hill, the New York Life in an unforgetable two-page principal picture during the war emphasized Goldsmith's great stanza and drew a truth from it that should be in the minds of Americans through all the generations to come. That picture should be made accessible to those who would desire after seeing it

to purchase a copy and place it upon the wall of the room or parlor in which their boys or girls pass their evenings, so that the lesson conveyed by it would never fade from their mem-The Life picture was one showing a mountain of dollars, huge piles of silver dollars and greenbacks, burying beneath their weight expiring humanity. No tragedy of any generation, no woe of any age, was ever so strikingly, pathetically, fearfully, and lastingly expressed.

For true indeed it is that in direct proportion to the concentration of wealth in the hands of the few will the poverty of the many become augmented, and as the few become lessened in number the many become numerically larger and then necessarily comes the land of palaces with many hovels near byhovels that can not conceal the hopelessness, despair, want, and misery of the land "where wealth accumulates and men Mr. Chairman, we must maintain the basic industry of the land, agriculture; we must make that foundation secure or the superstructure and the roof garden at the top will sink to their destruction and fall, leaving a ruined foundation behind. I am from the city and love the city as well as I do the agricultural reaches that lie behind them. But if I did not love the country, an enlightened self-interest would prompt me to take care of and sustain the farm, for it is indeed "the best home of the family, main source of national wealth, foundation of civilized society, the natural providence." From the building of the first city to the present hour it must have been clear to thoughtful men in every generation that the thought expressed so thrillingly in Chicago in 1896, when a great nominating convention was swept from its moorings, was and is indeed a governmental, sociological, economic, industrial, and agricultural truism. "Burn down your cities and the country will build them up, but destroy your country and the grass will soon grow in the streets of your city," is not only a great rhetorical and dramatic expression but is a sublime truth conveyed in a simplicity of phraseology that gives it an easy, ready, and secure place in the minds of those who have eyes to see, ears to hear, and minds to understand.

Many causes have been assigned for the destruction and fall

of the Roman Empire. That which in all probability was the most determining factor in that great tragedy when a mighty and glorious empire reeled and tottered and fell into fragments, carrying in its fall to destruction the noblest works of art that the world could boast of was that which was called "latifundia." It was an expression of the agricultural condition of a country that had changed from a bold yoemanry or peasantry, a country of small but independent farmers into a country of tenants gradually sinking to the low state of vassalage, to the relatively few who had grown to be superior lords and owned and ruled the many small farms which had been merged into large plantations. The yoemanry and peasantry in their proper sense had been destroyed. Wealth had accumulated but could not stay the destruction of the empire. On the contrary, the virtue, the heroism, courage, the valor necessary to sustain it was buried beneath the mountain of accumulated wealth. Just as the picture in "Life" showed the vast piles and heaps of money, wealth in the hands or under the control of the few was not only the death but the tomb of men, who under circumstances that would make for independence, would stand with heads erect and be able to answer the call of their native land when she gave her bugle blast: "God gives us men." I am for the bill because it will give the farmers, the agriculturists, the opportunity to secure that credit which is so necessary to their existence and to what I hope will prove their prosperity.

The credits now in existence and available are taken up by all others but farmers. We should supply him with a credit which he has not been able to obtain upon anything but harsh terms and high rates up to this time, unavoidable though such may have been. We must not only give him cheap money and a reasonable time in which to pay it but we must perfect our transportation and terminal facilities so as to minimize the cost to the producer in landing his products in the cities and at the docks from whence his surplus will go over the seven seas into every land that needs them and which will send its "raws" back to us in exchange. In the minds of many thoughtful people the aid given to railroads in various ways-land grants, relief under the terms of the transportation act, and so forth, aid given to the States in building good roads, aid given to develop our inland waterways, the building or construction of the Panama Canal—was wisely extended by the Federal Gov-ernment and the expenditures amply justify themselves. So will this aid to the farmers justify itself. We have taken care of the limbs, branches, and leaves of the tree of American civili-zation; let us strengthen, sustain, and fortify the trunk of that tree lest it die, and with it die all that depend upon it.

Under my leave to extend I am incorporating a paper prepared for my information by a noted economist, statistician, and organizer, who is presently the general manager of the New Orleans Association of Commerce-Walter Parker by name. He is known throughout the Mississippi Valley as a hero in the strife for the improvement of the Father of Waters and its tributaries. He is known to the membership of every association of commerce in this country. He stands for and expresses the best thought of the commercial, industrial, and agricultural life of this country.

REALIZATION OF A NEW CHARACTER OF PORT ECONOMY IN WHICH RAIL, WATER, AND HIGHWAY TRANSPORTATION ARE FULLY COORDINATED AT WAREHOUSE AND FACTORY SITE IN A PORT MARKET OF DEPOSIT AND EXCHANGE BETWEEN SOURCES OF SUPPLY AND CENTERS OF DISTRIBUTION.

[By Walter Parker, New Orleans, La.]

AMERICA'S NEW STATUS.

North America, long the farm and the forest for the Old World, must now become the factory for the New World and the Orient and must readjust its industrial and transportation economy.

Western Europe will continue to take North America's cotton, lumber, foodstuffs, and the like, in so far as its finances will permit, but North America will desire more and more to sell the finished articles of commerce rather than raw materials; and to this end there will be an ever-increasing favoring spirit for the development of new overseas markets in those overseas regions where raw materials are to be had. Such regions, available, exist in Mexico, Central and South America, where the overflow populations of Europe may seek homes, and in the Orient, where huge populations and a relatively undisturbed economic life permit the creation of exchangeable products.

It is from the great valleys of the country, particularly of the Mississippi and its tributaries, that the food and the raw-material supply of the United States must come. Within such valleys easy-grade railroads and navigable waterways may be made to supply efficient transportation at low cost.

roads and navigable waterways may be made to supply efficient transportation at low cost.

By centering the processes of industry within those valleys in close juxtaposition to food supply, raw material, and the means of low-cost transportation along trade channels of low natural resistance, a new and lower cost equation is created; and when such processes be carried to their logical goal, a new economic margin for business is evolved just as surely as was done when steam power and machinery replaced hand labor.

as surely as was done when steam power and machinery replaced nana labor.

When to these processes in the interior there be added the factor of scientifically coordinated port economy, the net saving to commerce and industry should prove great enough to offset in overseas markets lower labor cost levels in less-favored regions which long have been strong competitors of the United States in foreign fields.

Changing world trade routes made Carthage, developed Venice, forced the Panama Canal, and now gives New Orleans a world port opportunity of a new order—an opportunity to serve the Mississippi Valley efficiently and at low cost.

To capitalize that opportunity, New Orleans, with public money, has built wharves, warehouses, elevators, and terminals, and at the beginning of 1923 completed an inner ship harbor and industrial canal at a cost of \$20,000,000. This makes possible complete coordination between transportation, factory, and warehouse, and clears the way for continuing uninterrupted development under the following four-phase policy:

Dublic expersion of river harbor front commercial sites and facility.

policy:

Public ownership of river harbor front commercial sites and facilities, available to all users on equal terms—the system long in operation.

Public ownership of inner harbor sites and commercial facilities thereon, subject to short-term leases by business enterprise.

Public ownership of inner harbor sites, subject to long-term leases, and business ownership and operation of commercial facilities thereon.

Private ownership of sites on ship laterals of the main canal and private ownership and unhampered use of industrial facilities thereon.

WORLD CHANGES.

This world port opportunity of a new order arises as a result of several major causes.

The war curtailed Europe's buying power, hastened the period in which Latin America must develop, greatly augmented the industrial capacity of the United States, increased the cost of rail transportation, forced a return of inland water transportation, and left the world more largely dependent than before upon the Mississippi Valley, the only producing region of the first magnitude capable of fully functioning at

The huge debt imposed by the war upon all enterprise has forced men to reduce waste and lost motion, and to develop and use new economies.

conomies.

Commerce can no longer be moved over indirect routes or mountain grades when direct routes and easy grades are available, except at an uneconomic cost, which means loss of advantage in competitive fields. The United States now needs overseas markets for the finished articles of its factories. Such markets, of great promise, now lie in Latin America, Asia, and Africa, and not in Europe.

Europe will continue to need raw material from North America, but more and more North America will manufacture its own raw material at home and seek to sell the products of its mills abroad.

Competition will be keen, keener than ever before, and so the process of translating raw material into finished products must take place within easy reach of the raw material, food supplies, and low-cost transportation.

THE MISSISSIPPI VALLEY.

Broadly, the region lying between the Appalachians, the Rockies, Canada, and the Gulf is an economic entity. It is called the Mississippi Valley. Within it are produced 80.8 per cent of all the wheat yield of continental United States, 86.9 per cent of all the corn, 97 per cent of the iron ore, 82 per cent of the agricultural implements, 95.8 per cent of the coal, 61.6 per cent of the cotton, 52.9 per cent of the lumber, 74.8 per cent of the live stock, 97.5 per cent of the sulphur, 66.4 per cent of the salt, and 70.8 per cent of the oil.

Navigable waterways radiate from New Orleans to Pittsburgh, to St. Paul and Minneapolis, to Kansas City, and soon will reach Chicago.

An intracoastal canal for barges will, in a short while, extend complete from Pensacola to Brownsville, Tex., crossing the Mississippi at New Orleans.

Easy grade railroads radiate from New Orleans to Atlanta and beyond; to Chicago and St. Paul, to St. Louis, to Kansas City, Omaha, and beyond.

The valley and its transportation lines, all capable of the most effective economy or operation, form a great funnel down to the port at the mouth of the Mississippi, thence by short sea routes to the world's new markets of great promise.

That port, both with far-visioned policy and carefully worked out project, has planned its facilities in such a way as to assure safety from congestion and the development of a character of economy possible only where ample space permits efficient coordination.

New Orleans has many miles of yet unused river harbor frontage, 11 miles of inner harbor ship frontage, and 96,000 acres of now unused and very low value lands capable of being changed into private harbors at a mere expense for dredging ship channels through it to connect with the great now ready ship locks on the river's bank.

In this way the four-phase port policy is made possible, and the valley is given its choice of sites and facilities.

PUBLIC OWNERSHIP.

PUBLIC OWNERSHIP.

PUBLIC OWNERSHIP.

Public ownership of harbor sites, as practiced at New Orleans, is not confined to the mere building and operation of port facilities, but embraces a complete policy under which both public and private enterprise may find free play under the most wholesome conditions. The idea is to supply, with public funds, facilities for shippers and transportation lines who are not ready to create facilities for themselves, leased sites for those who desire temporary occupancy, and an opportunity for fee simple ownership of harbor site for those who desire to invest in facilities for permanent occupancy.

The working out of this broad policy has required many years of effort. Prior to 1896 the public owned all the river harbor frontage but had not created any machinery for the practical operation of the port under public ownership.

A board of commissioners of the port of New Orleans was created by law in 1896. It sold some bonds against the revenues of the port and built some covered wharves, then some warehouses and other facilities. Ultimately this board was taken out of politics and given enormous powers in the constitution of Louisiana. Its vision developed as its work progressed.

To-day the board is composed of five of the strongest business men, appointed by the governor for definite terms. This board serves without pay and acts as a board of directors. It names a general manager, who need not, at the time of his appointment, be a resident of the State, and empowers him to operate the port in the same way any other large enterprise is operated. He employs his staff, who in turn employ the workers. The surest way for an applicant to fail to obtain employment is for such applicant to attempt to bring political influence to bear.

Department heads are employed because of executive abilities and salaries are paid accordingly. There is nothing in the law to prevent a proper salary reward for merit and service.

The world's greatest cotton warehouse and terminal has been built on the river front by the b

been created.

Many miles of wharves, with inclosed steel sheds over them, have

INNER HARBOR AND INDUSTRIAL CANAL.

Now, the opening of the inner ship harbor and industrial canal, a facility which was paid for by the people of New Orleans, with no Federal aid whatever, makes possible the leasing of harbor front sites to business enterprise and the fee simple ownership of harbor front sites on ship channels by business enterprise.

Under the conditions of public ownership of the river harbor front business enterprise can not lease sites there.

New Orleans covers an area of 196 square miles—all of Orleans Parish, or county. Much of this area has not been needed by the city, and has remained undrained and unused. This area, part of which has recently been drained, lies between the Mississippi River and Lake Pontchartrain, an arm of the Gulf of Mexico, and large portions of it are within 3 miles of the center of New Orleans' business district. Lake Pontchartrain is 5 miles from the river.

Because of the rise and fall of the river, a ship lock was necessary in order to adjust the levels in the canal and inner harbor, between the Gulf and river.

The area of low value land adjacent to the canal and inner harbor, which is available for development into privately owned harbor frontage through the dredging of lateral ship channels and canals, is 96,000 acres in extent. The land is low and level. There are no rocks in it. Spoil from the dredging of laterals and harbors raises the remaining land, giving it natural drainage.

The value of this land as harbor frontage so greatly exceeds the present value, plus the cost of changing it into harbor sites, that there should be ultimately enough profit out of the increment alone to pay off the \$20,000,000 cost of the lock and primary canal and inner harbor. At least that is the basis upon which port economists are now working.

DRIFT OF TRADE.

DRIFT OF TRADE.

Because the markets of great promise now lie in Latin America, the the Orient, and Africa;
Because the bulk of the resources of raw material and food supply and low cost of transportation are in the Mississippi Valley; and Because of a port policy which is open and all-embracing. New Orleans, on the valley's direct trade route to the new markets, anticipates a sharp, favorable diversion from the normal tonnage graph of commerce and industry, and has planned its development only after comprehensive study and thorough analysis to take care of this increase.

It has sought all the good there is in public ownership and all the good in private ownership of facilities and is using its great powers to so guide and influence both as to avoid the limitations of the one and the tendency toward monopolization in the case of the other.

NEW SHIP CHANNEL TO THE SEA.

Silt and current create a channel problem at the mouth of the river, 110 miles below New Orleans. South Pass, where the Eads Jettles are, has served as a 31-foot channel since 1879. Some years ago the Government began work on a 35-foot channel through Southwest Pass, but has not yet succeeded in getting the desired depth there.

The completion of the inner harbor and industrial canal lock now makes possible the dredging of a ship channel of 40 of 45 feet depth direct to the Gulf through Lake Pontchartrain, which will be free from silt and currents. Such a channel would strike the Gulf many miles east of the mouth of the Mississippi. Ninety per cent of the ships com-

ing to New Orleans approach from the east. Through such a channel 9 out of every 10 ships would save possibly 24 hours' time on every voyage to and from New Orleans. The money value of such saving, it has been estimated, would equal the cost of such a channel in a period

has been estimated, would equal the cost of such a channel in a period of less than three years

By opening such a channel the Federal Government would greatly facilitate the commerce of the Mississippi Valley, and ultimately save much monetary outlay. Sailing ships could then reach the main harbor of New Orleans under their own sails. The inner harbor lock into the river harbor would also serve the new channel to the sea, which would reduce the cost of such a channel by half. Such a channel is a probability of the near future.

PORT ECONOMY.

As a rule, bulk commodities are produced and made ready for market at one season of the year, and must rest in store somewhere until gradually consumed by the world. The producer needs money, and so must call upon the middleman to carry the load until consuming markets become available. It follows that the greater the cost, risk, and difficulty ahead of the middleman, the greater the margin of profit and expense required by him. This means lower returns to the producer and higher prices to the consumer.

It also follows that where world-used commodities are rapidly passed into consuming markets before required for actual consumption they often lose relative value because they can not again be offered for sale in world markets, as would be the case were they held in store in primary supply markets until actually required in some consuming market. This is well illustrated by the case of cotton. Once cotton crosses the ocean to Liverpool it must carry the cost of ocean transportation and it can not be resold to American or oriental mills. But so long as such cotton remains in a primary supply market, such as New Orleans, it maintains its parity and may be resold into any consuming market. In most years cotton values in winter, spring, and summer reflect a greater increase over fall values than the mere carrying charges amount to.

suming market. In most years cotton values in winter, spring, and summer reflect a greater increase over fall values than the mere carrying charges amount to.

Lost motion in handling, unnecessary drayage, high costs of labor, insurance, and money, and delays which impose a burden on transportation are a factor of moment in every American port, and reduce the advantage American traders should naturally enjoy by reason of an abundance of raw material, unimpaired credit, and potentially low cost of transportation.

Port congestion, resulting from lack of proper planning, from personal greed, and from an absence of unselfish guidance and authority has resulted in high charges in many American ports, which in turn narrow world competitive markets for American products.

Knowing these facts and given a wide-open opportunity for the testing out of schools of thought and competitive policies and for encouraging enterprise and business endeavor, the New Orleans port authorities have planned for to-day and to-morrow, and are in position to provide policies under which any wholesome tendency in commerce and industry may be fostered.

A market of deposit for the products of the valley on their way abroad, and for the products of the world on their way to the valley, is on the cards. The facilities for such a market of deposit embrace complete coordination between rail, highway, and inland water and ocean transportation, storage, and mill. There is provision for certificates of storage, bearing the guaranty of the sovereign State of Louisiann, showing character, class, weight, and condition of commodities in store. This means low-cost money. Fireproof waterside warehouses means low-cost insurance. Coordination means low-cost handling.

Such warehouses may be built on leased harbor frontage by warehouses means low-cost insurance and eleased to warehouses means low-cost insurance. A municipally owned and operated by the public, through the port board, as the case may require.

as the case may require.

A municipally owned and operated belt-railway system coordinates all rail lines entering the city, all wharves and warehouses, and all factory sites.

factory sites.

Through privately owned harbors and harbor sites on ship laterals of the inner harbor industry, using either the raw products of the valley or of foreign fields and coordinated with all port facilities and transportation by publicly owned belt railroad and by lighter, may, singly or in combination, develop and employ economies of a very rare

Before port development plans on such a scale and so complete in policy could be made effective New Orleans had to do many important things. It had to devise a sewerage and drainage system for a region devold of natural grades. This it did in the case of sewerage through the installation of underground automatic electric pumps which created pipe-line grades between each station. In the case of drainage a new type of low-lift, high-capacity pump, many of them 10 feet in diameter, had to be designed for this work.

With a mighty but muddy river passing its front door, New Orleans had relied on a rain-water supply for domestic use. Wells would not do, because they yield salt water only. A real water supply was required, and so a monster filtration plant, depending primarily upon coagulation and precipitation, was built, which now delivers a filtered, pure water supply so cheaply that it is freely used to wash the streets and put out fires.

Then there was the old yellow-fever problem. This problem was solved through mosquito elimination. Two hundred and fifty thousand surface cisterns were destroyed by law. These cisterns afforded the only great breeding place for the particular mosquito which can transmit the poison from one sufferer to another. The fever does not originate in any portion of the United States. It is not contagious. With no stegomyia faciata mosquito to transmit it there can be no transmission. And so yellow fever, if brought into the port, can not now become epidemic.

The same is true of bubonic plague. This is a rat disease, and is transmitted through the rat flea to the human when the rat dies.

To make babonic plague impossible in New Orleans every residence, building, wharf, warehouse, and terminal has been rat proofed. More than 2,000,000 rats have been trapped and millions more have been poisoned. The saving in goods alone, not destroyed by rats, justifies the cost of rat proofing, aside from its value as a health measure.

With safety from yellow fever and bubonic plague. New Orleans, a s

BARGE LINES

Prior to 1846 boats on the Mississippi, Ohio, and other rivers enjoyed a monopoly of Mississippi Valley commerce, and none destined for a seaport could escape New Orleans. The boat owners, never fear-

ing competition from artificial transportation, fought among themselves, but no terminals, through bills of lading, or truly economical methods were developed. They wasted steam, gave over space they needed for freight to promenade decks, and relied on the muscles of men to do work machinery should have done. Their patrons welcomed the railroads as a relief from an arbitrary monopoly which had never made effective the basic economy of water transportation.

The valley was developing, resources were abundant, and the residents were wasteful in many ways.

And so the railroads, building out fanlike from the North Atlantic ports, tapped the valley at many points. The public was agreeable, and the boat lines fell fairly easy victims. Midnight tariffs and sometimes unfair competition finished the job. Railroad exploiters of those days did not believe there would ever be commerce enough for rails and boats, too. Anyway, the valley's foreign markets were then almost solely in western Europe, which is nearer New York than New Orleans.

almost solely in western Europe, which orleans.

Finally the Civil War permitted a situation to develop which fostered the North Atlantic ports and retarded New Orleans.

Out of it all came rate structures, laws, and other factors which stood as a barrier to private enterprise whenever it attempted to redevelop inland water transportation.

THEN THE GREAT WAR CAME.

At the request of the people of the Mississippi. Ohio, Missouri, and other great valleys the Federal Government created a barge line service between New Orleans and St. Louis on the Mississippi, and between New Orleans and Brimingham on the Warrior River. There was a double purpose. First, to augment rail transportation. Next to wipe out by actual service handicaps on inland waterway use which had developed through long nonuse. The idea was and is for the Government to complete a practical demonstration of the feasibility and seconomy of inland water transportation and then sell out its equipment to business enterprise.

The demonstration thus far has proven successful, more freight is being offered than the barge line can carry, and on every pound of freight moved the shipper saves a very material percentage of the normal rail rate.

This saving applies through joint rail and water rates between inland towns and ports as well as between ports.

With the completion of the lock and dam system on the Ohio the channel improvement projects on the upper Mississippi and Missouri Rivers and the Lakes-to-the-Gulf Channel from Chicago, the former largely completed and the latter fully provided for, there will be water interchange between Minneapolis, Chicago, Kansas City, Pittsburgh, St. Louis, New Orleans, Pensacola, Birmingham, Mobile, Galveston, Houston, and Brownsville, Tex., the last four being on the now nearly completed intracoastal canal. New Orleans is the main junction point of this waterway system,

NATURAL RESOURCES.

The world's largest sulphur deposits are on the Intracoastal Canal. So are the world's largest salt mines.

The Mesaba iron mines are about as near Minneapolis on the Mississippi as they are to Duluth on Lake Superior.

Pittsburgh's coal and iron supply is on the Ohio and its navigable

Similarly, Alabama's iron and coal are on the Warrior, which is a part of the system, as is also much of Alabama's limestone.

The wheat of the upper valley and the cotton of the lower valley are now finding their way to ship side over joint rail and water routes at material saving in transportation costs, and these savings should increase.

Louisiana's sugar, molasses and rice, and Brazil's coffee are being moved up the river on barges at low rates.

Nicaragua's mahogany is moving along the same route, while agricultural implements, automobile, and many other export products are coming down.

Early in 1923 a great fleet of towboats loaded with export steel for the Orient arrived at New Orleans from Pittsburgh. It was the

Early in 1923 a great fleet of towboats loaded with export steef for the Orient arrived at New Orleans from Pittsburgh. It was the first of a series.

The facts all appeal strongly to the economist and to the industrial and transportation engineers, and, more or less to their surprise, the people of New Orleans are now hearing much about plans and projects for basic steel industries on their just completed inner harber; about projected lumber and timber harbors which contemplate a trade in Central and South American hardwood, and hardwoods and pine from the Southern States; woodworking plants and waste material for paper pulp, the chlorine to be available from a planned chemical harbor near by.

This chemical harbor project has received a great deal of attention. Oil, sulphur, gas, and salt are available from near-by sources of abundant supply. There are cotton, coal-tar products, limestone, gypsum near, in addition to foreign chemicals.

Plans for these great basic enterprises include coordination each with the other, and the maximum use of waste material.

May 2, 3, and 4 the National Foreign Trade Convention will again meet in New Orleans, the second time within a few years, largely for the purpose of bringing the commerce generators of the country into personal contact with the new order of commercial and industrial economy as New Orleans is developing it.

Mr. Chairman, I ask unanimous consent to extend my re-

Mr. Chairman, I ask unanimous consent to extend my re-

marks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection. Mr. McFADDEN. Mr. Chairman, I now yield to the gentle-

man from Louisiana [Mr. LAZARO].

Mr. LAZARO. Mr. Chairman, I have always been glad to do all I could to help place agriculture on a sound basis. Therefore I shall gladly support this farmers' credit bill, hoping that

it will give some relief.

I regret very much, however, that the Committee on Banking and Currency did not report a bill earlier in the session, so that the membership of the House could have had ample time to study and perfect it. I am very much afraid that a bill passed in such a hurry at the close of a session, when so many measures are being considered, will not give the relief it is intended to give.

We are told that this legislation will provide intermediary credits for the agricultural interests of the United States, and by agricultural interests is meant all of the people who are engaged in the production of agricultural products, including the warehousing and orderly marketing organizations.

The farmers of this country are not asking for special favors; they are asking for the same consideration that is given other interests. A considerable part of the farmers' credit needs are to be classed neither with short-time credit, as thought of in commercial circles, nor long-term mortgage credit, but are represented by what we have come to call intermediate credit-that is, a term of credit which corresponds fairly well with the farmers' turnover period, which varies from a year for crops to as long as three years in the case of breeding The need for some such system has been recognized for years, and has been brought to public attention in a very emphatic way during the past few years. The lack of it has caused hundreds of thousands to fail and has injuriously affected general business and industry.

There is nothing that can be done through legislation that will be more helpful in reestablishing agriculture on a sound basis than the enactment of a satisfactory rural credits bill, and certainly the reestablishment of agriculture on a solid founda-

tion is now generally looked upon as a national need.

We have got to have a prosperous agriculture if we are to have a productive agriculture. Prices for farm products which are the actual cost of production may for a time seem to be a good thing for the people in the cities. In the end the result is bad for everybody. Unless agriculture pays the cost of production plus a profit it can not continue to be productive. Farmers can not and will not continue to produce at a loss. If this continues, more and more farmers will go to the towns and cities, and this, of course, will result in reduced agricul-tural production. There must be a fair relationship between the prices of the things the farmer has to sell and the prices of the things he has to buy. That is the only way we can have a balanced national life. Of course, the farmers of this country must understand that they will never receive the full benefit of any kind of legislation, such as credits legislation, cooperative marketing legislation, and warehouse legislation, unless they work through organization.

Mr. McFADDEN. Mr. Chairman, I yield to the gentleman

from Texas [Mr. Blanton].
Mr. Blanton, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows

Mr. BLANTON. Mr. Chairman, I have secured permission to extend my remarks in the RECORD in order to print some documents I have received from Dr. Edwin C. Dinwiddie in defending himself against a statement which, on request, I inserted in the RECORD June 21, 1921. I personally knew nothing about the controversy. I believe in being fair and in giving both sides an opportunity to be heard. I have received the following from Doctor Dinwiddie:

WASHINGTON, D. C., February 28, 1923.

Hon. T. L. Blanton, M. C., House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

My Dear Mr. Blanton: I beg to say that the Anderson attack on me was printed in the Congressional Record upon your request, in volume 61, part 3, on page 2844, under date of June 21, 1921. I am passing up entirely Mr. Anderson's statements with regard to my seeking the position in the Federal enforcement service, although it is easily refuted by the Assistant Secretary of the Treasury and by the Commissioner of Internal Revenue at the time, as well as several prominent Anti-Saloon League officers who are familiar with the facts. I pass this statement up because the public is not concerned in it, and it is Mr. Anderson's personal opinion about my qualifications, for which I do not care.

I inclose data comprising a letter voluntarily written me by the associate superintendent of the league, Dr. Howard H. Russell, who has known me intimately for nearly 30 years past, and a letter from Hon. William S. Bennet, one of our former leaders in the House of Representatives, and himself in the New York Legislature and the Federal Congress a practical and successful antisaloon leader.

I certainly appreciate your attitude as expressed to me this morning. Very cordially yours.

Edwin C. Dinwiddle, Superintendent.

EDWIN C. DINWIDDIE, Superintendent. WESTERVILLE, OHIO, May 10, 1920.

Rev. E. C. Denwiddle, 32 Bliss Building, Washington, D. C.

My Dear Edwin: May 24 will begin the twenty-eighth year of the Anti-Saloon League. Next November it will be 27 years since we met at Willoughly and agreed to work together to abolish the liquor traffic. Both of us had unusual right to hate that satanic destroyer. It was natural we should enlist against it. It was clearly providential we should work together. I am profoundly grateful I have known you and have had the privilege of fighting side by side with you to national sixteen.

God has used your talents with a great degree of effectiveness. No true history of the victorious conflict can ever be written without ascribing an essential and most conspicuous part to your unique and distinguished services. You have had vision, consecration, and superior legislative efficiency. In the hall of fame of temperance and prohibition your name and repute are forever assured.

It is consistent with your record that you have chosen to continue your service in work for social welfare, and in this I wish you most alundant success. It is a great personal pleasure to learn from Doctor Baker that you consent to serve, if elected, as one of the advisory officers of the Anti-Saloon League, and if at any time your full-time personal services become essential that you will endeavor to respond to a call. We shall need your wisdom upon legislative matters, and this arrangement is very pleasing to me.

With cordial regard, in which Mrs. Russell jolns, to Mrs. Dinwiddie who also has borne the burden and heat of the day in this service, and congratulating you both, we remain,

Fraternally and faithfully yours,

HOWARD H. RUSSELL.

NOVEMBER 30, 1921.

Rev. P. A. BAKER, D. D., General Superintendent Anti-Saloon League of America, Westerville, Ohio.

Westerville, Ohio.

My Dear Doctor Baker: Last summer, during the pendency of the so-called antibeer bill, Mr. W. H. Anderson, superintendent of the New York Anti-Saloon League, made what I believe to have been an unwarranted, unfraternal, and untruthful public attack upon Mr. Edwin C. Diawiddie. This was naturally resented at the time and sluce by both Mr. Dinwiddie and his friends. Many of the latter felt at that time that the matter should have been taken up then and there and a retraction or repudiation made, or steps taken to insure suitable redress for such an uncalled-for slander. Mr. Dinwiddie took the position, however, that there was pending in the Congress a measure which was designed to meet a threatened emergency and at that time in such shape that it had the prospect of passing promptly, and he did not want to be responsible for precipitating a controversy which might divide the forces in favor of the Campbell-Willis bill and militate against that result.

In deference to that expressed view, and, I may say, sharing it in the main, postponement even of this letter by concert of representatives of organizations in interest, as well as special individual friends, has been

main, postponement even of this letter by concert of representatives of organizations in interest, as well as special individual friends, has been made.

I am hopeful, however, that any such necessity may be avoided now, as I can but think that you will feel about the matter as I and all of whom I have knowledge do, and on behalf of your organization disclaim the sianderous statements and innuendoes in Mr. Anderson's attack, for they were made by him as a superintendent of the league in New York State and as a member of the legislative and executive committees of the national league.

Whatever Mr. Anderson's personal views or feelings might have been, I am confident he absolutely misrepresented the feelings of the league as such and of the men generally who were identified with it, in view of the actions which have been taken, statements made by you and other leaders both in the press and in letters, as well as orally, concerning Mr. Dinwiddle and his loyal and effective services to the cause and the league during a long period of years.

Mr. Anderson's whole effort was to lug into this two-page vituperative assult extraneous matters wholly unconnected with the subject before Congress for the purpose of discrediting Mr. Dinwiddle and, if possible, to "break him down," so to speak. The occasion of which he took advantage was a difference in judgment as to what should go into a bill to meet an emergency which your people—with other temperance forces—insisted was imminent. Mr. Dinwiddle took the position that the way to meet it was to pursue the same methods which had characterized league efforts for years—confine the emergency measure to uncontroverted features and afford no legitimate grounds for opposition of delay. He knew enough about Congress from his long and intimate contact with it to know the dauger in any other course. The major portion of our best dependable friends agreed with him, and the had correctly appraised the situation.

I have no intention of going into the matter exhaustively in this lotter.

would never have passed, Yours truly,

WILLIAM S. RENNET.

THE ANTI-SALOON LEAGUE OF AMERICA. Washington, D. C., December 18, 1922.

Washington, D. C., December 18, 1922.

Hon. William S. Bennet, Chicago, Ill.

Dear Mr. Bennett Fou doubtless, by this time, think me a great prevaricator, but I am really nothing of the sort. I came through Chicago, as per my former letter to you, but my wife's sister was in a dying condition and did die, consequently I hurried on through. I expected to be in Chicago again about a month later, when I easured myself that I would call and see you. I reached Chicago, did not have your letter with me and have not now, and tried for an hour or more to find you, through the telephone book, etc., but could not. I then determined to see Mr. Dinwiddle at the earliest opportunity and get your address, but which did not appear until the Toronto convention. I now have it.

Relative to the matter of which you wrote me, it does not seem to me. in view of the fact that the national executive committee of the Anti-Saloon League passed friendly resolutions as to Mr. Dinwiddle and his work with the league, that anything can be gained by stirring up the Anderson-Wheeler Dinwiddle matter. Mr. Anderson is sort of a law unto himself and always has been. Mr. Wheeler said before the committee that be might have spoken too quickly, but felt justfied, however, in saying what he did.

Since the executive committee has taken the action it did when Mr. Dinwiddle severed his connection and friendly relations prevailed be-

tween Mr. Dinwiddle and Mr. Wheeler, I can but feel that it would be unwise to stir up these matters that have been forgotten. I wish you to know, however, that I have meant no discourtesy toward you or this whole matter in not reaching you sooner. The circumstances are as I have stated above.

With kindest personal regards, I am

Cordially yours,

P. A. BAKER.

COPY OF LETTER SENT ALL PROHIBITION MEMBERS OF CONGRESS,

Washington, D. C., June 25, 1921,

WASHINGTON, D. C., June 25, 1821,
My Dear Sir: Under a manimous-consent agreement in the House,
the bill by Representative Campbell, of Kansas (H. R. 7294), is expected to be called up and placed upon its passage on Monday, the
27th. This bill contains the provisions of the original H. R. 5032 as
amended by the Committee on the Judiciary in H. R. 6752, with the
seriously controverted sections omitted in order to meet in ample
time an emergency in the threatened opening of breweries for the
manufacture of beer and its prescription under the law for medicinal
purposes.

manufacture of beer and its prescription under the law for medicinal purposes.

This was the only way, under conditions which were known to exist and the opposition of chemists, druggists, manufacturers, and users of alcohol and liquors for perfectly legitimate purposes, by which complete congressional action could be obtained in time to avert what our prohibition forces have feared as a "flood of beer." Several amendments which are helpful, and are not of a character to causa opposition from any interests entitled to consideration by the advocates of prohibition, have been added by the Committee on the Indicionary. Judiciary.

Judiciary.

The representatives of the various national agencies engaged in promoting temperance reform at the National Capitol are all asking the early passage of this emergency legislation, and it is our hope that you can see your way clear, by vote and influence, to secure its eaactment Monday by the House.

Very sincerely yours,

Down C. Dixwinder.

Legislative Superintendent, Committee on Promotion, etc., National Electoral Superintendent, International Or-der of Good Templars, Commissioner of Prohibition, National Reform Association.

RELEASED ON RECEIPT.

[From Edwin C. Dinwiddie, 734 Munsey Building, Washington, D. C.]

From Edwin C. Dinwiddie, 734 Munsey Building, Washington, D. C.I. My attention having been called to a two-page single-spaced type-written statement by Mr. Anderson, of New York, which I have just been able to read, I wish to say I do not believe the general public is any more interested in his opinion of me than I myself am. I have a definite course mapped out which I think is best calculated to advance the cause of prohibition throughout the country, and I do not intend to be diverted therefrom to engage in useless newspaper controversies of a personal character.

Under the opinion rendered by former Attorney General Palmer and regulations conforming thereto ready to be issued by the Treasury Department, there will doubtless, unless Congress passes a law promptly to prevent it, be a "flood of beer" by its manufacture and prescription for medicinal purposes.

The simple question is, Shall such a bill be one to meet the emergency which confronts the country as to beer, or shall it be one loaded down also with provisions which everyone conversant with conditions in Congress knows will provoke serious discussion and encounter lengthy delay? I have favored and do now favor meeting the emergency in time to avoid the predicted deluge of beer.

The correctness of my position is attested by the fact that Senator Williss, of Ohio, known throughout the country as a long-time champlon of prohibition, and Representative Camprable, of Kansas, a life-long prohibitionist, whose State adopted prohibition 40 years ago, have introduced identical bills to prohibit beer, but with the controverted provisions of the Volstead bill eliminated. I believe both Senate and House will pass such a bill promptly if the Judiclary Committee will report it out at once.

STATEMENT BY EDWIN C. DINWIDDIE, SUPERINTENDENT NATIONAL TEM-PERANCE BUREAU, COMMISSIONER OF PROLIBITION, NATIONAL REPORM ASSOCIATION.

October, 1921.

Beer is not in the same class for medical uses with other intoxicating liquors like whisky, braudy, and wines. It has never been officially recognized as a medicine; has not been listed in the United States Pharmacopæia or indorsed by any standard work on material medica.

This is why I favor the passage of the pending Campbell-Willismeasure by Congress consistently with my position as oppositing interference with alcohol and alcoholic liquors for legitimate, scientific, medicinal, mechanical, and sacramental purposes.

Had the original bill been confined to this proposition to meet the impending emergency there is scarcely a doubt that it would have been pussed long ago and to a large extent forgotten by this time. This whole movement is not to be penalized by a strategical blunder, nor are long-established methods for the detection and apprehension of crime, existing and sanctioned by laws, decisions, and practice since the earliest days of the Republic, to be ruthlessly cast aside in the interest of a forform hope of resuscitating the liquor traffic in this country, as would be done by the adoption of the Stantey amendment.

The conference committee compromise amply provides all needful protection against unreasonable and improper scarches and selzures, and should be adopted.

If the obstructive tactics which have prevented the Senate from reaching a decision on this matter for several months past are continued after disposition of the pending tax bill, the friends of the Campbell-Willis measure will not be open to censure if they exhaust all parliamentary expedients to secure final action by the Senate at an early date.

LETTER TO EDITORS OF RELIGIOUS AND TEMPERANCE PAPERS.

NOVEMBER 16, 1921.

To THE EDITOR: The United States Schale under a manimous-consent agreement will pass on the so-called antimedicinal beer bill on Friday, November 18. There has not been the slightest doubt about the ultimate adoption of the conference report which carries the com-promise section on search and seizure—as distinguished from the

STANLEY wholesale inhibition against it—whenever the Senate should vote upon it. There has been no occasion therefore to beat the bushes unduly pending the time it could be reached.

Just for your information, however, I am inclosing copy of a statement issued to the press several weeks ago and also of a letter which I have sent to Senators in support of the bill, both of which are self-explaintery, and which I trust may be of interest to you.

Very fraternally yours.

Figure C. Dixwipnyer, Superintendent.

EDWIN C. DINWIDDIE, Superintendent.

LETTER TO SENATORS.

MY DEAR SENATOR: Kindly permit me to bring briefly to your attention some considerations in connection with the pending conference report on H. R. 7294 (the Campbell-Willis bill), which I hope may be of Interest.

My Dean Senators: Kindly permit me to bring briefly to your attention some considerations in connection with the pending conference report on H. R. 7294 (the Campbell-Willis bill), which I hope may be of interest.

In advocating the submission and adoption of national constitutional prohibition we expressly exempted liquors for legitimate scientific, medicinal, and sacramental purposes. I find nothing inconsistent, however, in the advocacy of the pending antimedicinal beer proposition, in yiew of the fact that beer has never been listed in the United States Pharmacopeals as a medicine and has not been so recognized in any standard work on materia medica. Besides the official representative of the corporation which has been the largest manufacturer of beer in the world in preprohibition days declared that this amendment ought to be adopted, and, without changing their views on the general subject of prohibition, that his company favored this antibeer provision, saying in effect that the manufacture and prescription of beer as a medicine practically meant it would find its way into channels for beverage use and seriously hamper enforcement of prohibition.

There are those who honestly believe that Congress should not and can not limit physicians in the prescription of medicines, including alcoholic liquors as such, which have had—whether correctly or not-official recognition as medicines; but it does not seem out of place to prohibit the use of beer, which has never been in the same category. It is carnestly hoped that the conference report will be adopted, for the compromise amendment re search and seizure provides ample safeguards against unreasonable and unwarranted searches, etc. The Senate amendment, however, which it is now felt was adopted hastily and without a realization of its full effects, would overturn necessary procedure with respect to the detection of crime and apprehension of criminals which has existed and been sanctioned under laws, decisions, and practices since the earliest days of the Republ

EDWIN C. DINWIDDIE, Superintendent.

EXTRACTS FROM THE HISTORY OF THE ANTI-SALOON LEAGUE.

[Written by Excest Hurst Cherrington, general manager of publishing interests and secretary World League Against Alcoholism.]

Written by Exoset Hurst Cherrington, general manager of publishing interests and secretary World League Against Alcoholism.]

The passage of this measure (the Webb-Kenyon interstate liquor shipment bill), after more than a decade of aggressive work by the league at Washington and in the congressional districts of the several States, was secured only by the earnest cooperation of all the antiliquor forces of the Nation. In a peculiar way, however, the special credit for this victory is due the legislative superintendent of the Anti-Saloon League, Rev. Edwin C. Dinwiddie.

Mr. Dinwiddie was one of the pioneers of the league movement, having been the second man called into the service by Dr. Howard H. Russell after the birth of the Ohio League at Oberlin. He began his work as a league man in December, 1893. In the Ohio legislative session of 1894 he assisted Superintendent Russell in the legislative work in behalf of the Haskell local option bill, after which he was made legislative superintendent of the Ohio league. After the Pennsylvania branch of the league was organized he became superintendent of the league in that State; and when national legislative offices were opened in Washington, D. C. in 1899, he was elected national legislative superintendent to look after the league's interest at the National Capital.

When the fight for problibition in the State of Oklahoma came on Mr. Dinwiddie, after making a successful fight to secure a statehood bill in Congress favorable to the efforts on the part of the people for prohibition in Oklahoma, went to Oklahoma at the direction of the national league and personally took charge of the campaign for the prohibitory amendment to the State constitution. How well he managed that campaign is best evidenced by the vote on the proposed amendment, which resulted in the adoption of problibition by a majority of over 18,000.

His most important and distinguished services, however, have been along the lines of national legislation. The anticanteen law, with the later provisions

Mr. McFADDEN. Mr. Chairman, I now yield to the gentle-man from Colorado [Mr. TAYLOR]. Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous

consent to extend my remarks in the Record, and to be placed in the back of the RECORD, The CHAIRMAN. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Chairman, the gentleman who has just preceded me, the gentleman from New Jersey [Mr. Parker], in speaking of the risk involved on loans on farm products and the danger of deterioration in such commodities, quoted some scripture which, I think, would be more appropriate if quoted in full. He said that "moth and rust do corrupt.

The farmers of this country have found out that thieves sometimes break through and steal. For the greater part of my life I have seen the farmers of the section where I live either denied credits or forced to borrow money at rates fixed by the lender and upon terms which forced them to dump their crops produced by a whole year of labor on the market within a period of a few weeks' time—the time and price practically dictated by the purchasers. Such a system is not right; it is not sound in morals; it is not good common sense. a foolish and indefensible economic policy for a great producing people. I wish I had time to tell you of the hardships and injustice that the people of my section of the country have had to endure as a result of such conditions. I rejoice that in some measure at least the situation has been relieved. Fortunately for the country, our Government for a few years was composed of men desirous of serving the masses of mankind and who had the patriotism, judgment, and foresight to formulate and establish a banking system which has met the requirements of the commercial, industrial, and manufacturing interests of the Nation. I refer to the Federal reserve system, which is one of the greatest legislative achievements ever accomplished since the foundation of the Government. During the brief period to which I have referred an act was passed by Congress which gave the farmers of the country a Federal land bank system which has met, to some extent at least, the needs of the small farmer and tenant for credits upon an amortized basis and at reasonable rates of interest. This legislation has been of vast benefit to the farmers of the country and to all others whose prosperity is dependent upon agriculture. The system has loaned about \$1,000,000,000 to something like 300,000 farmers. About three-fourths of the amount loaned has been furnished through the Federal land banks—the balance through the joint-stock land banks. The system is being extended and simplified and the volume of loans is increasing rapidly. usefulness is growing and extending all the time. to have had an humble part, as a member of the Banking and Currency Committee of the House, in framing both the original Federal farm loan act and the various amendments which have been adopted. This act and the Federal reserve act marked a new era in the industrial and economic life of the country. Under their operation we have witnessed a prosperity never known before.

But the agricultural interests of the Nation require a personal-credit system furnishing money upon maturities suited to the production of crops that can be marketed within a period of one year and adapted to the raising and marketing of live stock. In response to this requirement, the bill before us undertakes to afford credit based on maturities from three months to three years, the purpose being to take care of the raising, fat-tening, and marketing of live stock and the growing and mar-keting of other crops. The bill amends the Federal reserve act so as to make farm paper eligible for rediscount by Federal reserve banks and extends the period of maturity from six months to nine months. If this legislation is successful in meeting the purposes for which it is passed, the farmers of the country will be able to market their crops in an orderly manner instead of having them dumped on the market faster than the demands of consumers require. The plan seeks especially to aid and encourage cooperative associations among farmers, which is highly desirable,

The War Finance Corporation has to some extent taken care of the peculiar needs which the bill before us seeks to meet. I want to say in this connection that the War Finance Corporation was a great blessing to the farmers of the South and West, It helped to stay the evils of depression and to revive and stabilize prices. Its benefits were by no means limited to farmers-it assisted and saved hundreds of little banks in agricultural sections that were overloaded with loans and advances to people engaged in agricultural pursuits. I should be seriously afraid of the results if we should terminate the activities of the War Finance Corporation without some system to take its place-some plan for meeting the needs of the farmer for credit extending a sufficient period to assist in the production and marketing of crops.

The bill makes provision for 12 intermediate credit banks, each having a capital of \$5,000, to be furnished by the Government, the banks to be located in the same places as the Federal land banks and to be under the control and supervision

of the directors of the various land banks. Each intermediate credit bank is permitted to sell debentures to the extent of ten times its capital. The earnings of each bank are to be dividedone half going to the Government and the other half to a surplus fund until the Government shall be reimbursed the amount of capital subscribed.

The intermediate credit banks are given the benefit of tax exemption on their debentures. After the Government shall have been reimbursed, 10 per cent of the earnings of the intermediate credit banks goes into surplus and the balance to the Federal Government as franchise tax. The interest rate on the debentures of the intermediate credit banks shall not exceed 6 per cent. The intermediate credit banks are to purchase farm paper maturing not more than three years through banks, farm credit associations, live-stock loan companies, and the cooperative associations or producers. The discount rate shall not be more than 1 per cent higher than the rate paid on debentures, and farmers are not to be charged more than 11 per cent above the discount rate.

The bill provides for the organization of agricultural credit corporations by private subscription, the minimum capital of each corporation to be \$250,000. These banks are to deal in agricultural paper with maturity of six months or more. Provision is also made for the organization through private subscription of rediscount corporations with a capital of \$1,000,000 or more with the power to handle farm paper and rediscount for agricultural corporations. Both these corporations, as well as the intermediate credit banks, are placed under the general control of the Federal Farm Loan Board and have the same interest restrictions as prescribed for intermediate credit banks, but are not given the benefits of tax exemption nor the right to issue debentures as provided in the original Capper bill. The plan is in many respects analogous to the Federal farm-loan system, but the two systems are kept entirely separate in every particular save in the manner of location and management. I think later on the bill may be amended and improved by fixing a plan for the ultimate repayment to the Treasury of all subscriptions to the capital stock of the intermediate credit banks and placing the ownership of the capital of these banks in private hands so that the Government may be disassociated as provided in the Federal farm loan act in the matter of the initial capital of the Federal land banks.

I do not share the view that this legislation will bring complete relief to the farmers of the country, but it will help to some extent, I have no doubt. I welcome the opportunity to give it my support for whatever of aid it may accomplish. To the extent that it affords a low interest rate and credits that will enable the farmer to market his products with some regard to the demands and with some regard to the rights of those who toil to produce those products it will be commended

wish to say, however, that a supply of credits is not the only essential to prosperity in the agricultural sections. There are other things fundamental in their nature and destructive in results that must be given attention before agriculture can become remunerative and attractive and before the tide that is sweeping the population from the farms to the cities can be turned back. The farmer can never prosper under a system that affords to others opportunity to buy farm products at his door and raise the price at their own sweet will before they reach the consumer. Not only is it essential that the farmer shall receive a fair share of the price paid for his products, but he must not be robbed by unfair profits and taxes on what he has to buy, and he must be relieved of exorbitant and destructive transportation charges. Until these problems are solved no credit system can bring the measure of prosperity in agricultural pursuits that is needful for the Nation's welfare. If we should go to-morrow and supply the gold necessary to discharge the debt of every farmer in the land and furnish him funds with which to make a year's crop, we should be confronted in less than five years by the same situation with which we are attempting to deal to-day unless we cure the other evils standing in the way of agricultural prosperity. These are the evils which make it possible for a small crop to sell for more than a large crop.

It creates the indefensible situation in which the South receives more for a cotton crop of 12,000,000 bales than for a ceives more for a cotton crop of 15,000,000 bales. If there had ever been an overproduction of cotton or corn or wheat the inevitable results would be a surplus of cotton goods and cereals for the table. There has never been a time, even in our glorious southern climate. when men, women, and children, white and black, who plant, cultivate, pick, gin, and spin the cotton crop, had cotton clothes sufficient for their own comfort or the comfortable furnishing

of their homes. There has never been an overproduction of anything necessary to feed or clothe mankind. There was never a more fallacious argument—a contention that treats the blessings of providence as a curse. A productive soil, a healthful climate, a fruitful return upon human toil, a bountiful harvest can never become a curse or misfortune in any land whose government is in the hands of men whose patriotism and statesmanship fit them to control the destinies of a Government such as ours. [Applause.]
Mr. ANDREWS of Nebraska. Mr. Chairman, I make the

point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Nebraska makes the point of order that there is no quorum present. The Chair will

Mr. ANDREWS of Nebraska. Mr. Chairman, I withdraw the point of order.

Mr. McFADDEN. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLACK].

FARM CREDITS BILL.

Mr. BLACK. Mr. Chairman, in dealing with farm credits I think it may be properly said they are divided into three classes:

1. Acquisition credits, or credits to enable the farmer to pur-

chase or belo pay for a home.

Congress has already provided for acquisition credits by the Federal farm-loan banks, and could hardly expect to improve upon that system. It is working admirably. Under it the 12 Federal land banks have loaned about \$700,000,000 to 232,000 borrowers, each of whom is a home owner; and the joint-stock land banks have loaned about \$230,000,000 to about 25,000 farmers, each of whom is also a home owner. It may be confidently assumed that this system will continue to improve in usefulness and effectiveness and will become, as indeed it has already become, one of the Nation's most valuable financial institutions.

2. Production and maintenance credits: These credits are necessarily local in character. They depend upon the fertility and productivity of the soil which is being farmed, upon the climate, upon the regularity of the seasons, upon the intelligence, industry, and integrity of the borrower, and other factors of a local and personal nature. Credits of this kind will in the very nature of things rest rather largely between the borrower and the local bank. These requirements are for credit of sufficient maturity to make payment possible out of the proceeds of the farm. This means a credit running from six months to three years, depending upon the character of the commodities to be produced and marketed. In the case of crops six months may in some instances be quite sufficient, but in the case of live stock three years may be required. In times of money stress the local bank often finds itself scarce of funds to properly take care of this kind of paper. Therefore the bill now before us provides that the local bank can, with its indorsement and if the paper is otherwise sound, rediscount it with the intermediate credit banks which are to be established.

Also the bill contains a section which adds a new section to the Federal reserve act, to be known as section 13a, which provides that notes, drafts, and bills of exchange drawn for an agricultural purpose or based on live stock and with a maturity of as long as nine months shall be eligible for rediscount with the Federal reserve system. At present no paper having a greater maturity than six months can be rediscounted at the Federal reserve banks, and this change will greatly benefit the agri-cultural and live-stock sections of the country, and by increasing their prosperity will add to the prosperity of the whole country

(3) Marketing credits. This last-named kind of credits is perhaps most needed of all. The difficulty with the present system is that the production and maintenance credits which the local bank has furnished to the farmer usually fall due right in the marketing season, and the local bank being a deposit bank and therefore under the necessity of keeping a certain part of its assets-liquid frequently finds itself unable to furnish adequate marketing credits and therefore the farmers are put to the necessity of crowding their crops on the market during en-tirely too short a period, and this frequently results in dis-astrous declines in prices. It is perfectly natural that a market should decline if commodities are fed into it faster than the needs of the consuming public will absorb.

The bill which our Committee on Banking and Currency has reported and which we now have before us we think will fur-nish ample facilities for marketing credits to supplement those we already have and will especially provide an avenue where the cooperative marketing associations now so successful in

some States and so promising in others may be able to finance their operations. I will discuss the cooperative marketing movement more at length further on in my speech.

I shall not attempt, except in what I have already said, to discuss the pressing need for a system of intermediate credits. That is so well understood and generally agreed upon that it would seem a lengthy discussion of it is unnecessary. cently had a Commission on Agricultural Inquiry which went very fully into the subject, filed a very valuable report dealing with credits and other phases of agricultural problems, and suggested legislation along the lines followed in this bill. One of the members of the commission was my colleague, Hatton W. SUMNERS, of my own State, in whose judgment and information on agricultural matters I have the greatest confidence.

OBJECTIONS TO THE BILL ANSWERED.

Those of us who favor this bill because we believe it presents a real workable plan for intermediate rural credits and insures the necessary capital to make the system a certain success from the very start are met with objections from two different sources.

First, there are some Members of Congress overconservative in their views, I think, who object to our plan because the Government is required to subscribe and pay the \$60,000,000 initial capital stock of the 12 Federal intermediate credit banks. I suppose most of us will agree that if there could have been positive assurance that private capital in sufficient amounts would take hold of this matter and make it a success it would have been preferable for it to have been done that way. But it is a new enterprise, and there can be no assurance that private capital would invest in sufficient amounts to establish the system. The need is urgent, very urgent, as everyone posted on conditions will admit. Therefore the only right and proper thing to do is to set up a system which we have every assurance will work and work from the very beginning. have ample precedent for the system established in this bill. When the Federal farm loan act was passed in 1916, there were plenty of overconservative, excellent gentlemen who took the position that the Government should not furnish any of the capital required to establish the banks, but that it should all be left to private initiative.

The need, however, for an adequate workable system of acquisition farm credits was imperative and had then already been too long delayed, and so Congress pushed aside these persuasive but not fundamental objections and provided that the Government should subscribe at least \$750,000 of the stock for each one of the 12 Federal land banks. I take a good deal of pride and satisfaction in the fact that I urged and supported that bill. The banks were promptly established, and while perhaps the capital was really too small as a starter, the difficulties of the initial steps have now been overcome and the system is a complete success and has met the most optimistic predictions of its friends. Two-thirds of the Government's stock has been paid back, and at the rate loans are now being made it will not be very long until every dollar of the Government's original capital stock will have been returned to it and the Federal farm-loan banks will be operating entirely without Government capital and upon funds belonging to their own stockholders, plus funds obtained from the investing public by the sale of bonds. The plan of the intermediate credit banks provided for in this bill is of similar conception, and it is the hope of the committee that its results will be equally as gratifying both to Congress, who will be responsible for its creation, and to the general public, who will use its facilities.

There is also a much later precedent than the one which I have just mentioned for the furnishing of Government funds.

to make loans to a basic industry.

When the transportation act of 1920 was passed, section 210 of that act provided a revolving fund of \$300,000,000 to be used for two purposes: (1) For the payment of judgments, awards, and decrees arising out of Federal control, and (2) to be loaned to such railroads as could make a proper showing of their needs to the Interstate Commerce Commission and could furnish satisfactory evidence to the commission of their ability to repay the loan at maturity.

The commission apportioned \$40,000,000 of this fund as a reserve to pay the judgments, awards, and decrees against the Railroad Administration and \$260,000,000 as a revolving fund to loan the railroads. The railroads are, of course, paying into foan the rainfoads. The rainfoads are, or course, paying in-terest on this money at the rate of 6 per cent per annum, just as the farmers and live-stock men are to pay reasonable rates of interest on the Government money which will be loaned through these intermediate credit banks. I am confident that the Government will collect back most if not all of the money loaned to the carriers under the provisions of this section 210

of the transportation act, just as I am confident that most of the loans made under this intermediate credits act will be collected. But what I can not understand is how many of these gentlemen who enthusiastically supported the transportation act of 1920 throw up their hands in excited protest and say, "We can not support this farm credits bill, because it requires the Government to furnish the initial capital for the 12 intermediate credit banks,"

Certainly these gentlemen can not rightfully contend that transportation is a more basic industry and has greater claims to Government consideration than agriculture. The producers of our great basic crops, like cotton, corn, wheat, and live stock, are certainly performing as useful a function to society as our common carriers. Both are absolutely essential to the welfare of the Nation. Certainly the critics of this bill can not contend that the financial needs of the railroads are greater than the financial needs of the farmers, because under the stimulation and assistance received under the terms of the transportation act of 1920 the carriers are in much improved condition and are now earning slightly in excess of 5 per cent per annum on their aggregate valuation as fixed by the Interstate Commerce Com-

On the other hand, it is quite generally known that many farm products are selling at and below the 1913 price level and many farmers are not making the cost of production, much less a fair profit on their investment. So it is not only the duty of Congress but it would be clearly remiss in the performance of this duty if it did not do everything possible in a legislative way along sound and constructive lines to remedy this in-tolerable situation, so that the farmer and live-stock grower

will again find himself on a sound and living economic basis.

Now, so much for that class of objectors. There is another class of objectors among the farmers themselves who say, "No; it is not more credits that we want but it is better markets. Give us a good market for our products and we will arrange for our own credits." Welt, of course we will all grant that if markets had been good much of the present stress in agriculture would never have arisen, but it must not be overlooked that the wise and proper use of credits is an essential factor in establishing good markets. It takes money, and lots of it, to distribute in the channels of commerce the great basic agricultural commodities by orderly marketing. The cooperative marketing associations of producers, if they are to be a success, must have ways and means of financing themselves and must be able to do it at rates of interest which will be as moderate and reasonable as that which is paid by other large industries, such as the steel industry, the railroads, and so

forth.

I think it will be admitted by most of those who have given any thought at all to the subject that cooperative marketing offers the most promising and likely hope of a solution to the difficult problem of finding profitable markets. rather risk the farmers themselves working through cooperative organizations under wise and constructive leadership, solving market difficulties, than to risk setting up some Government bureau to buy and sell farm products and try to stabilize prices that way. But to do the one thing and avoid the other it is necessary for the cooperative organizations to have access to an adequate credit reservoir. This we think we have established in the bill now before us.

IF NOT THIS BILL, THEN WHAT ARE WE GOING TO DO?

If we are not going to provide a system of intermediate credits for farmers and live-stock growers, then what are we going to do? Are we going to ignore the situation and do nothing? It is just that sort of thing which ultimately brings on radical and unwise legislation.

Study human history and you will find that without exception the radical and destructive thing has been done because those in authority did not have the judgment and the foresight to do the reasonable and the constructive thing at the right time. Power may justly be compared to a great river which while kept within its due bounds is both beautiful and useful, but when it overflows its banks it is then too impetuous to be stemmed. It tears down all before it and brings destruction and desolation wherever it goes. Just so in this case. It is the duty of men in authority to try and do the wise and constructive thing so that the unwise and destructive thing will not be done, and thereafter become too impetuous to be stemmed and tear down all before it. It is because I believe that this bill is a wise and constructive measure and may well be expected to meet with success that I support and urge its passage.

Under leave to extend my remarks, I give a brief outline of what the bill does,

STATEMENT OF WHAT THE RILL DOES.

(1) An intermediate credits bank is set up in each of the 12 Federal land districts, to be managed by the "directors' the Federal farm loan banks for the various districts.

(2) The United States Government will subscribe to the capital stock of each of the 12 intermediate credits banks up

to an amount of \$5,000,000 for each.

(3) One-half of the net annual earnings of the banks each year is to be paid to the United States Government in reimbursement of its stock and one-half is to be added to the surplus funds of the bank. So that ultimately the Government should be fully reimbursed while still owning the banks with the same original capital and a surplus of 100 per cent. After this has been accomplished, 10 per cent of the net earnings go annually to surplus and the residue to the Federal Government in the nature of a franchise tax.

(4) The intermediate credits banks are authorized to discount and to purchase agricultural and live-stock paper having a maturity of not less than six months nor more than three years, for and from banks, live-stock loan companies, and farmers' cooperative credits associations, and may also make loans direct to cooperative associations of producers under

specified conditions.

(5) To provide additional loanable funds, collateral trust debentures bearing not more than 6 per cent interest may be issued by the intermediate credits banks in an amount not to

exceed ten times their paid-in capital and surplus.

(6) Rates of discount may not exceed by more than 1 per cent the rate paid on debentures, and paper discounted must not involve a rate to the farmer higher than 14 per cent above the discount rate.

(7) The debentures issued by the intermediate credits banks will be secured not only by specific collateral and the capital of the banks but each of the 12 banks assumes a contingent

liability on all debentures issued by any other bank.

(8) The assets and liabilities of the intermediate credits bank will be separate and distinct from the assets and liabilities of the existing farm-mortgage land departments in each Federal land bank, so that farm-loan bonds as at present will in no respect be affected by the establishment of the intermediate credits banks.

(9) The intermediate credits banks will be under the general supervision of the Federal Farm Loan Board, and means are provided for the examination of institutions offering paper for discount and also examination of the specific security back

of such paper.

(10) The Federal reserve act is amended by extending the term of discount to member banks on agricultural and livestock paper from six months to nine months. Some of the advantages which may be properly claimed for

1. It utilizes existing credit machinery to the fullest possible

- 2. It can be put into operation promptly and will reach every
- section of the United States. 3. Because it so largely utilizes existing machinery the neces-
- sary overhead expense can be held to a minimum.

4. It can be expanded to meet emergencies without requiring

new legislation.

5. It will make available to the farmer credit for such term as corresponds with his period of production and make unnecessary the present practice of agreeing to repay before the borrowed capital has yielded returns to the borrower and user

6. It will reduce the cost of credit to the farmers, particularly

for sections remote from centers of surplus capital.
7. It will transform the farmers' intermediate credit paper into standardized investment securities which can be safely bought by investors anywhere without investigation of the specific security back of them.

Mr. LUCE. Mr. Chairman, I ask unanimous consent to revise

and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause,] The Chair hears none.

Mr. LUCE. I yield the balance of my time to the gentleman from New York [Mr. COCKRAN].

from New York [Mr. COCKEAN].

[NOTE.—This is the last speech delivered by Hon, W. BOURKE COCK-RAN, of New York, who died in Washington on the following day.

HAMILTON FISH, Jr.,

Member of Congress.]

Mr. COCKRAN. Mr. Chairman and gentlemen of the committee, I took the liberty of propounding some questions to the chairman of the Committee on Banking and Currency during his address, and on his answers I shall predicate what I have to say now. I asked him distinctly, and he answered with equal candor, if the purpose of this measure is to afford the farmers

a chance to get more money on credit than they could obtain through the ordinary processes of commerce. Now, since everyone with money, including the banking business, is quite as anxious to loan as any borrower is to obtain, the only fair and sensible deduction from those statements is that the farmer, through this measure-I will not say the farmer, I mean the statesmen who are cultivating the farmer, I do not speak of the farmer who is cultivating the earth, but of those gentlemen who are cultivating the farmer-propose that he shall be able to obtain more money on his property than the property is worth. SEVERAL MEMBERS. Oh, no.

Mr. COCKRAN. There can be no other meaning. Again I repeat he will have no difficulty whatever in getting all the money that his credit is worth. Now, if this additional sum which it is proposed to give the farmer could be obtained like manna rained from heaven and could be picked up in some place where it would not be contributed by somebody else, I would join in acclaim to that proposal. Now, you propose to give the farmer, as much as I would like to see him get it, money without adequate security, and that money provided for in this bill must be supplied by some one. Naturally you inquire who is to be the victim, who is to make good this benevolence. It is going to be you and me. Nobody else. So I ask the careful attention of this committee to the character of the proposal, to consider and weigh the facts and see if there be any justification whatever for the attempt to take money from one set of citizens-in other words take it out of the Treasury-for the benefit of a particular class. Now, to begin with, I think it important, if the committee will bear with me, to give a brief history of banking and its functions. I want to remind you that it is, in English-speaking countries, a very recent institution, about 230 years old.

Macaulay, in his History of England, points out that in the reign of Charles II there was not a bank in England, and yet there was a growing industry, and that industry needed the very facilities which banking now affords. He points out that at that time there had been in operation for more than three or four hundred years the great Bank of Venice, and that bank had operated through all the mutations and confusions that marked the collapse of the old feudal system. As Macaulay says, it was receiving deposits and loaning money while there was a Christian emperor still in Constantinople. It was loaning money before Columbus directed his ships across the western ocean, and it was still loaning money when an Ottoman emperor presided at the seat of the Cæsars, and while the discoveries of 'olumbus had resulted in the erection of numerous communities beyond the seas.

And more than that, the Bank of Amsterdam, which was a more recent institution, had existed for 150 years, had gone through a period of confusion on the Continent that was never matched until these recent experiences through which the world is passing to-day. He points out that at the terrible time during the French invasion of Holland, when, as we all know, the dikes were broken down and the country was flooded as a measure of defense, and the white flags were flying from the residence of the stadtholder, there was one place where all was orderpeace, progress, and wholesome activity-and that was in the Bank of Amsterdam.

Now, these were so many private institutions; and he points out that the Government never interfered in banking when the interference has not worked disaster. The Bank of England practically gave banking facilities to the English market.

And let me right here explain just what banking is, and when gentlemen realize it and fully appreciate it I think they will be able to form a fair judgment on the character of this proposal.

Banking is the means by which persons engaged in trade, in manufacture, or exchange of commodities, can prosecute their business with less inactive capital than they would other-

wise be compelled to employ,

Let me illustrate. If I am making tables or selling them I must, if I wish to remain in business, be ready at any moment to meet any demand that is made upon me, and I must meet it in the recognized currency of the country. If there were no banking facilities I would probably need to keep one-half of my capital idle. But by the operations of banking I can deposit 10 per cent of my capital in the bank, and a man engaged in selling tables, we will say, would deposit 10 per cent of his capital in the bank, and the man making shoes would deposit 10 per cent of his capital, and so on through all the multifarious branches of commerce and production. Men, by depositing small amounts of their capital, say 10 per cent, are able by their mutual accommodations to carry on business. If I need money to manufacture my tables I go to work and borrow, and when my tables are completed and sold I repay that loan, and that repayment not only discharges my indebtedness to the bank, but it supplies funds for the shoemaker or the furniture dealer, in

case they desire to borrow.

Now, the very business of banking is to keep trade of every kind and character active, and if the farmer can produce credit, if he can produce property, and is engaged in an occupation that will guarantee with reasonable certainty that he will be able to meet his debt, the bank is as anxious to lend the money as he is to obtain it, by the very nature of the commercial condi-

Mr. BLACK. Mr. Chairman, will the gentleman yield? Mr. COCKRAN. No; I regret I have not the time. Mr. Chairman, I ask leave to extend in my remarks on this question the sketch that Macaulay gave of the success of the Bank of

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. COCKRAN. It was found that this was an enormously profitable business, this business of banking. But there is nothing new in folly. The cry went forth over the country, "Let us have a land bank! Let us have a bank for the conduct of all land transactions." And Macaulay says they undertook to represent to the people that the miracles of Egypt would not be more marvelous than the results of loaning money on land. But the very essence of banking is the facilitation and the interchange and production of commodities produced from the land, and there is a totally different field of employment for capital in dealing with the land itself. Long loans belong to a totally different field of transactions.

The land bank was started in England. It was to do everything that is claimed for the land bank here, and it resulted in collapse almost before it got under way. But the English land bank did not propose to take several hundred million dollars out of the Public Treasury, as does this measure, and therefore you will have this bank working as long as that money lasts. But following the suggestion of the gentleman from Ohio [Mr. BURTON], let us assume that under the operation of this law large loans are made upon cattle and growing crops; I think they can loan up to 75 per cent of their value, and I have seen those values shrink over 50 per cent. What will be the security for those loans? How in the nature of things can these opera-

tions be prosecuted under the name of banking? They are a permanent investment, a totally different branch of financial activity; they want to be encouraged, but when that is done they are conducted under the name and guise of banks to which they do not belong. Let us follow out the suggestion of the gentleman from Ohio [Mr. Burron] for a second. Let us assume that the money is loaned to a great extent upon what is called farm products, say 75 per cent of the value, or on a great herd of cattle in Arizona or New Mexico or Texas, and then assume the appearance of a blizzard. Where will the money to meet that loan come from? Where can it be found? What happens then? Do you come back and ask for more money? Why should you not? You have discovered a way to open the Treasury; you have discovered a way to levy on your neighbors and fellow citizens, because nothing can be taken out of the Treasury by appropriation until it is put in by taxation. Having obtained \$60,000,000 in this manner, what is to prevent your coming back for twelve hundred millions?

You will come on the floor and ask if we are going to be the base, hard-hearted wretches who will actually emphasize and make more bitter the visitations of Providence, when all we have to do to protect the country is to shell out two or three hundred millions more. How long do you think that will last? The gentleman from New Jersey [Mr. PARKER] has made a powerful suggestion, one fraught with great significance in this discussion. Aside from the fact that you are already projecting into the financial system of the country a vast mass of tax-exempt securities, you are creating this condition: That just so soon as there shall be any collapse in the credit underlying the loans made under the operation of this law the Government can not fall back on its exemption from liability. Oh, it is reserved in this act, you say: but technically and nominally it has the right to declare itself free of liability. But The Government is tied up in the mere declaration of liability in the statute. It is held to it by the very nature of the transaction. The Government itself is the bank. Camouflage it as you may under the disguise of subscribing to the stock of a concern where it owns all the stock itself. It might as well come out and do this thing from the Treasury Department and have the credit, instead of skulking behind the guise that takes away not only the title of its responsibility but at the same time conceals from the people the character of its obligations.

Mr. Chairman, I am perfectly certain that my good friends around me here are far from realizing the true character of this proposal. I know perfectly well that these Democrats would recoil from the idea of tolerating or encouraging a system by which one set of people are despoiled for the benefit of They have been very quick to denounce the ship subsidy bill, and I agree with them. This is exactly the same character as the tariff. There is no way by which the Government can interfere in private business except to oppress. You can not have a favorite appointed here without having a victim, because the Government has nothing of its own that it can give. Whatever it offers the farmer it must take from the rest of us. There is no magic source from which these enormous contributions can flow.

Mr. McSWAIN. I would like to know who are the victims of

the Federal farm-loan associations.

Mr. COCKRAN. If there be default in these loans, as I believe there will be, we will all be their victims, including the farmers, who borrow, because they get no good from having a bankrupt concern on their hands. Do you want to undertake to relieve them from the necessity for and exercise of caution in the enterprise they undertake? You tell them that in some way or other they are entitled to take from the Government to meet the ordinary necessities for productive energy and enterprise, and if there be not such an idea in this measure, then there is no sense in it at all. I appeal to gentlemen on both sides of the House to realize that Government never interferes in private business without disaster, and that disaster is always brought about most rapidly and is of the most extensive character when it interferes with banking. There is nothing on this earth that is not produced by the labor of human hands, nothing that man could hope to possess or enjoy that is not the product of labor exercised on the bosom of the earth or on some product of the earth. Every attempt to enrich man by law means the despoiling of some for the benefit of others. If this be a natural operation of commerce, you need no law, you need no interference of Government. The eagerness of men to supply their capital will supply all that it is safe to lend the farmer. They would never lend him 75 per cent of the value of his flocks and herds, because they know that would be risky, if not making certain disaster to the loan and to the enterprise, but they will lend him all that it is safe to lend him, and that means all that it is safe for him to borrow.

The operations of commerce are regulated by laws as fixed as those that control the course of the seasons, and the amount a man may safely borrow is measured by two things. First, by his possessions, what he owns, what he has earned and saved, and second, by his character. When the amount of a loan can be determined by the pull—forgive me for using such a term. but it has a significance well understood-which an ambitious citizen can exercise upon the officers of a public institution, when the course of loans and business is controlled by the favoritism which a pull invites, then there is prepared for you disaster, the extent of which is difficult to measure. We are struggling away back now from a terrible condition. God knows whether the world will succeed in freeing itself from the calamitles that are multiplying around it and the dangers that are constantly increasing in its pathway; but if it is to escape, it can be by one way only, and that is by the employment of every pair of human hands in active industry on the soil or some product of the soil. You can not induce the employment of human hands in industry unless you guarantee to every man the peaceful and secure enjoyment of all that he produces. When the day dawns that any number of citizens are taught to believe that there is a more rapid road to prosperity, to wealth to the possession of capital, than the employment of industry and the exercise of self-denial, and that a more rapid way is through the Treasury by the complaisance or the connivance of politicians, then the knell of this country's prosperity is sounded.

My friends, I have not the slightest idea that having once

tasted this blood, those whose appetites are keen can be diverted from the satisfaction of it. But I do implore you in the name of all that we hold sacred, in the name of all that we have achieved, in our hope of prosperity and safety for the future, to pause before you launch the Government to the extent of \$600,000,000 into the domain of private industry, where it has never entered without producing extensive and sometimes irre-

parable injury.

Mr. WINGO. Mr. Chairman, will the gentleman tell us

whether he approves of the Federal reserve act?

Mr. COCKRAN. I will state that in many respects I do not. There are many features of it that I think are highly dangerous and the worst one is that which tends to encourage a man of the high and lofty instincts and mental capabilities of the gentleman from Arkansas, not only to support, but to father this proposal of socialism.

The CHAIRMAN. The time of the gentleman from New York has expired

Mr. McFADDEN. Mr. Chairman, I yield to the gentleman

from Tennessee [Mr. Davis].
Mr. DAVIS of Tennessee. Mr. Chairman, I am for this bill and ask leave to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. DAVIS of Tennessee. Mr. Speaker, I shall support this bill not because it adequately meets the situation but because it is better than nothing. Those in authority have deferred un-til the closing days of Congress the serious consideration of rural-credits legislation to relieve the prostrate condition of agriculture. This bill by no means meets the wishes and expectations of real friends of the farmers. However, I shall gladly vote for it with the hope that it will prove of some benefit. If its provisions are sympathetically administered, believe it will be of some considerable help. One thing which confirms me in the belief that it will probably be of some assistance is the fact that it is opposed by those Members of the House who always oppose every measure advanced in the interest of agriculture.

As stated by the gentleman from Arkansas [Mr. Wingo], we would not have had an opportunity to vote upon this measure had it not been for the persistent efforts of the Democrats. In fact, no measure designed to benefit agriculture has been considered or would have been considered by this Congress but for the zealous support and pressure of Democrats, joined by progressive Republicans from agricultural sections of the country. All such legislation has been wrung from an unwilling and unsympathetic majority, and against the wishes of the Republican leaders. By reason of such powerful opposition, such farm legislation as has been enacted by this Congress has been so restricted, conditioned, and "hamstrung" that it can not effectively operate in any substantial benefit to the farmer.

The only real constructive, far-reaching legislation ever enacted for the benefit of agriculture in this country was during the last Democratic administration. The last Republican gress and the present Republican Congress have done infigures than they have done for him. They nitely more to the farmer than they have done for him. had an opportunity to render the farmers a real service by accepting Ford's offer for Muscle Shoals, which would have resulted in the farmers obtaining fertilizer at one-half the pres-This was demanded by the farmers throughout the country and by the people in general, but the Republican leaders steadfastly refused to even give the Congress an opportunity to vote upon the proposition.

As I have repeatedly stated, agriculture is given decidedly less consideration by the Government than any other industry, especially in view of the magnitude and importance of the industry and the large number employed therein. It is not only our basic industry and by far the largest and most important but also one in which every man, woman, and child in the Republic is vitally interested, because every citizen is a necessary consumer of farm products.

According to the last Federal census, our rural population, including those residing in small towns and villages, depending entirely on the farmers, constituted 48.6 per cent of our entire population, and yet this 48.6 per cent of our population receive on the average only 17 per cent of the total United States annual income. Our actual farm population constitutes 29.9 per cent of our whole population, residing upon 6.443,343 farms, as of January 1, 1920. The investment in farms and farm property in the United States is approximately \$78,000. 000,000. This is more than the invested capital of all industries-railroads, banks, and mines combined.

In their desperation those opposing any relief for the farmers have fallen into some amusing inconsistencies. For instance, some of them have argued that the securities provided by this bill would be so bad that the system would break down and the Government would incur heavy losses. On the other hand, the gentleman from New Jersey [Mr. Parker], who so inveterately and loudly opposes all measures designed to alleviate the intolerable condition of agriculture, says that the securities authorized by this bill would be so attractive that they would prevent the refunding of Liberty bonds.

The gentleman from Massachusetts [Mr. Luce], who is leading the fight against this measure, has said some very untrue and very unjust things about the farmers. For instance, among other things, he said:

In the course of the Great War the American farmer profited more than any other class in the community. * * This wonderful wonderful accession of prosperity to the class which, of all classes, in the community might, without intent of invidious suggestion, be called the profiteering class during the war—this wonderful accession of prosperity resulted in resort to comforts and luxuries not before that enjoyed and ended with the farmer having laid by little or nothing against the lean years.

This statement, which is expressive of the viewpoint of many city dwellers, is not only false and slanderous, but it is especially censurable coming from a spokesman of the manufacturing and capitalistic classes. Perhaps his attitude and his slanderous statement about farmers can be explained by his own statement, made in the same speech, that he is a director in an insurance company which is making farm loans in the Western States and his own admission, "I do represent the interests.'

The wild statement of the gentleman from Massachusetts [Mr. Luce] about farmers profiteering is absolutely refuted by official statistics

Our farm population of 31.615.000, residing on 6,448.300 farms, with an investment of \$78,000,000,000, obtained gross cash receipts of \$15,418,000,000 in 1919, the peak year; and after \$8,308,000,000 disbursements in farm operations they had left \$7,110,000,000 with which to educate their children, pay doctors' bills, insurance, for clothing, food, and other necessaries of life. In 1920 their gross cash receipts were \$11,300,-000,000 and their disbursements in farm operations \$8,787,-000,000, leaving a balance of \$2,513,000,000. In 1921 their gross cash receipts were \$7,641,000,000 and their disbursements in operations \$6,946,000,000, leaving a balance of \$695,-000,000. In 1922 their gross cash receipts were \$8,962,000,000 and their disbursements in farm operations \$7,334,000,000, leaving a balance of \$1,628,000,000. It is thus seen that with an average farm investment of over \$12,000 the average net receipts amounted to about \$1,100 per farm, or \$220 per farm resident, received in 1919, the year when the farmers received the largest amount in history; and of \$390 per farm, or \$78 per farm resident, in 1920; and of \$107 per farm, or \$21 per farm resident, in 1921; and of \$252 per farm, or about \$50 per farm resident, in 1922. The gentleman from Massachusetts [Mr. Luce] talks about thrift, and yet with the large investments represented and with these farmers and most of the members of their families working from early morn until late at night, in the heat of summer and the rigors of winter, they were able to earn only the insignificant amounts stated. The gentleman from Massachusetts [Mr. Luce] and those he represents know nothing about thrift as practiced by these hardtoiling farmers.

It is unnecessary to state that the average amount received by the farmers of the country, even in the most prosperous year in their history, did not equal the average amount received by the wage earners employed in factories, the building trades, and the various other industries, with no capital invest-For instance, according to the last Federal census, during the year 1919 the wages paid employees in manufacturing, including children and unskilled laborers, averaged \$1,160; a large number of these wage earners were not heads of families, but frequently several members of the same family being so engaged. During the same year clerks, stenographers, and similar office employees working for manufacturing enterprises received an average of \$1,392; superintendents and other supervisory employees received an average of \$2,643. The salaried officials, 132,467 in number, of all the manufacturing concerns in this country, large and small, received an average salary of \$5,356. It is a matter of common knowledge that the manufacturing corporations themselves profiteered to such an extent that they made fabulous profits. It is estimated that a thousand corporations of different kinds in this country made net profits of \$19,000,000,000 during the World War.

The trifling incomes of those engaged in agriculture, even during their most prosperous years, pale into insignificance when compared to the incomes and profits made in practically all other lines of industry. Furthermore, I wish to call attention to the fact that farm operations not only require a large investment but also that it requires practically a year to produce and market any crop, with the result that the farmer is not generally able to turn over a dollar but once a year, whereas those engaged in manufacturing and trade turn their dollars over many times during the course of a year. For the volume of business done, much less capital is required than is the case with farms. For instance, according to the Federal census, during the year 1919 the capital investment in manufacturing in this country amounted to \$44,456,593,771, owned and borrowed, and including water stock, and yet these factories sold their products of that year for \$62,418,078,773; whereas during the same year the farmers of the country, with an investment of \$77,924,100,338, received for their products of that year only \$15,418,000,000. In other words, the manufacturers sold their products for 40 per cent more than their total capital investment, whereas the farmers were enabled to sell their products for only 20 per cent of their investment.

The national industries handling animal and food products, with a capital investment of \$4,615,149,895 and with 684,672 employees, sold their products of the year for \$12,438,890,851 (nearly three times the amount of their capital investment). In other words, concerns handling farm products with a capital investment less than one-seventeenth as large as the farm investments in this country and employing about 10 per cent as many people as the actual farm owners, not to mention the millions of others employed on the farms, receive more for their products than the amount received for all farm products in this country during any year in history, except in 1919, and but little less than the amount received for all farm products that year; the amount thus received by these industries handling farm products amounts to nearly 50 per cent more than the total gross receipts for all farm products during last year. Each and every industry handling farm products receives a larger profit for handling same a few days or a few weeks, and practically without risk, than the farmer receives for his year's toil and upon his investment. And yet men have the nerve to intimate that farmers are not thrifty and to talk of farmers indulging in extravagance. If farmers engaged in one-tenth the extravagance of those who are so ready to criticize them they would soon all go bankrupt.

It is true that during the war the farmers of the United States, patriotically responding to their country's call, exerted every endeavor to produce to the very limit; accordingly they produced large crops and prepared for market unusually large amounts of live stock, but this was all done at an abnormally high expense. They likewise received good prices for their products, as compared to pre-war products, but in turn they were compelled to pay even proportionately higher prices for practically everything they had to buy. The only correct criterion of the so-called prosperity enjoyed by the farmers during and following the war can only be gauged by the purchasing power of the farm dollar. Consequently I herewith insert in the Record a letter from the Secretary of Agriculture, together with a table giving the purchasing power of the farm dollar from 1890 to 1922, as follows:

DEPARTMENT OF AGRICULTURE, Washington, February 27, 1923.

Washington, February 27, 1923.

Hon. Ewin L. Davis,

House of Representatives.

Dear Mr. Davis: I am pleased to transmit herewith data relative to the purchasing power of the farm dollar as requested in your letter of February 17.

A satisfactory index number of the purchasing power of the farm dollar, 1860 to date, has not been prepared. The Joint Commission of Agricultural Inquiry prepared a series of index numbers from 1890 to 1920, and we have continued it to include 1922. A copy is transmitted herewith.

Sincerely yours,

Henry C. Wallace,

HENRY C. WALLACE, Secretary. Sincerely yours,

(Inclosure.)

The purchasing power of the farmer's dollar since 1890. (Includes food and farm products with all other products.)

	Cents.	Ce	nts.
1890	83	1907	90
1891	89	1908	93
1892	87	1909	100
1893	87	1910	96
1894	85	1911	97
1895	85	1912	101
1896	04	1913	100
1897	86	1914	105
1898	88	1915	103
1899		1916	97
1900	86	1917	107
1901	92	1918	112
1902	95	1919	112
1903	88	1920	96
1904	93	1921	84
1905	90	1922	89
1906	88	and the second s	

1913-1922, REVISED.

Source: The Agricultural Crisis and Its Causes. Report of the Joint Commission of Agricultural Inquiry, Part 1.

This represents the average purchasing power of all farm products measured in terms of all commodities, taking as a basis 100 per cent in 1913, the year before the World War began. It will be noted that the average purchasing power of the farm dollar during the four years of the World War was less than 105 per cent as compared with the purchasing power immediately preceding the World War. Does this show any great profits or prosperity? The figures answer emphatically in the negative. The increased purchasing power of the farm dollar was nothing as compared to the increased purchasing power of the manufacturing dollar, as well as that of numerous

other industries,

However, it is exceedingly gratifying to me that the purchasing power of the farm dollar was greater under the last

Democratic administration than it had been under the preceding Republican administrations, and very much greater than it has been during the present Republican administration. The average purchasing power of the farm dollar under the eight years of Wilson administration was 104 per cent, whereas it was only 94% per cent during the eight preceding years under a Republican administration. The purchasing power of the farm dollar during the two years of the present Republican administration has only been 86.5 per cent.

The figures given represent the average purchasing power of the farm dollar measured in all commodities, including farm This is manifestly unfair to the farmers for the reason that they do not purchase farm products to the same extent that they purchase other products, nor to the same extent that other groups purchase farm products. The average purchasing power of all farm products in terms of all other commodities—excluding farm products—was only 67 per cent during the years 1921 and 1922, constituting by far the lowest purchasing power of the farm dollar in the history of the Republic. As evidence of the fact that the condition of the farmer in this respect is not improving—at least to any appreciable extent—I beg to call attention to the fact that the average purchasing power of the farm dollar in terms of all commodities, exclusive of farm products, was 68 per cent on January 1, 1923. This slight increase over the previous two years' average is easily traceable to the fact that there is always a slight advance in farm products during winter months. These indisputable official figures should certainly serve to demonstrate the fact that the farmers fare better under a Democratic administration than they do under a Republican administration.

The gentleman from Massachusetts [Mr. Luce] is sufficiently acquainted with the facts and fair enough to concede-

That the farmer was first hit by inflation and he suffered the worst. The outcome was that in 1921 his condition became lamentable, and he turned to Congress for rellef. Whether or not the charges made by my Democratic friend from Arkansas just now are justifiable, the fact that the Republicans must stare in the face is that many months have passed without giving the farmer the full measure of relief he has asked

Of course these are facts which no man can dispute. every other industry turning to Congress for relief, and many of them asking and receiving special and undeserved favors, it was natural that the farmers should expect their Government to relieve the intolerable condition of agriculture. However, the farmer does not ask for special or personal favors; he seeks no subsidies, bounties, or other "hand-outs." He asks for nothing but a square deal and a fair chance. He asks for only a modicum of the consideration to which he is justly entitled, but which has steadfastly been denied him by the present administration. The pending bill certainly provides no higher or greater credit facilities for protecting his investments and carrying on his business than are already enjoyed by all other This bill does not involve any unsound business industries. principles and carries no special favors. Under its provisions the farmer can not borrow without giving adequate security, and the Government will not lose a dollar under its operations. The bill will not afford ample relief by any means, but we all realize that it is as favorable a bill as the Republican leaders will permit to pass. All that this bill does is to provide facilities by which the farmer may borrow upon gilt-edge security and at interest rates somewhat comparable to that obtaining in other industries. Having deprived him of a foreign market for his surplus products and having demoralized his domestic market, the Republican leaders have finally been induced by strong, persistent pressure to grant this crumb of comfort.

Having admitted that the farmer "was first hit by inflation and suffered the worst," and "that in 1921 his condition became lamentable," the only suggestion for his relief made by the gentleman from Massachusetts [Mr. Luce] is as follows:

Of course the one remedy when you raise more than the world will buy is to stop raising so much food. That is what we people in the manufacturing centers do. When men will not buy our shoes, or our cloth, or our other products, we shut down the factories.

First discussing this cold-blooded proposition seriously, it is impossible for farmers to tell a year in advance what the need for their products will be, or what size crops on the whole will be produced, in view of the uncertainty of weather conditions and the ravages of insects and other crop enemies. Even if they could look into the future, and desired to do so, they could not curtail or control crop production because of the millions engaged in agriculture, each of them on a comparatively small scale, and the inability to make and carry out such agreements. Furthermore, whenever efforts have been made to thus control crop production by general publicity programs, those not engaged in agriculture have severely condemned it and even referred to such efforts as criminal. Besides, the farmers as a class are not so cold-blooded as to desire to throw their tenants and other help out of employment and permit their fields to

Furthermore, there is no overproduction of farm products when it is considered that there are multitudes in foreign countries starving for the lack of such products which they would gladly buy if not prevented by our high tariff duties from selling their surplus commodities in exchange for our surplus farm products.

Of course, the manufacturers, comparatively few in number and with their compact organizations, can make and carry out agreements for the curtailment of production, even to the extent of creating a scarcity and holding up their prices, and many of them do not hesitate to do so, and let their employees find work where they can or go without employment. The manufacturer fixes the price at which he buys and the price at which he sells. The farmer can do neither. Of all the industries, agriculture is the most helpless in this respect. more, the manufacturers not only control their production, as suggested, but they ask for greater governmental favors than any other class of people, in spite of the fact that they are decidedly the most prosperous and wealthiest class of our citizens; but the worst of it is that they receive such favors in abundance, and at the expense of the masses of the people, as typified by the infamous Fordney-McCumber tariff bill recently enacted, for which the gentleman from Massachusetts [Mr. Luce] voted, and which alone will exact tribute to the extent of \$2,000,000,000

per year from the tolling farmers.

However, I fully agree with the argument of the gentleman from Massachusetts [Mr. Luce] that the emergency tariff act hurt the farmers more than it helped them. It was known and predicted by those opposed to the passage of that hypocritical bill that it would have that effect. While its proponents claimed that it was for the benefit of the farmers, yet it was nothing but camouflage and a mere pretext to serve as a vehicle to impose high tariff duties upon manufactured goods under the guise of "compensatory duties." It not only largely diminished our foreign commerce and greatly reduced the foreign market for our farm products but utterly failed to increase or maintain the domestic price of farm products as it was claimed it would do. For example, that bill imposed a tariff of 35 cents per bushel on wheat which should be imported into this country; and the Republican leaders endeavored to lead the farmers to believe that it would increase the price of their wheat to that extent, although they knew that we are a great wheat-exporting Nation and that the price of wheat is fixed in Europe. The gentleman from Massachusetts [Mr. Luce] states that "when the emergency tariff bill was passed the price of wheat was \$1.33%, and in the course of the operations of the emergency tariff bill fell to 92.7 cents." Mr. Luce, a zealous advocate of protective tariff duties on manufactured commodities, very correctly takes the position that farm products can not be effectively protected by tariff duties. With respect to the operation of the emergency tariff bill I wish to call attention to the further facts that, according to estimates of the United States Department of Agriculture, on June 1, 1920, the average price received for wheat by producers in the United States, including every type and grade, was \$2.583 a bushel. On April 1, 1921, when the emergency tariff bill was under discussion, the average farm price of wheat per bushel in the United States was \$1.335. On June 1, just after President Harding had signed the bill, it was \$1.274; on July 1 it was \$1.122; on August 1, \$1.048; on September 1 it was \$1.012; on November 1, \$0.942; on December 1, \$0.927. Throughout the year 1922, during all of which either the emergency tariff law or the permanent Fordney-McCumber tariff law was effective, the average farm price of wheat ranged between \$0.887 and \$1.21, the figure at the end of the year being

Everybody now knows that the emergency tariff bill did not help the price of farm products, but that the high duties manufactured commodities therein provided imposed heavy additional burdens upon the farmers. As a matter of fact, it actually decreased the prices of farm products in that it resulted in a large reduction of the export of our farm products by preventing the importation of manufactured articles from Europe and thus destroying Europe's ability to pay for our farm products by an exchange of commodities. When the American farmer can secure no adequate market for his wheat not needed for home consumption, then the surplus backs up at home, creating an oversupply which in turn depresses the domestic price as well as depriving him of a market for the surplus.

The situation created by the emergency tariff bill is continued and greatly augmented by the Fordney-McCumber

tariff bill. In this connection I wish to call attention to the following illuminative facts:

In 1912, the last year under the previous Republican administration, and under the operation of the Payne-Aldrich Tariff Act, we exported 79,689,404 bushels of wheat. In 1913, the first year of the Wilson administration, we exported 142,-879,597 bushels of wheat. Our wheat exports increased to 332,-464,976 bushels in 1915, which, of course, was during the war in Europe. However, in 1919, the last year of the Democratic administration, we exported 287,401,579 bushels of wheat. Last year (1922), under this Republican administration, with the largest United States wheat production in history, exception of four years, we exported only 164,691,565 bushels of wheat, notwithstanding the fact that the export production of wheat in Russia and the Danube States is only about 13,000,000 bushels per annum as compared to 555,000,000 bushels before the war.

The situation with regard to wheat and the reasons therefor apply with equal force to practically all other farm products.

The proponents and apologists for the policies to which I have referred insist that conditions are improving and that the country is in a fairly prosperous condition. However, any increased prosperity is confined to the manufacturing, coal, and a few other industries, which are prospering at the expense of the masses, and to the cities where there is much activity in building operations, due to the enforced suspension of such during the war. It is poor comfort to the farmer to tell him that his neighbors are prospering in producing commodities of which his money will only purchase 67 per cent as much as it would prior to the war. However, as evidence of the fact that there is not as much prosperity even in business circles as the Republican propagandists would have us believe, it is only necessary to cite recent authentic statistics showing that the business failures in the United States during the last year were the largest on record, amounting to 22,400, an increase of 11.9 per cent over 1921 and 164 per cent over 1920. Prior to that time, under the Democratic administration, there were practically no failures.

In addition to the hard licks which the present administration has given the farmer by the tariff laws, the revenue laws, and otherwise, and their unwillingness or inability to do anything effective for his relief, it would seem that the farmer is also being hard hit locally. For instance, a canvass of the Department of Agriculture just completed shows that the average amount of State, county, and local taxes paid by the farmers throughout the country in 1922 to have been 70.9 cents per acre compared to 31.4 cents in 1914. The average taxes paid on farm lands in Tennessee was 19 cents per acre in 1914 and 53 cents per acre in 1922. Arizona was the only State in the Union in which there was not an increase in taxes on

farm lands,

Mr. McFADDEN. Mr. Chairman, I yield to the gentleman

from Texas [Mr. Hudspeth].
Mr. Hudspeth. Mr. Chairman, in addition to the great value that this bill will be to the farmer, it would save and preserve the great live-stock industry of the country, which I in part represent. I am for the bill and ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Chairman, I yield to the gentleman from Maine [Mr. Mrsexy].

Mr. HERSEY. Mr. Chairman, I want an opportunity to give my reasons for voting for this bill and ask leave to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full

Mr. HERSEY. Mr. Speaker, the bill under consideration, intended to give needed relief to the agricultural interests of the country, is not by any means perfect. I have been in Congress long enough to learn that no bill of this importance can pass both Houses without some compromise. Conflicting interests and diverse opinions must be reconciled to get the greatest good for the greatest number and at the same time to get as good a bill as possible under the circumstances. I shall support this legislation as the best in sight for the relief of the farmers at the present time.

The agricultural and stock-raising interests of the country have been the greatest sufferers during the days of reconstruction after the late World War. For the last three years the farmers and stock raisers in this Nation have not received for their products sufficient to pay the cost of production and mar-

The result is inevitable. Every year the farmer and stock raiser has been doing business at a loss and hiring money to meet that loss, and increasing thereby his indebtedness against the farm. Banks and money lenders have almost ceased giving any relief to agriculture. National banks, of course, could not advance money upon real-estate mortgages. Trust companies and Federal farm-loan banks have exhausted their limit, so to speak, and find themselves unable to advance further assistance.

The farmer needs at the present moment further credits to tide him over until returns are made from next year's crop and the marketing of his live stock. To obtain the needed credit this bill has been presented to Congress and I hope it will pass before the close of the session.

Unless some relief is given to the agricultural interests of this country at once farmers will be discouraged, the boys will leave the farms in greater numbers than ever before, and there will be a limit to production, and general disaster to the whole Nation must be the inevitable result.

This bill provides, in brief, that agricultural credit shall be extended by two distinct and separate classes of relief. One organization under this bill is defined as "Federal intermediate

In addition to the present Federal farm-loan banks there is to be organized and established 12 separate banks operating under the supervision of the present Federal Farm Loan Board. Each of these banks is to have a capital of \$5,000,000, established out of the public funds. These 12 banks are to be located in the same places as the present Federal land banks and are to be operated under the same management-the Federal land

These new banks are authorized to make loans to cooperative marketing associations. These associations are to be formed by farmers and the loans are to be made for agricultural purposes. These banks are to be authorized to issue and sell debentures when properly secured, as provided for under the law, and become good investments for the public. They carry tax-exempt privileges the same as the present farm-loan bonds, but at no time can the rate of interest exceed 6 per cent per annum.

The next organization formed under this bill is what is known as the "National Agricultural Credit Corporations." They are created along lines of the present national banking law, and they are under private initiative and capital. In other words, these farm organizations are to promote and organize banks with a minimum capital of \$250,000. Authority is given for the creation of a rediscount bank with a minimum capital of \$1,000,000. These national agricultural credit corporations are permitted to subscribe up to 20 per cent of their capital to the stock of the rediscount banks. They do not carry the tax-exempt privileges. They are under the supervision of the Comptroller of the Currency.

These two agencies when in operation are intended to take care of the present agricultural needs and it is expected that they will ultimately absorb the present War Finance Corporation.

The Sixty-seventh Congress, which is now about to close, has passed a large amount of legislation in the interest of and for the benefit of the farmers of the country. I have by voice and vote supported all these measures. I have not time to review these beneficial acts of legislation, but wish to quote from Senator CAPPER, of Kansas, the leader of the agricultural legislation in the present Congress. He has recently made a public statement in the matter of agricultural legislation in the present Congress, and I quote from his statement as follows:

the present Congress, and I quote from his statement as follows:

In passing the "farm-bloc" measures, the cooperative marketing act, the antigrain gambling act, the packer and stockyards control act, the farmer emergency tariff, the act giving farmers representation on the board of the Federal reserve bank, the antifilled milk measure, the act extending to agriculture for one year the financial aid of the War Finance Corporation—with these and the farm credits act, embodying a complete rural credit system—Congress served the interests of all the people.

There is no quick and sure cure for the troubles of the farmer. Prices of farm products can not be increased by legislative enactment, but the laws just passed undoubtedly will be of material assistance to the producers of the country.

These acts tend to promote a square deal, and no more, for the American farmer. The grain trading act is to protect him from wheat pit gamblers who manipulate markets and take from him huge profits that should be his.

Putting a "dirt farmer" on the Federal reserve banking board insures the American farmer against the ruinous discrimination from which he suffered during the "deflation period" of 1919 and 1920, when the arbitrary ruling of the Reserve Board restricted farm credit and forced the banks in farming areas to pay "progressive discount rates."

By reviving the War Finance Corporation the Sixty-seventh Con-

By reviving the War Finance Corporation the Sixty-seventh Congress offered agriculture and live-stock producers a reservoir of credit amounting to \$1,000,000,000, without which the effects of the arbitrary "deflation" policy of the Federal reserve bank would have

had far more disastrous results. The money advanced by the War Finance Corporation saved the situation, and in some degree at least softened the blow.

With Secretary Wallace warning Armour and Morris that their proposed merger is in violation of the law, we shall soon see the packer and stockyards control act passed by the Sixty-seventh Congress fully tested.

* * The cooperative marketing act gives associations of farmers and producers a clear legal right to cooperate in selling their products.

farmers and producers a clear legal right to cooperate in seming incorproducts.

The creation of two new banking systems to serve the farmer's needs for productive credit is the purpose of the farm credits act passed during the last hours of the session. The credit system created by the act provides both governmental and private banking machinery to afford credits for production, and is halled by farm leaders as a great constructive achievement in behalf of agriculture.

I wish to say in closing that what the farmers and stock raisers need is not so much Federal credit-an opportunity to add to his debts—as it is a stabilized market where he can obtain a reasonable reward for his labor. In the formation of co-operative agricultural societies all over the Nation and the establishing of warehouses, the marketing of his crops in a businesslike way and cutting out the middleman, and with the benefits derived from the protective tariff against foreign imports, he will be in a position to establish himself in a way to control his home markets and to sell his surplus abroad.

There is one great relief that must come to him before he can be put upon the road to established prosperity, and that is the lowering of transportation rates, which now make the market-ing of his crops almost prohibitive. The great transportation lines of the country were paralyzed during the late war under Government control. These roads were well-nigh wrecked by reckless management and the loss of billions of dollars. Since the return of the roads to private management and control they have been gradually recovering their old-time prosperity to such an extent that the Interstate Commerce Commission has recently ordered the issuance of mileage books at a much lower rate, and it is expected that reduced rates will be made upon all roads in the matter of freights.

The next Congress will work out the problem by better legislation, the result of experience in the control and management of the roads through the Interstate Commerce Commission. For the present, however, it is enough to say in answer to the criticism of Federal aid to the farmers that if this Government can loan millions to the railroads they ought to loan freely to the farmers, who have suffered the most in these days of reconstruction.

Mr. McFADDEN. Mr. Chairman, I yield to the gentleman from Utah [Mr. Colton].

Mr. COLTON. Mr. Chairman, I am for the bill and ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows

Mr. COLTON. Mr. Speaker, I am for this bill. given this measure my hearty support from the beginning. All the wealth of this world has come either directly or indirectly from the labor of the people and from the earth itself.

Agriculture is the basic industry of the earth. Men in all ages have turned to the soil. Our present civilization has come largely from those engaged in the agricultural industries. When these industries prosper the people are happy. When there is depression among those engaged in agricultural pursuits then there is unrest and unhappiness throughout the world. Such a condition reflects directly on the business condition of the whole world. It matters not how much money there is, if the home-owners and home-builders are unhappy there is unrest everywhere.

During the late war the price of most of the agricultural products were fixed by law and the profits limited. Surely no products were fixed by law and the profits limited. Surely no one will contend that there was any considerable profiteering among the farmers of this country. When the period of deflation came, following the war, the farmers were the first to feel the reaction. They have been struggling against great odds ever since. It is no idle talk to say that the depression has been so widespread that the whole industry has been This can not be traced to the idleness or lack of threatened. business ability and foresight on the part of the farmer. He has largely been the creature of circumstances over which he had no control. Some of the brightest minds, the most careful and calculating men in this country, have faced ruln during the last few years. From close study and observation I am convinced that personally every Member of this Congress has

had it in his heart to do everything possible to help the farmer.

Mr. Speaker, it has been one of the big problems that this Congress has had to solve. The organization of the Federal reserve banks was hailed as the solution of all our financial troubles. The Federal reserve banks have done a good work in some respects, but the farmer receives directly little help from this system. These banks do not meet the farmers' needs at all. Over 65 per cent, in numbers at least, of the banks in this country are not in the Federal reserve system. These banks are largely located in agricultural sections, and what will the farmer do in those places? Strictly commercial banks are not in a position to extend credit to the farmer, I mean such he needs. The Federal farm-loan system does not supply all of his needs. In the handling of his crops the farmer has no need of a loan extending over a long period of years, nor is a loan of a few months sufficient to meet his needs. There is an intermediate time between these two systems which the provisions of this bill will meet, and that is the thing for which the farmer has been contending so long. What we are trying to do by means of this bill, and what I think we will succeed in doing, is to bring the great agricultural interests who produce the necessities of life in contact and give them the benefit of the great investment centers of the East where the money naturally concentrates. We want to give the farmer the same chance of getting easy money as the average business man has. Not to give him something for nothing, as the farmers and stock growers of this country are not begging anything. They simply want the same chance to live and carry on their business that is now given to other industries.

I have no patience with the criticism against this bill that it is putting the Government into business. I am not a believer in the Government engaging in private business, but the Government can aid and make possible opportunities for business. The Government made possible the great Federal bank system and the farm-loan banks, and has aided in making possible many industries. It is the duty of any Government to make it possible for its citizens to engage in legitimate pursuits and to aid in every way possible in the acquirement of property, Surely this would be true of the great agricultural industry, the very basic industry of our civilization. Because I believe this bill will so aid, and will supply a long needed credit which will go far toward stimulating agriculture in this country, I have supported and am supporting this measure.

Mr. McFADDEN. Mr. Chairman, I yield to the gentleman from Ohio [Mr. Foster].

Mr. FOSTER. Mr. Chairman, I am for the bill and ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. McSwain].

Mr. McSWAIN. Mr. Chairman, I intend to vote for this oft-promised, long-delayed, and partial relief to the farmers of America. I regard the bill as far from perfect, but under the circumstances am giving it my cordial support because it is a step in the right direction. But I think that before many years have passed the righteous and justifiable demands of the farmers will bring about legislation such as the distinguished ranking member of the Banking and Currency Committee on the Democratic side, the gentleman from Arkansas [Mr. Wingo], referred to in his speech.

It is interesting and somewhat amusing to consider the arguments made by the opponents to this bill. Some argue that the system is so unsound and unbusinesslike that the debentures will not sell in the money market and thus the scheme will fall flat of its own weight. Others argue that the legislation is un-wise because these debentures will absorb all of the investment capital and prevent the refunding of Government bonds in the future. Some argue vociferously against the investment by the Government in the capital stock of the 12 banks, aggregating \$60,000,000; and yet these same people praise the Federal farmloan system, which was started by the use of Government money, and many of these same persons have voted for the revolving fund of hundreds of millions that have been loaned to the railroads, and, also, many have earnestly and zealously urged the adoption of the ship subsidy bill, which would annually take from the Treasury tens of millions of dollars a year of direct gifts to shipowners. It is also worthy of note that many who now oppose this system of intermediate credits very strongly urge the adoption of the high protective tariff for the benefit of the manufacturers.

Then, Mr. Chairman, practically all who now oppose this intermediate system of farm credits are loud in their praises of the Federal reserve system, which is avowedly for the benefit of the commercial and industrial interests. How can gentle-men argue that it is fair and patriotic and sound policy to use the power of government to benefit manufacturers and industry, and the merchant marine and the railroads, and to dig and buy canals, and to dredge rivers, and, yet, suddenly raise the

cry of "communism" and "socialism" and "paternalism," and "bolshevism," and "sovietism," and all the other ugly "isms" when something is proposed that may indirectly stabilize and strengthen the basic and essential and indispensable industry of agriculture?

Note, Mr. Chairman, that I say that "the farmers may re-eive indirect benefit." Undoubtedly the "direct benefit" from ceive indirect benefit." Undoubtedly the "direct benefit" from this legislation will inure first to the banks, and then, to the investing public. The financial system set up by this bill merely enables the bank to accommodate the farmer if it wants to. The local bank, whether State or National, is the agency that passes on the security of the farmer, and arranges the terms of his loan, and decides whether or not he has moral credit. This system tries to fix it so the local banker can not honestly say to his farmer friend and neighbor: "You are honest, and your se-curity is good, but you will need the money so long a time that I can not under the law, and under the banking rules, accommodate you." As a matter of fact, Mr. Chairman, I believe that the cashiers and presidents of the banks in the small towns and cities of our agricultural sections are in sympathy with the needs and interests of agriculture and the farmers, and that these bankers will avail themselves of the opportunities afforded by this bill to finance the production and orderly marketing of agricultural products. I have no patience with those who oppose this bill on the ground that it may enable the farmer to hold his crop perhaps several months for a better price. gladly avow that this is one of the reasons why I support the bill. If any person in the world is entitled to the benefit of higher prices, it is the man whose skill and labor and patience have produced and brought into being the very things that all men must eat and wear in order to live.

I notice, Mr. Chairman, that several of those who have spoken against the bill have quoted a brief given out by the Secretary of the Treasury in opposition to what is called the Anderson-Lenroot bill. They roll it over their tongues as a sweet morsel that Mr. Mellon says that this bill "violates all the canons of sound banking." I assume that Mr. Mellon knows a great deal about the banking business, and especially about how to count interest and to pile up dividends for his stockholders. Whether he has ever studied banking in its scientific and economic aspects in relation to the public welfare I do not know, and no one has told us. I do not know Mr. Mellon and have never seen him but three times, but I have read something about him and find that he has the reputation of being about the second richest man in the United States, which means that he is the second richest man in the world; but just how many hundred millions he is worth I have no reliable information, However, I do think that old Robert Burns was about right when he said, "When self the wavering balance shake, seldom right adjusted." The first Congress of the Un The first Congress of the United States must have had this in mind when it enacted what is now section 243 of the Revised Statutes, which was approved by President George Washington on September 2, 1789. charged in the Senate, on February 15 and February 24, 1922, that Mr. Mellon was and is violating that law. In like manner, it was charged in the House of Representatives, on March 7, 1922, that Mr. Mellon is violating section 243, which is a criminal statute, of the Revised Statutes. I do not know whether or not Mr. Mellon is "concerned r interested in carrying on the business of commerce or trade, directly or indirectly. do not know what his business is and how his money is invested. It may be that he does not directly own any mercantile or commercial establishment.

It may be that he is only a stockholder and perhaps a director in corporations which may be carrying on trade or commerce. But if he is, I think that ownership of such stock is a rather "direct-indirect" interest. Of course, no one expects that the Secretary of the Treasury should be a pauper, but we do expect the Secretary of the Treasury to obey the law. The only sure foundation for the permanency of Republican and Democratic institutions is for the people to insist and assist in enforcing all the law, all the time, among all the classes, from the highest to the lowest. I do not know how wealthy the Secretary of Agriculture and the Secretary of Commerce are, but it is rather striking that they should both approve of the bill under consideration when, according to common report and reputation, they are poor men in comparison with Mr. Mellon. Many citizens who believe that the place to begin showing respect for the law is at the top and among the highest officials are asking why it is that Mr. Mellon has not issued a statement in response to the charges that were made a year ago in both Houses of Congress. One of these citizens is Mr. H. L. Scaife, a constituent of mine, who is counsel for the Women's Clean Government Organization. I have known Mr. Scaife for more than 20 years, and I know him to be a gentleman of the highest character, of clean living, of disinterested patriotism, and a lawyer of no mean ability. When the World War broke out, though more than 40 years old and with a family dependent upon him, he volunteered and served in both the Air Service and the Infantry of the United States Army. He tells me that while in the Air Service he learned things that made his blood boil, and he formed a resolution that after the war he would do all in his power to expose any profiteering or other breach of public trust that he might discover. For a time he was in the employ of the Department of Justice in connection with what are called the "war fraud cases." I am told that as a result of his activities since his discharge from the Army about \$40,000,000 have been refunded to the United States.

I do know that practically all of his time for the last four years has been devoted to a continuous and conscientious effort to discover any crookedness that may have been practiced upon the Government during the war. He is, therefore, not only a patriotic ex-soldier, but a crusader for civic righteousness and for public honesty in time of peace. There is documentary evidence that Secret Service men investigated him at Union, S. C., and at Clinton, S. C., and they must have reported that nothing could be found dishonorable in the record of H. L. Scaffe. I therefore am inserting a letter written by Mr. Scaffe to the Attorney General of the United States on February 14, 1923, and am informed that no reply thereto has been received. Of course, the Department of Justice is under no legal obligation to answer this letter, just as Mr. Mellon is under no legal obligation to explain whether or not he has any direct or indirect interest or concern in carrying on commerce or trade. But silence under such circumstances may lead to inferences disagreeable to the feelings and hurtful to the reputations of these highly honored Government officials. I therefore repro-duce the letter above mentioned for the information of the Congress and the country:

WASHINGTON, D. C., February 14, 1923.

Hon. Harry M. Daugherty,
Attorney General of the United States,
Department of Justice, Washington, D. C.

(For the personal attention of the Attorney General.)

(For the personal attention of the Attorney General.)

Dhar Sir: I am herewith inclosing a pamphlet entitled "What is the matter with the Treasury Department?" for the purpose of calling to your official attention the various allegations therein contained, and I am prepared to furnish to the proper grand jury evidence and names of witnesses to substantiate all charges made.

I especially desire to bring to your notice pages 35, 36, and the information set forth on the third and fourth covers which follow these pages, in which it is alleged that Hon. Andrew W. Mellon is occupying the position of Secretary of the Treasury in violation of section 243 of the Revised Statutes of the United States, and I am prepared to act at your direction in swearing out a warrant and appearing before a grand jury in the prosecution of the case.

It will be noted in the brief which will be found on pages 35 and 36 that we are not without a precedent in this matter. In the case of Alexander T. Stewart, exclusive of Sunday, 48 hours was the limit of time which President Grant allowed a very close personal friend to remain in the Cabinet under similar circumstances, after the law and the facts had been called to his attention.

To-day, we have for guidence the same law and a similar state of facts which existed in the Stewart case, in which the Chief Executive, the United States Senate, and the appointee bowed to the law and promptly relieved the situation before it became a national scandal. Not so in the case of Mr. Mellon. He retains possession and has shown no disposition to submit to the law. A year ago the case was called to the attention of Congress and the people, when the following statement was made on the floor of the Senate (Congressional Record, February 15 and 24, 1922, vol. 62, pp. 2605, 2607, 2608, 3013, 3014):

"Here is a Secretary who is violating the law every day of his life, thereby lucurring the penalty of a fine or imprisonment, and of being forever afterwards incapacitated to hold office. 'I would like to have

At seems to me that a fundamental issue is involved, and its determination will settle the question as to whether or not the laws of the land are to be respected or whether there is a line of demarcation in social strata beyond which the law is inoperative; and if this be true, we might as well admit that agencies of the Government have overthrown the law in such cases.

I trust that in presenting the matter as forcibly as I know how you will not construe what I have written as indicating any opinion on my part that you will not give the matter proper consideration, or that, regardless of who the offender be, you would fail to take the necessary action to protect the interest of the Government. However, I do make the point that if an ordinary citizen were similarly situated he would be immediately arrested and brought before the court to answer for his offense.

Yours very truly,

H. L. Scaiffe.

The CHAIRMAN. Is there objection?

There was no objection. Mr. WHITE of Kansas. Mr. Chairman, I shall very greatly appreciate the indulgence of the committee if I may be permitted to speak out of order for the time for which I have been recognized to briefly call the attention of the committee to the subject of our immigration policy, our present immigration law, and proposed amendments thereto. I think I should state at this point that I am in favor of the policy of restriction of immigration into the United States. I favor the provision in the House Immigration and Naturalization Committee's substitute report for Senate Report No. 4092, which reduces the quota from 3 per cent in the present law to 2 per cent. Of course, no general analysis of the bill can be presented in the time allowed. What I desire more especially to do at this time is to direct your attention to what I regard as being very grave defects in the present law. First, I shall refer to the percentage or quota basis of the present law. It will be remembered that this law was substituted in the Senate for a bill based on administrative provision similar to the subdivisions A and B in section 4 of this bill, which provides for the admission of certain relatives of American citizens outside of the quota or as nonquota immigrants. It passed the House without serious opposition on March 20, 1920. I believe it should have become the law. And while I do not know what may have been in the minds of the Members of the other body of the Congress when considering the 3 per cent quota provision—I do not know what consideration may have been given to the administrative features of their substitute-I do know that circumstances have developed which have baffled all the calculation of its friends and have furnished the strongest weapons of assault in the hands of its opponents. Already twice in the course of its less than two years of operation has the very able chairman of the Immigration Committee reported resolutions to admit aliens arriving at our ports in excess of quotas in order to relieve cases of extreme hardship and in each instance the House and Senate have accorded the request. There is very grave doubt in the minds of thinking persons who have given this very important subject much careful investigation that the present percentage quota basis is at all sound and certainly two years of trial have proven its utter unworkability. I say the Congress should at once get to work and get some of the iron rigidity out of the law and get some flexibility, some humanity, into it.

I can not better illustrate what I mean than by here stating

the substance of an article in an issue of the Washington Post

of Sunday, February 18:

BABY BORN AT SEA BARS WHOLE FAMILY.

The birth of a baby at sea on the steamer Rochambeau has resulted in the detention at Ellis Island, of Mr. and Mrs. Moser Epstein and three children, of Warsaw, Poland, according to word received from New York by relatives here at Omaha to-day. They are bound for Omaha to Join Reuben Epstein, brother of Moser. Relatives said that issuance of passports to Mr. and Mrs. Epstein and two children completed the authorized immigration quots from Poland for February. When they reached New York they found that the baby was excluded under the immigration law as its arrival aboard ship exceeded Poland's quota for the month. quota for the month.

Only a few months ago a mother came to New York from Russia, admissible under the quota. Her baby was born in Constantinople, and the Turkish quota being exhausted, the child was not admissible under the present law, which provides that for the purposes of the act nationality shall be determined by country of birth, a provision impossible of administration without constantly recurring extreme hardship. This situation will be corrected in the proposed bill, which provides that a minor child accompanied by its alien parent shall take the nationality of the parent, providing such parent is entitled to an immigration certificate.

A few weeks ago a soldier, 18 months a World War veteran, living at Birmingham, Ala., came before the Committee on Immigration and Naturalization and stated a most pitiful case. His mother, arriving at Philadelphia, was held on account of an exhausted quota, but was finally admitted on bond. His

brother and sister were deported.

Cases I have cited-and there are hundreds of similar casesprove the insurmountable obstacle in the way of the satisfac-

tory administration of the present law.

I repeat, the percentage basis is impracticable. It is also unsound. It is exactly what creates the endless chain by letting in new initial immigration, thus broadening the basis of clamor for the admission of relatives. If the admissions were restricted to the relatives, as provided for in the substitute, and no quotas should be provided, it is my judgment that immigra-tion would be almost entirely eliminated within the period of a very limited number of years, for the reason that the cases

H. L. SCAIFE.

of distressing emergency would be quickly disposed of and the rights of the citizen would be exhausted by the limitations in the bill, and those coming would have no rights thereunder.

This is most clearly stated in the report of Chairman Johnson, which is printed in the same document with the substitute from which I now quote:

CERTAIN RELATIVES OF CITIZENS.

The amendment recognizes the justice of giving to citizens of the United States the privilege of bringing to their own firesides certain close relatives, namely, a husband, wife, father, mother, unmarried minor child, unmarried minor brother or sister, or unmarried minor orphan niece or nephew. This does not permit future pyramiding as the parents of orphans are dead, and the parents of the others are identical with those of the relatives in the United States.

HIGHLY LIMITED PROVISIONS IN RE RELATIVES OF DECLARANTS.

The amendment grants this privilege in much more limited degree to aliens who have resided in the United States at least two years and who have been declarants for citizenship for at least one year. This line is limited to the husband, wife, and unmarried minor children, all of whom must comply with all of the restrictive provisions of the present immigration laws except the quota act.

NO "ENDLESS CHAIN" OF RELATIVES.

Objections to the effect that the admission of wives and children to aliens who have been here at least two years, and who have had first papers for at least one year, will result in an "endiess chain" proposition, in that those first-paper aliens will ultimately have citiship papers and will then be able to bring fathers, mothers, and orphaned nieces and nephews, are unsound, in the opinion of the committee.

The bringing of such persons will not be in great numbers and does not open new lines of blood or collateral relationship. The only new families permissible are those few who may come as under certain exempted classes (minister and wife, etc.), and those who may come as "quota" immigrants.

Herein lies one of the prime reasons for reduction of quota to 2 per cent and establishment of base for quota on the 1890 census.

The plan is to admit the fewest possible number of new individuals—new seed—a top number of 186,437 annually, as against a possible 387.803 new family lines under present quota law.

Further, the gross immigration since the outbreak of war in Europe to date—eight and one-half years—has been small, and made up in considerable part of members of families endeavoring to unite.

Now is the time to reduce the possibility of the entrance of new individuals of new families to the lowest practical minimum, which the bill of the House committee does. It reduces rather than increases the endless-chain possibilities.

The committee believes that the preference clauses in the present quota act have resulted in many families being brought together.

Grandparents are denied admission as "nonquota" immigrants in order to prevent future appeals for admission from lines running to the grandparents. The latter must come within quotas or not at all.

The foregoing quotations from the report I believe prove conclusively that the admission of relatives as provided for in the substitute is the most restrictive and at the same time the most feasible and satisfactory plan that can be founded for the restriction and regulation of immigration, and effectually disposes of the objections of those whose prejudices have led them to illogical conclusions or who may have taken counsel entirely of their fears.

In further refutation of the charge that the proposed substitute will let in an excessive number of aliens or will open the doors to undesirables let me say that such a situation could not possibly be the case. By reference to section 8 of the substitute it will be seen that the restrictions are much more severe in the required guaranties that the immigrant shall not become a public charge than those in the present law. The applicant for admission must comply with all the requirements of the general law and in addition thereto an American citizen or a declarant who desires to secure the admission of a refugee who is a relative is required to file information satisfactory to the Commissioner of Immigration that he is able to and will support the person for whose admission the application is made, and this petition is required to be made under oath. Section 4 provides further that the petition must be accompanied by the statements

of two responsible citizens of the United States.

I hear some one ask how many will it admit, and I answer I do not know definitely. It may admit 10,000; but if there shall be 10,001 or 10,002, you will not be required under this flexible arrangement to disregard the most sacred ties of blood and separate the mother from her child, the brother from his sister, or the husband from the wife. Therein lies one of the meritorious features of this bill. It has some flexibility, a quality entirely absent in the present law. But if we should admit under this bill providing for the admission of blood relatives a number approximating the extravagant calculations of some who have said we might admit 50,000, you will still fall far short of the aggregate provided for in the present 3 per cent law for the reason that the reduction of the quota from 3 per cent to 2 per cent will operate to bring about a greater reduction than the increase effected by the admission of relatives in the nonquota class. We have, as I believe, wisely entered upon a permanent policy of regulation and restriction of immigration. No doubt our social and industrial interests will be wisely conserved as a result of that policy. tainly that does not mean that we are to at once extinguish all

the kindlier instincts of humanity. I plead nothing in extenuation when I appeal to your sympathy, for I appeal yet more strongly to your sense of justice and a square deal. I say, I proclaim, it is not fair, it is not a square deal to any man whom we may admit under the law to enter this country, to whom we extend the privilege of citizenship, from whom we accept his contribution to the production of this country, whose services we requisition in time of war, to say to that man, "We refuse to allow you to bring your wife and your children to your own country, there to establish and perfect the home fireside, the home circle." We have the power to deny him We have the power to deny him this privilege, we have denied it, but to me it seems that it is an act of the greatest injustice and most prodigious folly.

This bill will operate, if it shall soon become a law, to relieve in a limited extent an emergency the most distressing, so far I know, in the history of mankind. It is needless to say I refer to the destruction of the city of Smyrna by fire and the expulsion of its Greek and Armenian inhabitants by the Turkish Government. I find myself thinking to-day of the victims of that indescribable disaster; on the 8th day of last September the Greek Army completed the evacuation of that city. On the 9th the Turkish Army entered, and on the 11th there ensued a scene of pillage, rapine, and murder, the most frightful the world has ever known in its most bloody annals. Too appalling for contemplation, so monstrous and abhorrently wicked as to beggar all description, it is not known-it can not and will not be known until the recording angel shall sound the call to judgment and the earth and seas shall give up their dead-the number of innocent persons who perished by fire and sword at Smyrna in the days between September 10 and 26, 1922. the Smyrna vilayet there fled during those days to the islands and shores of Greece more than 300,000 Greeks and Armenians. Thousands of them have died from starvation, disease, and exposure. Thousands more are perishing and will perish without material aid from the people of other countries. But the American Congress has the power to make possible a great act of mercy and in doing so we jeopardize no public interest; disturb no social condition; repudiate no law; reverse no public policy; appropriate no public funds. All we have to do is to make it possible by the passage of this law to give to those distressed and dying people the relief which their American citizen relatives whose hearts are broken with the sorrows of their helpless dear ones, the victims of inhuman savagery, a chance to save their lives and administer to their wants; and who only wait our permission to do so at their own expense

Gentlemen profess to be apprehensive for the consequences that may result from the enactment of this law. Gentlemen are willing to retain the quota system and admit initial aliens by the thousand who have no ties of blood, no bond of affection, no patriotic instinct to bind them to America, but fear to admit the wife and children of a good American citizen. They seem to think there is danger in the admission of the wives of American citizens. Gentlemen, my mind is not disturbed on that subject, not in the least. I do not believe the wife of an American citizen helping to build up the home, the most sacred institution in all the world, the basic foundation of our great American civilization, and of all civilization for that matter; the wife of that American citizen building up that home, administering to the happiness of her children, preparing their food, caring for their health, providing their clothing, anxious for their education, doing for them a thousand things that a mother's love inspires and impels her to do, will ever be a dangerous citizen. No, no; she will become a good citizen and her children and husband will be better American citizens for her presence in the home, and for her to come here, for her children to come here, will not weaken but will rather strengthen the social fabric, because it preserves the fireside upon which the whole structure is builded. Do not forget, gentlemen, we have here in this Republic an enormous surplus of food. To save from death some of those starving relatives of American citizens will not diminish our These victims of the unspeakable atrocities of Turkish surplus. savagery are dying by hundreds, by thousands, for want of clothing, for want of shelter, for want of food. I have said, and I repeat it, that I am influenced in a degree by my sympathies for those distressed refugees. Surely we can not put ourselves in position of saying that because we can not save all therefore we should save none. Do not misunderstand me. I would not admit one that is not otherwise admissible, I would not admit one who might not safely be admitted, but I would lift the quota so that those victims of Turkish persecution who are the near relatives of American citizens may be saved from the frightful fate that most surely awaits them if we do not enact this legis-[Applause.] lation.

The CHAIRMAN. The time of the gentleman has expired. Mr. McFADDEN. Mr. Chairman, I yield-

Mr. GARRETT of Tennessee. I make the point of order there is no quorum present. I thought there was an agreement that we should recess at 6.30.

Mr. McFADDEN. The gentleman is in error. It was to be

at the conclusion of general debate and there are four minutes

Mr. GARRETT of Tennessee. I withdraw the point. Mr. WHITE of Kansas. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.]

The Chair hears none.

Mr. SUMNERS of Texas. Mr. Chairman, I have listened with interest, as I always do, to my friend, the eloquent gentleman from New York, who has just addressed the committee. I agree with him to this extent, that there is danger of mal-administration of this proposed law, with consequent public hurt. That, however, is true of practically all important legislation.

Owing to the fact that this bill was not available until yesterday and the House has been working under heavy pressure, I have not been able, analytically, to examine its provisions. have had somewhat to do, however, in an advisory with one of the three bills which in part was incorporated in this bill, and for a long time have had a special interest in the general subject being dealt with by this bill. While I do not agree with it in its entirety, I am giving it my support, because I believe as a whole it will bring a definite amount of relief where it is needed. My friend from New York has discussed this bill and criticized it as being unsound as a banking measure. As I view it, it is not a bill having to do with banking as that term is ordinarily used and understood.

It is a measure, judged by its chief characteristics, providing for the assemblage and sale of agricultural credits secured by chattels. It carries provision for governmental aid in setting up the machinery for establishing trade contact between those who may have this character of agricultural credits for sale and those who may have money to invest in such credits. It provides a character of governmental intermediary inspection of the credit base and supervision intended to protect the system, and to give the necessary assurance to the investing public to

make it willing to purchase these evidences of debt.

With regard to the agencies through which the ordinary commercial institutions are financed, the Government now exercises inspection and supervision, the object being identical to that had in this bill-the preservation of solvency and public con-The plan here proposed is different from that because the nature of the thing being dealt with is different. credit needs of agriculture are fundamentally different from those of the ordinary commercial institution. Much of the credit needs of agriculture can and will continue to be met by the ordinary commercial banks, but these banks are not equipped—their very constitution will not permit them—to

supply the fundamental credit needs of agriculture.

In the first place the banks in agricultural communities are ordinarily of small capitalization. They require to keep their assets liquid. Whenever under great demand on the part of farmers such as we had in 1920 and 1921 when these banks went to the limit in trains to see their assets. went to the limit in trying to save their farmer patrons from ruin they failed in the effort to save the farmers but many of them were ruined in the attempt. For orderly marketing, for credit to prevent the sacrifice of growing herds, in short, to enable the products of agriculture to be marketed in response to the demand for use, rather than to be sacrificed under the pressure to get money advanced by institutions which require payment in order to keep themselves from becoming "frozen up, it is necessary that an additional credit extending facility be established. Not only does agriculture require this, but the banks carried agricultural communities require it. Year bebanks serving agricultural communities require it. Year be-fore last especially these banks were so "frozen up" that regardless of the general reservoirs of credit they could not function in establishing contact between the farmers and these reservoirs. They could not increase their rediscounts. Cattle pools were established, but the money could not be gotten to the ranchmen through these banks. It was necessary to find a route around them and to thaw them out from the rear. This is not a theory but a demonstrated fact. What was true of stockmen was true generally. So much for the necessities of the

But the gentleman from New York says that this is a proposition to take something from all the people and give it to the farmers.

Nine years ago I had only recently come here. I made a speech in this Chamber, in which I discussed "the consumer's interest in the economic problems of the farmers and the duty of the Government to aid in their solution." I suggested then the duty of the Government to aid agriculture in dealing with

the problem of marketing, suggesting the method which is now becoming a part of our national policy, and further said in that address a safe plan could be devised and put into successful operation by which, during the marketing period of our staple crops, money could be loaned on them at a low rate of interest and upon the surplus when the yield exceeds the necessities of the current year. I said, "I am not talking about any 'corntassel' currency. I am not making any bid for the farmers' votes or having a wild dream. I know that with such an organization as I have partially outlined, working with an organization controlling rural credits, money could be advanced upon the staple crops while they are in process of being marketed without danger of loss, without violating any principle of economics, and in conformity with proven business principles. The advancing of this money during the marketing period would largely prevent the present dumping methods in the sales of these crops. By a more gradual system of marketing a larger part of what the consumer must pay would go to those who produce. The consumer, therefore, would not have to pay as high a price as under present and prospective conditions he must pay in order to induce the producer to continue his work. European speculators, who purchase two-thirds of our cotton crop now rushed upon the market, the bulk of it in three months. take from the American balance of trade between forty and eighty million dollars annually.

"The movement of our crops in so limited a time is a severe tax upon our financial institutions and necessitates transportation facilities which during a large part of the year are not

used."

I beg pardon for quoting from my speech delivered nine years ago; but I have been working and observing ever since that time. I knew then I was right, and I know it now. If we had done then what we are doing now this terrible tragedy of recent times might have been avoided. Many of our farmers who have been ruined might have been spared, and many of our banks which were ruined trying to save them would have their doors open to-day.

Talk about this being a grant of special benefit to farmers if you will to the detriment of the public! I say that if we can make the farmers of this country prosperous-I do not mean give them anything—just give them a chance and pros-perity will extend into every business of the city just as the life-giving fluid comes up through the roots of the tree to make its fruit grow, its leaves green, and its trunk vigorous and strong, if the roots be kept healthy in fertile soil. We have just had a demonstration of what happens to the vocations of the city when the purchasing power of agriculture is paralyzed.

I believe in being cautious. I believe in making the soundness of every proposition the thing of first consideration. I do not believe in making a donation to the farmers. But there is a duty of government in the premises, a duty not to the farmers as against the public but a duty to the public to strengthen the economic structure of agriculture because it is the basic business. The loss of agricultural population and the loss of agricultural prosperity is a national loss and involves a danger to

all the people of the Nation.

The thought and energy of the Nation have been so completely absorbed in city building and agriculture has been so universally regarded as an inexhaustible commissary, useful only to feed business, that the importance to the whole people of its relative decline has not yet become properly appreciated. not urge any claim of the agricultural classes for economic justice. I say that the time has come when the vital needs of all the people can be met only by giving to the agricultural classes economic justice by providing, among other things, credit facilities adjusted to the peculiar necessities of their business. I am going to quote again from what I said nine years ago. I said then the fact that the world is consuming its surplus of agricultural products, and that the country is losing its producers, is of infinitely more concern to the millions in the cities who must eat to live than it is to those remaining on the farm who produce primarily to sell. The number of producers has become relatively so small, the current volume of production so small, the number of consumers so large and the imperative demand so large that if we were to slip a cog in the machinery of production the problem would not be one of high cost of living merely, but this: Where at any price can we obtain the elements necessary to sustain life? When that time When that time comes, as it must, unless we deal effectively with this situation, the people on the farms through whose hands these elements must pass can hold back enough for themselves and theirs, but what of the people in the cities with only a few days' supply?

The stimulus given by war conditions postponed the advance,

but it is in progress again.

We are building up great cities. Who is going to feed their multiplying millions? This thing can not go on. This mighty

sweep of population from the country must be stopped. How are we going to do it?

It ought to be evident from what we know of our own condition that something must be done which has not heretofore been done. The poet, the orator, the publicists, and the efforts of the Government have all failed to turn back the tide sweeping in from the country upon the great centers of population. It is true that each individual who goes to your cities from the country adds one more name to some city directory; It is also true that he adds to the keenness of the struggle of those who live there, reduces the output of what they must have to sustain life, and adds his tax upon the diminishing production.

I grant, Mr. Speaker, that there was a time when the economic condition surrounding the business of agriculture did not so greatly concern those who live in the cities. Until comparatively recent times the children of those who farmed, as a general proposition, were likewise compelled to farm when they grew to maturity, because they did not know how to earn a living except by doing that which their parents had taught them as they assisted in the farm work. But the extension of educational advantages to the rural districts is liberating the farmers' children from an ancestral vocation, while the spread of democratic notions has opened to them every door of opportunity, and the modern cities are bidding for them. Those who do not farm should recognize that men are no longer compelled to farm through lack of opportunity to choose among the vocations of the country. Let us clearly understand now that they can be induced to farm only by the payment of as much net profit as a like investment of time, capital, and ability in any other business would bring. There is another phase which concerns the nonfarming classes. There can be no hope of reducing the cost of living by reducing the profits of the farmers, for the very evident reason that they are quitting at the present profit.

The only place where we can hope to make a reduction is in the charges upon production and distribution. The movement from the country to the town is not the cause with which we must deal; it is not a primary cause; it is a result. We must deal with the cause which is responsible for that movement. We read a good deal about the superior advantages offered by the country. Most of these articles are written by people who live in the cities or by people who have recently gone to the country, and who celebrated their change of residence by getting into the public prints. I have watched a number of such people, and almost without exception it takes only a few years for them to absorb all of the joys of the country, and, needless to say, they willingly go back to the hardships of the city. The scenes of the countryside and the lights of the silvery moon have mighty strong competitors in the moving-picture shows and the electric lights of the city, especially among people who have once been accustomed to them. But I recognize that these are not the sort of things which control the movements of the masses of the people, unless their civilization be in process of decay. Individuals make mistakes with reference to the change of residence, but the mass of population moves under the operation of irresistible economic law toward the centers of best opportunity. This law has controlled the migration of all ages, and will control it until the end of time. It is absurd to rely on this back-to-the-country sentiment or on any other sentiment to establish and maintain balance of population as between the country and city. We had as well face the true situation and deal with it as it is. This matter is controlled by unyielding economic laws-laws as unyielding as the law of The movement of the mass of population shows gravitation. where the best opportunities are as unerringly as the current of a stream shows the direction in which the lower level is to be found. Agriculture and the vocations of the city have been bidding against each other for the capital, the brawn, and the brains of the Nation, and the vocations of the city have been outbidding agriculture.

If we would turn back the tide, we must help agriculture to raise the bid. That is all there is to it. We must ourselves pay more for what we consume, or we must help our farmers to get a larger part of what we pay. We must give them cheaper interest rates, and lessen the hazards of their business. That is our only choice. The burden of high rates of interest, the loss of the thousands of carloads of food which rots in the fields and in the railroad yards while seeking a market, the robbery of unscrupulous commission men, the amount of loss resulting from dumping crops upon an oversupplied market, are being shifted to consumers, and we are feeling this weight. We will feel it more. The time is near at hand when we will pay every cent of these charges. The relative abandonment of agriculture and the corresponding decrease of the volume of production, and with the resultant increase in prices, will not cease until farming yields as much net profit as any other business would yield. To pay the net profit, insure the farmer this

net profit, would, of course, necessitate the payment of all losses and charges connected with the business. In the price of the things we eat, therefore, we must pay for the food products which rot after production; we must pay the high interest charged to the farmers; we must pay the profit of the speculator who purchases from the farmer when he is forced to sell because of lack of credit.

This is a new condition which never before existed on the earth. While population has always moved toward the centers of best opportunity, it has before this time moved slowly and with great difficulty. The lack of opportunity to equip for any other business bound the members of each succeeding generation to the business of their respective ancestors. The bonds are being broken rapidly now, and if we will take the trouble to investigate, we will find the rule to be that when education liberates the country boy he goes to the city. Read the story of your last census report. Notice in the examination of your jury panels how many men now living in your towns and cities were born in the country and how few now living in the country were born in the cities. This is one of the far-reaching problems of modern society. It is of interest, Mr. Speaker, and should be profitable to examine somewhat into the development of this problem.

In the first half of the last century—notably between 1830 and 1840—the utilization of steam and of electricity brought about an industrial revolution upon the earth. The business of the country began to adjust itself to the changed conditions resulting from the application of these forces to the activities of men.

But agriculture was not able to move forward with the procession. The reason is clear, and does not reflect discredit upon the country. The industrial cities took many of its educated, ambitious young men. Those engaged in agriculture were widely scattered. Their duties confined them to their respective farms. The consumers of their products came to be strangers, living far away. Effective business organization of agriculture was impossible under these conditions, and it came to occupy the position of a commissary in the economic relations of the country. Its products are not now sold in the sense that the minds of the producers and consumers meet in agreement upon the price. Agriculture is at an economic disadvantage; other businesses feed upon it. That we may clearly understand the situation with which we must deal, it is well to recall that before the application of steam and electricity to transportation and to manufacturing and other industries there existed throughout the world a condition of relative independence in so far as the several communities as entities were concerned. Each community produced from necessity most of what it used and used most of what it produced. The wool, cotton, and flax raised in the several communities became, through the process of home manufacturing, the finished garments. The hides from the carcasses of home-grown animals went to the local tanner, then to the local leather workers, who were largely paid in barter. The local blacksmith and woodwork man made most of the farming implements. The miller ground the grain into meal and flour and took his pay in grain, and so on through the whole list of the simple requirements of that It is also worthy of notice that because of lack of transportation facilities each family carried a large surplus. Practically all of the people lived in the country. New York City, two centuries old, then had only 200,000 people; Boston had Now over one-half of our families live in the cities and towns. They carry no surplus and no one is carrying any for them. The surplus accumulated during those times is be-ing consumed. The food level of the world is being lowered, and this can not be stopped under the economic conditions which now surround agriculture; the system of marketing agricultural products will not tolerate a surplus.

With the application of steam and electricity the manufacturing energy formerly distributed throughout the country became concentrated in the cities. The shoe cobbler, no longer able to compete with the equipped factory, with its cheapened modes of transportation, moved to such places as Boston. The spinning wheel and family loom became relics of a bygone industrial age and their operatives went to centers like Fall River. The ox-team driver, unable to compete with the railroads, left the country and became an engineer. Agriculture, unorganized, deserted by many of those equipped for leadership, was hurled into the vortex of an industrial revolution, one of the chief results of which was the organization of every other business, the producing end and the selling end properly financed.

It is not possible under existing conditions to preserve equilibrium of population as between the country and the cities. There must be equality of advantage if there is to be a balance of population. When the products of the cities go to market they

do so in response to demand for use and have marked upon them a price which incorporates the cost of the material, the cost of production, maintenance of plant, and all other expenses, plus a profit. The farmer's products are sold at whatever price they will bring, regardless of cost of production, profit, or anything We hear a great deal about the law of supply and demand controlling prices. No such law exercises control over bargainers who are not equally advantageously situated. ern conditions this law has but a limited determining influence upon current sales. It can not be depended upon to insure justice. If two men were upon an island and one had all of the water and the other all of the food, and if the necessity of one to have water in order to live was a present necessity, while the other's necessity for food was not a present necessity, this law would not insure a just bargain between them. How can farmers hope to be protected in the sale of their current products when they are forced by unavoidable circumstances, frequently by pressure to pay a debt owing to a commercial bank, while the credit base is perfectly sound, to dump their crops upon the market in quantities in excess of the demand of the consuming market?

In this method of sale they can not hope to receive the protection of that law; they violate its provisions and must receive its penalty. I do not deny that that law is coming into control, but when it does the consumer will pay the price which the law would now decree were it in control, and the law of retribution will force society to pay with interest the penalties which the farmer's economic disadvantage now compels him to bear. The scramble of a hungry world for what he produces will take care of his profit, but will not improve any feature of the present situation. Increase of prices does not indicate improved economic conditions surrounding agriculture. It is the herald of coming hunger widespread. If we will not divide the benefits of a bountiful harvest with the producer, we are going to the cupboard one of these mornings and there will be nothing for breakfast. We are working toward a lower food-supply level, because a small crop brings more money to the producer than a big one, and just a little surplus knocks the bottom out of prices. In 1910 the southern farmers produced 12,000,000 bales of cot-The world said that was not enough. The next year they produced 16,000,000 bales. They had to get up early and work late to raise and gather it. It cost them millions of dollars more to respond to this demand. The world's appreciation was shown by penalizing them \$125,000,000. Is it any wonder that the country boy quits in disgust when a 16,000,000-bale crop brings \$125,000,000 less than a 12,000,000-bale crop. The corn crop of 1912 was considerably larger than that of the preceding year, yet it brought \$50,000,000 less money. This was the prewar period let us remember.

It is all right to reduce the price per unit when the number of units is larger, but to make the total price for the larger number of units less than the price for a smaller number of units is to bid for the smaller number of units, for a shortage of supply in the country. The thing which augments the danger of this situation is the uncertainty of the supplementation of the state of the supplementation in the supplementation of the supplemen situation is the uncertainty of the volume of any year's produc-tion. The insects or the drought may come and the brightest prospects be blighted. No one can guess when they will come. We must make it economically possible as it is physically possible to create and carry a surplus as a protection against the hazards of seasons and insects. This is the problem of all of the people, let our friends from the cities remember. All of the people must eat to live, while the farmer's greatest profit is when the people are hungry. If we will remove the penalty now imposed for a bountiful harvest, the productive energy of the country, undiscouraged, will go on with its work, and when the years of low production come we can eat the surplus carried over from the more fruitful years. It is said that the man who makes two blades of grass grow where one grew is a public benefactor, but we are offering mighty poor encouragement for the two-blade production, if the two blades bring less money than the one would have brought. Farmers do not now produce primarily to feed their families as they once did. They produce to sell for money.

If we can reduce the overhead expenses, if we can reduce the interest charges, if we can reduce the waste and the loss from the forced sales of farm products, if we can reduce the hazards of the business, the constituents of my friend from New York will have a chance to get cheaper food and to have a surer food supply than if this waste, this loss, and this hazard continues and they continue to drive the farmers from the fields to the cities. And if we can put agriculture on a sounder economic basis there will not be so many business failures in the cities and the working people there will be more sure of employment,

It is inevitable that sooner or later, and I believe it will be soon, those who must purchase the products of the farm in order to live must pay back to the farmer whatever he must pay for the money which he is required to borrow, and must pay for the hazard which his business is subject to by reason of inability to get credit, which results in finan-

The elimination of this waste, physical and economic, the maintenance of the balance of population as between the country and the city, and the creation of the ability to carry the surplus from the years of bountiful harvest to supplement the yield of the years of low production constitute a new problem which has come to challenge the genius of this generation, and we must deal with it upon the responsibility of our own judgment. None among the many problems which have come to us is more difficult or more far-reaching in the extent to which it touches the vital interest of all of the people.

Gentlemen may hesitate to commit the National Government to new activities, and it is well to hesitate to the extent of extreme caution. But we have no choice here. We are dealing with a problem as vital as life itself. To a large extent no generation can choose its activities. All of the generations of men who have lived before us have been shaping our task. In-

exorable necessity drives us to its performance.

Government had its genesis in necessity. It exists for no other purpose than to afford the individuals who constitute it the machinery by which to promote the common good. When the necessities of a people change, the activities of their government must correspondingly change. When the individuals acting as such are not able to deal with a situation affecting the body of citizenship, the dealing with that situation becomes a solemn governmental duty. No agricultural organization has been strong enough to solve this problem. Were it possible to obtain it, the possession of such strength would give a power which the absolute monarchs of old never dreamed of having, Society will rue the day, if that day ever comes, when it drives the agricultural producer into such an organization as that,

This is not an extreme thing here proposed. It is the neces-

sary safe thing to do.

It is my observation that the demands upon government which result in dangerous experiments and policies frequently, it would perhaps be safe to say usually, are traceable to the failure of government to do what it ought to do at the time it ought to do it. What is proposed by this bill has already been postponed too long. Let us not add to that delay. If we do, radicalism, dangerous to them and to the country, may develop among the farmers of this country such as we have not known before, and force the payment of a terrible penalty for the failure properly to discharge a governmental duty to all the

The CHAIRMAN. General debate having been concluded, by order of the House the committee recesses until 8.30.

Accordingly (at 7 o'clock and 35 minutes p. m.) the committee recessed until 8.30.

AFTER RECESS.

The recess having expired (at 8.30 o'clock p. m.), the committee resumed its sitting.

The CHAIRMAN. The clerk will read.

The Clerk read as follows:

Be it enacted, etc.,

TITLE I. SHORT TITLE.

SECTION 1. That this title may be cited as "The Federal live stock and agricultural corporation loan act."

Sec. 2. That corporations for the purpose of providing credit facilities for the agricultural and live-stock industries of the United States, to be known as Federal Live Stock and Agricultural Loan Corporations, may be formed by any number of natural persons not less in any case than five. Such persons shall enter into articles of association which shall specify in general terms the object for which the corporation is formed, and may contain any other provisions, not inconsistent with law, which the corporation may see fit to adopt for the regulation of its business and the conduct of its affairs. Such articles of association shall be signed by the persons intending to particlepate in the organization of the corporation and thereafter shall be forwarded to the Comptroller of the Currency to be filed and preserved in his office.

Mr. McFADDEN. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. McFadden offers the following amendment (with notice that if adopted, he will move to strike out subsequent sections of the bill),

adopted, he will move to strike out subsequent sections of the bill, namely:

"That when used in this act, the term 'Federal farm loan act' means the Federal farm loan act approved July 17, 1916, as amended, and the 'Federal reserve act' means the Federal reserve act approved December 23, 1913, as amended.

"Sec. 2. That section 1 of the Federal farm loan act is amended to read as follows:

" TITLE I.

"Section I. That this act may be cited as the 'Federal farm loan act.' Its administration shall be under the direction and control of the Federal Farm Loan Board hereinafter created.
"Sec. 3. That the Federal farm loan act is amended by adding at the end thereof a new title, to read as follows:"

Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LUCE. I entered the Hall when the clock hand was at 8.30 with the expectation of making a unanimous-consent request before the reading of the bill began. May I make that unanimous-consent request now?

The CHAIRMAN. The Chair thinks you may.

Mr. LUCE. I request that the reading of the bill be by paragraphs. The section of the bill upon which the Clerk has just entered covers 17 pages, and possibly 40 or 50 more or less independent provisions. I would submit that if these are taken up in accordance with the practice of the House we shall get into hopeless confusion in the handling of amendments, and I submit the suggestion that the bill be read by paragraphs or subsections, probably by paragraphs would be better, in order that we might avoid what otherwise would be a difficult situa-

The CHAIRMAN. Does the gentleman refer to the amendment?

Mr. LUCE.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the amendment be read by paragraphs.

Is there objection?

Mr. ANDERSON. Reserving the right to object, Mr. Chairman, this bill passed the Senate on the 16th of February after very long and careful consideration. It had been previously considered by the Commission on Agricultural Inquiry in part and was indorsed by the Federal Farm Loan Board, by the Federal Reserve Board, and by various other governmental agencies, and it has had very careful consideration. While ordinarily I should quite agree with the gentleman from Massachusetts [Mr. Luck] in his request to read the bill by sections or paragraphs, at this stage of the session it is perfectly obvious that to read the bill by paragraphs is to kill it, and therefore I object. The CHAIRMAN. The gentleman from Minnesota objects.

The Clerk will resume the reading of the amendment.

Mr. LUCE. Mr. Chairman, I express a doubt that there is a quorum present.

The CHAIRMAN. The gentleman from Massachusetts sug-

gests the absence of a quorum.

Mr. RAMSEYER. The gentleman did not make the point of no quorum. He just expressed a doubt as to there being a

The CHAIRMAN. The Chair will count. [After counting.] One hundred and two gentlemen are present—a quorum. The Clerk will read.

The Clerk read as follows:

The Clerk read as follows;

SEC. 201. That the Federal Farm Loan Board shall have power to grant charters for 12 institutions to be known and styled as "intermediate credit banks."

Such institutions shall be established in the same cities as the 12 Federal land banks and the officers and directors of the several land banks shall be ex officio officers and directors of the several intermediate credit banks hereby provided for.

And shall have power to employ and pay all clerks, bookkeepers, accountants, and other help necessary to carry on the business herein authorized.

authorized.

And shall have power to employ and pay all clerks, bookkeepers, accountants, and other help necessary to carry on the business herein authorized.

Each intermediate credit bank shall have all the usual corporate powers of corporations doing a similar business and shall have power to sue and be sued both la law and equity, and for purposes of jurisdiction shall be deemed a citizen of the State where it is located. Intermediate credit banks, when designated for that purpose by the Secretary of the Treasury, shall act as fiscal agents of the United States Government and perform such duties as shall be prescribed by the Secretary of the Treasury.

Upon default of any obligation any intermediate credit bank may be declared insolvent and placed in the hands of a receiver by the Federal Farm Loan Board and proceedings shall thereupon be had in accordance with the provisions of section 29 of the Federal farm loan act regarding national farm-loan associations.

The charters to such intermediate credit banks shall be granted upon application of the directors of the Federal land banks, which application shall be in such form as the Federal Farm Loan Board shall prescribe.

Such banks when chartered and established shall have power:

(a) Subject solely to such restrictions, limitations, and conditions as may be imposed by the Federal Farm Loan Board not inconsistent with the provisions of this act (1) to discount for, or purchase from, any national bank, State bank, trust company, agricultural credit corporation, incorporated live-stock loan company, savings institution, or cooperative bank, or cooperative credit or marketing association of agricultural producers organized under the laws of any State, or for any other intermediate credit bank, with its indorsement, any note, draft, bill of exchange, debenture, or other such obligation the proceeds of which have been advanced or used in the first instance for an agricultural purpose or for the raising, breeding, fattening, or marketing of live stock; (2) to buy or sell, wit

sgricultural products, or live stock, if the notes or other such obligations representing such home are secured by warehouse recopings, and, or live stock: Provided, That no such loan or advance shall exceed 72 per cent of the market value of the products covered by all warehouse recopings, and the stock of the products covered by all warehouse records and the stock of the products covered by all warehouse records and the stock of the products of the product

by the Secretary of the Treasury. Should an intermediate credit bank be dissolved or go into liquidation, any surplus remaining after the payment of all debts and any requirements as hereinbefore provided, the balance their remaining shall be paid to and become the property of the United States and shall be similarly applied.

To the states and shall be paid to and become the property of the United States and shall also be liable, upon presentation of the coupons for interest payments due upon any such debentures or obligations issued by any other intermediate credit bank and remaining unpaid in consequence of the default of the other intermediate credit bank. Any intermediate credit bank shall likewise be Hable for such portion after the assets of such other intermediate credit are not paid intermediate credit bank. Any intermediate credit bank shall likewise be Hable for such portion of principal, shall be assessed by the Federal Farm Loan Board against solvent intermediate credit banks llable therefor in proportion to the amount of capital stock, surplus, and debentures or other assessment. Every free heart pay have outstanding at the time of such assessment. Every free heart pay have outstanding at the time of such assessment. Every free heart may have outstanding at the time of such assessment. Every free heart pay have an expectation of its board of directors duly recorded in its minutes, obligate itself to become liable on debentures and other such obligate itself to become liable on debentures and other such obligate itself to become liable on debentures and other such obligate itself to become liable on the such change of the foundation of the confidential use of such bank such reports, records, and other information as he may have available relating to the financial condition of national banks through or for which the intermediate credit bank, examinations of org

any such loan.

Sec. 207. That the Federal Farm Loan Board is authorized to make such rules and regulations, not inconsistent with law, as it deems necessary for the efficient execution of the provisions of this title.

SEC. 208. The privileges of tax exemption accorded under Title I, section 26, of this act shall apply also to each intermediate credit bank, including its capital, reserve or surplus, and the income derived therefrom, and the debentures issued under Title II of this act shall be deemed and held to be instrumentalities of the Government and shall enjoy the same tax exemptions as are accorded farm-loan bonds in said section. The word "instrumentalities" as used in this section shall be neither construed nor advertised to mean "obligations."

AGRICULTURAL CREDIT CORPORATIONS.

SEC. 209. That corporations for the purpose of providing credit facilities for the agricultural and live-stock industries of the United States, to be known as agricultural credit corporations, may be formed by any number of natural persons not less in any case than five. Such persons shall enter into articles of association which shall specify the object for which the corporation is formed. Such articles of association shall be signed by the persons intending to participate in the organization of the corporation and be forwarded to the Federal Farm Loan Board to be filed and preserved in its office.

REQUISITES OF ARTICLES AND CERTIFICATE.

REQUISITES OF ARTICLES AND CERTIFICATE.

SEC. 210. That persons signing such articles of association shall make an organization certificate which shall specifically state the name of the corporation to be organized, the place where its office is to be located, the State or States in which its operations are to be carried on, the amount of its capital stock, and the number of shares into which the same shall be divided, and that the certificate is made to enable the subscribers to avail themselves of the advantages of this act.

The name of each corporation organized under this act shall include the words "agricultural credit corporation."

The organization certificate and articles of association shall be acknowledged before some judge of a court of record or notary public and shall, together with the acknowledgment thereof duly authenticated by

the seal of such court or notary, be transmitted to the Federal Farm Loan Board, who shall file, record, and carefully preserve the same in its

the seal of such court or notary, be transmitted to the Federal Farm Loan Board, who shall file, record, and carefully preserve the same in its office.

Upon making and filing the articles of association and organization certificate with the Federal Farm Loan Board, and when the Federal Farm Loan Board has approved the same and issued a written permit to begin business, the corporation shall be and become a body corporate, and shall have power—

(1) To adopt and use a corporate seal.

(2) To have succession for a period of 50 years unless sooner dissolved by the act of shareholders owning two-thirds of its stock or by act of Congress or unless its charter shall be forfeited for violation of law.

(3) To make contracts.

(4) To sue and be sued, complain and defend in any court of law or equity.

(5) To elect or appoint directors and by its board of directors to appoint such officers and employees as may be deemed proper; to define their authority and duties; to fix their salaries; in its discretion to require bonds of any of them and to fix the penalty thereof; and to dismiss at pleasure any of such officers or employees.

(6) To prescribe by its board of directors by-laws not inconsistent with law or the regulations of the Federal Farm Loan Board defining the manner in which its general business may be conducted, its shares of stock be transferred, its directors and officers be elected or appointed, its property transferred, and the privileges granted to it by law be exercised and enjoyed.

(7) To exercise by its board of directors or duly authorized officers or agents all powers specifically granted by the provisions of this act, and such incidental powers as shall be necessary to carry on the business for which it is incorporated, within the limitations prescribed by this act, but such corporation shall transact no business except such as is incidental and necessarily preliminary to its organization until authorized in writing by the Federal Farm Loan Board to commence business, and afterwards at meetings to

(1) To make advances upon, to discount, rediscount, or purchase, and to sell or negotiate, with or without its indorsement or guaranty, notes, drafts, or bills of exchange, and to accept drafts or bills of exchange, which—

(a) Are issued or drawn for an agricultural purpose, or the proceeds of which have been or are to be used for an agricultural purpose;

(b) Have a maturity, at the time of discount, purchase, or acceptance, not exceeding nine months;

(c) Are secured at the time of discount, purchase, or acceptance by warehouse receipts or other like documents conveying or securing title to nonperishable and readily marketable agricultural products, or by chattel mortgages or other like instruments conferring a first and paramount lien upon live stock which are being fattened for market.

(2) To make advances upon or to discount, rediscount, or purchase.

and paramount lien upon live stock which are being fattened for market.

(2) To make advances upon or to discount, rediscount, or purchase, and to sell or negotiate, with or without its indorsement or guaranty, notes secured by chattel mortgages conferring a first and paramount lien upon maturing or breeding live stock or dairy herds, and having a maturity at the time of discount, rediscount, or purchase not exceeding three years.

(3) To subscribe for, acquire, own, buy, sell, and otherwise deal in Treasury certificates of indebtedness, bonds, or other obligations of the United States to such extent as its board of directors may determine.

(4) To act, when requested by the Secretary of the Treasury, as fiscal agent of the United States, and to perform such services as the Secretary of the Treasury may require in connection with the issue, sale, redemption, or repurchase of bonds, notes, Treasury certificates of indebtedness, or other obligations of the United States.

(5) To purchase, hold, acquire, and dispose of shares of the capital stock of any corporation organized under the provisions of section 8 of this act, in an amount not to exceed at any time 20 per cent of its paid-in and unimpaired capital and surplus.

(6) To purchase, hold, and convey real estate for the following purposes, and for no others:

(a) Such as shall be necessary for its accommodation in the transaction of its business.

(b) Such as shall be conveyed to it in good faith by way of security for debts previously contracted.

(c) Such as shall be conveyed to it in satisfaction of loans or advances made or debts previously contracted in the course of its dealings.

(d) Such as it shall purchase at sales under judgments, decrees, or

(c) Such as shall be conveyed to it in satisfaction of toans or auvances made or debts previously contracted in the course of its dealings.

(d) Such as it shall purchase at sales under judgments, decrees, or mortgages held by the corporation or shall purchase to secure debts due to it.

Any obligation referred to in paragraphs 1 or 2 of this section which is secured by chattel mortgage upon live stock of an estimated market value at least equal to the face amount of such obligation may be additionally secured by mortgage or deed of trust upon real estate or by other securities, under such regulations as may be made by the Federal Farm Loan Board.

LIMITATIONS.

LIMITATIONS.

SEC. 212. Except as hereinafter in section 215 provided, no corporation organized under this act shall incur liabilities, whether direct or contingent, in excess of ten times its paid-in and unimpaired capital and surplus; nor shall any such corporation make advances to or hold notes or other direct obligations of any person or corporation, or have outstanding acceptances for any person or corporation, in a mount exceeding 20 per cent of the paid-in and unimpaired capital and sur-

plus of such corporation, unless such advances, notes, acceptances, or other obligations are adequately secured by warehouse receipts representing readily marketable and nonperishable agricultural commodities, in which event the amount of such advances to, or notes or other direct obligations of, or acceptances for, such one person, association, or corporation shall not exceed 50 per cent of such paid-in and unimpaired capital and surplus. No such corporation shall purchase, own, or deal in any live stock except live stock taken in the course of liquidation of obligations held by it.

INTEREST RATES.

SEC. 213. Any corporation organized under the provisions of this act may charge on any loan or discount made, or upon any note, bill of exchange, or other evidence of debt, interest at a rate not exceeding by more than 1½ per cent the rate of discount of the intermediate credit bank of the district at the time such loan is made or credit

credit bank of the district at the time such loan is made or credit extended.

The taking, receiving, reserving, or charging a rate of interest greater than is allowed by the preceding paragraph, when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it or which has been agreed to be paid thereon. In case the greater rate of interest has been paid the person by whom it has been paid or his legal representative may recover back in an action in the nature of an action for debt twice the amount of the interest thus paid from the corporation taking or receiving the same, provided such action is commenced within two years from the time the usurious interest was collected.

CAPITAL STOCK.

CAPITAL STOCK.

CAPITAL STOCK.

SEC. 214. That no corporation organized under the provisions of this act shall be permitted to commence business with a paid-in capital of less than \$250,000; and no permit to begin business shall be issued to any such corporation by the Federal Farm Loan Board until there shall have been filed with it a certificate signed by the president or treasurer and by individuals comprising a majority of the board of directors of such corporation showing that at least 50 per cent of the authorized capital stock of such corporation has been paid in in cash; and the remainder of the capital stock of such corporation shall be paid in installments of at least 10 per cent each on the whole amount of the capital, and the entire authorized capital stock shall be paid in within six months from the date upon which such corporation shall be authorized by the Federal Farm Loan Board to commence business. The payment of each installment shall be certified to the Federal Farm Loan Board under oath by the president or cashier of such corporation.

The capital stock of any such corporation may be increased at any time with the approval of the Federal Farm Loan Board under oath by the stock, or by written consent of all of its shareholders without a meeting and without a formal vote; and may be reduced in like manner: Provided, That in no event shall such capital stock be reduced to an amount less than one-tenth of its then outstanding indebtedness, direct or contingent, or to an amount less than \$250,000, nor without at the same time reducing proportionately that the same time reducing proportionately the outstanding of the United States Revised Statutes, prohibiting the payment of uncarned dividends or the withdrawal of capital of national banks, shall be held to apply to corporations organized under the provisions of this act.

The provisions and limitations contained in section 5136 of the of this act.

of this act.

The provisions and limitations contained in section 5136 of the United States Revised Statutes, relative to transfer of the shares of the capital stock of national banks, shall apply to corporations organized under the provisions of this act.

Whenever any shareholder or his assigns falls, upon demand of the Federal Farm Loan Board, to pay his subscription or any part thereof on stock of such corporation subscribed to by him, the directors of the corporation, after 15 days' notice, shall proceed in the manner prescribed by section 5141 of the United States Revised Statutes for the collection of unpaid subscriptions to stock of national banks.

Section 5144 of the United States Revised Statutes, which relates to the right of shareholders of national banks to vote by proxy, shall be held to apply to shareholders of corporations organized or doing business under the provisions of this act.

REDISCOUNT CORPORATIONS.

REDISCOUNT CORPORATIONS.

REDISCOUNT CORPORATIONS.

SEC. 215. That corporations having an authorized capital stock of \$1,000,000 or over may be organized under the provisions of this act, to exercise all the powers enumerated in section 212, except that in lieu of the powers conferred in subsections 1 and 2 of said section 211 such corporations shall have power:

(1) Upon the indorsement of any corporation organized under the terms of this act, or of any bank or trust company which is a member of the Federal reserve system, to rediscount for such corporation, bank, or trust company, notes, drafts, or bills of exchange which conform to the requirements of subsections 1 and 2 of section 211 of this act.

(2) To discount or purchase notes, drafts, or bills of exchange Issued or drawn by cooperative associations of producers of agricultural products, provided such notes, drafts, or bills of exchange are secured at the time of discount or purchase by warehouse receipts or other like documents conveying or securing title to nonperishable and readily marketable agricultural products, and have a maturity at the time of discount or purchase not exceeding nine months.

(3) To sell or negotiate with or without recourse any note, draft, or bill of exchange discounted or purchased hereunder.

Corporations organized under the provisions of this section shall not be subject to the limitations contained in section 212, but the Federal Farm Loan Board may, by general regulations, from time to time prescribe the amount of indebtedness, direct or contingent, which such corporations may incur, and the aggregate amount of paper of different types which such corporations may rediscount for any one corporation. Corporations with powers limited, as provided in this section, shall not be subject to the requirements as to deposit of bonds or other obligations of the United States, as provided in section 216 of this act.

PERMIT TO BEGIN BUSINESS.

SEC. 216. That no corporation organized under this act, except corporations with powers limited, as provided in section 215, shall commence business until it has deposited with the Federal reserve bank of the district wherein it has its principal place of business, bonds or other obligations of the United States in an aggregate face amount at least 25 per cent of its paid-in capital stock. Each such corporation shall at all times keep on deposit with such Federal reserve bank an amount of such bonds or other obligations of the United States at least equal

BANKS MEMBERS OF THE FEDERAL RESERVE SYSTEM MAY BECOME STOCKHOLDERS.

SEC. 218. That any member bank of the Federal reserve system may file application with the Comptroller of the Currency for permission to invest an amount not exceeding in the aggregate 6 per cent of its paid-in capital stock and surplus in the stock of one or more of the corporations organized, or doing business, under the provisions of this act, and upon approval of such application may purchase such stock. The Comptroller of the Currency shall have discretion to approve or reject such application in whole or in part.

TAXATION.

reject such application in whole or in part.

TAXATION.

SEC. 219. That taxation by a State of the shares in corporations or ganized or reorganized under the provisions of this act, or of dividends derived therefrom, or of the income of said corporations, or real estate owned by them, shall be such only as is or may be authorized by law in the case of national banking associations.

SEC. 220. That the moneys of corporations organized under the provisions of this act may be kept on deposit subject to check in any member bank of the Federal reserve system.

The Federal reserve banks are hereby authorized to act as depositories for and fiscal agents of any of the corporations organized under the provisions of this act in the general performance of the powers conferred by this title.

SEC. 221. That all corporations not organized under the provisions of this act are prohibited from using the words "agricultural credit" as part of their corporate name, and any violation of this prohibition committed after the passage of this act shall subject the party charged therewith with a penalty of \$50 for each day during which it is committed or repeated.

SEC. 221. That any agricultural or live-stock financing corporation incorporated by special law of any State or organized under the general laws of any State and having an unimpaired capital sufficient to entitle it to become an agricultural credit corporation with the approval of the Federal Farm Loan Board, be converted into an agricultural credit corporation under this act, with any name approved by the Federal Farm Loan Board. Proceded, however, That the said conversion shall not be in contravention of the State law. In such case the articles of association and organization certificate may be executed by a majority of the directors of the corporation, and the certificate shall declare that the owners of 51 per cent of the capital stock have authorized the directors to make such certificate and to change or convert the corporation into an agricultural credit corporation

for the same amount each as they were before the conversion, and the directors may continue to be directors of the corporation until others are elected or appointed. When the Federal Farm Loan Board has given to such corporation a certificate that the provisions of this act have been compiled with, such corporation, and all its stockholders, owners, and employees, shall have the same powers and privileges and shall be subject to the same duties, liabilities, and regulations, in all respects, as shall have been prescribed by this act for corporations originally organized as agricultural credit corporations.

CONSOLIDATION OF CORPORATIONS ORGANIZED UNDER THIS ACT.

consolidation of corporations organized under the provisions of this act, with the approval of the Federal Farm Loan Board, may consolidate into one corporation under the charter of either or any of the existing corporations on such terms and conditions as may be lawfully agreed upon by a majority of the board of directors of each corporation proposing to consolidate, such agreement to be ratified and confirmed by the affirmative vote of the shareholders of each of such corporations owning at least two-thirds of its capital stock outstanding, at a meeting to be held on the call of the directors after publishing notice of the time, place, and object of the meeting for four consecutive weeks in some newspaper published in the place where the said corporation is located, and if no newspaper is published in the place then in a paper published nearest thereto, and after sending such notice to each shareholder of record by registered mail at least 10 days prior to said meeting; Provided, however, That the capital stock of such consolidated corporation shall not be less than \$2.50,000 paid in if the corporations consolidated are organized to exercise the powers covered by section 4, and provided that the capital stock of such consolidated corporation shall not be less than \$1,000,000 paid in if the corporations sonsolidated are organized under section 8: And provided further. That when such consolidation shall have been effected and approved by the Federal Farm Loan Board any shareholder of either of the corporations so consolidated who has not voted for such consolidation may give notice to the board of directors of the corporation in which he is interested, within 20 days from the date of the certificate of approval of the Federal Farm Loan Board, that be dissents from the plan of consolidation as adopted and approved, whereupon he shall be entitled to receive the value of the shares so held by him, to be ascertained by an appraisal made by a committee of three persons, one to be selected by the shareholder, he may

auction within 30 days after the final appraisement provided for by this act.

Where corporations consolidate under the provisions of this act, all of the rights, franchises, and interest of said corporations shall be consolidated in and to every species of property, personal and mixed, and choses in action thereto belonging, and shall be deemed to be transferred to and vested in the corporation into which it is consolidated without any deed or other transfer, and the said consolidated corporation shall hold and enjoy the same and all rights of property, franchises, and interest, in the same manner and to the same extent as they were held and enjoyed by the corporations so consolidated therewith.

INSOLVENCY, RECEIVERSHIP, AND LIQUIDATION.

INSOGVENCY, RECEIVERSHIP, AND LIQUIDATION.

set they were held and enjoyed by the corporations so consolidated therewith.

INSOLVENCY, RECEIVERSHIP, AND LIQUIDATION.

Sec. 224. That whenever any agricultural credit corporation organized under the provisions of this act shall be dissolved and its rights, privileges, and franchises declared forfeited, as prescribed in the preceding section, or whenever any creditor of any such corporation shall have obtained a judgment against it in any court of record and made application accompanied by a certificate from the clerk of the court, stating that sucl. judgment has been rendered and has remained unpaid for the space of 50 days, or whenever the Federal Farm Loan Board shall become satisfied of the insolvency of such corporation, it may, after due examination of its affairs in either case, appoint a receiver who shall proceed to wind up the affairs of such corporation. The receiver so appointed shall exercise the powers and be subject to the restrictions of receivers of national banks; and the Federal Farm Loan Board shall have the same powers and duties in connection with the administration of such receivership as the Comptroller of the Currency has in reference to the receivership as the Comptroller of the Currency has in reference to the receivership of national banks.

Shareholders' agents for shareholders of agricultural credit corporations organized under the provisions of this act may be appointed in the manner prescribed by section 522 of the national bank act, being the act of June 30, 1876, as amended, and shall have the same general powers and duties and be subject to the same restrictions as shareholders' agents of a national bank

Any agricultural credit corporation organized under the provisions of this act may go into liquidation and be closed by the vote of its shareholders owning two-thirds of its stock. Whenever a vote is taken to go into liquidation it shall be the duty of the board of directors to cause notice of this fact to be certified under the seal of the corporation by its president or

PENALTY FOR VIOLATION OF THE PROVISIONS OF THIS ACT.

SEC. 225. That any officer, director, agent, or employee of an intermediate credit bank or agricultural credit corporation organized under the provisions of this act who embezzles, abstracts, or willfully misupplies any of the moneys, funds, or credits of such corporation, or who, without authority from the directors, draws any order or bill of exchange, makes any acceptance, issues, puts forth, or assigns any note, debenture, bond, draft, bill of exchange, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of such corporation with intent in any case to injure or defraud

RECORD—HOUSE.

FEBRUARY 28, such ecoporation or any other company or person, or to decide any agent or examiner appointed to examine the affairs of such ecoporation; and every receiver of such corporation who with like intent to detread of injure embessles, abstracts, purious, or willfully missipplier than the control of the control of such corporation who with like intent to detread of injure embessles, abstracts, purious, or willfully missipplier person who with like intent aids or abets any officer, director, agent, employee, or receiver in any violation of this section shall be deemed to the court of the United States up to conference of the court, and the united states up to conference of the court of the United States up to conference of the court of the United States up to conference or any other person, firm, corporation, or association any advance, or extension or reneword of an advance, or any release or substitution of security. From a corporation organism any other way the action of such carries of the purpose of influencing in any other way the action of such carried to the court of the purpose of influencing in any other way the action of such carried by which any such advance, as secured shall be punished by a fine of not more than \$2,000, or by imprisonment for not more than \$2,000, or by imprisonment for not more than two years, or both.

Any examiner appointed under this act who shall accept a loan of such organization, without arise that years, or both provided the punished by a fine of not may be advanced by a fine of of such organization of the Congress of the United States, or of either House thereof, or any committee of Congress, or such organization, without arise that provided the punished by a fine of not exceeding \$2,500 or by imprisonment of the Congress of the United States, or of either House thereof, or any committee of Congress, or such organization, without arise that the purpose of the court of any other purpose of an intermediate redit horizontal purpose of any committee of co

such purpose.

"If any deficiency shall occur in such fund during the half-year period for which it was estimated, the Farm Loan Board shall have authority to make immediate assessment covering such deficiency against the Federal and Joint-stock land banks upon the same basis as the original assessment. If at the end of the six months' period there shall remain a surplus in such fund, it shall be deducted from the estimated expenses of the next ensuing six months' period when assessment is made for such period. Land-bank appraisers shall receive such compensation as the Federal Farm Loan Board shall fix and shall be paid by the Federal land banks and the joint-stock land banks which they serve in such proportion and in such manner as the Federal Farm Loan Board shall order."

SEC. 6. That the seventh subdivision of section 4 of the Federal farm loan act be amended to read as follows:

"Seventh. To exercise, by its board of directors or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business herein described.

"After the subscriptions to stock in any Federal land bank by national farm-loan associations, hereinafter authorized, shall have reached the sum of \$100,000 the officers and directors of said land bank shall be chosen as herein provided and shall, upon becoming duly qualified, take over the management of said land bank from the temporary officers selected under this section.

"The board of directors of every Federal land bank shall be selected as hereinafter specified and shall consist of seven members. Three of said directors shall be known as local directors and shall be chosen by and be representative of national farm-loan associations and borrowers through agencies; three shall be known as district directors and shall be appointed by the Federal Farm Loan Board and represent the public interest. The term of office of local and district directors shall be three years.

as hereinafter specified and shall consist of seven members. Three of said directors shall be known as local directors and shall be chosen by through agencies; three shall be known as district directors and shall be appointed by the Federal Farm Loan Board and represent the public interest. The term of office of local and district directors shall be "Within 30 days from the approval of this act and thereafter, at least two months before each election, the Federal Farm Loan Board shall divide each land-shall district into three divisions, as nearly equal as possible, according to number of borrowers and the voting strength the farm loan commissioner shall thereupon notify each association and agency in writing that an election is to be held for one local director from each of said divisions and requesting each association and of receipt of such notice each national farm-ioan association and of receipt of such notice each national farm-ioan association and of receipt of such notice each national farm-ioan association and such as a list of candidates for local directors, consisting of the 10 persons receiving the highest number of votes from national farm-ioan associations and borrowers through agencies for each division.

"Act least one month before said election the farm ioan commissions with the second of the s

to the loans of such borrowers and to be paid off and retired at par in the same manner as stock held by borrowers in farm-loan associations, and the Federal land bank shall pay to the borrowers holding such stock the same dividends as are paid to national farm-loan associations by such bank. The personal liability of the stockholders in such liquidated association to the association shall survive such liquidation and shall be vested in the bank in that district, which may enforce the same as fully as the association could if in existence."

Sec. 9. That the fourth paragraph of section 12 of the Federal farm loan act be amended to read as follows:

"Fourth. Such loans may be made for the following purposes, and for no other:

"Fourth. Such loans may be made for the following purposes, and for no other:

"(a) To provide for the purchase of land for agricultural uses.
"(b) To provide for the purchase of equipment, fertilizers, and live stock necessary for the proper and reasonable operation of the mortgaged farm, the term 'equipment' to be defined by the Federal Farm Loan Board.
"(c) To provide buildings and for the improvement of farm lands, the term 'improvement' to be defined by the Federal Farm Loan Reard.

"(d) To liquidate indebtedness of the owner of the land mortgaged incurred for agricultural purposes, or incurred prior to January 1, 1922."

"(d) To liquidate indebtedness of the owner of the land morrigaged incurred for agricultural purposes, or incurred prior to January 1, 1922."

And that the seventh paragraph of said section be amended by striking out the figures "\$10,000" and inserting in lifet thereof "\$16,000," so that the paragraph as amended shall send: "Seventh, The amount of loans to any one borrower shall in no case exceed a maximum of \$16,000, nor shall any loan be for a less sum than \$100: Provided, That if any Federal land bank shall have an application for loan in excess of \$16,000 which it desires to make it may submit such application to the Federal Farm Loan Board, and said board, if satisfied with the security tendered and that the loan is for proper purposes and in the interest of agricultural development, may authorize the making of such loan if not in excess of \$25,000: Provided Justher, That preference shall be given to applications for loans of \$10,000 and under."

Skc. 10. That section 21 of the Federal farm loan act be amended by adding the following as subdivision (a):

Skc. 10. That section 21 of the Federal farm loan act be amended by adding the following as subdivision (a):

Skc. 10. That section 21 of the Federal farm loan act be amended by adding the following as subdivision (a):

Skc. 10. The section 21 of the Federal farm loan commissioner and attested by the secretary of the Federal Farm Loan Board, and their signatures may be either written or engraved thereon and shall recite in the face of the bond the fact that it is the joint and several obligations of the 12 Federal land banks, and shall in all respects be governed by the provisions of the Federal farm loan act not inconsistent herewith.

"The consolidated bonds issued under this provision shall be made payable at any Federal land bank, and may be made payable at any Federal in all banks and shall to all respects be bound by the act of the farm loan commissioner and the secretary of the Federal Farm loan bond; ashall be issued under this provision shall in a

due, without notice, all bonds and coupons issued on its behalf hereunder.

"If any Federal land bank shall fall to pay its proportion of interest or principal as herein prescribed, the Federal Farm Loan Board shall immediately call upon the other Federal land banks for the amount necessary to make said payment, the assessments to be made in proportion to the capital stock of each, which assessments shall be forthwith paid by said banks.

"The presidents of the 12 Federal land banks shall constitute the bond committee of the Federal land banks and shall select a chairman from among their number. The vice president may act in place of the president on the president's request or in case he falls to act.

"When an issue of consolidated bonds is contemplated, the bond committee shall determine the amount of such issue, the rate of interest which it is to bear, and the participation of the several banks therein, and submit their recommendations to the Federal Farm Loan Board for approval. When approved by the Federal Loan Board, the bonds shall be executed by the farm loan commissioner and the secretary of the Federal Farm Loan Board, as herein provided.

"The expenses of the bond committee and of the sale of bonds shall be charged against the several land banks in proportion to their participation in the proceeds.

"The presidents of the Federal land banks shall receive no additional compensation for their services as members of the bond committee, but shall be paid necessary traveling expenses."

SEC. 11. Section 22 of the Federal farm loan act is hereby amended as follows:
In paragraph 7, under the head "In the case of a Federal land bank,"

sec. 11. Section 22 of the Federal farm loan act is hereby amended as follows:

In paragraph 7, under the head "In the case of a Federal land bank," in subdivision (a), after the word "by," insert the words "or in behalf of," so that said subdivision shall read:

"(a) To pay off farm-loan bonds issued by or in behalf of said bank as they mature."

And in subdivision (b), after the word "par," insert the word "Federal"; and after the word "bonds" strike out the words "issued

by said bank or by any other Federal land bank," so that said subdivision shall read:

"(b) To purchase at or below par Federal farm-loan bonds."

SEC. 12. Section 25 of the Federal farm loan act is hereby amended to read as follows:

"SEC. 25. That if there shall be default under the terms of any indorsed first mortgage held by a Federal land bank under the provisions of this act, the national farm-loan association through which said mortgage was received by said Federal land bank shall be notified of said default. Said association may thereupon be required, within 30 days after such notice, to make good such default, either by payment of the amount unpaid thereon in cash or by the substitution of an equal amount of Federal farm-loan bonds, with all unmatured coupons attached."

SEC. 13. That section 27 of the Federal farm loan act be amended

amount of Federal farm-loan bonds, with all unmatured coupons attached."

SEC. 13. That section 27 of the Federal farm loan act be amended to read as follows:

"SEC. 27. That farm-loan bonds issued under the provisions of this act by Federal land banks or joint-stock land banks shall be a lawful investment for all fiduclary and trust funds and may be accepted as security for all public deposits.

"Any member bank of the Federal reserve system may buy or sell farm-loan bonds issued under the authority of this act and debentures or collateral trust notes issued by any intermediate credit bank.

"Any Federal reserve bank may buy or sell farm-loan bonds with a maturity from date of purchase not exceeding nine months."

SEC. 14. That section 5202 of the Revised Statutes, as amended, is amended by adding at the end thereof a new paragraph to read as follows:

"Eighth. Liabilities incurred under the provisions of subdivision (a) of section 201 of the Federal farm loan act, approved July 17, 1916, as amended."

SEC. 15. That a joint committee be appointed, to consist of three Members of the Banking and Currency Committee of the Senate, to be appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled in the same manner as the original appointment.

That said iding committee is authorized to inquire into the effect.

of the committee shall be filled in the same manner as the original appointment.

That said joint committee is authorized to inquire into the effect of the present limited membership of State banks and trust companies in the Federal reserve system upon financial conditions in the agricultural sections of the United States; the reasons which actuate eligible State banks and trust companies in failing to become members of the Federal reserve system; what administrative measures have been taken and are being taken to increase such membership; and whether or not any change should be made in existing law, or in rules and regulations of the Federal Reserve Board, or in methods of administration, to bring about in the agricultural districts a large membership of such banks or trust companies in the Federal reserve system.

That said committee is authorized to sit at any time during the sessions or recesses of the Congress and conduct its hearings at Washington or at any other place in the United States, to send for persons, books, and papers, to administer oaths, and to employ experts deemed necessary by such committee, a clerk, and a stenographer to report such hearings as may be had in connection with any subject which may be before said committee, ac clerk, and a stenographer to be rendered at a cost not exceeding \$1.25 per printed page, the expenses involved in carrying out this resolution to be paid in equal parts out of the contingent funds of the Senate and House of Representatives.

The committee shall from time to time report to both the Senate and

be rendered at a cost not exceeding \$1.25 per printed page, the expenses involved in carrying out this resolution to be paid in equal parts out of the contingent funds of the Senate and House of Representatives.

The committee shall from time to time report to both the Senate and the House of Representatives the results of its inquiries, together with its recommendations, and may prepare and submit bills or resolutions embodying such recommendations, and the final report of said committee shall be submitted not later than January 31, 1924.

SEC. 15. That paragraph 9 of section 9 of the Federal reserve act, as amended, is amended to read as follows:

"No applying bank shall be admitted to membership in a Federal reserve bank unliess (a) it possesses a paid-up, unimpaired capital sufficient to entitle it to become a national banking association in the place where it is situated under the provisions of the national bank act, or (b) it possesses a paid-up, unimpaired capital of at least 60 per cent of the amount sufficient to entitle it to become a national banking association in the place where it is situated under the provisions of the national bank act and, under penalty of loss of membership, complies with rules and regulations which the Federal Reserve Board shall prescribe fixing the time within which and the method by which the unimpaired capital of such bank shall be increased out of net income to equal the capital which would have been required if such bank had been admitted to membership under the provisions of subdivision (a) of this paragraph: Provided, That every such rule or regulation shall require the applying bank to set aside annually not less than 20 per cent of its net income of the preceding year as a fund exclusively applicable to such capital increase."

SEC. 16. That section 13 of the Federal reserve act, as amended, is hereby further amended by striking out the provison at the end of the second paragraph of said section, and inserting in lieu thereof the following:

"Upon the indorsement of

ance by warehouse receipts or other such document conveying or securing title covering readily marketable staples may be discounted with a maturity at the time of discount of not more than six months' sight, exclusive of days of grace."

SEC. 18. That the Federal reserve act, as amended, be further amended by adding at the end of section 13 a new section, to be numbered section 13a, and to read as follows:

"SEC. 13a. Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice, and protest by such bank as to its own indorsement exclusively, any Federal reserve bank may, subject to regulations and limitations to be prescribed by the Federal Reserve Board, discount notes, drafts, and bills of exchange issued or drawn for an agricultural purpose, or based upon live stock, and have a maturity, at the time of discount, exclusive of days of grace, not exceeding nine months, and such notes, drafts, and bills of exchange may be offered as collateral security for the issuance of Federal reserve notes under the provisions of section 16 of the Federal reserve act as amended: Provided, however, That notes, drafts, and bills of exchange with maturities in excess of six months shall not be eligible as a basis for the issuance of Federal reserve notes unless secured by warehouse receipts or other such negotiable documents conveying or securing title to readily marketable staple agricultural products or by chattel mort-gage upon live stock which is being fattened for market.

"That any Federal reserve bank may, subject to regulations and limitations to be prescribed by the Federal Reserve Board, rediscount such notes, drafts, and bills for any intermediate credit bank any such note or obligation which bears the Indorsement of a non-member State bank or trust company which is eligible for membership in the Federal reserve system, in accordance with section 9 of the Federal reserve system, in accordance with section 9 of the Federal reserve sect.

"Any Federal reserve bank may also buy and s

bank any such note or obligation which bears the indorsement of a nonmember State bank or trust company which is eligible for membership
in the Federal reserve system, in accordance with section 9 of the Federal reserve act.

"Any Federal reserve bank may also buy and sell debentures and
other such obligations issued by an intermediate credit bank under
Title II of the Federal farm loan act, but only to the same extent as
and subject to the same limitations as those upon which it may buy
and sell bonds issued under Title I of said act.

"Notes, drafts, or bills of exchange issued or drawn by cooperative
marketing associations composed of producers of agricultural products
shall be deemed to have been issued or drawn for an agricultural
purpose, within the meaning of this section, if the proceeds thereof
have been or are to be advanced by such association to any members
thereof for an agricultural purpose, or have been or are to be used
by such association in making payments to any members thereof on
account of agricultural products delivered by such members to the
association, or if such proceeds have been or are to be used by such
association in connection with the grading, processing, packing,
preparation for market, or marketing of any agricultural product
handled by such association which is now eligible for rediscount shall not be construed as rendering ineligible any other class
of paper of such associations which is now eligible for rediscount.

"The Federal Reserve Board may, by regulation, limit to a percentage of the assets of a Federal reserve bank the amount of notes,
drafts, acceptances, or bills having a maturity in excess of three
months, but not exceeding six months, exclusive of days of grace,
which may be discounted by such bank, and the amount of notes,
drafts, billis, or acceptances having a maturity in excess of three
months, but not exceeding nine months, which may be discounted by such bank.

Sec. 19. That section 13 of the Federal reserve act, as amended,
be further amended by addi

During the reading of the foregoing the following colloquy

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.
Mr. BANKHEAD. Do I understand that the bill is being

read by sections?

The CHAIRMAN. The amendment is being read by sections.

Mr. DOWELL. It is one entire amendment.
Mr. LUCE. Mr. Chairman, I wish to make an inquiry as to where the reading had reached; what page and section, please? The CHAIRMAN. Page 70, line 9.

Later, Mr. LUCE. Mr. Chairman, I offer an amendment.

Mr. DOWELL, Mr. Chairman, I make the point of order that the reading has not been completed.

The CHAIRMAN. The Clerk will resume the reading of the amendment.

The Clerk resumed and concluded the reading of the amendment.

Mr. BYRNES of South Carolina. Mr. Chairman, I have an amendment that I desire to offer.

Mr. WILLIAMSON. Mr. Chairman, I offer an amendment. The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. McFADDEN. Mr. Chairman, what became of my amendment?

The CHAIRMAN. The amendment of the gentleman from Pennsylvania is pending. The Chair understands the gentle-man from South Carolina is offering an amendment to the amendment.

Mr. BYRNES of South Carolina. Yes; to the amendment, ander the rules. The amendment of the gentleman from Pennunder the rules. sylvania [Mr. McFadden] includes the whole business

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina [Mr. Byrnes].

The Clerk read as follows:

The Clerk read as follows:

Amendment by Mr. Burnes of South Carolina: On page 98, after section 20, amend by adding the following section:

"Sec. 21. That the time during which the War Finance Corporation may make advances and purchase notes, drafts, bills of exchange, or other securities under the terms of sections 21, 22, 23, and 24 of the War Finance Corporation act, as amended, is further extended up to and including December 31, 1923: Provided, That if any application for an advance or for the purchase by the War Finance Corporation of notes, drafts, bills of exchange, or other securities is received at the office of the corporation in the District of Columbia on or before December 31, 1923, such application may be acted upon and approved, and the advance may be made or the notes, drafts, or other securities purchased at any time prior to January 31, 1924.

"Sec. 22. That the second paragraph of section 12 of Title I of the War Finance Corporation act, as amended, is further amended to read as follows:

War Finance Corporation act, as amended, is interest as follows:

"'The power of the corporation to issue notes or bonds may be exercised at any time prior to January 31, 1927, but no such bonds or notes shall mature later than June 30, 1927.

"Sec. 23. (a) That paragraph 3 of section 15 of Title 1 of such act, as amended, is amended by striking out at the beginning of such paragraph the words 'beginning January 1, 1923,' and inserting in lieu thereof the words 'beginning January 1, 1924.'

"(b) Paragraph 4 of such section, as amended, is amended by striking out at the beginning of such paragraph the words 'After July 1, 1923,' and inserting in lieu thereof the words 'After January 1, 1924.'"

Mr. ANDERSON. Mr. Chairman, I reserve a point of order on the amendment. It is not germane to the bill or the section.

Mr. McFADDEN. I understand the purpose of the gentle

I understand the purpose of the gentleman from South Carolina is to continue the War Finance Cor-poration until December 31, 1923, to cover the period of time between this and the time when these institutions would be organized to take care of the pressing needs which the War Finance Corporation is now serving.

Solely for that purpose. Mr. BYRNES of South Carolina. The sections I have offered are couched in the language of the original bill, which put the date as March 1. The committee states that they have eliminated those provisions from the bill because they did not believe in having two agencies at the same

I agree with them, and if there was any assurance that the machinery provided in this bill would be put into operation by July 1, I certainly would not want to continue the War Finance Corporation. But we know from experience that it is most likely that it will be five or six months, and possibly longer, before the intermediate credit system is put into operation. think it extremely important that we should continue the War Finance Corporation until this machinery is put into operation to carry on the work.

Mr. McFADDEN. Under that statement I will raise no objec-

Mr. BYRNES of South Carolina. My only purpose is to provide for the interim before the credit system goes into effect.

Mr. STEAGALL. I rose to say that the members of the Banking and Currency Committee on this side of the House are ready to accept the amendment.

Mr. BURTON. Mr. Chairman, may I ask the gentleman from Pennsylvania a question? When is it anticipated that the amount provided for these banks will be available?

Mr. McFADDEN. As soon as the preliminary work of the

organization can be provided for.

Mr. BURTON. You regard the provision in the bill as carrying the necessary amount, \$60,000,000@

Mr. McFADDEN. Yes. Mr. ANDERSON. Mr. Chairman, I withdraw the reservation

of the point of order.

Mr. STAFFORD. I reserve the point of order. I want to know if there is any disposition on the part of either side of the House to use this as a handle to vote \$10,000,000 for the purchase of fertilizer?

Mr. BYRNES of South Carolina. I think this has nothing to do with it.

Mr. STAFFORD. It might be used as a handle?

Mr. BYRNES of South Carolina. As far as I am concerned it has nothing to do with it. I do not think it would be germane.

Mr. STAFFORD. It might be used as a handle to carry out

that extraneous proposition.

Mr. BYRNES of South Carolina. I do not think it would be

possible to do it. It would not be germane.

Mr. STAFFORD. This amendment is not germane to this bill; but if I can be assured that there will be no such inten-

Mr. BLACK. In the Senate bill this identical clause was contained, but stricken out by the House committee.

Mr. STAFFORD. With the assurance that there is no disposition to do that, I withdraw my reservation of the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina to the committee amendment offered by the gentleman from Pennsylvania.

The amendment to the amendment was agreed to.

Mr. LUCE. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

Amendment offered by Mr. Lucz: On page 51, strike out section 208 and insert in lieu thereof the following: "The capital and surplus of any farm credit department and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation, but such exemption shall not apply to any debentures or other obligations issued under authority of this title or to any income derived therefrom."

Mr. LUCE. Mr. Chairman, a few weeks ago the House, in evident response to what might almost be called a universal demand from the American people, voted by more than the requisite two-thirds to submit to the legislatures of the States a constitutional amendment which would put an end to the evils supposed to arise from issuing tax-exempt securities. repeat the arguments so powerfully advanced on that occasion would be superfluous. It is probable that the vote cast represented the mature judgment of every Member who voted. The subject has been under discussion in the press, on the platform, and at almost every street corner for many months. The National House of Representatives is peculiarly responsive to public opinion. In this instance I think it exercised a deliberate judgment. The matter was thoroughly canvassed here; all the arguments were presented for and against. Can it be presumed that any considerable part of the two-thirds of the Members of this House who but a few weeks ago believed it was unwise to continue the practice of issuing tax-exempt securities have changed their minds? My recollection is that long before this amendment was voted upon the Commission of Agricultural Inquiry, in framing this bill, what is known as the Lenroot-Anderson bill, showed its judgment in omitting from that bill the provision for tax exemption. That was an admirable commission, and in its personnel were various able gentlemen who were by the public press accredited with being members of the organization that is supposed to voice the sentiment of the agricultural part of the community.

We may assume in frowning upon tax exemptions that they voiced the will of the farmers themselves. We know that the people of the Nation, if the House of Representatives does express the popular will, have voiced their opinion. There can be but one answer given by any man who voted against tax exemption. He will give you the sordid, selfish answer that so long as the getting is good "we want to get our share." Could anything be on a lower plane of moral sentiment? What will be thought of a public servant who by a solemn yote declares that a thing is wrong, and then but a few days afterwards changes his vote in order that his neighbors may get the advantage of this selfish provision? I appeal not to the judgment of those who voted against tax exemption; I appeal to the con-

sciences of those who voted against tax exemption. Mr. McFADDEN, Mr. Chairman, I am not in disaccord with what the gentleman has said in regard to tax-exempt securities in the least. I call his attention and the attention of the Members of the House, however, to the fact that while the House did pass on this subject, the general subject of tax ex-emption, there is yet another body still to pass upon it, and that until the States and the other body have passed upon it, there is now no law to prevent the issuance of tax-exempt securities. It was not the intention of the House to deprive the farm-loan system or the States and municipalities of the right of issuing tax-exempt securities in the meantime. Therefore, I say it is not fair at this time to discriminate against these securities and not give tax-exemption privileges to these securities, so long as there is no law at present to prevent it. I am heartily in favor of the amendment of the Constitution against tax-exempt securities. I hope the Senate will pass it and that the States will ratify it, but until they do, I think this organiza-

tion should have the right equal with the others. [Applause.]
Mr. BLACK. Mr. Chairman, I do not think this amendment
should be adopted. The gentleman from Massachusetts [Mr.
Luce] this afternoon dwelt nearly altogether in his criticism of this bill upon the theory that it violates some fundamental principle of banking. We have set up already a commercial system of banking which is functioning well and have made the chief corner stone for that system the Federal reserve banking system. At one time there were more than \$3,000.000,000 in Federal reserve notes which were being used by commercial enterprises and agricultural enterprises and the people in general, and those notes are not taxed in any way except in a franchise tax that is paid to the Government by the Federal reserve banks. We are setting up in this system a governmental agency to be known as the intermediate credit banks. These banks are not banks of issue. They have no power to issue Federal reserve notes upon their paper, because we recognize that no paper should be made the basis for Federal reserve notes except that which is liquid paper. We have provided in the bill that one half of the surplus earnings of the intermediate credits bank shall be used, first, to retire the amount that the Federal Government advances as capital stock and that the other half shall be added to the surplus, and when the surplus reaches that point that it equals the capital stock, after that 10 per cent is added to the surplus only and the other 90 per cent goes into the Treasury of the United States as a franchise tax. I can not see any difference in principle between that system of handling the matter and the way that we handle franchise tax Therefore, I think it would be a mison Federal reserve notes. take to adopt the amendment of the gentleman from Massachusetts, and I earnestly urge its rejection.

Mr. HUSTED. Mr. Chairman, I move to strike out the last

word.

The CHAIRMAN. Debate on the amendment is exhausted. The motion to strike out the last word is not a proper motion. The Chair will state for the information of all gentlemen that the parliamentary situation is as follows: A substitute amendment has been offered by the gentleman from Pennsylvania [Mr. McFadden] which embraces the entire bill, which it is proposed to substitute for the Senate bill. An amendment has been offered to that substitute and is pending, and debate upon it has been exhausted. A motion to strike out the last word is not in order. If any gentleman wishes to ask unanimous

Mr. QUIN. Mr. Chairman, I ask unanimous consent to proceed for five minutes in opposition to the amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. QUIN. Mr. Chairman, in my judgment the Republican Party is to be congratulated upon bringing out this bill. If a man will carefully read the bill he will see that it will do as much good as the farm loan act itself. This reaches a separate line of credit that the farmers of this country need. The gentleman from Massachusetts [Mr. Luce] now proposes to cripple and hamstring this measure before it gets started. The farm-loan bonds are rightfully exempted from taxation. That institution is now operating all right. This system of loans on staple agricultural products in warehouses, as guaranteed in this measure to operate properly, must have its bonds and debentures and obligations exempted from taxation, local and everywhere else. Yet the gentleman from Massachusetts, who is a member of the committee, who knows that he is striking at the vitals of this measure, now proposes his amendment for the very purpose of breaking down the system before it can possibly get into operation.

Is it possible that he does not believe that the farmers of the United States under the very measure that he helps to bring out this report upon are entitled to this line of credit? If they are entitled to it, why should he want to handicap them and fix it so that their bonds will not sell; or if they do sell, they must sell below par, and thus make the farmer pay a higher rate of interest? It is as plain as it can be that the gentleman's amendment is intended to force the farmers to pay a higher rate of While I voted against the resolution to amend the Constitution to place a tax on those securities that are now exempt, I would rather see these farmers' cooperative association bonds and debentures exempted than to see county and municipal bonds exempted, if I had to take one or the other. We are plowing now near the very heart of the question of the farmer's credit on his agricultural products which he stores in the warehouses. For all these years we have been pleading to give him a long term of credit at a low rate of interest on his products after they have been harvested so he can hold same for a just and fair price. If you place on this bill this amendment offered by the gentleman from Massachusetts, you are bound to handicap the system and put it on the down grade from

the very beginning. I hope the amendment will be rejected.

Mr. McFADDEN. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. MILLS] may address the House for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLS. Mr. Chairman and gentlemen of the committee, I propose to vote for this bill. I believe in the Lenroot-Anderson bill. I believe it is essentially sound, I believe it is substantial scale and take only secured paper. In the original

desirable, I believe it should be enacted into law, and I propose to vote for this bill even though I do not like some of the other features. [Applause.] In reference to these fax-exempt securities, I am not going to talk about them as a matter of principle but as a matter of business. You are providing for debentures amounting to \$600,000,000 a year, Assuming that the average rate of interest will be 5 per cent, that is \$30,000,-000 a year. These debentures are not going to be taken up by the small investor. They are short-time securities and will be taken up by large investors and at the average rate, let us say, of 40 per cent. Forty per cent of \$15,000,000 is some \$6,000,000. That is what it is going to cost the Government of the United States every single year in order to grant this tax-exempt privilege. What is possibly gained? In the long run I deny that there is going to be any gain, because at the rate taxexempt securities are being issued the tax-exempt privilege in the next four or five years will not be worth anything, with an unlimited amount of tax-exempt securities having only a limited market among the very rich. But assuming it is worth what it is to-day—a half of 1 per cent, and it has repeatedly been demonstrated that is all that the tax-exempt privilege is worth to-day—half of 1 per cent on \$600,000,000 is \$3,000,000, and the difference between what you are losing in taxes, namely, \$6,000,000 and the \$3,000,000, is exactly what it is going to cost the Government of the United States because these are Government institutions. Now, you can not defend it as a business proposition. Figure it out in dollars and cents. And when it comes to the matter of principle, why, we are solemnly going on record in favor of issuing \$600,000,000 of tax-exempt securities a year.

I say there is not the slightest doubt if this bill goes through in this form it marks the death knell of the graduated income tax in this country, because the graduated income tax and taxexempt securities can not live side by side. For the sake of the farmer, for the sake of these new institutions which are to be created, for the sake of a sound taxing system, for the sake of every principle of justice and equity, I beg of you gentlemen to support the amendment offered by the gentleman from Massachusetts. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Chair announced the noes appeared to have it

On a division (demanded by Mr. Luce and Mr. Stafford) there were-ayes 27, noes 124.

So the amendment was rejected.

Mr. LUCE. Mr. Chairman, I offer the following amendment. The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amendment offered by Mr. Luce: Page 41, line 17, strike out from lines 17 and 18 the words "agricultural credit corporation," and in lines 19 and 20 the words "or cooperative banks, or cooperative credit or marketing associations of agricultural producers."

Mr. LUCE. Mr. Chairman, this amendment is presented in part to emphasize the fact that the original Lenroot-Anderson bill, which did receive the indorsement that our friend from Minnesota has called to our attention, has been seriously and dangerously changed since it left the hands of its authors. is not the bill that has received the approval in question. There has been inserted in the bill an exceedingly dangerous provision. Dangerous it is in the eyes of the chief financial adviser of the Nation, the Secretary of the Treasury, who points out that the paper will bear the indorsement of the discounting institutions, and the next step in our analysis is to determine the value of this indorsement.

In the original Lenroot-Anderson bill, which had the approval of the Joint Commission of Agricultural Inquiry, the discounting institution could be a national or State bank or a trust company, savings institution, or incorporated live-stock loan In the bill as it passed the Senate there are added company. rural credit corporations, incorporated farm credit companies, cooperative banks, and cooperative credit or marketing associations. The additions are important.

National banks, and to a large degree State banks, savings institutions, and trust companies, are subject to limitations under State or National law and to periodic inspections by They are required to keep a State or National examiners. minimum cash reserve; their investments are frequently limited; there is usually double liability on the part of stock-holders; and any tendency toward unsound practices can be quickly checked by State or National banking authorities. corporated live-stock loan companies are generally formed on a

bill, therefore, some reliance could have been placed on the

indorsement of the discounting institution.

No such safeguards surround the operations of the institutions added by the revised Lenroot-Anderson bill. Rural credit corporations, incorporated farm credit companies, cooperative banks, or cooperative credit or marketing associations are enumerated, but not defined, in the new bill; hence it is impossible to ascertain under what limitations they will operate. There is no requirement that they be subject to periodic inspec-tion, State or National. There is no requirement that they maintain a cash reserve or maintain their capital in liquid There is no limitation on the amount which such an institution may lend to one borrower-a limitation essential to sound banking. There is no requirement that capital be paid in cash. In the case of cooperative credit associations— a vague and undefined term—there is no requirement that there be any capital at all.

He points out in this authoritative manner that it is proposed to discount the paper of these organizations and sell debentures against them to the confiding and innocent public, and that those concerns are not subject to the safeguards which have been found necessary in the case of the national banking system for the prudent conduct of the banking business.

Mr. ANDERSON. Mr. Chairman, I rise in opposition to the It is true that the bill as recommended by the Joint Commission of Agricultural Inquiry did not contain the language to which the gentleman from Massachusetts [Mr. LUCE] referred. However, the gentleman from Massachusetts overlooks, and I am afraid the Secretary of the Treasury overlooked, one very important provision of this subdivision of the act. If gentlemen will notice the language of the bill they will see that it starts out with these words:

Subject solely to such restrictions, limitations, and conditions as may be imposed by the Federal Farm Loan Board not inconsistent with the provisions of this act.

These intermediate credit banks may discount notes for the institutions enumerated in the section. The Federal Farm Loan Board, under the authority which this section gives, might require any form of organization which it thought necessary on the part of these cooperative credit agencies. It might require them to have any capital which it thought necessary for the safety of the institutions themselves and for the security of the notes which the intermediate credit banks might dis-It might require any other condition that might be suggested to their minds which they might think necessary for their own protection or for the protection of those who buy the debentures of the intermediate credit banks. nothing unsound, nothing unsafe, in this provision. It is subject to governmental supervision in every respect.

I should like to point out in this connection also a thing which I think has been overlooked to some extent in this debate, and perhaps overlooked in the consideration of Members of the House in their study of the provisions of this bill. One of the difficulties in the western section of the country is that they are held at the mercy of the existing financial institutions. One of the objects of a provision of this kind is to furnish a route around the State and National banks where they fail to perform the function which the law imposes upon them at rates which are consistent with the service rendered.

This makes possible the organization of cooperative banks in localities which are now not adequately served by existing institutions. It furnishes a route around existing institutions and furnishes the potential competition which will keep interest rates in these sections of the country at a reasonable level.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARKLEY, Mr. Chairman, I would not detain the House with remarks about this amendment at this hour except that it affects institutions and interests in my State and other States in the Union in a way which would not only handicap but perhaps destroy entirely the discount of paper through these intermediate banks if the amendment of the gen-

theman from Massachusetts [Mr. Luce] were adopted.

There have grown up in the last five years some 50 to 75 cooperative marketing associations in the United States for the purpose of selling farm products in a cooperative way. Many of these associations contain from 50,000 to 100,000 individual growers. They deliver their crops to the association. It may be that an association, by reason of being in a position to borrow money from the bank or from the War Finance Corporation, as has been the case during the past two years, is in a position to advance as much as 50 per cent of the value of the crop to the farmer or grower. That advance is absolutely essential in order to enable him to meet his immediate financial demands.

Now, if the amendment of the gentleman from Massachusetts [Mr. Luce] is adopted, it would be impossible for these farm cooperative marketing associations through any of these intermediate institutions set up in this bill to borrow any money before the period required by the farmer for the delivery of his crop, and, of course, until the delivery of his crop the farmer would receive nothing whatever until the association had been able to sell his crop, which the individual grower had turned over to the cooperative association. Now, it is evident that any such handicap as that would not only work injury to the cooperative associations but it would be destructive of them by making it impossible for them to obtain funds with which to make any advance to the individual farmers, and thereby produce a situation which would tend to destroy the cooperative marketing associations.

Mr. LUCE. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. LUCE. Is not the gentleman aware of the fact that in the so-called Capper bill, incorporated in this bill, provision was made which in the eyes of many experts was intended to cover that situation?

Mr. BARKLEY. It does not cover the situation. Under the gentleman's amendment, even if the Capper bill enabled them to obtain credit up to 50 per cent of the value of the crop that had been pooled with them, it would not enable the members of the cooperative associations to take their warehouse receipts to these intermediate credit banks and rediscount them in order to obtain additional funds which they might desire advanced to the individual growers of the crop. Therefore I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment of the

gentleman from Massachusetts.

The question was taken, and the amendment was rejected. Mr. LANHAM. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. Lanham: Page 55, line 20, after the word "exceeding," strike out the word "nine" and insert in lieu thereof the word "twelve."

Mr. LANHAM. Mr. Chairman, this is a measure which seeks to give relief to those engaged in agriculture and the raising of live stock by providing financial agencies and facilities designed to promote the orderly marketing of their products. Certainly the purpose is a laudable one. The farmer and the Certainly the purpose is a laudable one. The farmer and the cattleman have felt keenly the process of deflation and reconstruction, and upon them have rested many of the burdens incidental thereto. Not only are they entitled to proper relief as patriotic citizens who have labored faithfully for the Nation in its times of stress, but the activities which they represent are basic and fundamental, and upon their preservation in proper vigor depends the welfare and the very life of our country.

It is well, then, that this matter of rural credits is receiving legislative consideration, but it is regrettable that the bill is presented so late in the session. A subject of such vital im-portance deserves more study than the very limited time now available will permit. Furthermore, the entire measure as now presented to us is in the form of an amendment to the Senate bill. Its reading for amendment, paragraph by paragraph, is thus precluded and the careful scrutiny which the importance of the measure merits is thus prevented. It is quite natural under these circumstances that the bill in many of its features is not altogether what many of us would have it, but we who wish to adopt some proper method of relieving the distressing conditions in marketing are forced by the parliamentary situation to accept it in its entirety or leave the producers of the Nation in their present plight. Perhaps any objectionable features may be cured by amendment in some subsequent session of the Congress.

Mr. Chairman, I have offered an amendment to one of the provisions of section 211. I shall read a part of the context in order that the purpose of the amendment may be better understood. Section 211 contains, in part, the following language:

SEC. 211. That each corporation so organized shall have power under such rules and regulations as the Federal Farm Loan Board may pre-

such rules and regulations as the recetal rath local boats had personal scribe:

(1) To make advances upon, to discount, rediscount, or purchase, and to sell or negotiate, with or without its indorsement or guaranty, notes, drafts, or bills of exchange, and to accept drafts or bills of exchange, which—

(a) Are issued or drawn for an agricultural purpose, or the preceeds of which have been or are to be used for an agricultural purpose.

pose;
(b) Having a maturity, at the time of discount, purchase, or acceptance, not exceeding nine months; and

(c) Are secured at the time of discount, purchase, or acceptance by warchouse receipts or other like documents conveying or securing title to nonperishable and readily marketable agricultural products, etc.

The amendment I have offered is to subdivision (b), having reference to the maturity of paper, and would substitute the term of 12 months for the 9 months provided for in the bill.

This measure, I repeat, is brought before us with the avowed purpose that it is designed to help the producer in marketing. My amendment proposes to do more effectively that very thing in those classes of cases to which it has reference. The orderly marketing of many of our staple crops requires a period of 12 months. Of course, the change of this term of maturity from 9 months to 12 months would be merely permissive, not mandatory, but it would enable the people in sections of the country where nonperishable and readily marketable crops are produced to have the proper advantage of this full period for the marketing of their crops in an orderly manner.

The farmer, Mr. Chairman, does not find himself in the same situation as the merchant in the matter of his financial needs. The merchant sells by the season. Spring clothes are sold in the spring, fall clothes in the fall. Both the wholesaler and the retailer may be satisfied in their credit demands by shortterm paper. Thirty, sixty, or ninety days will usually suffice.

The law makes provision for their demands; but the producer of agricultural products is naturally not so fortunate in turning over his stuff speedily. Each season does not have with him a separate and complete financial identity. He must plant in one season, harvest in another, and possibly sell in a third or a fourth. Summer clothes may be sold and used only in the summer, but cotton and wheat are in demand the year around, and are just as necessary one month as another.

And so the farmer is in need of a different standard when we come to provide for his credit requirements. And we must bear this in mind in legislation of the character now before us if we are to do adequate justice to him.

For instance, let us consider for a moment the item of In the old days the farmer sold it when he threshed it and took what he could get for it. Fortunately the advance of progress has left this old system largely behind us, and to-day there are improved facilities for storage and better opportunities for marketing. The adoption of my amendment would allow the gradual and orderly marketing of the product throughout the crop year; the means of financing it would be available for a full year instead of nine months. Is not the farmer entitled to this consideration? If it is our purpose to help him in this regard, why not be sure that we are

I understand that with reference to this commodity, wheat, and, in fact, with reference to nonperishable farm products in general, the tariffs of the railroads prescribe that it may be stored in transit for a period of 10 months, and this storage privilege does not increase the through rate from the point of origin to the final destination of consumption. And, in addition to this storage privilege of 10 months, for such commodities as whole grains a further period of two months is permitted at another stopping point for the purpose of milling. In other words, there is a privilege of a total of 12 months storage in transit without any extra cost of carriage. If grain may take advantage of these opportunities, should it not be provided with proper conditions of financing throughout the 12 months' term? Should not the two terms, in fact, be concurrent? There is no question of the security. It is nonperishable. Maturity at nine months may force the owner of the grain to throw his commodity on the market at an unsatisfactory time of low prevailing prices. The increase of the time of maturity to 12 months will afford the owner an opportunity to market his product at any time during this 12 months' period. I think the growers of wheat and cotton and other nonperishable products are entitled to this consideration, and I sincerely trust that it may be given them.

Mr. STEVENSON. Mr. Chairman, this provision is uniform

and runs through the entire measure. There is only once that paper is provided to be discounted and rediscounted in the whole measure which runs over nine months, and that is paper secured by a breeder of cattle, which may run three years.

The ablest man that has ever been before the committee in my experience on this question is Aaron Shapiro, who represents practically all the cooperative market associations of America and who gave us more light on this subject than any other man that has been before the committee, and so far as my experience goes more than the balance of them all. He said that nine months was all they needed, and it ought to be fixed at that, and there was no necessity for any 12 months' paper in the orderly marketing proposition. Nine months after the crops are made is time enough for the marketing. Here is the whole proposi-

tion: The ablest man in America on that subject, and certainly the ablest man we have seen, has said that was the proper limit to put on the thing, and it is uniform throughout the bill and it

ought to be maintained. [Applause.]

Now, this bill repeals the progressive rate of interest law for the Federal reserve banks. That law was reported by the Banking and Currency Committee and passed on the representation that banks in New York were borrowing many times their just proportion of funds from the Federal reserve bank at 5 per cent and loaning on call at 9 to 15 per cent, and they wanted the right to advance the rate on them without advancing the general rate. However, when they put the law in effect, it was never applied in New York and was only applied in Atlanta, Dallas, and Kansas City. Faith was broken with our committee and this House and this repeal is the result.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Texas.

The question was taken, and the amendment was rejected. Mr. BANKHEAD, Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: Page 40, line 8, after word "as" and before the word "intermediate," insert the word eral." so that it will read "Federal intermediate credit banks."

Mr. BANKHEAD, Mr. Chairman and gentlemen of the committee, this amendment is not offered in any captious spirit, because I am thoroughly and sincerely in favor of the principles incorporated in the bill. It is merely offered for the purpose of undertaking to secure some uniformity in the descriptive nomenclature of these numerous Federal banking establishments which have already been established and which we are now seeking to establish in this section. I invoke the attention especially of the coauthor of the Anderson-Lenroot amendment. and of the members of the Committee on Banking and Currency to the amendment that I have offered. For instance, we call the great Federal system of ours the Federal reserve system, and that instantly identifies it as a Federal institution. Then coming on down the line we have established the Federal farm-loan system, another branch of the Federal financial activities. Then we have established the Federal land banks in conformity with that same descriptive principle, and it seems to me that in setting up a new independent agency such as we are seeking to establish in this system-namely, these intermediate credit banks-we should certainly conform to the principle and, as a matter of identity to the intelligence and understanding not only of those who are expert in financial affairs but of the ordinary layman of the country, call these new instrumentalities Federal agencies and designate them as Federal intermediate credit banks.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield? Mr. BANKHEAD. I have only a moment.

Mr. EDMONDS. I suggest that probably it would be a good thing to follow the names of the banks in North Dakota that

failed, and call them nonpartisan banks.

Mr. BANKHEAD. I think that is rather beside the mark. am undertaking to make an argument that I hope will appeal to the good judgment of the committee. I can readily understand what the gentleman from Minnesota [Mr. Anderson] had in mind in this designation. It is expressive of a purpose, an intermediate gap, as has been explained in the debate, between the short-term accommodations provided by the Fedreserve system and the long-term accommodations provided by the Federal farm-loan system, an intermediate step in the process. I think it is very proper, in a descriptive way, to call these new banks intermediate credit banks, but I certainly do believe that it would add dignity and convey a better and more general understanding of the purpose and authority of these institutions to agree to the amendment that I have offered, and instead of the name of the banks being merely intermediate credit banks, which is rather an unusual phrase in banking terminology, they should be known as Federal intermediate credit banks. I hope this suggestion will appeal to the judgment of the committee, and especially to the members of the Committee on Banking and Currency, and if they will accept it I am sure that the amendment will be adopted.

Mr. McFADDEN. Mr. Chairman, I simply wish to call attention to the fact that if the gentleman's amendment should prevail the other changes throughout the bill would have to be

made in some 50 places

Mr. BANKHEAD. That would be very simple. I think the gentleman could obtain unanimous consent to have the change

Mr. McFADDEN. In addition to that we have been trying in this legislation to get away, so that people would not get

confused with the names Federal Farm Loan Board, Federal reserve act. We have tried to get as far away as we could, so as to stop confusion. While I have no serious objection to the amendment myself, I hope it will not prevail at this time.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Alabama.

The amendment was rejected.

Mr. DAVILA. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DAVILA: Page 86, line 10, after the word "under," add a new paragraph, as follows: "Provided further. That section 4, as amended by the act of February 27, 1921, authorizing the establishment of a branch bank in Porto Rico and providing that loans made by such branch bank when so established shall not exceed the sum of \$5,000 to any one borrower, is hereby amended by striking out \$5,000 and substituting therefor \$10,000."

Mr. DAVILA. Mr. Chairman, this amendment provides for an increase in the loans in Porto Rico from \$5,000 to \$10,000. It has been twice voted upon by this House during the consideration of the Strong bill, and in both cases it was carried by a considerable majority. I expect that there will be no opposition to our reasonable request and that the amendment will be again voted favorably by the House. We are not asking for the full measure of the present bill. We are asking only for \$5,000 more. According to the present situation our farmers are entitled to only \$5,000.

Mr. McFADDEN. Mr. Chairman, will the gentleman yield?

Mr. DAVILA. Yes. Mr. McFADDEN. I will say to the gentleman that I shall

raise no objections to the amendment.

Mr. DAVILA. I thank the gentleman. I want only to say one more word. The President of the United States to-day has satisfied the wishes of the people of Porto Rico with the appointment of the distinguished and able gentleman from Iowa, Judge Towner, for Governor of Porto Rico. [Applause.] I want to express my gratitude to the President of the United States for the great service that he has rendered to the people of Porto Rico and to the whole Nation in this appointment.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Porto Rico.

The amendment was agreed to.

Mr. WILLIAMSON. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

The Clerk read as follows:

Amendment offered by Mr. Williamson: At the end of section 9, on page 86, amend by inserting new paragraph as follows:

"That section 15 of the Federal farm loan act be amended by adding thereto the following paragraph:

"Provided, That whenever it shall appear to the Federal Farm Loan Board that national farm-loan associations have not been formed, or that the local farm-loan association fails, neglects, or refuses to serve properly the needs of its territory in any locality, and that there are no agents properly serving same, said board may, in its discretion, authorize Federal land banks to make loans on farm lands in such locality upon the direct application of any prospective borrower, subject to the same conditions and restrictions as now apply to loans made through national farm-loan associations so far as same may be applicable, including subscription to the extent of 5 per cent of the amount of his loan to the capital stock of the Federal land bank making such loan. Such borrowers shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of stock owned by them at par value thereof, in addition to the amount paid in and represented by their shares of stock."

Mr. WILLIAMSON. Mr. Chairman—

Mr. WILLIAMSON. Mr. Chairman— Mr. JONES of Texas. Mr. Chairman, a parliamentary in-

The CHAIRMAN. The gentleman will state it.
Mr. JONES of Texas. Where is the amendment offered; at what point

Mr. WILLIAMSON. At the end of section 9, page 86.

Mr. JONES of Texas. I make the point of order on the amendment, Mr. Chairman, that it is not germane to the section.

Mr. WILLIAMSON. Will the gentleman reserve the point

Mr. JONES of Texas. I will reserve it.

Mr. WILLIAMSON. Mr. Chairman, this amendment is intended to take the place of the provision which originally appeared in the Strong bill, by which agents were provided in cases where the local Federal farm-loan associations did not take care of the local situation in making loans to people who desired to borrow money from the Federal farm-loan banks, If my amendment is adopted it will be possible for farmers, in those localities where there are no Federal farm-loan associations or where such associations refuse to receive as new members persons desiring to make loans or where there are no agents under the present law or such agents for some

reason or other will not make loans, to obtain loans from the Federal farm-loan banks upon their own application made direct to the banks.

This amendment avoids entirely the objections which were raised upon the floor of this House to the agents provided for in the Strong bill, and at the same time it will make the system practically operative in every part of the land, regardless of whether or not there are enough people desiring farm loans in any one locality to organize an association. I might state in this connection that I have submitted this amendment to Mr. STRONG, and he tells me he is in favor of it. I have also submitted it to the chairman of the committee, and I do not understand that he is opposed to it in any way. I have also submitted the amendment in substantially the same form to the Federal Farm Loan Board, and I have a letter here from Mr. Lobdell, which I shall be glad to make part of the record, in which he unequivocally indorses the amendment and says that he thinks it ought to be adopted, in order that the Federal farm loan banking system may operate more satisfactorily and give greater service to the people whom it is intended to serve, particularly in those communities where such service is now impossible. It seems to me, gentlemen, that this amendment will in no way endanger the Federal farm-loan banks or character of the security upon which loans are placed, but, upon the other hand, if adopted, I know it will bring relief to hundreds and thousands of people scattered all over the country who have not been able to secure loans because there has not been a local farm-loan association or any local agent from whom such loan could be procured. In other words, we have hundreds of communities scattered all over the Nation that to-day have no channel of any kind or character through which the individual borrower can utilize the money in the hands of the Federal farm-loan banks for the purpose of making farm loans. Gentlemen, I hope that no member of the Banking and Currency Committee will object to this amendment as prepared and that this committee will vote for the adoption of this amendment. If adopted, it will, in the words of Mr. Lobdell, "materially assist in the extension of the service of the Federal land banks to persons in communities where the same is now impossible."

Mr. WINGO. Mr. Chairman, the proposition submitted by the gentleman is just an incomplete portion of section 5 that you struck out from the Strong bill the other day. I opposed section 5 of the Strong bill as originally drawn because I thought that it meant the death knell of the local farm-loan associations. We finally got it amended in committee so it was a sensible proposition, but we had a fight on this floor and it was stricken out. I know when I am licked, and in the Committee on Banking and Currency, when we came to put in the Strong bill, I agreed that the only fair way to the House was to insert the Strong bill as it passed the House the other day, with one possible exception; that men who had fought to strike out section 5 said there was one provision for which I contended, and that is to prevent the private mortgage companies from controlling the local association by getting control of the local secretaries. That is the only part of section 5 that the committee unloaded on the House. We were square with you, and I said the House had settled the Strong bill, and it ought not to have to fight it over again. I appreciate what my friend wants to do and what he proposes to do. He proposes to set up an agency to make direct loans, and he only took one feature of that provision and left out all of those necessary provisions that must be gone into in detail covering the stock subscriptions and liability, upon the question of resources that should be built up, and the delinquent payments upon the direct borrower.

In other words, he has left out the safeguards that are essential. If you are going to have direct loans, it would defeat the very purpose of direct loans if you authorized them to be made wide open. Why, under the gentleman's amendment, should any farmer stay in any local association? He could escape the joint liability that he owes upon his stock subscription to his little local association. Why, under the gentleman's amendment, if there was a delinquent payment on any direct loan, the bank would have to stand the loss out of its surplus that really belongs to the stockholders of the cooperative association.

WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. WINGO, Yes.

Mr. WILLIAMSON. I want to call the gentleman's attention to the fact that I specifically provided for that very thing. Mr. WINGO. No; the gentleman has not done that, although the gentleman thinks he has. He had one proposition, the liability equal and ratable.

Mr. WILLIAMSON. Under the same conditions as loans

made by the Federal Farm Loan Board.

WINGO. You can not do it, although you think you can. I have great respect for the gentleman's ability as a lawyer, but if he studies this question he will admit that section 5 was dangerous unless you insert every safeguard that was represented by four or five paragraphs which he leaves out. So I ask the House to vote down this proposition.

The CHAIRMAN. The time of the gentleman from Arkansas has expired. The question is on agreeing to the amendment

offered by the gentleman from South Dakota.

The question was taken, and the amendment was rejected. Mr. ROACH. Mr. Chairman, I offer an amendment as a substitute.

The CHAIRMAN, The gentleman from Missouri offers an amendment as a substitute, which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

Amendment offered by Mr. Roach: Page 91, line 12, strike out all of section 15 down to and including line 25, on page 92, and insert in lieu thereof the following new section:

"Sec. 15. That paragraph 1 of section 7 of the Federal reserve act, as amended by act approved March 3, 1919, be amended by striking out all of said paragraph and substituting the following:

"After all necessary expenses of a Federal reserve bank have been paid or provided for, the stockholders shall be entitled to receive an annual dividend of 6 per cent on the paid-in capital stock, which dividend shall be cumulative. After the aforesaid dividend claims have been fully met, the whole of the net earnings shall be paid into a surplus fund until it shall amount to 100 per cent of the subscribed capital of such bank, and thereafter 10 per cent of such net earnings shall be paid into the surplus. Any balance of the net earnings that is, any balance remaining after the payments into the surplus fund have been made as aforesaid—shall be paid as follows: An amount not to exceed 10 per cent of the paid-in capital of the Federal reserve bank and not to exceed one-half of the said balance shall be paid to stockholders in extra divideads, and the remainder shall be paid to stockholders in extra divideads, and the remainder shall be paid into the United States Treasury as a franchise tax."

Mr. WINGO. Mr. Chairman, I reserve a point of order on

Mr. WINGO. Mr. Chairman, I reserve a point of order on

The CHAIRMAN. The gentleman from Arkansas reserves a point of order on the amendment.

Mr. WINGO. Will the gentleman from Pennsylvania make

point of order or reserve it? Mr. McFADDEN. I will reserve it.

Mr. WINGO. Is it offered as an amendment or as a sub-

Mr. ROACH. I offer this as an amendment to the substitute.

Mr. WINGO. As a substitute to this particular section? Mr. ROACH. Yes; a substitute amendment.

Mr. Chairman and gentlemen of the committee, I realize the fact that it is after 10 o'clock at night and also the fact that the committee has been in session for a long while, and under such conditions it would be hard to get the consideration that an important amendment of this character deserves. But I want to state to the committee that the amendment that I have offered is not a new question at all before the Committee on Banking and Currency. The amendment that I have offered is practically, if not substantially, in the same language as a bill which was introduced by a member of the Committee on Banking and Currency, the gentleman from New Jersey [Mr. Applesy], and referred to and considered at some length by the committee. It also involves the same principle of a similar provision carried in the Lenroot-Anderson bill that passed the Senate.

In order that you may understand in just as few brief words as I can put it the object of this amendment, you will observe that in the section which I propose to strike out of the present bill my amendment provides for a joint committee to be appointed to consist of three members of the Committee on Banking and Currency of the Senate, to be appointed by the President thereof, and five members of the Committee on Banking and Currency of the House of Representatives, to be appointed by the Speaker thereof, and vacancies in the membership shall be filled in the same way as the original appointments. Among the other duties of this committee, they are authorized to inquire into the effect of the present limited membership of State banks and trust companies in the Federal reserve system and into the financial conditions in the agricultural sections, and so forth.

I believe that my amendment, if adopted, would offer a solution of the question that is proposed to be investigated, and, summed up in a few words, it is simply this, that there is not a greater membership on the part of State banks and trust companies because they realize that under the present law it is an unprofitable investment and arrangement for them to

My amendment proposes, after deducting all the expenses of the operation of the Federal reserve banks, and after paying ated have been \$391,000,000 in round figures. This amount has out certain moneys provided, then the profits that accrue will been divided under the law in three ways—dividends, fran-

be distributed among the member banks. In support of that amendment I desire to have read by the Clerk, in my time, a letter from one of the leading bankers in Missouri.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ROACH. Mr. Chairman, I ask unanimous consent for three minutes more time.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for three minutes more. Is there objection?

There was no objection.

Mr. ROACH. In that time I ask that the letter be read. The CHAIRMAN. Without objection, the letter will be read. The Clerk read as follows:

JEFFERSON CITY, Mo., January 18, 1923.

Hon. Sid-C. Roach,

Member of Congress, Washington, D. C.

Dear Mr. Roach: I desire to call your attention to the late published "Comparative statements of revenues and liabilities, expenses, and earnings of the Federal Reserve Bank of St. Louis." You doubtless can obtain a copy of this from the Federal reserve bank in St. Louis, if you have not already a copy. I desire to call your attention to the comparative balance sheet, in which you will note that the Federal reserve bank has capital paid in \$4.827450 and surplus \$9.664.672.92.

The point I want to make is this, that the capital and surplus belong to the member banks which form the Federal reserve bank, one-half paid up, upon which we receive 6 per cent annual dividend. Under the provisions of the law we are compelled, like all national banks, to have stock in the Federal reserve bank. We are also compelled to maintain a large reserve with the Federal reserve bank, upon which we receive no interest whatever, while other correspondents pay interest upon daily balances. We contend that the above surplus should be capitalized and that we should be credited with fully paid-up capital stock in the Federal reserve bank, and then that we should receive 6 per cent upon the par value of the stock. You, of course, are aware of the fact that the earnings in the Federal reserve bank should belong to the member banks. We ought to have some relief from the present condition. We recognize that the Federal reserve bank should belong to the member banks. We ought to have some relief from the present condition, we recognize that the Federal reserve bank should be no question about the justice of our contention. Will you kindly look into this matter and give an expression of your views?

Thanking you in advance, and with best wishes, I am,

Your friend,

A. A. SPEER, President.

Mr. ROACH. Mr. Chairman, there is no question but that this condition should be corrected, and the amendment that I have offered would correct it, and I hope it will be adopted.

Mr. APPLEBY, Mr. Chairman, I ask unanimous consent to

discuss the amendment for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. APPLEBY. Mr. Chairman and gentlemen, as my friend from Missouri [Mr. Roach] stated, the amendment offered by him was a bill which I introduced a year ago, calling for a fair division of the net profits of the Federal reserve system as between the Government and the stockholders of the member banks. The bill in question was taken up in the Senate and incorporated in both the Lenroot and Anderson bill and the Capper bill, and passed the Senate. The only change in the matter was the question of percentage of dividends.

When this question came before our Committee on Banking

and Currency the section was taken out of both the Lenroot and Capper bills and in lieu thereof was inserted an amendment calling for an investigating committee. My opposition to that in the committee and on this floor is this: The Federal reserve banks of the country were started, so far as the actual money is concerned, by the membership of the national banks. An effort is being made to get the State banks and trust companles into the Federal reserve system. I want to say as a bank director of a State bank in my county for some 30 years, I have advocated that State banks should join the Federal system, and the reply has been that they can make more money by staying out than they can by going in the system. In other words, the State banks and trust companies can get 2 per cent on their daily balances with their correspondents, consequently it pays these banks and trust companies better to stay out than it does to go in. What I want to see is a restoration of that clause in this bill granting large dividends to member banks in the Federal reserve system. That section was in the bills referred to above when passed by the Senate.

In one year, 1920-21, the net profits of the Federal reserve system were \$60,000,000. The member banks received but \$6,-000,000 on their subscribed stocks-one-tenth. I have some figures I want to read into the RECORD. The net earnings of the 12 Federal reserve banks during the period they have oper-

chise tax, and surplus. The dividends paid the stockholders some \$37,000,000, franchise tax to the Government during the same period some \$135,000,000. Surplus accumulated and carried by the 12 Federal reserve banks during the same period some \$218,000,000. Between the franchise tax and the surplus there has been \$353,000,000 paid into the Government and some \$37,000,000 returned to the shareholders of the banks, or almost a ratio of 10 to 1 in favor of the system.

The question of erection of expensive buildings for Federal reserve banks throughout the United States has caused a good deal of unfavorable comment on the system. These enormous expenditures for buildings has been paid out of the earnings

of the local country and city banks.

What I am after in this amendment is to make the bill so attractive that the State banks and trust companies will become members of the Federal reserve system and make the system what its designers intended it to be, an institution comprising the membership of a great majority of the banking institutions of the United States.

Mr. ROACH. Will the gentleman yield?

Mr. APPLEBY. Yes.

Mr. ROACH. The gentleman is a member of the Committee on Banking and Currency. I will inquire if that committee had Governor Harding before it?

Mr. APPLEBY. Yes. Mr. ROACH. Was his attention invited to this particular

Mr. APPLEBY. Yes; Governor Harding appeared before our committee and gave as his individual opinion that this particular bill for a 50-50 dividend of the net profits was fair and equitable and, in his opinion, the best bill offered on this important subject.

The CHAIRMAN. The time of the gentleman from New

Jersey has expired.

Mr. McFADDEN. Mr. Chairman, I make a point of order against the amendment, that it is not germane to this section of the bill and not germane to the bill.

Mr. APPLEBY. Mr. Chairman, I do not know the parlia-mentary situation. This subject matter was in the Senate bill and it seems to me it ought to go in here if we can get votes

enough to put it in.

Mr. WINGO. Mr. Chairman, the point of order is that this particular section is a substitute for the section providing for joint committee of the two Houses to conduct an investigation during the recess between now and the next session to consider this question and another question that might involve the question of the member banks not coming in. But nowhere does it say that it shall take up the question of dividends. There is no place in the bill where there is any provision that covers the dividend of the Federal reserve banks at all. The only mention of the Federal reserve system in this bill is one section that covers agricultural paper, the rediscount section of the Federal reserve act. There is nothing that covers the question of stock dividends or anything of that kind; but, even if that were not true, it is not germane to the section to which it is offered.

Mr. APPLEBY. Mr. Chairman, I would say that this com-

mittee on investigation which is asked for in the bill before us to go around the country at the expense of the Government dld not appear in the bills sent over by the Senate. My contention is that this substitute offered in this bill takes the place of the amendments to the Federal reserve act contained in both the Lenroot and the Capper bills as they passed the

Senate.

Mr. ROACH. And further this amendment deals with the particular subject under discussion as to the membership of the Federal reserve banks, and it seems to me that for that reason it is both pertinent and germane to the subject contained in section 15 of the substitute.

Mr. PARKER of New Jersey. Mr. Chairman, I have not examined the original bill thoroughly, but I understand from the gentleman from New Jersey [Mr. APPLEBY] that it is a part of the matter that was struck out by this substitute, and if so, it can be restored, because it is before the House,

Mr. APPLEBY. The question of the advisability of appointing a joint committee to investigate the question as to why the State banks and trust companies do not join the Federal reserve system has been well covered by the numerous letters from leading bankers read before our committee. The consensus of opinion expressed in those letters was to the effect that while the member banks were pleased with the accumulation of profits made yearly by the Federal reserve system, still they maintained that the best way to satisfy their stockholders was to have a better and more equitable division of the net profits. A number of letters were received from the trust companies, as well as the State banks in New Jersey and elsewhere, stating that they would be glad to have their institutions become members of the Federal reserve system if larger dividends could be assured to those institutions,

I am of the opinion that if such a committee of investigation is created, the report which, if rendered by the committee, will be substantially the same as the outline of my bill, H. R. 12208, which I introduced on June 28, 1922. In the meantime this important matter, which has been before the Banking and Currency Committee for the past 18 months, will be delayed another year, and likewise the very large percentage, 75 per cent or more, of all of the banks in the country will await the decision of Congress as to whether or not the Federal reserve act will be amended in this particular. In my judgment now is the time to dispose of this dividend question when the Fed-

eral reserve act is being amended.

Mr. ANDERSON. Mr. Chairman, I am in entire sympathy with the purpose of the gentleman from Missouri [Mr. ROACH] to get the State banks into the Federal reserve system, but that has nothing to do with the question of whether this particular amendment is germane to this bill at this point. amendment which the gentleman offers is an amendment to that part of the Federal reserve act which provides for the disposition of earnings of the Federal reserve banks. It is offered as an amendment, by way of substitute, for section 15 of the bill, which provides for the appointment of the commission to study the general question of all of the factors which are influencing the State banks to stay out of the Federal reserve system.

The section to which this is offered as an amendment is not an amendment to the Federal reserve act at all. It is a separate and distinct proposition. It certainly can not be that an amendment dealing with the earnings of the Federal reserve banks which is not dealt with in this bill at all, or any portion of it, can be germane to an independent proposition carried in the committee amendment. I submit that the amendment is not in order.

The CHAIRMAN. Is there anything in the substitute bill

dealing with the Federal reserve act?

Mr. ANDERSON. Yes.

The CHAIRMAN. To what extent does that deal with it? Mr. ANDERSON. The only provision in this committee amendment dealing with the Federal reserve system has to do entirely with the discount provisions of the Federal reserve

act. It deals with nothing else.

Mr. PARKER of New Jersey. Mr. Chairman, on page 32 of
the Senate bill the Chair will find by section 201 it was provided

as follows:

After all necessary expenses of a Federal reserve bank have been paid or provided for, the stockholders shall be entitled to receive an annual dividend of 6 per cent on the paid-in capital stock, which dividend shall be cumulative. Out of any net earnings remaining after the aforesaid dividend claims have been fully met there shall be paid each year to the United States as a franchise tax such an amount as will make the aggregate amount so paid for the year 1922 and subsequent years equal to the aggregate amount of the cumulative dividends paid to the stockholding member banks for such years. After the full amount of the franchise tax shall have been paid to the United States the balance of the net earnings of any year shall be paid into a surplus fund until it shall amount to 100 per cent of subseribed capital, and thereafter when net earnings in any year exceed 12 per cent an extra dividend of not to exceed 3 per cent may be distributed to the stockholders, and 10 per cent of the remaining net earnings shall be paid into the surplus, and 90 per cent shall be paid to the United States as an additional franchise tax.

That provides for dividends and that is struck out, and while it may not be quite in order to offer a substitute for that

particular section, this certainly can be offered as a new section taking the place of what is stricken out.

The CHAIRMAN. This amendment is an ordinary motion to strike out and insert other language. If the bill were an original bill, of course, it would not be germane to the particular section. The Chair entertains considerable doubt whether lar section. that rule with reference to germaneness to a section applies when we are considering one amendment. However, it seems perfectly clear that the proposed amendment must be germane to the amendment, which is in this case the House bill. The Chair has examined the House bill and does not think the slight reference to the Federal reserve act in the amendment is sufficient to make this amendment germane to the amendment. The gentleman from New Jersey [Mr. PARKER] suggests that in the original Senate bill there are provisions to which this would be germane. That may be true, but that is not presented at this time. The Chair therefore sustains the point of order.

Mr. Chairman, Members have been very Mr. McFADDEN. patient to-night and I am anxious to get through with this bill to-night if I can. I move that all debate upon this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania that all debate upon the amendment and all amendments thereto close in 15 minutes.

The motion was agreed to.

Mr. LUCE. Mr. Chairman, I had risen to my feet to propound a parliamentary inquiry before the vote was taken.

The CHAIRMAN. The gentleman will state it.

Mr. LUCE. That is as to whether the motion to close debate is debatable.

The CHAIRMAN. It is not.
Mr. YOUNG. Mr. Chairman, a parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.

Mr. YOUNG. This will not prevent the submission of amend-

The CHAIRMAN. This does not prevent the offering of amendments

Mr. APPLEBY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JONES of Texas. Mr. Chairman, I offer the following amendment, which I send to the desk.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Jones of Texas: Page 59, line 10, after the word "than," strike out the figures "\$250,000" and insert the figures "\$100,000," and on page 60, line 12, strike out the figures "\$250,000" and insert in lieu thereof the figures "\$100,000."

Mr. JONES of Texas. Mr. Chairman, I intend to support this bill. The measure has only been available for two days. However, I understand this is not the fault of the House Banking and Currency Committee, for that committee has been working night and day since the action of the Senate, and they deserve the thanks of the House for their efforts.

I do not think the bill will accomplish all that some seem to think, nor do I believe it is as bad as some have painted it. It is regrettable that the party in power delayed so long before they seriously undertook work for the relief of the agricultural

interests.

I desire to call attention to this one thing. The agricultural credit corporation provided for in this measure is the medium. if any is created by this bill, for the actual operation of getting in touch with the folks who need the money. In the original Capper bill the minimum limit of capital stock was put at \$250,000. If I am in error in my statement I would like to be corrected by some members of the Committee on Banking and Currency. In the original Capper bill, as I say, it was put at \$250,000. I understand the reason for requiring so large a capital stock was that under the terms of the original Capper bill the local agricultural credit corporations were given the authority to issue debentures and bonds.

Under the terms of this bill they are not given this privilege, and therefore I can see no reason why a corporation which is not given the right to issue debentures should not be permitted to be organized in the far-away sections for a less amount than \$250,000. Many banks are organized for much less than that, The principal thing that these corporations will be able to do will be to rediscount paper and carry on business of similar character in the handling of funds which belong to the corporation. They are not deposit banks, so that the necessity of a large capital stock of \$250,000 will not exist as it existed in the original Capper bill. I call attention of the committee to the fact that on page 6 of the Capper bill, section 4, that these agricultural credit corporations were given the power

To issue, subject to such regulations as the Comptroller of the Currency may prescribe, collateral trust notes or debentures.

In the consolidated measure that provision is stricken out, so that they are simply a medium for coming in touch with those who want to get money. If you leave the minimum at \$250,000 you are driving these corporations to the financial centers, whereas they ought to run out and touch the people in the faraway sections. If it is advisable to adopt this system at all it seems to me it would be advisable to allow corporations of \$100,000 paid-up capital stock to handle this matter in the rural ections or in the small-town sections, where it would be very difficult to get five or more than five men with sufficient liquid funds to subscribe \$250,000 capital stock. Since the power to issue debentures and collateral trust notes has been eliminated in this bill I can see no reason in the world for not allowing these smaller local corporations.

This is an extremely important amendment, for if the figure is left at \$250,000 it will be necessary in some instances for the borrower to get in touch with a credit corporation hundreds of miles away, whereas if smaller corporations were permitted

the same element of safety could be had with a great deal of added convenience.

I shall support this measure because I think that in so far as it functions at all it will tend to reduce interest rates. are some provisions that I do not like, but in spite of these in the hurried consideration that I have been able to give it it appears to have something of merit.

The CHAIRMAN. The question is on the adoption of the

amendment of the gentleman from Texas.

The question was taken, and the amendment was adopted. Mr. BURTON. Mr. Chairman, I offer an amendment to strike out from the proposed amendment sections 201 to 205, inclusive, on pages 40 to 51.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk med as follows:

The Clerk read as follows:

Amendment offered by Mr. Burron: Beginning on page 40, strike out all of sections 201 to 208, inclusive, ending on page 51.

Mr. BURTON. Mr. Chairman, this measure as it now appears before us

Mr. HERRICK. Mr. Chairman, I rise to propound a par-

Hamentary inquiry.

The CHAIRMAN. The gentleman can not take the gentleman off his feet.

Mr. HERRICK. I want to submit a parliamentary inquiry.
The CHAIRMAN. Does the gentleman from Ohio yield?
Mr. BURTON. I prefer the gentleman from Oklahoma should wait until after I shall have finished.

The CHAIRMAN. The gentleman from Oklahoma can not take the gentleman off his feet by a parliamentary inquiry.

Mr. HERRICK. If the gentleman from Ohio will yield-Mr. BURTON. I should prefer— Mr. HERRICK. I want to inquire of the Chair—

Mr. HERRICK. I want to inquire of the Chair—
The CHAIRMAN. The gentleman from Ohio has the floor

and declines to yield for a parliamentary inquiry.

Mr. BURTON. This measure in the form in which it now appears is concededly a bill of shreds and patches. originally passed in the Senate what was called the Capper bill for the organization of private corporations. stricken out in its entirety and instead there are three other bills which compose this measure. The first proposition, known as the Lenroot-Anderson bill, creates corporations of \$5,000,000 each, the stock for which shall be subscribed, 12 in number, by the Federal Government. There is a kind of pleasing camouflage in the provision that the shares shall be \$5 each, as if the poor man were invited to come in at the door. There is a section providing for corporations of \$250,000 each. Then a portion of the Strong bill is inserted, and then in addition to that by an amendment to-night we are inserting a paragraph that the life of the War Finance Corporation shall be extended until the 30th of December next. Probably that is the prelude to an indefinite extension. So you have three or four methods or agencies for doing the same thing, that which could have been done simply.

What I specially object to is that the Government should embark in the business of banking. Many Republican orators with trumpet tongues proclaimed against the Government going into business, and yet will you adopt a bill which involves this Nation in the perilous business of banking, which contains a threat fourfold worse than the shipping enterprise or taking possession of the railroads, for it means that the very source of credit and of the strength of the country is to be taken away from private enterprise, where it belongs, and given into the hands of bureaucracy, throwing the doors wide open for favoritism, saying to those who are denied credit by ordinary agencies which have been functioning since the very beginning of the Government, "We will afford you credit"—dangerous thought it is-" and tax the people of the United States to give you credit which does not belong to you"? Will this House, which just a few weeks ago voted more than 2 to 1 against issuing further tax-free securities, to-night or to-morrow put its seal of approval upon a measure which proposes to issue what in the long run may be many billions of further tax-free securities, piling Pelion upon Osa, piling upon that which is already too much, until under the present graduated system of tax the millionaire and great investors can go scot free without the payment of his share of taxation?

Mr. Chairman, I submit that proposition to the committee at its time. [Applause and cries of "Vote!"] Mr. WOODS of Virginia. Mr. Chairman, I rise in opposition this time.

to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

Mr. WOODS of Virginia. Mr. Chairman, I had hoped to have sufficient time to discuss more at length than is possible on this occasion this measure in the interest of agriculture.

I deplore the fact that the charge has been made here that this is class legislation. It has been made by such eminent gentlemen as the gentleman from Massachusetts [Mr. Luce], the gentleman from Ohio [Mr. Burron], and the gentleman from New York [Mr. Husted], and when I speak of these gentlemen as "eminent" I mean just that. I would despise myself were I to urge legislation for any particular class to the detriment or the injustice of any other class. Our one aim in legislation should be to give to all classes of our citizens equal rights and equal opportunity for the full exercise and the full enjoyment of reward for individual thrift and enterprise and industry. With all deference to these patriotic gentlemen whom I have mentioned, I must say that, reduced to its last analysis, the arguments which they have put forth so eloquently in opposition to this measure could have been made with well-nigh equal force against the Federal reserve act, which all of us recognize not only held firm the financial structure in this country but stabilized it for the world, was a most potent factor in winning the war, and has finally made the American dollar the standard of value throughout the world.

In asking for this legislation in behalf of agriculture, I am not speaking for a class, but in behalf of legislation that will prove beneficial to all classes—consumers as well as producers. These gentlemen represent great industrial centers. Agriculture is but another form of industry and more than that it is the basic and most important industry, because upon it depends the food supply of the people. Nothing can effect agriculture that does not effect all classes of our people. I would go as far as these gentlemen to keep Government out of business. It is a sound principle, but in looking at agriculture we must have a broader vision. My own district is 50 per cent or more urban, and in behalf of this legislation I am speaking for the benefit of the people of my cities as well as for the rural communities of my district. I am endeavoring to get the people of our great cities to realize the fact that the problem of agriculture is the prob-

lem of the consumer. I do not expect any great relief from the proposition of cooperation, though I favor it, because of the segregated situation of those engaged in agriculture. This condition hinders complete cooperation. All classes of our people must catch the realization that the man who is engaged in agriculture must have a just return on his investment and a fair reward for his labor, and if he does not get it what will happen? He will quit-as he is quitting gradually-and when he quits all of us who eat will feel the pinch. Agriculture is sick, and I can point you to the unerring symptoms of that illness. Take your census reports from 1880 to 1920, and you will be amazed at the portentous drift of our population from farm to city. That report shows the city population living in towns of 2,500 and over has increased from 29 per cent to 51.8 per cent in 40 years. Do we need any other proof to show the discouraging conditions surrounding agriculture? The boys are not staying on the farm where the hardiest manhood and the purest

patriotism is produced. Another symptom of the unhealthy condition of agriculture may be found in the fact that in 1919 the agricultural products of the country had a market value-I speak in round numbers—of \$13,000,000,000; in 1920 the market value was nine billions and in 1921 approximately six billions. Fortunately there was a slight advance in the value of the farmers' crops in 1922, but no other enterprise could endure such radical reductions in its income, and it speaks well for the splendid fiber of the American farmer that he has stood up under this abnormal deflation as well as he has. Another bad symptom is apparent in our rapidly increasing importations of food products in the past 20 years.

Importations.	1900	1920
Cattle Meat Butter Cheese Seeds Sugar Tobacco Wool	\$2, 257, 684 1, 214, 148 9, 769 1, 761, 613 1, 795, 048 100, 250, 974 13, 297, 223 20, 260, 936	\$45, 081, 179 20, 581, 219 10, 916, 770 6, 180, 972 113, 032, 112 688, 127, 380 78, 164, 200 212, 848, 568

This shows, deplorable as it is, that we are becoming an industrial rather than an agricultural Nation.

Under this bill agriculture is asking that no special benefit be conferred upon it, but that it be given an equal chance in the way of credits that is enjoyed by other enterprises. Under our present financial system, commerce and manufacturing, which need only short-time credits, find accommodation. Agriculture from its essential nature needs the longer credit-nine months

which this bill gives. We have by legislation stabilized banking; we have enacted legislation in aid of the railroads; we have by our Federal reserve act provided adequate credits in aid of commerce and industry, which need only, in the main, short-term credits, but the agricultural products from their very nature consume long time in their production and necessarily considerable time in their marketing unless the middleman or speculator is to be given an undue advantage.

WE MUST EQUAL CREDITS TO AGRICULTURE.

Prior to the cooperation and organization of the farmers they had little voice in legislation. Though the farmers are the largest contributors to the railroads and to the banks they have no voice in the management of either. It behooves us as representing, without discrimination, all interests and all classes, to pass this legislation which has a tendency at least to give to agriculture an equal opportunity with other enterprises. In spite of all that this legislation does and all that we can do here, the farmer must remain somewhat handicapped because of the fact that whereas every other successful business enterprise must maintain three departments-its purchasing, its producing, and its selling department-agriculture can have but one, and that is the producing department. The farmer has no voice in the price he shall pay for what he buys, and hereto-fore has had little voice in fixing the price he shall receive.

As a general proposition I am with these other gentlemen in favor of urging self-reliance and thrift and enterprise in the individual-giving to individual initiative and effort its just reward, leaving it unhampered by the restrictions of Government-but at the same time we must see to it that equal opportunity and equal protection from exploitation is given to the farmer. Up to this time he has not enjoyed this equality. This bill simply gives him the credits which the Government has provided for other enterprises and the credit he needs, safeguarded, I trust, in such a manner that losses will be minimized.

There are but few things that the Federal Government can do for the individual engaged in agriculture, but these few things it should do. First, by scientific cooperation it can aid in the prevention of his live-stock diseases and in the production of better crops by the knowledge its experts can furnish him. Second, it can furnish a better system of transportation and at more reasonable rates, so as to give the farmer a greater percentage of the prices paid by the consumer. He is now receiving only about 38 cents on each dollar paid by the consumer for his commodities. Third, by Federal aid to highways the Federal Government can make living conditions in the country more tolerable, and in the fourth place, by extending him reasonable credits, as this bill seeks to do, under proper safeguards, it can prevent exploitation of agriculture and can also enable the farmer to maintain a proper balance between production and consumption. These are the functions of the Federal Government which the States are powerless to exercise.

I trust it will be the pleasure of this body to pass this bill and give to agriculture that justice which has long been with-

The CHAIRMAN. The time of the gentleman from Virginia has expired. The question is on agreeing to the amendment offered by the gentleman from Ohio. Mr. WOODS of Virginia. Mr. Chairman, I ask unanimous

consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the Record. Is there

There was no objection.

The question was taken, and the amendment was rejected. Mr. LUCE. Mr. Chairman, I move to amend the bill, on page 49, line 16, by striking out the word "associations"; on lines 20 and 21, by striking out the word "association"; on line 4, of page 50, by striking out the word "bank"; on line 10, on page 50, by striking out the word "association"; on line 13, page 50, by striking out the word "bank."

Mr. Chairman, has the time for debate expired?

The CHAIRMAN. It has.

Mr. LUCE. I ask unanimous consent to address the House for two minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to address the House for two minutes. Is there objection?

Mr. HERRICK. I object.
The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was rejected. Mr. BRIGGS. Mr. Chairman, I move that the section numbers be corrected on page 93. It should be section 16 following section 15 on page 91. They should be corrected accordingly. There are two sections bearing the same number; section 15, on

page 91, and section 15, on page 93.

The CHAIRMAN. Without objection, the sections will be renumbered.

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to. Mr. LUCE. Mr. Chairman, I ask unanimous consent to address the House for two minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. LUCE. Mr. Speaker, with other members of the committee I worked as late as this at night trying to perfect this bill. We worked until our brains were fagged. The amendment I presented was an error for which I was probably in part responsible because I was looked to for corrections of this sort. I want to call the attention of the committee to the fact that in its impatience it has exposed the country to imperfections which we ought to have an opportunity to correct. If it is the judgment of the House or the committee that it shall proceed without giving opportunity to perfect the bill it must accept the responsibility. I desire to wash my own hands of the responsibility for failing to call the attention of the committee to

these changes which ought to be made.

Mr. McFADDEN. Mr. Chairman, I ask unanimous consent that the subsequent sections of the Senate bill be stricken out.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the subsequent sections of the Senate bill be stricken out. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore, Mr. Campbell of Kansas, having resumed the chair, Mr. SANDERS of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 4280 and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. LUCE. Mr. Speaker, I make the point of order that

there is no quorum present.

The SPEAKER pro tempore. Will the gentleman from Massachusetts withhold that point of order?

Mr. LUCE. I will.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4500. An act authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army; to the Committee on Military Affairs.

S. 4639. An act to remit the duty on a carillon of bells to be imported for Grace Church, Plainfield, N. J.; to the Committee on Ways and Means.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker pro tempore signed the same

H. R. 13978. An act granting the consent of Congress to the Hudson River Bridge Co. at Albany to maintain two bridges already constructed across the Hudson River;

H. R. 14317. An act granting permission to Capt. Norman Randolph, United States Army, to accept the decoration of the Spanish Order of Military Merit of Alfonso XIII;

H. R. 7267. An act granting permission to Mrs. R. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the bust of Bolivia; and

H. R. 10677. An act for the relief of Quincy R. Craft.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that February 27 they had presented to the President of the United States, for his approval, the following bills:

H. R. 14254. An act to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United

States of America, and for other purposes," approved February 9, 1922.

H. R. 13660. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes

H. J. Res. 460. Joint resolution accepting the sword of Gen.

Richard Montgomery.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. J. Res. 270. Joint resolution concerning lands devised to the United States Government by the late Joseph Battell, of

Middlebury, Vt.; and S. 4589. An act to authorize the county of Hennepin, in the State of Minnesota, to construct a bridge and approaches thereto across the Minnesota River at a point suitable to the interests of navigation.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. Burtness, at the request of Mr. Young of North Dakota, for the remainder of the session, on account of sickness.

To Mr. DENISON, for the remainder of the session, on account of serious illness in his family.

EXTENSION OF REMARKS.

Mr. KLINE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting a short address, in 8-point type, delivered by myself Monday before the Pennsylvania Society at Washington,
The SPEAKER. Is there objection to the request of the gen-

tleman from Pennsylvania?

There was no objection.

The extension of remarks referred to is here printed in full as follows

Mr. KLINE, of Pennsylvania. Mr. Speaker, in accordance with permission granted by unanimous consent of the House to extend my remarks in the Record, by printing an address delivered by me on Monday evening last, at the New Willard Hotel, before the Pennsylvania Society, of Washington, D. C.,

I insert the following:

"Mr. President, ladies, and gentlemen, whenever I meet a
Pennsylvanian, I like to ascertain in what part of the State
he or she lives. So I will tell you that my home is in Sunbury. where the sun always shines and the birds always sing and the flowers always bloom!

Some years ago I stood at the Golden Gate in California, and as I looked out over the water I thought to myself: 'Well, we have a Golden Gate at our front door, and I never knew it." And so we have.

When President Benjamin Harrison was our Nation's Chief Executive, he passed through our town, and from the rear platform of the rear car of his train he delivered the most beautiful address to which it has ever been my privilege to listen. That address was thought out en route from Harrisburg to Sunbury and was prompted by the beautiful scenery along the valley of the Susquehanna. But that beautiful scenery is not confined to the valley of the Susquehanna. It is everywhere throughout the length and breadth of our Commonwealth. The mountains and valleys and rivers and rivulets combine to make our State, our empire, if you please, 'a thing of beauty and a

joy forever.'
"And I am going to tell you something else: Pennsylvania not only has beautiful scenery, but if there is any land under the stars that can produce more beautiful glrls, I should like to see In my opinion, it can not be done.

"Pennsylvania stands for industry. Last summer I traveled possibly 1,800 miles by automobile among the hills and mountains and valleys of our State and I was delighted beyond expression with the marvelous industry of our farmers. Everywhere I saw wonderful fields of grain, indicating the best and most intensive I kept thinking 'There are cattle on a thousand hills and a thousand grain fields in the valleys.' I declare to you that if all the land in United States of America and her possessions were tilled with the same intensity as is the land of Pennsylvania, America could feed the world. We proud, indeed, that our Pennsylvania farmers are setting such

a remarkable lesson in industry to the people of the world.

"Pennsylvania is a musical State. It used to be said that in Snyder county, which is just across the river from my home, every farmhouse had a musical instrument; and now I see it stated that in the farmhouses of that county radio has been installed, that the farmer and his family may gather round the fireside at evening time and listen to the music of artists from Pittsburgh, Philadelphia, Chicago, New York, or wherever it may be. And what is true of Snyder County is likewise true, in a large degree, of the entire State. The people are fond of good music

and they have it.

"A few evenings ago I was talking with a beautiful southern girl, and she was very much amazed when I told her that every one of the great southern melodies had been written by a Pennsylvanian. She could not believe it at first, but I had the facts so well in hand that she was convinced, though much against her will. And I tell you, friends, that every Pennsylvanian should be proud of the fact that 'Old Black Joe,' 'The Old Folks at Home,' 'My Old Kentucky Home,' and 'Swanee River,' were all written by Stephen Collins Foster, of Pittsburgh, Pa. I declare to you that if I were a multi-millionaire, I should be proud to erect at his grave a beautiful monument, in memory of one who wrote those folk songs and set music ringing in the hearts of the people around the world; for those songs have been sung everywhere. I hope that some day such a monument will be erected.

"Pennsylvania stands for service. You all know of the wonderful service rendered by our soldiers in the Civil War; and you all, doubtless, know of the wonderful service rendered by our Twenty-eighth Division in the World War. So great was their gallantry that they came to be known as the Iron Division. And I am proud to remind you that that famous Iron Division was trained by my friend and distinguished fellow townsman,

Maj. Gen. Charles Maxwell Clement, of Sunbury.

"PENNSYLVANIA. "'I love her rocks and rills, Her woods and templed hills; My heart with rapture thrills, Like that above."

Mr. SUTHERLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Alaskan fisheries. The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SUTHERLAND. Mr. Speaker, Rex Beach, famous author, former Alaskan, entered the literary field some 20 years ago with a magazine article entitled "The looting of Alaska." The story was based on the struggle of exploiters to obtain control of the bonanza placer gold mines of Nome through the aid of corrupt Federal officials.

The more recent looting of Alaska pertains to the red-salmon fisheries of the much-exploited Territory. This looting consists of the delivery of the Nation's greatest natural food supply and Alaska's largest resource over to the Chicago-San Francisco Fish Trust by the United States Bureau of Fisheries of the

Department of Commerce.

HISTORY OF THE LOOTING.

On February 17, 1922, by Executive order all that section of the Alaska Peninsula west of a line drawn from Sutvik Island, in the Pacific, to Cape Menchikof, in Bering Sea, to False Pass, at the extremity of the peninsula, and embracing approximately 1,200 miles of seacoast to the limit of Territorial waters over which the United States has jurisdiction, was designated as a fishery reservation.

On November 3, 1922, by similar Executive order, a second reservation was created, which embraced all the waters of Bristol Bay not contained in the former order of reservation, together with all Territorial waters of the Pacific from Sutvik Island eastward to Kenai Peninsula, and including the waters of Cook

HOW THESE RESERVATIONS WERE OBTAINED.

The first-mentioned reservation was obtained by the attorney for Libby, McNeil & Libby, a canning corporation controlled by Swift & Co., Chicago packers. This attorney came to Washington early in 1922 and approached the Department of Agriculture with a request for the creation of a bird reservation which would automatically become a fishery reservation, but was informed by that department that it would not be a party to the creation of a private monopoly in the Alaskan salmon-packing industy. Afterwards, through the efforts of the United States Bureau of Fisheries of the Department of Commerce, the Executive order was Issued. No notice of the intention of the Department of Commerce to create this reservation was given to the people most vitally interested—the coastal population of Alaska-nor to their representative in Congress, nor to the general public, but it was accomplished surreptitiously at the instigation of the attorney for the packers.

THE SECOND RESERVATION.

The proposal of the second reservation was advertised in Pacific coast publications and the Delegate from Alaska notified. The Delegate voiced the opposition of the people of Alaska against placing the salmon fisheries of the Territory in the keeping of the United States Bureau of Fisheries without

regulatory statutes by Congress, for the reason that no such authority over public fisheries had ever been lodged with individuals in the world's history of the industry, and, furthermore, he was well aware of the fact that the United States Bureau of Fisheries has been under the absolute control and domination of the commercial fishing interests for many years. He was also aware of the fact that the reservation scheme originated with the salmon packers for the purpose of obtaining exclusive rights to the valuable red salmon waters of Alaska, and to thus create a private monopoly in the industry and not for the purpose of conserving the fish supply. The recent parceling out of the public rights of fishery in these reservations to the Fish Trust by the Bureau of Fisheries confirms the opinion held regarding the purpose of the reservation.

LETTER OF PROTEST AGAINST RESERVATIONS. AUGUST 16, 1922.

Hon, Herbert C. Hoover,

Secretary of Commerce, Washington, D. C.

My Dear Mr. Secretary: Your letter of the 1st instant in re the proposed creation of another fishery reserve in western Alaska by presidential proclamation is at hand, and I thank you for compliance with my telegraphic request from Sitka, Alaska, on April 11 last, viz. that an opportunity be given me to discuss this policy of creating fishery reserves on the Alaskan coast, upon which the Department of Commerce receme to be entering.

reserves on the Alaskan coast, upon which the Department of Commerce seems to be entering.

Speaking for all of the people of Alaska except a very few individuals who may be pecuniarly benefited by the proposed action of your department, I will state that they are opposed to the creation of these reserves, and inasmuch as the proposed action is essentially the granting of a monopoly of one of the Nation's natural food resources to a few individuals or corporations, and therefore unfair, unjust, and un-American in principle, I am quite sure that a majority of the people of the United States would be opposed to the creation of such a manuscraft.

American in principle, I am quite suite that a majora, or the profit of the United States would be opposed to the creation of such a monopoly.

There has been no public demand for these fishery reserves in Alaska, nor did the idea of their most recent creation originate with the United States Bureau of Fisheries, which, I assume, advocates this new reserve, but rather with a few individuals who desire a monopoly of the industry of canning red salmon on the sections of the Alaskan coast which are to be designated as fishery reserves.

These men representing the cannery corporations are not in any sense residents of the Territory, nor have they any interest in its welfare or development; their sole interest in Alaska is the exploitation of her natural food resources, and the preservation of this food supply for future generations is given no consideration in the scramble to obtain dividends for the present bour.

If the signs of the times permit of any interpretation of their meaning, it is that we have reached a period in our national history where the American people are demanding that legislation in the interest of the many shall have the first consideration of those who have been selected to administer the Government, and that the conditions that have obtained in the past whereby legislative and bureaucratic effort has been directed toward conferring benefits upon a favored few shall cease.

The records of Alaska are as deenly concerned with the depletion of

The people of Alaska are as deeply concerned with the depletion of salmon in their home waters as the Department of Commerce is; but I, as their Representative in Congress, respectfully submit that your proposed method of preventing further depletion by the creation of a monopoly in the interest of nonresident canners whereby they will decide who shall participate in the Alaskan fisheries of salmon, can not appeal to any fair-minded person, Alaskan or States resident, as just or equitable.

Your proposed method for prevention of further depletion of the Alaskan salmon fishery is not in any respect in accordance with the system successfully adopted by other fishery countries whose migratory fish supply has been preserved, nor is it consonant with the free and common right of fishery which is recognized as the basis of fishery laws by all progressive nations, and, furthermore, under the interpretation of the Supreme Court of the United States, is recognized as one of the rights guaranteed by the American Constitution.

The constitutional free right of fishery expounded repeatedly by the courts can not in any way be exercised under the monopolistic system which this reservation method of dealing with the situation establishes.

which this reservation method of dealing with the situation establishes.

The granting of exclusive manufacturing rights in the reserved zones, to salmon canners, by the United States Bureau of Fisheries carries with it the exclusive right of fishery which is in violation of American principles and traditions.

The traditional American theory is that the fish of the ocean are for wheever desires to take them, under such regulations and restrictions as governmental agencies may prescribe for the purpose of allowing sufficient escapement of mature fish to replenish the general supply by nature's process of reproduction of species, but it was never intended by nature that some certain individuals should appropriate to themselves the exclusive right of fishery in any waters nor was it the intention of the framers of the Constitution that any agency of government should present a few favored persons or corporations with exclusive rights to a great natural food supply which is naturally the common property of all the people.

The great basic principle of fishery laws in all countries whose migratory fish supply has been preserved is, and always has been, the equitable distribution of employment or the common and proportionate good of all the inhabitants, and there can not be any other basis of legislation that will tend toward the establishment and development of a stable fishing population in any country.

The proposed reservation system of dealing with the Alaskan salmon fisheries would simply operate to the benefit of a chosen few and would prevent the development of a permanent fishing population, such as we desire for Alaska and such as has been developed in other fishery countries under just and equitable administration of fishery laws.

The requisite theory of all fishery laws and regulations pertaining to migratory fish was laid down in Europe over 60 years ago by Alex Russell, a Scotch authority on fishers property that it can not be used as abselutely at the owner's disposal, to 'make the best of,' like som

may take from that source, he is taking nothing from his neighbors. But a man who exercises ingenuity and industry to take as many fish as possible out of his fishery, these fish being travelers and neither natives nor residents, makes a proportionate reduction from the share naturally falling to his neighbors. If his neighbors did not follow or better his example, they would lose their share; if they did, the amount of capture would be in excess of the recuperative powers of nature, and there would be nothing to share. It is a necessity of the present division and competition of interests in fisheries that the law can permit only uniform machinery or a limited degree of efficiency; in other words, it is necessary that each owner of a fishery shall not be allowed to use what he may discover to be the most effective means of taking fish."

Upon this basis the fishery laws of the British Islands and other European countries have been eneated, and it is a most striking commentary on the fishery laws of these countries that their migratory fisheries of the United States have steadily decreased until to-day the sast of the countries have been preserved and increased while the migratory fisheries of the United States have steadily decreased until to-day the sast of the countries of the latter of all the regulatory functions delegated to it up to the present time," and I must take pronounced difference with the department has availed itself of all the regulatory functions delegated to it up to the present time," and I must take pronounced difference with the department in that assertion.

Under the provisions of the fishery act of 1906 the Secretary of Commerce has had full power to restrict and prohibit fishing in any stream in Alaska and to a distance of 500 yards from the mouths thereof, but for a period of years past unrestricted fishing has been permitted within the areas over which the Secretary of Commerce has jurisdiction, and as a result some of our finest salmon streams have been ruined.

This season's repor

Delegate from Alaska.

CUTTING UP THE MELON.

There was a joyous gathering of the members of the Fish Trust and the small fry whom they were gracious enough to permit to be present and receive a few small slices at San Francisco on November 28, soon after the second reservation was

The United States Commissioner of Fisheries and his special adviser, Dr. Charles Henry Gilbert, were present, but the process of cutting and dividing the melon was conducted entirely by the head of the trust, the Alaska Packers' Association. The history of the whole infamous performance is contained in the certified record of the proceedings, and for brazen audacity in dividing up the public property of the people of the United States by private selfish interests there is nothing recorded in American history with which to make comparison. But listen to the record, verbatim, and then compare it with the rules and allotments of exclusive privileges promulgated by the Bureau of Fisheries and see how faithfully those custodians of public rights carried out the orders of the trust.

Mr. Henry F. Fortmann, of the Alaska Packers' Association: Our company operating in the entire district, Mr. Commissioner, I have included the entire district in our letter, and if there be no objection, I will read the whole letter.

SAN FRANCISCO, November 25, 1922.

To the United States Burbau of Fisheries.

GENTLEMEN: The Alaska Packers' Association offers you the follow-g suggestions and data for the regulation, etc., of the new Alaska

ing suggestions and data for the regulation, etc., of the new Alaska salmon reservation:

I did not know the name of the reservation at the time.
The reservation to be divided into the following four districts, and two of these districts into fishing zones:

1. Kodiak Island and South of Alaska Peninsula district.

2. Afognak Island district.

3. Cook Inlet district.

4. Bering Sea district.

1. Kodiac Island and South of Alaska Peninsula district.
Zone 1. To include the waters of Kodiak Island from Cape Ugat northeasterly, easterly, and southwesterly to Three Saints Bay, and to include Whale Island, Spruce Island, Wood Island, Long Island, Ugak Island, and Sitkalidak Island; and that takes in the eastern portion of the island, gentlemen.

Zone 2. From Three Saints Bay southerly, southwesterly, and north-gasterly to Low Cape, and to include the Trinity Islands, Alaktalik

Island, Chirikof Island, and the Semidi Islands. That takes in the southwestern portion, including Alitak.

Zone 3. From Low Cape northerly and northeasterly to Cape Ugatand, to include the section of this reservation lying along the southerly shore of the Alaska Peninsula as far north as Cape Douglas. That takes in the Red River and all the northwesterly section.

2. Afognak Island district to include Afognak and all other islands lying between Kupreanof Strait and the Kenai Peninsula. This entire district to comprise one fishing zone.

3. Cook Inlet district: All waters northerly from Cape Douglas, including Kamishak Bay, Cook Inlet, Kalk Arm, Turnagain Arm, Kachemak Bay, and extending to the easterly limit of the reservation. This entire district to comprise one fishing zone.

4. Bering Sea district.

Zone 1. From Cape Menshikof northerly along the shores of the Alaska Peninsula to 58° north latitude—that is about midway between Ugashak and Egagak.

Zone 2. From the shore of the Alaska Peninsula, at 58° north latitude, northwesterly to Cape Constantine.

Zone 3. All waters of the Bering Sea included in the reservation but not included in zones 1 and 2.

Then follow the suggestions for regulations:

"All salmon canneries and salteries in this reservation to operate under licenses or permits to be issued by the Bureau of Fisheries. Canneries and salteries must confine their fishing to the zone for which their licenses have been issued.

"Each salmon cannery or saltery now operating to be given a rating based on its largest pack previous to the establishment of this reservation. In making ratings, further consideration to be given original locators.

"Licenses or permits for number of cases or barrels to be packed in any season shall be issued after this year prior to October 1.

"Should such licenses or permits call for lesser amounts than previous largest packs, a uniform percentage of reduction is to be made, based on all the established ratings of the canneries and salteries in each district or zone of this

And now comes the most interesting paragraph of the rules submitted by the trust. Any individual who ever had ambitions to prepare red salmon in Bristol Bay in exercise of his equality of citizenship will note that the language in which it is couched constitutes a command to the Bureau of Fisheries, and one may rest assured that the command will be carried out most subserviently by the bureau. This is just what the reservation was created for by the trust. The irony contained in the words that provide that Bristol Bay may be opened up to independent citizens of the United States outside of the trust "when the Bureau of Fisheries is convinced that further re-strictions are unnecessary" might be amusing to a Mephistopheles, but to an American citizen it means abrogation of his inherent rights by selfish, exploiting interests through their influence over officials whose first duty should be to protect every citizen in those rights:

No licenses or permits are to be issued for additional salmon canneries, salteries, or other salmon-preserving establishments in this reservation until after existing canneries and salteries have been permitted to operate without restriction for a sufficient length of time to convince the Bureau of Fisheries that further restrictions are unnecesserv

Here is another order of the trust that was complied with by the Bureau of Fisheries:

No purse seines, small-meshed gill nets, or power gill net boats to be permitted to be operated or used in salmon fishing in this reservation.

Here is another order of the trust that was carried out implicitly by the bureau:

No roving operating licenses or permits to be issued to floating can-neries or salteries.

And this is the way the apportionment of the spoils of Bristol Bay was arranged by the trust. The Alaska Packers' Association and Libby, McNeil & Libby took 60.5 per cent of the red fish and permitted the 10 little fellows to divide up the balance of 39.5 per cent.

The scheme for dividing up the spoils consisted of the allotment of a certain number of boats to each cannery, to be operated in certain zones, and under this system the fisherman becomes the tenant of the cannery man and can not fish anywhere but in the cannery man's zone.

To-day Bristol Bay is closed to all cannery operators other than those favored by the Bureau of Fisheries and to all fishermen other than those favored by the trust. All competition in the fishery has ceased and the Fish Trust reigns supreme over its watery realm. The rule of law has been superseded by the rule of men.

The heritage of future generations of Alaska has become the heritage of future Chicagoans and San Franciscans.

METHODS OF THE TRUST SOUTH OF THE PENINSUL

In this section the waters are zoned largely for the opera-tion of automatic fishing gear. The gear of the independent fishermen is discriminated against, while the appliances that have been condemned by all progressive fishing countries are approved by the trust, and, of course, are approved by the Bureau of Fisherles.

In this district only those who won the favor of the Commissioner of Fisheries are permitted to operate.

CHIGNIK BAY.

In this section it has been decided by the bureau that all the salmon belong to the Alaska Packers' Association, Booth Fisheries Co., and Columbia River Packers' Association, and no independent fishermen are permitted to operate in the adjacent ocean while the three corporations hold their monopoly in Chignik Lagoon.

This is in complete reversal of all principles of fishery law, but the principles that appeal to men who stand for the square deal mean nothing to the trust nor to the Bureau of

One of the oldest and best-known salmon fishermen of the Pacific coast applied for a permit to operate a little cannery at Castle Bay, approximately 30 miles from Chignik Lagoon. I quote from the reply of the bureau in refusal of his permit:

The fish which would be caught by the traps you desire to erect are believed to constitute a part of the Chignik run, and the operation of these traps would mean further inroads upon the Chignik fishery.

And thus the salmon swimming 30 miles distant from the fishing grounds of the trust are their property and must not be disturbed by any interloping American citizen.

KARLUK RIVER.

The fish in this stream have been given exclusively to the Alaska Packers' Association and the Booth Fisheries Co., of San Francisco and Chicago, respectively. These operators of the Fish Trust are permitted to operate a weir in the river while all fishermen are ordered by the bureau to keep away from the ocean in the vicinity of the river and to not place their gear within many miles of Karluk stream.

One incident of the Karluk monopoly serves to illustrate the general ruthless disregard for public rights in the administration of the fishery reservation by the trust and the bureau.

Two young men who fished independently at Karluk in the season of 1922 applied to the bureau for permission to fish there in 1923, but were refused on the ground that the fish of Karluk belonged to the trust. These two young men were fishing in Alaska when the war broke out and both entered the service, one in the Army and one in the Navy, and at the close of the war they both returned to fishing. The right of fishery that they had exercised before the war was taken away from them and given to the Fish Trust.

They gave all to the service of their country and were certainly entitled to protection of their rights by the Government

they had served.

WAR RECORD OF THE TRUST.

The identical corporations to whom the fishery rights taken away from these two men were given by the Bureau of Fisheries were among the very worst offenders against our Government during the war. They are the cannery companies who prepared decomposed and putrid salmon and sold it to the Army for use of the soldiers and sailors, including the two young men whom they have driven off from the Karluk fishing grounds. These corporations were held to be "greater enemies to our country than the enemies against whom our soldiers were fighting" by the committee on investigation of expenditures in the War Department, Hon. W. J. Graham, Illinois, chairman; and today loyal, patriotic men, residents of Alaska, are forced to forego their natural right of fishery in order that this class of profiteers may prosper under the fostering care of the Department of Commerce.

CANNERS OF DECOMPOSED SALMON.

The management of the red-salmon trust of Alaska is centered in three powerful corporations of Chicago and San Francisco, viz, Libby, McNeil & Libby, of Chicago, controlled by Swift & Co., Chicago packers; Booth Fisheries Co., of Chicago, who operate in Alaska under the name of Northwestern Fisheries Co.; and the Alaska Packers' Association, of San Francisco, a subsidiary of the California Packing Corporation. The records of the Bureau of Chemistry show that these three corporations prepared and sold to the War Department during the crisis 760,944 cans of decomposed salmon for soldiers' food, and the testimony before the committee on investigation showed conclusively that it was putrid when it was placed in the cans.

And yet the Department of Commerce, knowing well the traitorous part played by these corporations during the war, passes over to their control the exclusive right of fishery in Alaskan waters, such as Karluk stream, and forbids loyal citizens of the Territory to fish there.

Under the administration of the Alaskan fisheries by the Department of Commerce these unprincipled, traitorous men are rewarded for their perfidy in war time by exclusive grants

to great water areas which have always been considered the common property of all the people, who should be defended in their rights by the law; but in the administration of the Department of Commerce all laws are suspended in the Alaska fishery reservations and autocracy rules, bestowing its favors on the disloyal and profiteering class and discriminating against the loyal and patriotic.

WAR GRAFT WORKED UNDER THE GUISE OF PATRIOTISM.

The graft whereby the War Department was mulcted out of millions of dollars was conducted under the guise of self-sacrificing patriotism. The fisheries graft under the reservation scheme was ostensibly based on conservation. The old axiom that "Patriotism is the last resort of the scoundrel," should also apply to conservation, for under the guise of conservation the people of Alaska have been robbed of their right of fishery and their children of their heritage. One of the principal beneficiaries of the grab of red salmon is Frank M. War-

ren, of Portland, Oreg.

This individual, for many years the recognized lobbyist of the salmon-canning interests, was particularly active here in Washington in obtaining the southwestern Alaska fisheries reserve. During the war he served on the staff of Food Commissioner Hoover at the self-sacrificing salary of \$1 a year. His duty as food controller of the Pacific coast did not seem to interfere to any material extent with his usual line of work here in Washington, as is shown by the record of the hearings held by the Committee on Expenditures in the War Department.

The testimony given before the committee by Commander Emory D. Stanley, acting member of the food purchase board:

Mr. Reavis. I do not know whether you know anything about this or not, Commander, but information has come to me from another source, and I want to ask you about it. Unfortunately I can not recall the name of the man just at this moment, but was there not in the employ of the Government, as a dollar a-year man, an individual who was insisting all the time on the Government paying more money to these

Insisting all the time on the Government paying more money to these salmon canners?

Commander Stanley. The man who did the most, within my knowledge, to obtain an increased provisional price and to induce the food purchase board to fix the civilian price as the final price for the Army and the Navy was a man by the name of Warren.

Mr. Reavis. Frank Warren?

Commander Stanley. I believe it was Frank Warren.

Mr. Reavis. He was a dollar-a-year man?

Commander Stanley. He was a salmon packer, or, at least, represented salmon packers in his business relations, and I believe that he was an employee of the Food Administration as a representative on the west coast at a dollar a year.

Mr. Reavis. And he was in Washington a good deal, was he not?

Commander Stanley. He was during the summer and fall of 1918; yes, sir.

Mr. Reavis. Did he come to see you with reference to increasing the price to the canners?

Commander Stanley. I do not remember that he came to see me personally. He appeared a number of times before the food purchase board.

Mr. Reavis. Always insisting, I suppose, on an increased price to be paid to the canners, when he appeared before you?

Commander Stanley. Yes; that appeared to be his mission.

Mr. Reavis. Always insisting, I suppose, on an increased price to be paid to the canners, when he appeared before you?

Commander Stanley. Yes; that appeared to be his mission.

Mr. Reavis. Have you any idea how many times he appeared before the food purchase board on such a mission? I know you can not give it accurately, but you could possibly approximate.

Commander Stanley. I do not think he personally appeared before the board more than once or twice.

Mr. Reavis. What other activity do you know that he was engaged in with reference to increasing the price for the canners other than his appearance before the food purchase board?

Commander Stanley. He wrote several letters on the subject, and I know that he took it up with Mr. Hoover and other members of the Food Administration at different times.

Mr. Reavis. Was be a salmon canner?

Commander Stanley. I believe he is; yes, sir.

Mr. Reavis. Do you know what company he is connected with?

Commander Stanley. He is listed in the canners' directory as president of the Warren Packing Co., Portland, Oreg., packers of salmon.

Mr. Reavis. This gentleman, you say it is your understanding, was acting in the Food Administration for the Government on the salmon industry or on the purchase of salmon?

Commander Stanley. Yes; I understand so.

Mr. Reavis, And he was at the same time selling to the Government his own product; or do you know whether that was true or not?

Commander Stanley. No.

Mr. Reavis, Well, it must have been true if we commandeered all the product.

Mr. Reavis. Well, it must have been true it we commandeered and the product.

Commander Stanley. We commandeered from every firm, and if he actually was a member of a company canning Alaska salmon we commandeered from him. Of course, you understand, his name might be in the firm and he might not have any stock in it at all.

Mr. Reavis. And the only thing that he was brought in touch with you while he was working for the Government was his insistence on the Government paying more money to the canners?

Commander Stanley. He was very active in that respect.

REWARD BY ONE DEPARTMENT; PROSECUTION BY ANOTHER.

The anomalous condition that now obtains in Washington with regard to the attitudes of two governmental departments toward the salmon profiteers is a strange commentary on our system of government by bureaus.

While the Department of Justice is engaged in assembling evidence for indictment of these men, the Department of Com-merce is engaged in dealing out to them exclusive privileges in

Alaskan waters. While the Department of Justice is preparing complaints in civil suits to compel these war profiteers to disgorge some of their fraudulent gains, the Department of Commerce is enhancing the value of their stock holdings to an extent immeasurably more than enough to offset any recovery that can be made of the amount grafted from the War Department in excess of what the Navy paid for its salmon supply during the war.

These war profiteers are now here in Washington with their attorneys lobbying against remedial legislation for the Alaskan Their attitude as lobbyists is that of brazen arrogance. When they approach officials of the Department of Justice their attitude is that of suppliants whining for im-

munity.

THE GO-BETWEENS IN THE FISHERIES GRAB.

When any exclusive privilege is obtained from the Government there are always some individuals of minor standing in the various departments who are used by the beneficiaries to advance the proposition by their approval, and inasmuch as these minor officials have specialized in the particular subject involved their approbation of the project is accepted by the

higher authorities.

In the Alaska fisheries grab the go-betweens were Mr. Henry O'Malley, United States Commissioner of Fisheries, and Dr. Charles Henry Gilbert, professor of zoology at Leland Stanford University, scientific adviser to the Bureau of Fisheries. Mr. O'Malley was the choice of the Fish Trust for the office of commissioner. It is a significant fact that the first name on the list of the board of trustees of Stanford University, where Doctor Gilbert is employed, is that of Frank B. Anderson, chairman of the finance committee of the university and director of the Alaska Packers' Association, the principal beneficiary of the grab. Another regent of the university is Hon. Herbert C.

Hoover, Secretary of Commerce, who sanctions the grab.

One would naturally believe that men of high standing in business, society, and politics such as those I have mentioned would have some conscience where public rights are concerned, but the money power is always able to lull any sense of right-cousness when there is a melon to cut. And so Mr. O'Malley and Doctor Gilbert in servile obedience to the Fish Trust obeyed its infamous dictum and delivered to its custody those public rights supposedly guaranteed by the Constitution.

The records of Congress show that in the past the monopolists

of Alaska's resources have always been able to find some member of the faculty of Stanford University who was willing to prostitute his scientific profession to further their ends, and thus history only repeats itself in the case of the Alaska salmon

On August 14, 1912 (CONGRESSIONAL RECORD, p. 11770), Senator Hitchcock, of Nebraska, spoke as follows regarding the work of Stanford University scientists in the interest of the

Seal Island fur monopoly:

Take the first one, David Starr Jordan, president of Stanford University. There is a strange significance in the fact that every one of these experts who has made an earnest effort in the direction of this butchery through all these years has some relation to gentlemen interested in the butchery. One of the partners in the corporation which is guilty of destroying this herd is a trustee of the Leland Stanford University, or was a trustee.

The following opinion of the integrity of Leland Stanford University scientists was expressed by the House Committee on *Your committee find in further evidence the proof that the Russian scaling records of 1800-1834 have been deliberately falsified by the report of Dr. David Starr Jordan on fur-scal investigations, parts 1-4, 1898. * That Doctor Jordan and his associates who prepared this false-based report aforesaid did so to shield and conceal the truth as to the ruinous work of the land killing by the lessees on the Pribilof Islands. Expenditures in the Department of Commerce on April 14, 1914:

As recently as February 2, 1922, Senator Hitchcock, of Nebraska, in condemnation of these scientists and members of the Bureau of Fisheries, said at hearings before the Senate Commerce Committee:

Mr. Chairman, the vice is in the fact that the bureaus come in close contact with the contractors, and they always tend to give monopolies, they always tend to side with the contractors, and they always tend to take their side of the proposition. It is so in this case, it is so in the salmon-fisheries case, it is so in every case where a public asset is being exploited.

CONSERVATION IN ALASKA.

When Presidents Roosevelt and Taft issued their Executive orders withdrawing certain coal and forest lands in Alaska from entry, there is no question that some citizens were deprived of rights that they had acquired by strict compliance with the law, but no one has yet questioned the integrity of purpose of the bureau chiefs who prevalled upon the Executives to take this action for the prevention of monopoly in public resources; but in the case of the Alaska fisheries, the reservation policy was urged upon the grounds of conservation, when

the sole purpose in the minds of those who originated the proposition was the granting of a monopoly to the red-salmon trust. The proposition was conceived and engineered to com-pletion by the Fish Trust, and now the Department of Commerce hypocritically pretends that it was projected in the interest of conservation. It is conservation in the interest of a

privileged class and in injury to the public.

When such palpable grabs of great natural resources are aided and abetted by public officials who pretend that the thing is done in the public interest, we naturally wonder whither we are drifting under bureaucratic administration and where we will finally terminate. It is inksome to the loyal American citizenry of Alaska to be governed by representatives of bureaus located 5,000 miles from the Territory; but when the representatives of these bureaus, acting under the domination of a few nonresidents, conspire to take away the natural as well as constitutional rights of this citizenry the condition becomes unbearable.

Congress has refused to act in the past and still refuses to act for their relief, and while Congress holds aloof the Fish Trust secures full control of our natural food supply upon which the people of the Territory depend more than upon any

other resource for a livelihood.

THE FISH TRUST'S IDEA OF CONSERVATION AS APPLIED BY THE DEPARTMENT OF COMMERCE.

The following items of the allotments to the trust by the bureau, as published in the Pacific Fisherman of January, serve to show most conclusively that conservation is not the object of the reservation plan:

serve to show most conclusively that conservation is not the object of the reservation plan:

1. Karluk: Every fisherman and canner in Alaska knows that Karluk is an almost totally depleted stream, and yet the Fish Trust is permitted to take one-half of the salmon that pass up the stream to spawn.

2. Chignik: This is another depleted stream which has been passed over to the trust with permission to take the same amount of fish therefrom as were taken last year.

3. Of the seven cannerles on the peninsula which have limitations placed upon their pack for 1923, the aggregate of their limit is exactly 25,233 cases more than they packed in 1922. This is conservation with a vengeance. Small packers were refused permits, but the favored corporations were given an increase in their pack limit. Equity and fair dealing are not within the ethics of the Fish Trust or the bureau when a perfect monopoly is being created.

4. Port Moller: The average pack per year of the Pacific American Fisheries Co. at this place for the years 1916 to 1921, inclusive, was 62,639 cases of red salmon, but for purposes of conservation the bureau fixes the pack limit at 80,000 cases.

5. A very striking illustration of the working of conservation under monopolistic dictatorship is shown in the allotment or limit placed upon the cannery of Libby, McNeil & Libby at Kenai, Cook Inlet. This cannery is permitted to pack 40,000 cases in 1923. The average pack at this cannery for the pack four years was 28,432 cases. The pack of the cycle year of 1919 was 19,946 cases. Under just what theory of propagation the salmon run at Kenai increases over 160 per cent in a four-year cycle will have to be explained by the scientific gentlemen of the bureau. Fishermen will explain that science does not enter into the question. The answer is that the will of the trust must be done.

6. Two canneries in the island section have received an increase of 13,653 cases for their joint pack.

CONSERVATION OF FISH AS PRACTICED BY STATES AND NATIONS.

The only system of preserving the supply of migratory fish that is recognized by countries where monopoly does not prevail, is that which fixes the limit of fishing areas at such a distance from the spawning streams that there will be a sufficient escapement of mature fish to replenish the general supply. progressive fishing countries and States place a limit on the size or efficiency of fishing appliances. Uniformity of gear is recognized as one great essential to conservation of fish supplies by fishing countries. When every citizen who wishes to fish can catch an amount equal to that of his neighbor and still have sufficient escapement the fisheries are regulated property regulation is not a very difficult matter, as is evidenced by the regulation is not a very difficult matter, as is evidenced by the fishery nations and States which have accomplished it. The destruction of great fisheries comes always from monopolistic methods of fishing.

THE CURSE OF MONOPOLY IN ALASKA.

It is recorded in Bancroft's History of Alaska that upon the return of the remnants of Bering's crew of discovery to Okhotsk in 1742, bringing a few sea-otter skins, the monopolistic fever became prevalent almost immediately, and in a few years after the discovery the exclusive rights of sea-otter fishing was granted to one favored company.

Nothing was known of the land discovered by Bering except that somewhere in the North Pacific lay a new land upon which fur-bearing animals were said to abound, but this was enough to arouse the avarice of those who were in a position to obtain favors from the imperial rulers through their friends the

bureaucrats.

The history of the early Russian occupation of Alaska is a cruel story of struggle for monopolistic privileges in fisheries and furs, which culminated in the appointment of Alexander Baranof, chief factor of the Russian American Fur Co., as Governor of Russian America, and from the date of his appointment—1789—till the American occupancy all power and authority was vested in the monopoly. All prior rights of seal fishery were swept aside, and those who were engaged in the industry of preparing sealskins for the China market were ordered by Baranof to abandon their business and leave the country in 1800.

In his disregard for the rights of others, Baranof was but little more ruthless than the United States Bureau of Fisheries of the present day in its denial of the right of fishery to those

other than its favored friends.

The exclusive privileges given to Baranof and his associates by imperial decree were obtained not by direct intercourse with the throne but through the influence of little bureaucrats who cringed before the wealthy fur traders, just as our representatives of the Department of Commerce cringe before the Chicago-San Francisco Fish Trust. Monopolistic privileges were obtained in Imperial Russia in those early days in much the same way that they are obtained to-day in republican America.

The little bureaucrats were just close enough to the seat of Russian power to obtain privileges for their friends and patrons, just as their American counterparts of to-day, in absolute contempt for those rights which American citizens presume are guaranteed to them, override those rights and deliver the salmon fisheries of Alaska to their friends the packers. The fact that a great trust has been placed by Executive order with the United States Bureau of Fisheries to be exercised in equity and justice for the benefit of all the people seems to be beyond the comprehension of the representatives of the Bureau of Fisheries. Their conception of a great public trust is on an exact parity with the Russian conception of imperial days, namely, to be administered solely for the benefit of the wealthy few. Surely the American residents of the northern Territory are worthy of relief from conditions forced upon them by the representatives of the Government to which they owe allegiance, which are as unbearable as the conditions forced upon the residents of Russian America by ukase of the Czar.

Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous

Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record in 8-point type on

Senate Joint Resolution 253.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. ANDREWS of Nebraska. Mr. Speaker and Members of the House, I invite your attention to Senate Joint Resolution 253, which passed the Senate on the 13th instant, and was referred on the 14th instant to the Committee on Election of President, Vice President, and Representatives in Congress. It was returned to the House by that committee on February 22, 1923, with certain amendments, as explained in House Report No. 1690.

I need not consume the time of the House in explanation of the reasons which called for the amendments. In order that the subject matter might be presented in concise form, your committee recommended that all after the resolving clause be stricken out and one amendment inserted in lieu thereof. It seems advisable to state as concisely as possible the changes that would follow the adoption of the proposed amendment to the Federal Constitution.

The first and most important change would be the shortening of the period of 13 months which now intervenes between the election of a new Congress in November and its first regular session in December of the following year. Under existing provisions of the Constitution and statutes the terms of Members begin and end on the 4th of March of the odd years.

The proposed amendment would make the 4th day of January the date of the beginning and ending of the terms of Senators and Representatives and also the date for the convening of the new Congress in the absence of statutory provision to the contrary. This change would reduce that period of 13 months to 2 months. Thus, the Members elected to each Congress would have a period of two months only between the date of their election and the date on which they would begin active service. This change would also practically eliminate the necessity for special sessions of Congress.

Each regular session, beginning on the 4th of January, would have the period of an entire year before it for the transaction of the business of the country pressing for consideration and action. To accomplish these results it is necessary to change the dates for the beginning and ending of the terms of President and Vice President, Senators and Representatives also. As the length of their terms is fixed by the Constitution for four, six, and two years, respectively, with the 4th day of March as the date for beginning and ending of such constitutional terms, a constitutional amendment is necessary to change to January 4 for Senators and Representatives

and January 24 for President and Vice President in order to inaugurate the new plan. This change will affect the length of terms of President and Vice President and Representatives once and will affect three different groups of Senators.

If this proposed amendment should be submitted to the States at this session of Congress, it is possible for it to become effective in 1925. It is probable, however, that it would not become effective before 1927 for Senators and Representatives and 1929 for President and Vice President. When the change is made it will be necessary to shorten the terms of certain retiring or incoming officials. The Members who may be serving in the closing Congress and will not be Members of the next Congress would have their terms shortened by two months under the terms of this resolution. Some have urged that the terms of incoming officials be shortened and that the terms of the outgoing officials should be extended to the full constitutional limit for which they were originally elected.

This resolution as passed by the Senate is based upon the latter principle, while the House committee recommends the adoption of the former. Your committee advocates the former principle because it does not seem proper that outgoing Representatives, for instance, should be given an opportunity to organize the House in which they would serve only 60 days. An additional reason appears in connection with the election of a President. It would be possible that outgoing Members, having been elected two years before the presidential campaign, might wield the balance of power in the election of a President in the House if such an election were thrown into the House. Aside from these reasons, your committee might have found its way clear to concur in the view of the Senate upon this point.

It also seemed advisable to fix a definite date, December 15, following the ratification of the article on which the proposed amendment would take effect. The fixing of these definite dates would remove many uncertainties and give exact recognition to the constitutional provisions fixing the terms of President and Vice President, Senators, and Representatives for exact periods of time.

The House amendment makes only a slight change in section 3 of the Senate resolution by indicating the 4th day of January as the definite date on which the Congress should assemble instead of saying the first Monday in January. Section 3 of the House resolution contains some additional matter which, in the judgment of your committee, might become very important in the event of failure on the part of the House to elect a President before the 24th of January, and also the failure of the Senate to elect a Vice President at the same time.

I need not quote section 3 in full as you have it in the printed form that can be secured from the document room.

A request has been made for a special rule under which this resolution can be considered at this session and the cooperation of the majority leader has been solicited in securing that rule. If the special rule should be refused it will then become necessary to seek recognition from the Speaker to make a motion to suspend the rules and pass the resolution. There would be no disadvantage so far as the voting is concerned, because a two-thirds majority must be recorded for the resolution in any event.

I sincerely hope that the chairman of the Committee on Rules, the majority leader of the House, and the Speaker also, will find the way clear to cooperate with the committee in the

prompt passage of this resolution.

We are now within reach of victory in this important reform. It means economy in a large measure and a direct and favorable response to the sentiment of the country. Agricultural organizations have requested it. Organized labor has requested it. Industrial interests in many lines have requested it, and the deliberate judgment of a vast majority of the thinking people of the United States stand in sympathy with the movement. The American Bar Association urges its adoption. The language of the House amendment eliminates ambiguity and has stood the test of all the criticism that has been turned upon it. Then will the leadership of this House refuse the consideration of this proposition? With all of these interests calling for action, I will not permit myself to believe that the leaders of the House will say, "No" unless their own action compels me to do so. Let us have consideration and action upon this important question now.

Mr. COLE of Iowa. Mr. Speaker, I ask unanimous consent to insert in the Record in 8-point type a speech delivered last night by former Governor Shaw, ex-Secretary of the Treasury. The SPEAKER pro tempore. The gentleman from Iowa

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

Mr. STAFFORD. Reserving the right to object, on what subject?

Mr. COLE of Iowa. On the ship subsidy. It is a short

Mr. BLANTON. We do not want any post mortems held and I object.

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the bill just passed and on the subject of taxation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. LANKFORD. Mr. Speaker, the Denver Post some time ago carried a poem of Don Lupton on the tax question. I wish to quote practically all his poem and then add a few lines of my own hurried composition such as they are. shows how many people now feel they are being taxed. In many respects the picture is not much overdrawn. Here is the poem:

many people now feel they are being taxed e picture is not much overdrawn. Here is Tax the people, tax with care, Tax to belp the millionalre, Tax the farmer, tax his fowl, Tax the farmer, tax his fowl, Tax the dog and tax his howl, Tax his hen and tax her egg. And let the bloomin' mud slil beg. Tax his pig and tax his squeal, Tax his boots, run down at heel; Tax his boots, run down at heel; Tax his plow and tax his clothes, Tax his house and tax his bed, Tax the bald spot on his head. Tax the ox and tax the ass, Tax his "Henry," tax the gas; Tax the road that he must pass And make him travel o'er the grass. Tax his cow and tax the calf, Tax him if he dares to laugh; He is but a common man, So tax the cuss just all you can. Tax the tab'rer, but be discreet, Tax his bread and tax his meat, Tax the shoes clear off his feet. Tax the pay roll, tax the sale, Tax the pay roll, tax the sale, Tax him pipe and tax his smoke, Tax their coffins, tax their stocks; Tax their noomes, tax their stocks; Tax their lincomes, tax their stocks; Tax the unborn before they're fed. Tax the water, tax the air, Tax the water, tax the air, Tax the water, tax the air, Tax the water tax the air, Tax the water tax the man Who helps the farmer all he can; A burden on the farm-loan plan They think will surely work its ban, For they have recently began To look and think and closely scan To help still more the wealthy clan By taxing unto death the man Who helps the farmer all he can. They want to tax the right to borrow, And add even greater, deeper sorrow, With taxes and debts, and, oh, the horror! With no cash to-day and none to-morrow, And even denied the right to borrow. Oh, why can't all good people see, When farm-loan bonds are sold tax free, Money will more easy be For the farmers and for you and me, From the mountains to the sea.

ker, this Congress is all the while putting tother governmental aid. No

Mr. Speaker, this Congress is all the while putting on bended backs additional burdens and helping the fellow who could best live without governmental aid. No aid of much conse-quence has been or will be given the farmer by this Congress before adjournment.

Mr. Speaker, on former occasions I have said what I now repeat. The farmers need three great factors to help them in the great task of feeding and clothing the world. They need a marketing system as nearly directly from the producer to the consumer as is humanly possible. What has this Congress done along this line? Absolutely nothing. The farmers need all necessary fertilizers at a reasonable price. Several bills touching the nitrate question, the Muscle Shoals question, and kindred questions have been introduced, but none of them have yet become law and I fear very much will not be passed at this session of Congress.

Much has been said about rural credit legislation, another thing the farmers need, but nothing worth while along this line has passed or will pass. It is not my purpose now to argue that the farmers need these three pieces of legislation. I have argued this heretofore and will do so in the future.

The seed which falls on stony ground does not spring up and the words which fall on deaf ears might as well never be said. Everyone here knows the farmers need these three great reliefs. This is the reason they do not pass. If there was only some way to make many Members of Congress believe cheaper fertilizers, a better marketing system, and a more perfect rural credit system meant more burdens for the farmers and greater profits for middlemen, guano trusts, and Wall Street, then enough help would spring up overnight to pass good measures along all these lines. If one-tenth the time had been put on help for the farmers that has been put on hurt for the farmers, then some relief would have been obtained long since.

This Congress has created for the farmers millions of burdens and has given them pennies of relief. This Congress has made the farmers worlds of promises and given them ashes of help. This Congress has pointed the farmers to a heaven of expectations and given them a consuming torment of realities. The farmers need not expect any wholesome legislation from this Congress. No great moves will come in behalf of the farmers

and the great common people until Congress "is born again."

This Congress has gone the limit of taking from "him that hath not" and giving unto "him that hath," of taking from the poor and giving to the rich, and of making heavier the burdens of the great common people for the burdens. of the great common people for the benefit of a big rich.

A few days ago two burglars in Washington decided to bur-

glarize a home.

Toby kept a watch at a safe distance while Tony went through the house. After Tony returned from the search the following conversation occurred: Toby said, "Did you get anything?" Tony said, "No; a blamed Republican politician lives there." Toby replied, "Great Scott! did you lose anything then?"

Mr. STAFFORD. Mr. Speaker, I make the point of order

that no quorum is present.

EXTENSION OF REMARKS.

Mr. TAYLOR of Colorado. Mr. Speuker, John Franklin Shafroth, a Member of the House of Representatives from Colorado from 1895 to 1904, governor of his State from 1909 to 1913, United States Senator from 1913 to 1919, passed away at his home in Denver on February 20, 1922.

Mr. Shafroth was one of the last survivors of a notable group of Colorado statesmen whose influence extended far beyond the borders of the Commonwealth that has so greatly profited by their pioneering labors. Teller, Wolcott, Patterson, Hughes, Shafroth, a succession of Senators mighty in intellect, strong of purpose and great in achievement, have left a heritage of of purpose and great in achievement, have left a heritage of deed and example of which our State is justly proud. It is fitting that in this Chamber where Mr. Shafroth won his first spurs, a record, though brief and inadequate, of the honorable and important part he played in the momentous events of his time, should be enrolled.

Of all the gifts with which John F. Shafroth was endowed, his greatest blessing was an unaffected good will toward his fellow man. This virtue in him was the source from which sprang all those qualities of fine manhood that attracted multitudes of followers and held their esteem and affection. There was something within him which resisted all the influences of high position, wealth, and social exclusiveness to make of him other than he most aspired to be—a plain, everyday, friendly citizen. Much as he was thrown during his active and busy career with those who were of the classes rather than of the masses, Mr. Shafroth never assumed their viewpoint or grew away from the rank and file of the people who placed their confidence in him.

The superficial distinctions of office—the tinsel and the decorations—never appealed to him. He was as unaffected, as approachable, while governor or United States Senator as he was in the capacity of private citizen. His door was always open to all comers, and he was as readily stopped upon the street by stranger or intimate as the humblest resident of the

A man of unquestioned ability, a man without sham or pretense, a man of sturdy integrity, a man of large political as well as moral courage. Even those who disagreed with his policies and platforms could not quarrel with his principles or withhold from him the hand of fellowship and their strong personal admiration and regard. No public official anywhere ever devoted over 20 years of his life to more honest, conscientious, earnest, and wonderfully efficient service to his constituents and to his country than John Shafroth did. Colorado never had a more faithful son. One who fought side by side with Mr. Shafroth in many a political struggle, who preceded him in the governorship, was his colleague in the United States Senate, and at all times his warm friend, Hon. Charles S.

Thomas, has written an eloquent and richly deserved appreciation of his late associate which very properly finds a place in this Record, and I am pleased to insert it, as follows:

SENATOR SHAFROTH. [By Charles S. Thomas.]

"John Franklin Shafroth was born at Fayetteville, Mo., on June 9, 1854. He was educated at the University of Michigan, graduating from that institution in 1875. He was admitted to the bar in 1876, practiced in Missouri until 1879, when he removed to Colorado and made his home in Denver. There he applied himself to the pursuit of his chosen profession, rose rapidly to deserved prominence at the bar, and within a few years became one of its most successful and distinguished members.

In 1887 he was elected to the office of city attorney, and reelected in 1889 by an increased majority. During his incumbency of this position he devoted himself unremittingly to the familiarization and discharge of its duties, which, owing to the phenomenal expansion of the city at that time, were many and varied. He also specialized in the law of mines and mining, then a pioneer branch of jurisprudence, the outgrowth of the application of a national mining code to deposits of mineral within the public domain, made subject to private occupation and ownership. This branch of the practice was both novel and unique. Its rewards were always generous, sometimes prodigal. Its precedents were yet to be established, its pathway largely uncharted. It had peculiar fascinations for Mr. Shafroth, in that he could identify himself with its first beginnings, aid in its evolution, specialize in it for material advantage and contribute to the stabilization of the characteristic pursuit of his adopted commonwealth. All these objects he rapidly realized. "In 1894, Mr. Shafroth was elected to the Fifty-fourth Con-

gress. He was reelected in 1896, 1898, and 1900, respectively, to the Fifty-fifth and Fifty-sixth and Fifty-seventh Congresses, thus serving for an unbroken period of 8 years in the House of Representatives. He brought to that body a mind trained by study and experience for the solution of the many problems then confronting the Congress and a physique of heroic proportions capable of sustaining any burden which might be

laid upon it.

Those were the days of bimetallism. The demonetization of silver in 1873, and the difficult years which followed had made a national issue of the demand for free coinage at the historic ratio. The question had long ago attracted and had re-ceived Mr. Shafroth's attention. He had studied it from every angle and mastered its intricacies to the last detail. Not until he had familiarized himself with its history and with the fundamental principles of monetary science did he formulate his con-But having thus investigated he announced his convictions. clusions without hesitation and maintained them to the end of He believed in bimetallism as he believed in his He He became its ardent and enthusiastic supporter. country. was both its apostle and its advocate. He proclaimed the doctrine in the Halls of Congress and out of them. He labored for the cause unselfishly and unceasingly. He regarded a return to the system of free coinage of both gold and silver as the indispensable condition of permanent growth and prosperity. So believing, his conviction was as strong as life and far stronger than any considerations of party affiliation, should the two come into collision. On that conviction he could not compromise.

"Mr. Shafroth was elected in 1894 as a Republican but upon

a free silver platform. He was a delegate from his State to the Republican National Convention of 1896 as a colleague of the Republican National Convention of 1865 as a constituency the late Senator Henry M. Teller, charged by his constituency to demand the full recognition of that great issue, and to cooperate with him to that end at all times. This he did with erate with him to that end at all times. This he did with alacrity. The rejection of the principle of bimetallism by that convention was signalized by the withdrawal of a large section of western delegates, including the entire delegation from Colo-It ended for all time the affiliation of Mr. Shafroth with his old party. For a time he became a silver Republican. He was renominated for Congress by the organization bearing that name, and received the Democratic indorsement. He was returned in 1898 by the same combination. In 1900, he ran and was reelected as a Democrat, after which to the day of his death he cast his fortunes with the National Democratic organ-

ization.

"Although wedded to the cause of free coinage, Mr. Shafroth, as a Representative in Congress, neither forgot nor overlooked other affairs of a public concern coming within the domain of national legislation. He was a constant and persistent advocate of economy in public administration. He abhorred all forms of indebtedness both public and private. And it is here appropriate to stress the fact that he never filled an administrative position without turning back into the Treasury a considerable part of the moneys appropriated for the expense of such administration.

"Mr. Shafroth's greatest achievement in the House was the reclamation act. If the late Senator Newlands, then a colleague of Mr. Shafroth in that body, was the sponsor for act of legislation, Mr. Shafroth was its mentor. W Without the irrepressible and tenacious persistence of the latter it could not have been enacted. With all due consideration to the former, it is perhaps equally true that the cooperation of both was indispensable to the success of the measure. It was a stupendous, beneficent, and far-reaching scheme of national legislation, large enough to be the monument not only of these two statesmen but of the Congress which conceived and brought it forth.

"Mr. Shafroth was the Democratic nominee for Representative to the Fifty-eighth Congress in 1902. On the face of the returns he was elected, and receiving the certificate he took his seat the succeeding year. His election being contested by the Hon. Robert W. Bonynge, his opponent, and the testimony disclosing the deposit of a large number of spurious Democratic ballots in the city and county of Denver. Mr. Shafroth declined to continue the contest, informed the House that he could not retain a seat under an election tainted with any suspicion of fraud, and voluntarily surrendered the contested position to his adversary. His action, almost without precedent, was universally applauded. An eastern journalist, enthusiastically commending him to public approval, dubbed him "Honest John," a sobriquet which afterwards always clung to him.

"Retiring from Congress in 1904, he again resumed his practice, only to accept the Democratic nomination for Representative in 1904. On this occasion he was defeated. next four years were busy and profitable ones. During that period he easily reestablished himself at the bar as the active

junior partner in the firm of Rogers & Shafroth.

But in 1908 his party again summoned him to its leadership. It gave him the nomination for Governor of the State, to which high position he was triumphantly elected. So well did he serve the people that his renomination and reelection

by an increased majority came as an inevitable consequence.
"In his administration of State affairs Governor Shafroth was inspired by two predominating policies, efficiency in government and economy in public expenditures. He kept in constant touch with every subdivision of the executive department, was at all times thoroughly informed upon the condition and operation of all State institutions. No detail of their affairs escaped his observation. At the close of each term of his office he not only covered back in to the treasury a very considerable portion of the governor's contingent fund, but was able to render a most gratifying report of the condition of the executive agencies of the State government. In all these activities he had the good fortune to have at all times the active and cordial cooperation of his colleagues and subordinates.

"As the end of his second term approached Governor Shafroth announced his candidacy for a seat in the Senate of the United States. He entered the race against two distinguished competitors and after a spirited campaign was chosen at the primaries by a handsome plurality and won at the ensuing election by the enormous plurality of 51,311 over his nearest competitor. He took his seat in the Senate on March 4, 1913. and served in that capacity through the most eventful and critical period of the Nation's existence.

Senator Shafroth was at all times an undeviating and enthusiastic supporter of the Wilson administration and was prominently identified with much of the conspicuous legislation of that time. As chairman of the Committee on Pacific Islands and Porto Rico he aided in the preparation and in the Senate had charge of the bill organizing that Territory. was a piece of legislation of prime importance, being in fact a charter of government for 1,300,000 people. It presented many intricate and perplexing angles. Some of its provisions were bitterly contested. Fortunately for Porto Rico, Senator Shafroth had mastered every detail of the subject and visited Porto Rico to study the needs and familiarize himself with the views of the people. Thus equipped he met and overcame opposition, and the bill passed the Senate and became a law near the close of the Sixty-fourth Congress.

"As a member of the Committee on Banking and Currency. Senator Shafroth took an active part in the framing and enactment of the Federal reserve banking act. This crowning achievement of the Wilson administration, undoubtedly the most perfect of all banking codes, was the result of months of unremitting labor, which began with the assembling of the Sixty-third Congress, and culminated in the passage of the bill on December 23, 1913. His support of the Underwood and canal toll bills was less conspicuous but equally effective.

"When war with Germany became inevitable, American sentiment, both in and out of Congress, rapidly crystallized behind the administration, and patriotism became the dominant note in our national life. Senator Shafroth foresaw the inevitable with the sinking of the Lusitania. He became an advocate of preparedness. He had no illusions about Germany and her ultimate designs upon America. The crisis found him awaiting it. He quickly responded to every request of the Government. Without hesitation he supported every measure for men, for money, and for materials. He halted not nor hesitated over any of them. His one impulse was to aid the Government and win the war. His three sons entered the service with their father's blessing and approval and served, one in the Navy the others in France, throughout the war. Standing upon the firm ground of personal knowledge, I do not hesitate to affirm that no sincerer patriot nor more zealous lover of his country than Senator Shafroth ever entered the Senate of the United States.

"Senator Shafroth was a lifelong believer in equal suffrage. He was active in securing its adoption by the State of Colorado in 1893, and advocated it unceasingly in the Congress during his membership in the House and Senate. He persisted in keeping it to the front at all times, and his efforts contributed largely to the ultimate acceptance of the nineteenth amendment by the Sixty-sixth Congress.

"Senator Shafroth was renominated in 1918, but was unsuccessful in the poll of that year. Retiring from the Senate in March, 1919, he was requested by Secretary Lane to administer the law known as the war mineral act, designed to reimburse those who, at the request of the Government, had incurred liabilities in the effort to locate and recover rare minerals needed for the due prosecution of the war. Complying with the Secretary's request, he assumed that duty and discharged it during the next two years to the complete satisfaction of the department. Here also, in this his last public service, he adjudicated and paid all just and equitable claims covered by the bill, away within the limit of the appropriations, covering the balance back into the Public Treasury.

"With this service the public life of Senator Shafroth ter-

"With this service the public life of Senator Shafroth terminated. He spent the greater part of the ensuing year in Europe, visiting many of its countries, and particularly those forming the theater of the Great War. Returning in the early winter of 1921 he again settled down to the more prosaic environment of professional life, when without warning he was stricken with hemorrhage of the brain and passed away, leaving to his family the record of a long, useful, and honored life filled with good deeds and noble achievements.

"Senator Shafroth's domestic life was almost ideal in its character and environment. He was blessed with the companionship of an affectionate and sympathetic wife. Of his four children three survive him, good citizens all, and worthy

of the name they bear.

"Senator Shafroth was a devoted friend. He drew men to him and held their esteem and affection. His was a well-balanced mentality, running to no extremes of judgment or emotion, calm, reflective, logical, and considerate. He was neither impulsive nor yet reserved. He was a respecter of the rights and opinions of others, not given to hasty judgments nor ever confusing problems and principles with the personality of those opposing him. He was persistent in championing that which he finally espoused and in antagonizing that which his reason rejected. He was cautious in reaching final conclusions. Once formed they became the guides and mentors of his public and private conduct. He was intensely human; too much so to arouse resentment or develop animosities.

"In debate he was always earnest, ofttimes vehement, but never offensive. He respected the convictions of others and made due allowance for the fallibility of human judgment. He was a student both of men and of things. He kept himself well informed upon all matters of current concern, and was therefore always abreast of the times. And he was possessed of a capacity for hard work, coupled with a love of application which made him one of the most industrious of public servants. He was kindly, patient, generous, lovable, gifted. He loved his fellow man; was a devoted husband and father; an able, conscientious, diligent, and enlightened official. The integrity of his public and private life was beyond reproach. To the Nation and the State, to the community he called his home, to wife, children, and to friends he gave the best he had.

"Senator Shafroth was not gifted with the rare power of persuasive eloquence. He never sought to enthrall but rather to persuade. His appeals were not to the emotions but to

reason and the eternal verity of things. He was 'rich in saving common sense.'

"He recognized his limitations, yet was never sensible of his powers. When the need was, he marshaled all his facultles, utilized them as occasion required. Eminently practical, he sought results without courting display. He was a great and useful public servant and an able statesman, a profound lawyer, a splendid, public-spirited citizen. His life should be a course of encouragement to the youth striving through difficulties to attain the goals of honor and success, his example a constant reminder of the possibilities available to industry, character, persistence, integrity, and a lofty sentiment of service and citizenship."

The Young Men's Democratic League of Colorado has sent me a eulogy which expresses so well its esteem and affection in which Senator Shafroth was held by the young men of our State that I am going to add their tribute, as follows:

"In pursuance of our practice, your committee submits this statement, in memoriam, of Hon. John F. Shafroth, our member, who recently 'passed on.'

ber, who recently 'passed on.'
"Your committee can not refrain from saying to you that we realize full well our inability to measure in words our grief at his going.

his going.

"He was born in Missouri in 1854, and he died in Colorado February 20, 1922, while he was yet a young man, as life is now reckoned.

now reckoned.

"His was an unusual career. He started at the bottom, and by sheer courage, persistence, and hard work, went to the top.

"Nothing spectacular or sensational about his doings. Just

"Nothing spectacular or sensational about his doings. Just patient, sensible endeavor, doing faithfully and well the duties he undertook, marking a high standard in the discharge of public affairs.

"He graduated at Ann Arbor at 21, was admitted to the bar at 22, was city attorney of Denver at 33, in Congress at 40, governor at 54, United States Senator at 58. Here is a record to emulate; achievement that will live forever; always onward and upward; greater, more important duties; greater, more important responsibilities; and he discharged them all and finished in the great respect and love of the people of Denver, of Colorado, and the Nation, whom he served and loved so well.

"During his many years of service to our State he came to know nearly everybody in Denver and great numbers throughout the State, and everybody knew him. They never thought of him as Congressman or Governor or Senator, but they thought of him as plain John Shafroth or as "Honest John," a title that came to him by a public exemplification of sterling honesty, as startling as it was unusual, and it went flaming throughout the land—an actually honest man has been found in public life. It cost him his seat in Congress, but he did not count the cost. He must be right with himself; he could not quarrel with his conscience. It was Shafroth; it was Shafroth's way; for honesty was not a policy with him, it was ingrained in his nature, a part of his great growth, that singled him from the many and made for his wonderfully useful career.

"He was a man of fundamentals; he thought in entireties, and comprehended matters in mass. He had wonderfully accurate views of the effects of legislation and was immensely practical in his notions. He was not a theorist; he was never in the air; he was never in doubt, having once reached a conclusion; but with his feet on the ground he always met and disposed of large questions with a sureness that always inspired confidence in others and insured success to him.

"A party platform was to him a covenant with the people to be kept and fulfilled, and he would not tolerate party success that did not keep faith with the people, and a legislature that failed in regular session to enact certain platform party pledges, was immediately reconvened, and a program of desirable performance submitted, which was speedily passed. The opposition could not withstand his just and righteous demands; and the people were proudly for him in his stand, and they made him a United States Senator shortly thereafter.

"His life was full of endeavor, complete responses to duty, dotted with good deeds, marked with magnanimity and kindness to others, in perfect accord with his friends, in harmony with our best thought and example, a steady increasing, inspiring success to its vary and

spiring success to its very end.

"And now he has gone. He had been our leader for years, but never so much needed as now. Who will take his place and lead the way?

"We well remember when he was last with us, himself and the sweetheart of his youth, the mother of his children, the heart and love that inspired his notable career. None then present thought those were his last words to us, for none of us can dip into the future or lift the veil that marks the limits of the present, "When we heard he was ill we did not feel alarmed, for we all knew his prodigal strength and his great, stout heart, and we felt no fear. But none can tell and none may ever know. We thought he was getting well, but instead he was silently slipping away. God's finger touched him and he slept.

"There are three sons and the mother. What a legacy they have in his memory. We have love for them all. We are all touched by their great loss; but if we knew his wish we feel

sure it would be-

"'Let there be no sadness of farewell when I embark.'

"Let us heed what his wish would be, keep his memory green in our hearts, keep his example always before us, and make our lives better, remembering his.

"And so farewell.

"HOWELL N. HAWKINS,

"GEO. F. DUNKLEE,

"LEE CHAMPION, "Committee.

"Unanimously adopted by the Young Men's Democratic League March 4, 1922.

"EDWARD V. DUNKLEE, President.

"Attest:

"ALBERT G. CRAIG, Secretary."

ADJOURNMENT.

Mr. McFADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly the House (at 11 o'clock and 18 minutes p. m.) adjourned until to-morrow, Thursday, March 1, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

1024. Under clause 2 of Rule XXIV, a letter from the Acting Governor of the Federal Reserve Board, transmitting the ninth annual report of the Federal Reserve Board covering operations for the year 1922 (certain exhibits and schedules to complete the report are now in preparation and will be transmitted later), was taken from the Speaker's table and referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RAYBURN; Committee on Interstate and Foreign Commerce. H. R. 12378. A bill granting the consent of Congress to maintain a bridge across the Rio Grande River; with amendments (Rept. No. 1733). Referred to the House Calendar.

Mr. KIESS: Committee on Printing. H. R. 13981. A bill to amend section 6 of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved Jume 5, 1920; without amendment (Rept. No. 1734). Referred to the Committee of the Whole House on the state of the Union.

Mr. FESS: Committee on the Library. H. R. 14145. A bill for the erection of a monument to Henry B. F. Macfarland in the District of Columbia; without amendment (Rept. No. 1735). Referred to the Committee of the Whole House on the state of

the Union.

Mr. FESS: Committee on the Library. H. J. Res. 417. A joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War; without amendment (Rept. No. 1736). Referred to the Committee of the Whole House on the state of the Union.

Mr. FOCHT: Committee on the District of Columbia. S. 2568. An act to amend section 196 of the Code of Law for the District of Columbia; without amendment (Rept. No. 1738). Referred to the Committee of the Whole House on the state of the Union.

Mr. IRELAND: Committee on Accounts. H. Res. 497. A resolution providing for the purchase and installation of an electromechanical voting system in the House of Representatives; without amendment (Rept. No. 1739). Referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WINSLOW: A bill (H. R. 14443) for the relief of certain disbursing agents under the Department of Commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. WEBSTER: A bill (H. R. 14444) granting the consent of Congress to the maintenance and operation, or reconstruction, maintenance, and operation, of an existing bridge across the Columbia River between the town of Marcus, Wash., and a point across the river opposite thereto, all in Stevens County, Wash.; to the Committee on Interstate and Foreign Commerce,

By Mr. HOGAN: A bill (H. R. 14445) to authorize and direct the Secretary of War to sell to John Kissel nitrate plant No. 1, nitrate plant No. 2, the Waco quarry, the interest of the Government in the Gorgas Warrior River steam plant, and to lease to the corporation to be incorporated by John Kissel Dam No. 2 and Dam No. 3, including power stations when constructed as provided herein, and for other purposes, all in the State of Alabama; to the Committee on Military Affairs.

By Mr. LANGLEY: A joint resolution (H. J. Res. 462) authorizing the President of the United States to lease certain lands in the District of Columbia, and pay rental from revenues derived from the operation of the Government hotels for Government workers; to the Committee on Public Buildings and

Grounds.

By the SPEAKER (by request): Memorial of the Legislature of the State of Massachusetts favoring the passage of the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

Also (by request), memorial of the Legislature of the State of Massachusetts relative to retirement of disabled emergency officers of the United States Army; to the Committee on Mili-

tary Affairs.

By Mr. DALLINGER: Memorial of the Legislature of the State of Massachusetts relative to retirement of disabled emergency officers of the United States Army; to the Committee on Military Affairs.

By Mr. FROTHINGHAM: Memorial of the Legislature of the State of Massachusetts relative to retirement of disabled emergency officers of the United States Army; to the Committee

on Military Affairs.

Also, memorial of the Legislature of the State of Massachusetts, urging Congress to adopt the so-called ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. GALLIVAN: Memorial of the Legislature of the State of Massachusetts, relative to retirement of disabled emergency officers of the United States Army; to the Committee on Military Affairs.

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon, requesting Congress to enact legislation permitting the distribution of political reading matter as second-class postage; to the Committee on the Post Office and Post Roads.

By Mr. TAGUE: Memorial of the Legislature of the State of Massachusetts, relative to retirement of disabled emergency officers of the United States Army; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Massachusetts in favor of the ship subsidy bill, so called; to the Committee on the Merchant Marine and Fisheries.

By Mr. TINKHAM: Memorial of the Legislature of the State of Massachusetts urging the passage of the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Legislature of the State of Massachusetts relative to retirement of disabled emergency officers of the United States Army; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HICKS: A bill (H. R. 14446) authorizing the Secretary of War to donate to the village of Massapequa, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14447) authorizing the Secretary of War to donate to the village of Southold, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. TINCHER: A bill (H. R. 14448) granting a pension to Ernestine Romeiser; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7481. By the SPEAKER (by request): Petition of John J. Leonard Post, No. 70, Veterans of Foreign Wars of the United States, urging Congress to enact into law the Bursum bill (S. 1565); to the Committee on Military Affairs.

7482. By Mr. GALLIVAN: Petition of Dorchester Post. No. 498, Veterans of Foreign Wars, William Hornemann, com-

mander, Dorchester, Mass., urging and petitioning Congress to enact at once into law the Bursum bill (S. 1565); to the Com-

mittee on Military Affairs.

7483. By Mr. GRIEST: Petition of George Shiffer Council, 177, Order of Independent Americans, Lancaster, Pa., protesting against any increase in the 3 per cent quota in restriction of immigration, etc.; to the Committee on Immigration and Naturalization.

7494. Also, petition of Ephrata Grange, No. 1815, advocating passage of the filled milk bill; to the Committee on Agriculture. 7485. By Mr. KISSEL; Petition of Friends of American Writers (Inc.), Chicago, Ill., regarding a bill in Congress to make the daisy the national flower of the United States; to

the Committee on the Library.

7486. Also, petition of Savings Bank of Kewanee, Kewanee, Ill., urging the passage of the Norbeck-Nelson foreign credits bill for agriculture; to the Committee on Banking and Currency.

SENATE.

THURSDAY, March 1, 1923.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. J. J. Muir, D. D., offered the following

Our Father, in the passage of the months Thou art teaching us important lessons, and we recognize that our times are in Thy hands. Thou dost dispose of us according to Thy good pleasure, always having in mind our highest and best interests. We ask Thy favor this morning, and as we ask favor for guidance in our duties and responsibilities we would not forget the sudden sorrow that has come upon the other House of legislation, and beseech of Thee to minister to those in the grief of this hour and ever help at all times with the infinite consolation in Thyself. Through Jesus Christ, our Lord. Amen.

Upon request of Mr. Lodge and by unanimous consent the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 14435) making appropriations to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1924, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker pro tempore of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice Presi-

S. 4589. An act to authorize the county of Hennepin, in the State of Minnesota, to construct a bridge and approaches thereto across the Minnesota River at a point suitable to the interests

of navigation;
H. R. 7267. An act granting permission to Mrs. R. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the bust of Bolivar:

H. R. 10677. An act for the relief of Quincy R. Craft;

H. R. 10077. An act for the reflect of Quincy R. Craft;
H. R. 14317. An act granting permission to Capt. Norman
Randolph, United States Army, to accept the decoration of the
Spanish Order of Military Merit of Alfonso XIII; and
S. J. Res. 270. Joint resolution concerning lands devised to
the United States Government by the late Joseph Battell, of

Middlebury, Vt.

HOUSE BILL REFERRED.

H. R. 14435. An act making appropriations to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1924, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate the following resolutions of the Legislature of New Mexico, which were referred to the Committee on the Judiciary:

SANTA FE., N. MEX., February 28, 1923.

SANTA FE., N. MEX., February 28, 1923.

Hon, Calvin Coolidge,
Vice President, Washington, D. C.:

The Legislature of the State of New Mexico to-day unanimously passed the following joint memorial:

"Be it resolved by the Legislature of the State of New Mexico—
"Whereas the President of the United States has nominated Hon. Orpic Leon Phillips as Federal judge for the district of New Mexico; Therefore be it

"Resolved by the Legislature of the State of New Mexico, That the Senate of the United States be requested to immediately confirm such nomination and appointment; and be it further "Resolved, That a copy of this resolution be sent by wire to the Vice President of the United States and to Hon. A. A. Jones and Hon. H. O. Bursum, United States Senators from New Mexico."

JAMES F. HINKLE,

Governor of New Mexico.

JOSE A. BACA,

President of the Senate.

BYRON O. BEALL,

Speaker of the House of Representatives.

Mr. LODGE presented the following resolutions of the Senate of the Commonwealth of Massachusetts, which were or-

THE COMMONWEALTH OF MASSACHUSETTS, 1923.

Resolutions in favor of the ship subsidy bill, so called. Resolutions in favor of the ship subsidy bill, so called.

Whereas there is pending before Congress the ship subsidy bill, so called, for the preservation of American commercial independence and a necessary naval auxiliary in time of war; and Whereas the enactment of such legislation will be of direct and immediate benefit to New England and to the United States of America: Therefore be it

Resolved, That the Senate of Massachusetts urges upon Congress the importance and desirability of adopting the said ship subsidy bill; and be it further

Resolved, That copies of these resolutions be sent by the clerk of the senate to each Senator and Representative in Congress from this Commonwealth.

Commonwealth.

Adopted :

dered to lie on the table:

SENATE, February 26, 1923.

A true copy. Attest:

WILLIAM H. SANGER, Clerk.

WILLIAM H. SANGER, Clerk of the Senate.

Mr. LODGE presented telegrams in the nature of petitions from the Massachusetts State Chamber of Commerce, of Boston, Mass., and the Associated Industries of Massachusetts, praying that a committee be appointed to study the immigration problem during the recess of Congress, which were referred to the Committee on Immigration.

Mr. MOSES presented a memorial of sundry citizens of Manchester and Auburn, all in the State of New Hampshire, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Colum-bia, which was referred to the Committee on the District of Columbia.

Mr. LADD presented resolutions of the Minnesota State Federation of National Farm Loan Associations, favoring repeal of the tax-free provision in existing law as applied to joint-stock land bank bonds, which were referred to the Committee on Finance.

Mr. ROBINSON presented the petition of R. L. Belt and sundry other citizens of Wellsville, Tenn., favoring the adoption of the amendment submitted by Mr. Robinson to the so-called ship subsidy bill relative to the prevention of accidents at sea, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Indian Affairs, to which was referred the bill (II, R. 6568) for the relief of the Red Lake Band of Chippewa Indians of the State of Minnesota, and for other purposes, reported it without amendment and submitted a report (No. 1251) thereon.

Mr. DILLINGHAM, from the Committee on Immigration, sub-

mitted a report (No. 1252) to accompany the joint resolution (S. J. Res. 82) providing for immigration to relieve the emergency caused by an acute shortage of labor in the Territory of Hawaii, heretofore reported by him.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 12138) for the relief of Frank A, Jahn, reported it without amendment and submitted a report (No. 1253)* thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 222) for the relief of Ramon B. Harrison, reported it with an amendment and submitted a report (No. 1254) thereon.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the joint resolution (S. J. Res. 288) authorizing the appointment of a committee to investigate the leases and contracts executed by the United States Veterans' Bureau, and for other purposes, reported it without amendment.

DISTRICT STREET RAILWAY INVESTIGATION.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, without amendment, the resolution (S. Res. 456) to investigate certain matters relating to the street railway systems in the District of Columbia, and I ask unanimous consent for its present consideration.

Mr. EDGE. Mr. President, I must object temporarily to the consideration of the resolution. I understand the Senator from Illinois [Mr. McKinley] wants to be present when the resolution is considered. So I object to its consideration until he can reach the Chamber.

The VICE PRESIDENT. Objection is made.

EMPLOYMENT OF ADDITIONAL CLERKS.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which were referred the following resolutions, reported them severally without amendment:

A resolution (S. Res. 394) to continue the employment of an

assistant clerk to the Committee on Indian Affairs;
A resolution (S. Res. 403) further continuing the employment of an additional clerk to the Committee on Military Affairs;
A resolution (S. Res. 416) continuing the employment of an

assistant clerk to the Committee on Public Lands and Surveys during the Sixty-eighth Congress;

A resolution (S. Res. 420) to provide an assistant clerk for the Committee on Naval Affairs during the Sixty-eighth Congress:

A resolution (S. Res. 427) further continuing the employment of an assistant clerk to the Committee to Audit and Control the

Contingent Expenses of the Senate;
A resolution (S. Res. 437) further continuing the employment of an additional clerk to the Committee on the District of Columbia: and

A resolution (S. Res. 453) authorizing the Senate Committee

on Finance to employ a messenger,

Mr. CALDER. These clerks have been employed for two years and their continued employment is very necessary at this time. I ask unanimous consent for the present consideration of the resolutions in the order in which I have reported them.

Mr. JONES of Washington. Mr. President, I am not going

to object to the consideration of the resolutions, but I am going to vote against them. Everyone knows that the Senate is going to adjourn from the 4th of March until December. These are merely temporary clerks. They knew when they were employed that their employment was temporary. Every Senate committee now has four clerks permanently. I do not pretend to pass upon the needs of other Senators, but I know very well that I can get along during the vacation with four clerks, and I believe that practically every committee in the Senate can do the same. I do not think we ought to put these clerks on the permanent roll.

I believe when we adopted the legislation providing for four clerks permanently for each committee it was felt that that was sufficient ordinarily for Senators and committees, except in the case of the Appropriations Committee and Finance Committee, where extraordinary help, of course, was needed, and that during the sessions of the Senate, where it was shown that additional help was needed, that help would be given, but only during the session of the Senate. It was not contemplated that whenever a temporary clerk should be provided for the employment then should be continued as permanent. I do not think we ought to do it. I am not going to object, however, to the consideration of the resolutions.

Mr. DIAL. Mr. President, I entirely agree with the Senator from Washington. It does seem to me that inasmuch as we shall not be in session for nine months, Senators and their committees can get along without these temporary clerks. Therefore, I object to the consideration of the resolutions.

The VICE PRESIDENT. There is objection.

Mr. CALDER. May I suggest to the Senator that the clerks have been employed for the past two years. We are not proposing to employ additional clerks or to create new places in any way

Mr. DIAL. If we are going to economize now is a good time

to begin.

Mr. OVERMAN. Mr. President, I hope the Senator from South Carolina will insist on his objection. There is no reason for continuing to employ these clerks who have been employed temporarily during the session by the committees. Why should they be kept here during the summer months when each Senator has four clerks already? Why should the committees have another clerk when there is nothing for them to do?

Mr. SMOOT. Let me explain to the Senator from South

Carolina and the Senator from North Carolina that the clerks whom it is asked be provided for now are to be treated the same as all other clerks. The regular clerks are paid during a recess of Congress. We can not hire a clerk for a few months and bring him to Washington and then, when there is a recess of Congress, simply say, "You are not now employed and can not be paid." These are regular clerks and it has been the practice, not only in this administration but under every

administration in the past, to keep them employed during a

recess of Congress,

Mr. OVERMAN. I disagree with the Senator from Utah. I remember the resolution provided only for their employment during the session, and for their payment out of the contingent fund. Now it is proposed to go on and appropriate money out of the contingent fund to pay them during vacation. The contingent fund is already altogether too big now. If any of these committees need an additional clerk, let us put such clerk on the permanent roll. If the Senator will present such a resolution I will give it my support wherever such clerk really is needed. But Congress will adjourn on the 4th of March, and why should we have any additional clerks for all these committees when there will be nothing for them to do?

Mr. FERNALD. Mr. President, has not objection been made

to the consideration of the resolutions?

The VICE PRESIDENT. Objection has been made.

Mr. SMOOT. There is no need of going into the reasons why these clerks are necessary. I thought the Senator knew and I thought all Senators knew. I will state to the Senator, for instance, that the Finance Committee is one of the committees mentioned in the resolution that needs the additional clerk

Mr. OVERMAN. Certainly, but only during the sessions of Congress

Mr. SMOOT. No; it was not only through the session but during the recess, and the Senator's colleague on that com-

mittee favored the plan.

Mr. OVERMAN. I do not care whether my colleague or anybody else felt that the committee was entitled to a clerk, if there is nothing for him to do after the 4th of March there should be no additional clerk. After we adjourn there can not be much work for the four clerks already provided for. Why do Senators want to come here and ask for another clerk under those circumstances?

Then why do we not discharge all our clerks Mr. SMOOT.

during the adjournment of Congress?

Mr. OVERMAN. Because we need them more or less.

Mr. SMOOT. So do we need these clerks when Congress is not in session, just in the same way.

Mr. CURTIS. Mr. President, I demand the regular order.

Mr. FERNALD. Let us have the regular order.

The VICE PRESIDENT. The regular order is demanded. The resolutions will be placed on the calendar.

JENNIE LIERLE, ALICE EVARTS, AND CORA C. WOOD.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate Resolution 435 and ask for its present consideration.

The resolution was read, considered by unanimous consent,

and agreed to, as follows:

Resolved That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the contingent fund of the Senate, to Jennie Llerle, Alice Evarts, and Cora C. Wood, daughters of John L. Ridenour, late private of the Capitol police, authorized by sundry civil act, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

CHARLES L. O'NEILL.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate Resolution 450 and ask for its present consideration.

The resolution was read, considered by unanimous consent,

and agreed to, as follows:

Resolved, That the Secretary of the Senate is authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, to Charles I. O'Neill, the sum of \$500 for expert services rendered by him to the Senate Committee on Finance during the Sixty-seventh Congress in compiling, editing, and indexing hearings, special reports, and bills relating to the revenue act of 1921 and the tariff act of 1922.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on March 1, 1923, they presented to the President of the United States the following enrolled bill and joint reso-

S. 4589. An act to authorize the county of Hennepin, in the State of Minnesota, to construct a bridge and approaches thereto across the Minnesota River at a point suitable to the interests of navigation; and

S. J. Res. 270. Joint resolution concerning lands devised to the United States Government by the late Joseph Battell, of

Middlebury, Vt.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Massachusetts:

A bill (S. 4649) relative to the sizes and quality of anthracite coal; to the Committee on Mines and Mining.

By Mr. McNARY; A bill (S. 4650) for the relief of M. Seller & Co.; to the Committee on Claims.

By Mr. MOSES:

A bill (S. 4651) granting an increase of pension to Ida I. Totman (with accompanying papers); and A bill (S. 4652) granting a pension to Annie B. Watson (with

accompanying papers); to the Committee on Pensions.

By Mr. SMITH:

A bill (S. 4653) to amend the act of August 29, 1916, chapter 47, pages 578-579, United States Statutes at Large, Sixty-fourth Congress, 1915-1917, volume 39, Part I; the act of May 22, 1917, chapter 20, page 86, United States Statutes at Large, Sixty-fifth Congress, 1917-1919, volume 40, Part I; and the act of July 11, 1919, chapter 9, page 39, United States Statutes at Large, Sixty-sixth Congress, 1919-1921, volume 41, Part I, relative to the promotion of officers of the line of the Navy by selection; to the Committee on Naval Affairs.

AMENDMENT TO THE SO-CALLED CLERKS' BONUS BILL.

Mr. ODDIE submitted an amendment intended to be proposed by him to the bill (H. R. 14435) making appropriations to provide additional compensation for certain civilian employees of the Governments of the United States and the District of Columbia during the fiscal year ending June 30, 1924, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

Insert at the proper place in the bill, as an addition to the exceptions therein provided for, the following:
"Federal Board for Vocational Education, \$12,740."

COMPENSATION OF SENATE PAGES.

Mr. HEFLIN submitted the following resolution (S. Res. 461), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That during the period between the end of the fourth session of the Sixty-seventh Congress and the 30th day of April, 1923, inclusive, the pages of the Senate provided by law, resolution, or otherwise be paid the regular compensation at the rates they have been receiving.

ADDITIONAL SENATE PAGES.

Mr. CURTIS submitted the following resolution (S. Res. 462) which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution No. 363, agreed to December 4, 1922, authorizing and directing the employment of five additional pages for the Senate Chamber to serve until March 4, 1923, at \$2.50 per day each, be, and the same hereby is, continued in full force and effect until March 31, 1923.

BAILWAY SHOPMEN'S STRIKE.

Mr. SHEPPARD. I introduce a Senate resolution, and ask to have it read and lie on the table.

The resolution (S. Res. 463) was read and ordered to lie on the table, as follows:

Resolved, That the President of the United States be requested, in his discretion, to renew his good offices in bringing about a settlement of pending controversies between certain railroads and railway shop-

Mr. SHEPPARD. Mr. President, I wish to say that the differences between the railroads and the shopmen are still pending, and that great numbers of shopmen are still out of employment. The controversy has not as yet been settled. I hope to have the Senate pass the resolution before we adjourn. I have been appealed to by many citizens of my State to secure action from Congress in this matter, if possible, before the coming adjournment.

PRICES OF CRUDE OIL AND GASOLINE.

Mr. LA FOLLETTE. I ask unanimous consent for leave to present out of order during the present session the report of the oil investigation under Senate Resolution 295. The preparation of the report has been somewhat delayed and I am not prepared to submit it at this time, but I desire to have unanimous consent to present it out of order.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair).

Without objection, the order will be entered. The Chair assumes the Senator desires the report to be printed when presented?

Mr. LA FOLLETTE. Of course, I desire to have it printed, and I will make such request.

The PRESIDING OFFICER. An order for the printing of the report when received will likewise be entered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 28, 1923:

S. 107. An act for the relief of Robert Edgar Zeigler;

S. 419. An act for the relief of the owners of the steamship Esperanza;

S. 726. An act for the relief of George Emerson;

S. 1405. An act for the relief of William Collie Nabors;

S. 1502. An act for the relief of Thomas E. Owen:

S. 1516. An act for the relief of Lewis W. Flaunlacher;

S. 1670. An act for the relief of Buffkin & Girvin; S. 2323. An act for the relief of Anna M. Tobin, independent executrix of the estate of Frank R. Tobin, deceased;

S. 2853. An act for the relief of persons suffering damage by reason of proceedings for the condemnation of land for Camp Benning, Ga.;

S. 2934. An act to provide for the issuance to John W. Stanton by the Secretary of the Interior of patent to certain land, upon payment therefor at the rate of \$1.25 per acre;

S. 3083. An act authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracts in the city of Washington;

S. 3118. An act for the relief of Herbert E. Mellstrup:

S. 3154. An act for the relief of C. M. Rieves;

S. 3351. An act for the relief of G. Dare Hopkins; and

S. 3594. An act for the relief of Anton Rospotnik and the exchange of certain lands owned by the Northern Pacific Railway Co. ;

On March 1, 1923:

S. 1599. An act for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased; S. 3256. An act for the relief of A. L. Gramling; and

S. 4345. An act for the relief of E. J. Reynolds.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the bill (S. 4280) to provide for the incorporation and supervision of corporations formed for the purpose of making agricultural and live-stock loans; to amend the Federal reserve act; to amend the Federal farm loan act; to extend and stabilize the market for United States bonds and other securities; to provide fiscal agents for the United States; and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (8, 2703) to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates.

The message further announced that the House had passed without amendment the following bills of the Senate:

S. 4536. An act to authorize the building of a bridge across the Peedee River in South Carolina;

S. 4548. An act declaring Bear Creek in Humphreys, Leflore,

and Sunflower Counties, Miss., to be a nonnavigable stream; S. 4579. An act to authorize the Lee County bridge district No. 2, in the State of Arkausas, to construct a bridge over the St. Francis River; and

S. 4583. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Charles Mix County and Gregory County, S. Dak.

The message further announced that the House insisted upon its amendments to the bill (S. 4280) to provide for the incorporation and supervision of corporations formed for the purpose of making agricultural and live-stock loans; to amend the Federal reserve act; to amend the Federal farm loan act; to extend and stabilize the market for United States bonds and other securities; to provide fiscal agents for the United States; and for other purposes, disagreed to by the Senate, had agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McFadden, Mr. Dale, Mr. A. P. Nelson, Mr. Wingo, and Mr. Steagall were appointed managers on the part of the House at the conference.

The message also announced that the House had passed without amendment the following bills of the Senate:

8.3123. An act to amend section 1 of the act entitled "An act providing for the location and purchase of public lands for reservoir sites," approved January 13, 1897, as amended;

S. 3892. An act authorizing the State of California to bring suit against the United States to determine title to certain lands

in Siskiyou County, Calif.;

S. 4122. An act granting the consent of Congress to the Interstate Toll Bridge Co. for construction of a bridge across Red River between Montague County, Tex., and Jefferson

S. 4146. An act permitting the State of Wyoming to reconvey certain lands to the United States and select other lands in lieu thereof, and providing for the patenting of certain lands to Natrona County, Wyo., for public-park purposes;

S. 4235. An act granting consent of Congress to the Charlie Bridge Co. for construction of a bridge across Red River between Clay County, Tex., and Cotton County, Okla.; and

S. 4387. An act to authorize the building of a bridge across the Tugaloo River between South Carolina and Georgia.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker pro tempore of the House had signed the enrolled joint resolution (H. J. Res. 453) requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes, and it was thereupon signed by the Vice President.

RURAL MARKETING AND CREDIT FACILITIES.

Mr. McLEAN. Mr. President, the agricultural credit bill has just come over from the House, as I understand. I ask

the Chair to lay it before the Senate.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 4280) to provide for the incorporation and supervision of corporations formed for the purpose of making agricultural and live-stock loans; to amend the Federal reserve act; to amend the Federal farm loan act; to extend and stabilize the market for United States bonds and other securities; to provide fiscal agents for the United States, and for other purposes.

Mr. McLEAN. I move that the Senate disagree to the amendment of the House, ask for a conference with the House on the disagreeing votes of the two Houses, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. McLean, Mr. Calder, Mr. Pepper, Mr. Owen, and Mr. HITCHCOCK conferees on the part of the Senate.

, PRODUCTION OF HABIT-FORMING NARCOTICS.

Mr. LODGE. Mr. President, I ask unanimous consent to take from the calendar House Joint Resolution 453, having to do with limiting the production of habit-forming narcotic drugs. The measure passed the House unanimously, and I think there will be no objection to it in the Senate. It is a joint resolution requesting the President to enter into negotiations with other countries with a view to further restricting the production of opium and other narcotic drugs and limiting them to the amount necessary for medical and scientific purposes.

Mr. ROBINSON. The joint resolution is on the calendar? Mr. LODGE. It is on the calendar, No. 1228. I think we all must share in the desire to limit the production of opium and its derivatives to the amount necessary for medical and scientific The joint resolution is merely a request of the President to urge upon certain governments the necessity of limiting the crop of the poppy and the production of opium and its derivatives exclusively to the amount required for strictly medicinal and scientific purposes. That is all there is in the measure, I can not understand why there should be any opposition.

Mr. KING. Mr. President, could not the President, without any direct request from Congress, negotiate a treaty or such

treaties as he might desire relative to the subject?

Mr. LODGE. Undoubtedly he could do so, but I think it is very desirable that he should have the support of Congress in

Mr. KING. I have no objection to that. Mr. LODGE. I need not go into the a Mr. LODGE. I need not go into the abuses in the use of these drugs. It is one of the worst features in the line of Mr. ROBINSON. There is no doubt about that. I observe

there is a long preamble.

Mr. LODGE. There is.

Mr. ROBINSON. Is it the Senator's intention to adopt the preamble or strike it out?

Mr. LODGE. I have read the preamble. I think there is no harm in it at all. I do not believe in preambles to bills, generally, but the House put it in and seemed to think it important.

Mr. ROBINSON. I presume the preamble sets forth the reasons for the legislation.

Mr. LODGE. It states the reasons for trying to limit the

production of opium in this way.

Mr. ROBINSON. I have no objection whatever to the consideration of the joint resolution, but I doubt the advisability of adopting a preamble in a measure of this sort.

Mr. LODGE. The preamble can be stricken out if the Senate so desires, but that would send it back to the House for concurrence. I suppose they would concur in such an amendment. I am very anxious to get the measure through. There are 1,500 tons of opium now produced, and 100 tons would more than supply all the medicinal and scientific needs.

Mr. HARRISON. Mr. President, may I ask the Senator a question in this connection?

Mr. LODGE. Contains.

Mr. LODGE. Certainly. Mr. HARRISON. My memory does not serve me accurately at this time and I ask for information. Of course, I know we are not in the League of Nations, but day by day in some way it seems that we get a little closer to it. Was there not a provision in the covenant of the League of Nations to limit the

use of narcotics and different habit-forming drugs? Mr. LODGE. There was.

Mr. HARRISON. This is along that general line, I under-

Mr. LODGE. The council of the League of Nations adopted a resolution urging the restriction of the cultivation of the poppy and the production of opium therefrom to strictly medicinal and scientific purposes. The resolution was approved by the council of the league, but when it came before the assem-bly it was moved to strike out the words "strictly medicinal and scientific" and substitute the word "legitimate," which, of course, destroyed entirely the value of the resolution.

Mr. HARRISON. Does the Senator know what, if anything, along that line the league is doing? I have understood from certain persons who have investigated the matter that they

have been doing a great work along this line.

Mr. LODGE. The work is under the existing treaties.

Mr. HARRISON. Yes.

Mr. LODGE. And that concerns only the trade in opium. This is an attempt to limit the production of various nations. Mr. HARRISON. I am in hearty sympathy with the idea.

Mr. BRANDEGEE. The Senator from Massachusetts [Mr. Lodge] has stated that there was a move in the assembly to Was the motion carried? strike out those words.

Mr. LODGE. Yes.

Mr. BRANDEGEE. Is the Senator from Massachusetts familiar with the ground upon which the objection to the action of the council was made?

Mr. LODGE. I understood the objection came from India, because it interfered with the production of opium.

The VICE PRESIDENT. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 453) requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly

medicinal and scientific purposes, which was read, as follows: Whereas the unlawful use in the United States of America of opium (the coagulated juice of Papaver somniferum) and its derivatives (morphia, codeine, heroin), and cocaine (obtained from coca leaves—Erythroxylum coca) and other preparations made from these plants or their by-products, with attendant irreparable injury to health and morality and resultant death from continued use, is increasing and

their by-products, with attendant irreparable injury to health and morality and resultant death from continued use, is increasing and spreading; and Whereas the special committee of investigation of traffic in narcotic drugs appointed by the Secretary of the Treasury, in its report dated April 15, 1919, having considered the secrecy connected with the unlawful sale and use of these drugs, and the other difficulties in obtaining information which would give the exact number of addicts in the United States, says: "The committee is of the opinion that the total number of addicts in this country probably exceeds 1,000,000 at the present time," and further says that "the range of ages of addicts was reported as 12 to 75 years. The large majority of addicts of all ages was reported as using morphine or opium or its preparations.

* * Most of the heroin addicts are comparatively young, a portion of them being boys and girls under the age of 20. This is also true of cocaine addicts," and as this report is in harmony with the opinion of many who have carefully investigated the subject; and Whereas the annual production of opium is approximately 1,500 tons, of which approximately 100 tons, according to the best available information, is sufficient for the world's medicinal and sclentific needs, and the growth of coca leaves is likewise greatly in excess of what is required for the same needs, and thus vast quantities of each are available for the manufacture of habit-forming narcotic drugs for illicit sale and consumption; and

Whereas opium is obtained in paying quantities from popples containing opium rich in morphia, codeine, and other narcotic derivaties; and Whereas in Persia and Turkey the growth of the poppy and the production of opium therefrom, resulting in large revenues to those respective of the production of opium therefrom, resulting in large revenues to those respective of the production of opium therefrom, resulting in large revenues to those respective to the production of opium therefrom, resulting in l

tire governments, is controllable by virtue of their coverein power to limit the exportation thereof and to restrict production to the quantity actually required for strictly medicinal and scientific purposes; and the strict of the strictly medicinal and scientific purposes; and theoreton, has full power to limit production to the amount actually required for strictly medicinal and scientific purposes; and theoreton, has full power to limit production to the amount actually required for strictly medicinal and scientific purposes; and whereas the production of coca leaves (Erythrozylum coca) is limited to certain areas of Peru and Bolivia and the Netherlands possession of the strictly medicinal and scientific production to the quantities actually required for strictly medicinal and scientific purposes; and and scientific production to the quantities actually required for strictly medicinal and scientific purposes; and and scientific purposes; and a scientific production to the quantities actually required for strictly medicinal and scientific purposes; and an actual control of the severe penalties for disposable public forming narcotic drugs without a record of the amount thereof dispensed, thus providing reliable data from which a reasonably accurate calculation and be made of the amount of these drugs needed for strictly medicinal and the scientific production of the severe penalties for strictly medicinal and the scientific production of the severe penalties for strictly medicinal and the scientific production of the severe years have passed since its retained of such and the severe years have passed since its radification, the treaty and the laws and partial production, the treaty and the laws and partial production and sale of these drugs without adequate restriction upon production, the source or root of the evil; and white scientific and contracting and scientific production of the passed production and scientific production of the sevential production of the contracting and scientific production of the s

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed

The preamble was agreed to.

IMPURITIES AND MISBRANDING IN ANTHRACITE COAL.

The VICE PRESIDENT laid before the Senate a communication from the Acting Director of the Bureau of Mines, in response to Senate Resolution 452 (submitted by Mr. Walsh of Massachusetts and agreed to February 26, 1923), reporting relative to misgraded sizes and impurities in domestic anthracite coal, etc.

Mr. WALSH of Massachusetts. Mr. President, I move that the report be printed in the Record, and also that it be referred to the Committee on Mines and Mining. I call attention to the fact that annexed to the report is a bill which, if enacted

into law, would reduce the abuses and deceptions resulting from the sale to the public of impurities in coal. I hope the Committee on Mines and Mining may report this bill favorably, so that action may be taken before the adjournment of the

The VICE PRESIDENT. Without objection, the communication from the Bureau of Mines will be referred to the Committee on Mines and Mining and printed in the RECORD.

The report is as follows:

REPORT OF BUREAU OF MINES ON COAL QUALITY.

There is offered for transportation and sale, along with well-prepared coal, a considerable quantity of high-ash coal. This condition is not confined to any one district, but is general. The amount of ash in coal is generally higher than is represented by coal sellers.

The natural and unavoidable amount of ash in coal varies widely in different districts. What would be considered high ash in one district would be low ash for another district. Even in a particular district there may be a very considerable variation in ash, due to mining methods, care in mining, or the degree of preparation of the product. There are many shippers of coal who do not know, within reasonable limits, the quality of the product which they offer for sale. This coal is on the market beside coal offered by shippers who are well informed as to the quality of their product and who have spent large sums in the preparation of their fuel. The great majority of buyers of coal have no satisfactory means of differentiating between the various qualities of coal offered. This is particularly true of the domestic consumer.

have no satisfactory means of differentiating between the various qualities of coal offered. This is particularly true of the domestic consumer.

To substantiate the foregoing general statements, attention is called to the following evidence:

In one bituminous coal district deliveries were made on Government contracts with ash per cent running as follows: 6.1, 6.2, 6.7, 7.15, 7.50, 7.8, 8.4, 8.48, 8.6, 8.7, 8.8, 8.9, 9.6, 9.9, 9.9, 10.1. Each of these figures represents the ash per cent in several hundred tons of coal and shows the normal ash for the coal of that district. In the same district other deliveries of coal showed ash content as follows: 12.6, 16.7, 16.7, 17.8, 17.8, 18.2, 20.2, 20.8, 23.3, 24, 24.7, 36.8 per cent. In one case the ash was guaranteed to be not above 7 per cent, although it ran from 17 to 24 per cent.

In another coal district coals delivered on Government contracts ran 5.6, 6.4, 7.1, 7.2, 11.2, 12.4, 12.5, 12.9, 13.1, 13.3 per cent. Other coals on Government contracts in the same district ran 13.6, 14.2, 14.8, 15.8, 16, 18.1, 18.5, 18.9, 25.2, 27.6, 27.9 per cent.

A large number of analyses of bituminous coal delivered on contract to the Government fuell yards in Washington showed the ash to be from 8 to 10 per cent, while at the same time other coals which it was necessary to buy in open market showed ash percentage as follows: 12.8, 14.6, 16.4, 16.5, 16.8, 17, 17.4, 17.5, 17.8, 17.8, 18.1, 18.3, 18.8, 18.9, 19, 19.7, 19.8, 19.9, 19.9, 20.1, 20.1, 20.2, 20.2, 20.7, 21.4, 21.7, 24. There was delivered from the same district on other Government contracts coals with ash running as follows: 13.4, 14.8, 15.3, 15.3, 16.7, 16.9, 18.1, 18.3, 18.6, 19, 19.7, 20.1, 20.1, 20.2, 20.2, 20.7, 20

Size.	Coal.	Bone.	Slate
Pea	Per cent. 66 75 67 80 74 61 68 70 72 76	Per cent. 22 16 21 10 12 24 22 20 20 17	Per cent. 12 9 12 10 14 15 10 18

Answering the specific questions of the resolution:

(1 and 2.) The bureau's studies show that much high-ash coal is shipped. Many letters have been received from the anthracite-using districts of the country complaining of the quality of coal. The Government itself has been a relatively small buyer of anthracite, and the bureau has made no special investigation that would enable it to say what proportion of coal shipped carries an unreasonable amount of ash. There are no generally accepted standards for comparison. The determination and maintenance of grades for coal depends upon extensive sampling and analysis and a suitable inspection system and competent force. For this reason in 1919 the Secretary of the Interior requested authority to establish a coal-inspection system and requested an appropriation therefor. The bureau believes that the system then proposed would best meet the needs of the case.

(3) If action is desired without appropriation, the following is submitted:

Be it enacted by the Senate and House of Representatives of the

submitted:

Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled. That the Bureau of
Mines is hereby authorized and directed to ascertain and to publish
the quality and sizes of anthracite coal shipped, or offered to be shipped,
in interstate commerce, and to establish with appropriate tolerances
Government market grades with designations for each, and to register
and publish shippers grades defined in terms acceptable to the bureau,
and after September 1, 1923, no anthracite coal shall be shipped in

interstate commerce unless the bill of lading be accompanied by a certificate from the shipper, made in due form as prescribed by the Bureau of Mines, giving the Government or registered grade to which such coal belongs, and that whoever violates the prohibitions of this act or knowingly makes a false statement in the certificate required shall be guilty of a misdemeanor, and for such offense be fined not exceeding \$200 for the first offense, and upon conviction for each subsequent offense not exceeding \$300, or be imprisoned not exceeding one year, or both, in the discretion of the court.

A. W. Amerose, Acting Director.

FOR H. FOSTER BAIN, Director.

ORDER OF BUSINESS.

Mr. CURTIS. I submit the request for a unanimous-consent agreement, which I send to the Secretary's desk.

The VICE PRESIDENT. The proposed unanimous-consent agreement will be read.

The reading clerk read as follows:

The reading clerk read as follows:

It is agreed by unanimous consent that at the conclusion of the consideration of House bill 8086, the filled milk bill, the Senate will proceed to the consideration of executive business; that at the conclusion of the consideration of executive business it will return to legislative session for the consideration of unobjected bills on the calendar, beginning at the number where the Senate left off, being Calendar No. 1135; that when the call of the calendar of unobjected bills shall have been finished the Senate will take up the calendar under Rule VIII and continue the consideration of the same until not later than 10 o'clock p. m. to-day; and that at 10 o'clock p. m. the Senate will adjourn until 11 o'clock a. m. to-morrow.

Mr. STERLING. Mr. President, under the circumstances I very much regret to have to object to the unanimous-consent

agreement asked for.

Mr. CURTIS. I hope the Senator will not object. The House of Representatives has held night sessions in order to dispose of the bills which the Senate has passed. There are quite a number of House bills on the calendar. The proposed unanimous-consent agreement begins to operate after we shall have concluded the consideration of the filled milk bill. It will be very easy to dispose of the calendar if we shall enter into the unanimous-consent agreement. Then we shall adjourn until tomorrow morning, and in the morning hour bills may be taken up upon motion, the same as they may be this morning. I do hope there will not be an objection to the unanimous-consent We owe it to the House of Representatives to take agreement. the action therein proposed.

Mr. President, there is a bill on the Senate Mr. STERLING. Calendar now which has been pending before the Senate for a long time—the reclassification bill, which I undertake to say is more important than any other bill now on the calendar. I have been waiting an opportunity here day after day to get that bill up. The bill has passed the other House; there will be some material amendments made to it and the bill will be some time in conference. In order that we may get the bill through it will be necessary to give some attention to it speedily.

Mr. CURTIS. This agreement does not take effect until tonight, and the Senator from South Dakota knows it will be almost impossible to hold a quorum here to-night for the con-

sideration of the reclassification bill.

Mr. STERLING. If the Senator from Kansas will permit me. I desire to say that we had better spend the time in the consideration of the reclassification bill at night than to spend it in the consideration of other bills on the calendar. That is my objection to the adoption of the unanimous-consent agreement.

Mr. McCORMICK. Mr. President, I inquire whether the Senator from South Dakota or the Senator from Kansas has the floor?

The VICE PRESIDENT. The Senator from South Dakota has the floor

Mr. McCORMICK. If the Senator from South Dakota will yield to me for a moment, I desire to suggest that there are some of us who believe that the child labor amendment to the Constitution is no less important than is the reclassification bill and who would be inclined to press the joint resolution proposing that amendment if the unanimous-consent agreement proposed by the Senator from Kansas were not accepted by the Senate.

Mr. KING. Mr. President, I suggest to the Senator from South Dakota that there is a measure here which has been recommended by the President of the United States, providing for an international court and our adhesion to the protocol, so that we shall be a member of that great organization. I am sure that our Republican friends, desiring to support the President of the United States in this splendid policy, will be glad to take that measure up. I hope to have the opportunity to move its consideration during the day or certainly not later than to-morrow morning.

Mr. STERLING. Mr. President, two measures have now been suggested that should have preference over the reclassification bill. One of those is the child labor amendment to the

Constitution, which is a very recent matter, one which has only been passed upon by the Judiciary Committee within a few days. The reclassification bill, however, has been pending for years, so far as that is concerned. As to the other measure, the consideration of which has been suggested by the Senator from Utah [Mr. King], everybody will agree that that is not to be considered at all at this session of Congress.

Mr. KING. No; I do not agree at all to that. I think our Republican friends have more confidence in their leader than is exhibited by the last statement of the Senator from South

Dakota.

Mr. WARREN. Mr. President, will the Senator from South Dakota yield to me?

Mr. COUZENS. I rise to a point of order, Mr. President. The VICE PRESIDENT. The Senator will state his point of order.

Mr. COUZENS. I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Lenreot Lodge McCormick McKellar McKinley McLeau McNary Moses Fletcher Frelinghuysen George Gerry Glass Shields Shortridge Smith Ashurst Bayard Brandegee Brookhart Bursum Calder Smoot Spencer Sterling Sutherland Gooding Hale Cameron Capper Caraway Colt Harreld Harreld
Harrison
Heffin
Jones, N. Mex.
Jones, Wash.
Kellogg
Kendrick
Keyes
King
Ladd
La Follette Moses Swanson New Norris Overman Townsend Wadsworth Walsh, Mass. Walsh, Mont. Couzens Culberson Cummins Page Pepper Phipps Pittman Warren Watson Weller Curtis Ransdell Reed, Pa. Robinson Sheppard Williams Dillingham Willis Edge Fernald

Mr. PHIPPS. I desire to announce that my colleague [Mr. NICHOLSON] is detained from the Senate on account of illness.

The VICE PRESIDENT. Seventy-four Senators have answered to their names. A quorum of the Senate is present.

Mr. FRELINGHUYSEN. I ask unanimous consent to take from the calendar Order of Business 1116, being the bill (S. 4472) to make an investigation of the needs of the Nation for public works to be carried on by Federal, State, and municipal agencies in periods of business depression and unemployment.

Mr. WARREN. Mr. President, I inquire if morning business

has closed?

The VICE PRESIDENT. The Chair has not yet announced that morning business has closed. The Senate was proceeding to determine whether it would enter into a unanimous-consent agreement. Is the Chair to understand there is objection now to entering into the unanimous-consent agreement proposed by the Senator from Kansas?

Mr. STERLING. Mr. President, I object for the present.

The VICE PRESIDENT. There is objection.

Mr. McKELLAR. Mr. President-

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Tennessee?

Mr. FRELINGHUYSEN. I yield.

Mr. McKELLAR. I do not want to interfere with the Senator from New Jersey. I merely want to inquire about resolu-tions coming over from the previous day. I am interested in one of them when we get to it.

Mr. FRELINGHUYSEN. Mr. President, as morning hour has not yet closed, I will withhold my motion until it is announced by the Chair that morning business has closed. I should like to be recognized at that time.

The VICE PRESIDENT. Is there further morning busiess? [After a pause.] Morning business has closed.
Mr. WARREN and Mr. FRELINGHUYSEN addressed the ness?

The VICE PRESIDENT. The Senator from Wyoming.

DEFICIENCY APPROPRIATIONS.

Mr. WARREN. Mr. President, in conformity to the notice I gave on yesterday, I ask unanimous consent that the Senate now proceed to the consideration of the third deficiency appropriation bill, being House bill 14408.

Mr. McKELLAR. Mr. President, what about Resolution No.

446, coming over from a preceding day?

The VICE PRESIDENT. There were no resolutions coming over from a previous day. Is there objection to the request of the Senator from Wyoming for the present consideration of the deficiency appropriation bill?

Mr. STERLING. Mr. President, I wish to say in this connection that I shall not object to the request made by the Senator

from Wyoming. I know that appropriation bills usually have preference over other bills. Of course, the bill is important; but should like to state that as soon as the deficiency bill is disposed of I shall move to take up the reclassification bill.

Mr. KING. Mr. President, a parliamentary inquiry. Is not

the filled milk bill before the Senate?

The VICE PRESIDENT. Not in the morning hour. It comes on at 1 o'clock.

Mr. WARREN. I renew my request that the Senate take up House bill 14408—the deficiency bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, which had been reported from the Committee on Appropriations with amend-

Mr. WARREN. I make the usual request that the formal reading of the bill be dispensed with and that the bill be read for amendment, the amendments of the committee to be first considered.

Mr. KING. Mr. President, I shall not object to that, with the understanding that the text of the bill, including the amendments, shall be read, not too rapidly, because none of us have had a chance to read the bill, so that we may follow the clerk and have the opportunity to propound such questions as we may desire covering some of these items. In the past it has been the habit to read very rapidly and oftentimes to skip a number of paragraphs.

The VICE PRESIDENT. Without objection, it is so ordered. The Secretary will read the bill.

The reading clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head "Legislative," on page 2, after line 1, to insert:

SENATE.

For additional compensation to John C. Crockett, reading clerk of the Senate, fiscal year 1924, \$500.

The amendment was agreed to.

The next amendment was, on page 2, after line 4, to insert:

To pay Charles F. Redmond, as compensation for compiling a revised supplement to the compilation entitled "Treaties, conventions, international acts, and protocols between the United States and other powers," containing such instruments to which the United States has become a party since January 1, 1910, under resolution of the Senate (S. Res. 130, Sixty-seventh Congress, first session), \$2,500.

Mr. President, may I inquire of the Senator from Wyoming if there has not been a recent compilation of treaties, conventions, international acts, and protocols between the United States and other powers compiled and published since 1910?

Mr. WARREN. I do not recall the last date, but much has happened since then. This is to bring the compilation down to date from the last compilation.

Mr. SMOOT. In accordance with Senate Resolution 130,

Sixty-seventh Congress, first session.

Mr. OVERMAN. Mr. President, I think it my duty to make a statement here in regard to this deficiency bill. We hope that hereafter a different course will be pursued by the Budget Bureau, and what I am going to say will be in the nature of a warning to them.

On yesterday I sat with this committee. A veritable flood of Budget recommendations was sent down late yesterday afternoon. The matters never have been considered by the House. It seems that certain favorite Senators can get what they want sent down by the Budget Bureau at the last hour, when the matters have not been considered and can not be considered by We have not time. They have never been considered by the House; and they are put on the bill by the Senate committee without its knowing anything about them.

I want to sound a warning to the Budget Bureau that these estimates should be sent down to the House for consideration.

After the House has considered them there ought not to be any estimates sent down to the Senate; for, coming as they did yesterday, a veritable flood of them, when we did not have time to consider them, many of those that we have put on here we know very little about. It is all wrong; and the Budget Bureau is going to be more and more unpopular if it allows certain Senators, favorites of the Budget and favorites of the administration, to go up there and get these items sent down at the last hour when they can not be properly considered. It is all wrong; and I say this for the benefit of the Budget Bureau themselves. These matters ought to have been sent down in time for consideration, and not sent down at the last hour for our committee to consider, when we can not properly consider them; and I think the chairman will bear me out in that statement

Mr. WARREN. Mr. President, that last statement is very true, and it is a matter that I hope will be remedled before the

next session.

Mr. OVERMAN. I hope so, Mr. WARREN. The Senator is right. We are beset with things coming up late, some of them dated the 28th day of February, and we are expected to include them in these

bills and have them passed.

Mr. KING. Mr. President, I should like to ask the Senator from North Carolina-who is a member of the Appropriations Committee, and has been a valued member of it for many yearshow much this deficiency appropriation bill carries, and whether it will cover all deficiencies for the fiscal year ending June 30, 1923, or whether we will have another deficiency appropriation bill when we meet in December, and also-I am asking several questions in one-whether he has prepared a statement showing the appropriations, including the deficiencies, for the fiscal

year ending June 30, 1923?

Mr. OVERMAN. I have, Mr. President; and I want to say that another criticism I have is this: Here is a bill carrying \$156,000,000. Estimates have been sent down to the Senate for two or three million dollars more, and we have put on \$2,000,000 more that seemed absolutely necessary. What does that mean? It means that the department's estimates for the regular appropriations are cut short for some purpose, either for political purposes or some other purpose, and we make the appropriations, and after we have made appropriations they come in here with \$156,000,000 more than we appropriated for. It is all wrong, Mr. President; and I heard one Senator-I will not call bis name—a leading Republican Senator, say that he would never vote for another deficiency bill. I believe that if we will give notice to the departments that we will vote for no more deficiency bills they will ask for the amounts that are needed. and no more, in the regular appropriation bills, and then we will be able to abolish these deficiency bills.

Mr. CURTIS. Mr. President, the Senator need not withhold my name. I served notice yesterday that this is the last defi-ciency bill I am going to vote for. I propose, as chairman of the subcommittee, if I am continued as chairman, to notify the departments for whom my subcommittee recommends appropriations that they must recommend what they need, and if they will recommend what they need we will do our best to secure the appropriations; but the department must get along with what is appropriated and not come in afterwards with requests for deficiency appropriations. If the Congress will appropriate the amount the showing made requires in the regular appropriation and then refuse deficiency appropriations, it will do a

good service.

Mr. McKELLAR. Mr. President, before the Senator from North Carolina takes his seat I want to ask him a question. Is \$153,000,000 appropriated in this last deficiency bill, or in all three of them?

Mr. OVERMAN. This one.

Mr. McKELLAR. How much is appropriated in all of them? Mr. OVERMAN. Oh, I do not know. I have the statement. I have not it here with me, but that will show. There has been deficiency bill after deficiency bill, and I hope this is the last one. There may be another coming in, and there will be bound to be one to provide for the payment of the bonus unless the reclassification bill is passed. It is proposed now to pay a bonus of about another \$40,000,000, which we shall have to do, of course; everybody will be in favor of that in case the reclassification bill goes over; so that will be the fourth deficiency bill to come in, and there you are. We do not know what we are doing, and these recommendations are sent down here time and time again when we know nothing about the items and can not properly consider them. It is all wrong. That is what the Budget was established for, but it is all wrong to let certain favorite Congressmen go up there and get what they want when others can not.

Mr. McKELLAR. Mr. President, will the Senator yield again? There are all these deficiency appropriations, notwith-

standing the fact that the Budget Bureau was supposed to make its recommendations for all appropriations.

Mr. OVERMAN. The Budget Bureau sent down its recom-Mr. OVERMAN. The Budget Bureau sent down its recommendations for the different appropriation bills, some 13 in all. We have considered those, and made the appropriations as they were asked for, and certified to our committees and to the Senate and the House what was needed. On top of that these deficiencies come in afterwards, after we have made the appro-

Mr. CURTIS. Mr. President, the Senator ought to be fair, and state that the Congress failed to appropriate what was

recommended by the Budget.

Mr. OVERMAN. I think probably the House of Representatives wanted to make a good showing, and they sent it up to the Senate. They want to make a showing sometimes for campaign purposes, to secure credit for the party in power, I suppose, and therefore they make the appropriations less than they ought to be made; and the consequence is that a deficiency request comes in. I agree with what the Senator from Kansas says. I did not want to call his name, but he has come out and stated his position boldly to the Senate. I am opposed to passing deficiency bills hereafter. Let us appropriate the amount that is necessary, and stop appropriating for these deficiencies

Mr. McKELLAR. May I ask the chairman of the committee how much we have appropriated in the three deficiency bills?

Have there been more than three?

Mr. WARREN. There have been three.
Mr. McKELLAR. This is the fourth one, is it?
Mr. WARREN. This is the third one. It carries one hundred Mr. WARREN. and fifty-odd millions.

Mr. McKELLAR. How much have we appropriated in all? Mr. WARREN. The regular deficiencies have not been large,

but there have been very large amounts for the repayment of illegally collected revenue taxes,

In fact, there is \$78,000,000 in this bill for that purpose, and there have been very large amounts for the relief of veterans, because perhaps twice or three times as many as had been expected have sought relief of one nature or another, either in the way of education or in the way of hospital care, so that the appropriations have run heavily on that account. The larger portion of these things has come in in the regular way and is really what may properly be called deficiencies.

What the Senator from North Carolina [Mr. OVERMAN] has said about requests coming in at a late hour is, of course, true, and it is a matter that all of us consider reprehensible; and we shall ask, as I have once before asked, that there may be greater promptness in the submission of such things to us. also have to agree to some extent with the Senator from North Carolina that the original estimates are not granted to the amount that is asked. It is the hope of the House, when they make up these bills, that certain appropriations can be skimped or cut down, and the legislation carried through. There are two sides of that. One side of it is to teach economy by keeping them inside of the limits and within reason that will work beneficially; but if, on the other hand, we are going to allow those things to come in at a late hour too tumultuously, if I may use that word, we shall destroy the control that we may have and ought to have.

Mr. McKELLAR. I want to ask the Senator if he can tell me in round numbers, and put the exact figures in the RECORD in answer to the question, how much was appropriated in the first deficiency bill, how much in the second, and how much is

proposed to be appropriated in this bill? Mr. WARREN. Mr. President, that can not be done, because we do not know what this bill will contain until it passes through conference, but it will all be put in the Record in due

Mr. McKELLAR. The Senator can give me some idea how many million dollars there were in the first and second de-

ficiency appropriation bills, can he not?

Mr. WARREN. The Senator will remember that I have to carry in my head the figures of a good many bills. I should have to refer to figures in my office about those matters in order

Mr. McKELLAR. Mr. President, there is another question that I should like to ask the Senator. Adding these deficiency appropriations to the recommendations of the Budget, will our appropriations be larger than the Budget originally recommended?

They will be larger, perhaps, by the amount Mr. WARREN. of the rivers and harbors appropriations, which went over the estimates something like \$30,000,000; but at last accounts, I believe, even with that overplus, we shall fall a few millions under the general total of the Budget estimates.

Mr. McKELLAR. The original Budget estimates, or all of

them, including these?

Mr. CURTIS. Mr. President, I understand that the total appropriations will be \$4,000,000 less than all the Budget esti-

Mr. McKELLAR. Can the Senator give me, in round numbers, the amount of the first and second deficiency appropria-

Mr. CURTIS. I can not.

Mr. DIAL. Mr. President, I would like to ask the chairman of the committee why it is necessary to pay extra compensation to the employees of the Pension Office? There is one man here who will get extra compensation in the sum of \$1,200. The amendment provides:

To pay-

I do not care to call his name-

for extra and expert services rendered to the Committee on Pensions during the third and fourth sessions of the Sixty-seventh Congress as an assistant clerk to said committee, by detail from the Bureau of Pensions, \$1,200.

Is that man drawing pay at the Pension Office and also this \$1,200?

\$1,200?

Mr. WARREN. He draws a certain amount of pay at the Pension Office. I do not know what amount he draws, but probably \$1,400. I will say to the Senator that this is the usual thing to do; it has been done for the last 40 years, I think; ever since I have been in the Senate. This man is an expert, familiar with the records and practice of the Pension Office, and every one of the cases filed must be handled by somebody with a knowledge of the records in the Pension Office and also those in the War Department. It would be almost and also those in the War Department. It would be almost impossible to handle matters without some man of this kind.

Mr. DIAL. I imagine that is true, but I do not see why he should get two salaries. If he ought to have more pay, we

should raise his salary.

Mr. WARREN. The idea is to have the man work in the department all of the time Congress is not in session, which results in his being familiar with affairs in the office, and he can bring back the information from the office to the Senate when we reassemble. If we had a regular clerk, perhaps he would not do work in the Pension Office.

The VICE PRESIDENT. The question is on agreeing to the

The amendment was agreed to.

The next amendment of the committee was, on page 2, after line 11, to insert:

For payment to C. Brooks Fry for expert personal services in connection with the investigation of the fiscal relations of the District of Columbia and the United States and the preparation of the reports relating thereto, \$1,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 15, to insert:

For payment to Thomas A. Hodgson for expert personal services in connection with the investigation of the fiscal relations of the District of Columbia and the United States, \$1,000.

Mr. KING. I want to inquire about this item of \$1,000 for "expert personal services in connection with the investigation of the fiscal relations of the District of Columbia and the United States, \$1,000."

Mr. PHIPPS. The two items relate to the investigation of the fiscal relations of the District of Columbia and the United States, and under the law authorizing that examination and report the committee were not permitted to pay anyone who was then or theretofore had been in the employ of either the District of Columbia or the Federal Government. Mr. Hodgson was a former employee of the Federal Government; for years he stated the accounts as between the District and the Federal Government, and had great familiarity with all the records and affairs. He was requested to work for the auditors, was given a desk, and was of invaluable assistance to them in locating the records and making up reports and statements and documents that were necessary for their examination and use. committee told him at the outset that they were precluded from paying him, but that if his services were satisfactory we would see that he was provided for if it was possible.

Is he now in the employ of the Government? Mr. PHIPPS. He is not. He is on the retired list and draws small pension. The other item was an appropriation of \$1,000 for the preparation of a report by Mr. Fry, who is in the

Government employ—a secretary in my office.

Mr. WARREN. I want to ask the Senator from Colorado if his committee exhausted all the funds we appropriated in a

Mr. PHIPPS. We did not. The committee was allotted \$20,000, and the total expenditures will be \$13,000, in round numbers, but it was not permissible for us to pay these two items out of the \$20,000 appropriation.

Mr. KING. In regard to the \$4,000,000 item, for money alleged to be due from the Government to the District, I am not thoroughly informed as to the matter, but much criticism has come to me from persons who claim to know who state that the finding of the committee was perhaps warranted-that is, some said it was warranted from the evidence submitted to them—but that there were other facts to which their attention was not invited which would have compelled a different conclusion from that reached by the committee and would have demonstrated that the Government was not indebted to the District, and that this appropriation of \$4,000,000 should not be made.

Mr. PHIPPS. I believe that if the Senator would take the time required to read the majority report of the committee, and a minority report which was signed by only one of the six members of the joint special committee, he would be convinced beyoud question that the committee fully performed its duties. Personally, I am willing to stand on the record that has been made. I think there is no question as to the finding. I believe beyond any peradventure of doubt that the citizens of the District of Columbia paid, in taxes, amounts in excess of the appropriations which were properly chargeable to them, resulting in the accumulation of a surplus, and that the money properly paid by the taxpayers should be devoted to the upbuilding of this community, and to the conduct of the government of the District of Columbia. It is within the power of this Congress, if it chooses to do so, to declare that money forfeited, but I say that when there is an understanding and agreement whereby the Federal Government has undertaken to pay 50 per cent of the expenses of the District of Columbia, and the citizens here the remainder, or 40 per cent from the General Government, as against 60 per cent contributed by the citizens, I for one will never vote to violate that understanding and agreement. Resort is had to subterfuge in order to becloud the issue, and try to cover into the Government Treasury money which properly and absolutely is the money of the citizens of the District of Columbia

Mr. KING. Mr. President, I express no opinion as to the merits of the finding or the rightfulness of the conclusions reached by the committee. I only know that there have been some criticisms on the ground that while, perhaps, the evidence submitted warranted the finding, it was not all the evidence which might have been obtained. As to that I express no opin-ion. However, I am fully convinced that the owners of property within the District of Columbia do not pay an adequate tax.

I think the rule adopted for a division of the expenses between the United States and the District citizens, formerly 50-50 and now 60-40, is unscientific, is improper, and is irrational. The property of the District should be taxed at its full, fair cash valuation, and upon that valuation a reasonable tax should be levied, approximately such as is levied in progressive cities of the United States, including taxes paid by the property within those municipalities to the States and for all other purposes; and after imposing a tax of that character, whatever deficit there may be—and there would be a very large one the Federal Government should meet it.

Mr. DIAL. Mr. President, day by day there are new investigations ordered, which give employment to an unnecessary number of people. We investigate everybody in the United States, and then the notes are filed away and nobody ever reads them. I am glad to be enlightened upon the object of some of these investigations. I have been objecting to a good many of them, and I expect to object to a good many more. If the time is ever to come when we will let the people be at rest, this is a good time to begin; and I am sorry our Republican friends do not see the importance of stopping these investigations. I hope they will wake up before the next election.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 2, after line 19, to insert: To pay Alexander K. Meek for extra and expert services rendered to the Committee on Pensions during the third and fourth sessions of the Sixty-seventh Congress as an assistant clerk to said committee, by detail from the Bureau of Pensions, \$1,200.

The amendment was agreed to

The next amendment was, at the top of page 3, to insert:

For payment to Leslie L. Biffle for services rendered various committees of the Senate, in addition to his regular duties, \$900.

The amendment was agreed to.

The next amendment was, on page 3, after line 3, to insert: For miscellaneous items, exclusive of labor, for fiscal year 1923,

The amendment was agreed to.

The next amendment was, on page 3, after line 5, to insert: For stationery for Senators, committees, and officers of the Senate for fiscal year 1923, \$5,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 7, to insert: For personal and other services, supplies and equipment for Senate kitchens and restaurants, to be expended from the contingent fund of the Senate, under the supervision of the Committee on Rules, United States Senate. \$7,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 12, to insert: That the General Accounting Office, State and Other Departments Division, pass and allow the additional compensation at the rate of \$240 per annum heretofore paid and to be paid until June 30, 1923, to all employees of the Senate kitchens and restaurants.

Mr. KING. Let me inquire whether this is a new item.

The VICE PRESIDENT. All items printed in italics are new.

Mr. KING. I want to inquire of the chairman of the committee whether this is a new appropriation? I am referring to the item for supplies and equipment for the Senate kitchens

and restaurants. Is that something new?

Mr. WARREN. No. It is to straighten out the accounts, where two or three of them had salaries of only \$20 a month, which would not entitle them to as much as \$240. That is all

there is to it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was continued to line 17, page 4, the last paragraph read being as follows:

For payment to Dan Parrillo, for expenses incurred as contestant in the contested-election case of Parrillo v. Kunz, audited and recommended by the Committee on Elections No. 1, \$2,000, to be disbursed by the Clerk of the House,

Mr. DIAL. I would like to ask the chairman of the committee if all contestants are paid, or is only the one who makes out a case paid?

Mr. WARREN. That is entirely a House matter, which we do not pry into. Their rules provide for payment in these con-That is entirely a House matter, which we tested-election cases.

Mr. DIAL. Under their rule I believe that even if the contest is not found to have merit the bill is paid.

Mr. WARREN. Undoubtedly those things may occur, but it

is entirely in the jurisdiction of the House. Mr. DIAL. I hope that hereafter, unless there is merit in a

case, no payment will be made. The reading of the bill was continued to line 11, page 5, the

last paragraph read being as follows: For the amount required to pay the following employees from March 4 to June 30, 1923, inclusive: Substitute telephone operator, at \$2.50 per dlem, \$297.50; janitor to the Committee on Reform in the Civil Service, authorized in the resolution of December 16, 1922, \$234; clerk to the Committee on the Disposition of Useless Executive Papers, authorized in the resolution of May 9, 1921, \$650; legislative clerk to the majority leader, authorized in the resolution of March 24, 1922, \$1,170; two attendants in ladies' retiring rooms, at \$390 each, authorized in the resolution of September 14, 1922; in all, \$3,131.50.

Mr. KING. May I inquire of the Senator having the bill in charge if janitorial service is not already furnished; and with respect to the clerk of the Committee on the Disposition of Useless Executive Papers, may I inquire whether or not the existing law provides for such a clerk, and if it does, does not the clerk receive the same compensation as other clerks of committees which have substantially the same

amount of work to perform?

Mr. WARREN. The Senator is making an inquiry regarding the House language, as I understand it?

Mr. SMOOT. This is in conformity with the resolution

that was passed on September 14, 1922. Mr. WARREN. I was calling attention to the fact that the language to which the Senator is referring is in the House text.

These are House items. Mr. SMOOT. They are House items carrying out the provisions of a resolution which Congress passed.

Mr. KING. That is for the House?

Mr. WARREN. Yes; these are all House Items. Mr. KING. Then, I suppose we are foreclosed.

The reading was continued.

The next amendment was, under the head "House of Representatives," on page 5, line 15, after the word "inclusive," to strike out "\$3,305.56" and insert "\$3,312.51," so as to make the paragraph read:

To continue the employment, under the direction of the Clerk of the House, of the person named in the resolution of February 13, 1923, from March 4, 1923, to June 30, 1924, inclusive, \$3,312.51.

Mr. WARREN. That change was made to correct the total; that is all.

The amendment was agreed to.

The next amendment was, on page 5, line 19, after the word "inclusive," to strike out "\$396.67" and insert "\$397.50," so as to make the paragraph read:

For the amount required to pay the chief janitor of the House of Representatives the additional compensation authorized in the resolution of February 24, 1923, from March 4, 1923, to June 30, 1924, inclusive, \$397.50.

The amendment was agreed to.

The reading was continued to line 6, page 6, the last paragraph read being as follows:

ARCHITECT OF THE CAPITOL.

Capitol Buildings: For work at the Capitol and for general repairs thereof, including the same objects specified under this head in the act making appropriations for the legislative branch of the Government for the fiscal year 1923, \$17,250.

Mr. KING. Is this item a deficit for the Architect of the

Capitol?

Mr. WARREN. It covers repairs, some of which probably have been made and others are to be made before the end of the year. As the Senator knows, the Capitol is under the superintendence of the architect, who takes care of matters at the House end as well as the Senate end. They have a committee in the House which has charge of buildings, but it is largely a matter of the work of the architect. It is an item that is quite usual.

Mr. KING. I appreciate the fact that the appropriation must be made, but I was wondering why at the beginning of the year the expenses could not be fully anticipated and covered

in the general appropriation bill.

The next amendment was, on page 6, after line 6, to insert:

Senate Office Building: For emergency repairs to the elevators in the Senate Office Building and for compensation of employees during the remainder of the fiscal year 1923, \$10,000; for construction of additional suites within the Senate Office Building authorized by the Committee on Rules, \$10,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 3, to strike it "For repairing and reconstructing the main conservatory of the Botanic Garden, including personal services, labor, materials, and all other expenses incident to such work, fiscal years 1923 and 1924, \$117,635. The foregoing work shall be performed under the supervision of the Architect of the Capitol after consultation with the Director of the Botanic Garden," and in lieu thereof to insert:

For the removal and reerection of the main greenhouse on a site south of the Capitol in the area set apart for the enlargement of the Botanic Garden, including personal services, labor, materials, and all other expenses incident to such work, fiscal years 1923 and 1924, \$117.635. The foregoing work shall be performed under the supervision of the Architect of the Capitol after consultation with the Director of the Botanic Garden.

Mr. WARREN. At this point I send to the desk an amendment in the nature of a slight correction to the committee

amendment, which I ask to have substituted.

The Reading Clerk. On page 7, line 11, strike out the word "greenhouse" and insert in lieu there of the word "conservatory.

The amendment to the amendment was agreed to.

Mr. KING. I would like to inquire what the appropriation means and what the effect of it is upon the Botanic Garden

now situated below the Capitol.

Mr. WARREN. The language stricken out is that of the House, which proposed to use some \$117,000 for the rebuilding of the greenhouse and headquarters of the Botanic Garden. By laws enacted a long time ago the present location of the garden has been placed on the list for abandonment for that purpose and a site selected right opposite the old site, but farther south. We have changed the language used by the House so that the building may be placed in a permanent in-

stead of a temporary botanic garden. That is all there is to it.

Mr. KING. The Senator knows that some time ago there was a plan to remove the Botanic Garden to some point out-

side the city

Mr. WARREN. This item does not affect that proposition. The land commences right at the foot of the Capitol Grounds, just as the other does, except that the new ground runs farther south and extends to the Potomac River. The proposition is to erect the new building practically opposite where the old building now stands. It will be only a few hundred feet away from the old location.

The amendment as amended was agreed to.

The next amendment was, under the head "Executive," on page 8, after line 1, to insert:

OFFICE OF THE PRESIDENT.

The appropriation of \$25,000 for traveling and other expenses of the President of the United States for the fiscal year 1923 is hereby continued and made available for the same purposes until expended.

The amendment was agreed to.

The reading was continued to line 2, page 9, the last paragraph read being as follows:

For the payment of compensation provided by "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, including medical, surgical, and hospital services, and supplies provided by section 9, and the transportation and burial expenses provided by sections 9 and 11 and advancement of costs for the enforcement of recoveries provided in sections 26 and 27, where necessary, accruing during the fiscal year 1923 or in prior fiscal years, \$475,000.

Mr. KING. The Employees' Compensation Commission is one which has been in existence for some time. It is functioning. It has certain machinery, certain duties, and responsibilities. Obviously the members of the commission must have known what their expenses would be for the year and made an estimate accordingly, and we doubtless appropriated pursuant to that estimate. I would like to inquire why there is a defi-

ciency for such a large sum.

Mr. WARREN. The Senator is absolutely right so far as the expenses of running the office are concerned; but accidents and sickness of employees occur and sometimes they run heavier in some months than anticipated. Rather than overestimate and have to credit a large sum that might not be used, it has been the custom, and I think in this case a very good one, for them to estimate what they almost surely know will be used and then to come in near the end of the year and ask for the necessary balance. It is simply that we have had more men to pay for, who have been disabled in some way, than ever

Mr. KING. This is to meet disabilities?

Mr. WARREN. It is.

The next amendment was, on page 9, after line 2, to insert: UNITED STATES COAL COMMISSION.

To continue and conclude the investigation under the act entitled "An act to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes," including personal services in the District of Columbia and elsewhere, \$400,000, to remain available until September 22, 1923, or until December 31, 1923: Provided, That the Fresident, if he deems the continuation of the work of the commission essential to the public interest, may, by Executive order, continue the commission in force to a date not later than December 31, 1923.

The amendment was agreed to.

The reading was continued to line 24 on page 9.

Mr. KING. Mr. President, I want to recur to the item of \$400,000 for the Coal Commission. I am not going to criticize the work of the commission, because my advices as to its activities have not been sufficient to enable me to form an opinion as to the merits or lack of merits of the work of the organization. But my recollection is that we made a reasonable appropriation for the commission. It was not intended that the commission was to be a permanent adjunct to the Government. We are now asked in the deficiency appropriation bill to give \$400,000 more. I would like to ask the Senator from Wyoming what the original appropriation was; how many officials were authorized; what they have done with the money which we appropriated;

and why it is necessary now to appropriate \$400,000 additional?

Mr. WARREN. According to the amendment, the activities of the commission will cease on December 31, 1923. As to the original act, there was a great deal of delay involved, and it was finally enacted much later than was expected. The selection of more to fill the places of course took a little time also tion of men to fill the places, of course, took a little time, although that part of it was proceeded with quite rapidly, considering its importance. Men of great experience in mining matters, like John Hays Hammond, and men of experience otherwise in legal ability, like former Vice President Marshall, were selected. I think the compensation was originally \$12,000. I do not recall whether there were nine or seven members. I think we cut the compensation from \$12,000 to \$7,500. They have laid out their work and expended something less than \$100,000. They submitted a plan to the House and the House was ready to adopt it except for the peculiar rule over there was ready to adopt it except for the peculiar that one that an amendment offered to an appropriation bill must have been preceded by legislation authorizing its incorporation on an appropriation bill. The point of order was made against the item, I think, from reading the debates, more because of displeasure over some other matter than because of anything else.

The commission feels that it would be money wasted and that it would lose the balance of the money unless it could lay out a comprehensive system and work fast upon it. I feel that the work already done by the commission has apparently prevented the trouble we were liable to have on the 1st day of April next. The commission seems to be moving in the right direction, but it has confined its efforts so far to the bituminous-coal end of the proposition, without in any way taking hold of the anthracite feature. The President himself, on the information that he has received, is much encouraged in the matter. I do not know of any President at any time who has had more interest in any commission and its work than President Harding has had in this commission and its work.

There is every appearance that the item would have passed the House except for points of order on account of legislation We put the item in the bill believing that the commission will go on with the work and accomplish what can

not be accomplished in any other way.

Mr. KING. Will the Senator state the reason for such a large appropriation? The personnel of the commission certainly can not be very great. The publication would not in-

volve such a tremendous amount.

Mr. WARREN. The commission has to establish posts at many of the various mines. As the Senator is aware, one of the troubles is that we have had too many coal mines open, and the trouble with the men is that they are employed only a few days in the week, or two or three days, as some of them claim. The commission proposes to post in various places in the vicinity of the mines proper representatives and proper hired agents to investigate and bring about in some way the results desired. It is one of the things that depends a good deal upon initiative as they go along, as the Senator knows.

I think the Senator feels, as we all do, that there has been a tremendous burden to the country resulting from the coal strikes and the difficulties such as we have had in the last years. I feel that we ought not to quarrel over even \$400,000 until we give the commission an opportunity to carry out the project in which it has great faith and from which

it believes it can accomplish great good. The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, under the head "District of Columbia, contingent and miscellaneous expenses," on page 10, after line 8, to insert:

The recorder of deeds for the District of Columbia is hereby authorized to lease one additional floor in the Century Building, located at 412 Fifth Street NW., Washington, D. C., consisting of nine rooms, for the use and occupancy of his office; and he is authorized and directed to pay for said use and occupancy, out of the fees and emoluments of his office, not to exceed \$1,500 per annum.

The recorder of deeds for the District of Columbia is hereby authorized to acquire by purchase five additional Eflicit-Fisher book typewriters, and to pay for said machines out of the fees and emoluments of his office, not exceeding \$1,790.

Mr. McKELLAR. Will the chairman of the committee explan why it is necessary to furnish additional quarters for the recorder of deeds at this late day?

Mr. WARREN. I will ask the Senator from Colorado, who has charge of the appropriations relative to District affairs, to

explain that matter.

Mr. PHIPPS. Mr. President, the question as to conditions in the office of the recorder of deeds has been a very serious one for some time past. The force in that office is occupying four floors in a privately owned building, for which we pay a rental of \$6,000 a year. The quarters are so crowded with their records and books that it has not been possible to find space for enough typewriters to make copies which are needed of the various documents which are made of record there. As the Senator from Tennessee will remember, in the District of Columbia appropriation bill for the coming fiscal year we have made provision for the preparation of plans for the erection of a building on Judiciary Square which will provide proper quarters for the office of the recorder of deeds, for the municipal court, the juvenile court, and, perhaps, the office of the register of wills, or such other District activities as need to be properly housed.

Mr. McKELLAR. May I ask the Senator from Colorado, in passing, if the Century Building, which is now occupied by the

recorder of deeds, is fireproof?

Mr. PHIPPS. No; it is not absolutely fireproof. That is one of the reasons why we think it absolutely essential to provide a new building, so that these valuable records may be housed in a freproof building. As it stands to-day, however, it is not only a question of this office being in crowded quarters, which are really insanitary, but the employees in the office are so crowded that the recorder can not turn out his work within a reasonable length of time, and people have to wait for months in order to get documents which should be delivered to them The Senator from Tennessee knows what activity promptly. The Senator from Tennessee knows what activity there has been in the District in building operations during the past two or three years.

Mr. McKELLAR. But this proposed legislation does not pro-

vide for any more clerks to prepare the documents.

Mr. PHIPPS. The clerks are provided for in this way: Under the law, which I think should be amended, the clerks are paid a certain proportion-I think it is 40 per cent-of the recording fee for making transcripts and handling the business. That practice brings in a revenue, and for that reason we provide that the items of \$1,500 for rental and \$1,790 for book typewriting machines shall be paid out of the revenues of the office; so it is an authorization.

Mr. McKELLAR. But the proceeds of the office will be covered into the Treasury, and so the amount is paid out of the

Treasury after all?

Mr. PHIPPS. It is the same thing in the long run.

Mr. McKellar. It does seem to me that this item should not go in at the end of the session, especially if we have provided for the erection of a new building. We ought to have provided for the erection of a fireproof building for these deeds

and records; there is no doubt about that. Are there any fire-proof vaults in which to keep the records?

Mr. PHIPPS. A portion of the records are in steel cases, which are, however, not really fireproof, for if the documents took fire they would be destroyed; but the item of \$1,500 is merely for the rental of one additional floor for one year.

The fact is that there is not sufficient space in which to install these book typewriting machines and the clerks who operate them and to carry on the work of the office. The additional space is required for that reason.

The VICE PRESIDENT. The question is on agreeing to

the committee amendment.

The amendment was agreed to. The reading of the bill was resumed. The next amendment

of the Committee on Appropriations was, on page 10, at the end of line 24, to increase the appropriation for current work of repairs to suburban roads and suburban streets, including maintenance of motor vehicles used in this work, fiscal year 1923, from "\$25,000" to "\$50,000."

Mr. McKELLAR. I suppose the \$25,000 additional which is provided to be appropriated under that item is for passenger

motor vehicles for the employees?

Mr. PHIPPS. Mr. President, it has no connection with that whatever. I will say to the Senator from Tennessee that we have been appropriating for the purpose of keeping suburban roads in repair \$250,000 a year for the last three years. For the year 1923, however, the House of Representatives cut that appropriation down to \$225,000, and in conference they refused to allow the \$250,000 which had been approved by the Bureau of the Budget.

Mr. McKELLAR. Now the House comes along and agrees

to give \$25,000, and the Senate Committee on Appropriations "goes them one better" and makes it \$50,000?

Mr. PHIPPS. I wish to say to the Senator that the House has been each year behind the Senate in providing for these activities. For instance, for the coming year we have \$275,000. The \$50,000 additional asked for would provide, for the year 1923, \$275,000, the rate at which the House is willing to go ahead for the next year.

Mr. McKELLAR. Are these items for work outside the

District or just outside the city proper?

Mr. PHIPPS. They are for work within the District, but outside of the old town, which is bounded, we will say, by Florida Avenue.

Mr. McKELLAR. I hope that, either directly or indirectly, after awhile we shall fix it so that each employee of the city may be given a motor vehicle in which to drive around the city and to go to and from his work.

The VICE PRESIDENT. The question is on agreeing to the

committee amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the subhead "Streets," on page 11, after line 16, to

The appropriation of \$16,800, included in the District of Columbia appropriation act for the fiscal year 1923, approved June 29, 1922, for repaying Fifteenth Street NW., H Street to I Street, 70 feet wide, is hereby repealed.

The amendment was agreed to.

The reading of the bill was resumed and continued down to the end of line 3, on page 12, as follows:

To enable the commissioners to carry out the provisions of existing law governing the collection and disposal of garbage, dead animals, night soil, and miscellaneous refuse and ashes in the District of Columbia, etc., including the same objects specified under this head in the District of Columbia appropriation act for the fiscal year 1923, \$50,000.

Mr. KING. Mr. President, when we had before us the District of Columbia appropriation bill my recollection is that we were exceedingly generous in dealing with streets and roads and various departments, including the items embraced in the paragraph just read, namely, the collection of garbage, and so

I find here a deficit of \$50,000.

Mr. PHIPPS. Mr. President, the Senator's recollection is correct as to the bill for the coming fiscal year, but the fact is that for the preceding year, the one in which we now are, the fiscal year 1923, the House refused to grant the amount of the Budget estimate. The Senate increased the item, as it desired to give the District the full amount. The Senate amendment went to conference, but the conferees on the part of the House refused to accede to the Senate amendment and kept the amount of the appropriation down. Now the House is convinced that the Senate's contention was correct, and they have put the item in. The money is needed beyond any question; the growth of the city requires it.

Mr. KING. May I inquire of the Senator with reference to

these various items, Is there a provision in the bill requiring

the payment to be made 60 per cent by the District and 40 per

cent by the National Government?

Mr. WARREN. That requirement is made as to each of the District items.

Mr. PHIPPS. Oh, yes; excepting in cases where the District is required to pay the full amount out of its own money.

Mr. KING. I have not observed any provision here to that

effect.

Mr. PHIPPS. The Senator will find a general provision of that tenor on page 18 of the bill; but there are exceptions, particularly as to the Mystic Shrine Convention, where the amounts are to be paid wholly by the District.

TAXATION OF NATIONAL BANKS.

Mr. McLEAN. Mr. President, will the Senator from Wyoming consent to suspend the consideration of the pending appropriation bill in order that I may present a conference report which I do not think will take any time at all?

Mr. WARREN. I will do so. I presume the Senator will not occupy any time except to present it and have it acted upon.

Mr. McLEAN. I present the conference report on House bill 11939, which I ask to have read.

The VICE PRESIDENT. The Secretary will read as requested.

The Assistant Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11939) to amend section 5219 of the Revised Statutes of the United States, having met, after full and free conference report as follows:

That the conferees are unable to agree,

GEO. P. MCLEAN. GEORGE WHARTON PEPPER. DUNCAN U. FLETCHER, Managers on the part of the Senate. L. T. McFADDEN, PORTER H. DALE, OTIS WINGO, Managers on the part of the House.

I inquire what is the purpose of the bill? Mr. McLEAN. It is what is known as the national bank tax

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. McLEAN. I understand that the bill is now in the possession of the Senate, and I ask the Chair to lay before the Senate the action of the House of Representatives with reference to the Senate amendment.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives receding from its disagreement to the amendment of the Senate and concurring therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the fol-

In lieu of the matter proposed by said amendment, lowing:

"That section 5219 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Sec. 5219. The legislature of each State may determine and direct, subject to the provisions of this section, the manner and place of taxing all the shares of national banking associations located within its limits. The several States may tax said shares, or include dividends derived therefrom in the taxable income of an owner or holder thereof, or tax the income of such associations, provided the following conditions are complied with:

"1. (a) The imposition by said State of any one of the above three forms of taxation shall be in lieu of the others.

"the manner of taxation shall be in lieu of the others.

the income of such associations, provided the following conditions are complied with:

"1. (a) The imposition by said State of any one of the above three forms of taxation shall be in lieu of the others.

"(b) In the case of a tax on said shares the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State coming into competition with the business of national banks; Provided, That bonds, notes, or other evidences of indebtedness in the hands of individual citizens not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with such business shall not be deemed moneyed capital within the meaning of this section.

"(c) In case of a tax on the net income of an association, the rate shall not be higher than the rate assessed upon other financial corporations nor higher than the rate assessed upon other financial corporations nor higher than the highest of the rates assessed by the taxing State upon the net income of mercantile, manufacturing, and business corporations doing business within its limits.

"(d) In case the dividends derived from the said shares are taxed, the tax shall not be at a greater rate than is assessed upon the net income from other moneyed capital.

"2. The shares or the net income as above provided of any national banking association owned by nonresidents of any State, or the dividends on such shares owned by such nonresidents, shall be taxed in the taxing district where the association is located and not elsewhere; and such associations shall make return of such income and pay the tax thereon as agent of such nonresident shareholders.

"3. Nothing herein shall be construed to exempt the real property of associations from taxation in any State or in any subdivision thereof to the same extent, according to its value, as other real property is taxed.

"'4. The provisions of section 5219 of the Revised Statutes of the United States as heretofore in force shall not prevent the legalizing, ratifying, or confirming by the States of any tax heretofore paid, levied, or assessed upon the shares of national banks, or the collecting thereof, to the extent that such tax would be valid under said section."

Mr. McLEAN. I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate

Mr. ROBINSON. Mr. President, I ask the Senator in charge of the bill to explain the effect of the House amendment.

Mr. KELLOGG. Will the Senator from Connecticut allow me to explain it?
Mr. McLEAN. I yield to the Senator from Minnesota for that

purpose.

Mr. KELLOGG. Mr. President, down to subdivision (b), read by the Clerk, the House passed substantially-in a little different language, but substantially—the Senate bill. division (b), the future basis of taxing stock of national banks, the House changed. I will read the Senate provision and explain the difference.

The Senate provision was as follows:

(b) In the case of a tax imposed by a State or any agency thereof on said shares the rate of taxation shall not be higher than the rate applicable to other moneyed capital employed in the business of banking within the taxing State: Provided, That whenever by any taxing district the shares in mercantile, manufacturing, or business corporations doing business therein are taxed the rate applied by said taxing district to the shares in banking associations shall not exceed the average of the rates applied by it to the shares of such other corporations or to the shares of such of them as are taxed therein.

That is the provision which the Senate passed. The House refused to concur in that and adopted this provision:

(b) In the case of a tax on said shares the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State coming into competition with the business of national banks—

So far, that is the old law-not in words, but practically as construed by the Supreme Court. I do not think this goes as far as it ought to, but it is all we can get. Then a proviso was put on. Instead of making stocks in other companies the basis, which I admit was rather unscientific, the House provided as follows:

Provided, That bonds, notes, or other evidences of indebtedness in the hands of individual citizens not employed or engaged in the bank-ing or investment business and representing merely personal invest-ments not made in competition with such business shall not be deemed moneyed capital within the meaning of this section.

That is the House provision. My object in introducing the original bill, which said that the rate should not be higher than that on all other moneyed capital engaged in banking, was to get away from the provisions of State laws that made the basis of taxing national banks the individual credits in the hands of the citizen. The House has attempted to get by that by prother citizen. viding that these investments in the hands of individuals shall not be deemed moneyed capital engaged in banking. I think myself it is rather a cumbersome provision; but we can not get anything else, and I think it is better to accept it than to get no law at all.

The Senate made another change, and provided that if the real estate of the bank is taxed-and that has always been the law, that they could tax the real estate of the bank—it must be deducted from the capital before the stock is taxed. The House struck out the provision that it must be deducted from the capital, because some States tax the real estate and then they tax the stock at a rate sufficiently lower to make it up. That is another change.

Those are the principal changes in the House bill. I think the others are unimportant changes of language.

Mr. ROBINSON. That was subthe original House bill, was it not? That was substantially the language of

Mr. KELLOGG. It was exactly the language of the original House bill, except that they put in that proviso as to bonds and securities. I do not think the bill as it stands is all we ought to have, but it is all we can get.

Mr. SMITH. Mr. President, I should like to ask the Senator a question. Is he asking the Senate to concur in the House amendment?

Mr. KELLOGG. Yes. The Senator from Connecticut [Mr. McLean] is asking the Senate to concur in the House amendment, and I am explaining the difference between the two bills.

Mr. SMITH. The reason why I rose was that my attention

had been called to the amendment that the House had made, and I found that the language was substantially the same as it was before; and I for one am in favor of the bill passing as it

is, especially since it is so late in the session.

Mr. KELLOGG. Let me say to the Senator from Arkansas [Mr. Robinson] that there is one other very material change. The Senate authorized the States to ratify any taxes which had been levied in the past. The House authorizes the States to

ratify the taxes to the extent that they would have been valid under the old law, which I do not think amounts to much. It may amount to something in the States where they have declared the entire assessment invalid, instead of merely declaring the excess invalid.

Mr. GLASS. Mr. President, it amounts practically to a nullification of the Senate bill; does it not?

Mr. KELLOGG. It takes out the ratification clause, the real merits of it.

I will not take any more time.

Mr. WARREN. I was about to say that if this bill is to lead

Mr. Walker. I was about to say that it go over.
Mr. KELLOGG. I do not want to take any more time.
Mr. McLEAN. Mr. President, I realize the necessity of haste.
I just want to say that it is this or nothing. The House has already voted on the proposition, and I hope the amendment will be concurred in.

Mr. KING. Mr. President, the Senator from New York [Mr. CALDER] was very much interested in the bill which was before the Senate. He claimed that a situation existed there that called for remedial legislation. Does this report afford the relief that the Senator was interested in?

Mr. KELLOGG. Not entirely; but the Senator from New

York wishes to have it accepted.

Mr. McLEAN. It is the best we can get.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Connecticut [Mr. McLean].

The motion was agreed to.

DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

The VICE PRESIDENT. The Secretary will continue the

reading of the bill.

The reading of the bill was resumed, beginning on page 12, line 4; and the reading clerk read as follows:

ELECTRICAL DEPARTMENT

FIGUREAL BEFARTMENT.

For general supplies, repairs, new batteries and battery supplies, etc., including the same objects specified under this head in the District of Columbia appropriation act for the fiscal year 1923, \$2,500.

Lighting: For purchase, installation, and maintenance of public lamps, lamp-posts, etc., including the same objects specified under this head in the District of Columbia appropriation act for the fiscal year 1923, \$15,000.

PUBLIC SCHOOLS.

For assistant principal and dean of girls of the Eastern High School at \$2,400 per annum from March 1 to June 30, 1923, inclusive, \$800: Provided, That said assistant principal shall be placed at a basic salary of \$2,400 per annum and shall be entitled to an increase of \$100 per annum for five years.

Mr. KLNG

Mr. KING. Mr. President, if the meeting of deficits is the principal object of this bill, I do not understand the propriety of adding to the section legislation which goes further than meeting a deficit and establishes a basic salary and perpetuates the salary for five years.

Mr. WARREN. That is already established by law. That is

all under the provisions of the law as it new exists.

Mr. KING. May I inquire whether an additional assistant

principal has been employed?

Mr. WARREN. The position is provided for in the law. We assume that the person has been engaged. As long as the school authorities were within the law we did not consider it our function in each case to look up what they were doing, because the House had done that thoroughly, and the House hearings show it.

Mr. KING. Mr. President, I confess that I do not yet understand this item. Did the Board of Education employ an additional assistant principal for whom no provision had been

made; and if so, was the employment only for the year?

Mr. WARREN. As I understand that it is to continue what they are already doing from March of this year to the end of the year, June 30. That is all I have understood.

Mr. KING. Certainly the appropriation in the regular bill would have made provision for the principals of all the schools

and would have made provision for the entire year.

Mr. PHIPPS. Mr. President, I read from the House testimony. Doctor Ballou testified before the House committee with reference to this position as follows:

This is a new position in this new high school which is being opened this month. The practice has been to appoint an assistant principal, a woman, when the number of pupils in the high school exceeded 1,000. There are more than 1,200 pupils in the Eastern High School. The enrollment there has exceeded 1,000 already and will probably be 1,200 or more before the end of the year.

The CHAIRMAN. This is because you are opening a new high-school building?

Doctor Ballou. The new Eastern High School, into which we move this month with an increased enrollment.

As a matter of fact, the students are going into that building

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "public schools," on page 13, after line 3, to insert:

For Americanization work and instruction of foreigners of all ages in both day and night classes, including the same objects specified under this head in the District of Columbia appropriation act for the fiscal year 1923, \$2,730.

Mr. KING. Mr. President, will the Senator from Colorado

explain this item?

Mr. CALDER. Mr. President, I know of no more important provision in this bill than the one just read. I live in a city where we have a very large number of foreigners, and we are doing our best to Americanize them, and the Federal Govern-ment can take no better course here in our own schools than to do likewise.

Mr. President, I want to address the Senate for about 10 or 15 minutes on another subject, and I think there is no better time than the present.

The VICE PRESIDENT. The Senator from New York will proceed.

VIEWS OF SENATOR CALDER ON POLITICAL AND LEGISLATIVE MATTERS.

Mr. CALDER. Mr. President, it is a perfectly natural thing for a man after a long period in a given service to look back to the beginning of that service and then to permit his mind to travel through the years that have intervened.

When I came to Washington, first as a Representative, years ago I was fresh from active business in New York City. I was comparatively a young man and I had fixed notions as to what I believed to be the duty of a legislator, being particularly interested in and intimate with that service since

the Civil War.

Mr. Cannon was at that time Speaker of the House; Sereno E. Payne, of New York, was the Republican leader; my distinguished friend, Senator WILLIAMS, was Democratic leader; Senator Warson was Republican whip; and Senators Underwood, Townsend, Sheppard, Robinson, Jones of Washington, RANSDELL, CURTIS, McKINLEY, and HEFLIN, now Members of the Senate, were in the House. Senators Lodge, Warren, Mc-CUMBER, NELSON, SMOOT, BRANDEGEE, DILLINGHAM, LA FOLLETTE, SIMMONS, OVERMAN, and CULBERSON were Members of this body. Senator Aldrich, of Rhode Island, was Republican leader; Senator Gorman, of Maryland, was Democratic leader; and Senator Allison, of Iowa, was chairman of the Appropriations Committee. So much for reminiscence.

Now, the outstanding achievement during these 18 years in America has been not politics but the gigantic development of American industry to a foremost position in the world; the establishment of great factories, improved machinery, the uses to which electricity has been put, and the saving of man power as the result of undreamed-of initiative and organization. it is, indeed, unfortunately true that during this period our political life has not kept pace with our great industrial de-

velopment.

RAILEOADS.

While industry in general received a marked impetus as a result of the Great War, one industry in particular—railroads—has in this time suffered a blight that is now reacting severely throughout the whole Nation, and we are forced to the realiza tion that the brains and the ability of America are being turned away from the direction of our railroads.

During the days of the Civil War and immediately following we developed the country west of the Mississippi River with the industry, foresight, and ingenuity of men like Hill and Harriman, who had the courage to struggle against tremendous odds in order to open that great country to the American people. These men were, indeed, the great builders, and should be appreciated as the benefactors of their country. But Government regulations and demagogic denunciation here and elsewhere are slowly breaking down this great industry, until to-day very few of the men of wealth of America have their fortunes invested in railroad securities.

I myself voted for the Cummins-Esch bill, which incorporated in the law a provision compelling owners of railroads and men employed on them to settle their differences through arbitration, supervised by a Government labor board. I am now convinced that this was a grave mistake, for as long as the railroads are

operated by private individuals or corporations, without any Government investment, the owners should be able to settle their differences between themselves and their employees. With the Government regulations giving the Interstate Commerce Commission the right to fix rates the roads themselves must have some opportunity to determine their best policy in order to give reliable service to the people and make a just profit.

During the year 1922 the railroads, for the first time since the war, began to show a tendency toward returning a balance on the right side. This tendency should be encouraged and not

threatened by vicious legislation.

The time has come when American brains and capital have turned away from railroad investment to other more profitable fields. During the past 10 years no important railroad project has been started and few extensions have been undertaken. This great arm of American industry, of the utmost importance to all our national development, is being gradually paralyzed through governmental malevolence. It has become the sport of

politicians to find fault with the railroads.

My views on this subject may be unpopular with those who make a practice of denouncing public utilities, but the time has come when the truth must be told if the railroads are to be kept out of bankruptcy or public ownership and encouraged to further extension and development. That is the trouble here. Some of us have been afraid to tell the truth; we have been afraid to act on the truth. We are fearful of every move that we make and every vote that we cast. A reelected Senatorand, for that matter, he might be one of a number of Senators-recently said to me that he had made it a practice never to vote against a bill which a considerable group of his people We were talking of the Cummins-Esch bill, the soldier bonus, and the prohibition law.

Is it possible that the men who represent the Nation in Congress realize even what this serious state of affairs will logically lead to in our national life? As to the actual legal status of Government ownership, the railroads, even though condemned, could not be taken over without due remuneration at their real value. This, it has been estimated, would be above \$19,900,-000,000. Anyone who has made a study of the management of the railroads and of the Government's finances realizes how impossible of achievement the whole thing is. The experience of national control during the war, when in a short period we expended a sum estimated at \$1,800,000,000 in operating the railroads in excess of the income, stamps the project as a most unsound undertaking. And unless the private operation of the railroads is encouraged, the farmer and workingman will find that they have been grossly misled by their champions, loosethinking, uninformed men, who have been loud in their denunclation of the railroads of the country, working ignorantly to destroy that which they do not understand.

The farmers of the country to-day are entitled to the interest and sympathy that are being extended to them. Not in one whit less degree should there be promoted an intelligent understanding of our national railroad conditions. There is this difference, however, the farmers are now to receive necessary assistance; the railroads have so far met with discouraging inter-

ference. MILITARY SERVICE.

I had hoped before my service here was ended to have seen enacted a law providing for the training of our young men, which would equip them both for industry and the service of their country in time of need. The trouble with the youth of America in the main is that they lack responsibility and discipline, not only for their country's good but for their own as well. They should be taught how to care for their health and instructed how to protect their country. Every youth at some time between the ages of 18 and 22 should be required to give from 60 to 90 days in training, and for this I am confident, as demonstrated by the records of the late war, he would be better physically, mentally, and morally, and the spirit of the Nation in general would be more sound.

BLOCS.

I have never associated myself with any bloc in Congress, perhaps because of the fact that I come from the great Empire State, the State of New York, with its tremendous interests interwoven with every city and hamlet of the land. Indeed, I have sat in amazement in this Chamber and heard Senators from other parts of the country denounce New York and its business interests-the great industrial New York, which is the very heart of the Nation, first in commerce, first in manufacture, and almost first in agriculture. Senators in my hearing have condemned our banks and our business ethics and our shipping methods. They forget that New York is theirs; that we are their banker, their market place; that we are the port we are their banker, their market place; that we are the port through which their commerce comes and goes. If the farmer fremen's relief fund, fiscal year 1923.

is prosperous, if the wheat grower of Kansas, the corn grower of Iowa, and the cotton grower of the South have good crops and fair prices, this is immediately reflected upon the prosperity of New York more than upon any other place in America, and if the crops are poor and the prices low New York records the fact, and we all suffer.

When I speak of New York and the men who have made that city great, I realize that a vast number have come from the farm or the factory in the village. The metropolis is filled with men from the South, West, and North. They come to us to seek their fortunes. They intermingle with the natives, which tends to make them stronger and our own men better for the association, and in the end both are more valuable because of their greater understanding.

On this account I should like to appeal here for the ending of all blocs or petty sectionalism, for a better spirit, a more thorough understanding, and a more wholesome regard for each other among the legislators who should represent our

United States

I shall return to my former vocation when I leave here, but I shall give what time I can in the interests of a national America, an industrial America, in the interest of the man of brains and intelligence, whether he is the owner of the largest plant in the land or whether he is just emerging from a group of workers to take his place among those men of responsibility who have already succeeded and made our Nation great in the world.

HISTORICAL PRIEZE IN THE CAPITOL.

Mr. BRANDEGEE. From the Committee on the Library I report back favorably without amendment Senate Joint Resolution 61, authorizing the Joint Committee on the Library to provide for the restoration and completion of the historical frieze in the rotunda of the Capitol.

I would like to have the joint resolution lie on the table, as the Senator from Massachusetts [Mr. Longe] may desire to

offer it as an amendment to the pending bill.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). It will lie on the table.

DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924. and for other purposes

The PRESIDING OFFICER. The question is on agreeing to

the amendment on page 13, inserting line 4 to line 7.

The amendment was agreed to.

The reading was continued to line 21, page 13, the last paragraph read being as follows:

For textbooks and school supplies for use of pupils of the first eight grades, etc., including the same objects specified under this head in the District of Columbia appropriation act for the fiscal year 1923, \$15,000.

Mr. KING. May I inquire of the Senator from Colorado whether the items embraced in the last two paragraphs were

the result of the construction of the new buildings?

Mr. PHIPPS. The result of the opening of the new build-

Mr. KING. Is that true with respect to the item of \$15,000,

and then \$15,000 for books destroyed by fire?

Mr. PHIPPS. The \$15,000 appropriation is to make up a shortage in the supply of textbooks generally for the schools, another case where we were not liberal enough in giving them the amounts estimated for in the bill for 1923. The next item is entirely due to the fire which occurred in the storage ware-

The next amendment was, on page 13, after line 21, to insert:

For amount required to replace textbooks and supplies for the public schools which were destroyed or damaged by fire, fiscal year 1923, \$15,000.

The amendment was agreed to.

The reading of the bill was continued to line 4, page 14, the last paragraph read being:

For maintenance of motor vehicles, fiscal year 1923, \$3,025.

Mr. KING. That is not an amendment. I was about to ask that it go over until the Senator from Tennessee [Mr. McKel-LARI could be in the Chamber, as I would have done had it. been an amendment.

The next amendment was, on page 14, line 7, to strike out "\$50,000" and to insert "\$90,000," so as to make the paragraph read:

POLICEMEN AND FIREMEN'S DELIEF FUND.

Mr. KING. May I inquire, in view of the rather generous appropriation carried in the last District of Columbia appropriation bill for this item, what the necessity is for an addi-

tional appropriation of \$90,000?

Mr. PHIPPS. In estimating for relief it is a rather difficult matter to fix the exact sum which will be needed; it can not be accurately estimated in advance. As the Senator knows, estimates are made more than a year before the money is used. This comes out of the policemen and firemen's fund, and at the time the estimates were made even the Budget was requested to make a supplemental estimate of \$50,000, raising the amount for the year from \$250,000 to \$300,000. It was afterwards found that that would not be sufficient and that an additional \$40,000 would be required to cover the full requirements of the year up to July 1.

The PRESIDING OFFICER. The question is on agreeing

to the amendment.

The amendment was agreed to.

The next amendment was, under the heading "Courts," on page 14, after line 18, to insert the following:

Courthouse: For repairs and improvements to the courthouse and the Court of Appeals Building, District of Columbia, to be expended under the direction of the Architect of the Capitol, \$15,300.

Mr. WARREN. I move to amend the text of the committee amendment as reported.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. On page 14, line 22, after the word "Capitol" insert "fiscal years 1923 and 1924."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK, A bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce

Mr. WARREN. The measure is in charge of the Senator from North Dakota [Mr. LADD].

Mr. LADD. I ask unanimous consent that the unfinished

business may be temporarily laid aside until the consideration of the deficiency appropriation bill is concluded.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside and the consideration of the deficiency appropriation bill will be con-

The reading of the bill was continued, as follows:

For such miscellaneous expenses as may be authorized by the Attorney General for the Supreme Court of the District of Columbia and its officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, including also such expenses other than for personal services as may be authorized by the Attorney General for the Court of Appeals, District of Columbia, fiscal year 1923, \$15,500.

Mr. KING. Mr. President, we have made very liberal appropriations for the Department of Justice in all of its branches and for all of its activities, which appropriations have run into millions of dollars. I would like to ask the Senator having the matter in charge whether, with those enormous appropriations, there is a deficiency with respect to the work in the District

Mr. WARREN. The number of cases still untried is beyond comprehension unless one takes up the records from day to day. Witnesses we had before us only a short time ago, in particular no less a witness than the Chief Justice of the United States, stated that there are some 40,000 cases in one district. Matters of violation of the prohibition law and other matters, but largely prohibition cases, are accumulating in every quarter. to which the Senator has alluded is a House provision which they feel ought to be added. There will be another addition or two which will have to be made, provided we are going to sustain our courts. It is simply a question whether we are going to let the cases accumulate without trial and get beyond all reach, and fill the jails with people waiting for trial, which in itself creates an additional expense.

Mr. KING. The statements of the eminent judge to whom the Senator refers, or, if not his statements, statements of the same character, were carefully analyzed by the senior Senator from Tennessee [Mr. Shields] when we had under discussion the bill to increase the number of Federal judges. It was conclusively demonstrated that the charges made that there were a vast number of cases had been undisposed of had to be modi-The evidence showed that in many of the districts where judges were active, where district attorneys and their assistants did their duty, there was no accumulation of business; that many of the cases reported as pending were bankruptcy cases, and many others were dead but had remained on the calendar for years. They were not live cases and could be disposed of very quickly.

It was urged by those pushing the bill for more judges that the necessity for additional judges was imperative. Under the whip and spur of the administration a law providing for 24 or 25 additional Federal judges was enacted. Months have elapsed and only 13 or 14 of the authorized judges have been appointed, notwithstanding the alleged supreme necessity, as declared by the proponents of that measure.

May I say that the judges appointed have all been Repub-There has been a manifest purpose on the part of the administration to create a partisan judiciary. It is unfortunate that the same policy that the administration has pursued of making all departments and agencies of the Government partisan is being applied to the judicial department of the

Government.

I call attention to the fact that we have appropriated literally millions of dollars for the Department of Justice for the enforcement of the laws and I do not see any necessity for this deficit. It seems to me that the appropriations have been so liberal and so generous for all the activities of the department that if there had been a wise and economical and efficient administration of the affairs of the Government by the Department of Justice there would not be the chaotic condition referred to nor would there be the deficit for which this demand is made.

Mr. HARRISON, Mr. President, may I ask the Senator from Utah a question?

Mr. KING. Certainly.

Mr. HARRISON. I do not know just how long it was before the recent election took place, but some time before that event we passed what was known as the omnibus judges' bill. I think it was some time in October.

Mr. KING. I think it was earlier than that.

Mr. HARRISON. If I recall the arguments which were presented at the time when we created those various offices, aside from taking care of certain favored sons within the Republican Party, it was said that an emergency existed and that it was necessary to enact the legislation immediately in order to take care of the situation.

The Senator will recall that the able senior Mr. KING. Senator from Iowa [Mr. CUMMINS] was upon the floor day after day pleading with tears in his voice, if not in his eyes, for the passage of the bill, because, as he contended, the fountains of justice were clogged and the country was going to rack and

ruin because of the great number of cases undisposed of.
Mr. HARRISON. There has been a rumor that a large number of those judges to be appointed under the provisions of that law had purposely not been named before the election. Of course, I attach no political significance to that, although some may do so. The administration may think it has helped them to promise the job to several and then wait until after the election to fill the place. But there is a rumor that a large number of names of appointees to fill those places will be submitted to the Senate before we adjourn, hardly giving the Senate time to consider the qualifications of the appointees. Does the Senator from Utah know anything about that?

Mr. KING. I have heard the rumors, and I have heard that some of the judges would not be appointed now, but that recess appointments would be made. I have understood that there are controversies between rival Republican leaders in various judicial districts and in various cities and States, and by reason of the rivalries and jealousies and controversies upon the part of Republican leaders and Republican machines in various States no agreement can be had, and the fountains of justice must still continue to be clogged, if we are to accept the vehement statements made by those who procured the passage of the judges'

Mr. HARRISON. It may be that since the next election is only two years off—and I notice Mr. Harding's campaign has already started—they will defer the matter of the naming of the judges until after the next election. Does the Senator know anything about that?

Mr. KING. No; I am not advised as to some of the policies

of this administration.

Mr. HARRISON. I am just reminded that quite a number of these appointments came in yesterday, just three or four days before we are to adjourn. I do not know whether we will have time to consider their qualifications or not. So the rumor we were just talking about was well founded, I presume.

Mr. KING. Apparently, from the information just conveyed to the Senator; and the information evidently came from the distinguished leader of the Republican Party, because of his proximity to the Senator from Mississippi-

Mr. LODGE. If the Senator will allow me, the appointment of the judges referred to was brought to my attention by a distinguished member of the Democratic Party, who asked that the appointees be confirmed at once and without fail.

Mr. HARRISON. That shows that the Democrats are some-

times willing to allow a Republican to be confirmed.

Mr. HEFLIN. Mr. President, while these inquiries are being made as to the confirmation of certain Federal judges, I want to make inquiry again of the Banking and Currency Committee as to why it is that Mr. Crissinger's name is not reported to the Senate. He was named several weeks ago by the President to be governor of the Federal Reserve Board. Congress is to adjourn in a few days, and I would like to know why his name was not reported and we given a chance to confirm him. I want to vote for his confirmation.

Mr. COUZENS. Mr. President, the chairman of the Com-

mittee on Banking and Currency is not here, so I will attempt to answer for the committee by saying that the name of Mr. Crissinger was reported out unanimously by the committee

several days ago.

Mr. HEFLIN. Why can we not take his name up this evening in the executive session and pass on his confirmation?

Mr. COUZENS. I am not on the steering committee and do not regulate the Senate. The Committee on Banking and Currency has done its part and reported the name out to the Senate.

Mr. HEFLIN. I would like to see action taken in the matter. There is no necessity for having to give him a recess appointment. He ought not to be hampered by a recess appointment. He ought to be confirmed at this session of the Senate. I do not think there will be a dissenting vote on this side of the Chamber.

Mr. CALDER. Is the Senator referring to the appointment

of Mr. Crissinger?
Mr. HEFIAN. To the confirmation of Mr. Crissinger.
Mr. CALDER. The Committee on Banking and Currency authorized a favorable report upon the nomination of Mr. Crissinger, and that report will be made in the next executive session.

Mr. HEFLIN. I am glad to hear that. I want to see him confirmed at the next executive session.

The reading of the bill was continued.

The next amendment was, on page 15, after line 17, to insert:

Municipal court: For contingent expenses, including books, law books, books of reference, fuel, light, telephone, blanks, dockets, and all other necessary miscellaneous items and supplies, fiscal year 1923, \$1,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 5, to insert: Board of children's guardians: For board and care of all children committed to the guardianship of sald board by the courts of the District of Columbia and for temporary care of children pending investigation or while being transferred from place to place, including two supervisory placing and investigating officers, at the rate of not to exceed \$150 per month each and not more than \$400 for burial of children dying while under charge of the board, fiscal year 1923, \$9,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 16, to insert: Medical charities: For care and treatment of indigent patients under contracts to be made by the Board of Charities with the following institutions and for not to exceed the following amounts, respectively: Children's Hospital, fiscal year 1923, \$5,000; Central Dispensary and Emergency Hospital, fiscal year 1922, \$2,-991.15; fiscal year 1923, \$8,000; Eastern Dispensary and Casualty Hospital, fiscal year 1922, \$878.35; fiscal year 1923, \$9,000.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, under the head "Department of Agriculture, Forest Service," on page 21, line 3, to increase the appropriation for fighting and preventing forest fires, fiscal year 1923, from "\$340,000" to "\$375,000."

The amendment was agreed to.

Mr. KING. My attention was diverted for a moment. The Senator from Colorado is better acquainted with the matter to

which I desire to refer, and I can recur to it later.

Mr. WARREN. What was the inquiry the Senator from

Utah desired to make?

Mr. KING. The Senator from Colorado is familiar with the matter; and as he has temporarily left the Chamber, I shall not propound my inquiry until his return.

Mr. McNARY. Mr. President, I wish to refer to the item on

page 21 in reference to forest fires. I desire to ask the chairman of the Committee on Appropriations, having the bill in charge, if that item was estimated for by the Budget Bureau?

Mr. WARREN. The sum of the two items was estimated for by the Budget Bureau. The first one was put in by the other House exactly as called for. Since then there has been a further and separate estimate for \$35,000 sent in by the Budget Bureau, and we have added that to the first item, so that the two items cover the Budget estimates exactly.

Mr. McNARY. So that the additional sum of \$35,000 is conformable to the estimate recently received by the Committee

on Appropriations from the Budget Bureau? Mr. WARREN. Yes; that is correct.

The reading of the bill was resumed. Under the subhead "Bureau of Entomology," on page 22, at the beginning of line 7, to strike out "\$15,000" and insert "\$40,000," so as to read:

To enable the Secretary of Agriculture to meet the emergency caused by the occurrence of the Japanese beetle in the States of New Jersey and Pennsylvania, and to provide means for the control and prevention of spread of this insect in these States and to other States, in cooperation with the States concerned, and with organizations or individuals, as he may deem necessary to accomplish such purposes, including the employment of persons and means in the city of Washington and elsewhere, and all other necessary expenses, \$40,000, fiscal year 1923.

The amendment was agreed to.

The next amendment was, on page 22, after line 13, to insert:

To enable the Secretary of Agriculture, in cooperation with the Secretary of War, to investigate and develop the use of the airplane as a means of distributing insecticides for the control of the boll weevil and other cotton insects, including the employment of persons and means in the city of Washington, D. C., and elsewhere, and all other necessary expenses, fiscal year 1923, \$40,000, or so much thereof as may be necessary.

The amendment was agreed to.

The reading of the bill was continued to the end of line 3.

page 25.

Mr. KING. Mr. President, I was called from the Chamber while an item relative to the appropriation for bringing suits against farmers for money which has been advanced to them

by the Department of Agriculture was read,
Mr. SMOOT. That item is found on page 21.
The PRESIDING OFFICER. The item referred to by the
Senator from Utah is on page 21, beginning in line 14, carrying
an appropriation of \$25,000.
Mr. KING. Mr. President, I desire to inquire of the Senator
from Wyoming, what is the necessity for that appropriation?

from Wyoming, what is the necessity for that appropriation? It seems to me with the machinery which the Department of Agriculture has—and it has a vast amount of machinery, some of which is superfluous and deadwood-there is no necessity of another appropriation. That department had the machinery to make the loans to the farmers, and it seems to me it would have the machinery for the collection of any sums now in default.

Mr. WARREN. It comes to us in the regular way as having been estimated for by the Secretary of Agriculture, the Bureau

of the Budget, and so on.

As disclosed by the hearings, the facts are that the farmers must pay the loans from their crops. They may pay a part of the amount of the loan the first year, and then pledge the growing crop until it is harvested for the balance, or it may run into the following year. So it is necessary for the Government to have agents in various places; and the collections of the amounts due becomes an expensive process. At the tion of the amounts due becomes an expensive process. At the same time, however, the department is anxious to make the collections without undue hardships to the debtors. Quite a considerable amount has been collected, but I fear that unless we provide sufficient men to conduct the work we might as well cross off the amount due, mark it a bad debt, and let it go.

Mr. KING. Can the Senator advise us as to the amount

which is still due?

Mr. WARREN. As I remember, about 40 per cent of the original loan is still due. A considerable part of it is secured by growing crops, such provision being made to prevent others taking advantage of the debtor, and to enable him to have an opportunity to pay the Government as he wishes to do.

Mr. KING. Mr. President, the Department of Agriculture has

received very generous treatment at the hands of Congress, and I make no complaint of that; but I have felt that there was a disposition upon the part of the present Secretary of Agriculture, as well as of his predecessors, to reach out and extend the functions of that department and to obtain appropriations perhaps not absolutely necessary.

Mr. WARREN. Perhaps the Senator from Utah would like to have me give him a little further information. I will read from the testimony which was taken before the House committee in reference to this matter:

Mr. Warburton. When we requested the \$50,000 for the fiscal year 1923 we estimated that we could probably complete the work of collections, so far as the 1922 crop was concerned, by the end of February. However, conditions during the fall and early winter have delayed payments by farmers, and while we have collected more than we anticipated, we feel that there is still a considerable amount which is collectible out of the 1922 crop.

Last fall the price of wheat and other grains was rather low and farmers were loath to sell at the prices then prevailing. There was also a considerable car shortage in the spring-wheat States which delayed marketing. Recent reports from elevators in that territory indicate that considerably more than the usual proportion of the wheat crop is still in farmers' hands, either on the farm or in country elevators.

AMOUNT COLLECTED DURING 1922.

We have collected, including interest, somewhat more than \$1,200,000 since July 1. When we asked for the \$50,000 item I think we told you we hoped to collect \$1,000,000, so that we have done rather better than we prophesied.

The CHAIRMAN, You say you have collected about \$1,200,000? Mr. WARBURTON. Yes; together with interest.

The CHAIRMAN. How much was the interest?

Mr. WARBURTON. The interest collections to February 10 are about \$85,000.

TOTAL AMOUNT OF LOANS.

The CHAIRMAN, How much was the total amount of the loans?
Mr. Warburton. The total amount of both loans?
The CHAIRMAN, Yes.
Mr. Warburton. \$3,437.513.
The CHAIRMAN How much is still due?
Mr. Warburton. \$3,437.513.
The CHAIRMAN How much is still due?
Mr. Warburton. As of February 10. which is the latest date for which we have figures, approximately \$1,632,000.
The CHAIRMAN. In what years were these loans made?
Mr. Warburton. These loans were made in the spring of 1921 and in the spring of 1922.
The CHAIRMAN. When we made the loans did we take any security on the growing crops?
Mr. Warburton. We took mortgages on the crops of that year.
The CHAIRMAN. What is the present state of the loans? Have we any security at all now?
Mr. Warburton. As to the 1922 loans outstanding, we have mortgages on the 1922 crops which, as I have just stated, are, to a considerable extent, still in farmers' hands.

It seems that the farmers desired to secure better prices for

It seems that the farmers desired to secure better prices for their crops and that the department is accommodating them by allowing the loans to remain in force.

As to the 1921 loans, many of which were uncollectible that year because of crop failures, we were able to obtain, in many cases, mortgages on the 1922 crops in connection with extensions—

And so on, corroborating what I have heretofore read.

Mr. KING. Mr. President, in my opinion the Department of Agriculture has sufficient machinery, legal and otherwise, for the performance of the work which may be required in connection with the collection of these obligations on the part of the farmers. I do not approve this appropriation. I think it

is wholly unnecessary.

The reading of the bill was resumed and continued to the end of line 24, page 25, the last item being the following:

BUREAU OF FISHERIES.

For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska, transportation of supplies to and from the islands, expense of travel of agents and other employees and subsistence while on said islands, hire and maintenance of vessels, and for all expenses necessary to carry out the provisions of the act entitled "An act to protect the seal fisheries of Alaska, and for other purposes," approved April 21, 1910, and for the protection of the fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, fiscal year 1923, \$29,800.

Mr. KING. Mr. President, most Senators must have had their attention called many times to the Bureau of Fisheries and to its alleged inefficiency, not to say improper administration of the activities in connection with the seals and with the fisheries of Alaska. I understand that there has been some investigation with respect to the disposition of the furs obtained from the seals. My attention has recently been called to the fact—and it is stated to me by an engineer of reputation and standing for whose integrity I vouch—that under the administration of the Bureau of Fisheries, in view of the monopoly which they are creating or have created with respect to the salmon fisheries of Alaska, it is only a question of a year or two when there will be no salmon of a particular species to be found in the waters of that part of the country.

I should like to ask the Senator, if he can, to explain the necessity for this appropriation, why there was a deficit, and if he is sufficiently advised as to the activities of this bureau as to be able to report concerning the justice of the criticisms to which I have referred?

Mr. WARREN. I think there is no doubt about it. In addition to other evidence, I happened to be seated last night for some time next to the Secretary of Commerce, who related in even stronger terms than the Senator has done the necessity for the protection of the salmon and other fisheries in Alaskan waters, where the United States can exercise control.

Mr. KING. May I say to the Senator that my information with respect to the fisheries is to the effect that the Bureau of Fisheries has given a monopoly to one or more—I think it is two, but possibly one—of the great canning establishments on the Pacific coast to fish in certain waters in and about Alaska, and that by reason of this monopolistic control—which, of course, is an evil, and is unjustifiable—a certain species of Imon is being destroyed, and within a very short time-the

gentleman to whom I refer stated, as I recall, a year-there would be none left of this particular species. He said that unless something was done, and done quickly, the injury to the salmon fishery would be irreparable, and that the wrong which was done to the American people by reason of the conduct of the fisheries bureau was one which deserved investigation.

Mr. WARREN. That may be true. I think it is rather an overstatement about the fish disappearing; but all of the fish except that intended for local consumption has to go to the various canneries, and I know that there is quite sharp competiton among certain of the canneries; and I think what we must do is to strengthen the matter of police control over the property of the United States to prevent their exceeding the proper supply of the fish-in other words, to prevent their fishing.

Mr. KING. I give notice that when we complete the consideration of the Senate committee's amendments I shall move to strike out this item.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head "Department of Commerce," on page 26, after line 9, to insert:

The appropriation of \$40,000 for the fiscal year 1923 for the establishment of a fish-rescue station on the Mississippi River made by the deficiency appropriation act approved July 1, 1922, is hereby continued and made available during the fiscal year 1924.

The amendment was agreed to.

The reading of the bill was resumed; and the reading clerk read to line 6 on page 27, the last paragraph read being the following:

PRINTING AND BINDING.

For the Patent Office: For printing the weekly issue of patents, designs, trade-marks, prints, and labels, exclusive of illustrations; and for printing, engraving illustrations, and binding the Official Gazette, including weekly, bimonthly, and annual indices, fiscal year 1923, \$55,000.

Mr. KING. Mr. President, may I inquire of the Senator the necessity for this appropriation? I recall very distinctly that when we were dealing with the Patent Office, after we had passed the bill increasing the number of employees and the compensation, there was a very generous appropriation for printing for this department. In view of that fact, is there a deficit?

Mr. WARREN. I will say to the Senator that this is a House item, and was, of course, inserted pursuant to regular estimates. I will say further that before the Senate committee they asked for \$40,000 more, which the Senate committee did not include.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, and the reading clerk read as follows:

TERRITORY OF ALASKA

For care and custody of persons legally adjudged insane in Alaska, including transportation and other expenses, fiscal year 1923, \$15.000: Provided, That authority is granted to the Secretary of the Interior to pay from this appropriation to the Sanitarium Co., of Portland, Oreg., not to exceed \$600 per capita per annum for the care and maintenance of Alaskan insane patients during the fiscal year 1923.

Mr. KING. Mr. President, for years an item has been included in the appropriation bills for the transportation of the insane of Alaska to Oregon, and a certain doctor has had charge of this matter, and he has been here from time to time in the interest of an appropriation. The appropriation last year was substantially the same as that for the preceding year. Senator knows that the population of Alaska has diminished during the last year, and the year before that it was less than it was the preceding year. In view of the fact that the ap-propriation, as I recall, has been substantially uniform for a number of years, notwithstanding the diminution in the population, may I inquire of the Senator what is the reason for this deficit'

Mr. WARREN. The problem is a very difficult one to handle. The insane are handled by bringing them out to a point where a sanitarium had been constructed for other purposes, and they are handled there by parties who give them the best possible care at the lowest possible figures. I do not know of an item in the bill that is more deserved than this is for the purpose

for which it is appropriated.

Mr. KING. The Senator misunderstands me. I am not attacking the item or the subject matter upon the ground that it is not a meritorious one. Indeed, it is one that of course would appeal very strongly to Congress, and it is obvious that provision must be made for caring for those insane; and it was considered that the best arrangements could be made for their care in proper houses in Seattle or some place in that vicinity.

Mr. WARREN. In just one establishment.

Mr. KING. Yes; as I recall, in an establishment in Seattle. There has been no criticism of the selection of that place. The point I am trying to make is that the appropriation for the fiscal year which will end the 30th of June was the same, as I recall, as for the preceding year, and that appropriation was a little larger than for several years back. the reduction in the population, I was wondering why this deficit arose

Mr. WARREN. The matter of less population would naturally make the per capita charge higher, because they have the same overhead expenses. This appropriation is simply to give

\$600 a year for the support of each patient.

I want to say to the Senator-and I ought not unnecessarily to expose the business of others—that the man who is handling this establishment was well known to former Senator Chamberlain, and, as a matter of fact, he was almost bankrupt as a result of carrying out a contract at a figure which was far too low for the support of these people. The creditors were kind enough to allow him to go on, and we appropriated something in addition in the way of a deficiency to help him out, and we started again with another figure that was lower than he has been able to support the insane for. It is up to us now to give him enough to support his establishment—he does not appear to be making any money—or to take over these people on our own shoulders, which I know the Senator would not want us to do-

Mr. KING. No.
Mr. WARREN. As it would cost us a great deal more.
The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading clerk read as follows:

To reimburse the Territory of Alaska for moneys advanced to the Governor of Alaska for repairs to his residence at Juneau, Alaska, necessitated by a fire in the building, fiscal year 1923, \$857.

BUREAU OF INDIAN AFFAIRS.

For expenses necessary to the purchase of goods and supplies for the Indian Service, etc., including the same objects specified under this head in the Indian appropriation act for the fiscal year 1922,

Mr. KING. Mr. President, I dislike very much to interrupt the speedy disposition of this bill. The Indian appropriation bill for the year 1922-23 was very carefully considered. cials of the Indian Bureau were before the Appropriations Committee, and a very generous provision was made in the general appropriation bill for this year.

Mr. CURTIS. Mr. President, may I interrupt the Senator?

Mr. KING. Yes.

Mr. CURTIS. I think on this one item that they were not given anywhere near what they asked. For years they have not been given what they asked. The deficiencies for this branch of the service for the last five years have been from \$79,000 to \$179,000 a year. This is one of the items where they have not been given what they have asked for and what they really need; and every year for the last five years they have been given these extra appropriations in deficiency bills.

Mr. KING. The Senator knows that the Indian Bureau were advised a year ago, when the bill was passed-and I think the bill was very generous—that they were not to create any deficit.

Mr. CURTIS. I agree with the Senator on all items but this one item. I happened to have charge of the bill for a couple of years, and I know something about this item. It has been hard to get the other body to give them what they wanted or to agree to the amount put in by the Senate. The Senator will recall that a number of years ago we reduced the items below what the House put in, but we did not take out any item that the department could not get along without, and we put in the items that they said they needed. That year we got along with a smaller deficit for this item than any other year for the last five years

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

ASSISTANT CLERK TO COMMITTEE ON PUBLIC LANDS AND SURVEYS.

Mr. SMOOT. Mr. President, I ask unanimous consent for the present consideration of Senate Resolutions 416 and 453. I will state to the Senate that the Senator from North Carolina [Mr. OVERMAN] and the Senator from South Carolina [Mr. DIAL] have withdrawn their opposition to these two resolutions.

Mr. WARREN. Reserving the right to object, I have no objection, unless the resolutions lead to discussion. If they do, I shall have to ask that they be laid aside.

Mr. SMOOT. If they lead to any discussion, I will withdraw

The PRESIDING OFFICER. The resolutions will be read. The reading clerk read Senate Resolution 416, submitted by Mr. Smoot on January 22, 1923; as follows:

Resolved, That Senate Resolution 468, agreed to March 3, 1921, authorizing the Committee on Public Lands to employ an assistant clerk, payable out of the contingent fund, during the Sixty-seventh Congress, be, and the same is hereby, extended in full force and effect until the end of the Sixty-eighth Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution? The Chair hears none. The resolution was considered by unanimous consent and agreed to.

MESSENGER FOR COMMITTEE ON FINANCE.

The PRESIDING OFFICER. The Secretary will read the

second resolution referred to by the Senator from Utah.

The reading clerk read Senate Resolution 453, submitted by
Mr. Smoot on February 26, 1923, as follows:

Resolved, That the Committee on Finance be, and is hereby, authorized to employ a messenger at the rate of \$1,200 per annum, to be paid out of the contingent fund of the Senate during the Sixty-eighth Con-

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution? The Chair hears none. The resolution was considered by unanimous consent and agreed to.

DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

The PRESIDING OFFICER. The Secretary will continue

the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head "Department of the Interior," at the top of page 29, to insert:

For payment to the Allied Contractors (Inc.), of Omahs, Nebr., as-additional compensation for the construction of a bridge across the Little Colorado River near the Leupp Indian Agency, Ariz., \$17,471.25, as authorized by the act approved February 26, 1923: Provided, That said amount shall be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians in Arizona, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid.

The amendment was agreed to.

The next amendment was, on page 30, after line 6, to insert:

NORTH DAKOTA.

For rebuilding and reequipping the shop building at Fort Totten Indian School, Fort Totten, N. Dak., recently destroyed by fire, \$10,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 10, to insert: SOUTH DAKOTA.

Relief of Charles F. Peirce: That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the account of Charles F. Peirce, as superintendent and special disbursing agent of the Indian school at Flandreau, S. Dak., for the quarter ended March 31, 1920, for payment of \$1,100 to Frank I. Van Tassel, of Yankton, S. Dak., said sum being the difference between the original contract price of flour purchased from the said Frank I. Van Tassel and the price specified in a modified contract approved by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 30, after line 22, to insert:

Relief of Mollie V. Gaither: That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the account of Mollie V. Gaither, as superintendent and special disbursing agent of the Hope Indian School, at Springfield, S. Dak., for the quarter ended March 31, 1920, for payment of \$266.40 to Frank L. Van Tassel, of Yankton, S. Dak., said sum being the difference between the original contract price of flour purchased from the said Frank L. Van Tassel and the price specified in a modified contract approved by the Secretary of the Interior.

The amendment was agreed to.

The reading of the bill was continued to line 9, page 33, the last two paragraphs read being as follows:

PENSION OFFICE,

Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, fiscal year 1923, \$16,000,000: Provided, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: Provided further, That the amount expended under each of the above items shall be accounted for separately.

For an additional amount for the payment of fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year 1923, \$177,015.

Mr. KING. I would like to inquire of the chairman of the committee what this item of \$16,000,000 is for.

Mr. WARREN. For pensions. We go on passing bills from day to day increasing pensions, and, of course, we can not tell in advance just what the sums will amount to.

Mr. SMOOT. A bill was passed near the close of the last

session changing the time of payment.

Mr. WARREN. The time of payment was changed to monthly payments from quarterly payments.

Mr. KING. That would not increase the amount of the pen-

Mr. WARREN. Under the old law, we will say, two months' pensions would be due, but when we passed the new law last year the pensions became due monthly, and this is simply to

provide for that.

Mr. KING. As I recall, we appropriated approximately \$260,000,000 for those who were entitled to pensions for services in the Civil War, in the Mexican War, in the Indian wars, and other wars, down to the date of the passage of the act. Those figures were based upon the estimates submitted and upon the rolls showing those who were entitled to pensions.

Mr. WARREN. Probably my explanation was not clear.

tried to give the Senator to understand that we passed a law on May 3, 1922, which changed the manner of payment. I will read from the testimony, which I think will clear the matter up as to quite a portion of the money. It shows that nearly \$40,000,000 was paid sooner than it would have been paid under the old law, and that has been carried forward. For instance, Mr. Haymaker said:

Haymaker said:

Mr. Haymaker. On May 3, 1922, there was an act passed providing for the monthly payment of pensions, changing the method of payment from quarterly payments to monthly payments. On September 4, 1922, those pensioners last paid on the 4th of June preceding received checks for the usual quarterly amounts. Those last paid on July 4 received checks for two months, and those last paid on August 4 received checks for one month.

The CHAIRMAN. What has that to do with this proposition?

Mr. HAYMAKER. That caused the disbursement of \$39,783,558.52 in the month of September.

The CHAIRMAN. That is last September?

Mr. HAYMAKER. Yes, sir; September, 1922.

The reading of the bill was continued.

The next amendment was, on page 34, after line 3, to insert:

NATIONAL PARK SERVICE.

Rocky Mountain National Park: For continuing the construction, reconstruction, improvement, widening, and surfacing of highways in Rocky Mountain National Park, fiscal years 1923 and 1924, \$50,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 8, to insert: Zion National Park: For continuing the construction, reconstruction, improvement, widening, and surfacing, inclusive of necessary bridges, of highways and trails in Zion National Park, including \$40,000 for construction of a bridge across the Virgin River outside the boundaries of said park, fiscal years 1923 and 1924, \$133,000.

The reading of the bill was continued to line 22, page 34, the last paragraph read being as follows:

DEPARTMENT OF JUSTICE.

The aggregate of the amounts of \$3,500 and \$500 for salary of the chief clerk and administrative assistant and superintendent of bulldings, Department of Justice, provided in the act making appropriations for the Departments of State and Justice and the judiciary for the fiscal year ending June 30, 1924, is hereby made available for the salary of the chief clerk and administrative assistant.

Mr. KING. Mr. President, is it not a fact that the \$500 in addition to the \$3,500 was to compensate him for caring for the building of the Department of Justice; that the basic salary for his activities as clerk was \$3,500; and because they devolved upon him the duty of taking care of the building, an additional \$500 was paid? Now he is relieved of that latter responsibility, and it seems to be the purpose of this amendment to continue the appropriation of \$500, which was given to him as a sort of special payment for annuity, although he is relieved of the duty which justified that appropriation.

WARREN. That is a House item, and we should not attack it without knowing the reason why it was put in. I will read from the testimony taken before the House committee.

Mr. Harris, of the Department of Justice, said:

The salaries are provided for in the appropriation bill for 1924, but recent legislation in the independent offices bill, whereby the maintenance of the building is transferred to the superintendent of the State. War, and Navy Building, forces us to ask relief in this bill so that the chief clerk and administrative assistant may draw the salary of \$4.000 already appropriated after July 1 next.

This is not to appropriate \$500, but to allow the money already

appropriated to be paid to the clerk.

Mr. KING. May I inquire of the Senator whether, in the appropriation bill we passed a few days ago for the next fiscal year, the \$500 was continued?

Mr. WARREN. I was just reading it. I will start from the beginning again:

The salaries are provided for in the appropriation bill for 1924, but recent legislation in the independent offices bill, whereby the maintenance of the building is transferred to the superintendent of the

State, War, and Navy Building, forces us to ask relief in this bill so that the chief clerk and administrative assistant may draw the salary of \$4,000 already appropriated after July 1 next.

The next amendment was, under the head "Department of Justice," at the top of page 35, to insert:

For books for the law library of the department, including their exchange, fiscal year 1923, \$1,000.

The reading was continued to line 23, page 35, the last paragraph read being:

MISCELLANEOUS OBJECTS, DEPARTMENT OF JUSTICE.

Defending suits in claims against the United States: For necessary expenses incurred in the examination of witnesses, etc., including the same objects specified under this head in the act making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year 1923, \$15,000.

Mr. KING. I want to make one observation here, and to ask the Senator from Wyoming if he believes that these appropriations are warranted? I repeat what I said a moment ago, that the Department of Justice received exceedingly liberal appropriations for the fiscal year ending June 30, 1923, and in addition to the regular appropriation for the regular machinery we have made other appropriations, aggregating hundreds of thousands of dollars, for increased activities, for the investigation of alleged war frauds, for the increased work which was devolved upon the department in the enforcement of the prohibition law, and for the enforcement of the deportation law. Notwithstanding those very, very large appropriations, we have here deficits—a few pages back one for \$15,000, on this page one of \$10,000 in one item, \$4,500 in another and \$15,000 in another,

and I do not know how many more deficits there will be.

Mr. WARREN. These items are House items and are caused largely by the department defending the Government in suits which are being brought. What are the suits, and why do we have to defend them? They are matters which arose in war time, and have been submitted, or should be submitted, to the various authorities authorized to settle claims, but when settlement is refused the claimants naturally seek redress through the courts. So we are now coming to that class of business, and it requires defense on the part of the United States and that is what these items are. For instance, here is an item:

Defending suits in claims against the United States: For necessary expenses incurred in the examination of witnesses, etc., including the same objects specified under this head in the act making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year 1923, \$15,000.

In the first place, those were cut short by the House, and we saw fit to leave them as they were, instead of adding to them at They have gone on with the work, and they are now the time. approaching a point where they can see through to the 1st of July. Of course, they now ask for a sufficient amount to protect them in going on with the business.

Mr. KING. The Senator will perceive that one of the items for \$10,000 is for repair of buildings and care of grounds, books

of reference, typewriters, and so forth. Mr. WARREN. That is true.

Mr. KING. Those items were all covered by the general appropriation bill, and were the items which we have passed over, and which have been allowed in the deficiency appropriations. The committee, I suppose, are pledged to these items, and I shall not move to strike them out, although I feel they are not warranted.

The next amendment was, under the subhead "United States Supreme Court," on page 36, at the end of line 22, to strike out "\$4,500" and insert "\$6,000," so as to make the paragraph read:

To enable the Joint Committee on the Library to procure for the court room of the Supreme Court of the United States a marble bust, with a pedestal, and for the robing room an oil portrait of the late Chief Justice Edward Douglass White, to remain available until June 30, 1924, \$6,000.

The amendment was agreed to.

The next amendment was, under the subhead "Marshals, district attorneys, clerks, and other expenses of United States courts," on page 37, after line 5, to insert:

courts," on page 37, after line 5, to insert:

Expenses of additional district courts: For expenses of courts held in any judicial district pursuant to assignment under the act approved September 14, 1922, or other laws, of a judge from without that district, to be immediately available and to remain available until June 30, 1924, \$300,000: Provided, That this appropriation shall be construed as additional and supplementary to the several appropriations for the judiciary, for the fiscal years 1923 and 1924, for the employment and expenses of assistant district attorneys, deputy marshals, deputy clerks, and all other officers and employees of the courts, the payment of rent of court rooms, fees of witnesses and jurors, pay of bailiffs, and all other necessary expenses connected with or incident to the holding of court in any judicial district by a judge other than the judge or judges appointed for the judicial district in which the court is held: Provided further, That expenditures shall not be required to be made directly from this appropriation, but the expenses of courts held in any judicial district by a visiting judge shall be determined by the Attorney General from time

to time, under such regulations as he may prescribe, his determination of the amount of such expenses in any case to be conclusive, and to the extent that he finds any expenses are so incurred he may direct payment from such regular appropriations and the transfer thereto from this additional appropriation of the amount of such expenses: Provided further. That so much as may be necessary of this sum may be used, under the direction of the Supervising Architect of the Treasury, in providing additional court rooms in public buildings already erected to accommodate the additional judges recently appointed in holding court therein.

The amendment was agreed to.
The reading was continued to line 13, page 40, the last paragraph read being:

For supplies, including the exchange of typewriting and adding machines for the United States courts and judicial officers, to be expended under the direction of the Attorney General, fiscal year 1923, \$15,000.

I understand that by unanimous consent it was Mr. DIAL. agreed on yesterday that the debate on the filled milk bill would end at 5 o'clock this afternoon. I have proposed an amendment to that bill, a very important amendment, and I desire to address the Senate briefly on it. I do not want to cut off any other Senator from replying in case he cares to reply, and I therefore ask unanimous consent that the pending bill be temporarily laid aside and that the filled milk bill be laid before the Senate.

Mr. WARREN. Mr. President, I hope the Senator will not ask that. If he wishes to discuss the filled milk bill it will

be unnecessary to lay this bill aside.

I knew I could discuss the other bill.

Mr. WARREN. It will only take a short time to finish the appropriation bill, and I would like to finish it.

Mr. DIAL. About how long will that take?

Mr. KING. I do not think the Senator can finish in as brief time as he thinks. There are several items that will provoke

Mr. DIAL. I have no desire to delay the passage of the deficiency appropriation bill.

Mr. WARREN, I hope Senators will relieve me of the re-sponsibility involved. We have to go into a conference with

the House on a good many items,
Mr. DIAL. About how long does the Senator think it will take to complete the consideration of the deficiency bill?

Mr. WARREN. Unless there is debate it will not take over 15 minutes.

Mr. DIAL. Very well.

Mr. KING. Let me say to the Senator, so he will be fully advised, that it will not be finished in 15 minutes nor in an hour nor perhaps two hours.

Mr. WARREN. I would rather the Senator would not

threaten. Let us go on and find out.

Mr. KING. The Senator is not threatening. The Senator is giving information.

Mr. HARRISON. Mr. President, there was a unanimousconsent agreement entered into that all debate on the filled milk bill should cease at 5 o'clock. The Senator from South Carolina has an amendment which, in his opinion, is very important, to be offered to the filled milk bill. He desires to discuss it for some little time. It will provoke controversy. It would seem, if it would not disarrange things too much, especially in view of the unanimous-consent agreement, that the filled milk bill should be laid before the Senate while the Senator is addressing himself to the amendment that he desires to attach to the filled milk bill.

Mr. WARREN. I will say to the Senator that I supposed the filled milk bill was in charge of the Senator from North Dakota, and he consented to lay it aside to enable us to proceed with the deficiency appropriation bill. I think the Senator in charge of that bill at least ought to be consulted about it before we

take it up.

Mr. HARRISON. I am sure the Senator of the committee in charge of the filled milk bill would not object to having his bill

laid before the Senate.

Mr. DIAL. Very well. I have no desire to delay the passage of the appropriation bill.

Mr. HARRISON. Mr. President, will the Senator from South Carolina yield to me?

Mr. DIAL. I yield. Mr. HARRISON, I suggest the absence of a quorum. The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Broussard Bursum Calder Cameron Capper Ashurst Ball Caraway Dial Dillingham Couzens Culberson Cummins Bayard Borah Brookhart Edge Fernald Frelinghuysen

Heorge	Ladd	Oddie	Spencer
Hass	La Follette	Overman	Stanley
Hale	Lenroot	Page	Sterling
Tarreld	Lodge	Pepper	Sutherland
Iarris	McCormick	Phipps	Swanson
Harrison	McKellar	Pittman	Townsend
Teffin	McKinley	Ransdell	Wadsworth
ones, N. Mex.	McNary	Reed, Pa.	Walsh, Mass.
lones, Wash.	Moses	Robinson	Walsh, Mont.
Kendrick	New	Sheppard	Warren
Keyes	Norbeck	Smith	Watson
King	Norris	Smoot	Willis
mi manage	TEXAL OFFICE	corn or	1 100 1 1 1

The PRESIDING OFFICER. Sixty-eight Senators have answered to their names. A quorum is present. The Senator from South Carolina will proceed.

FILLED MILK-DEALING IN COTTON FUTURES.

Mr. DIAL. Mr. President, ever since I have been in the Senate I have been endeavoring to bring about the adoption of an amendment to the present cotton futures contract law. I have been unsuccessful in my efforts up to the present time. I now have prepared an amendment to that effect which I propose to offer to the filled milk bill and I trust that it will have but little further opposition. I feel that if the Senate had understood the proposition it would have adopted my amendment long ago. But there has been a good deal of confusion and misrepresentation abroad as to the object of my amendment.

I desire to say without egotism that I am interested in the farmers of my country. For many years I operated a bonded warehouse in which cotton was stored. Also for many years I aided in loaning money to farmers to help carry their cotton. I am interested in a small way in the manufacture of cotton goods. I know by the results of these interests something of the operation of the cotton futures contract law. Therefore I

think I am reasonably familiar with the subject.

There was no law regulating cotton future contract operations until 1914. Before that time a custom had grown up in the exchanges which was most ruinous to the cotton-growing sections of the country. In fact, it was worse than legalized robbery. Since my early boyhood I have heard the farmers of my section complaining about the operation of cotton exchanges. I desire to say now that I am not fighting the exchanges. I am complaining at the action of Congress. I think perhaps the exchanges would serve a useful purpose. Inasmuch as we have heretofore exported something like one-half of the cotton we raised, the exchanges would serve a very good purpose in bringing the buyer and seller together. But we should have a just, an equitable, a fair law regulating those contracts. The custom on the exchanges from the time the exchanges originated, which was during the Civil War, and down to 1914, has been that the exchanges might tender any one of 32 grades of cotton on a con-The contract was sold then as now on the basis of middling, but under the old custom the seller of the contract had a right to deliver any one of the 32 grades on the contract. Thereby the price of the actual commodity was greatly depressed.

My contention is that the interests of the grower of the cotton and the seller of the future contract are diametrically opposed. The interests of the grower of the cotton and the purchaser of the contract are identical until the day of disposition comes. My contention further is that the price of the future contract controls the price of the spot cotton. This is not absolutely true

in every case, but it is substantially true.

As I said once before, I inherited almost the complaint of the injustice of the contract from my father. He was a farmer and he complained most bitterly until the time of his death about the injustice of the contract. The contention of the farmers of the South was that the exchange members kept a lot of so-called dog-tail cotton on hand and tendered it on contracts, and that depressed the price of the actual cotton. That is literally true. That is the foundation of my complaint to-day.

Mr. President, the great amount of wealth that was unjustly taken out of the South under the operations of the old system is unknown. We had but few friends beyond the Potomac River. We appealed to Congress in 1884, and it took exactly 30 years,

or until 1914, to enact the present law.

There is some misunderstanding about my position with reference to the present law. I want to point out first the injustice of it, as I see it. The present act limited the number of grades tenderable to 10. As under the old system, so it is under the law, that contracts are sold on the basis of middling. As before, the seller of the contract has the right to deliver any one or all of the grades of his selection on that contract. Right there is where the injustice comes. There is no use to have any ill will toward mills, because there is nowhere else for our cotton to go. It eventually has to land in a mill. No mill running one class of machinery can use all the 10 grades of cotton in the making of one kind of cloth. The machinery is constructed to manufac-ture certain grades of material and the mill has to buy the commodity suitable for that purpose.

Mr. President, after 30 years of attempted legislation Congress passed the existing law. I wish to give all praise to the authors of that law; they are entitled to the thanks not only of the cotton growers of the South but of the entire population of the United States for that law. This is not a local question. It is true that we down South, the producers of cotton, are more directly interested than are people in other sections of the country, but when under this unjust system of exchanges the price of our cotton is depressed, and, therefore, the people in other regions of the world come in and purchase it for less than its value, we are deprived of that much wealth, and we are crippled in our capacity to buy from the other parts of the United States. Therefore it is a question in which everyone is interested.

If the proverbial Philadelphia lawyer were employed to draw a more subtle law than the existing law he could not do so. The trouble with the situation is that there are no definite grades of cotton fixed. The public think there is definiteness in buying a contract for middling cotton, but when they come to look into the contract they find that such is not the case. The contract is fixed on the basis of middling, with a sliding option for the seller of the contract to deliver any one or all of 10 grades of cotton at an adjusted price.

Many Senators will not take the trouble to look into the proposition. They say it is complicated. Well, yes; it is a little complicated, but it is not at all difficult to understand. I might cite a parallel case. Let me assume that the law provided that 10 grades of hats could be manufactured, and that the manufacturer when he went around undertaking to sell hats to the merchant, who wanted a certain quality of hats, could say that he had a right to select the quality and he would contract to sell at a certain price for a certain quality, but that he, the manufacturer, would have the right to substitute any one or all of 10 different qualities at an adjusted price. Well, it may very easily be seen that no person would pay as much for that kind of contract as he would a contract specifying the identical grade of hat which was to be delivered.

This proposition reverses the laws of common sense, the laws of merchandise, the laws of reason. More particularly is it inappropriate when the commodity to be purchased is to be used in machinery. Certain kinds of machinery can use but one kind of cotton; not one grade only; therefore the indefiniteness of the contract depreciates its value. Under the terms of the law-the framers of which deserve great credit, because they cut out a great deal of the former indefiniteness of the contract, to wit, 22 grades, which are off grades and some of which were even unspinnable—the number of grades which might be delivered was reduced to 10. If they had gone further and made the contract definite and had specified the identical grade which was intended to be dealt in, then they would have had a perfect law, so far as I can see. However, they deserve commendation for doing what they did. In all probability they accomplished all they could at that time.

However, the time has now come when we shall have to change the law. People can not any longer continue to raise cotton under any unjust, one-sided law. We have about bankrupted the country; we have worn out our land; our labor is leaving us, and has left us in the last season, by the thousands. It is now beginning to be whispered around that a great many of the spindles in the world will have to lie idle in the near future, and I do not question that prediction.

It was a little pathetic to my mind to notice the other day that there had been a meeting in Atlanta, Ga., to try to check or to exterminate the boll weevil. Every effort to exterminate the weevil is commendable; but when I saw that the meeting had been taken charge of by members of the cotton exchange I could not help but think that they had about killed the goose that has laid the golden egg.

What we want in the South is a just law under which we may market the product of our labor. What I am attempting to do is to show the indefiniteness of the existing contract. Such indefiniteness would depreciate the price of any com-modity. When the price of that contract is fixed, that fixes the price of the actual commodity. Some of my good friends are looking at the matter in a superficial way. They say it makes no difference whether or not the contract is definite, because the buyer of a contract knew at the time he entered into the contract that he did not have equal rights with the seller thereof; that he knew that the seller had a right to tender him any one of 10 grades of cotton on the contract at an adjusted price, and therefore he ought not to complain.

I am not much of a complaining man, and I will admit that it is true that the buyer of such a contract would have no 1

right to complain, for he knew at the time he entered into the contract that the other man had the advantage of him.

It is like this: I go to my good friend the Senator from Oklahoma [Mr. Harreld] and I say to him, "I want to buy some wheat. I hear you are a wheat man." "Yes, sir." "All right; what is your price?" "Seventy-five cents a bushel." "Well, I am delighted; it is cheaper than I thought it was. Here is my check." I put up my margin; I make the contract. However, he tells me, "But I want to tell you I am only delivering 3 pecks for a bushel." "I am delighted with the price, but I did not know that." He says, "But that is true." "All right." We enter into the contract, and there is no harm done; we know what we are doing; we trade with our eyes open, and neither one of us has any right to complain. But what I am complaining about is that under the present law the contract is sold by auction on the exchange, and when the price is fixed on that contract that controls the price all over the Cotton Belt. As in the case of the wheat illustration I have just used, I am not complaining on account of the parties to the transactions; but when the quotation goes out in the afternoon papers that wheat is selling at 75 cents a bushel and it is not stated that only 3 pecks constitute a bushel in the particular transaction that practically fixes the price of the wheat of Jim Jones out in the country who has only, we will say, 37 bushels of wheat to sell. That is what I am kicking about.

The quotations as to cotton go over the country every few minutes, just as often as the parties care to pay for them. In the section where I live, where there are many small towns, the market report comes in every 20 minutes. A buyer goes around with these quotations from the exchange and approaches a farmer who has cotton to sell. The farmer says, "I want to sell my cotton." The buyer says, "Very well." The farmer asks, "What will you give me?" The reply is, "I do not know; what do you want?" The farmer answers, "I want 31 cents for it." The buyer replies, "You are wrong, Mr. Farmer; your price is too high; you are out of line with the market. is a quotation from the New York Exchange, received just 10 minutes ago, where this month's cotton is selling at 30 cents. You want more than they are getting in New York; you ought to take as much less than the New York price as the cost of carrying your cotton to New York "-which would be 1 cent or 11 cents a pound-"your price is entirely too high." The farmer looks at the quotation and says, "Yes; I guess I am a little out of line; my price is a little too high." And so he sells his I maintain that is a false quotation; it is a cotton for less. misnomer to call it a quotation; it is a false representation. I do not say that the buyer uses it viciously nor maliciously. It is true that if he could get a telegram to the exchange quickly enough he could buy it at that quotation, but then he would not know within 10 grades what kind of cotton he was going to get under that contract. Therefore he will not give as much for that kind of a contract as he would for a contract making the quality definite. That is the iniquity of the proposition; that is the fraud. It amounts to the confiscation of a large portion of the value of every pound of cotton which we raise. I believe as firmly as I believe that the sun shines that we are deprived of several cents a pound on every pound of cotton we sell and have sold since the Civil War. Even 1 cent a pound in an ordinary year would amount to \$65,000,000 to the South, and perhaps there would be a difference of several cents a pound.

It is probable that we are losing at the rate of one-half to one million dollars a day and have lost that amount for a long time past under the present practice. Therefore, it will not do to say that the contract is fair between the parties to the contract.

If I could separate the effect of the exchange contract from the price of the actual cotton, I would care nothing about it. I would be content to let them dance and play and sing and buy and sell and gamble or do whatever they care to do to their heart's content; but when these quotations go out over the country and our people are thereby scared into selling their cotton and they get less than it is worth, I say it is nothing

short of a crime.

Mr. President, a Senator has said here on the floor that the purchaser of a contract has no right to complain, because if he did not get middling cotton, the kind of cotton that was specified in the contract, he would get at the market price one or the other of the 10 grades or all of the 10 grades mixed up, and therefore no one should complain when he buys goods at the market price. That is a fallacious argument. A man does not want articles at the market price if they do not suit his purposes. We can go uptown and buy all the clothes in town at the market price, but if we can not use them, if they do not fit us, we do not want them at the market price.

As I say, that is a fallacious argument. It is a little confusing and tends to mislead the unthinking people. It sounds nice to say that the Secretary of Agriculture will fix the price of the grade that is tendered in case middling is not tendered. but the Secretary of Agriculture has no right to change a price. He merely ascertains what price that other grade was bringing in 10 spot markets on that particular day. You might just as well say that the reporters of the Senate could do that. All that they would have to do would be to telegraph to those places and ascertain what that grade of cotton was bringing, and that would be the price at which the buyer and the seller of the contract would have to settle. If it were below middling, there would be a discount, and if it were above middling, there would be a premium.

Mr. President, that would not be so bad between the buyer and the seller, because the buyer and the seller knew at the time they entered into this contract the nature of the contract; that is, that the seller had 10 options and the buyer had none. What I am complaining about, however, with all the power at my command, is that the price of any and all those grades in those 10 spot markets on any particular day would have been higher if it had not been for this superstructure—this cottonfuture contract proposition on top of it-fixing the price. That is where the iniquity of the proposition comes in; so it is simply a device, a plan, a mode, a method of running down and lessening the price of the actual commodity.

I have no more interest in this proposition than other Senators, particularly those from the South, and I hope they will give this matter most careful attention. We are all trying to accomplish the same purpose, but we are getting there in different ways. I trust that we shall be able to agree upon some equitable amendment. If other Senators can propose one better than mine I shall be most happy to accept it, and have always been ready to do so.

Mr. JONES of Washington. Mr. President, may I interrupt the Senator a moment?

Mr. DIAL. I yield. Mr. JONES of Washington. I do not know anything about this proposition that the Senator has. I have heard a great deal about the cotton situation, and the ways of selling cotton, and so on; but I have not gone into the subject personally and have depended for legislation upon the Senators who are thoroughly familiar with that industry and the methods of dealing with it in business. I have always felt that if they could agree upon the legislation that they thought was essential I would take their judgment about it and vote with them upon it.

There seems to be, however, a very great difference among the people from the cotton-growing States with reference to the merits of the Senator's proposal. As I understand, in a general way the situation is-at least according to the Senator's contention now-that when a man makes a contract for a certain kind of cotton a different kind can be delivered to him, and the contract will be deemed to have been fulfilled; and as I understand the Senator's proposal, it is simply to make it so that whatever a man contracts for that he gets under his contract. Is that correct?

Mr. DIAL. I shall be delighted to answer any question the Senator may ask. The Senator is substantially correct, but the technical proposition is this: The exchanges do not sell you any specific grade. You know the law provides that 10 grades shall The contract is on the basis of middling. do not buy middling. That is where the "joker" comes in. The purchaser thinks he did buy middling. That is the middle grade, or supposed to be. The purchaser thinks he did buy middling; but when you look further into it, you find that the contract says "on the basis of middling." with the right to the seller therefore, since he has not specified any particular cotton—it just says "cotton," practically—to select any one of the 10 grades or mix them all up in what he delivers, as he sees proper. What I am trying to do is to make him specify the grade he sells, just like any other contract in the world. Then, of course, I am trying to make him deliver what he contracts to

deliver, just like any other contract. That is all I am after.

Mr. JONES of Washington. In other words, according to the rules of the business of dealing in cotton, the contract for the purchase of cotton simply specifies a certain description of cotton under which the seller can deliver 8 or 10 different kinds?

Mr. DIAL. Any one of 10 different kinds.

Mr. JONES of Washington. And the Senator's bill proposes to require a statement in the contract of purchase of the partic-

ular grade of cotton that is to be delivered?

Mr. DIAL. Practically that, I will come to that in a moment. The law, if the Senator will allow me, has two sections in it. One of them is that at the time the contract is made the identical grade must be specified. That is a perfect law.

I have no kick against that; but, unfortunately, the New York exchange have never sold one of those contracts. will not deal that way. The other section of the law says that the contract shall be on the basis of middling, with the right of the seller to select any one of the 10 grades. My contention is that no man would pay as much for that kind of a contract, not knowing within 10 grades what he would get, as he would for a contract specifying the identical grade.

Mr. JONES of Washington. Is the Senator going to make invalid such a contract as he has described, that can be entered

into now under the law?

Mr. DIAL. I hope to amend that contract. I should have no objection to striking out the section which makes 10 grades tenderable, and letting it be the identical grade, under the other section of the law; but one objection to that would be that the exchanges would be opposed to it. Another objection would be that you would have 10 quotations every day. Each grade then would be quoted separately and there would be great confusion. Another objection would be that the exchange then would be practically a spot market; they would have to live up to their contracts, and therefore they would not trade much, and it would dry up the business in a great measure.

Mr. JONES of Washington. Let me understand that a little better. Under one section a contract can be made for the delivery of a specific kind of cotton?

Mr. DIAL. That is the law; yes. Mr. JONES of Washington. Then, under the other section a contract can be made for the delivery of cotton that can be complied with by the delivery of any one of 10 different grades?

That is correct—at the option of the seller. Mr. JONES of Washington. Yes. Now, is the Senator going to leave that still in force and to provide for a third contract?

Mr. DIAL. No; I propose to amend that. I propose to strike that out.

Mr. JONES of Washington. That is what I want to get at. The Senator proposes, then, to do away with that?

Mr. DIAL. I propose to do away with that, Mr. JONES of Washington. Suppose the Senator's amendment should be adopted, but a contract of this other kind should be entered into. Would it be illegal?

Mr. DIAL. I hope so; yes. Mr. JONES of Washington. I mean, under the terms of the Senator's bill?

Mr. DIAL That is my intention, to make it illegal.

Mr. McKELLAR, Mr. President, does the Senator's bill make it illegal?

Mr. DIAL. My bill revises section 5 and groups the 10 grades into 3 classes

Mr. McKELLAR. On what constitutional authority is the Senator's bill grounded—on the interstate commerce power?

Mr. DIAL. No: on the taxing power.

Mr. McKELLAR. Oh, the Senator taxes other contracts out of existence?

Yes. There are three clauses of the Constitu-Mr. DIAL. tion under which Congress can deal with this matter. The first is the post-office clause, the second is the interstate-commerce clause, and the third is the taxing clause of the Constitution. For a long time it was thought that Congress had no jurisdiction over the subject matter.

Mr. JONES of Washington. As I understand, then, the Sen-

ator levies a tax in his bill?

Mr. DIAL.

Mr. JONES of Washington. Can a bill like that originate in the Senate?

Mr. DIAL. Yes; that is where it originated. It is in the law now

Mr. JONES of Washington. I know; but what the Senator proposes is another bill, an independent bill.

Mr. DIAL. Oh, no; I just propose to amend this bill.

Mr. JONES of Washington. I know; but it is an independent bill, amending a statute.

Mr. DIAL. The tax is already levied. I do not interfere with the tax.

Mr. JONES of Washington. Oh, the Senator does not interfere with the tax?

Mr. DIAL. No; I do not interfere with it. The object is not to collect the tax, as a matter of fact. with the Senator. As I understand—I was not in the Senate at the time the law was passed—the tax was put in merely to give the Senate jurisdiction. It provides a tax; then it exempts it, as it were; it relieves them from the tax if they comply with the specified contract. As I fix it I am not interfering with that

Mr. CARAWAY. Mr. President, the Senator would not like to say that there was no revenue anticipated, because, if so, he would read his bill out of the constitutional provision in regard to taxes.

Mr. DIAL. I did not put it in there. We find it there. I am

not an authority on the subject.

Mr. McKELLAR. Mr. President, will the Senator yield to me again?

Mr. DIAL. I will.

Mr. McKELLAR. What taxes have been collected on contracts of this kind?

Mr. DIAL. None. Of course, there is a war tax.

Mr. McKELLAR. I know; but I mean under this section.

Mr. DIAL. Under the law there is a tax of 2 cents a pound if it does not come within one of these classes of contracts.

Mr. McKELLAR. So that by force it brings all contracts within the terms of that law?

Exactly.

Mr. McKELLAR. So now all contracts are made within that law?

Mr. DIAL. Exactly; within that limit. Mr. McKELLAR. The Senator's purpose is not to repeal that?

Mr. DIAL. Not at all.

Mr. McKELLAR. But merely to change to a more specific grade. Is that it?

Mr. DIAL. No.

Mr. McKELLAR. I should like to have the Senator explain that.

Very well.

Senators, I have tried to explain to you the injustice of the proposition, in that the contract is too indefinite to be of real I hope I can have the attention of the Senator from Washington. I say, I have tried to explain to the Senate that the error in the present law is the indefiniteness of the contract; that no one would give as much for that kind of a contract. It is a wrong contract. My specific remedy is this: I would have no objection to repealing the section which allows the seller 10 options, and then just leave the other section, section 10, and let them specify the identical grades at the time the conbut I am told that that would alarm the extract is made: changes and disrupt business, and curb business tremendously. My amendment, which I think is the best solution of the problem-although people have different views about it-is this, to wit:

You will have to get to the mill at last, you understand. There is no other way in which your cotton can be used. can not eat it; you can not wear it until it goes through the mill, you understand; and no mill is going to buy something

that it can not use.

I am not an expert in milling, but I am told that no mill can use all of these 10 grades of cotton on one kind of machinery, making one kind of goods. It would involve too long a discussion to go into all of that, but that is conceded, Neither is it necessary, Senators—now, here is the point—it is not necessary for a mill to have all of its supplies in one identical grade. The different grades are so similar that grades of a like character can be mixed and used all right through the machinery. I believe the South has been robbed and the farmers have been robbed of millions of dollars by reason of the great discrepancy in price between the different do not believe that there is as much commercial difference as there is claimed to be many times between these different grades. However, I do not interfere with that. I find that law on the statute books already, recognizing these 10 grades. What I am trying to do, what my amendment provides, is this: Take the four grades of high-class cotton and class them in

Then take the medium-grade cotton and class it in class B. Then take the low-grade cotton and class it in class C. My amendment was prepared by the experts of the Agricultural Department. I am not an expert. Under my amendment I provide that one-third of each contract shall be filled in a basic grade in each class. That basic grade is named in the class. Therefore if a mill wanted high-class cotton it would buy class A. It would know that it would get one-third of the contract in the basic grade mentioned in the contract and it would know that it would get all of the contract in that grade or in the other grades in that class—not in the other classes, you understand. Therefore I do not interfere with these 10 grades at all, except that I just take them and group them for the purpose of the individual contract.

running high-grade goods, fine goods, wants nothing below middling. Let us take a mill running coarse goods; they want a grade below middling. When a mill is making coarse goods it will buy class C. One grade in that class is mentioned

as a basis. It would know it would get one-third of the contract in that basic grade. It would know it would get all of the contract in that class. It can take all of the cotton in that class and mix it up and use it in its mill, and, of course, the price will be adjusted, just as it is now. Therefore, to my mind, that is workable.

I do not object to people trading in cotton contracts; just let them buy and sell all they please, but I want them to specify what they are selling, and to be liable to deliver what they specify. To my mind, grouping these grades in that kind of classes would make the contract broad enough to be traded in. It would make it definite enough to be practicable and usable, and the exporter or the mill could demand delivery of its cotton if the price of the contract was lower than the purchaser wanted to take. But under the law of to-day, when maturity day comes, the purchaser, knowing he has no option of quality within 10 grades, irrespective of what the price is, dumps it on the market. If he knew what he was going to get, he would not dump it on When he dumps it on the market it makes the market top-heavy, and helps depress the price of cotton, as the Senator from Tennessee will see.

It will be remembered that I stated here some time ago that in 1920 we raised in the United States less than 13,500,000 bales of cotton, but on the New York and New Orleans exchanges they sold over 128,000,000 bales of cotton on contracts, and yet they delivered less than 350,000 bales of actual cotton, showing that the man who had the contract would not take the delivery.

Hence the market was always top-heavy. Mr. McKELLAR. Mr. President-

Mr. DIAL. I am glad to yield to the Senator.

Mr. McKELLAR. Is it not a fact that in the great majority of cases, practically all of the cases, it is not intended that there shall be a delivery of the cotton at all? Is it not merely a hedging proposition?

Mr. DIAL. Yes; that is true. Mr. CARAWAY. Let us not allow that statement to go in quite that way. It is just a gambling proposition, because the majority of people who buy and sell have nothing to hedge. Is not that true

Mr. DIAL. That is true; perhaps a majority of them never

saw a bale of cotton.

Mr. CARAWAY. To call it a hedging proposition is to use a euphemism which should not be indulged in. Mr. McKELLAR, I think the Senator from Arkansas is

right about that.

Mr. DIAL. They call it "hedging." That is a nice way of referring to speculating. I have no harsh terms to use against people who want to speculate. I am against Congress for being on the side of the "bears." We do not do our duty to the people who raise cotton. I have seen them down in the cotton country and I know that they work from sunup to sundown in all kinds of weather. Cotton is a handmade crop and we can not continue to make it at the present cost of production, since the boll weevil is there. In fact, the people down there could not continue to make it and get any reasonable profit,

Mr. McKELLAR. Will the Senator tell us the average difference between the future market and the spot market and what, in his judgment, is the reason for that difference? Senator is an expert in the cotton business and has been deal-

ing in it all his life. Mr. DIAL. Let us come to the hedging proposition. It is true that the exchange contracts are used to take care of the so-called hedges of the mills and the exporters.

Mr. McKELLAR. That is a legitimate use.

Mr. DIAL. It is a legitimate use, if they use the contract gitimately. I am not blaming them. I am blaming Congress. legitimately. I doubt if they do that so very much now. It is a kind of insurance for the exporter or the mill. The mill man will get an offer of so much for his goods. The price would be satisfactory to him if he had the cotton, but in all probability he has not as much cotton as he needs. Say, for instance, he gets an offer for all the goods he can make for the next four months. He would consider it and he would say "If I had my cotton I would take that offer. I can not buy the cotton. I have not enough money and I have not the warehouse space; but I will accept the contract and sell my goods and I will buy future contracts, say, at 30 cents a pound," assuming that his cotton costs him 30 cents a pound. That is a hedging proposition for the mill, a kind of insurance for the mill.

The way he will work it will be this: Let us assume he is going to commence manufacturing that order in 30 days. After a little while he will say to his buyer, "Go out and buy me a thousand bales of cotton," assuming he is running a thousand bales a month. He has sold the goods on the assumption that he can get his cotton for 30 cents a pound. He

has bought his contract at 30 cents a pound. The buyer goes on the market and finds that cotton has declined 1 cent a

pound, to wit, to 29 cents, and buys 1,000 bales.

The manufacturer says to the buyer, "When you buy 100 bales, wire my broker in New York to close out a contract." He buys his cotton at 29 cents a pound. Therefore you see the manufacturer has bought his cotton \$5 a bale cheaper than he thought he had to pay at the time he sold his goods. He has lost \$5 a bale on the future contract with which he Therefore he is even.

He waits 30 days, sends his buyer out again under the same instructions, and the buyer finds that cotton has gone up to 31 cents a pound. The millman paid \$5 a bale more for his cotton than he thought he had to pay at the time he made his contract to sell his goods, but he has made \$5 a bale on his hedging contract. Hence those two cancel each other. Therefore that is a very good proposition for the millman or fer the The exporter would be in the same position as the millman. But where does the farmer come in? Where does the grower of cotton come in? Who will assure him anything?

Mr. McKELLAR. The cotton buyer comes in there. He is

commonly the exporter, however.

Mr. DIAL. He hedges. He takes care of himself. The way they work the proposition is this: The large buyers of spot cotton, parties with whom the miller and exporters have contracted, will sell contracts down and depress the price of cotton, and then they will take these false quotations around and the actual cotton for less that it would bring otherwise if they did not have this method of procedure.

A man who can stand on the exchange the longest and holler the loudest is going to carry the price of the contract, and when he keeps on beating it down, the farmer will get discouraged, and the banker who is helping him will get blue, and will say to the farmer, "I see the future market is going down, down,

down, and you had better sell out."

That is the iniquity of the proposition. All I want them to do is to specify what they contract to sell, and then when they sell, they will be liable to be called upon to deliver that very

kind of cotton.

So my friend, the Senator from Washington, can readily see that if a seller of a contract had to specify the identical grade of cotton he would be very slow to sell at a depressed price, because he would know he would be liable to be called upon to deliver; but the law says to him, "You can sell cotton, which means any one of 10 grades, and we will give you the right to deliver any of the other 10 grades on the contract; then if a man has the temerity to stand up and ask you to deliver the contract we will give you 30 days to go out and get the cotton.'

Probably the man would not have a bale of cotton at the time he sold the contract, possibly never saw a bale of cotton in his life, and did not have a bale of cotton at the time the

contract matured.

Mr. CARAWAY. Will the Senator yield?

Mr. DIAL. I yield. Mr. CARAWAY. They are selling the October cotton now,

and there is not a seed in the ground.

Mr. DIAL. I am coming to that. They are selling the next cop now. If I could get the attention of the Senate, and if Senators would study this matter a little, I do not believe there would be any practical division of sentiment here. I assure Senators that I do not like to harangue them with my views, but this thing is of so great importance to my people that I feel it is worth more than all the rest of the laws that could be put together in operating upon the South.

Mr. JONES of Washington. Mr. President— The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Washington?

Mr. DIAL. I yield.

Mr. JONES of Washington. I desire to say to the Senator that the Senator's argument appeals very strongly to me, but I do not know what to do, when so many of the Senators from the Senator's section, who are interested in this matter, I take it, just as vitally as he is, protest against his amendment and oppose it. I do not know enough about the business to say which one is right. As I say, the Senator's argument appeals to me very strongly from just the general standpoint that when a man buys a thing he ought to have that thing delivered to him, and that there should not be an option on the part of the seller of delivering any one of half a dozen different things. That is just a general proposition, which seems to be almost fundamental; yet when we come to apply it to the particular situation and the particular business, there seems to be a very clear difference of opinion.

Mr. CARAWAY. May I ask the Senator a question?

Mr. DIAL, Yes.

Mr. CARAWAY. I wanted to ask the Senator from Wash ington if he will not go a step farther and agree that nobody ought by law to be licensed to sell something he does not have?

Mr. JONES of Washington. Just as an abstract proposition I would say yes, yet business has grown up in such a complex way and is carried on in so many different ways that I am not prepared to say that that would not be injurious. But just as an abstract proposition, of course, I would say a man ought not to be selling things he does not have.

Mr. CARAWAY. Anyway, the Senator would not say that

one ought to be permitted to sell mules and deliver goats?

Mr. JONES of Washington. No. That, it seems to me, is the force of the Senator's argument; and yet many Senators on the other side who are thoroughly acquainted with the cotton business seem to think he ought to be permitted to sell geese, at any rate, when he contracts to sell sheep.

Mr. CARAWAY. They do sell geese.

Mr. DIAL. Mr. President, I have nothing but the kindliest feeling for Senators who differ with me, but they will have to

speak for themselves. I will not criticize them.

Mr. JONES of Washington. I understand that. I am looking at this in the belief that all Senators are absolutely sincere, and that is what makes it difficult for me to decide which is right. If I thought that one side was not sincere I would have no question at all about determining which side I should

Mr. DIAL. I do not question their sincerity, and I think, since the happening of recent events, perhaps they will have no objection to my amendment. At least, I hope so. I have the highest regard for their consistency, of course, and for their interest in the farmer. I feel they have just as much interest in him as I have and just as much right as I have to be inter-

ested in him.

But I do not yield to any man in my zeal to help the people of my section. As I said in the beginning, I inherited that feeling from my father, and I would be a traitor to his memory if I did not stand here and do everything in my power to have this law amended in order to make it operate justly on the producers of cotton. I defy any man to answer the argument that I am presenting. I heard the debate here a few years ago on this question, and I have heard it here since, but no Senator yet has ever taken up the proposition itself and argued it. They try to argue sometimes ad hominem a few things like that, but no man can get up on this floor and say that the present provision of the cotton future contract law is just to the grower of cotton.

They will argue the expediency of it, but they will not answer the justice proposition. If I could get Senators like the Senator from Washington, clear in mind, fair, honest, and patriotic, to listen to my arguments then they would understand the proposition and could vote as they saw proper. I shall bring it up at any and all times in an effort to accomplish that result. I shall never stop in my efforts to have the

amendment enacted into law.

Now, I would like to come to the Senator's proposition more specifically. It has been stated on the floor of the Senate that the Committee on Agriculture are opposed to my proposition. I have the highest regard for the Senate Committee on Agriculture and Forestry. Every member of the committee is my personal friend. But I feel that the matter has not been well weighed. A year or two ago I introduced an amendment

somewhat along this line.

After debating it for some time I concluded that a better amendment could be offered, a better solution of the proposition could be presented. That amendment provided for equality between the buyer and the seller of the contract, and it would have improved the law greatly. But after more mature deliberation I concluded that I could draw a more perfect measure. After consultation with such other southern Senators as I could get together, I was told to proceed along the line of making a specific and identical contract, and for the reason I stated a while ago I thought that the group contract was the better

It is true that the matter went before the Agricultural Committee of the Senate. I do not think I am traveling outside of the record when I say that the Senator from Nebraska [Mr. Norris], after hearing the proposition discussed, stated that he favored my amendment and was ready to report on it favorably, but other Senators had it held up and it was not reported. After trying for 12 months to get it reported out, I made a motion on the floor of the Senate that the committee be discharged and the measure placed on the calendar, so I could call it up on the floor of the Senate. I desired to cast no reflection, of course, on the Agricultural Committee, but I felt that they were asleep on the job and that the report ought to have been made. There was some debate on the floor, and I said that if the Agricultural Committee would not report the measure favorably, I wanted them to report it without recommendation if they would, and if they would not do that, just report it

I thought since I was magnanimous enough to make that proposition it would come back without any report at all. But for some reason or other they designated one of their members to make the report, and that report was filed and is here now, and the Senator from Washington and other Senators can see it.

With all due respect to the committee, the report deals with the amendment which I had abandoned, the one for which the present amendment is a substitute. The report did not discuss the substitute at all. I do not know whether this is correct or not, but I strongly believe and am satisfied that the report was never read to the full committee of the Senate. The report is not the consensus of opinion of the Committee on Agriculture, but is merely the opinion of the writer of the report. I would ask the Senator from Washington and other Senators to study the report.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. DIAL. I yield with pleasure. Mr. CARAWAY. I am a member of the Committee on Agriculture and Forestry. I think I am familiar with the Senator's amendment. I believe the Senator knows very well where I stand with reference to it. In other words, I think that it starts in the right direction but stops too soon. Therefore, I did not vote to report the Senator's amendment. Of course, a very much better bill was pending before the Senator's committee, which I, myself, had introduced——
Mr. DIAL. Naturally, the Senator would think so.

Mr. CARAWAY. In which I sought to stop gambling in futures altogether. In other words, my viewpoint was that I did not want to license somebody to gamble in the products of the toil of 11,000,000 of our people. I had hoped the committee would finally realize that the bill which I had introduced was the one they should report, and I have had some encouragement, but it stopped at encouragement.

Mr. DIAL. I would not like to have the Senator from Arkansas abolish the exchanges if he could not otherwise amend the law. I rather believe that would be injurious to the growers of cotton and to the trade generally. I think that is going a good long ways. I was in hopes he would vote to report out my amendment and that we could get the situation readjusted and reestablished to meet the conditions of the grower. I hope

he is of that view now.

Mr. CARAWAY. I have been opposed to the licensing of gambling, and therefore I did not want to agree with the Senator from South Carolina, whose measure may have some merit. But if a thing is wrong, let us prohibit it. Let us not merely license it.

Mr. DIAL. Mr. President, I think the Senate ought to be satisfied that the report of the Committee on Agriculture is They did not discuss the merits of the present without weight. amendment, which was substituted for the other amendment

which was before the committee.

I want to say to the Senator from Washington [Mr. Jones] and other Senators that there is no question about the merit of my proposition in the minds of the actual growers of cot-I want to read a brief extract from the Cotton News, of Lexington, S. C., the issue of November 1, 1922, which contains the proceedings of a convention held there, having to do with the growing of cotton in South Carolina. I read an extract from a resolution of the Cooperative Marketing Association of South Carolina, which is under the guidance of the American Cotton Association, and they are closely allied. Here is what that organization said:

The buyer of a future contract should have the same rights as the seller, otherwise the cotton market will be always dominated and controlled by those whose business it is to depress the value of the

Now, the point is that this great organization said the buyer and the seller should be upon an equal basis, and that is all we

are contending for.

It has been said on the floor of the Senate upon more than one occasion that the Agricultural Department of the Government is opposed to my amendment. That is hardly correct. In 1920 when Congress adjourned I stayed in Washington and took up with the Treasury Department the restoration of the War Finance Corporation. I was one of the first to suggest that the institution should begin to function again. I thought I could see depression coming, and I appealed with all the energy I had to the then Secretary of the Treasury, David F. Houston, who, I am sorry and ashamed to say, is a southern man. He seemed to have no interest in the cotton growers and appeared to be I

oblivious to the interests of the South. It seemed to me he almost gloried in an opportunity to bring about deflation and

depress the price of our cotton.

At the same time I took up with the Agricultural Department the question of an amendment of the cotton future contract law. went to the department and spent hours with them. I told them to bring in all the experts they had. They had some very clever gentlemen there. One of them was from my State. told them they need not answer my questions unless they wanted to, but I desired to know whether they considered the operation of the present future contract law beneficial to the growers of cotton. They said very candidly they did not. I do not think they have changed their minds since, although the testimony is not as strong to-day as it was then. At that particular time future contracts were selling in New York at 361 cents, whereas the actual cotton was bringing over 42 cents a pound. The future-contract market had fallen down. It had failed to function. That is what the department said at that time.

They expressed no particular objection to my amendment. They thought it would help the cause some, but they did not know exactly how favorable the exchanges would look upon it. It was a matter of no importance to me whether they favored

it or did not favor it.

I have in my hand a letter from a gentleman whose name I shall not disclose, a member of the New York Cotton Exchange, in which he said:

I view with extreme alarm the practices being conducted and manipulations of prices of cotton to-day. Cotton future prices have been manipulated up and down for quite a long time without rhyme or reason. For the last two years prices on futures have been running from 300 to 500 and 800 and in some cases 1,000 points below spot.

This shows that the future market was simply a depressant of the price of spot cotton. Some Senator asked awhile ago in reference to the present condition. The future market in New York on yesterday closed with cotton about 30 cents a pound. I read in this morning's paper where cotton all over the South sold for 30 cents a pound, and some for as high as 304 cents. We all know that it will take something like a cent and a half a pound to pay the freight and expenses to New York. Therefore the result to-day is that the price of the future market is top-heavy and is depressing the price of the actual cotton; yet it is used as a barometer, as a club, in the hands of the speculator, the exporter, and others to deprive the grower of the cotton of what the cotton is actually worth.

Under this law the law of supply and demand is hobbled; it is not allowed to function. We are taught that overproduction decreases the price of a commodity. It does not take a wise man to see that that is true. So overselling has the same effect. Of course, we assume that the cotton is behind the contract. It is just like this, Mr. President: Suppose in Washington to-day there were used 100,000 dozen of eggs and the price was about 50 cents a dozen. Suppose a man over in Alexandria should telephone into Washington, "I want to sell eggs at 48 cents a dozen"; another man should telephone in, "I want to sell them at 46 cents a dozen"; and another should telephone, "I want to sell them at 44 cents a dozen." The buyer here goes to his broker and says, "I want to buy eggs." "All right," the broker responds, "I have them for sale; I will sell them to you at 50 cents a dozen." "Oh, no," responds the buyer, "You are out of line. I am offered eggs at 44 cents a dozen." Do not Senators see there would be nothing for the seller of the eggs to do but to come down in his price? That is the way they rob and steal from us in the South.

In Liverpool, with 65,000,000 spindles, there is a great exchange to buy and sell contracts; not to help their people sell cotton, for they raise none, but to buy and sell contracts. That depresses the New York and the New Orleans prices of cotton, and in 15 minutes afterwards that is affecting my darkey

tenant down in South Carolina.

If the seller of the contract had to specify the identical grade he was to deliver he would ask a higher price for the contract. Hence that would bring up the price of the entire crop of cotton.

I have here in my hand a letter from Mr. Chester Morrill, who is assistant to the Secretary of Agriculture. This letter is dated January 29, 1923. Mr. Morrill appeared before the Senate Committee on Agriculture and Forestry and testified in regard to my proposed amendment. A great deal of misrepresentation has gone abroad about what he said. I desire to read briefly from his letter, as follows:

As you remember, Mr. Meadows and I, as well as others in the department, have from time to time discussed these general questions with you at your request, and we have endeavored to give you all the information we could on the subject. I think that the cotton-futures contract has been greatly improved over what it was before the passage of the cotton futures act and believe that it is capable of being further improved for the benefit of all who use it and producers and

others whose business transactions are influenced by it, such as through the adoption of the three-grade delivery rule like that at Liverpool, which we have discussed with you. When it comes to the exact changes that should be made, however, there is so much room for difference of opinion—and we have observed that such differences of opinion immediately arise as to almost every suggestion that is made—that we have felt we should largely contine ourselves to a presentation of the facts and such considerations as you and others would need to have before you in reaching a conclusion. As indicated in my statements before the subcommittee, we think that your amendment would narrow the usefulness of the contract for hedging purposes. We have felt that any specific action should be preceded by public hearings to ascertain the practical effect of any proposed changes.

Yet it has been said here that Mr. Morrill was against my amendment. All he said was that he questioned how favorably the cotton exchange would look upon it. It is a matter of no importance to me how they look upon it. I am trying to have passed an honest, equitable, mutual law. I am not even asking favors for the farmer. If I had any favors to give, I would give them to him, but he does not ask them. I am, however, requesting, in his name and in his behalf, that justice be done in this body.

Mr. President, that disposes of the proposition of the Agricultural Committee of the Senate being against my amendment. It shows that it is not the case. It shows that the Agricultural Department is not against the amendment; it shows that the cooperative marketing associations of the South

are in favor of it.

Further, Mr. President, last March, about a year ago, I had the whole question of the cotton exchange referred to the Federal Trade Commission. Possibly Senators have forgotten the resolution which I then had passed through the Senate. That magnificent body of men—the Federal Trade Commission have been delving into this subject ever since; they have gone into it most thoroughly; and only last Monday they filed their preliminary report with the Senate stating that they would report more in detail later. I ask that an extract from their report, which is found on page 4654 of the Record of February 26, which I have marked, be included as a part of my remarks. The PRESIDING OFFICER (Mr. McCumber in the chair).

Without objection, it is so ordered.

The matter referred to is as follows:

The cotton futures act, for the ordinary seller's option contract, grants the seller of a contract for future delivery of cotton the option of delivering any one or more of 10 grades, the money payment being adjusted to equalize the difference in value, and also the option as to the day of delivery in the delivery month. The commission believes that the effect of these options on the part of the seller, as distinguished from the buyer, is generally to make the futures price lower than it probably would be if corresponding buyer's option were used instead. The seller is given a right by law to determine under the contract both the time of delivery in the delivery month and the grade of cotton, and no corresponding contract is provided for with options for the buyer, although provision is made for contracts for delivery of specific grades in the law, which latter provision is practically never used. While a balance between buyers and sellers with respect to value of grade contracted for and grade delivered under present methods may be made by a money payment, the element of quality of goods sold and the option of the seller to choose the quantities delivered may affect the future price.

option of the seller to choose the quantities delivered may affect the future price.

While traders in futures under these seller's option contracts may be able to take care of themselves in this matter, and thus the situation may be equitable as between buyers and sellers of futures merely, the matter of fundamental importance is the relation between future prices and cash, prices. Both in New Orleans and New York there is generally an absence of parity between daily spot prices reported to the Department of Agriculture and daily closing future prices and cash prices. Both in New Orleans and New York there is generally an absence of parity between daily spot prices reported to the Department of Agriculture and daily closing future prices are recorded by the exchange throughout the month of the maturity of the future contracts. This is not an entirely satisfactory basis of comparison: a better test would be the daily average spot quotation of middling upland cotton of average staple or quality and the daily average future quotation. In the last three years the future, according to the best data now available, however, has been generally lower. But a part of the difference may be due to differences in staple, etc., of the spot cotton, compared with that which is delivered on future contracts. Such delivery month discounts, from whatever cause due, probably are reflected also in the general spread between cash and future prices in prior months. This situation, for the reason stated in the next paragraph, may have a tendency to affect unfavorably the prices received by producers of cotton.

Future prices made on the exchanges are more broadly disseminated

This situation, for the reason stated in the next paragraph, may have a tendency to affect unfavorably the prices received by producers of cotton.

Future prices made on the exchanges are more broadly disseminated than spot prices, partly because of the interest in them of a broadly distributed speculative public and partly because the future price is more standardized or easier to describe adequately for commercial purposes. Spot prices are largely quoted on the basis of futures—that is, so much on, or off—and probably they are absolutely influenced by them to some extent. Competition may compet the local buyer to pay a better price than the futures seem to warrant, but the small-town dealer is generally not so well informed as the large buyer of the actual character of the connection between spots and futures and the producer may not fully appreciate the apparent tendency of the future prices to fall short of parity with spot prices. Under these conditions the price received by the producer who has actual cotton to sell in the spot market would logically seem to be unfavorably affected.

Respectfully submitted.

FEDERAL TRADE COMMISSION, By HUSTON THOMPSON, Acting Chairman.

Mr. DIAL. They say, in brief, that the present contract operates injuriously to the producers of cotton.

That was my contention and I am delighted that they have

borne it out

Mr. President, while the present law operates injuriously to the grower, I hope no one will mistake what I have said as to the intentions of the framers of the present law. As I have previously stated, I hope no one will get the idea that those men did not do everything in their power to improve the law and to help the people who need help and who are entitled to help, who do not ask favors but merely ask for justice at the hands of Congress. However, I can not see how any Senator, whether he be from the North, or from the South, or from the East, or from the West, can have any doubt about the fundamental proposition that I am making here, that the present law does act injuriously to the growers of cotton. I have asked that the report of the Federal Trade Commission be made a public document, and I hope it will be spread broadcast over the country so that justice may be done to all parties.

Mr. President, it is remarkable how little people know about this question. They rely upon us here as their Representatives to take care of their interests, and I know that we all try to do so in the best way we can; but I am hopeful that a solution will be found of this question, and I believe if my amendment could be enacted into law it would be of great help to relieve the depressed condition of our section of the country and would bring wealth to the United States. Under present conditions, instead of getting what we ought to get for our cotton, it is sold at a cheap price to Japan, to England, to Germany, to France, and to many other countries in the world, where it is manufactured and sent back here to compete with the products of our

own people.

I am delighted that the mills are going nearer to the cotton fields, and that what we produce in this country will soon to a great extent be manufactured here. There is not the least shadow of doubt that if we do not find some way to increase the production and to check the ravages of insects there will not be enough cotton to go around, and then wealth of great magni-tude invested in mills may have to lie idle and people will be

thrown out of employment

I did not know until a short time ago about the great lobbies that are maintained here. I have gone on and tried to attend to my business in my own way; but just the other day—to be exact, on January 26, 1923—I received a letter from a gentle-man who has an office in the Woodward Building and who signs himself "representing the New Orleans Cotton Exchange." The communication from him showed to what extent these propa-gandists will go. He sent me a book, which I have in my desk, containing a compilation of what has been said or that has been issued favorable to the exchanges, and incorporating also everything that he could put his hands upon tending to militate against my proposed amendment. It seems that he makes a great to do over the report of the Senate Agricultural Committee. The document to which I have referred is sent out at the expense of the United States Government. So lobbyists go around over the country trying to poison the minds of the public against me and against the proposal I have made to correct the iniquitous features of the present law. I merely want the country to know that the taxpayers are paying for this propaganda.

Mr. President, as I have said before, I have no particular ill will against the cotton exchanges, but Congress can not get around its duty to legislate honestly and on sound principles for the people who create the wealth of the Nation. How anyone could go down to the South and realize the long hours and the arduous work incident to the production of the hand-grown crop of cotton, see how the people engaged in its production toil. understand how the price is manipulated from day to day so that the producers are deprived of the fruits of their honest toll, and not vote to amend the present laws is more than I can

understand.

Frequently the people engaged in the production of cotton work for 10, 12, or 14 hours a day. The crop is made practically by women and children, many of whom are never compensated for their services, but work to aid the husband or father. If the poor people who produce cotton come out even at Christmas time and are able to pay their bills for supplies, then it is claimed they have done fairly well. With all the power that is in me I claim that a reasonable compensation should be allowed for the work that is performed producing While it is not necessary that the husband and that crop. father should pay the wife and the children each Saturday night or at the end of a month in cash, I do say that when the crop is sold the price of the commodity ought to reflect the value of the services of the labor, and the family that produced it ought to be that much better off. We talk about trying to help the Russian and trying to help the Armenians and trying to help the poor people of other countries of the world, when right here at home under the strong arm of the law we rob our

own people.

Mr. President, I could talk for the remainder of the day, but perhaps some other Senator wishes to say something on the subject, and, furthermore, I have no desire to retard the passage of the appropriation bill. So I content myself with expressing the hope that Senators will vote to amend the filled milk bill by adopting the amendment which I have offered. I do not say it is perfect, but I do say, if I may be allowed, that from a so-called amateur business man's standpoint it is the best amendment which I think is obtainable, and I believe it will prove workable and I know it will be of great value to the people of my section, and Senators should not refuse to vote for the amendment because it is on a different bill, as many say they will vote for it as an independent measure.

APPROPRIATIONS FOR DEPARTMENT OF LABOR.

Mr. WILLIS. Mr. President, I do not desire to delay the passage of this bill for more than a brief moment. The statement I make is for the purpose of clearing up a matter which I suspect no one in the Senate misunderstands but which is

misunderstood to some extent in the country.

Everybody here understands the purpose of a deficiency billto take care of those small items of expenditure that have arisen either after the appropriation is exhausted or after it has become surplus and is covered back into the Treasury under the covering in act of 1884-and yet, when the last deficiency bill was being considered, and when it passed here, there appeared in a paper that circulates widely in the State of Ohio this item, which indicated to me that there was a misunderstanding about this particular appropriation bill. Here is the article. It says:

SPENDTHRIET

Heard about the Department of Labor's windfall:
The "second deficiency appropriation bill." carrying a grand total of \$70.872,345.26, has just passed the House of Representatives.
In this bill "generous" provision was made for the Department of Labor, as anyone can see by reading the items.
For example, there is \$45.87 appropriated outright for "regulating immigration." \$8.20 for "salaries and expenses of commissioners of conciliation," \$8.20 for "security and defense," and 40 cents for "lavestigation of child welfare."
Altogether a total of \$81.20 is appropriated in this one bill for the various activities of the Labor Department.
When Uncle Sam gets started, he's some spender.

Mr. President, there are only two theories that can be entertained with reference to that. Either the editor did not know what he was talking about, or-which is more likely-he did know what he was talking about and thought that the people would not know. Of course, the answer to that is obvious. The deduction that naturally would be drawn from that newspaper article is that labor got an appropriation of \$81 out of an appropriation bill carrying \$70,000,000. As a matter of fact, everybody here knows that that is not the situation.

I took pains to hunt up the appropriations for the Department of Labor. For 1922 they are \$5,700,000; for 1923, \$6,916,-

000; and for 1924, \$6,918,000.
Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from Ohio yield to the Senator from Utah? Mr. WILLIS. I yield to the Senator.

Mr. KING. Is the article to which the Senator has called attention from an Ohio paper?

Mr. WILLIS. Yes; it is from an Ohio paper.

Mr. KING. I am glad the editors in other States do not display such lamentable ignorance.

Mr. WILLIS. I think this editor understood it perfectly well, but he was seeking to sow the seeds of discontent, and make the laboring man think he was getting only \$81 out of

Of course, I hesitate to discuss this matter here, because everybody in the Senate understands the situation perfectly

well; but in order that there may be an authoritative answer to it, I ask permission to insert just here two brief paragraphs from the letter of the Director of the Budget that accompanied these items

The PRESIDING OFFICER. Without objection, the matter referred to will be printed in the RECORD.

The matter refered to is as follows:

The appropriations necessary to provide for payment of these claims are required in order to meet outstanding obligations of the Government heretofore authorized by Congress, the balances of appropriations concerned having been exhausted or carried to the surplus fund prior to the allowance of the claims by the proper accounting officers. These claims are debts of the Government, the validity of which has been approved, including an appropriation heretofore made by Congress

to meet them. Since their status has not been altered, except in so far as the appropriation has lapsed, new appropriations are proper and necessary at this time:

Mr. WILLIS. I also ask the able Senator from Wyoming [Mr. WARREN] if he will make a brief statement on this subject, so that the matter may be understood by the country for all time?

Mr. WARREN. Mr. President, the idea of finding fault with these small items in the deficiency bill is extremely ridiculous, because the Government does not do business by laps and slams, without books, and the books must be closed; and if there is 1 cent of difference in a balance, it has to be accounted for in some way. There may be from time to time \$7 here and \$10 there and \$15 in another place, and the appropriation of those amounts becomes necessary in order to keep the books straight.

As to the allegation that labor did not get its share. I will say that labor got everything it asked for; and in the case to which the article refers, it was simply a matter of the need of a few dollars to close the accounts.

ASSISTANT CLERK TO COMMITTEE ON INDIAN AFFAIRS.

Mr. SPENCER. I ask unanimous consent to take from the table Senate Resolution 394, and ask that it may be given consideration. It continues the employment of a clerk for the Committee on Indian Affairs whom we now have, and who, I assure the Senate, is absolutely necessary to do the work of that committee

The PRESIDING OFFICER. Is there objection?
Mr. WARREN. Mr. President, reserving the right to object, I have no objection if the resolution may be disposed of with-

The PRESIDING OFFICER. The resolution will be read. The reading clerk read Senate Resolution 394, submitted by Mr. SPENCER on January 4, 1923, as follows:

Resolved, That Senate Resolution 328, agreed to September 13, 1922, authorizing the Committee on Indian Affairs to continue the employment of an assistant clerk, payable out of the contingent fund, until the end of the present Congress, be, and the same hereby is, further continued in full force and effect until the end of the Sixty-eighth.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

FILLED MILK-TRADING IN COTTON FUTURES.

Mr. HEFLIN. Mr. President, I want to say a word in reply to the Senator from South Carolina [Mr. Dial.].

I am sure that all fair-minded men want to do what is best

for the cotton producer. I want to be entirely fair to the cotton producer and to the spinner, and I am sure the Senator from South Carolina does. The Senator from South Carolina is a producer and a spinner and a banker. Producers, spinners, and bankers are all interested in the cotton industry, as I know he is, and they all want to be fair to the industry, as We simply differ as to what should be I am sure he does.

I beloed to frame and pass the present cotton futures act. It is not perfect, but it is a great improvement over the old act. We reduced the grades of cotton from 28 down to 9. The last time the act was amended 10 grades were provided. These 10 grades are tenderable upon contracts on the exchange. Whenever a man buys a contract on the exchange he knows that he is going to get one of or some of all of these grades. He knows that the seller has the right under the law to tender him cotton named in the 10 grades provided for in the law, so when he buys the contract he does so with his eyes open; he does so with notice served upon him that only the grades named in this law-one of the 10 or some of all of them-may be They are the grades fixed by law. tendered.

Mr. President, we felt that a dispute might arise between the buyer and the seller as to whether or not the seller was complying with the contract, and I suggested a provision that I thought would take care of that situation. Then if the buyer, when the cotton was tendered, should say to the seller: "This is not the cotton that I contracted for; these are not the grades named in the contract, and I do not want this cotton," the seller contended that they were the grades named in the contract the buyer can now under the law we have bring him to the Secretary of Agriculture, and the Secretary of Agriculture can and will determine whether or not the contract has been complied with.

That is the law to-day. I want to read it to Senators. Here is the provision. It is very brief:

The parties to such contract may agree, at the time of the tender, as to the price of the grade or grades so tendered, and that if they shall not then agree as to such price, then, and in that event, the

buyer of said contract shall have the right to demand the specific fulfillment of such contract by the actual delivery of cotton of the basis grade named therein at the price specified for such basis grade in said contract.

There it is, Mr. President; it is as plain as the nose on your face—the specific arrangement in the law by which the man who buys cotton can have the contract fulfilled.

Mr. WARREN. Mr. President, may I interrupt the Senator? Mr. HEFLIN. I yield. Mr. WARREN. I am very much interested in all this cotton

question; in fact, we have something respecting it in this bill, to add to the effectiveness of the fight on the boll weevil; but I feel as if we ought to cut these things pretty short

until we can pass this bill and get it to conference,
Mr. HEFLIN. I promise the Senator that I shall not consume

over five or six minutes more,

Mr. President, as I said before on this subject, the Senator from South Carolina has provided a proposition here for the regulation of dealing in cotton futures that I believe-I may be mistaken-that would give undue advantage to the spinner and be very hurtful to the producer. I fear that his bill, if enacted into law, would put a premium upon the best grades of cotton. and drive down the low grades, and would outlaw and unduly cheapen the low grades of cotton.

I fear that under this proposition of his the buyer could come into the market and, purely for the purpose of buying all the into the market and, purely for the purpose of ouying an the cotton a farmer had, some of it at a very low figure, pick out the cream of his crop and say, "I can use this. I will pay you a good price for these two or three grades, but I do not want the other grades." Then the farmer would say, "Well, I have got to sell all of it." Then the buyer would say, "Well, I do not need it and I may not be able to use it, but I will give you make it mather than have you take it back home." If so much for it rather than have you take it back home.' the buyer wanted to play such a game, low-grade cotton would be seriously handicapped.

Under the present law, which I have helped to work out for a number of years, trying to protect and safeguard the interests of the producer, the buyer in the spot market buys all of it, every grade of it, and he tells the producer when he brings it up, "Here is your cotton, 10 or 20 bales. This is middling fair, strictly middling, low middling," and so on down. I will give you so much all around for your cotton," and he buys it all. I fear that the other thing would happen if the Senator's bill

should become a law. I say again that I may be mistaken in that; but I want to say this, Mr. President:

Under the leadership of the Senator from South Carolina [Mr. SMITH] the Agricultural Department made a test of the tensile strength of cotton, and it was shown that there was very little difference in the strength of the various grades, and that for spinning purposes all of these grades were good; and I assert, as I did here once before, that you could take these low grades of cotton and dye them, as the spinners do, red or brown or black or yellow, and nobody but an expert could tell one grade from another. I want a perfectly fair deal given to the producer of cotton, and I am fighting for that purpose.

Mr. DIAL. Mr. President, if the Senator will allow me—
Mr. HEFLIN. I gladly yield to the Senator,
Mr. DIAL. I think the Senator is entirely mistaken about middling fair, because there is very little middling fair grown—

only a very few bales.

Mr. HEFLIN. Not so very many bales. I understand the Senator's point; but I assert that when the average grade of our cotton is dyed red nobody but an expert can tell low middling from middling fair.

Here is a statement which I read before from a paper devoted to the cotton producers' side of this question. It is published in the greatest cotton-producing State in the Union. It is the Cotton and Cotton Oil News, published at Dallas, Tex.

This is what it says:

We sincerely hope that no Member of either House or Senate will disturb existing conditions. Let well enough alone.

Then it proceeds:

Our advice to Congress, now In session, is to study well all measures aimed at cotton or grain future dealing, because futures in both commodities are so indivisibly connected with and so vital to the spot interest of both that any interference with existing rules may be fraught with grave consequences to the producers of grain and cotton, and that class of our citizens are, as a rule, less able to stand any adverse condition that might arise from injurious legislation.

Mr. President, my friend from South Carolina tells us that the farmers have lost millions of dollars. That is true. says they lost it by not getting a good price for their cotton. That is true. I differ from him as to the cause of that. The cause of that is that the producer is not enabled to hold his cotton off the market until the price will yield an amount which will cover the cost of production plus a profit. If you safeguard the farmer in the marketing of his cotton, so that he

can keep it off the market until the price will yield a profit, he will always get a good price for it. But what is the trouble? When the market opens up influences are put to work to drive him into the market, and he has to throw his cotton on the market without regard to market conditions. He is not permitted to hold it until the price will yield a profit.

Let me illustrate briefly. The farmer who has some cotton to-day-and very few of them have any-can get 30 cents a pound for it. The farmer who was forced to sell in the early part of the season, just a few months ago, got 17 or 18 cents a pound for it. He sold it below the cost of production. The thing to do is to enable the farmer to get money on his cotton, to go to a bank and borrow, to put his cotton in the warehouse and keep it out of the hands of the spinner, keep it off the market, and then the price will go up.

If you will throw those safeguards around the farmer, the day will come speedily, as Senator John T. Morgan, of my State, once said it would come, when the farmer will fix the

price at his own door.

Mr. President, there is more the matter with the cotton market than the suggestions coming from my friend from South Caro-It is not an ideal market by any means, but I suggest to my friend, and for the consideration of those from the Southern States with myself, that the next provision we must work on is one to prevent unlimited short selling on the exchanges. That is one of the great evils that we must correct.

Cotton is 30 cents a pound now. If the law of supply and demand were to be permitted to operate, cotton would be 40 cents

a pound to-day and higher.

I want to read a brief statement on the cotton situation before I close, just to give Senators and the country an idea of the scarcity of cotton:

Cotton statistics for the season are startling and will make the cotton world sit up and take notice. During the 6 months and 23 days of this cotton season spinners of the world have taken 8,393,000 bales of cotton against 8,621,000 a year ago. After this date last year, spinners took 4,400,000 bales. The 1922 crop was 9,700,000 bales, of which 8,400,000 bales have been taken, leaving 1,100,000 bales, and carrying over 1,726,000 bales, or a total of 2,800,000 bales for the coming five

Mr. President, it is simply startling.

The visible supply of cotton this week is 2,662,000 bales, against 2,913,000 bales on the 31st day of July, 1920, or more than a quarter of a million bales less, and it is well known that July cotton sold at 43.75 cents in July, 1920, and yet we find to-day that there are people with nerve enough to sell cotton short, with such a situation as this confronting them.

This is a report from a man who knows the exact condition in the cotton world.

I want to say in conclusion that under the law a man who buys cotton and can have the Secretary of Agriculture force the seller to tender the cotton stipulated in the contract if the cotton named in the contract is not tendered. Not only that, but under the law, if the parties differ as to the amount of money which should be paid, if the contract is settled in money and not in cotton, and the seller is not willing to take the amount of money offered as the difference between the grades, he can then come to the Secretary of Agriculture and force the seller to produce the cotton named in the contract.

With these two provisions in the law I am going to reiterate, the thing we need to do is to stop this unlimited short selling of the cotton upon the exchange. The thing we need to do is to enable the farmer to borrow money on his cotton, and hold the cotton off the market until the price justifies him in selling it. If we do that, all will be well with the cotton producer.

PRINTING OF FOREIGN POSTAGE AND REVENUE STAMPS.

Mr. CUMMINS, Mr. President, I ask the Senator from Wyoming whether he will yield to me for the purpose of calling up a conference report which, in my judgment, will not require more than one minute?

Mr. WARREN. I yield with pleasure, if it will not lead to

Mr. CUMMINS. It is a conference report on Senate bill 2703. The PRESIDING OFFICER laid before the Senate the conference report, which was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 2703) to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment, as follows: In line 3, page 1, after the word "al-

bums." strike out the semicolon and insert a period, and in lieu of the matter proposed insert the following: "Nothing in said sections shall be construed to forbid or prevent similar illustrations, in black and white only, in philatelic or historical articles, books, journals, albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, albums, or circulars, of such portion of the border of a stamp of the United States as may be necessary to show minor differences in the stamp so illustrated, but all such illustrations shall be at least four times as large as the portion of the original United States stamp so illustrated"; and the House agree to the same.

W. P. DILLINGHAM. ALBERT B. CUMMINS, JNO. K. SHIELDS, Managers on the part of the Senate. ANDREW J. VOLSTEAD, W. D. Botes HATTON W. SUMNERS, Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the report

Mr. ROBINSON. Mr. President, I think the Senate is entitled to know what is in progress. What is the conference report and what is the agreement contemplated?

Mr. CUMMINS. The original bill was a measure to allow the printing and publishing of illustrations of foreign postage stamps from defaced plates. There are a great many stamp collectors in this country, and the purpose was to permit them to issue and gather together defaced stamps and print them for the benefit usually of children. Mark you, these stamps are to be printed in black and white, not in color, and they are to be defaced, so that they can not possibly be used again.

The only amendment made by the House of any consequence was to extend this right to the printing and publishing of United States stamps, but with the same, and even more rigorous, protection against any possible misuse. Our bill was confined to foreign stamps. The bill passed the Senate unanifined to foreign stamps. The bill passed the Senate unanimously, it passed the House unanimously, after this amendment had been agreed to, and the conference report is a unanimous report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

The next amendment of the Committee on Appropriations was, under the head "Department of Labor, Bureau of Immigration," on page 41, after line 18, to insert:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Department of Labor under the provisions of the act approved December 28, 1922 (Public, No. 375, 67th Cong.), as fully set forth in the House Document No. 538, reported to Congress at its present session, \$495.69.

The next amendment of the committee was on page 42, line 14, after the numerals "550" to insert the words "and Senate Document Numbered 316," and on line 15, to strike out "\$4,-400.52" and insert "\$25,195.15," so as to read:

NAVY DEPARTMENT. MISCELLANEOUS.

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Navy Department under the provisions of the act approved December 28, 1922 (Public, No. 375, 67th Cong.), as fully set forth in House Document No. 550 and Senate Document No. 316, reported to Congress at its present session, \$25,195.15.

Mr. KING. I would like to inquire of the Senator in charge of the bill whether in the general naval appropriation act an item was not carried to meet such claims as the Navy Department omitted to ascertain and adjust?

Mr. WARREN. That related to claims under a certain amount. This is for claims that exceed the amount specified in that bill. Claims amounting to less than \$5,000 could be

settled without submission to Congress, but they must submit to Congress claims amounting to more than that.

Mr. KING. May I inquire whether or not an investigation was made by the committee. or did they rely wholly on the rep-

fully considered. A board of survey and review has passed upon them, and they have come from the department, and of course have the approval of the Cabinet officer in charge of the department

Mr. KING. I confess I do not understand the propriety of If we commit to the Navy Department, or to the this course. War Department, the authority to investigate and pay claims up to a certain amount, that is one thing, but if we authorize them to make an investigation and report to Congress, and then Congress shall make payment upon other claims in excess of that amount, Congress relying simply upon the representa-tions of the Navy Department or the War Department, it seems to me would be required to apply the same principle to every other department of the Government, and we might just as well do away with the Committee on Claims. If the Navy Department make recommendations as to claims to be allowed, and the Congress make payments merely upon their representa-tion, without the matters going to the Committee on Claims, we might as well do away with that committee.

Mr. WARREN. This is an entirely different class of claims

from what the Senator indicates. These are claims for damages where ships of the Government have damaged private property. and the law has already provided how those claims shall be settled. We are only appropriating under the law, exactly as

the law asks us to do.

Mr. HALE. I think I can explain the matter. cember 28, 1922, two laws were approved, one providing as follows .

The Secretary of the Navy is hereby authorized to consider, ascertain, adjust, and determine the amounts due on all claims for damages occasioned since the 6th day of April, 1917, where the amount of the claim does not exceed the sum of \$3,000.

That is in the case of collisions at sea, and damages arising from collisions at sea. The second one provided:

That authority is hereby conferred upon the head of each department and establishment acting on behalf of the Government of the United States to consider, ascertain, adjust, and determine any claim accruing after April 6, 1917, on account of damages to or loss of privately owned property where the amount of the claim does not exceed \$1,000, caused by the negligence of any officer or employee of the Government acting within the scope of his employment. Such amount as may be found to be due to any claimant shall be certified to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor.

These claims come under those two laws. The purpose of enacting the law was to prevent any of these small claims being brought before Congress and Congress having to act upon them. The department is authorized now to act upon them and report to Congress, and Congress then appropriates for the payment of the claim.

Mr. KING. The Senator sees what the amendment means. We select this department and possibly the War Department, although I am not sure of that, and we say that if a tort is committed by some officer of the Navy and a claim results against the Government, then the Navy Department is authorized to make payment for the tort up to a certain amount.

Mr. HALE. Up to a small amount.

Mr. KING. And beyond that amount they are to make an investigation and make recommendations, and that constitutes a legal claim against the Government.

Mr. WARREN. There has to be an investigation in any

case by a regular board, no matter how small the amount of the claim.

Mr. KING. If a tort is committed by some official of the Department of the Interior or the Post Office Department or any other department of the Government, the claimant or person injured may not have his claim adjusted in the same way. He has to bring sult against the Government, if the statute permits it, or, in default of suit, present his claim to Congress, and it is referred to the appropriate committee and handled in the usual way.

Mr. HALE. I think the Senator was here when the laws were enacted. This is merely following out the provisions of

Mr. KING. I merely said that the law is discriminatory, and it seems to me manifestly unwise.

Mr. HALE. If that is so, some steps should be taken to have the law repealed.

Mr. KING. I agree with the Senator, and I think the law ought to be repealed if it is as the Senator states.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. WARREN. We have to rely upon the investigations, after they have taken place, because we have no means of going back of them. But the reports show the cases were very careline 14, after the numerals "550," to insert "and Senate Docu-

ment No. 316," and at the end of line 15 to strike out "\$4,400.52" and insert "\$25,195.15," so as to make the paragraph read:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Navy Department under the provisions of the act approved December 28, 1922 (Public, No. 375, 67th Cong.), as fully set forth in House Document No. 550 and Senate Document No. 316, reported to Congress at its present session, \$25, 195.15.

The amendment was agreed to.

The next amendment was, on page 42, line 23, after the numerals "580," to strike out "\$16,940.61" and insert "and Senate Document No. 323, \$27,336.30," so as to make the paragraph read:

To pay the claims adjusted and determined by the Navy Department under the provisions of the act approved June 24, 1910, as amended by the act approved December 28, 1922 (Public No. 374, 67th Cong.), on account of damages for which naval vessels were found to be responsible, certified to the present Congress in House Document No. 580 and Senate Document No. 323, \$27,336.30.

The amendment was agreed to,

The next amendment was, under the head "Post Office Department," at the top of page 47, to insert:

Reimbursement to postal employees: For reimbursement to Postal Service employees on account of fines improperly levied by local authorities for carrying arms while engaged in Postal Service duty, and for refunds of amounts collected for loss of firearms in excess of War Department value, fiscal year 1923, \$1,000.

The reading of the bill was continued to page 43, line 10, the last paragraph read being as follows:

For making such changes as may be permissible under the terms of the treaty providing for the limitation of naval armament, concluded on February 6, 1922, published in Senate Document No. 126 of the Sixty-seventh Congress, second session, in the turret guns of the battleships Florida, Utah. Arkansas, Wyoming, Pennsylvania, Arizona, Oklahoma, Nevada, New York, Texas, Mississippi, Idaho, and New Mexico as will increase the range of the turret guns of such battleships, to remain available until December 31, 1924, \$6,500,000.

Mr. KING. Mr. President, in connection with the item just read, I desire to have read at the desk an article by Rear Admiral Fullam, which is illuminating and instructive and deals with an important feature of our Navy.

The VICE PRESIDENT. Without objection, the article will

be read as requested.

The reading clerk read as follows:

[From the Washington Times, Saturday, February 10, 1923.]

United States Needs Planes and Subs, Says Fullam—Advocates Strong Navy—Day of Dreadnaughts Almost Gone, Writes Rear Admiral—Cites World War.

[By Rear Admiral W. F. Fullam, U. S. N., retired, one of the foremost naval authorities.]

In the following exclusive article for the Washington Times, Rear Admiral W. F. Fullam, U. S. N., retired, criticizes Secretary of the Navy Denby's request for \$6,500,000 to modernize some of the old naval vessels, pointing out that it would be far wiser to spend the money for airplanes and submarines:

The proposition to expend \$30,000,000 or more to increase the gun range and to improve the above-water and under-water protection of our present battleships in order that they may the better resist torpedoes, mines, and bombs, presents many interesting and serious problems. This policy should not be approved until it is thoroughly analyzed and its soundness demonstrated beyond question. Let us briefly examine it. FUTILITY OF PATCHING,

In the first place, the plan to spend so much money on the ships that have been declared to be the "backbone" of our Navy is tantamount to an admission of the following facts:

1. That the dreadnaught is very vulnerable to air and submarine

2. That the airplane used in controlling gunfire has increased the practicable range of big guns.

3. That the upper decks are too week to resist heavy bombs and the plunging fire of heavy guns.

4. That the under-water hull can not at present resist modern torpedoes, heavy mines, and heavy bombs that explode as depth bombs below water.

water.

5. That these weaknesses in the dreadnaught force us to the unfortunate expedients of loading the ships down with more deck armor and adding "blisters" and "bulges" under water, as a protection for the ship's hull.

6. As a result of these changes the ships will sink deeper in the water and their speed will be reduced by the defensive projecting "blisters" attached below the water line.

BATTLESHIP'S WEAKNESSES.

All these weaknesses in the dreadnaught have been known for years. Attention has been called to them repeatedly by progressive officers at home and abroad. It was demonstrated in testimony before the Naval Committees of Congress two years ago and verified by the bombing of the German ships, that the dreadnaught as now designed is so weak that its years, if not its days, are numbered. That submarines and mines in the World War had circumscribed the battleship's usefulness and that air forces, as recently developed, had jeopardized its very existence.

Despite these powerful arraignments, the political and official forces that backed the 1916 building program turned a deaf ear, pooh-poohed submarines and air forces, and would have pushed the battleships and battle cruisers to completion had it not been, most fortunately, for the decrees of the Washington conference that happily stopped the battleship race.

It is not enough to say that some of these ships, had they been completed, would have been provided with these new offensive and defensive features. The best naval minds in the world to-day are of

the opinion that, before these ships are patched up, and before the new British dreadnoughts can be built, the power of the torpedo, the mine, the bomb, and the attacking skill of the submarine and airplane will be so increased as to wreck the new construction as it has the old model. The attack will again overpower the defense.

No sooner had the Washington conference adjourned than we began to hear the meanings and groanings and calamity predictions of the 1916 six-year-old out-of-date building-program advocates. They were silenced, within limits, by the fact that the present administration very properly considers the treatles to be both righteous and wise.

But their conservative behind-the-times mental processes which blind them to the inevitable future domination of air and submarine forces in naval warfare still act to shackle their minds. It may be said, therefore, that this project to attempt to patch up our battleships is a value effort to resuscitate the defunct 1916 program by some kind of naval blood transfusion.

To be sure there has been some gain in the discussion. Conservative minds have been forced, against their will, to admit the value of submarine and air forces. The Navy Department and Secretary Hughes also have stressed our need of seagoing, long-range submarines, light cruisers, airplane carriers, and airplanes. This is most fortunate, for the Navy is sadly in need of these types. Without them the Navy, even with a hundred battleships, would be powerless. It would be a weak Navy.

The writer believes in a strong Navy. The United States must have

with a hundred battleships, would be powerless. It would be a weak Navy.

The writer believes in a strong Navy. The United States must have a strong Navy. But what is a strong Navy? That is the question. Patching up the slow-moving ice-wagon elements will not make it strong. We do not make it strong by first making it weaker. We must keep the battleships we now have, but we must add the new weapons that we now lack—swift, powerful, deadly weapons that have put the dreadnought between two such dangerous fires that its proponents now propose to roof it over and armor its bottom.

The fact that England may pursue this patching policy is no reason for our doing so. We must lead, not follow, in naval development. Admiral Sir Percy Scott once said that Sir John Fisher led the German admiralty, previous to the World War, into a vain and foolish battleship race, and that this blind blunder by the Germans won the war for the Allies. And this fact is admitted to-day.

Germans was the to-day.

Had Germany refused to enter the dreadnought race and developed and built a large submarine fleet, as well as a powerful air force in 1910 to 1914, she would have won the war hands down, despite the battleship fleets of England, France, Italy, Japan, and the United States. Suppose Germany had had 100 submarines and of 30 in 1914?

1910 to 1914, she would have won the very large, Japan, and the United battleship fleets of England, France, Italy, Japan, and the United States. Suppose Germany had had 100 submarines instead of 30 in 1914?

Ask Jellicoe and Sims what they think about it. Remember the first statement Jellicoe made to Sims in the spring of 1917, when Sims reached London; "We can not go on like this much longer."

The United States must not be led by the nose as stupidly as was Germany, and with the same result—to lose the next war. We must think and act for ourselves—and we must think and act right. We must look ahead, not back.

There is one more important point—the financial. Will Congress and the people give us more millions to put patches on weak battle-ships and at the same time give us the millions we really need for cruisers, submarines, and air forces? Will they do both? If not, which will they most likely do? Will they readily agree to spend money on the dying naval gladiators of the past, or will they prefer to add to the modern and powerful elements of a 1923 fighting Navy?

We may perhaps add 3 or 4 miles to the range of the battle-ship guns, making it 15 miles, or we may develop the airplane carrier, whose gun, the airplane, will have a range of 100 miles, four times as great as the 16-inch gun. And the carrier can have a speed from 5 to 10 miles greater than the patched battleships. Which?

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, at the top of page 47, to insert the following:

Reimbursement to postal employees: For reimbursement to Postal Service employees on account of fines improperly levied by local authorities for carrying arms while engaged on Postal Service duty and for refunds of amounts collected for loss of firearms in excess of War Department value, fiscal year 1923, \$1,000.

The amendment was agreed to.

The next amendment was, on page 47, at the end of line 19, to strike out "\$1,250,000" and insert "\$1,500,000," so as to make the paragraph read:

For temporary and auxiliary clerk hire and for substitute clerk hire for clerks and employees absent with pay at first and second class post offices and temporary and auxiliary clerk hire at summer and winter resort post offices, fiscal year 1923, \$1,500,000.

Mr. KING. Mr. President, I should like to inquire of the Senator with respect to the items under the head of Postal Service, on page 47: First, the item of \$50,682.24; secondly, the item for \$2,000,000; and third, the item just read by the Secretary, of \$1,500,000, being an increase of a quarter of a million dollars over the appropriation allowed by the other House; then the next item for \$75,000; and the next amendment offered by the committee, : mounting to \$300,000. We have made appropriations, as the Senator knows, in the general appropriation bill for the Post Office Department.

Mr. WARREN. Mr. President, it is not astonishing to me

that the Senator from Utah should make the inquiry, because the committee was also astonished to the extent that it required a great deal of proof to induce us to insert these

amendments. It was, however, found to be strictly necessary.

The fact is that the postal business has increased more than 14 per cent since we made our appropriations for these purposes. That business is increasing right along to that extent. Many articles which were formerly sent from one section to another by private transportation companies are now sent under postage stamps. That increases greatly the work of the Post Office Department, but the earnings of the Post Office

Department are, of course, correspondingly increased.

It is always necessary to have auxiliary clerks for certain post offices. Take a post office, for example, at watering places in the summer, where there is practically no business in the winter,

We must enlarge the service there. We must also provide additional compensation for transportation and other matters. I will ask that the telegram which I send to the Secretary's desk be read, it being merely one telegram out of thousands which are sent in from postmasters all over the country. The declaration of the Postmaster General was that in the month of June employees would have to be suspended for one-half of the month unless we make this appropriation. The telegram which I send to the desk is from the postmaster at Los Angeles, Calif.

The VICE PRESIDENT. The Secretary will read as re-

quested. The reading clerk read as follows:

Los Angeles, Calif., February 27, 1923.

FIRST ASSISTANT POSTMASTER GENERAL, Washington, D. C .:

Conditions this morning at 8 a. m. such that immediate action should be taken for additional help. There were on hand 30,000 city letters, 20,000 outgoing letters, 200 sacks outgoing papers, 150 sacks city papers. All regular clerks working nine hours daily; substitutes working only five hours; this necessary, as auxiliary allowance expended; carriers curtailing delivery, and in many cases parcels can not be delivered day received.

O'BRIEN, Postmaster.

Mr. WARREN. The condition stated in the telegram seems to be general over the country. Business is increasing in almost every post office in the United States. The expenses are increasing and the receipts of the offices are correspondingly increasing. The Post Office Department is a tremendous concern; in fact, it is the greatest business concern we have to provide for unless, perhaps, it be the Shipping Board.

Mr. KING. May I inquire of the Senator as to the first item providing \$50,682.24 for compensation for postmasters. As I understand, the compensation of postmasters was fixed by law. Is this appropriation to pay for the salaries of postmasters

Mr. WARREN. The Senator from Utah, we will say, is a postmaster at some town. So long as he can put in 12 or 15 hours a day and get the work done, it is all right; but when business increases he must temporarily have some help which perhaps can not be provided under the ordinary appropriation providing for the compensation of clerks. Of course, this is nothing new, but is as old as the Post Office Department itself.

Mr. KING. But this appropriation is for compensation of postmasters, not for additional or auxiliary help, to use the

expression employed by the bill.

Mr. WARREN. So far as that is concerned, almost every day there comes to the Senate for confirmation the names of postmasters in presidential post offices which had heretofore been of a lower class. It is assumed, of course, that when the offices are raised to a presidential grade the postmasters get the pay of such grade, and where their salaries had previously been a few hundred dollars they may receive \$1,000 or some such sum per annum, perhaps.

Mr. KING. Is it the Senator's view, from the testimony which was taken before his committee, that the compensation for postmasters provided for in this item is because of the

transfer from the lower to the higher grades?

Mr. WARREN. That is true to some extent, but the appro-

priations also cover new post offices.

Mr. McKELLAR. If I may ask a question, I desire to say that I notice the appropriation is for the fiscal year 1922. Is that back pay which the Government owes these postmasters?

Mr. WARREN. The Post Office Department has business almost all over the world, and its accounts often come in late.

Mr. McKELLAR. But this is to pay postmasters themselves and could not be used for any other purposes.

Mr. WARREN. Very well. If the Senator from Tennessee were a postmaster and he had not received compensation, he would want to receive his compensation later, would he not?

Mr. McKELLAR. The remarkable thing about it is that we did not appropriate a sufficient sum to pay the salaries of postmasters at the time the general appropriation bill was passed.

Mr. WARREN. We have been economizing on appropriations for the Post Office Department as closely as we could, and wherever we could cut we have cut. The consequence is that in the case of a great establishment, such as the Post Office Department, which is growing all the time, we are required to fall back on deficiency appropriations.

Mr. McKELLAR. Were all these items passed on by the Parkett Pursent.

Budget Bureau?

Mr. WARREN. Every one of them.

Mr. McKELLAR. Every item in this bill?

Mr. WARREN. Every item in the bill.

Mr. McKELLAR. The item providing for postmasters seems to be quite unusual, because we have previously had deficiency bills containing similar items. This is the third one. We made a general appropriation for the Post Office Department in 1922 for the fiscal year 1923, and have since passed several deficiency bills covering the fiscal year 1923. It is quite remarkable, therefore, that these postmasters have not been paid.

Mr. WARREN. I once had the misfortune to own a building which was rented by the Post Office Department, and I obtained what little rental I received from the Government five years after the Government had ceased to occupy the building.

Mr. McKELLAR. I can understand that, but I can not understand why postmasters who served in 1922 should not get their salaries until now.

Mr. PHIPPS. Mr. President, may I read from the testimony before the House committee in reference to this matter?

Mr. McKELLAR. I hope the Senator will do so. Mr. PHIPPS. I read from the testimony, as follows:

The CHAIRMAN. What is this compensation to postmasters, fiscal year

1922? Mr. BARTLETT, It is a similar item.

That is, similar to one previously discussed.

The CHAIRMAN. Fifty thousand six bundred and eighty-two dollars and twenty-four cents. Did we not give you a deficiency appropriation for that some time ago?

Mr. BARTLETT. You allowed a deficiency of \$1,399,598.05, but the additional accounts adjusted by the Comptroller General show further sums due postmasters, amounting to \$50,682.24.

The CHAIRMAN. Why is it it takes so long to find out what is due those men?

The CHAIRMAN. Why is it it takes so long to find out what is due these men?

Mr. Bartlett. The original appropriation was found to be insufficient, and, as the accounts are adjusted, the Comptroller General certifies the additional amounts found due.

The CHAIRMAN. Of course, he adjusts them if he gets them?

Mr. Bartlett. Yes, sir.

The CHAIRMAN. Why does he not get them?

Mr. Bartlett. There are various reasons why we can not secure the rendition of all postmaster accounts promptly. The postmasters, sometimes, at very small offices, desert the offices.

The CHAIRMAN. You mean they go away and do not come back?

Mr. Bartlett. Yes, sir.

The CHAIRMAN. Then what happens?

Mr. Bartlett. The records of the office eventually reach the central accounting office.

Mr. McKELLAR. It looks to me like a very loose manner of

Mr. McKELLAR. It looks to me like a very loose manner of conducting business that the United States Government does not pay its postmasters promptly, but that we have to appropriate one year and a half after their salary was due \$50,000 to pay postmasters that should have been paid promptly every month.

I think the Senator would certainly criticize Mr. PHIPPS. the department if they paid out this \$50,862 before the Comptroller General had an opportunity to pass upon it.

Mr. McKELLAR. Of course. Mr. PHIPPS. This matter has to be cleaned up every year. We are dealing with very large amounts, and there is a defi-ciency in that particular item, due to the fact, as the Senator knows, because he sits on the Post Office Committee, that we try to shear the appropriations down and to prevent them from becoming extravagant. Mr. Bartlett testified that in one item alone the deficiency of \$1,400,000 already appropriated was not sufficient. Fifty thousand dollars is relatively small in proportion. The Senator will recognize that,

Mr. McKELLAR. I do not ever remember of such a thing having occurred before in the Post Office Department. This is

the first time I ever knew it to happen.

Mr. WARREN. The pay for post-office employees is \$2,000,-000 a week

Mr. KING. Mr. President, may I say in conclusion that the statement just submitted by the able Senator from Colorado shows an appropriation in one deficiency bill quite recently of more than \$1,000,000 for one particular branch of the service. I do not know the aggregate amount carried in the two preceding deficiency appropriation bills for the Post Office Department, but I doubt not that all of the items amount to several million dollars. In addition to those large amounts, we have in this bill deficiency appropriations—I have but has-

tily examined the items—of between \$12,000,000 and \$13,000,000.

Mr. WARREN. The Senator, I think, hardly realizes how small a percentage even that is to a \$600,000,000 expenditure. It costs us to run the Post Office Department nearly \$600,

000,000 yearly.

Mr. McKELLAR. I have before me the deficiency bill signed on January 22, 1923, last month, and it provides on page 7:

For compensation to postmasters, fiscal year 1922-

Just the words that the pending item is in-\$1,399,508.03.

Mr. PHIPPS. I directed the attention of the Senator to those figures just a moment ago. The item in the pending bill

is supplemental to that item of \$1,399,000.

Mr. WARREN. The Senator overlooks the fact that the salaries of the low-class post offices are determined by the earnings of the office, and the earnings of the office can not be determined until the result of the business of the office for a given period is known.

Mr. McKELLAR. Missing the correct amount by \$1,399, 508.03 and then missing that by \$50,000 seems to me to be very poor business management. It does seem to me that the Bureau of the Budget ought to be able to submit in January a statement that would be fairly conclusive for at least a month. It has just been slightly over a month since they sent in here a request for appropriations for \$1,399,508.03. It may be that next month we will have an estimate of \$50,000 more, and so on.

Mr. SMOOT. Mr. President, the amount is not a guess. The department or the Budget Bureau can not send here a guess of what amount will be required up to a certain time. An estimate for the amounts in the last deficiency bill came in, and that was the amount at that time found to be actually due postmasters. Since then it has been settled-not guessed at, but settled-that there is a further amount due postmasters of \$50.682.24. The Senator would not want the Bureau of the Budget to guess at the amount that was to be paid to postmasters?

Mr. McKELLAR. No; they ought to know about it.
Mr. SMOOT. They can not know about it in advance.
Mr. McKELLAR. They ought not to be sending in here requests for deficiency appropriations every month.

Mr. SMOOT. No human being could tell in advance what amount would be required.

Mr. McKELLAR. This is not a good way to legislate; it is not the way to manage; and if the Budget Bureau can not do

any better than that I think it had better quit.

Mr. SMOOT. No human being can tell what the total compensation of postmasters is going to be. It depends upon the amount of business done by various little post offices, and the amount can not be guessed at. I should not want the Director of the Bureau of the Budget to make any estimate in the form of a guess, and say, "We guess it will be \$50,000," or "We guess it will be a million dollars." Whenever these accounts are finally audited and ascertained, then we appropriate for them, and that has been the policy all the time.

Mr. McKELLAR. The Senator says the bureau ought not to guess. That is true. But when the Budget sent an original estimate here for the Post Office Department last year they must have guessed at it then, because they then said to the Congress that the amount that they submitted was not a guess but an accurate statement of what amount would be necessary. Now we find that they missed it in January, at any rate, by \$1,399,508.03, and even now there is still a further discrepancy of \$50,000 for which we have to appropriate.

Mr. SMOOT. Mr. President, those two accounts are quite As to the item which we are discussing now, different items. no human being knew what it would be until the reports had been submitted from the various post offices and a final state-

ment and audit had been made.

The other proposition, of course, is an estimate. This is not an estimate. This is an actual amount that is found to be owing, and we appropriate to the very cent to cover all of it. All of the others are estimates, and, of course, nobody could tell then exactly what it would be down to the cent or the dollar or the hundred dollars, and in some cases not to the million dollars.

Mr. McKELLAR. Mr. President, I just remark again that it seems to me the Budget, as managed at present, is a fifth

wheel to the wagon.

Mr. SMOOT. You will never get a better manager.
Mr. KING. Mr. President, while we are on this item—
Mr. WARREN. Mr. President, why does not the Senator make some motion, if he is not pleased with the bill?

Mr. KING. I can not offer a motion dealing with this matter at the present time, under the rule, until we finish the committee amendments.

Mr. WARREN. The Senator can offer amendments to these committee amendments.

Mr. KING. That is true, but what I was about to ask concerning now was not an amendment. I can get the information now, and save offering an amendment which would call for an explanation, and would delay the matter.

I was about to ask the Senator with respect to the item of \$1,000,000, found on page 48, for 15 division superintendents, 15 assistant division superintendents, and so forth. Is that deficiency?

Mr. WARREN. That is to carry out the law which already exists. Perhaps the Senator will remember that we have had several discussions at different times about the number of those superintendents, and they have had to be added to from time to time.

Mr. KING. Then, as I understand, we have increased the number of superintendents, and this calls for an additional \$1,000,000 for their salaries. I assume that the Senator answers "Yes.

Mr. PHIPPS. Yes.

Mr. KING. Referring to the next item of \$3,500,000 for inland transportation by railroad routes, could not that have been foreseen and estimated for, or is that a deficit?

Mr. PHIPPS. That is covered by what I said. It represents between 14 and 15 per cent of the business which has had to be transported in the last year under our Postal Service. The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 47, after line 22, to insert:

For pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, City Delivery Service, fiscal year 1923, \$300,000.

Mr. McKELLAR. Mr. President, I should like to have an explanation of that item of \$300,000 for substitutes for letter carriers absent without pay. It is a rather peculiar provision of law when you appropriate \$300,000 to pay for substitutes who are absent without pay in part.

Mr. WARREN. They are all subject, of course, to the leaves of absence that all employees of the Government are. Those substitutes, of course, are paid out of an entirely different fund,

and we have to appropriate accordingly.

Mr. McKELLAR. Why could not the Budget have known something about that, and why could not the department have

known something about it?

Mr. WARREN. The Senator contends all the time, or seems to understand, that these things were made up by the Budget Bureau with figures before them, lately. The original esti-mates were made up last August and September, the latest ones. The increase since then, and the shortages, have been estimated as nearly as possible up to date; and these things are in addition to those that were estimated for and appropriated heretofore.

Mr. McKELLAR. I call attention to the language:

For pay of letter carriers at offices already established.

We have already appropriated for letter carriers at offices already established.

Mr. WARREN. Let us assume that the Senator is a letter carrier. He has worked his 11 months and he gets a month's leave. He gets his pay. Who is going to take his place? The work has to be done by a substitute, and that substitute has to be paid.

Mr. McKELLAR. That is provided for in the appropriation

bill for the Post Office Department.

Mr. WARREN. No; it is only provided for as far as they ad information. The Senator seems to forget all the time had information. that there is this big percentage of business being added month by month, continually.

Mr. SMOOT. Not only that, Mr. President, but no one can tell how much sick leave a man is going to have. an employee has all of the privileges granted to him in the way of sick leave and leave of absence and half holidays, and so forth, they amount to over 56 days in the year; and the Senator, I think, voted for all of them.

Mr. McKELLAR. Mr. President, permit me to say that this illustrates splendidly one of the objections to the taking over of the authority of the Post Office Committee to appropriate. We have two committees at work on it, and the officers of the departments come in after the Budget is made up and after the bill is passed; whenever there is a deficiency we find these large amounts coming in.

Mr. SMOOT. They always have.

Mr. McKELLAR. We have a law against deficiencies, and yet they come right along, with the usual perseverance, and get large appropriations from the Government. I am inclined to think that it is a very bad way to legislate.

Mr. PHIPPS. Mr. President, I should like to ask the Senator if he did not sit on the subcommittee that passed upon the appropriation bill for the Post Office Department for the coming fiscal year 1924 in the room of the Committee on Appropriations?

Mr. McKELLAR. I did.

Mr. PHIPPS. And was not that bill handled in exactly the same manner that the bill for the fiscal year 1923 was handled?

Mr. McKELLAR. Yes.

Did the Senator sit on the subcommittee for Mr. PHIPPS. the bill of 1923?

Mr. McKELLAR. I do not recall. I believe, though, that

I did; but here is the point about it—
Mr. PHIPPS. The bill was prepared by a subcommittee of the Post Office Committee?

Mr. McKELLAR. Yes; and we allowed every appropriation that was properly submitted and that was proper and right, and we had hearings about it, and we cross-examined the witnesses, and we looked into it, and we examined it carefully.

Mr. PHIPPS. In the same manner that it was done this

Mr. McKELLAR. Now the bill comes up before the Appropriations Committee, a different committee; and to my mind facts have not been given here showing that these large appropriations were necessary. I call especial attention to this \$300,000. I know that in our committee we went very fully into the matter of the pay of substitutes for letter carriers absent without pay.

Mr. WARREN. If the Senator went into it, why did he not

appropriate enough so that we did not have to appropriate

Mr. McKELLAR. I think we did appropriate enough. Mr. WARREN. Last year the Senator was one of those who provided it.

Mr. McKELLAR. I think we did appropriate enough, and therefore there is no real reason for this appropriation. At any rate the chairman of the committee has not given it to us.

Mr. WARREN. Does the Senator want to say that the Post Office Department has fooled away in the meantime the money

that the Senator himself voted to appropriate?

Mr. McKELLAR. Oh, no; I do not say that; but we know that every department here constantly comes before the com-mittee and asks for increased appropriations, and when they have two committees instead of one it is just that much easier for them to get them.

Mr. WARREN. Does the Senator mean to insinuate that the present committee is throwing away the public money on the

Post Office Department?

Mr. McKELLAR, Oh, no; not at all.

Mr. WARREN. One would think so from the remarks of the

Mr. McKELLAR. The committee is doing the best it can in the closing days of the session, of course. I know that.

Mr. PHIPPS. Mr. President, the Senator made one remark which I do not think should be permitted to pass; it might be misunderstood. I do not believe that the Senator meant to insinuate that the subcommittee of which he was a member, sitting on the bill for the coming fiscal year, 1924, did not go nto the various items with as much diligence and care as did

the subcommittee on which the Senator sat for the year 1923, Mr. McKELLAR. I did not compare them. The Senator could not possibly misconstrue in that way any statement that

have made. I did not reflect upon anyone.

Mr. PHIPPS. I did not think the Senator did, and I did not

want it to appear so in the RECORD.

Mr. McKELLAR. It would not appear that way in the Mr. PHIPPS. But that was the inference that might have

been drawn from the Senator's statement.

The VICE PRESIDENT. The question is on agreeing to the

amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed, the last paragraph read being as follows:

For inland transportation by railroad routes, fiscal year 1923,

Mr. McKELLAR. Mr. President, I ask the member of the Post Office Committee who is on the Appropriations Committee—the Senator from Colorado [Mr. Phipps]—to explain this item. Here is an item of \$3,500,000 for inland transportation by railroad routes for the fiscal year 1923. Why is it that we have to have that enormous sum added to what we have already appropriated? We had all the facts before the committee when

that appropriation was made.

Mr. PHIPPS. Mr. President, I believe the Senator will remember that in many instances the estimates coming from the Post Office Department were allowed in full by the House, and there were cases where the Senate committee thought it proper to increase amounts that had been allowed by the House, and then, after the Senate had expressed its views and the items would go back into conference, the House would not

always recede.

In many instances the House insisted that the amount which it considered proper and sufficient should be the amount allowed, and that we should not go beyond that. That was true in many cases such as this. I have a clear recollection that this very item was one where we did not permit the Post Office Department to have the full amount originally estimated for transportation of mail by inland routes.

Mr. McKELLAR. What was the original amount?

Mr. PHIPPS. I want to say that the effect of the recent

railroad strike was such as to add largely to the cost of that transportation. In the Railway Mail Service alone, for salaries, there is a large increase.

Starting last July there was a railroad strike, nation-wide in extent, which included all of the shopmen of the various railroads. Within a few weeks after the start of this strike the effect of the lack of proper men in the shops was very noticeable, with the definite result that the trains began to run behind schedule quite generally. This continued throughout the strike and is still continuing, with no sign of any marked improvement.

Our railway mail clerks are employed on these trains. When the trains are late in arriving at their destinations we are required by law to pay the railway mail clerks for the extra time which they have put in.

Mr. McKELLAR. Is the Senator reading from the hearings before the Post Office Subcommittee of the Appropriations Committee?

Mr. PHIPPS. No; not before the Post Office Subcommittee of the Appropriations Committee. This was before the deficiency subcommittee

Mr. McKELLAR. We had all of that before us at the time, and we appropriated with that in view, and yet we have a deficiency of \$3,500,000 here.

Mr. PHIPPS. For the fiscal year 1923. Mr. McKELLAR. 1923. That does not indicate that we did

Mr. McKelllar. 1923. That does not indicate that we do not have it before us. What did the Budget provide?

Mr. PHIPPS. This is additional to the original appropriation. This is not an item that the Senate passed upon.

Mr. McKellar. What did the Budget provide for inland transportation?

Mr. PHIPPS. I do not appear to have right at hand here the comparative items as between the bills for the two years.

Mr. WARREN. While the Senator is looking up the items, I send to the desk for printing some matter which I wish to have go into the RECORD along with the debate.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

The matter referred to is as follows:

Under date of February 20, 1923, the Post Office Department officials notified postmasters that the appropriation for pay of substitutes and of auxiliary and temporary letter carriers was insufficient to meet the requirements of the service and no additional allowances would be made. Postmasters were also notified that the appropriation for regular city delivery carriers, from which the overtime service performed by letter carriers must be paid, is exhausted, and that all overtime of carriers must be discontinued. This order is mandatory on all postmasters, the notice further states, because a deficiency appropriation covering this item has not been approved by the Bureau of the Budget. Believing that the conditions resulting from insufficient appropriations to properly conduct the Postal Service will work injury to its good name and harm to the interest of its patrons far beyond the economies effected, I desire to submit for your consideration the following statement:

The estimates submitted by the department officials for pay of letter carriers at post offices already established for the fiscal year ending June 30, 1923, was \$71,000,000. The Congress appropriated \$70,200,000, or \$800,000 less than the estimates. The department estimates for temporary and auxiliary service was \$9,000,000. The Congress appropriated \$8,000,000, or \$1,000,000 less than the estimates.

The average annual increase in postal receipts for the preceding 10-year period has approximated 7 per cent. The increase in postal receipts for the current fiscal year beginning July 1, 1922, and continuing on without abatement to the present time have been far in excess of this annual 7 per cent average. The following table, beginning with the month of July, 1922, and including January, 1923, shows the increase in postal revenues from month to month during the current fiscal year as compared with similar months in the preceding fiscal year:

	Increase.	Per cent increase.
July, 1922, over July, 1921. August, 1922, over August, 1921. September, 1922, over October, 1921. October, 1922, over October, 1921. November, 1922, over November, 1921. December, 1922, over November, 1921. January, 1923, over January, 1922.	\$2,034,410 2,082,796 2,357,543 3,107,418 3,006,720 2,422,749 3,978,036	11. 62 10. 80 11. 55 14. 34 13. 79 9. 00 18. 99

The increase in postal revenues has been reflected in a steadily mounting volume of mail matter, but without a corresponding increase in the appropriation for the pay of letter carriers, who are an indispensable factor in handling this mail. In fact, the appropriation granted by Congress for the pay of letter carriers at post offices already established for the fiscal year ended June 30, 1922, was \$70,000,000. The same item for the fiscal year ending June 30, 1923, was \$70,200,000.

or a minor fraction of 1 per cent in the expenditure for letter-carrier service as compared with an approximate increase of 12½ per cent in the volume of mail to be handled as indicated by the receipts. For the fiscal year ended June 30, 1922, the appropriation for temporary and auxiliary carrier service totaled \$10,500,000. The amount appropriated by Congress to cover the same item for the fiscal year ending June 30, 1923, was \$8,000,000 or a decrease in this item alone for the current as compared with the preceding year of \$2,500,000. Thus it will be noted that in those two major items a considerably less amount has been appropriated for pay of letter carriers during the fiscal year 1923 than in the preceding fiscal year, notwithstanding that the increase in the volume of mail during the same period has reached record proportions.

the volume of mail during the same period has reached record proportions.

As a result of intensive effort and constant development along lines of greater efficiency, the Postal Service to-day has less duplication, less lost motion, and less misdirected effort than any considerable institution anywhere. The letter-carrier service has achieved a notable efficiency along these lines that offer little prospect of material improvement. In the opinion of trained postal officials, the carrier service has reached the saturation point and no decrease in expenditures for this service can be effected without a corresponding decrease in the character of service rendered postal patrons. This fact is fully confirmed by the testimony of Post Office Department officials before the Subcommittee on Appropriations in charge of the Post Office appropriation bill, which shows that the carrier service is now keyed up as tight as efficient supervision can make it and that the regular carrier force can not handle the mounting volume of mail without further assistance.

In order to meet the actual needs of the City Delivery Service at post offices during the remainder of the fiscal year ending June 30, 1923, it is necessary that a deficiency appropriation be authorized by Congress. Postmaster General Work recommended to the Bureau of the Budget a deficiency appropriation of \$300,000 for the City Delivery Service for the remainder of the fiscal year. This is a modest and conservative estimate and is only a fraction of the increased revenues of the department for the single month of January, 1923.

From the standpoint of business and in fairness to the public, the employees, and the service we appeal to the Senate to provide the necessary deficiency appropriation requested by the Post Office Department officials.

Hoping you will give this important matter your earnest considera-

emphyses, essary deficiency appropriation requested by the essary deficiency appropriation requested by the essary deficiency appropriation requested by the essay deficiency appropriation requested by the essay of the essay of

Mr. PHIPPS. There is quite a lengthy statement. If the Senator had read the hearings of the House committee, which were available, he would have gotten much of the information, but it is very difficult to give the details and condense them. The train schedules show that there were 12,270 connections missed on account of delayed trains during the week of November 19, 1922, alone.

Mr. McKELLAR. I want to call the Senator's attention to the fact that some \$10,000,000 are carried in this third deficlency bill over and above the appropriations we made in the original Post Office appropriation bill and in two of the deficlency bills for the Post Office Department. It just strikes me that a Budget which misses the mark by more than \$10,000,000 is not very accurate in its calculations as to what Congress ought to do.

Mr. PHIPPS. Let me give the Senator some of these figures. When the deficiency bill to which he called attention awhile ago was passed in January we allowed \$1,250,000 for railway transportation. The department then asked for \$4,750,-000, or \$3,500,000 more than was allowed. I read now from the hearings:

The Charman. Lest there might be any doubt as to the responsibility for the reduction in the appropriation to \$90,000,000 I think it is only fair to say, without intending to reflect on anybody, that when this sum of \$90,000,000 was appropriated it was appropriated at the direct request of Colonel Henderson's predecessor, Colonel Shaughnessy, who has since died, and it was not done by the Committee on Appropriations or by the Congress; it was done at Mr. Shaughnessy's request. Did I understand from the reading of that communication that had not the railroad strike occurred it might have been possible to have come within the \$90,000,000 or close to it?

Mr. Triem. No, sir; the railroad strike had nothing to do with this increase in the mail pay. The increase in mail pay is due entirely to the increase in postal business and to the bulk of mails carried.

Mr. HARRISON. Mr. President, I wish to suggest that the

Senator from Kentucky [Mr. STANLEY] desires to speak on the filled milk bill, and we have only 15 minutes left for debate.

Mr. STANLEY. Mr. President, I do not care to divert the attention of the Senate from the deficiency bill, but I do take this occasion, as I have only 15 minutes-

Mr. WARREN. Will the Senator excuse me a moment? I do not object, of course, to the Senator doing as he has a right to do, to take the time now to speak on the filled milk bill, but immediately following his address I understand that under the unanimous-consent agreement debate will cease on that bill, and a vote will follow shortly. I give notice at this time that I shall expect the Senate to bear with me after that vote is taken until we pass the deficiency bill, whether it takes a part of the night or all night, because if we have any intention of having it become a law it should be passed by the Senate to-night.

Mr. ROBINSON. I understand it is expected that an executive session will be held immediately following the disposition

of the filled milk bill, and it has been suggested that the Senate then revert to the consideration of the appropriation bill.

Mr. WARREN. That is what I expect when we open the doors and come back into legislative session.

FILLED MILK.

Mr. STANLEY. Mr. President, this matter should be called to the attention of the Senate and of the leader of the minority.

The method of legislation upon which we are about to enter is, in my humble opinion, an evidence either of gross carelessness or of a lack of moral courage in facing an issue.

Here is a bill, H. R. 8086, which on its face is essentially commendable. A hurried reading of the bill would lead one to believe that it was an honest attempt to prevent the sale of adulterated milk. It is no such thing. As drawn, it is a plain attempt to utilize the dread powers of legislation to destroy one business in order to foster another.

This bill, after a long and complex definition of what filled

milk is and how it may be sold, declares in section 2:

It is hereby declared that filled milk, as herein defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public.

The sale of this filled milk is not regulated; it is absolutely prohibited, notwithstanding the fact that I can find nothing in the record which indicates that any constituent of this so-called filled milk is deleterious or unwholesome, that it contains anything positively injurious or poisonous. The most that can be said of it is that it is less deleterious than the natural milk.

Mr. ROBINSON. Will the Senator yield?
Mr. STANLEY. Yes.
Mr. ROBINSON. I understand the proponents of the bill claim that a fraud is perpetrated in the sale of filled milk as milk; that, as a matter of fact, it is a mixed, not to say an adulterated, article; that it is used in an attempt to nourish infants; and that to infants it proves deleterious. I understand that to be the theory upon which the proponents of the bill proceed.

Mr. STANLEY. It is claimed it is deleterious to infants because the filled milk is lacking in vitamines which the natural milk contains. But here is the point: Instead of providing, as everybody is willing to provide, that this milk shall not be sold unless it plainly indicates what it contains, and is plainly difdifferentiated from the other milk, or that it shall not be sold at all if it is deleterious to health, the bill provides that because it is not quite as good a food for infants as some other food a man shall go to the penitentiary for so many years and pay

a thousand dollars fine for making it and selling it at all.

In the course of the hearing the proponents of the bill called Dr. Joseph Goldberger, of the Public Health Service, who is a scientist of recognized ability. He said:

I tried to inform myself as well as I could by reading this bill that this committee is considering, and it seems there are one or two things about it that perhaps it might be proper for me to express an opinion about. One of those is the word "deleterious," qualifying an article of food, subsection C of section 1.

In my judgment that would not be a correct use of the word deleterious. From what little I know about such food I would say that such food is a wholesome and nutritious article of food and that in the usual conventional use of the word deleterious that would not be a proper qualification of it.

Mr. DIAL. Mr. President-

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). Does the Senator from Kentucky yield to the Senator from North Carolina.

Mr. STANLEY. I yield.

Mr. DIAL. I call the Senator's attention to the fact that the proponents of this bill stated they might have to make this very article, according to their own representation.

Mr. STANLEY. It appears it is a fight between two manu-cturers of filled milk. There is every evidence of it. facturers of filled milk. There is every evidence of it.

Mr. DIAL. They said they might have to go into making this

very article, showing it is not deleterious.

Mr. STANLEY. There is nothing in the hearings to show it is deleterious; yet the Senate of the United States solemnly agrees that at 5 o'clock they will take this up, with other bills in the way prior to that time, and that when it is taken up no amendment may be discussed, but that the bill and all amendments thereto must be voted on immediately. It is unworthy of the Senate to grind legislation through in that way without it being understood, without it being digested, and with a deliberate attempt to prevent the Senate knowing what it is doing. For if the Senate persists in tying its hands in this way it will cease to be a deliberative body.

Mr. DIAL. Mr. President Mr. STANLEY. I yield.

Mr. DIAL. I would like to ask the Senator if he thinks Congress can pass a law declaring an article to be deleterious when it is not deleterious or injurious to health and keep it out of interstate commerce when it is not inherently deleterious?

Mr. STANLEY. It is absurd for the Senate to say a thing is deleterious when there are not three chemists in the body. It is a judicial question. Instead of prohibiting the sale of deleterious foods we are to declare by law what is deleterious without any knowledge on the subject whatever and refuse to discuss it.

What business is it of the Senate to pass upon technical and scientific questions? After a while we will be saying how long skirts shall be and when they are decent or when they are deleterious, and Congress will solemnly pass an act that if a woman wears a skirt more than 18 inches from the ground, or wears a dress more than 8 inches from the top of her shoulder, it is not moral. The exercise of that authority is a reductio ad absurdum.

I represent a State where dairy farming is a great industry. I have every desire to encourage this great industry. There are no filled milk makers in Kentucky. I would have every incentive to support this amendment were I looking simply to that which is popular. Nevertheless I shall not hesitate to express my disapproval of this character of legislation enacted in this sort of way.

A bill prohibiting the use of an imitation milk not plainly marked in such a way as to show it is such imitation would he laudable. A bill prohibiting the making of filled milk or prepared milk which contains any deleterious substance, and providing heavy penalties for that sort of thing, would meet and should meet the approval of every honest and patriotic man in the Senate; but this is not legislation of that character. It is invoking the power of Congress to destroy a business, whether it is legitimate or not, whether it is making a whole-some or a deleterious food or not, by declaring the food unwholesome by flat of law.

Doctor Goldberger, of the Public Health Service, in further discussing this matter, speaking of this very filled milk as not containing vitamines for babies, was asked:

Containing vitamines for babies, was asked:

Doctor, if orange juice were added to the filled milk in feeding the haby, would that make up for the deficiency in vitamine A?

Doctor GOLDERGER, Not entirely, because orange juice is not especially rich in that vitamine, although it is rich in some of the others, for instance, the antiscurvy vitamine. But if tomato juice is added, as is done now in children feeding, that would contribute very materially to supplying that. But one might say this, that there is no particular necessity for using this preparation in infant feeding, and I am not aware that it is being urged for infant feeding, any more than one might say white bread is urged exclusively in infant feeding.

Mr. President under the

Mr. President, under this precedent I can destroy the cottonseed industry in the South. I can utterly annihilate it. People are selling olive oil every day that is cottonseed oil, and the chemists can be found who will say that the cottonseed oil has less nutritive value than olive oil.

It is a tremendous thing for the Congress of the United States to declare that an article in the market is unwholesome and deleterious, without any proof to support it; to declare it by fiat of law, and then refuse to discuss the matter when it gets ready to enact such legislation.

The bill in itself is not of any special importance. It will put a few filled-milk dealers out of business; but the character of this legislation, the intent and purpose and spirit of it, the use of the lawmaking power to regulate business to-day, to destroy business to-morrow, to foster business the next day, is an ever-growing menace. Every day ingenious men are finding new ways and new hooks and new crooks to invoke the power of Congress, either to destroy or to subsidize some business, and it is time that sort of thing should stop, and it should be challenged whenever it is attempted.

The PRESIDING OFFICER (Mr. Reed of Pennsylvania in the chair). The hour of 5 o'clock having arrived, under the unanimous consent agreement the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce is before the Senate as in Committee of the Whole and will be read for action on the committee amendments.

The reading clerk proceeded to read the bill. The first amendment of the Committee on Agriculture and Forestry was, on page 2, lines 8, 9, and 10, to strike out "and as such is an adulterated and deleterious article of food, and when marketed as such constitutes a fraud upon the public," and to insert in lieu thereof the following:

This definition shall not include any distinctive proprietary food compound not readily mistaken in taste for milk or cream or for evaporated, condensed, or powdered milk or cream: Provided, That such compound (1) is prepared and designed for feeding infants and young children and customarily used on the order of a physician; (2) is packed in individual cans containing not more than 161 ounces and bearing

a label in bold type that the content is to be used only for said purpose; (3) is shipped in interstate or foreign commerce exclusively to physicians, wholesale and retail druggists, orphan asylums, child-welfare associations, hospitals, and similar institutions and generally disposed of by them.

So as to make the first section read:

So as to make the first section read:

That whenever used in this act—

(a) The term "person" includes an individual, partnership, corporation, or association;

(b) The term "interstate or foreign commerce" means commerce (1) between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; (2) between points within the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof; or (3) within any Territory or possession, or within the District of Columbia; and

(c) The term "filled milk" means any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated. This definition shall not include any distinctive proprietary food compound not readily mistaken in taste for milk or cream or for evaporated, condensed, or powdered milk or cream: Provided, That such compound (1) is prepared and designed for feeding infants and young children and customarily used on the order of a physician; (2) is packed in individual cans containing not more' than 10s ounces and bearing a label in bold type that the content is to be used only for said purpose; (3) is shipped in interstate or foreign commerce exclusively to physicians, wholesale and retail druggists, orphan and generally disposed of by them.

Mr. STANLEY. Is it in order to offer an amendment to the second section of the bill at this time?

The PRESIDING OFFICER. It is not yet in order. The question is on agreeing to the amendment of the committee just read.

question is on agreeing to the amendment of the committee just read

The amendment was agreed to.

The next amendment of the Committee on Agriculture and Forestry was, on page 2, line 23, after "Sec. 2," to insert the following:

It is hereby declared that filled milk, as herein defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public—

So as to make the section read:

SEC. 2. It is bereby declared that filled milk, as herein defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public. It shall be unlawful for any person to manufacture within any Territory or possession, or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce, any filled milk.

The PRESIDING OFFICER. Does the Senator from Kentucky wish now to offer an amendment to the first part of the section?

Mr. STANLEY. To the whole paragraph. I want to offer an amendment to strike out all of the language just read and to amend the rest of the section so it would read as follows:

It shall be unlawful for any person to manufacture within any Territory or possession, or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce any filled milk which is deleterious or contains any deleterious constituent, or which can be mistaken for natural milk, without being so plainly marked or labeled as to distinguish it from such article.

The PRESIDING OFFICER. Where does the Senator wish to insert that language?

Mr. STANLEY. I want to strike out everything now in sec-

tion 2 and insert what I have offered.

The PRESIDING OFFICER. The committee amendment to section 2 has not yet been acted upon by the Senate as in Com-

mittee of the Whole.

Mr. STANLEY. I am offering this language in lieu of the committee amendment. I want to strike out section 2 as proposed by the committee.

The PRESIDING OFFICER. The Senate, as in Committee of the Whole, has not yet acted on the committee amendment to section 2, and until the committee amendment has been acted on it can not be stricken out.

Mr. STANLEY. Mr. President, a point of order.
The PRESIDING OFFICER. The Senator from Kentucky will state the point of order.
Mr. STANLEY. I offer what I have offered in lieu of section 2 as reported by the committee.
The PRESIDING OFFICER. The Chair is of the opinion

that the committee amendment must first be acted upon before

the Senator's amendment is in order.

Mr. ROBINSON. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. ROBINSON. If the committee amendment is agreed to, would then be impossible for the Senator from Kentucky to offer his amendment. I suggest that it is in order for the Senator from Kentucky to offer a substitute for the committee amendment and submit whatever amendment he chooses to submit. It is in order to perfect the committee amendment before voting upon the committee amendment, Otherwise there would be no opportunity to amend the committee amendment.

The PRESIDING OFFICER. If the Senator offers his

amendment as an amendment to the committee amendment, it is now in order.

Mr. STANLEY. I offer it as an amendment to the committee amendment.

Mr. DIAL. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The Secretary will call the

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	La Follette	Sheppard
Bayard	Fernald	Lenroot	Shields
Borah	France	Lodge	Shortridge
Brandegee	Frelinghuysen	McCormick	Smith
Brookhart	George	McCumber	Spencer
Broussard	Gerry	McKellar	Stanley
Bursum	Glass	McKinley	Sterling
Calder	Gooding	McNary	Sutherland
Cameron	Hale	Moses	Swanson
Capper	Harreld	New	Wadsworth
Caraway	Harris	Norbeck	Walsh, Mass.
Colt	Harrison	Norris	Walsh, Mont.
Cummins	Heflin	Oddle	Warren
Curtis	Jones, Wash.	Overman	Watson
Dial	Kendrick	Phipps	Weller
Dillingham	Keyes	Reed, Pa.	Willis
Edge	Ladd	Robinson	

Mr. CURTIS. I wish to announce that the senior Senator from California [Mr. Johnson] is necessarily detained on offi-

The PRESIDING OFFICER. Sixty-seven Senators having answered to their names, a quorum is present.

Mr. STANLEY. Mr. President— Mr. BRANDEGEE. Will the Senator from Kentucky be kind enough to yield to me to submit a report? I think it will take

Mr. STANLEY. I yield to the Senator from Connecticut for that purpose.

ALLEGED EXECUTIONS WITHOUT TRIAL IN FRANCE.

Mr. BRANDEGEE. From the special committee which was appointed to investigate the charges made by the late Senator Watson of Georgia as to the hanging of soldiers of the American Expeditionary Forces abroad, I present the following report (No. 1256). It is very brief, and if the Senate will bear with me a moment, I will ask that it may be read.

The PRESIDING OFFICER. Is there objection to the re-

quest of the Senator from Connecticut?

Mr. HARRISON. I do not desire to object, but yesterday a unanimous-consent agreement was entered into so that we might get a vote this afternoon on the filled milk bill and providing that there should be no debate in order after 5 o'clock. It is violative of the spirit of the agreement at least for this other matter to come in at this time. It seems to me it could well wait. Other Senators might then want to introduce other matters, and we never would get through with the filled milk bill. However, I am not going to object.

Mr. SHIELDS. It will only take a few moments, I will say to the Senator from Mississippi.

Mr. HARRISON. I am not going to object.

The PRESIDING OFFICER. Without objection, the Secretary will read the report of the special committee.

The reading clerk read as follows:

The reading cierk read as follows:

The committee of the Senate appointed on the 4th day of November, 1921, under the provisions of Senate Resolution No. 166, to investigate charges made by the late Senator Thomas E. Watson, of Georgia, that members of the American Expeditionary Forces abroad were executed without trial or court-martial, respectfully reports that it has performed the duty imposed upon it by said resolution, and is of opinion that the charges are not sustained by the testimony. The testimony given before the committee is herewith submitted, together with the comments of an assistant to the Judge Advocate General of the Army thereon.

FRANK B. BRANDEGEE, FRANK B. WILLIS. LEE S. OVERMAN, JNO. K. SHIELDS. RICHARD P. ERNST.

Mr. BRANDEGEE. Mr. President, there is an additional page containing the views of one of the members of the committee, which I will ask the Secretary to read. It is a part of the report

The PRESIDING OFFICER. The Secretary will read as requested.

The reading clerk read as follows:

I concur in the foregoing report.

During the hearings by the committee much testimony was taken relative to the guilt or innocence of Maj. Hierome L. Opie, of Staunton, Va., formerly commanding the Third Battalion of the One hundred and sixteenth Infantry, United States Army, who was accused of shooting and killing his orderly or other person.

This charge against Major Opie was published broadcast throughout the United States.

Our committee heard much testimony relating solely to this charge, and inasmuch as there is no court or other tribunal which can pass upon the question of Major Opie's guilt or innocence, I deem it only fair to Major Opie to state that, in my judgment, there is no ground whatever for this charge against him.

RICHARD P. ERNST.

Mr. BRANDEGEE. This matter, so far as I am concerned, will take only a moment further. I think I ought to say, in yiew of the fact that the Senator from Kentucky [Mr. Ernst] has referred to the charges which were made during the hearings before the committee by some witness against Major Opie, that the committee in its report did not refer to that matter or make any finding thereon because the charges made against him arose incidentally in the hearings. The committee was not instructed by the Senate to investigate any charges against Major Ople; and the matter being without our jurisdiction, we did not feel that we were authorized to make a report on it. Inasmuch, however, as a witness blurted out the charge that Major Opie had shot his orderly, and others seeing it in the newspapers came to testify about it, Major Opie asked the privilege of being heard and stating his views upon that question, and the committee could not deny him the opportunity.

I wish to state, however, that personally I entirely agree with the views expressed by the junior Senator from Kentucky, to wit, that the charges made against Major Ople in the hearings

were not sustained by the testimony.

Mr. SHIELDS. Mr. President, I do not care to make any extended remarks about the matter, for the Senator from Connecticut has stated my views in reference to it. I did not think that the special charge against Major Opie was within think that the special charge against Major Opie was within the jurisdiction of the committee under the resolution which was passed by the Senate directing an investigation. As the Senator from Connecticut has stated, it only incidentally came in; but as the charge was made, the committee thought it was entirely, at least, equitable that Major Opie be heard in denial, and the evidence was introduced which we thought completely rebutted those charges. I am very glad to say that I concur with the views of the Senator from Connecticut.

Mr. BRANDEGEE. I ask that the report be printed, with

an illustration.

The PRESIDING OFFICER. Without objection, it is so

FILLED MILK.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8086) to prohibit the shipment

of filled milk in interstate or foreign commerce.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kentucky [Mr. STANLEY] in the nature of a substitute for the amendment reported by the Committee on Agriculture and Forestry in section 2. The Secretary will state the amendment which is proposed by the

Senator from Kentucky to the committee amendment.

The READING CLERK. On page 2, line 23, after the words "Sec. 2," the committee propose to insert:

It is hereby declared that filled milk, as herein defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public.

In lieu of which the Senator from Kentucky [Mr. STANLEX] proposes to insert:

It shall be unlawful for any person to manufacture within any Territory or possession of the United States or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce any filled milk which is deleterious or contains any deleterious constituents or which may be mistaken for natural milk without being so plainly marked or labeled as to distinguish it from such article.

Mr. STANLEY. Mr. President, I ask for the yeas and nays on the amendment to the amendment.

Mr. LENROOT. I rise to a parliamentary inquiry

The PRESIDING OFFICER. The Senator from Wisconsin

Mr. LENROOT. May I ask in what form the amendment of the Senator from Kentucky proposes to strike out the committee amendment?

The PRESIDING OFFICER. The Senator from Kentucky proposes to strike out the amendment to section 2 as proposed by the committee and to substitute therefor the words which have just been read by the reading clerk.

Mr. LENROOT. I call the attention of the Chair

Mr. BRANDEGEE. Debate is out of order.
Mr. ROBINSON. I suggest to the Senator from Wisconsin that while a parliamentary question could be raised to that procedure

Mr. LENROOT. Very well, I will make the point of order,

Mr. ROBINSON. It would be more convenient to vote on a single amendment than on two amendments. The Senator from Kentucky has offered an amendment in the nature of a substitute for the committee amendment. The Senator can make the point of order if he chooses to do so.

Mr. STANLEY. I offer my amendment as a substitute for

the committee amendment.

Mr. LENROOT. I make the point of order that the Senator's amendment is to strike out the entire section, and therefore is not a substitute for the committee amendment.

Mr. STANLEY. I offer my amendment in lieu of the com-

mittee amendment.

I rise to another parliamentary inquiry, Mr. LENROOT. Mr. President. Does the amendment as proposed by the Senator from Kentucky strike out all of the text of the House provision?

The PRESIDING OFFICER. It does.

Mr. LENROOT. Then I make the point of order against the amendment.

The PRESIDING OFFICER. The point of order is sus-

Mr. STANLEY. No; my amendment does not propose to strike out any of the text to the House provision. If my amendment is agreed to, the House provision would be retained as it is now found in the last clause of the section.

The PRESIDING OFFICER. The Chair now understands

that the Senator from Kentucky proposes to strike out only the

words inserted by the committee?
Mr. STANLEY. Yes.
The PRESIDING OFFICER. And to insert in lieu thereof the amendment which has been read?

Mr. STANLEY. Exactly.
Mr. LENROOT. And leave the House text as it stands?
Mr. ROBINSON. The Senator may offer an amendment later to that if he desires to do so.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kentucky to the amendment of the committee.

Mr. STANLEY. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The reading clerk proceeded to call the roll, and Mr. ASHURST voted in the negative when his name was called.

Mr. HARRELD. If it is not too late, I should like to ask to have the amendment to the amendment again read.

The PRESIDING OFFICER. It is too late, a Senator having responded to his name on the roll call.

The call of the roll was resumed.

Mr. FERNALD (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. Jones]. In his absence I withhold my vote, being unable to

secure a transfer of the pair.

Mr. HARRISON (when his name was called). On this vote I am paired with the senior Senator from California

vote I am paired with the senior Senator from California [Mr. Johnson], and therefore withhold my vote.

Mr. LODGE (when his name was called). I have a general pair with the Senator from Alabama [Mr. Underwood], but he is paired, I understand, on this bill and all amendments with the Senator from New Mexico [Mr. Bursum]. Therefore I am at liberty to vote, and I vote "nay."

Mr. McCUMBER (when his name was called). I have a pair with the junior Senator from Utah [Mr. King]. Not transfer what his vote would be on this question I withhold.

knowing what his vote would be on this question, I withhold

Mr. McKINLEY (when his name was called). I am paired with the junior Senator from Arkansas [Mr. Caraway], who has not voted, and therefore I withhold my vote.

Mr. SWANSON (when his name was called). Senator from Michigan [Mr. Townsend] is detained from the Senate on account of illness. I am paired with him for the Not knowing how he would vote on this amendment, I

withhold my vote.

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the junior Senator from Vermont [Mr. PAGE],

and vote "nay."

Mr. WILLIS (when his name was called). I am paired with my colleague, the senior Senator from Ohio [Mr. Pomerene]. I transfer that pair to the junior Senator from Oregon [Mr. Stanfield], and vote "nay."

The roll call was concluded.

Mr. EDGE. I am paired with the senior Senator from Oklahoma [Mr. Owen]. I am unable to secure a transfer of that pair. If permitted to vote, I should vote "yea."

Mr. BURSUM. Upon this question I am paired with the

senior Senator from Alabama [Mr. UNDERWOOD]. If he were

present he would vote "yea." If I were permitted to vote. I should vote "nay."

Mr. CURTIS. I wish to announce the following pairs:

The Senator from West Virginia [Mr. Elkins] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Colorado [Mr. Nicholson] with the Senator from Missouri [Mr. REED]; and

The Senator from Minnesota [Mr. Nelson] with the Senator from Texas [Mr. CULBERSON].

The result was announced-yeas 19, nays 43, as follows:

	YE	AS-19.	
Bayard Brandegee Broussard Dial Dillingham	George Gerry Glass Harreld Heflin	Overman Phipps Pittman Robinson Sheppard	Shields Smith Stanley Wadsworth
	NA.	YS-43.	
Ashurst Borah Brookhart Calder Cameron Capper Cummins Curtis Ernst France Frelinghuysen	Gooding Hale Hitchcock Jones, Wash. Kellogg Kendrick Keyes Ladd La Follette Lenroot Lodge	McCormick McKellar McLean McNary Moses New Norbeck Norris Oddie Pepper Reed, Pa.	Shortridge Spencer Sterling Sutherland Walsh, Mass, Walsh, Mont. Warren Watson Weller Willis
		OTING-34.	a E . S. Francis
Ball Bursum Caraway Colt Couzens Culberson Edge Elkins Fernald	Fletcher Harris Harrison Johnson Jones, N. Mex. King McCumber McKinley Myers	Nelson Nicholson Owen Page Poindexter Pomerene Ransdell Reed, Mo. Simmons	Smoot Stanfield Swanson Townsend Trammell Underwood Williams

So the amendment of Mr. STANLEY to the amendment of the committee was rejected.

The PRESIDING OFFICER. The question now is on the amendment reported by the committee.

Mr. BRANDEGEE. Mr. President, as I understand, the

motion of the Senator from Kentucky was to strike out and insert?

Mr. STANLEY. Yes. Mr. BRANDEGEE. I move to strike out the following language in section 2, beginning in line 23:

It is hereby declared that filled milk, as berein defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public,

Mr. ROBINSON. Mr. President, I call the Senator's attention to the fact that that is a committee amendment which has not as yet been agreed to, and the parliamentary status

Mr. BRANDEGEE. I appreciate that we can accomplish the

same purpose by voting against the committee amendment.

Mr. ROBINSON. The same result can be accomplished by voting against the committee amendment.

Mr. BRANDEGEE. I withdraw my amendment.

The PRESIDING OFFICER. The question is on the adoption of the committee amendment.

The amendment was agreed to.
The PRESIDING OFFICER, The bill is still before the
Senate as in Committee of the Whole and open to amend-

Mr. DIAL. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 3, at the end of paragraph 8, it is proposed to insert the following, to be known as para-

That the second subdivision of section 5 of the United States cotton futures act, approved August 11, 1916, as amended, is amended to read as follows:

"Second. (a) Specify and the second of the United States cotton futures act, approved August 11, 1916, as amended, is amended to read Second. (a) Specify as the class of the contract one of the follow-

"Second. (a) Specify as the class of the contract one of the following classes:

"Class A, which shall include only middling fair, strict good middling, good middling, and strict middling grades;

"Class B, which shall include only strict middling, middling, strict low middling, and good middling yellow tinged grades;

"Class C, which shall include only strict low middling, low middling, strict middling yellow tinged, and good middling yellow stained grades.

"(b) Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, and which standards are established by the Secretary of Agriculture, and which shall be one of the grades included within a class in paragraph (a) of this subdivision; the price per pound at which the control of such basis grade is contracted to be bought or sold; the date when the purchase or sale was made; and the month or months in which the contract is to be fulfilled or settled.

"(c) If no other class is specified in the contract, or in the memorandum evidencing the same, the contract shall be deemed a class B contract.

contract.

"(d) If no other basis grade be specified in the contract, or in the memorandum evidencing the same, good middling shall be deemed the

basis grade incorporated into a class A contract, middling shall be deemed the basis grade incorporated into a class B contract, and low middling shall be deemed the basis grade incorporated into a class C contract. It is further specified that in case delivery is demanded or cotton is tendered at least one-third of each contract shall be filled in the basic grades specified herein, and that the other two-thirds shall be filled either in that grade or in one of the other grades specified in said class."

That the third subdivision of section 5 of such act is amended to

That the third subdivision of section 5 of such act is amended to read as follows:

"Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture and of or within the grades included within the class so specified or incorporated as the class of the contract, and that cotton of any other grade or grades shall not be dealt with therein nor delivered thereunder."

That the fifth subdivision of section 5 of such act, as amended, is amended to read as follows:

"Fifth. Provide that cotton that, because of the presence of extraneous matter of any character or irregularities or defects, is reduced in value below that of strict middling in the case of a class A contract, strict low middling in the case of a class B contract, or low middling in the case of a class C contract, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton that is less than seven-eighths of an inch in length of staple, or cotton that is staple or of immature staple, or cotton that is 'gin cut' or reginned, or cotton that is 'repacked' or 'false packed' or 'mixed packed' or 'water packed,' shall not be delivered on, under, or in settlement of such contract."

That the second paragraph of the seventh subdivision of section 5 of

That the second paragraph of the seventh subdivision of section 5 of such act, as amended, is amended to read as follows:

"The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase 'subject to United States cotton futures act, section 5, class A.' if the contract is a class A contract, or the phrase 'subject to United States cotton futures act, section 5, class B contract, or the phrase 'subject to United States cotton futures act, section 5, class B contract, or the phrase 'subject to United States cotton futures act, section 5, class B contract, or the phrase 'subject to United States cotton futures act, section 5, class B contract, or the phrase 'subject to United States cotton futures act, section 5, class B contract, or the phrase 'subject to united States cotton futures act, section 5, class B, 'if the contract is a class B contract."

That the provisions of this act shall be effective on and after the thirtieth day after its passage, but such provisions shall not be construed as applicable to nor as affecting any right, power, privilege, or immunity under any contract entered into prior to such day.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Carolina.

ment proposed by the Senator from South Carolina.

Mr. DIAL. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Making the

Mr. FERNALD (when his name was called). same announcement as before, I withhold my vote. Mr. McCUMBER (when his name was called). Making the same announcement with reference to my pair as on the previous vote, I withhold my vote.

Mr. McKINLEY (when his name was called). Has the junior

Senator from Arkansas [Mr. Caraway] voted?
The PRESIDING OFFICER. That Senator has not voted.

Mr. McKINLEY. I withhold my vote.
Mr. SWANSON (when his name was called). Making the same announcement that I made on the previous vote, I withhold my vote.

Mr. WATSON (when his name was called). Making the

same announcement as before, I vote "nay."

Mr. WILLIS (when his name was called). Making the same announcement as heretofore concerning the transfer of my pair, I vote "nay."

The roll call was concluded.

Mr. EDGE (after having voted in the negative). I transfer my pair with the senior Senator from Oklahoma [Mr. Owen I transfer to the junior Senator from Washington [Mr. POINDEXTER] and will allow my vote to stand.

Mr. BURSUM. On this question I am paired with the

junior Senator from Alabama [Mr. Underwood]. If I were at liberty to vote, I should vote "nay."

Mr. HARRIS. I have a pair with the Senator from New York [Mr. CALDER], and withhold my vote.

The result was announced-yeas 7, nays 50, as follows:

	Y.	SAS-7.	
Borah Dial	Harreld Jones, Wash.	Overman Shields	Stanley
	NA NA	YS-50.	
Bayard Brandegee Brookhart Broussard Cameron Capper Cuomins Curtis Edge Ernst Frelinghuysen Gerry	Gooding Hale Heffin Kellogg Kendrick Keyes Ladd La Follette Lenroot Lodge McCormick McKellar McLean	McNary Moses New Norris Oddie Pepper Phipps Pittman Ransdell Reed. Pa. Robinson Sheppard Shortridge	Smith Spencer Sterling Sutherland Wadsworth Walsh, Mass. Walsh, Mont. Warren Watson Weller Willis
Glass		OTING-89.	
Ashurst Ball Bursum Calder Caraway	Colt Conzens Culberson Dillingham Elkins	Fernald Fletcher France George Harris	Harrison Hitchcock Johnson Jones, N. Mex. King

McCumber McKinley Myers Nelson Nicholson	Norbeck Owen Page Poindexter Pomerene	Reed, Mo. Simmons Smoot Stanfield Swanson	Townsend Trammell Underwood Williams
--	---	---	---

So Mr. Diar's amendment was rejected.

Mr. BRANDEGEE. Mr. President, I desire to give notice that I shall ask for a separate vote on the committee amendment

in section 2 when the bill gets to the Senate.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment. If no further amendment is proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendments made as in Committe of the Whole except the one on which the Senator from Connecticut [Mr. Brandegee] has asked for a separate vote.

Mr. STANLEY. I give notice that I shall also ask the Senate

to vote upon an amendment to the same paragraph.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. As I understand, in section 2, if Senators will look at the bill, the committee amendment is that part of section 2 which is in italics.

The PRESIDING OFFICER. The Chair so understands.

Mr. BRANDEGEE. Very well. Would it be in order to move to strike out that part of section 2 which is in italics, which is the committee amendment, or is the question on concurring in the committee amendment?

The PRESIDING OFFICER. The question, as the Chair understands, is on concurring in the amendment in section 2,

which was made as in Committee of the Whole.

Mr. BRANDEGEE. And a motion to strike that out would not be in order?

Mr. LODGE. Mr. President, the question is on concurring in the amendment. The Senator from Connecticut gave notice that he would reserve that. Therefore that amendment is be-fore the Senate, and of course it is open to a perfecting motion,

exactly like any other amendment at any other stage.

The PRESIDING OFFICER. But the first question before the Senate, the Chair understands, is on the adoption of the committee amendments other than the one as to which the

Senator has given his notice.

Mr. LODGE. There is some confusion about what the amendment consists of

The PRESIDING OFFICER. The Chair understands that it is the first sentence in section 2, which is printed in italics.

Mr. BRANDEGEE. Have the other amendments agreed to as in Committee of the Whole been concurred in in the Senate?

The PRESIDING OFFICER. They have not. The Chair

was about to put the question.

Mr. WADSWORTH. Mr. President, I think the Senator from Kentucky [Mr. STANLEY] just a moment ago gave notice that he desired a separate vote on his amendment. Am I right?

Mr. STANLEY. Yes.

Mr. WADSWORTH. We are up to it now. His amendment comes first.

Mr. LODGE. I think we had better be clear as to just what we are doing. Is the first amendment the amendment on lines 8, 9, and 10, to strike those lines from the House bill? Is that the first amendment?

The PRESIDING OFFICER. The Chair understands that the first amendment is the striking out of the matter in struck-through type in lines 10, 11, and 12, and the insertion in lieu thereof of the matter in italics in lines 12 to 24.

Mr. LODGE. The Chair, then, has a bill in which the numbering is different from mine. It must be a different print.
The PRESIDING OFFICER. The print the Chair has is that

reported from the committee.

Mr. LODGE. I have the correct print now. I have just re-Mr. LODGE. I have the correct print now. I have just received a fresh one. In that case the amendment begins on line 8 with the word "and"; it strikes out a portion of line 8, the whole of line 9, and the whole of line 10 but one word, and inserts from line 10, page 2. down to line 22.

The PRESIDING OFFICER. The Chair so understands, Mr. LODGE. That is the first amendment.

Mr. SMITH. Mr. President, will the Senator read the words? I have here a copy that seems to be different.

I have here a copy that seems to be different.

Mr. LODGE. The committee moves to strike out, beginning on line 8, after the word "desiccated." the words "and as such is an adulterated and deleterious article of food, and when marketed as such constitutes a fraud upon the public," and to insert: "This definition shall not include any distinctive proprietary food compound not readily mistaken in taste "-that word "intesta" is a misprint-" in taste for milk or cream or for evaporated, condensed, or powdered milk, or cream: Provided,

That such compound (1) is prepared and designed for feeding infants and young children and customarily used on the order of a physician; (2) is packed in individual cans containing not more than 161 ounces and bearing a label in bold type that the content is to be used only for said purpose; (3) is shipped in interstate or foreign commerce exclusively to physicians, wholesale and retail druggists, orphan asylums, child-welfare associations, hospitals, and similar institutions and generally disposed of by them."

That ends the first amendment.

Mr. SMITH. Has the Senator offered an amendment to this

provision?

Mr. LODGE. No; I am not offering an amendment to it. The Senator from Kentucky reserved the right to offer an amendment to it. The amendment of the Senator from Connecticut [Mr. Brandegee] would come next. It is an amendment to section 2, which reads:

It is hereby declared that filled milk, as herein defined, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public.

Those words the Senator from Connecticut proposes to strike out.

Mr. SMITH. What is the amendment now proposed? Does the Senator from Kentucky offer an amendment to the first section?

Mr. STANLEY. The Senator from Kentucky offers to insert after the words "filled milk" the following words—

Mr. BRANDEGEE. What line?

Mr. STANLEY. Line 4, page 3. Mr. LODGE. We have not reached that as yet.

Mr. STANLEY. It is a part of section 2.

Mr. LODGE. That is not a part of the amendment. It is a further amendment, which the Senator will have a perfect right

Mr. STANLEY. I will offer the amendment when we have acted on the one now before the Senate.

Mr. LODGE. The Senator has an entire right to offer that

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. The VICE PRESIDENT. The gentleman will state his in-

Mr. LODGE. The question is on the request of the Senator from Connecticut for a separate vote on his motion to strike

out section 2. Mr. STANLEY. I give notice that when the amendment of the Senator from Connecticut has been acted on I will ask in the Senate to amend section 2 by adding, after the word "milk," on line 4, page 3, the following words:

Which is deleterious or injurious, or contains any injurious or deleterious ingredients, or which is not so marked or labeled as to plainly distinguish it from natural milk.

Mr. McCORMICK. A parliamentary inquiry.
The VICE PRESIDENT. The Senator will state his inquiry.
Mr. McCORMICK. Have we disposed of subsection (c)?
The VICE PRESIDENT. That has not yet been disposed of.

The question is on concurring in the amendment on page 2, and included in subsection (c).

The amendment was concurred in.

Mr. BRANDEGEE. Now I desire to submit a parliamentary

inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. BRANDEGEE. As in Committee of the Whole, the committee agreed to the committee amendment contained in section 2, which is indicated in italics. Is it in order to move to strike that out, the bill now being in the Senate, or is the question simply on concurring in the committee amendment?

The VICE PRESIDENT. The question is on concurring in

the amendment in section 2.

Mr. SMITH. I move to strike that out.

Mr. BRANDEGEE. That is not in order. If the Senate does not concur, it would be equivalent to striking it out. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk pro-

ceeded to call the roll.

Mr. McCUMBER (when his name was called). general pair with the junior Senator from Utah [Mr. KING], who is absent from the Chamber, and not knowing what his vote would be upon this amendment, I withhold my vote.

Mr. McKINLEY (when his name was called). I have a pair with the junior Senator from Arkansas [Mr. Caraway]. In his absence from the Chamber, not knowing how he would

vote, I withhold my vote.

Mr. SWANSON (when his name was called). I have a pair with the senior Senator from Michigan [Mr. Townsend], and not knowing how he would vote on this amendment, I withhold my vote.

Mr. WATSON (when his name was called). Making the same announcement as before, I vote "nay."

Mr. WILLIS (when his name was called). I am paired with my colleague [Mr. Pomerene]. I transfer that pair to the junior Senator from Oregon [Mr. Stanfield], and vote "yea." The roll call was concluded.

Mr. EDGE. Making the same announcement as before as to

the transfer of my pair, I vote "nay."

The result was announced—yeas 36, nays 25, as follows:

YEAS-36.

Ashurst Borah Brookhart Cameron Capper Cummins Curtis Frelinghuysen Gooding McCormick McKellar McNary Moses Norbeck Norris Oddie Pepper Shields Shortridge Spencer Sterling Sutherland Walsh, Mass. Walsh, Mont. Weller Willis Hale Hitchcock Jones, Wash, Kellogg Kendrick Keyes Ladd La Follette Lenroot Pepper Reed, Pa. NAYS-25.

Ernst Brandegee Broussard Calder Dial Dillingham George Gerry Glass Harreld Heflin Lodge

New Overman Phipps Pittman Robinson Sheppard Smith NOT VOTING-35.

Stanley Wadsworth Warren Watson

Ball Bursum Caraway Colt Couzens Culberson Elkins Fernald Fletcher

France Harris Harrison Johnson Jones, N. Mex. King McCumber McKinley McLean

Myers Nelson Nicholson Owen Page Poindexter Pomerene Ransdell Reed, Mo.

Simmons Smoot Stanfield Swanson Townsend Trammell Underwood Williams

So the amendment was agreed to.

Mr. PITTMAN. I offer an amendment, to strike out, on page 1, commencing with line 9, the numeral "(2)" and the words "between points within the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof." It is the provision which prevents commerce inside of a State.

Mr. LODGE. I ask that the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amend-

The READING CLERK. On page 1 strike out, beginning with line 9, as follows:

(2) between points within the same State, Territory, or possession, within the District of Columbia, but through any place outside

And the semicolon,

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. WADSWORTH. May I ask the Senator if he has a situation of this kind in mind-

Mr. NORRIS. Mr. President, debate is not in order.

The VICE PRESIDENT. No debate is in order.

Mr. WADSWORTH. I accept the rebuke.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada.

The amendment was rejected.

The VICE PRESIDENT. The question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 35 minutes spent in executive session, the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the following bills of the Senate:

S. 574. An act to amend an act entitled "An act to save daylight and to provide standard time for the United States," as

S. 1076. An act establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes;

S. 4211. An act authorizing preliminary examination and survey to be made of the Intracoastal Waterway in Louisiana and Texas: and

S. 4469. An act to extend the time for the construction of a bridge or bridges and trestles over the navigable channels of the mouth of the Mobile River in the State of Alabama.

The message also announced that the House had passed the joint resolution (S. J. Res. 240) authorizing the erection on public grounds of a memorial to the late Joseph J. Darlington, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 13550) authorizing the Secretary of the Interior to enter into a contract with the Elephant Butte irrigation district of New Mexico and the El Paso County water improvement district No. 1, of Texas, for the carrying out of the provisions of the treaty of January 16, 1907, between the United States of America and the United States of Mexico, and for other purposes, in which it requested the concurrence of the Senate.

The message also communicated to the Senate the intelligence of the death of Hon. W. BOURKE COCKBAN, late a Representative from the State of New York, and transmitted the resolutions of the House thereon.

ENROLLED BILLS.

The message further announced that the Speaker pro tempore of the House had signed the following enrolled bills:

S. 4197. An act to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of, certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes:

S. 4579. An act to authorize the Lee County bridge district No. 2, in the State of Arkansas, to construct a bridge over the St. Francis River;

S. 4583. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Charles Mix County and Gregory County, S. Dak.; H. R. 5018. An act to authorize the widening of First Street

NE., and for other purposes; and H. R. 13554. An act authorizing the construction, maintenance, and operation of a dam and appurtenant intake and outlet structures across or in the Potomac River at or near Williamsport, Washington County, Md.

POST OFFICE DEPARTMENT SERVICE (S. DOC. NO. 341).

The Vice President laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a claim amounting to \$4,380.67, allowed by the General Accounting Office, as covered by certificate of settlement under appropriation, the balance of which has been exhausted, for the service of the Post Office Department, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

NITRATE PLANT AT MUSCLE SHOALS (S. DOC. NO. 340).

The Vice President laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department, fiscal year 1923, for payment of awards for land condemned for use by the War Department at the United States nitrate plant No. 2, Muscle Shoals, Ala., in amount \$30,000, which with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS OF CERTAIN OIL COMPANIES.

Mr. McKELLAR submitted an amendement intended to be proposed by him to the bill (S. 4479) for the relief of Rose City Cotton Oil Mill and others, which was ordered to lie on the table and to be printed.

REPORT FROM THE COMMITTEE ON THE JUDICIARY.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 4543) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, reported it with amendments and submitted a report (No. 1255) thereon.

ORDER FOR ADJOURNMENT.

Mr. CURTIS. I ask unanimous consent that at the conclusion of the business of the Senate to-day the Senate adjourn until 11 o'clock to-morrow morning.

Mr. SMOOT. Mr. President, what business? After the deficiency bill passes I desire to take up the reclassification bill.

Mr. CURTIS. I say after the conclusion of the business of the Senate. They can go on as long as they like.

Mr. SMOOT. But I want it understood that it is not at the

conclusion of this bill.

Mr. CURTIS. I have not asked for that,
Mr. SMOOT. I misunderstood the Senator.

Mr. McKELLAR. What is the proposal-to go on for some time?

Mr. CURTIS. The Senator from South Dakota [Mr. Ster-LING] wants to go on with the reclassification bill as soon as we get through with the appropriation bill; but I desire an agreement now, if possible, that when we conclude our business to-day we shall adjourn until 11 o'clock in the morning.

Mr. HEFLIN. There is no objection to that, I guess. Mr. ROBINSON. Mr. President, I think the agreement should

be entered into.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

THE MERCHANT MARINE.

Mr. JONES of Washington. Mr. President, I knew when the shipping bill was defeated that its defeat would bring great delight to the shipping interests and to the people of Great Britain. I did not expect them to express themselves quite so freely and so quickly as they have done; but I find in the New York Times of to-day a dispatch from London to which I wish to call attention. This paper opposed the bill, and therefore no question can be made as to the authenticity of this dispatch. I ask that it may be read. It is short, but it is quite interesting, I think.

The VICE PRESIDENT. Without objection, the article will be read.

The reading clerk read as follows:

SAYS WE COLLAPSE AT SEA-LONDON PAPER DECLARES THE GREAT AMERI-CAN EFFORT FAILS.

[By wireless to the New York Times.]

[By wireless to the New York Times.]

London, Feb. 28.—"America's collapse at sea" is the big-type headline used by the Daily Chronicle above a dispatch from its New York correspondent announcing the fate of the ship subsidy bill and a decision to place 1,700 American vessels on the market. Commenting editorially the Chronicle says:

"Thus ends in catastrophe the vastest and most futile attempt in history to create artificially a new industry. It represents probably the greatest recorded failure of the protectionist theory in practice, and consequently the greatest triumph for free trade in America. It means almost a dead loss of some £570,000,000. It means a bitter disillusionment, the collapse of a dream which would have put the American flag in every port of the world and on all its seas, the failure of a grandiose national effort in the furtherance of which the Government strained to the utmost its influence and resources and threw into the scale its official authority and unique propaganda.

"The dream has been shattered finally by the American taxpayer, but it is true that the causes of failure are economic, not political: They are simply these: That America could not build ships as cheaply as we could, or as well; that she could neither run them nor man them as we do; that it is beyond the power of our Government or of any Government to create a carrying trade artificially; that Washington has made the same mistake with shipping that Moscow has made with industry.

"Naturally British shipping will benefit. So long as these American."

industry.

"Naturally British shipping will benefit. So long as these American ships were run as they were being run, for the purpose of forcing an opening of doors for American traffic, and not for legitimate profit, and so long as the American citizen was patient enough to pay out of his pocket for the experiment, it was useless to hope for recovery in the shipping trade.

"A new chapter now opens for the British mercantile marine. At the same time a chapter closes in economic history that has its lesson not only for America, but for all who have the intelligence to read it."

Mr. ROBINSON. Mr. President, I have no disposition to renew the debate on the shipping bill. It has consumed the attention of the Senate during the special session preceding the present session and the greater part of the time of this session. I think we ought to give our attention now to live subjects of legislation.

DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

The VICE PRESIDENT. The Secretary will continue the

reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head "Department of State," on page 51, after line 10. to insert:

ADORNMENT OF THE PEACE PALACE AT THE HAGUE.

The appropriation of \$20,000 to enable the United States to contribute to the adornment of the Peace Palace at The Hague, made by the diplomatic and consular act, approved February 28, 1913, including the same objects specified under this head, is hereby reappropriated and made available for the fiscal years 1923 and 1924.

The amendment was agreed to.

Mr. KING. Mr. President, I desire to give notice that I shall move to strike out, when we reach it, the item of \$78,-

675,000, on page 54, for the Bureau of Internal Revenue.

The next amendment was, under the head "International Exposition at Rio de Janeiro, Brazil," on page 53, at the be-

ginning of line 15, to strike out "\$30,000" and insert "\$35,000," so as to make the paragraph read:

The appropriation of \$1,000,000 authorized by Joint Resolution No. 25, approved November 2, 1921, for the expenses of taking part in an international exposition to be held at Rio de Janeiro, Brazil, which was made by the first deficiency act, fiscal year 1922, approved December 15, 1921, is hereby made available for the fiscal year 1924, and the Secretary of State may expend not to exceed \$15,000 of the balance of the appropriation, not required for the expenses of participation in the exposition building and improvement of the grounds thereof for permanent use as residence and offices of the diplomatic representative of the United States to Brazil; and not to exceed \$35,000 for the purchase of additional land adjoining the site now owned by the United States upon which the exposition building is situated.

The amendment was agreed to.

The next amendment was, on page 53, after line 17, to insert:

CLAIM OF GOVERNMENT OF FRANCE.

To pay the Government of France, as an act of grace and without reference to the question of the legal liability of the United States, in satisfaction of a claim on account of losses sustained by a French citizen in connection with the search for the body of Admiral John Paul Jones, \$13,511.13.

The amendment was agreed to.

The next amendment was, under the head "Treasury Department," on page 54, after line 10, to insert:

DIVISION OF BOOKKEEPING AND WARRANTS.

Contingent expenses, public moneys: For contingent expenses under the requirements of section 3653 of the Revised Statutes, for the collection, safe-keeping, transfer, and disbursement of the public money, etc., including the same objects specified under this head in the act making appropriations for the Treasury Department for the fiscal year 1923, \$15,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 11, to insert: Denver, Colo., mint building: For additional vault facilities, \$50,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 7, to insert: River and harbor work: For payment of claims adjusted and settled under section 4 of the river and harbor appropriation act approved June 25, 1910, as amended, certified to Congress during the present session in House Document No. 596, \$4,803.

The amendment was agreed to.

The next amendment was, on page 58, after line 21, to insert:

INTERNATIONAL SHOOTING COMPETITION.

To meet the expenses incident to holding an international shooting competition in the United States in connection with the national matches, to be expended under the direction of the Secretary of War, to be immediately available, and to remain available until December 31, 1923: Provided, That the rifles, pistols, equipment, ammunition, and personal effects of the visiting riflemen from foreign countries be admitted to the United States without the imposition of duty, \$25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster Corps," on page 59, line 16, after the numerals "1924," to strike out the proviso in the following words:

Provided, That this appropriation shall not become available for expenditure until the State of Kansas shall have entered into an agreement with the Secretary of War to maintain the roads in good condition after their construction or improvement has been completed.

The amendment was agreed to.

The next amendment was, under head "Judgments, United States courts," on page 60, line 23, after the numerals "573," to insert "and Senate Document No. 314," so as to read:

For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," as amended, certified to Congress during the present session by the Attorney General in House Document No. 573 and Senate Document No. 314, and which have not been appealed, namely.

The amendment was agreed to.

The next amendment was, at the top of page 61, to insert:

Under the United States Housing Corporation, \$437.50.

The amendment was agreed to.

The next amendment was, on page 61, line 4, before the word "together," to insert a semicolon and the words "in all, \$402,-274.12," so as to read:

Under the War Department, \$401,836.62; in all, \$402,274.12, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent from the date thereof until the time this appropriation is made.

Mr. KING. I would like to have an explanation of that War Department Item.

Mr. WARREN. They are judgments of the Court of Claims drawing 4 per cent.

Mr. SMOOT. We want to pay them as quickly as we can. Mr. KING. They are judgments against the United States? Mr. WARREN. Yes.

The amendment was agreed to.

The next amendment was, under the head "Judgments, Court of Claims," on page 61, line 11, after the numerals "575," to insert "and Senate Documents Nos. 312 and 324," so as to read:

JUDGMENTS, COURT OF CLAIMS,

For payment of the judgments rendered by the Court of Claims and reported to Congress during the present session in House Document No. 575 and Senate Documents Nos. 312 and 324, namely:

The amendment was agreed to.

The next amendment was, on page 61, after line 12, to insert: Under the Department of the Interior, \$430.

The amendment was agreed to.

The next amendment was, on page 61, at the end of line 16, to strike out "\$62,750.39" and insert "\$249,257.57," so as to read:

Under the War Department, \$249,257.57.

The amendment was agreed to.

The next amendment was, on page 61, at the end of line 17, to increase the appropriation for payment of the judgments rendered by the Court of Claims and reported to Congress during the present session in House Document No. 575 and Senate Documents Nos. 312 and 324, from "\$72,811.41" to "\$259,-748.59."

The amendment was agreed to.

The next amendment was, on page 69, after line 12, to insert:

AUDITED CLAIMS.

SEC. 3. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1920 and prior years unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 313, reported to Congress at its present session, there is appropriated as follows:

INDEPENDENT OFFICES.

For salaries and expenses, Federal Board for Vocational Education, \$22.82.
For Interstate Commerce Commission. \$7.67.
For salaries and expenses, Veterans' Bureau, 53 cents.

DEPARTMENT OF COMMERCE.

For general expenses. Lighthouse Service, \$9.76.

DEPARTMENT OF THE INTERIOR.

For scientific library, Patent Office, \$2.50.
For maintenance and operation of fuel yards, District of Columbia, Bureau of Mines, \$88.11.
For increase of compensation, Indian Service, \$24.
For purchase and transportation of Indian supplies, \$55.09.
For Indian School, Riverside, Calif., \$161.14.

DEPARTMENT OF JUSTICE.

For detection and prosecution of crimes, \$49.99, For fees of commissioners, United States courts, \$153.20. For support of prisoners, United States courts, \$3,906.61.

DEPARTMENT OF LABOR.

For expenses of regulating immigration. \$4. For enforcement of laws against allen anarchists, \$238.25. DEPARTMENT OF STATE.

For salaries of secretaries, diplomatic service, \$110.76.
For transportation of diplomatic and consular officers, \$41.06.
For salaries, Consular Service, \$340.18.
For post allowances to diplomatic and consular officers, \$304.16.
For contingent expenses, United States consulates, \$95.11.
For national security and defense, Department of State, \$101.11.

TREASURY DEPARTMENT.

For expenses of loans, act September 24, 1917, as amended, \$88.35. For salaries and expenses of collectors, etc., of internal revenue, \$38.53.

For collecting the war revenue, \$110.73.

For allowance or drawback (internal revenue), \$144.

For Coast Guard, \$358.54.

WAR DEPARTMENT.

For pay, etc., of the Army, \$10.67.
For mileage to officers and contract surgeons, \$7.68.
For general appropriations, Quartermaster Corps, \$8,015.53.
For supplies, services, and transportation, Quartermaster Corps, \$85,587.76.

\$85,587.76.
For barracks and quarters, \$75.
For Air Service, Army, 30 cents.
For increase for aviation, Signal Corps, \$6.87.
For medical and hospital department, \$73.29.
For Ordnance Service, \$16.50.
For ordnance stores, ammunition, \$8.37.
For ordnance stores and supplies, \$100.86.
For armament of fortifications, \$1,925.42.
For armament of fortifications, \$1,925.42.
For arming, equipping, and training the National Guard, \$471.91.
For increase of compensation, Military Establishment, \$950.84.
For National Home for Disabled Volunteer Soldiers, Pacific Branch, \$6.76.

POST OFFICE DEPARTMENT-POSTAL SERVICE.

For clerks, first and second class post offices, \$299.42. For power-boat service, \$65.37. For unusual conditions at post offices, \$100. Total, audited claims, section 3, \$104,178.75.

The amendment was agreed to.

month.

The next amendment was, on page 72, line 22, to change the section number from "3" to "4."

The amendment was agreed to.

The VICE PRESIDENT. The committee amendments are all disposed of.

Mr. WARREN. I wish to say that the Senate committee has further amendments, and under the agreement they are now in order, and I wish to present them.

The VICE PRESIDENT. They are in order, and the Chair

recognizes the Senator from Wyoming for the purpose of offer-

ing them

Mr. WARREN. The first amendment I send to the desk. The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 3 insert a new paragraph, as follows:

To pay the widow of the late W. BOURKE COCKRAN, late a Representative from the State of New York, \$7,500.

The amendment was agreed to.

Mr. WARREN. I offer the following amendment.
The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 4, line 1, strike out the word "three" and insert the word "four."

The amendment was agreed to.

Mr. WARREN. I offer an amendment for consideration which probably is legislation, in a way. I will send it to the desk to be read, and if any explanation is necessary, it can be

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 9, after line 2, to insert the following:

SMITHSONIAN INSTITUTION.

That additional taxes amounting to \$74,657.70, together with all penalties and other charges thereon, assessed by the Treasury Department against the estate of Charles L. Freer, deceased, late of Detroit, Mich., which estate has been closed, the executors discharged, and the residue paid over to the Smithsonian Institution as an endowment for the Freer Gallery of Art, presented to the Nation by the said Charles L. Freer, are hereby canceled and the Treasury Department is hereby authorized and directed to remit any further taxes, penalties, or charges, which may hereafter be found due from the said estate.

The amendment was agreed to

The amendment was agreed to.

Mr. WARREN. I offer the following amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 29, after line 24, to insert the

The Secretary of the Interior is hereby authorized to pay to R. P. Rueth, of Chamita, N. Mex., the sum of \$350 from the appropriation for the support and civilization of the Indians of New Mexico for the fiscal year 1922, in reimbursement of the amount expended by him from personal funds for the repair of the bridge across the Rio Grande at the San Juan Indian pueblo in the State of New Mexico.

Mr. KING. May I ask the Senator if that is not an item

that was contained in a special bill which was rejected by the

Senate?

Mr. WARREN. I do not recall that, but it is a matter offered to remedy a situation in which the Commissioner of Indian Affairs finds himself.

The amendment was agreed to.
Mr. WARREN. I offer another amendment, which I send to the desk

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 48, after line 4, to insert:

For payment of the claim of J. Leo Skelley allowed by the General Accounting Office, as covered by certificate of settlement, under appropriation the balance of which has been exhausted, and for the service of the Post Office Department, \$4,380.67.

The amendment was agreed to.
Mr. WARREN. I will send to the desk now an amendment which appropriates no money, but changes the application of money appropriated for a certain building, so that instead of all of it being used for painting, repairs to plumbing, and so forth, a certain amount of it may be used for mechanical equip-

The VICE PRESIDENT. The Secretary will state the

amendment.

The READING CLERK. On page 56, after line 20, to insert the following:

West Roxbury, Mass., Public Health Service Hospital No. 44: That the sum of \$50,000 appropriated in the act entitled "An act making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes," approved February 17, 1922, for exterior and interior painting of all buildings, and repairs to plumbing, at the Public Health Hospital, West Roxbury, Mass., is hereby made available for mechanical equipment, in addition to the items already authorized.

The amendment was agreed to.

Mr. WARREN. There is a matter of legislation contained in the amendment I am about to offer which I will describe in a few words before the amendment is read. When our troops were in Cuba and the Philippines, at the time of the war with Spain and immediately afterwards, certain officers and men submitted themselves for experiment in the study of yellow fever and its cure. Certain of the officers died, and years ago we provided that a certain amount should be paid by the War Department to those who survived. The man mentioned in the amendment I am about to send to the desk was an enlisted man who submitted himself with the others and was very ill. He had yellow fever, but he did not die.

It seems he was one of those brave men who did not wish to make it a matter of money, but wanted the glory, as courageous, heroic men do, so he refused to take any money at that time or to have anything done for him. But it seems that afterwards his trouble developed again; he asked for aid, and then we passed a pension bill granting him \$12 a month. That was passed, I think, in 1907, and he was granted a pension of \$12 a

Later on, about 1911, the matter was brought before the Committee on Military Affairs and this man was put on the same basis as the others, to draw a hundred dollars a month, to be paid by the War Department. He has drawn that sum ever since, and it seems that through ignorance or neglect he has also drawn the \$12 a month up to the time he was informed and the department corrected itself, so that it would amount to probably \$500 or \$600 received by him which he should not have had.

The man now lies in bed, paralyzed from the waist down; he has a family, and he was provided for in the regular annual Army appropriation bill. When it went to the House, in conference they asked that \$50 a month be reserved from his pay until this debt to the Government was extinguished. This amendment is to clear the record, to remove any charge of debt against this man, and permit him to draw hereafter the \$100 a month and that amount only.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 57, after line 25, insert the following paragraph:

That the Secretary of War be authorized and directed to continue on the rolls of the War Department the name of John R. Kissinger, late of Company D, One hundred and fifty-seventh Indiana Volunteer Infantry, and also late of the Hospital Corps of the United States Army, and continue to pay him the sum of \$100 per month during his natural life pursuant to the act of Congress approved February 15, 1911, notwithstanding the fact that certain payments of pension money may have heretofore been made to said John R. Kissinger under a special act of Congress approved March 2, 1907, and that return of such sums as have been paid contrary to law to said John R. Kissinger under said act of March 2, 1907, shall not be demanded, nor shall any deduction on account of such payment be made from moneys due and payable to him under said act of February 15, 1911.

The amendment was agreed to.

Mr. WARREN. I offer a further amendment relating to Muscle Shoals, but I will say that it is only to appropriate a small amount that is due for land that was taken by the Government and was not settled for.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 58, after line 21, insert the following:

MUSCLE SHOALS.

Land for nitrate plant No. 2: For amount required to pay awards for land condemned for use by the War Department at the United States nitrate plant No. 2, Muscle Shoals, Ala., \$30,000.

The amendment was agreed to.

Mr. SMOOT. From the committee I offer the following amendment. I will say to the Senate that this is not an appropriation but it is an authorization to use money for the rental of the Lemon Building and to transfer money from one fund to another. I am trying to get more employees in the Lemon Building.

Mr. ROBINSON. Is it a legislative provision?

Mr. SMOOT. Yes; a legislative provision so far as the transfer of the money is concerned. It does not appropriate a cent of money, but gives us more room and saves us money.

Mr. ROBINSON. We have relaxed the rule, so I will not

object to this.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 58, following line 12, to insert the following:

That \$1,800 from the appropriations for the rental of buildings and parts of buildings for military purposes in the District of Columbia for the fiscal year ending June 30, 1923, is hereby made available for the rental of the Lemon Building for the period beginning April 1, 1923, and ending June 30, 1923, and \$5.400 from the appropriations for the rental of buildings and parts of buildings for military purposes

in the District of Columbia for the fiscal year ending June 30, 1924, is hereby made available for the rental of the Lemon Building for the fiscal year 1924, without regard to the particular purposes for which it is to be used.

The amendment was agreed to.

Mr. WARREN, I have one further amendment on the part of the committee

Mr. ROBINSON. Is this a committee amendment? Mr. WARREN. It is the last amendment of the committee. The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 18, after line 24, to insert the following:

The Reading Clerk. On page 18, after line 24, to insert the following:

On page 18, after line 24, insert the following:

"That, pursuant to the report of the joint select committee appointed under the provisions of the act entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1923, and for other purposes," approved June 29, 1922, there shall be credited to the general account of the District of Columbia, required under the provisions of said act to be kept in the Treasury Department, the sum of \$7.574,416.90, being the reported balance in the general fund of said District, as shown on the books of the Treasury Department on June 30, 1922, as certified by the Comptroller General of the United States and as verified in the report of said committee, that there shall be charged to said account the proportion of unexpended balances of appropriations on said date, payable by said District, together with obligations and encumbrances which will accrue subsequent to said date and amounting in all to \$2,903,-219.93; that there shall also be charged to said account the sum of \$233,707.51, found by the said committee in its report as due from the District of Columbia to the United States, as follows: The District's proportion of the \$240 annual bonus paid to certain of its employees, \$191.890.35, the District's proportion of the cost of additional land for the National Zoological Park, \$41,500, and one-half of amount appropriated by special act of Congress for the relief of Eldred C. Davis, \$317.16; that there shall be credited to said account the sum of \$665.46, found by the said committee in its report as due the District of Columbia from the United States; that in the settlement of said items between the United States or the District of Columbia, in respect to the items involved; that, taking into account the above mentioned charges and credits, the amount of the

Mr. LENROOT. Mr. President, this is a very important matter. I doubt if any Senator knows anything about it. I feel compelled to-make the point of order against it as being general legislation upon an appropriation bill.

The VICE PRESIDENT. The Chair understands it has been

reported by the committee.

Mr. WARREN. It was duly considered by the committee and reported. I am aware, as the Senator has stated, that it is a matter covering a great deal of ground, but to bring it down to a few words it means that either we do or do not owe the District of Columbia some four million and odd dollars as a result of the accounting that has taken place going back as far as 1878 and being brought up to the present hour. It is the opinion of the committee that the United States does owe the District of Columbia that amount,

Mr. LENROOT. I would like to ask how much consideration was given to it by the subcommittee?

Mr. PHIPPS. On February 17 a bill was introduced in the Senate and referred to the Committee on the District of Columbia covering this very language, and the Committee on the District of Columbia reported the bill out favorably, and it is on the calendar. On the same date, February 17, in the House a duplicate of the Senate bill was introduced by Congressman HARDY of Colorado, and it was referred to the House Committee on the District of Columbia, and has been favorably reported by the House committee. The bill, therefore, having received the approval of a standing committee of the House as well as a standing committee of the Senate, I do not see how it can be subject to a point of order.

Mr. LENROOT. It is general legislation. The committee

has no right to report general legislation. I happen to know that there is opposition to the matter in another body. I know nothing about the merits of it. It may be all right, but I do know if there be opposition in another body that there will be no opportunity to consider the matter on its merits if it is attached as an amendment to the pending bill. Clearly, it seems to me, it is, of course, general legislation. I think the chairman of the Committee on Appropriations admits that it

is subject to a point of order.

The VICE PRESIDENT. The Chair is of the opinion that

the point of order is well taken.

Mr. OVERMAN. Mr. President, the Attorney General sent to the Committee on Appropriations an amendment which he

desires to have adopted. The committee thought it was general legislation, and referred it to the Committee on the Judiciary. I have taken it up with the Judiciary Committee, and they report favorably. I think it is in order. I ask unanimous consent to report at this time the amendment, as it is a very important matter.

The VICE PRESIDENT. The amendment will be reported. The READING CLERK, On page 17, after line 3, insert the following:

SUPERINTENDENT OF THE WASHINGTON ASYLUM AND JAIL

SUPERINTENDENT OF THE WASHINGTON ASYLUM AND JAIL,

The superintendent of the Washington Asylum and Jail, appointed
by the Commissioners of the District of Columbia, is hereby directed,
anthorized, and required to execute the judgments of the law heretofore pronounced and hereafter to be pronounced in the District of
Columbia by the courts thereof in all capital cases, and the power and
the authority heretofore given to and now vested in such commissioners
to appoint such superintendent and all appointments to the position of
such superintendent made by such commissioners, are hereby ratified
and confirmed, and any failure on the part of Congress heretofore or
hereafter to make specific appropriation for the salaries or compensation
of such superintendent shall not be construed either as an abolition of
such superintendent of the Washington Asylum and Jail or as a repeal
of the power and authority of such commissioners to appoint such
superintendent.

The amendment was acreed to

The amendment was agreed to.

Mr. OVERMAN. I ask permission to place in the RECORD in 8-point type a letter from the Attorney General, so that in conference the amendment may be understood.

There being no objection, the letter was ordered to be printed

in the Record in 8-point type, as follows:

DEPARTMENT OF JUSTICE, Washington, D. C., February 26, 1923.

Hon. KNUTE NELSON,

Chairman Judiciary Committee of the Scnate,

Washington, D. C.

MY DEAR SENATOR: I have the honor to inclose herewith a copy of a letter from the United States attorney for the District of Columbia. You will note that his letter suggests legislation for the relief of a very serious situation, and I send it to you for your serious consideration.

Respectfully,

JOHN W. H. CRIM, Assistant Attorney General.

OFFICE OF THE UNITED STATES ATTORNEY, DISTRICT OF COLUMBIA. Washington, D. C., February 23, 1923.

The ATTORNEY GENERAL,

Department of Justice, Washington, D. C.

SIR: There is pending in the Court of Appeals of the District of Columbia a case on appeal from the Supreme Court of this District which involves the question whether there is such a position as the superintendent of the Washington Asylum and Jail. The case went up on appeal from a judgment of the lower court overruling the demurrer to the return of the Government to a petition for habeas corpus in a capital case in which the death warrant directed such superintendent to execute the judgment of the court.

As there are a number of other prisoners in the custody of such superintendent under sentence of death, together with many convicted of various crimes, I am somewhat apprehensive as to what would happen should the Court of Appeals hold that there is no such position as superintendent of the Washington Asylum and Jail, and especially so in view of the fact that Congress will not be in session again for 9 or 10 months.

In 1911 Congress abolished the office of warden of the faft. whose duty it had been to execute the judgments of the court in capital cases, and created the office of superintendent of the Washington Asylum and Jail, and authorized the Commissioners of the District of Columbia to appoint such superintendent, and conferred upon such superintendent all the duties, discretion, and powers then vested in and exercised by the warden of the jail of the District of Columbia and the superintendent of the then Washington Asylum.

In the act of June 26, 1912, making appropriation for the

District of Columbia, is the following provision:
"That the superintendent of the Washington Asylum and Jail appointed by the Commissioners of the District of Columbia be, and he is hereby, directed, authorized, and required to execute the judgments of the law heretofore pronounced and hereafter to be pronounced in the District of Columbia by the courts thereof in all capital cases." (37 Stat. L., Pt. I, p. 170.)

From that time to the present the judgments of the Supreme Court of the District of Columbia in capital cases have been

executed by the superintendent of the Washington Asylum and

Jail or by his assistant.

The contention in the case now pending in the Court of Appeals is that the position of superintendent of the Washington

Asylum and Jail has been abolished by reason of the fact that since 1919 Congress has failed to make any appropriation for salary or compensation for the position of superintendent of the Washington Asylum and Jail, while making appropriation for the positions of superintendent of the workhouse and reformatory, and superintendent of the Washington Asylum Hospital.

In view of the above circumstances, and so that there may be no question about the matter, I would suggest that you request Congress immediately to enact legislation as follows:

"An act authorizing the superintendent of the Washington Asylum and Jail to execute the judgments of the courts in the District of Columbia in capital cases, and ratifying and confirming appointments to the position of such superintendent made by the Commissioners of the District of Columbia.

"Be it enacted, etc., That the superintendent of the Washington Asylum and Jail appointed by the Commissioners of the District of Columbia be, and he is hereby, directed, authorized, and required to execute the judgments of the law heretofore pronounced and hereafter to be pronounced in the District of Columbia by the courts thereof in all capital cases. And the power and authority heretofore given to and now vested in such commissioners to appoint such superintendent and all appointments to the position of such superintendent made by such commissioners are hereby ratified and confirmed; and any failure on the part of Congress, either heretofore or hereafter, to make a specific appropriation for the salary or compensation of such superintendent shall not be construed either as an abolition of such position of superintendent of the Washington Asylum and Jail or as a repeal of the power and authority of such commissioners to appoint such superintendent."

Respectfully,

PEYTON GORDON, United States Attorney.

Mr. LODGE. Mr. President, I offer the following amendnent, to be inserted on page 41, under the heading "Department of Labor." It is an amendment which I have offered in another form heretofore and relates to pay for overtime for the immigration officers and inspectors, the pay for overtime to be furnished by the steamship and transportation companies.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 41, after the amendment in lines 19 and 25 heretofore agreed to, insert the following:

lines 19 and 25 heretofore agreed to, insert the following:

The Secretary of Labor is authorized, under such regulations as he may deem advisable, to pay extra compensation to immigrant inspectors and other immigration employees when, at the request of any transportation company, corporation, or individual bringing aliens to the United States, such officers or employees are required to report for extra duty or to work overtime, or on nights, Sundays, or holidays, in connection with the examination of alien passengers or crews; and the transportation company, corporation, or individual requesting such extra service shall pay to the Secretary of Labor as reimbursement the amounts expended by him for such extra service in accordance with his regulations, and such reimbursement shall be credited to the appropriation "Expenses regulating immigration."

Mr. WARREN. That seems to me to be something against which I shall have to make the point of order, but I will withhold it for the moment if the Senator from Massachusetts

wishes to explain the amendment.

Mr. LODGE. It is an attempt to get pay for the immigration Inspectors when they work overtime, the money to be paid by the transportation companies and steamship companies when they require the immigration inspectors to work overtime and at night. I suppose it is general legislation.

Mr. WARREN. It would seem to me that it is. We did not

have it before the committee.

Mr. SWANSON, Mr. President, will the Senators speak louder? It is impossible for us to understand what the amendment is or what they are saying about it.

Mr. KING. A point of order has been made against the amendment.

The VICE PRESIDENT. The point of order is well taken. Mr. JONES of Washington. Mr. President, with reference to the amendment which the Senator from Massachusetts has offered, I desire to say that a subcommittee of the Committee on Commerce was appointed to consider the legislation, and I think held quite extensive hearings, but was not able to reach

a conclusion before the present session should come to a close. Mr. LODGE. A House committee held hearings on it, too.

Mr. JONES of Washington. We hope during the next session of Congress to present legislation covering the situation.

Mr. LODGE. I think it is desirable that that be done.
Mr. CALDER, Mr. President, I introduced a bill covering this matter and it was referred to the Committee on Commerce. The bill was introduced by me because in the last session of Congress there was passed a bill providing for similar payments for the customs inspectors. The Senator from Massa-

chusetts now desires that the immigration inspectors shall be cared for in the same way. This legislation has been asked for by the great shipping companies in New York City, Boston, and other large cities in the East. They are perfectly agreeable to having the service paid for in this way. It would put the immigration inspectors exactly on the same status as the customs inspectors are to-day. It is most unjust to have the customs inspectors paid for the overtime while the immigration inspectors must work overtime without pay.

Mr. ROBINSON. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from Arkansas will state the point of order.

Mr. ROBINSON. I understand a point of order has been made against the amendment offered by the Senator from Massachusetts and was sustained.

The VICE PRESIDENT. The Chair ruled on the point of

Mr. LODGE. I never knew of any rule in the Senate that prevented Senators from talking about a subject after it had been ruled on.

been ruled on.

Mr. ROBINSON. There is such a rule in the Senate, but I never knew that anybody observed it very rigidly.

Mr. LODGE. Mr. President, I have another amendment that I desire to offer. On the 9th of May, 1921, the Senate passed an act paying to the State of Massachusetts the sum of \$233,-885.82, cost charges and expenses properly incurred by such State for interest and premium paid for coin in payment of such interest on bonds issued for money borrowed and expended at the request of the President of the United States during the Civil War. Other similar amounts have been paid. The matter has been before the court and the finding of the court approves it, though no judgment was entered. Therefore I offer the amendment.

Mr. WARREN. I reserve an objection until the amendment

has been reported.

The VICE PRESIDENT. The amendment will be reported. The READING CLERK. Insert in the proper place the following words .

To pay the State of Massachusetts for interest and premium paid on coast-defense bonds as set forth in the findings reported by the Court of Claims in favor of the Commonwealth of Massachusetts and printed in House Document 359, Sixty-fifth Congress, first session, \$233,885.82.

Mr. WARREN. Mr. President, I regret to have to say that this is a matter against which I shall have to make a point of order. I regret it all the more because it relates to the State of my birth and early training. Different States have been paid various sums at various times, which were considered sufficient at the time. These matters have been brought up since to crowd the matter a little on the question of interest, and so forth. As against that a number of States of the Union-I have forgotten whether Massachusetts was one of the States—In the early years borrowed from the Treasury of the United States. The United States had a full Treasury and for some reason wanted to dispose of its funds, and so loaned them to various The States have never repaid those loans, and the United States has seemingly made no practicable effort to collect I feel that I shall have to make the point of order against the amendment, because it is a claim, and, while it has behind it the finding of the Court of Claims, it is not a judgment, and it has not passed both Houses to make it suitable to put on the pending bill.

Mr. LODGE. I shall not contest the ruling which I anticl-

pate, but I do want to say that the State of Massachusetts, to my knowledge, never borrowed any money from the United States, but paid gold throughout the Civil War. It is a ques-

tion of the premium.

The VICE PRESIDENT. The point of order is well taken. Mr. LODGE. Now, Mr. President, I have one more amendment to offer.

Mr. ROBINSON, Mr. President, I ask recognition to present an amendment. The Senator from Massachusetts has presented three or four amendments.

Mr. LODGE. I think I have presented two.
Mr. ROBINSON. I suggest to the Senator from Massachusetts that there is no Senator entitled to present amendment after amendment and retain the floor, and that there ought to be an opportunity for other Senators to be recognized.

Mr. LODGE. I have been recognized, and I think I have the floor. I do not know of any rule which prevents me from

offering more than one amendment.

Mr. ROBINSON. The Senator loses the floor when the amendment he offers is disposed of. Otherwise one Senator would be able to take the floor and offer an indefinite number of amendments.

Mr. LODGE. I was recognized for the purpose of offering an amendment a moment ago, and I have been recognized for the purpose of offering another amendment.

The VICE PRESIDENT. The Chair understood that he recognized the Senator from Massachusetts to present this amend-

ment.

Mr. ROBINSON. Will the Chair indicate how long it is the purpose of the present occupant of the chair to recognize the senior Senator from Massachusetts?

Mr. LODGE. I have no other amendment to present after this

Mr. ROBINSON. I suppose if the Senator had an indefinite

number he would be recognized to present them.

The VICE PRESIDENT. The Chair made the statement with the understanding that the Senator from Massachusetts asked recognition for only one further amendment.

Mr. LODGE. This is an amendment which I am offering because I was urged very strongly to do so, and I hope the Senate

may adopt it.

Mr. ROBINSON. I suggest that the amendment be reported. The VICE PRESIDENT. The Secretary will report the

The READING CLERK. Insert at the proper place the follow-

That the Joint Committee on the Library be, and it is hereby, authorized to provide for the restoration and completion of the historical frieze in the rotunda of the Capitol. For that purpose the said joint committee is empowered to select an appropriate design for the completion of the frieze and to employ such artists in the work of completion and restoration as may demonstrate to the satisfaction of said joint committee their ability to perform the work in a proper manner. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000, or so much thereof as may be necessary, for the purposes of this resolution.

Mr. WARREN. The amendment possesses nearly all the elements that make it nonadmissible now. It has not been before the committee and it is not estimated for.

Mr. LODGE. It was reported from another committee. WARREN. That may be, but that does not entitle it to go into an appropriation bill.

I am aware of that. Mr. LODGE.

Mr. WARREN. I am sorry to have to say it, because I think the object is good, but the way to handle these matters is to get them before the proper authorities in season, and not to ask that we shall at the last minute in a session of Congress insert them by way of amendment in an appropria-

The VICE PRESIDENT. The point of order is well taken. Mr. ROBINSON. I submit the amendment which I send to

the desk

The VICE PRESIDENT. The amendment proposed by the Senator from Arkansas will be stated.

The READING CLERK. On page 2, line 4, it is proposed to insert the following:

After March 1, 1923, the salatics of the Assistant Doorkeeper and Acting Assistant Doorkeeper shall be at the rate of \$4,200 per annum each, and there is hereby appropriated the sum of \$1,600 to carry out

Mr. WARREN. Mr. President, I think, through some misapprehension, the Senator offering that amendment believes that we have agreed in the committee to accept it, and while I am sorry that we have to include any amendment of that kind at this time, I shall not object to the two increases proposed in the amendment just stated.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

The amendment was agreed to.

Mr. MOSES. I offer the amendment which I send to the desk
to insert a new section and I ask that it may be stated.

The VICE PRESIDENT. The amendment proposed by the

Senator from New Hampshire will be stated.

The reading clerk proceeded to read the amendment.
Mr. WARREN. Unless the Senator who offers the amend-

ment wishes the whole amendment read—
Mr. MOSES. This amendment is the same as the printed amendment which I offered some time ago except that the \$4,000 items in the amendment have been reduced to \$3,600 and the 84 additional clerks are proposed to be carried at a salary of \$1.500 instead of \$1,200; in other words, I make a reduction of \$400 in the amendment as originally offered in the first item which I proposed, and in the last place named I have provided for an increase of \$300 a year. I have no desire to have the amendment read in full, but I desire that it may be printed in the RECORD.

Mr. WARREN. I have no objection to the amendment being

printed in the RECORD.

The VICE PRESIDENT. Without objection the amendment will be printed in the RECORD.

The amendment proposed by Mr. Moses is to add a new section, as follows:

will be printed in the Record.

The amendment proposed by Mr. Moses is to add a new section, as follows:

That part of the act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes, under the beading "Senate" subheading "Committee employees," is hereby amended to read as follows:

"Clerks and messengers to the following committees: Agriculture and Forestry—clerk \$3,600, assistant clerk \$2,500, assistant clerk \$2,100; Appropriations—clerk \$6,000, assistant clerks at \$1,800 each, messenger \$1,200; To Audit and Control the Contingent Expenses of the Senate—clerk \$3,600, assistant clerk \$2,500, as

"CLERICAL ASSISTANTS TO SENATORS.

"CLERICAL ASSISTANTS TO SENATORS.

"For clerical assistance to Senators who are not chairmen of the committees specially provided for herein: Seventy clerks at \$3,600 each, 70 assistant clerks at \$2,500 each, 70 assistant clerks at \$2,100 each, \$574,000: Provided, That such clerks and assistant clerks shall be ex officio clerks and assistant clerks of any committee of which their Senator is chairman.

"Eighty-four additional clerks at \$1,500 each, 1 for each Senator having no more than 1 clerk and 2 assistant clerks for himself or for the committee of which he is chairman, \$\frac{1}{2}\$ in all, \$\frac{1}{2}\$ "For compiling the Navy Yearbook for the calendar year 1922, under the direction of the chairman of the Committee on Naval Affairs, \$500."

Mr. WARREN. Mr. President, I desire to say that we can not now take up the matter which is involved in the amendment, much as I should like to do so. It is a matter in reference to which the Senator from New Hampshire has been very properly industrious. He brought it before our committee at the time we were acting upon the legislative appropriation bill. At that time we believed that we should have the reclassification bill before the Senate any day. We asked the Senator from New Hampshire to wait until the reclassification bill should be re-

ported. The reclassification bill, however, has not yet passed.

This proposed legislation, like all other legislation, must, of course, go to the House of Representatives, for finally the legislation to pay Senators and to authorize the payment of their clerks and also the other employees which belong to both the House and the Senate together, such as the police and the drafting service and many other services, has to be acted on by both Houses.

I have here to be brought before the committee a bill which must yet be passed upon by its members, and which I hope may be enacted into law. It is a bill which provides for the continuing of the so-called bonus of \$240 to every employee who is receiving \$2,500 and less per annum. If we are to pass the reclassification bill, and also to change the salaries of our employees, the other House, of course, will have the same right, as they probably have the same intent as we have. They have. however, met the matter in another way, which I think we may follow without too much trouble, and perhaps avoid the final loss of the pending appropriation bill. At the end of the so-called bonus bill the House has added a specific provision which states:

Which states:

Sec. 10. That a joint committee of Congress is hereby created, consisting of three Senators who are Members of the Sixty-eighth Congress, to be appointed by the Vice President, and three Representatives elect to the Sixty-eighth Congress who are Members of the Sixty-seventh Congress, to be appointed by the Speaker. It shall be the duty of the joint committee to investigate and report to Congress on the first day of the next regular session what adjustments, if any, should be made in the compensation of the officers and employees of the Senate and House of Representatives, including joint committees and joint commissions, the office of the Architect of the Capitol, the Legislative Drafting Service, and the Capitol police.

Mr. President, as I have stated, the bonus bill carries \$20 a month, or \$240 per annum, to all clerks who are now receiving \$2,500 or less, and it will leave the clerks receiving more than that uncovered after the 1st of next July, unless we may other-

I have had some communication with the various Members of Congress; not that I have sought for any directions as to what to do, but they have several times spoken of the unfairness of the proposition-and I acknowledge that it is unfair, and yet we can not help it-that we have had a reclassification bill in hand for 14 months, which we now propose to pass and send over to the House with perhaps 14 minutes remaining, certainly not more than 14 hours of the session. I am advised that they can not and will not undertake to get that measure through, because a large proportion of the Members of the House are going out and are pressing hard, of course, to secure the enactment of various items of legislation, as are also Members who have been reelected.

As to the reclassification bill, my conversation concerning it has been mainly with the chairman of the House committee; and while, of course, he can not bind his committee, and I did not ask him to do so, and I do not now undertake to say what we will do, I said that if we were going into anything of that kind we should date the provisions back so that the legislation would cover the clerks in the same way as if the bill had been passed at an earlier time. He did not personally make any objection to that, but he said the bonus bill, which I shall expect to report to-morrow providing an appropriation of \$37,000,000 or \$38,000,000, would be necessary any way; that if at the last moment a change should come about in the status of the reclassification bill that money would have to be appropriated and that it would only take a line or two added to the end of the bill to apply the appropriation otherwise.

Mr. President, other Senators know the trials of conferees as well as I do. We have had troubles in former times with the House over matters that were of joint concern in a way. We have undertaken to draw the line since I have had charge of the appropriation bills and to reach an understanding that, as the employees of individual Senators and of the Senate, the House must leave those questions to the Senate, and as to the employees of the House and their salaries we would leave such matters to them. So far I have been able to maintain that

spirit of comity.

I wish to say furthermore—and never was that condition more apparent than at the last session-we have had periods of disagreement, but along the general line indicated the House committee has been ready to cooperate with the Senate committee in speeding business along without such controversies as have sometimes obliged us to reach the end of a short session of Congress on March 4 without one or more of the appropria-

tion bills having been disposed of.

Much as I want to see these clerks receive proper compensation. I do not want to undertake to accept an amendment of the kind offered and take a chance on the ultimate passage of this deficiency bill, as I know we will be doing if we adopt the The reclassification bill should be acted upon amendment. before we undertake to settle the question involved in the pending amendment; and, at any rate, the bonus bill contains a provision to which I have referred which will bring about a consideration and adjustment of the matter. But I am not willing to undertake now to raise the salaries of our clerks, which were raised during war times, and let it go to the country, as it would, that we have done so, but have made no provision for all the other employees of the Government because we have not passed the reclassification bill or appropriated money in order to bring them up to the level on which we undertook to place our own employees.

referred a few moments ago to the reclassification bill as having been pending for 14 months or some such time. I am not blaming the Senators who have had charge of that bill, because it has been a very vexatious matter, but I am stating the circumstances exactly as they are. If we proceed in such manner as we are proceeding now, I want to say that probably the bill will not pass.

Mr. STERLING. May I ask the Senator a question?

Mr. MOSES. Mr. President, I have the floor.

The PRESIDING OFFICER (Mr. McCumber in the chair). Does the Senator from Wyoming make a point of order against the amendment?

Mr WARREN I do make the point of order, but I wanted to explain my position before doing so. I did not want to cut off by a point of order the Senator from New Hampshire.

Mr. MOSES. Mr. President, I had the floor and I yielded to the Senator from Wyoming. Before the point of order is ruled on, I should like to make a statement.

Mr. CAMERON. Mr. President, will the Senator yield to me for a moment?

Mr. MOSES. Mr. President, if the Senator will permit me to proceed and make my statement, then I will yield the floor?

Mr. CAMERON. I should like to offer an amendment to the

Senator's amendment.

Mr. MOSES. That may be done when the amendment comes

to be acted upon.

Mr. President, the historical recital which has been made by the Senator from Wyoming is completely accurate. However, at all the steps which preceded the offering of this amendment assurances were given to the effect that the amendment should be favorably considered. If I may state the case again to the Senate, I offered this amendment many weeks ago and brought it before the committee at the time the legislative appropriation bill was under consideration. I was then told that the reclassification bill was going along speedily, and this proposed legislation should be made to follow that, with the assurance, however, that if the reclassification bill did not go through, this amendment of mine-at any rate, in its substance-would receive sympathetic consideration. In consequence of that I appeared once again before the Committee on Appropriations when the pending bill was under consideration, and I received again the same assurance.

Mr. President, it is not the fault of the clerks of Senators it is not the fault of Senators generally that the reclassification bill has not been passed. The Senate will pass the reclassification bill, if it ever gets to it, which will settle the opinion of

the Senate on that point.

Mr. SMOOT. Mr. President, will the Senator yield there?

Mr. MOSES. Yes.

Mr. SMOOT. I should like to say to the Senator that the reclassification bill does not include the clerks of Senators. Questions affecting them are and always have been entirely in the hands of the Senate.

Mr. MOSES. Absolutely.

I am simply stating the reasons which were advanced to me for not pressing the matter before and the reasons which actu-

ated me in not pressing it.

I take the position with reference to this amendment that it is not subject to a point of order because it is a question of privilege for the Senate; it is a question of whether the Senate is going to be permitted to conduct its own business. I maintain that the Senate can fix the salary of its employees whenever it sees fit and at any figure it sees fit: may attach a measure fixing their salaries to any measure which is before the Senate or may bring it forward at any time.

It is a matter, I maintain, of privilege which is not subject to a point of order such as the Senator from Wyoming has attempted to make against it. I submit further that the sentiment of the Senate on a question well known to Senators-for it has been discussed here for months, the terms of the amendment having been known for weeks, and the overwhelming opinion on the part of the Senate being that this action should be taken-should not be barred expression by a point of order

or by any other consideration.

I maintain further with reference to it that I am not at all entering upon the merits of the question, upon the capacities and capabilities of the persons affected by this legislation, upon the dependence of Senators upon the loyalty and ability of their I am stating a case as coldly and baldly as I may.

Mr. President, even if everything that the Senator from Wyoming says were accurate, if it were desired to proceed along the line of the section provided in the bonus bill which the Senator from Wyoming has read, if we determined after all, later on, that we were going to proceed with the joint commission which that bill sets up, the adoption of my amendment at this time would set a standard for the Members on the part of the Senate of that joint commission for the pay of the employees of the Senate—a question which I submit is wholly in the hands of the Senate, which the Senate may handle at any time, in any way, or upon any measure which is before it; and if I understand that the Chair has ruled in support of the point of order raised by the Senator from Wyoming, I must respectfully appeal from the ruling of the Chair, not because I wish to proceed in a disorderly manner with reference to this thing, but because I wish the Senate to assert itself even against the most resolute of Committees of Appropriation at the other end of the

The PRESIDING OFFICER. The Chair will have to correct the Senator, if he will allow the Chair to do so.

Mr. MOSES. And may I add that the Budget has absolutely no jurisdiction over this item.

The PRESIDING OFFICER. The Chair has not passed upon any point of order, nor has any point of order been stated to

the Chair. Mr. WARREN. I have not yet made any point of order.

Mr. MOSES. I beg the pardon of the Chair and of the Senator from Wyoming. I understood the Senator from Wyoming to have concluded with the statement that he did make a point I understood the Senator from Wyoming of order, and I understood the Chair to have said that he sustained it. If I am wrong on both of those points-

Mr. WARREN. I stated that I might make it, and I state again that I may make it; but I would not make it, of course, so as to cut off any Senator who wished to present the matter In as able a manner as the Senator from New Hampshire has presented it. So far as I am concerned, the Senator from New Hampshire is not any more generous than I am disposed to be, In my judgment; and it hurts me more perhaps than it hurts him to have to be placed personally in this situation. I find, for instance, that during the last few moments I have

sinned against the honorable Senator, who is my friend, I hope, and whom I respect as highly as any Senator in this body, who represents the great Committee on the Civil Service, and who has here a bill which I hope will pass before the morning hour—the reclassification bill. I hope that bill will pass. I am simply stating what happens to be the situation and what happens to be the way of some of the people whom we shall have to meet and contend with.

It is all right to have the courage to stand at the desk here and tell what the Senate can do, and it is all right to say what the House will do; but on the general proposition it is well to know just what your ground is before you start and whether you are taking or attempting to take an unreasonable advantage of another body with which you are in coordination. I think myself that it would be absolutely unfair to undertake at the last moment to say what we shall pay to our secretaries, when the House is deprived of the privilege of giving similar treatment to its own secretaries,

Another thing: Speaking of this bonus bill, unless we pass that, or something in place of it, of course we will have no money either to pay the increase that is proposed here or to pay the bonus that is now being enjoyed, and that extends only to the 30th of June.

I am simply stating the situation. The Senate, of course, has its rights, and it can proceed, if it desires, in a manner which I think is improper. I have no pride of opinion about it, I state these facts as they seem to me, and what I think is best, and what in the long run I think will please the employees best; and when the debate on this matter is over I shall have to make the point of order.

Mr. CAMERON. Mr. President-

The Senator has made a point of order. That should be ruled upon before a Senator offers another amendment.

The PRESIDING OFFICER. The Chair will state that the Senator from Wyoming has not announced what point of order he desires to make.

Mr. WARREN. The point of order is that this is the appropriation of a large amount of money that has not come in by reason of any legislation or by the action of any committee. It changes existing law, of course, as to every one of these raises that are proposed. No general legislation could be had,

Mr. CAMERON. Mr. President—
The PRESIDING OFFICER (Mr. McCumber in the chair). The Chair is called upon to rule upon the point of order raised by the Senator from Wyoming, and the Chair rules that the amendment is not in order.

Mr. MOSES. Mr. President, I respectfully appeal from

the ruling of the Chair.

The PRESIDING OFFICER. From the ruling of the Chair the Senator from New Hampshire appeals. The question is, Shall the ruling of the Chair be sustained?

Mr. MOSES. On that I ask for the yeas and nays. The yeas and nays were ordered, and the reading clerk pro-

ceeded to call the roll.

Mr. COLT (when his name was called). I have a pair with the junior Senator from Florida [Mr. TRAMMELL]. I am unable to secure a transfer, and therefore withhold my vote.

Mr. HARRISON (when his name was called). I have a pair with the junior Senator from Minnesota [Mr. Kelloge]. As he is not here, I shall have to withhold my vote. If at liberty to vote, I should have to vote "yea."

Mr. LODGE (when his name was called).

I have a general pair with the Senator from Alabama [Mr. Underwood]. I transfer that pair to the Senator from Vermont [Mr. Page], and will vote. I vote "yea."

Mr. REED of Pennsylvania (when his name was called). I am paired with the junior Senator from Delaware [Mr. BAYARD]. As he has not voted, I will withhold my vote. If at liberty to vote, I should vote "nay."

Mr. SWANSON (when his name was called). I am paired

with the senior Senator from Michigan [Mr. Townsend], who is sick and detained from the Senate. I transfer that pair to the senior Senator from Nebraska [Mr. HITCHCOCK], and will vote. I vote "yea."

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from Mississippi [Mr. I transfer my WILLIAMS] to the senior Senator from Maryland [Mr. France]

and will vote. I vote "yea."

Mr. WILLIS (when his name was called). I am paired with my colleague, the senior Senator from Ohio [Mr. POMERENE]. Not being able to obtain a transfer, I am obliged to withhold my vote. If at liberty to vote, though I am in favor of the amendment, I should be compelled to vote "yea."

The roll call was concluded.

Mr. FRELINGHUYSEN (after having voted in the negative). transfer my general pair with the Senator from Montana [Mr.

Walsh] to the junior Senator from Minnesota [Mr. Kellog6] and will allow my vote to stand.

Mr. ROBINSON (after having voted in the affirmative). I transfer my pair with the Senator from West Virginia [Mr. Robinson and the Senator fr SUTHERLAND] to the Senator from Massachusetts [Mr. WALSH]

and will let my vote stand.

Mr. McCormick (after having voted in the negative). Has the junior Senator from Wyoming [Mr. Kenderck] voted?

The PRESIDING OFFICER. The Chair is informed that he

Mr. McCORMICK. Then I must withdraw my vote. Mr. McKELLAR (after having voted in the affirmative). Has the Senator from Indiana [Mr. New] voted?

The PRESIDING OFFICER. He has not.

Mr. McKELLAR. I withdraw my vote. Mr. CURTIS. I have been requested to announce the follow-

ing general pairs:
The Senator from Delaware [Mr. Ball] with the Senator from Florida [Mr. FLETCHER];

The Senator from West Virginia [Mr. Elkins] with the Senator from North Carolina [Mr. Simmons];

The Senator from Minnesota [Mr. Nelson] with the Senator

from Texas [Mr. Culberson]; and
The Senator from Colorado [Mr. Nicholson] with the Sen-

ator from Missouri [Mr. REED].

The result was announced-yeas 30, nays 19, as follows:

YEAS-30. Gerry Glass Jones, N. Mex, Jones, Wash. King Lodge McKinley Norris Overman Phipps Pittman Ransdell Brandegee Spencer Stanley Swanson Wadsworth Caraway Cummins Curtis Dial Dillingham Robinson Warren Watson Sheppard Smith Smoot Ernst Fernald NAYS-19. La Follette Leuroot McNary Moses Bursum Calder Cameron Capper Gooding Pepper Shortridge Sterling Weller Hale Harris Heffin Capper Frellnghuysen Oddie Ladd NOT VOTING-47. McLean Myers Nelson New Nicholson Shields Ashurst Ball France George Harreld Harrison Hitchcock Simmons Stanfield Sutherland Ball Bayard Borah Brookhart Broussard Townsend Norbeck Owen Page Poindexter Pomerene Reed, Mo. Reed, Pa. Trammell Underwood Walsh, Mass. Walsh, Mont Johnson Colt Couzens Culberson Edge Elkins Kellogg Kendrick Keyes McCormick

So the ruling of the Chair was sustained.

McCumber McKellar

Mr. GLASS. I offer the amendment which I send to the Secretary's desk, and which I hope the chairman of the committee will accept.

Willis

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 2, after line 4, insert the fol-

On and after March 1, 1923, the salaries of the two floor assistants shall be at the rate of \$3,600 per annum; and there is hereby appropriated the sum of \$2,933.34 to carry out said purpose.

Mr. WARREN. Mr. President, one sin calls for another, I suppose. I myself will make no objection to this amendment, because of what passed before it, but I do want to state that if any further similar amendments are offered I shall be compelled to object.

The amendment was agreed to.
Mr. OVERMAN. Mr. President, I move to reconsider the vote by which the amendment on page 22, after line 18, was agreed to, in order to reform the language in accordance with the estimates sent down by the Budget Bureau.

I move to amend by striking out, on line 20, the words "fiscal year 1923," and to insert, after the numerals "\$40,000," the words "to remain available until June 30, 1924."

The PRESIDING OFFICER. The question is on the motion of the Senator to reconsider the vote by which the committee amendment was adopted.

The motion was agreed to.

The PRESIDING OFFICER. The Secretary will state the

amendment of the Senator.

The Reading Clerk. On page 22, line 20, to strike out the words "fiscal year 1923" and, after the numerals "\$40,000," Mr. ROBINSON. I will ask that the Senator moving the

amendment explain the purpose of it.

Mr. OVERMAN. It will make this money remain available, whereas under this amendment it will amount to nothing. It provides that it shall be in effect until the 1st of July. The boll weevil does not come until after the 1st of July, and this makes it available and extends it to 1924.

The amendment was agreed to.

Mr. PEPPER. Mr. President, I offer an amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The Reading Clerk. On page 22, line 7, after the numerals "\$40,000," to strike out the words "fiscal year 1923" and to insert the words "to remain available until June 30, 1924."

Mr. PEPPER. The effect of this amendment will be precisely the same as the effect of that which has just been agreed.

to. It is to make the appropriation available in fighting the Japanese beetle pest until the season when the appropriation

can be expended with advantage.

Mr. WARREN. I am not going to object to either one of those. I did not object to the first one. I suppose we are taking a chance on it, because these are in no wise deficiencies when they are to be extended into the future for one or two years, but I will do the best I can to keep them in the bill. We have to meet the objections of the conferees, of course, who are trying to hold the deficiency bill down to the limit. We are having very serious times because of these late amendments brought to us at the last moment by Senators who desire to have appropriations extended for two or three years into the future rather than have them apply to the few months between now and the 1st of July.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. WILLIS. I desire to offer the following amendment. The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 52, after line 10, to insert the following:

SEVENTEENTH INTERNATIONAL CONGRESS AGAINST ALCOHOLISM.

For expenses of delegates, not exceeding 10 in number, to be designated by the President, to the Seventeenth International Congress Against Alcoholism, at Copenhagen, Denmark, to be held in 1923, including the cost of secretarial and stenographic work and transcription of the report, \$7,500.

Mr. WADSWORTH, Mr. President, I make the point of order against the amendment on the ground that it is legislation.

Mr. WILLIS. Mr. President, I desire to be heard on the

point of order.

Mr. WADSWORTH. I did not desire to make any extensive remarks about it. I understand there is no existing law to authorize such an expenditure, and that this amendment, taken the including its local attachment. In view of the feet that as it is, is legislation to that extent. In view of the fact that there is prohibition in this country, I can see no advantage in having the United States represented in an alcoholic league of nations.

Mr. WILLIS. In response to the suggestion made by my friend from New York, if his contention is true that prohibition has increased the consumption of liquor, there is more reason for this amendment than at any time in the history of the country. I want to address myself to the point of order.

In the first place, there is nothing new about it. This Government has been represented at these congresses for the past 12 years. I have before me Document No. 322, containing the approval of this proposed appropriation by the President of the United States, and also a letter from the Director of the Budget calling attention to the desirability of the appropriation and what it is expected will be accomplished. I contend that this is not general legislation on an appropriation bill. As I said, there is nothing new about it. We have been making similar appropriations for years.

Mr. JONES of Washington. Mr. President—
Mr. WILLIS. I yield to the Senator.
Mr. JONES of Washington. Did I understand the Senator to state that this is pursuant to an estimate submitted according to law?

Mr. WILLIS. Absolutely so.

Mr. WADSWORTH. That is not the basis of the point of der. The mere fact that the item is estimated for does not order. make it in order. If it is legislation on an appropriation bill it is out of order.

Mr. JONES of Washington. If it is not legislation, however,

it is in order.

Mr. WILLIS. I desire to invite the attention of the Chair particularly to the provisions of rule 16 as modified:

All general appropriation bills shall be referred to the Committee on Appropriations, and no amendment shall be received to any general appropriation bill * * unless the same be moved by direction of a standing committee or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

I have in my hand the estimate which was submitted in accordance with law, and I therefore contend that the point of order is not well taken. This is not general legislation upon an

appropriation bill.

Mr. JONES of Washington. I want to just emphasize what the Senator from Ohio has said. This is simply an item of appropriation for a specific purpose for this one year. It is not general legislation or new legislation, because, as the Senator has said, it has been carried in appropriation bills for several years.

Mr. WADSWORTH. Will the Senator yield?

Mr. SMOOT. It has not been carried for the last few years. Mr. JONES of Washington. I did not say last year, but for several years.

Mr. WILLIS. I can correct the Senator from Utah on that point. They hold these congresses only every two years. So there was no point in the suggestion that it was not made last

Mr. WARREN. Neither this year, last year, nor the year

before.

Mr. WILLIS. There was a congress in 1920.

Mr. WARREN. That was the last one.

Mr. WILLIS. And there was one in 1921. Mr. WARREN. There was no appropriation for United States delegates to attend it.

Mr. WILLIS. There was one held, and I can call attention to the information in the document that there was one in 1921.

Mr. WADSWORTH. We do not care whether there was one in 1921 or not.

Mr. WILLIS. It was held in Lausanne.

Mr. WADSWORTH. I do not care where it was held: we did not send anybody to it.

Mr. WILLIS. Oh, yes, we did, Mr. President. If the Senator will yield to me, we were represented there at Lausanne in 1921. The Senator is mistaken.

Mr. WADSWORTH. I thought the Senator said that for two years we had not sent anybody.

Mr. WILLIS. I did not say that.

Mr. WADSWORTH. Does the Senator contend it is therefore standing legislation to send them every year?

Mr. WILLIS. Certainly not; but I contend it is not general legislation on an appropriation bill when we have been represented, and have made appropriations from year to year. It

is absurd to call it general legislation.

Mr. JONES of Washington. This is an item duly estimated for according to law. If the Chair should hold that this is legislation, and to be excluded from an appropriation bill, there is no new item of appropriation which could not be excluded on the same ground, because this is nothing in the world but an item of appropriation for a particular purpose for a year, of importance to all.

Mr. NORRIS. May I interrupt the Senator from Washing-Is there any question about this being authorized by law?

Mr. JONES of Washington. There is no general authoriza-

tion for holding these conventions.
Mr. NORRIS Then the Senator Then the Senator must modify his statement

that the estimate has been made in accordance with law.

Mr. JONES of Washington. It has been. There is a law under which the Budget Bureau can make estimates and submit them to Congress. This has been estimated pursuant to The Senator may have misunderstood me. I did not mean that the estimate was made to carry out existing law. I contend that an estimate was submitted pursuant to law; that is, the Budget officer was authorized to submit the esti-

Mr. NORRIS. That is, the estimate was submitted by a person authorized by law to submit an estimate?

Mr. JONES of Washington. Yes.

Mr. NORRIS. The Senator does not mean that there is any law providing for sending delegates to any such conven-

Mr. JONES of Washington. Oh, no; we have not passed any

Mr. NORRIS. I thought from the Senator's observation that we had passed some general law authorizing the appointment of such delegates.

The PRESIDING OFFICER (Mr. McCumber in the chair) In the opinion of the present occupant of the chair, a specific appropriation for a specific purpose only is not general legisla-tion, and the Chair overrules the point of order based upon the

claim that the amendment is general legislation.

Mr. SMOOT. Then I hope that the Senate will defeat this amendment. For about 15 years we have had these appropriations made, until last year or the year before when no money was appropriated for this purpose. It has grown to a scandal in some cases. I had a list of the names of parties who went over as representatives of the Government at one time for this very purpose. We had stenographers going along as experts to pass upon alcoholism.

Mr. NORRIS. May I interrupt the Senator? What kind of

experts would we have on a proposition of prohibition?

Mr. SMOOT. I do not think a lady stenographer knows very much about alcohol.

Mr. NORRIS. No; but the lady stenographers were not the experts. I want to know how a man becomes an expert on that kind of a proposition. They could not get experts out of a prohibition country. We would have to go and employ foreigners if we want an expert to go over there, because we are all prohibitionists over here.

Mr. SMOOT. In theory. Mr. WILLIS. I unders Mr. WILLIS. I understand the amendment is now before the Senate, and I think the observation of the Senator from Utah requires some attention, because it is a reflection upon some people. I have taken occasion to investigate, because I have heard these charges, and I want to say to the Senator that while I was not a member of the delegation that was sent the last time, I know about the delegation, and the allegation he makes concerning that delegation is a mistake. There was nobody who went except the delegates. There was no person who took his wife or anybody else's wife, and the only person who was taken was the person who was elected as secretary of the delegation, and the reflection the Senator makes is not justified.

Mr. SMOOT. Mr. President, I did not say it was last year. I put the names in the RECORD the year I am speaking of.

Mr. WILLIS. What year was it?
Mr. SMOOT. I can not remember the year. pected this question to come up. It was five or six years ago.

Mr. WILLIS. Does not the Senator think that is rather an unusual argument, because even if the thing which he relates five or six years ago, to say that therefore now the United States should be without representation does not seem to me carries any force.

Mr. SMOOT. If the Senate wants to appropriate \$750 apiece for these 10 people to go on a junketing trip to Europe,

Mr. WILLIS. In no case has any person on one of these delegations received a per diem, and when the Senator speaks of the \$750, the Senator knows the money was paid for ex-

penses and nobody received any of it as salary.

Mr. SMOOT. I did not say they did. I said it was \$750 apiece for 10 people to go to Europe. I did not say they were

paid salaries besides their expenses.

Mr. NORRIS. Mr. President— Mr. WILLIS. I yield to the Senator from Nebraska.

Mr. NORRIS. I have not heard the proposition discussed. I would like to know what the object is, and what is proposed to be done.

Mr. WILLIS. I think I can answer the Senator best by reading the letter of the Director of the Bureau of the Budget, which he transmitted to the President of the United States. That letter reads as follows:

TREASURY DEPARTMENT,
BUREAU OF THE BUDGET,
Washington, February 24, 1923.

Sin: I have the honor to transmit herewith for your consideration and, upon your approval, for transmission to Congress, a supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1924, for expenses of delegates to the Seventeenth International Congress Against Alcoholism, at Copenhagen, Denmark, \$7,500.

"Seventeenth International Congress Against Alcoholism: For ex-

International Congress Against Alcoholism, at Copenhagen, Denmark, \$7,500.

"Seventeenth International Congress Against Alcoholism: For expenses of delegates, not exceeding 10 in number, to be designated by the President, to the Seventeenth International Congress Against Alcoholism, at Copenhagen, Denmark, to be held in 1923, including the cost of secretarial and stenographic work and transcription of the report (submitted), \$7,500."

The Seventeenth International Congress Against Alcoholism will be held in Copenhagen, Denmark, from August 20 to 24, 1923, and the United States has been invited to be officially represented at the congress. It is expected that the congress will discuss the social, economic, scientific, industrial, and other aspects of the alcohol problem, and that leading scientists, physicians, educators, and publicists in the various countries will be in attendance.

It has been customary for the United States to be represented at the meetings of the International Alcoholic Congress. It sent a delegation of 12 to the thirteenth congress, held at The Hague in September, 1911; 10 to the fourteenth congress, held at Milan in 1913; and 10 to the sixteenth congress, held at Milan in 1913; and 10 to the sixteenth congress for the necessary arrangements and entertainment of the delegates of foreign countries.

The above estimate is for an appropriation required to meet an unforeseen contingency which has occurred since the transmission of the Budget for the fiscal year 1924, and its approval is recommended.

Very respectfully,

H. M. Lond,

Director of the Bureau of the Budget.

H. M. Lond, Director of the Bureau of the Budget.

The PRESIDENT.

If Senators suppose that this is a mere propaganda for the prohibition cause, they are entirely mistaken. I have taken pains to inform myself. I hold in my hand a rather large volume, containing the report of the congress which was held in this country in 1920, at which time, by the way, this Government appropriated \$60,000 for the entertainment of the congress. The report is a scientific discussion—not a discussion of the prohibition question but of the effects of alcoholism. Senators, at the time when this has been written into the Constitution of the United States, whether they think it is a wise policy now for the United States to say to the rest of the world, "We have lost interest in the question." I hope the amendment will be adopted.

Mr. NORRIS. Mr. President, I want to interrogate the Senator from Ohio a little. I am impressed by what he has said. I am inclined to think it is a good thing, from what the Senator from Ohio has said. Does the Senator have any knowledge, or can he give us any idea as to who the delegates should be?

Mr. WILLIS. I have not the slightest idea. Mr. NORRIS. How are they selected?

Mr. WILLIS. They are to be appointed by the President, the number not to exceed 10.

Mr. NORRIS. I can see, it seems to me, how this might be made a junket and, on the other hand, how it might be made a very useful thing. If the real intent is carried out, as outlined by the Senator from Ohio, the result of the congress would be very valuable to the people who want to study the question.

Mr. WILLIS. I think we may trust the President for that. He is given discretion to appoint not to exceed 10. He does not need to appoint more than one, unless he wants to do so.

Mr. NORRIS. The senior Senator from Utah [Mr. Smoot] called our attention to a time when it was turned into a junket. very likely.

Mr. STANLEY, Mr. President—
Mr. WILLIS. I yield to the Senator from Kentucky.
Mr. STANLEY. If the purpose of the appropriation is to enable well-informed people to go at Government expense across the Atlantic Ocean to place before other countries of the world the manifest evil effects of alcoholism as resulting from wood alcohol and bootleg whisky, I think it is a very wise appropriation.

Mr. KING. Mr. President, I move to strike out the numeral "10" in the second line and insert in lieu thereof the numeral "3

Mr. NORRIS. What is the effect of that?

Mr. KING. So the number on the junket trip would be limited to 3 instead of 10.

Mr. NORRIS. I want to say to the Senator that I came into the Chamber while the debate was on and I did not hear

the original amendment read. That would cut down the delegation?

Mr. KING. Yes; to 3 instead of 10. Mr. WADSWORTH. Why not reduce the amount of the ap-

propriation, too?

Mr. KING. If my amendment is agreed to, we will reduce

the amount proportionately.

Mr. WILLIS. I do not think the amendment would be a very bad amendment, and yet I do not think it is wise. I call attention to the report of the Director of the Bureau of the Budget which I submitted a little while ago. We sent a delegation of 12 to the thirteenth congress held at The Hague in September, 1911; 10 to the fourteenth congress held at Milan in 1913; and 10 to the sixteenth congress held at Lausanne in 1921. I do not see any good reason why this Republic should become parsimonious in the matter of cutting down the size of the delegation

Mr. WADSWORTH. It would provide more delegates than

we had at the Versailles conference.

Mr. WILLIS. We had but one at the Versailles conference. Mr. WADSWORTH. I am not stating the number, but certainly it was less than 10.

Mr. WILLIS. I hope the amendment to the amendment will

Mr. NORRIS. Of course we had a good many assistants at

the Versailles conference.

Mr. JONES of Washington, Mr. President, I want to sugest that I think there is a little bit more involved in this question than the number of delegates and the amount of money. We held this convention here in 1920. We invited other countries to send delegations to discuss the matter. They accepted the invitation and sent delegations. They sent delegations of this size, and some greater and some less. They have now invited us as a nation to be represented at the forthcoming conference. It is simply a question of whether this great country will refuse the invitation of another country

I do not think it is a matter that can really be measured in dollars and cents or in the number of delegates that should be sent. I think we owe some consideration as a nation to the people who are interested in this great problem. It is a tremendous problem. Of course we have not solved it entirely, but we are, I think, the great exemplar among the nations of the world upon the problem. They have invited us to send delegates, and I do not think we can afford not to do so.

The PRESIDING OFFICER (Mr. McCumber in the chair) The question is on the amendment offered by the Senator from Utah to the amendment of the Senator from Ohio.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is now on the amendment offered by the Senator from Ohio.

The amendment was agreed to.
Mr. CALDER. Mr. President, I desire to submit the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. Insert at the proper place in the bill the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Louis Leavitt, out of any money in the Treasury not otherwise appropriated, the sum of \$620,623.33 in reimbursement of certain moneys paid by him to the United States and for certain expenses incurred under circumstances set forth in the communication of the President of the United States to the Speaker of the House of Representatives dated the 6th day of May, 1922, and in the accompanying report of the Director of the Budget, House Document No. 313, Sixty-seventh Congress, second session.

Mr. CALDER. Mr. President— Mr. WARREN. I am about to make a point of order, but I

do not wish to take the Senator off the floor.

Mr. CALDER. I would like to make a statement on the question of the point of order. This item was estimated for. The Bureau of the Budget has estimated as indicated in the amendment. I have here a copy of that estimate. The item also was carried in a bill introducel by me, reported upon by a committee of the Senate, and passed by the Senate. Rule XVI seems to cover the case, as follows:

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

It seems to me it clearly comes within that rule.

Mr. WARREN. I call the attention of the Chair to page 21, clause 4 of Rule XVI, which reads:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Mr. CALDER. The question is whether or not this is a private claim. I know of the rule to which the Senator has referred. This man purchased bacon from the Government. He paid the sum of approximately \$700,000 for it. It was delivered to him. Subsequently he was arrested for hoarding the bacon, a part of which had not yet been delivered to him. He was indicted. The United States marshal took charge of his property and it was held by the marshal for a period of over a year. The value of the property had shrunk materially because of its character and he had a very considerable loss by depreciation.

The War Department urges the adoption of the amendment and the Department of Justice recommends it. The Budget has estimated for it and a committee of the Senate has passed favorably upon it. We have passed a bill of the same character. In fact, I have submitted the exact language of the bill in the amendment. I do not wish to discuss the merits any further. If it is in order I shall be glad to do so.

The PRESIDING OFFICER. The Chair sustains the point

of order upon the ground that the amendment involves a private

claim.

Mr. CURTIS. Mr. President, I offer the amendment which I send to the desk,

The PRESIDING OFFICER. The amendment will be stated. The READING CLERK. On page 21, line 22, insert the following:

To enable the Secretary of Agriculture to settle claims against the Government arising out of the activities of the Department of Agriculture which have been thoroughly investigated by his department and where the liability of the Government has been found to be clear and a settlement reached by him, \$245,258.12.

Mr. WARREN. I make the point of order against the amend-It is a matter of legislation and something that has not

been adjudicated in any way. It is not a deficiency matter.

Mr. CURTIS. I admit that it is subject to a point of order. I only apologize to the chairman of the committee for not having brought the matter to his attention when the bill was being considered, but my eyes have been bothering me, and I could not read the letter received with reference to it until this morning. I ask permission to have printed in the Record, without reading, the letter which I have received from the Secretary of Agriculture with reference to the matter.

There being no objection, the letter was ordered to be printed

in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE, Washington, February 27, 1923.

Hon. CHARLES CURTIS, United States Senate.

United States Senate.

Dear Senator Curtis: In view of the probability that after adjournment on March 4 the Congress will not be in session until next December, I am hopeful that all matters affecting the administration of the department and requiring congressional action be taken care of as far as possible before adjournment. There have been pending for considerable time a number of miscellaneous claims against the Government arising out of the activities of the department which should be adjusted in justice to the claimants and to the department. I have in mind only claims which have been thoroughly investigated and wherein the liability of the Government has been found to be clear, and which have been recommended to Congress for payment, but which have failed to be reached for action. It will require \$245,258.12 to adjust these claims. I understand that the last deficiency bill for this session is now pending, and if an item could be added making provision for adjusting these claims it would not only prevent continued injustice to the claimants by further long delay but would, in my judgment, promote the interests of the department.

I take the liberty of addressing this letter to you by reason of the fact that you are the author of the bill by which the claims were allowed in the Senate.

Respectfully,

Mr. CURTIS. I want to state further that the Way Department.

Mr. CURTIS. I want to state further that the War Department is authorized to settle claims, the Navy Department is authorized to settle claims, and, for the life of me, I do not see why the Agricultural Department should not be authorized to settle claims in the same way,

Mr. WARREN. I agree with the Senator; but in both the cases to which he refers it has been done by specific and special legislation. There has been none asked for and none furnished for the Department of Agriculture.

The PRESIDING OFFICER. The point of order is sus-

tained.

Mr. KING. Mr. President, I offer the following amendment, and in view of it being in my own handwriting I will take the liberty, with the permission of the Chair, of reading it myself. I move to strike out, on page 54, all of lines 19 to 24, inclusive, and on page 55, lines 1 and 2, under the head of "Bureau of Internal Revenue," and to insert in lieu thereof the language

which I am about to read. I call the attention of the Senator in charge of the bill to the reading of the provision.

Mr. WARREN. I understand what the Senator means is to strike out the appropriation for about \$79,000,000 for the Internal Revenue Department to pay to those who have had money illegally collected from them and who have waited for its return.

Mr. KING. Yes. I offer, in lieu of the language proposed to be stricken out, the following:

That all claims in excess of \$5,000, now pending or that shall hereafter be presented to the Treasury Department for refund of income taxes or any other taxes paid under a mistake of fact or because of alleged illegal assessment or collection, shall be sent to the Court of Claims, which shall be authorized to find the facts in relation thereto and to enter judgment thereon.

Now, just a word. I think that the policy of intrusting to employees of the Treasury Department, most of whom are young men of no very great experience—certainly they are not judges nor have they had judicial experience—the determination of important questions of fact and of law, particularly of law, involved in the refund of millions and tens of millions of dollars, may not be defended upon any policy of wisdom or We set up courts to whom we refer claims against the Government of very insignificant amounts. The Court of Claims by common consent has been invested with jurisdiction to determine claims against the Government of the United States

that may be referred to it.

We have committed to the Treasury Department and to the officials therein the determination of claims against the Government, some of which I am told aggregate several million dollars. These young men, or the older ones, for that matter, thoroughly honest and competent for the duties for which they were employed, are not, in my opinion, qualified to dispose of these important legal questions. The matter is so important that it seems to me it ought to be referred to a court of competent jurisdiction. It seems to me that the very fact that we leave to these officials of the department the determination of these intricate questions of law, upon their decision resting millions and hundreds of millions of dollars, is a confession of the unwisdom of the policy. My amendment proposes to refer to the court the determination of these questions. In order to avoid sending them all to the Court of Claims, I have placed a limitation of \$5,000. It may not be said, therefore, that persons whose claims are small will be put to the expense of coming to the Court of Claims for the purpose of determining their rights.

Mr. NORRIS. Mr. President, may I ask the Senator a ques-

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. KING. I yield. Mr. NORRIS. The Senator has not read the language which he proposes to strike out and for which he offers his amendment. I should like to hear read the language which he proposes to strike out.

Mr. KING. I had started to read it when the able Senator from Wyoming [Mr. WARREN] interrupted me. It is as fol-

BUREAU OF INTERNAL REVENUE.

For refunding taxes illegally collected under the provisions of sections 3220 and 3689, Revised Statutes, as amended by the acts of February 24, 1919, and November 23, 1921, for the fiscal year 1923 and prior fiscal years, \$78,675,000: Provided, That a report shall be made to Congress of the disbursements hereunder as required by the acts of February 24, 1919, and November 23, 1921.

In other words, my amendment proposes to take away from the department the determination of the claims for a refund of taxes where the amount of any particular claim exceeds \$5,000.

Mr. NORRIS. But the Senator's amendment does not propose to strike out the appropriation, does it?

Yes; I propose to strike out the appropriation. Mr. KING. Mr. NORRIS. Will not the appropriation be necessary in order to carry out the object of the Senator's amendment?

Mr. KING. Just as soon as the Court of Claims makes its findings, of course, it will report to Congress, and Congress will then make the appropriation.

Mr. NORRIS. The Senator's amendment permits the Court of Claims to render judgment as well as to make a finding of

Mr. KING. Yes; but whenever the Court of Claims renders judgment, as the Senator from Nebraska knows, Congress immediately makes an appropriation for the purpose of carrying it out. Appropriations are being carried in this bill to meet judgments which have been rendered by the Court of Claims.

Mr. WARREN. Mr. President, we are collecting a vast

amount more than we are paying out on account of taxes that were not properly assessed at the time they were collected.

The Senator from Utah, of course, knows that the amendment is subject to a point of order because it proposes to change existing law. The law provides that taxes illegally collected may be credited on faxes levied in later years, or they may be adjudicated under the law and report made to Congress as the basis for an appropriation for their refund. The adoption of this amendment would simply mean delaying the adjudication of these matters longer than it has already been delayed. It would be like going to the Senator and taking money out of his pocket, and after two years kicking him out of his house be-cause he asked for a refund of it. That is all. The Govern-ment has illegally taken from men, women, and children, guardians, and so forth, money to which it was not entitled. The law provides a way of returning it. That law ought to be followed, and it has been properly followed. If we should send such cases to the Court of Claims for adjudication it would be years before the court could undertake to pass upon the volume of claims that are now being handled by a very competent force.

Mr. KING. Mr. President, will the Senator from Wyoming yield to me?

Mr. WARREN. Yes.

Mr. KING. The Senator from Wyoming is prejudging the very question that is at issue. He says that we have taken out of the pockets of the people illegally large sums of money. That is the question at issue. Have we taken out of the pockets of corporations and individuals taxes which were illegally assessed against them? I want to submit that question to a court of competent jurisdiction. It is a legal question. It is a question which involves a legal issue.

Mr. WARREN. I make the point of order against the amendment.

The PRESIDING OFFICER. Will the Senator from Wyoming state his point of order?

Mr. WARREN. My point of order is that the amendment proposes general legislation. It changes existing law. It provides for new legislation.

The PRESIDING OFFICER. The point which the Senator makes is that the amendment is general legislation?

Mr. WARREN. That it is general legislation.

Mr. KING. It seems to me that where an appropriation is carried in a bill an amendment which seeks to exclude the appropriation until the facts shall have been determined is not new legislation.

Mr. WARREN. If the Senator from Utah desires to reduce the amount of the appropriation, an amendment to that effect will be in order, and we may vote upon it, but here is a case where the law provides exactly how this duty shall be performed, and the bill provides an appropriation to carry out the law. The Senator from Utah new proposes to make a new law and to transfer jurisdiction to another tribunal.

Mr. CARAWAY. Mr. President, may I ask the Senator from

Utah a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. KING. I yield to the Senator from Arkansas.

Mr. CARAWAY. The Senator objects to the present tribunal finding whether they have assessed and collected too much taxes against the taxpayer, and yet it is the very same tribunal which levies the tax. The question I wish to ask the Senator from Utah is this: If we are to question their judgment and wisdom in refunding the taxes, why should we not question their wisdom in assessing them? So far as I am concerned, I feel more inclined to restrain them from collecting taxes than from refunding them. What little experience I have had in trying to get the department to do justice to people in my State, where they have illegally collected taxes, proves that it is difficult to get them to act at all. They are swift to collect taxes, but slow to return them. If we are going to amend the law, let us make them more careful in collecting illegal taxes instead of refunding them after they shall have been collected.

Mr. KING. I agree with the Senator from Arkansas as to

that.

The PRESIDING OFFICER. The Chair sustains the point of order raised against the amendment of the Senator from Utah by the Senator from Wyoming, on the ground that the proposed substitute is clearly general legislation.

Mr. SPENCER. Mr. President, I offer the amendment which

send to the desk.

The PRESIDING OFFICER. The amendment will be stated. The READING CLERK. On page 3, after line 17, it : proposed to insert the following:

After July 1, 1923, the salary of the laborer in charge of the private passage under the office of the Sergeant-at-Arms and Doorkeeper of the Senate shall be at the rate of \$1,100 per annum, and there is hereby appropriated the sum of \$200 to carry out such purpose.

Mr. SPENCER. Mr. President, the amendment relates to William Montgomery, the colored boy in the washroom. He has been an employee of the Senate for 24 years. His unusual courtesy and efficiency are known to every man upon the floor. In the last appropriation bill we increased the salary of the attendants in the two rooms upstairs from \$720 to \$1,000. The amendment will give to William Montgomery an increase of \$200.

Mr. McKELLAR. I hope the amendment will be adopted.

He is a very valuable employee and a good man.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri,

Mr. WARREN. Mr. President, this is a matter of very much embarrassment to me because the fact is that, perhaps, the employee referred to does not get a large enough salary, but it is undertaking to go back over the road that we have decided not to follow. As I have said—and I do not say it in any boastful way—I would almost sooner pay the money myself from my own pocket than at this time to include it in this bill and then have to pilot it through the opposition it will encounter in conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri.

The amendment was agreed to.

Mr. CALDER. Mr. President, I submit an amendment which

I send to the desk.

The PRESIDING OFFICER. The amendment will be stated, The READING CLERK. On page 43, line 10, after the figures "\$6,500,000" and before the period, it is proposed to insert a colon and the following proviso:

Provided. That no part of the moneys appropriated in this paragraph shall be used or expended for making such changes in private establishments or for the purchase or acquirement of any article or articles that at the time of the proposed changes, purchase, or acquirement can be made, manufactured, or produced in each or any of the Government navy yards of the United States, if time and facilities permit, for a sum less than they can be made, purchased, or acquired otherwise.

Mr. WARREN. I make the point of order against the amendment that it is general legislation.

Mr. CALDER. Mr. President, I should like to discuss the point of order, if I may.

The PRESIDING OFFICER. The Chair will inquire of the

Senator from Wyoming, What is the point of order?

Mr. WARREN. The point of order is that it is general legislation.

The PRESIDING OFFICER. The holding of the Chair is that it is a limitation of an appropriation, and is not general The Chair therefore overrules the point of order. legislation.

Mr. WARREN. The Presiding Officer may understand better than I do what is behind the amendment, but it manifestly proposes to change existing law, and is certainly general legislation.

Mr. CALDER. Mr. President, this amendment provides that all work performed under the particular paragraph which I seek to amend shall be done by the navy yards of the country, provided it can be done cheaper there. If it can be done cheaper in other places, then the amendment will not be effective. It seems to me that with all the navy yards we have in the country we ought to keep them employed, if it is possible to do so, and especially if their activities will not involve any greater expense to the Government.

Mr. JONES of Washington, Mr. President, will the Senator from New York yield?

Mr. CALDER. I yield.

Mr. JONES of Washington. I should like to know how the Senator would determinine, until it is actually done, whether work can be done cheaper in a Government navy yard or in a private establishment?

Mr. CALDER. We have very efficient engineers and managers at the navy yards; and my experience has been that in nearly every case they are able to do the work within the limit of their estimate.

Mr. JONES of Washington. Seldom do they do it within the stimate. At any rate, it is nothing more than an estimate. The Senator does not restrict the language of his amendment so that the work can only be done at the navy yard if an estimate is to the effect that it may be done as low as at a private establishment.

The amendment provides that not a dollar of this money shall be spent if the work can be done cheaper in a navy yard. How any accounting officer can say it can be done cheaper until it actually has been done I do not know.

do the work cheaper than can a private establishment, work will go elsewhere. That has been the universal practice. Mr. JONES of Washington. Yes; but suppose it is estimated that it can be done for \$10,000 and then when it is

actually done it costs \$12,000, what becomes of the provision of

the Senator's amendment?

Mr. CALDER. That sometimes happens, of course.
Mr. JONES of Washington. It very often happens.
Mr. CALDER. I know that the Navy Department in the past has been more disposed to have its work done by private concerns than by navy yards, and the navy yard has to show pretty clearly that it can do the work cheaper before it can

get the work Mr. NORRIS. Mr. President, this question has a good many times been before the Senate and the House of Representatives. It always seems to me that as long as we keep up the navy yards, with all the machinery and the men required there to perform the work for the Government, it is a very poor business proposition to let out the work to private parties. would be economy in the end, even if we paid more to a United States navy yard, to keep the men employed, to keep the machinery in operation and the plant going. It is practically an impossibility, I presume, in most cases to figure out to a penny just what it is going to cost in a navy yard to perform a particular work. I think the Senator from New York has well said that for a good many years if the Navy Department has had any prejudice at all it has been in favor of private parties rather than in favor of the navy yards.

Laying that aside, however, whether that be true or not—I will not say myself that it is true—assuming that they are going to be absolutely fair, this is a step toward employing our own men in the Government service when they are able to do the work. They will make an estimate, I presume, and if we assume that they are honest also-which I think we have a right to do-they will have some professional pride in carrying out the estimate. If they made an estimate on one job, and it was found that the cost exceeded the estimate very much, there is not any doubt but that they would begin to lose their reputation. They would be just as anxious to keep within their estimate as they possibly could, and I assume they would make it in good faith; and when they are able to do the work cheaper than private parties, certainly we ought to let them do it and keep our force together.

It is quite important, Mr. President, in the case of an emergency, when you want to enlarge the force in the navy yard, to be able to get it together at once. When you have once assembled it, if there is any work of the Government to do, it seems to me to be the height of folly to go and farm it out to private

parties. I would be in favor of going further than this amendment goes. I would provide that just as long as we had a navy yard that was competent to do a job of work and was able to do it it should be done there and not done anywhere

else, regardless of all other features.

This amendment does not even go that far. In my judgment it ought to go further, and if we are going to maintain a navy yard at all and we have any work to do we ought to do it in our own shops. A man who is manufacturing anything in his own establishment would be considered a very foolish business man if he had the machinery and the men could do the work if he should farm it out somewhere?

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. NORRIS. I yield to the Senator; yes. Mr. CARAWAY. What greater interest would the Government have in the navy yard than it had in the shop of any other citizen of the country? It owes nothing more to the shop because it is a Government-owned shop than it does to the private individual who has a place where men are employed. And is a man who happens to be on the Government pay roll to be pre-ferred when times of depression come to the man who is working for himself or for some other American citizen? It hon-estly concerns me. I do not think the Government ought to rush into business and try to shut out all private enterprise.

Mr. NORRIS. If the Senator is through with his question,

I will answer it the best I can.

The Senator assumes, I think, in his question, that there is nothing involved in it but a question of labor. I think something more is involved in this proposition. It is true that the number of men that will be employed on a certain job will be just as great at one place as another. I concede that; but the Senator must admit that the Government has its navy yard. It has its shop. It is not a question as to whether it should go Mr. CALDER. I am sure the Senator understands that if the estimate of the navy yard is higher, or if upon investigation by the Navy Department it is believed the navy yard can not our navy yards. We would not think of it for a moment. The

employment of men will be just the same, I concede; but having our navy yards, having the men there, and having some work of our own to do, we ought to do it, I think, rather than to let it out to anybody else.

Mr. CARAWAY. May I ask the Senator another question?

Mr. NORRIS.

Mr. CARAWAY. We all realize that if the Government shall tax its citizens for the money to build an establishment, and then exempt it from taxation and pay for its upkeep, it can manufacture cheaper than the individuals who must pay the taxes to support the Government; and if the theory is to be extended, the Government can go into any line of business and tax everybody to support it and pay its losses. If the Government buys a plant and exempts it from taxation, it can drive any private industry out of business

Mr. NORRIS. Mr. President, the Senator, I think, fails to differentiate in this: This is entirely Government business. It is not going out to go into private business. It is not a question of competition with the men who are engaged in the manufacture of things that are in commerce generally, but it is a question of the repair of its ships and its other property. It is the Government's property. If we had no navy yards, if we had no shops, or if we did have and we wanted to scrap them all and go out of the business entirely and not have any, then I concede that the Senator's argument might be good.

Mr. CARAWAY. Let me ask the Senator, Is there anything sacred about the matter simply because it is Government

property?

Mr. NORRIS. No; but this does follow, I will say to the Senator: Because it is Government property we are not going out in competition with men in the ordinary business affairs of If the Senator had an establishment here capable of building battleships and we were going to build one or repair one, as they need repairs all the time, and here were a navy yard equipped to do the work, with the men there in the employ of the Government, would it not be better business, as a matter of fact, for the Government to do its work in its own shop and keep that shop and the men in good condition so that

they would be ready for any emergency that might arise?

Mr. CARAWAY. The Senator, if he will pardon me, must know that that is not really the question. The question is, when hard times come, whether men who are working for themselves shall be let out of employment and the taxes paid used to keep busy men who have been fortunate enough to go into the Government employ, and let the hard times and the depression fall always upon the citizen who is struggling to build up the industries of this country and pay the taxes. Are we to tax every-body, and, when once a man gets on the Government pay roll, determine that we will always keep him well supplied with work and well paid?

Somehow or other I do not feel that the man who works for the Government is any more sacred than the man who works

for himself.

Mr. NORRIS. I do not, either.

Mr. CARAWAY. I do not believe in taxing everybody else's business out of existence in order to keep somebody always on the Government pay roll at a salary much better than he can get in private employment; but that is what is going on here.

Mr. NORRIS. Ne; I do not think so.
Mr. CARAWAY. If the Senator will pardon me, we have seen that campaign carried on right here in the District of Columbia, and that sort of an idea urged-that nobody must be thrown out of employment who is working for the Government. If anybody is to be laid off, let the private individual who never had a good thing quit, starve, and walk the streets, but always keep the man who has a Government job well paid. That is exactly the question. Mr. NORRIS. No; it is a

Mr. NORRIS. No; it is not exactly the question.
Mr. CARAWAY. Then I do not know what the question is,

and I thought I did.

Mr. NORRIS. Perhaps I should modify that by saying I do not think that is all there is in the question. I do not say that the Senator does not understand-

Mr. CARAWAY. Of course, I understand the Senator. I am not trying to be captious with the Senator. That is his view-

point, and this is mine.

Mr. NORRIS. The Senator has a perfect right to have his viewpoint. I think he is wrong, as I pointed out before, and I am going to point out again where in his recent statement I think he is in error.

He would lead us to believe that if this work is done in these Government shops it must be paid for by taxation; that if it is done privately it would not be paid for by taxation. It does not make any difference where it is done; the taxpayer is going to pay for it. As far as the taxpayer is concerned, he

will pay for it whether it is done in a private shop or whether it is done in a Government shop, and presumably it will take the same amount of labor and the same number of men to do it in one place that it will in another; and if the authorities go out and give other people employment to perform the work, there are people in Government employment that will either not do the work or that will be out of a job. I do not see that that makes a particle of difference.

Mr. CARAWAY. Let me make this suggestion to the Senator: The Government plant pays no taxes. The private industry does. If you are going to close one of the two, which does the public suffer most by having closed? If the private plant closes, and men are out of employment, and they no longer pay taxes, the taxes of every other citizen must be increased to meet that loss. If the Government's plant closes there is no diminution in the Government's revenue. I know why the Senator takes this position. He feels that way with reference to Muscle Shoals. He wants to tax everybody to run Muscle Shoals at the cost of the general public. If it is a success,

why, it will be good; if it is a loss, the people will pay for it. We could follow that idea in other lines.

The Government owns coal mines. Why not open them and put every other coal mine out of business? It has iron mines; it has oil lands; it has timberlands. Why not open sawmills on these timberlands, and close everybody else's sawmills, and

make the people pay for the upkeep of them?

Mr. NORRIS. Now, the Senator is entering on several other things that in my judgment do not apply to this particular proposition. For instance, the Senator says I am in favor of the Government developing Muscle Shoals and making all the people stand the expense, and if there is a loss all the people will suffer the loss. That states my position correctly. hope I can be equally successful in stating the Senator's posi-He would give Muscle Shoals to one corporation, and have it developed at the expense of all the people, with all the possible profits coming to that corporation, and none to the

Mr. CARAWAY. If the Senator will pardon me, he may accurately state his position, but he woefully misstates mine. In the first place, I did not want to give it away; I did not want to develop it at the public expense; but I did want to permit some private citizen to develop it and to use it for the

public good.

Mr. WARREN. Mr. President, I ask if either one of the Senators who have the floor, or both of them, will yield for a moment?

Mr. CARAWAY. The Senator from Nebraska has the floor, Mr. WARREN. What I wish to say is that so far as I am concerned this matter is settled. It has been ruled out by the

Mr. NORRIS. It will take me only a minute to conclude. I would have been through long ago if it had not been for the

interruptions

Mr. President, if the private party can not build a battleship, if he has the machinery, he will do something else. He is not confined to Government work. He will go into general business. If the Government in its navy yards puts its men out of business and stops its machinery it does nothing. It is idle. The machinery commences to rust and deteriorate. The men who are there are disorganized, and they scatter all over the country and go into other lines of business. We shall want them again some time. We may get into war, perhaps, or dan-ger of war. We may want to build another battleship or something of that kind. Then we will have to get them all together again. They do not understand each other, and many of them are new. Financially it is a great loss to the Government, which means to the taxpayers of the country. Every business man knows that one of the great damaging features to his business is when his organization is dissolved and scattered.

That happens to the Government when they do not do business in their plants because they are confined to Government business. It does not happen to a private corporation which is able to repair a battleship. It can also make automobiles or something else. So it does seem to me, putting it strictly on a business basis, having these navy yards and these repair shops, net a Senator here would cast a vote to scrap them. We must maintain them. We must have the men to operate the machinery we have and to care for it. If we have some work of our own, why not do it in our own shops, with our own men, with our own machinery, all equipped for the work, rather than close down the machinery, disorganize the force, and turn the work out to private parties, who, perhaps, in order to do work for the Government would give up some other business? It might, as a matter of fact, interfere with business operations in the country rather than assist it.

Mr. JONES of Washington. I want to say that the Senator from Nebraska has stated by position exactly, and I wanted to suggest to the Senator from New York that if his amendment would provide that this work shall be done, and these materials, or whatever may be necessary, shall be produced in a navy yard conveniently located, with ample facilities to do it, it ought to be done. I would a great deal rather require the expenditure of money in navy yards, if a navy yard is conveniently located and has ample facilities, than to leave it to this doubtful method of determining whether it can be done more cheaply in a Government navy yard before it is determined where the money will be spent, because I do not see how the officer who is passing upon the voucher can determine whether it could have been done better in another place or not until after the work is actually completed.

Mr. KING. I would like to ask the Senator how it is possible to determine whether it may be done more cheaply in a Government navy yard than in a private yard? You have to take into account, as well as other factors, the Government capital invested, which may be millions and millions, and the accumulation of years; you have to take into account overhead; you have to take into account compensation which is paid to employees under the retirement act; you have to take into account multitudes of officers of the Navy who are there in attendance, all of whom have to be paid by the Government. How is it possible to determine, if that is to be the basis of giving work to the navy yards, which can do the

work more cheaply?

Mr. JONES of Washington. I do not know how it can be done. Furthermore, the estimate may include all these things, but it is nothing but an estimate, and if they spend \$10,000 on a job and it is not finished they will come back to Congress and we must appropriate whatever additional amount is necessarv.

Mr. KING. Does not the Senator think that if the amendment should prevail it would lead to the maintenance of navy yards which are not needed and to the retention in those yards of a number of employees in anticipation of getting work which might go to private yards?

Mr. JONES of Washington. I do not think this would lead

to that.

Mr. CALDER, Mr. President, I am not desirous of providing by this amendment that work shall be done in a Government navy yard unless it can be done as cheaply in the yard as outside the yard.

The PRESIDING OFFICER (Mr. ODDIE in the chair). question is on agreeing to the amendment offered by the Senator

from New York.

Mr. KING. I ask for a division.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were not ordered. On a division the amendment was rejected.

Mr. NORRIS. I ask for the year and nays on the question. Mr. SMOOT. It is too late now to ask for the year and nays. The PRESIDING OFFICER. The year and nays have been refused, and the Chair has announced the decision.

Mr. NORRIS. Mr. President, I suggest the absence of a

The PRESIDING OFFICER. The Secretary will call the

The principal legislative clerk called the roll, and the following Senators answered to their names:

Hale Harris Heffin Jones, N. Mex. Jones, Wash. Ball McKinley McNary Sheppard Brandegee Bursum Calder Cameron Shortridge Smith Smoot Moses Norbeck Norris Oddie King La Follette Lenroot Sterling Wadsworth Warren Watson Weller Capper Colt Curtis Dial Overman Pepper Pittman Ransdell Reed. Pa. Robinson Lodge McCormick McCumber McKellar Dillingham Fernald Weller Gooding

The PRESIDING OFFICER. Forty-seven Senators having answered to their names, a quorum is not present, and the Secretary will call the names of the absent Senators

The principal legislative clerk called the names of the absent Senators

Mr. WARREN. I move that the Sergeant at Arms be in-

structed to secure the attendance of absent Senators.

Mr. Harrison entered the Chamber and answered to his

The PRESIDING OFFICER. The Senator from Wyoming moves that the Sergeant at Arms be requested to secure the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. France and Mr. Frelinghuysen entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. NORRIS. I ask now for the yeas and nays on the

amendment on which we were voting.

The PRESIDING OFFICER. The Chair rules that the vote was announced, and the Senator's demand for the year and nays is out of order.

Mr. NORRIS. So as to avoid further difficulty, let me make this statement: We are not going to pass the bill without a roll

call on the amendment.

Mr. WARREN. There is no objection to that. Mr. NORRIS. I understand there is no objection, but when we come to voting the vote does not show that. I have not offered the amendment, but if the Senator from New York does not offer it at another place in the bill, I give notice now that I shall offer it in the Senate when the bill gets there; and I want everybody to be here, because I want a roll call on it. That is all I ask, and that I am entitled to. I now offer the following amendment.

The PRESIDING OFFICER. The Secretary will report the

amendment.

The READING CLERK. On page 43, line 10, after the figures "\$6,500,000," strike out the period and insert in lieu thereof a colon and add the following:

Provided. That no part of the moneys appropriated in this paragraph shall be used or expended for making such changes in private establishments or for the purchase or acquirement of any article or articles that at the time of the proposed changes, purchase, or acquirement can be made, manufactured, or produced in each or any of the Government navy yards of the United States, if time and facilities

The PRESIDING OFFICER. The question is on the amend-

ment offered by the Senator from Nebraska.

Mr. NORRIS. I am willing to vote on it without any further argument if we can get a roll call. If we can not, then I want to talk about it. I demand the year and nays.

The yeas and nays were ordered, and the reading clerk pro-

ceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. LODGE (when his name was called). I transfer my pair with the senior Senator from Alabama [Mr. UNDERWOOD] to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. McKINLEY (when his name was called). I am paired

with the junior Senator from Arkansas [Mr. Caraway]. have not been able to obtain a transfer, I withhold my vote.

Mr. ROBINSON (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. Suther-LAND] to the Senator from Massachusetts [Mr. Walsh], and vote "yea."

Mr. WATSON (when his name was called). I transfer my pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the junior Senator from Minnesota [Mr. Kelloge], and vote "yea."

The roll call was concluded.

Mr. COLT. I transfer my pair with the junior Senator from Florida [Mr. Trammell] to the junior Senator from Washington [Mr. Poindexter], and vote "yea."

Mr. McKELLAR (after having voted in the affirmative). I

inquire if the junior Senator from Indiana [Mr. New] has

The PRESIDING OFFICER. That Senator has not voted. Mr. McKELLAR. I have a pair with that Senator, which I transfer to the senior Senator from Arizona [Mr. ASHURST] and let my vote stand.

Mr. DILLINGHAM (after having voted in the affirmative). I have a pair with the Senator from Virginia [Mr. Glass], who has not voted. I transfer that pair to the Senator from New Hampshire [Mr. Kexes] and allow my vote to stand.

I have a general pair with the senior Senator Mr. BALL. from Florida [Mr. Fletcher]. May I inquire if that Senator

has voted?

The PRESIDING OFFICER. He has not voted. Mr. BALL. In his absence I withhold my vote.

Mr. FRELINGHUYSEN. I transfer my general pair with the junior Senator from Montana [Mr. Walsh] to the junior Senator from Oregon [Mr. Stanfield] and vote "nay."

The roll call resulted-year 37, nays 10, as follows:

YEAS-37. Bursum Calder Cameron Capper Fernald France Harris Harrison Colt Heflin Jones, N. Mex. Jones, Wash. La Follette Curtis Dial Dillingham

Lenroot Lodge McKellar McNary Moses Norbeck	Norris Oddie Overman Pittman Ransdell Robinson	Sheppard Shortridge Smith Spencer Sterling Wadsworth	Watson Weller Willis
TAXABARAN III A INI	N	AYS-10.	
Brandegee Frelinghuysen Gooding	Hale King McCumber	Pepper Reed, Pa. Smoot	Warren
	NOT	VOTING-49.	
Ashurst Ball Bayard Borah Brookhart Broussard Caraway Couzens Culberson Cummins Edge Filkins Ernst	Fletcher George Gerry Glass Harreld Hitchcock Johnson Kellogg Kendrick Keyes Ladd McCormick McKinley	McLean Myers Nelson New Nicholson Owen Page Phipps Poindexter Pomerene Reed, Mo. Shields Simmons	Stanfield Stanley Sutherland Swanson Townsend Trammell Underwood Walsh, Mass. Walsh, Mont. Williams

The PRESIDING OFFICER. On agreeing to the amendment of the Senator from Nebraska [Mr. Norris] the yeas are 37 and the nays are 10. Senators McKinley and Ball being in the Chamber and paired and not voting, it constitutes a quorum, and

the amendment is agreed to.

Mr. NORRIS. I understand that to perfect the bill the same amendment ought to appear on the next page. Since we have had a roll call on the matter, I presume there will be no objection to inserting the same amendment after line 7, on page 45.

therefore offer that amendment.
The PRESIDING OFFICER. The amendment will be stated. The READING CLERK. On page 45, after line 7, insert as a new

paragraph the following proviso: Provided, That no part of the moneys appropriated in this paragraph shall be used or expended for making such changes in private establishments or for the purchase or acquirement of any article or articles that at the time of the proposed changes, purchase, or acquirement can be made, manufactured, or produced in each or any of the Government navy yards of the United States, if time and facilities permit.

The amendment was agreed to.
Mr. JONES of Washington. Mr. President, I have an amendment which I am going to propose that is subject to a point of I have not had an opportunity to confer with the chairman of the committee about it because I received the report from the Department of Commerce just a little while ago with reference to it. I want to explain it, because I believe it will appeal to the Senate and to the chairman of the committee. will send the amendment to the desk and have it read, and then I ask for an opportunity to give the reason for urging it.

The PRESIDING OFFICER. The amendment will be re-

The READING CLERK. Insert on page 26, after the committee amendment, the following:

The General Accounting Office is hereby authorized and directed to allow credit in the respective accounts of disbursing agents under the Department of Commerce for payments of loss by exchange of salary and per diem checks issued under appropriations, respectively, for the fiscal years 1917 to 1922, inclusive, containing provision for exchange on official checks the account of which payments may have been heretofore settled or may hereafter become a matter of settlement.

growing out of the war, exchange against our people became very serious. In submitting the estimates for appropriations for the fiscal years 1916 and 1917 each appropriation included, among other items, a provision for "exchange on official checks."

I now wish to read a statement from a letter from the Secretary of Commerce, which I just received, with reference to the matter. He sent this to me just this evening.

Congress, in approving appropriations for the 1916-17 fiscal year, allowed this clause to stand, presumably, upon the strength of the arguments and statements brought out before the subcommittee of the House Committee on Appropriations in the hearings on the legislative, executive, and judicial appropriation bill for 1917.

Every fiscal year from 1916 to 1922 we had that provision. For the current year the appropriation bill did not contain the provision, possibly upon the assumption that the exchange was getting more nearly normal. He said further:

In view of the fact that the appropriations for the fiscal years 1916–17 provided for "exchange on official checks" the bureau authorized its foreign officers and employees when sustaining a loss in an exchange of their salary or per diem in lieu of subsistence checks for the local currency to include such losses in their official accounts, and after the Auditor for the State and Other Departments had established a method of computing such losses the officers and employees were instructed to compute their claims in accordance with his method.

The amendment which I have offered is subject to a point of order, and I do not want to ask the chairman of the committee to accept it unless he feels that it ought to be accepted. I think it ought to be accepted.

Mr. WARREN. I have no objection to it, as it seems to me proper legislation.

Mr. SMOOT. I would like to ask the Senator from Washington what our representatives are losing now in the exchange on money?

Mr. JONES of Washington. It does not apply now. This only

covers the years when we had that provision in the appropriation bills, 1915 to 1922.

Mr. SMOOT. The same people are not asking now that we take from them the advantage which they have in exchange

Mr. JONES of Washington. Oh, no, indeed.

Mr. SMOOT. It is all one way, to take it out of the Govern-

Mr. JONES of Washington. It is simply a matter where these men sustained the losses. Some of them had their accounts adjusted, but they were behind two years and by a reversed ruling of the comptroller it was held that they could not recover, so some of them got it and some did not, and some are held responsible for losses, and had to account for their subordinates' losses.

I will ask that this letter may be printed in the RECORD, in order that the conferees may have all the facts in connection with the matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

DEPARTMENT OF COMMERCE, OFFICE OF THE SECRETARY, Washington, March 1, 1923.

Hon. WESLEY L. JONES,
Chairman Committee on Commerce,
United States Senate, Washington, D. C.

My Dear Mr. Senator: I have your letter requesting me to furnish your committee suggestions as to the merits of Senate bill 4637 and as to the propriety of its passage.

Inclosed please find copy of a memorandum on this subject, prepared by the chief of the auditing section of the Bureau of Foreign and Domestic Commerce, which presents the facts fully.

This bill requires no new appropriation, but merely provides just relief for certain disbursing agents of the Department of Commerce who would otherwise be unfairly penalized. I believe the passage of this bill is both desirable and urgent.

Yours faithfully,

Herbert Hoover,

Scoretary of Commerce.

HERBERT HOOVER, Secretary of Commerce.

Department of Commerce, Office of the Secretary, Washington, February 28, 1923.

(Memorandum.)

Subject: Legislation to relieve special disbursing agents of disallow-ances on account of claims for loss by exchange.

In 1915 the exchange situation in certain foreign countries where the bureau had officers stationed became so adverse to the agents that they were losing heavily on their salary and per diem in lieu of subsistence checks when exchanged for the local currency. In some few cases this loss amounted from about 10 per cent to 15 per cent of their salary

they were losing heavily on their salary and per diem in lieu of subsistence checks when exchanged for the local currency. In some few cases this loss amounted from about 10 per cent to 15 per cent of their salary.

In submitting estimates of appropriations for the fiscal years 1916–17, each appropriation included, among other Items, a provision for "exchange on official checks." Congress, in approving appropriations for the 1916–17 fiscal year, allowed this clause to stand, presumably upon the strength of the arguments and statements brought out before the subcommittee of the House Committee on Appropriations in the hearings on the legislative, executive, and judicial appropriation bill for 1917 (p. 580), supra, as follows:

"Secretary Redfield. Our estimate of the importance of the duties and responsibilities involved in it.

"Mr. Pratt. And. to some extent, the living expenses. May I mention one thing here? I want to refer to those words in italics, 'exchange on official checks.' Our Mr. Thompson, who is in Holland, owing to the exchange system there, is losing about \$40 a month on his salary simply because of the decrease in exchange over there. Now, if we have that provision there it will permit us to equalize those things, and I think it really ought to be done. We will probably have to come to the committee and ask for a deficiency appropriation for Mr. Thompson, because he is really getting cheated out of his money, and through no fault of his own.

"Mr. Pratt. Yes, sir; absolutely.

"Mr. Pratt. Yes, sir; absolutely.

"Mr. Pratt. Yes, the they are very small in normal times.

"Secretary Redfield. The point is that the Government now allows for exchanges on expense accounts, but does not allow them on salaries, and that is the reason for this language."

Congress allowed this provision to remain in each of the appropriations for each of the succeeding fiscal years ended with June 30, 1922.

However, the appropriations for the current fiscal year do not carry this provision, the assumption being that the

Under the régime of the auditors for the various departments, the Auditor for the State and Other Departments, in settling the accounts of the special disbursing agents of this bureau, allowed the special dis-

bursing agent credit for all claims for loss by exchange which he paid when such claims were computed in accordance with his method of computed by him. The method of computing loss by exchange as used by the Additor for the State and Other Departments did not reimburse the officer or employee for his actual losses.

Due to the inadequate staff of auditors in the office of the Auditor for the State and Other Departments, the accounts of the special disbursing agents of this bureau were not settled as promptly as they should have elapsed from the date of the submission of the accounts until notice of their settlement was received by the special disbursing agent. Consequently a large number of claims for loss by exchange in accounts of special disbursing agents were allowed to accumulate.

With the abolishment of the office of the auditors for the various depoted in the abolishment of the office of the auditors for the various depoted by the special disbursing agent to the numerous changes in personnel, an entirely different construction was placed upon the provision for "exchange on official checks" than was believed to have been the intent of Congress, The General Accounting Office, State and Other Departments Division, submitted a memorandum decision to the Comptroller General for his consideration was placed upon the provision for "exchange in consideration was proper charge against the Government, and that credit should not be allowed in the settlement of the accounts of special disbursing agents for such improper payments. Under date of September 21, 1821, the Comptroller General upheld the memorandum decision of the Congress, and the control of the such as a settle of the such

Mr. NORRIS. Mr. President, I should like to have the amendment stated.

The PRESIDING OFFICER. The amendment will be stated. The READING CLERK. On page 26, after the amendment heretofore agreed to, it is proposed to insert:

The General Accounting Office is bereby authorized and directed to allow credit in the respective accounts of disbursing agents under the Department of Commerce for payments of loss by exchange on salary and per diem checks issued under appropriations, respectively, for the fiscal years 1917 to 1922, inclusive, containing a provision for "exchange on official checks," the accounts of which payments may have been heretofore settled or may hereafter become the matter of settlement

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Washington.

The amendment was agreed to.

Mr. McKELLAR. I offer an amendment as a new section to the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Tennessee will be stated.

The READING CLERK. It is proposed to insert at the proper place in the bill the following:

That clerks to Senators who are not chairmen of committees shall hereafter be paid \$3,300 per annum, payable monthly.

Mr. WARREN. I make the point of order against that amendment that it has already determined to be out of order by a point of order already made against a similar amendment.

The PRESIDING OFFICER. Such an amendment has once been ruled out of order to-night.

Mr. HARRISON. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. McKELLAR. This amendment has not been ruled out of order

Mr. WARREN. I make the point of order against the amendment in order that it may be ruled out of order.

Mr. HARRISON. I wish to propound a parliamentary in-Is it not within the province of the Chair, or in his discretion, if he sees fit, to submit this question to the Senate notwithstanding any action heretofore and let them decide it

for themselves The PRESIDING OFFICER. The Chair will submit the

question to the Senate.

Mr. SMOOT. Will the Chair submit the question to the Senate after a similar amendment has been ruled out of order on this very day?

Mr. McKELLAR. The Chair has already done so. The PRESIDING OFFICER. The wording of this amendment is different from the former one, and the Chair has ruled that he will submit the question to the Senate.

Mr. NORRIS. Mr. President—
Mr. SMOOT. But the principle involved is the same.

Mr. NORRIS. Before the Chair submits it to the Senate. I should like to make an inquiry in order to see if I understand the question. If this amendment were agreed to it would give to the clerks of Senators who are not chairmen of committees a higher salary than is received by clerks to Senators who are chairman of committees

Mr. WARREN. Certainly.
Mr. SMOOT. That would be the effect of the amendment.
Mr. NORRIS. The Senator who is chairman of a committ The Senator who is chairman of a committee has to attend to the work of that committee which also requires the time of a clerk.

Mr. McKELLAR. I thought the clerks of the chairman of the committee were already paid that amount. If that is not the case

Mr. NORRIS. Oh, no.
Mr. McKELLAR. Then, I will modify the amendment by striking out the words "who are not chairmen of committees" and insert "clerks to Senators." That will accomplish the object.

Mr. WARREN. This matter has been duly discussed. The question has been presented to the Chair on a similar amendment which was ruled out on a point of order. On the question being submitted to the Senate whether the Chair should be sustained, the Chair was sustained by a large majority. The Senator from Tennessee must know that.

Mr. McKellar. But this is a different case.
Mr. Warren. There can be but one reason left. This amendment can not be sustained unless it is desired to destroy the bill and throw it to the winds.

Mr. SMITH. May not the amendment be again stated, Mr.

President?

The PRESIDING OFFICER. The Secretary will again read the amendment.

The READING CLERK. As now modified, the amendment reads: That clerks to Senators shall hereafter be paid \$3,300 per annum, payable monthly.

The PRESIDING OFFICER. The Chair will submit the question to the Senate

Mr. McKELLAR. I ask for the yeas and nays, Mr. President. Mr. HARRISON. Let us merely have a division, Mr. President.

Mr. SMOOT. Let us have the yeas and nays. We want a record vote on this question.

The PRESIDING OFFICER. The yeas and nays are de-

manded.

Mr. ROBINSON. A parliamentary inquiry. What is the question which is submitted to the Senate?

The PRESIDING OFFICER. The question submitted to the Senate is, Is the amendment in order? The Chair rules that the Chair, as a matter of right, is privileged to submit the question to the Senate.

Mr. NORRIS. I concede that the Chair has the right to submit it to the Senate and let the Senate decide the question. think it is true that the Presiding Officer may do so if he

Mr. WARREN. As to the germaneness of the question— The PRESIDING OFFICER. The question is, Is the amend-ment in order? [Putting the question.] The "noes" seem to have it

Mr. McKELLAR. I ask for the year and navs.

Mr. HEFLIN. Let us have the yeas and nays. The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement that I made before with reference to my pair

and its transfer, I vote "nay."

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement as before with regard to my pair and its transfer, I vote "nay."

Mr. LODGE (when his name was called). Making the same

announcement as before with regard to the transfer of my

pair, I vote "nay.

Mr. McKINLEY (when his name was called). I have a permanent pair with the junior Senator from Arkansas [Mr. CARAWAY]. As he is not present, and I do not know how he would vote, I withhold my vote.

Mr. ROBINSON (when his name was called). Announcing

the same pair and transfer as on the previous vote, I vote

" nay."

Mr. STANLEY (when his name was called). I inquire if the

Mr. STANLEY (when his name was called). I inquire if the junior Senator from Kentucky [Mr. Ernst] has voted?

The PRESIDING OFFICER. He has not voted.
Mr. STANLEY. I have a pair with the junior Senator from Kentucky, which I transfer to the Senator from Nebraska [Mr. Hitchcock], and vote "nay."

Mr. WATSON (when his name was called). Making the

same announcement as to the transfer of my pair as before, I

vote "nav.

Mr. WILLIS (when his name was called). I am paired with my colleague, the senior Senator from Ohio [Mr. POMERENE], who is absent. I am unable to secure a transfer, and, therefore, am compelled to withhold my vote. If permitted to vote, although in favor of this amendment, I should be compelled to vote "nay."

The roll call was concluded.

Mr. BALL. I inquire if the senior Senator from Florida

[Mr. Fletcher] has voted?

The PRESIDING OFFICER. That Senator has not voted. Mr. BALL. As I have a general pair with that Senator, I withhold my vote.

Mr. McCORMICK. I inquire if the Senator from Wyoming

[Mr. KENDRICK] has voted?

The PRESIDING OFFICER. He has not

Mr. McCORMICK. I am compelled to withhold my vote, as I have a pair with that Senator. If permitted to vote, I should vote "yea."

Mr. DILLINGHAM (after having voted in the negative). I

am informed that my pair would vote as I have already voted. I therefore feel at liberty to vote, and will allow my vote to stand.

Mr. McKELLAR (after having voted in the affirmative). I note that the junior Senator from Indiana [Mr. New] has not voted. I have a pair with that Senator, which I transfer to the Senator from Arizona [Mr. Ashurst] and allow my vote to stand.

Mr. CURTIS. I wish to announce the following general

The Senator from New Jersey [Mr. Edge] with the Senator from Oklahoma [Mr. Owen];
The Senator from West Virginia [Mr. Elkins] with the Sen-

ator from North Carolina [Mr. SIMMONS]

The Senator from Connecticut [Mr. McLean] with the Sen-

ator from Montana [Mr. MyERS];
The Senator from Minnesota [Mr. Nelson] with the Senator

from Texas [Mr. Culberson];
The Senator from Colorado [Mr. Nicholson] with the Sena-

ator from Missouri [Mr. REED] The Senator from Colorado [Mr. PHIPPS] with the Senator

from South Carolina [Mr. Dial]; and The Senator from Michigan [Mr. Townsend] with the Senator from Virginia [Mr. SWANSON]

The roll call resulted-yeas 21, nays 24, as follows:

VEAS 91

Bursum Cameron Capper Gooding Hale Harris	Harrison Heffin Jones, N. Mex. La Follette Lenroot McKellar	McNary Moses Oddle Overman Pittman Ransdell	Shortridge Smith Sterling	
	NA	YS-24.		
Brandegee Calder Colt Curtis Dillingham Fernald	France Frelinghuysen Jones, Wash. King Lodge McCumber	Norris Pepper Reed, Pa. Robinson Sheppard Smoot	Spencer Stanley Wadsworth Warren Watson Weller	

snurst	Ernst	McMiniey	Shields
all	Fletcher	McLean	Simmons
ayard	George	Myers	Stanfield
orah	Gerry	Nelson	Sutherland
rookhart	Glass	New	Swanson
roussard	Harreld	Nicholson	Townsend
araway	Hitchcock	Norbeck	Trammell
ougana	Tohnson	Owon	Underwood

NOT VOTING-51.

Couzens Culberson Cummins Dial Edge Kellogg Kendrick Phipps Poindexter Pomerene Reed, Mo. Keyes Ladd McCormick

The PRESIDING OFFICER. On this question the yeas are 21 and the nays are 24. The Senator from Illinois [Mr. McCORMICK], the Senator from Illinois [Mr. McKINLEY], the Senator from Delaware [Mr. Ball], and the Senator from Ohio [Mr. Willis] are in the Chamber paired, but not voting, constituting a quorum. The noes have it, and the amendment is

determined not to be in order.

Mr. CALDER. Mr. President, I submit an amendment.

The PRESIDING OFFICER. The amendment will be stated. The READING CLERK. At the proper place in the bill, it is proposed to add the following:

That all per diem employees of the several departments and independent offices of the Government who were carried on the rolls as employees and excused from work on November 11, 1921, shall be allowed pay for that day.

Mr. CALDER. Mr. President, this amendment is made necessary as the result of the decision of the Comptroller General. Despite the fact that Congress authorized November 11, 1921, the day of the burial of the unknown soldier, as a legal holiday, and gave the President authority to call it a legal heliday and instruct employees of the Government to cease their labors on that day, nevertheless, at this late day, after all the per diem employees have been paid, the comptroller holds that the per diem employees will have to return their pay. The amendment

will permit them to retain their pay for that day.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

Mr. BRANDEGEE. Mr. President, that bill was up in the Judiclary Committee the other day, if my recollection

Mr. CALDER. It was, and is on the calendar for consideration. It was favorably recommended by the Judiciary Com-

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York,

The amendment was agreed to.
Mr. KING. Mr. President, for the purpose of obtaining an explanation, if nothing else, I move to strike out, on page 44, line 20, the numerals "\$8,450,000."

I may say that we recently passed a naval bill appropriating three hundred and thirty-odd millions of dollars. It was assumed, in view of the magnitude of the appropriation, that that was approximately all that would be required of Congress for was approximately all that would be required of Congress for the next fiscal year. I do not know whether this is for the next fiscal year or is a deficiency. If a deficiency, it was known at the time of the former appropriation bill to which I have referred, and we ought to have dealt with it at that time.

Mr. WARREN. Mr. President, this refers to the ships that were partly built and that were beyond the stage where it was thought either necessary or satisfactory from any point of view to destroy them. Other ships are to be destroyed in place of these in order to conform to the requirements of the treaty. While, of course, some money may be obtained from the scrapping of the others, appropriations are necessary for doing the

Mr. KING. May I inquire of the Senator whether the \$20,950,000 found on line 6 of page 45 is for the construction of

additional capital ships?

Mr. WARREN. That seems to be a total of other sums appropriated for various purposes. As the Senator knows, all of them are in the text of the House bill.

Mr. KING. Yes.

Mr. WARREN. And they have been carefully considered in all the hearings that have been had. I assume that the acting chairman of the Committee on Naval Affairs will be able to give the Senator any information he desires in regard to these items.

Mr. HALE. Mr. President, these appropriations have not anything whatever to do with any new construction. They are simply appropriations for scrapping the ships that were required to be scrapped under the terms of the treaty for the limitation of armaments. There is nothing whatever for new construction.

The first item to which the Senator has objected-the item of \$8,450,000-is to scrap the armor and armament provided for these ships that are to be given up under the terms of the treaty, and the other item is for the hulls and machinery.

Mr. KING. May I inquire of the Senator whether this is to pay for contracts which have been breached because of the

action of the disarmament conference?

Mr. WARREN. I think the Senator is now speaking of what I described, here on page 42. The Senator from Maine is speaking about the later appropriation of some \$8,000,000.

Mr. HALE. It is the whole item for scrapping, I take it, to which the Senator is alluding.

Mr. KING. What I want to know is whether it costs \$20, 000,000 merely to scrap a few vessels, or whether a portion of that is to pay persons with whom the Government had contracts?

Mr. HALE. That is one of the principal items in it. Mr. KING. Were not appropriations for this purpose car-

ried in the regular appropriation bill?

Mr. HALE. Not for that purpose at all. It was announced by the House Committee on Appropriations last year that in the future they would ask for a further appropriation to take care of this scrapping. It was estimated at that time that it would take some \$70,000,000 to provide for the scrapping of the ships that would be given up under the terms of the treaty. Since that time they have been able to cut down that amount, and the present estimate is \$55,000,000, of which \$20,000,000 is appropriated here and \$5,000,000 was appropriated last year. That leaves an additional \$30,000,000 to be appropriated in the years to come.

Mr. KING. Why should not the Government, if it has breached contracts which have entailed claims for damages. settle all of the controversies and report in one bill the obli-Why come in from year gations which will have to be met?

to year with appropriations?

None of the countries that were to scrap their Mr. HALE. ships under the terms of the treaty have done so yet. They have not actually destroyed the ships. They will not do so until the treaty has actually been ratified and takes effect. Therefore in this case the actual hulls of the vessels themselves, and the propelling machinery that is inside of them, are to be kept and are not to be scrapped now under the terms of this provision.

May I inquire of the Senator whether the corporations which had entered into contractual relations with the Government have presented claims to the Government to the extent of \$70,000,000 by reason of the termination of those con-

tracts?

Mr. HALE. Not altogether; no. Mr. KING. Then are contracts still in existence, and work being done under them, which will have to be canceled?

Mr. HALE. No; the work is not being done. The contracts are still in existence, with the understanding that they will be paid from time to time as appropriations are made for the purpose. The Navy Department does not want to cancel some of them, as I have said.

Mr. KING. Then what is the \$70,000,000 for to which the

Senator referred a moment ago?

Mr. HALE. As I told the Senator, the \$70,000,000 was merely an estimate. Now they have got it down to \$55,000,000. Part of that is for armament.

Does the Senator understand that in addition Mr. KING. to this \$20,000,000, plus the \$5,000,000 which was carried heretofore, further appropriations will be required?

Mr. HALE. Later on \$30,000,000 more will be needed when the department wants to get rid of the ships and actually scrap

Mr. KING. I can understand that there would be continuing appropriations to do the actual physical work of scrapping the vessels; but if the Government has broken or canceled contracts which entailed damages for which the Government was liable under its contracts, it would seem that those damages ought to be submitted; the Government could determine at this time what they were, and we could make an adequate appropriation to cover the entire damages.

Mr. HALE. The department takes the stand that they can

not do so at the present time until they know exactly when

they are going to dispose of the ships finally.

Mr. KING. This piecemeal policy will, of course, entail additional expense. It is very unfortunate that a different procedure was not inaugurated.

Mr. PEPPER. Mr. President, some of the increases of minor salaries that have been made by amendments on the floor have resulted in at least one inequality which I think ought to be corrected. I therefore offer the amendment which I send to

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). The question is on the amendment offered by the Senator from Utah [Mr. King]. Does the Senator insist upon his amendment?

Mr. KING. I will withdraw the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment of the Senator from Pennsylvania.

The READING CLERK. It is proposed to insert in the bill, at the proper place, the following:

For additional compensation to messenger at card door, \$200.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MOSES. Mr. President, was no point of order made against that amendment?

The PRESIDING OFFICER. No point of order was made. Mr. MOSES. Where are the watchdogs of the Treasury

Mr. HARRISON. Mr. President, before this bill passes I desire just briefly to call to the attention of the Senate a speech that was made by General Dawes immediately upon taking charge of the Bureau of the Budget.

When the Budget system was put in operation we were told that we would not have any deficiency appropriations; that the pattern would be cut at the beginning of each Congress and the appropriations would be made within that particular pattern, and so forth. Here is what General Dawes said:

The report of the Director of the Budget indicates that the Executive can maintain, through the agencies of coordination, an effective control over expenditures which will substantially eliminate the occasion for deficiency appropriations.

So we can see from this expression of General Dawes. as well as from the expressions which we recall upon the floor of the Senate when this system was enacted into law, that the object was to do away with deficiency appropriations; and yet, in so short a time since the Bureau of the Budget has

begun to function, we have passed, or will have passed with the passage of this bill, eight deficiency appropriation bills. I know it is a startling statement, and it controverts the assertions made by General Dawes; but here we come in with appropriation bills to provide for the expenses of operation of the Government and man representing the majority party. of the Government, and men representing the majority party go upon the hustings telling the people that they have cut down appropriations from the enormous amounts carried in previous appropriations to the small amount carried in the previous appropriations to the small amount carried in the general supply bills. Why, the distinguished leader of the majority party, in his campaign in Massachusetts, said that this administration had saved \$7,500,000,000, I believe, since it came into control, and those figures I think were afterwards reiterated by the distinguished ex-chairman of the Republican senatorial campaign committee. Of course, when the matter was called to the attention of the Senator from Massachusetts [Mr. Longe], he admitted that he was mistaken to the amount of just about \$7,500,000,000; but that is what the country gets. You bring in these general supply bills, saying that they have been cut below the estimates, and that the amounts are much less than those carried in the former appropriation bills, and then you come on and pass eight deficiency appropriation bills. Here in this very bill you appropriate one hundred and fifty odd millions of dollars.

Here are the bills that have been passed: The first one was passed on June 16, 1921, and carried \$106,000,000.

The next one was passed on August 24, 1921, and carried \$50,000,000.

The next one was passed on December 15, 1921, and carried \$105,000,000.

The next one was passed on March 20, 1922, and carried \$137,000,000.

The next one was passed on July 1, 1922, and carried \$47,-000,000.

Another one was passed on September 22, 1922, and carried \$75,000,000.

Then you passed another one recently, and now this one is about to go through for one hundred and fifty-four odd millions of dollars, and I imagine that you have another one there carrying about twenty or thirty millions of dollars to pay the bonus.

Mr. WARREN. Mr. President, will the Senator yield for a moment?

Mr. HARRISON. Yes.

Mr. WARREN. I know how frightened the Senator is and how very bad he feels about it. We have no further deficiency bills at this session.

Mr. HARRISON. I am glad to hear it; so there will be only

Mr. WARREN. But we shall have another appropriation bill for some \$37,000,000, to which I hope the Senator will not object.

Mr. HARRISON. That is a deficiency? Mr. WARREN. No; it is not. Mr. HARRISON. What is it for?

Mr. WARREN. It is for the bonus.
Mr. HARRISON. Oh, for the bonus! It is not provided in the general supply bill?

Mr. WARREN. It is provided in the general supply bill.

Mr. HARRISON. But it has not been passed yet? Mr. WARREN. This one has not been passed; and it is to provide for the interim after July 1 until we meet again next

Mr. HARRISON. Yes; another deficiency.

Mr. WARREN. No. Mr. HARRISON. It is just for the bonuses, the salaries. Then you were going to claim thirty or forty million dollars more as saved. I merely wanted to call to the attention of the Senate the fact that if you go out and claim great economy and saving, you should not cite alone the figures that are carried in the general appropriation bills but cite, in addition to them, these large amounts, running almost into billions of dollars, carried in the deficiency appropriation bills.

Mr. SMOOT. Mr. President, I simply want to say, of course taking both sessions into consideration, as far as the appropriations are concerned for this year they will amount to less than the appropriation bills of previous sessions, will be many,

many hundreds of millions of dollars less.

Mr. OVERMAN. I challenge that statement and will show

a different state of facts.

Mr. SMOOT. I will say to the Senator from Mississippl that the amount of every appropriation bill will be put in the Recorn, not only of one deficiency bill but of all that have been passed, of every appropriation bill that has been passed, and then the Senator can see the total amount of all of them. Senator must understand that these deficiencies are mostly on account of the war, in which this country took part, and, of course, I am not going to charge them to the former administration.

Mr. McKELLAR. There is one Item that is not due to the war. About \$12,000,000 of this comes in the Post Office Department appropriation, and has nothing in the world to do with the war. Most of them come from sources other than the

Mr. SMOOT. Twelve million is a very little item.

Mr. McKELLAR. Of course, it is a very little item in the mind of the Senator, but it is a good deal when it comes to the taxpayers paying it.

Mr. SMOOT. It is very small in considering three and onehalf billion dollars. I am speaking generally and giving the

reasons why these appropriations are made.

Mr. HARRISON. How much of it is for the remission of the taxes which have been taken off under this administration? Mr. SMOOT. Seventy-eight million dollars. It is not a remission at all.

Mr. McKELLAR. What is it? It is to pay it back. Mr. SMOOT. It was an illegal assessment of taxes.

Mr. McKELLAR. Then the Government has been at fault

for not assessing them correctly.

Mr. SMOOT. A statement like that does no good and carries no weight. There is no question but that these taxes were illegally assessed; and while they are paying back \$78,000,000, we have collected over \$243,000,000 from those who were not taxed sufficiently. That is a shoe on the other foot,
Mr. WADSWORTH. One never hears that mentioned.

Mr. SMOOT. Of course not; that is not politics, and politics is what we hear all the time.

Mr. HARRISON. Mr. President, I agree with the Senator from Utah, and at the same time I agree with the statement of the Senator from North Carolina. The Senator from Utah says that if you take all these eight deficiency appropriation bills which they have passed since the Budget system came into vogue and add them to the general appropriation bills, it makes a good deal less than was appropriated in preceding years. That was the statement. The Senator from North Carolina said that he would show a different state of facts. The Senator from Utah had in mind those years during the war, when we had to appropriate about \$20,000,000,000.

Mr. SMOOT. Oh, no.

Mr. HARRISON. Wait until I finish. I am trying to offer a good excuse, to get the Senator out of a hole, and he will not let me. So the Senator had those in his mind. The Senator from North Carolina had in mind, when he said they did not reduce it, but added to it, those good old Democratic days of economy preceding the war. So both Senators are correct.

Mr. SMOOT. Oh, yes, Mr. President. Then we will go back,

if that is the case, to the good old days of the Republican Party before the war, and see what the appropriations were.

Mr. HARRISON. There were no good old days during Re-

publican administrations.

Mr. SMOOT. We are talking now about the amount of appropriations when the different parties were in power. I want to say to the Senator now that I have no reference whatever to the time we were appropriating \$18,000,000,000. I say these were the appropriations for this coming fiscal year, beginning on July 1, 1923, and ending on June 30, 1924; the appropriations we are making at this session of Congress will be less than for the year previous.

Mr. OVERMAN. About \$400,000,000 more. Mr. McKellar. I hope that when the Senator from Utah makes up his figures he will include all the unexpended balances of previous years which have been reappropriated in bills during the present year.

Mr. SMOOT. It could not be otherwise, because everyone knows that wherever an appropriation is made of an unexpended balance, it is accounted for in the appropriation.

Mr. McKELLAR. Many of the figures I have seen from Republican sources did not contain those unexpended balances.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to further amendment. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RECLASSIFICATION OF GOVERNMENT EMPLOYEES.

Mr. STERLING. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services.

Mr. ROBINSON, Mr. President—
The PRESIDING OFFICER, Does the Senator from South Dakota yield to the Senator from Arkansas?

Mr. STERLING. I yield. Mr. ROBINSON. The Se The Senate has been in session for 11 I understand it is the purpose of the Senator to agree to an adjournment immediately after his motion is agreed to, if the Senate agrees to the consideration of the bill he mentions.

Mr. STERLING. That is the intention, to adjourn until 11

o'clock to-morrow.

Mr. ROBINSON. I have no objection to the motion of the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota moves that the Senate proceed to the consideration of House bill 8928, the reclassification bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

MEMORIAL TO THE LATE JOSEPH J. DARLINGTON.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 240) entitled "Joint resolution authorizing the erection, on public grounds, of a memorial to the late Joseph J. Darlington," which was, on page 2, line 3, after the word "erection," to insert "or maintenance."

Mr. BRANDEGEE. I move that the Senate concur in the

House amendment.

The motion was agreed to.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Finance, to which were referred the following bills, reported them, each without amendment, and submitted a report as indicated:

H. R. 13770. An act to amend the revenue act of 1921 in respect to capital gains and losses, and for other purposes. H. R. 14050. An act to amend the revenue act of 1921 in re-

spect to income tax of nonresident aliens (Rept. No. 1257). Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (H. R. 13617) to dissolve the Colored Union Benevolent Association, and for other purposes, reported it without amendment and submitted a report (No. 1258) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 4648) for the relief of Louis Leavitt, reported it with an amendment.

Mr. CALDER. Mr. President-

The PRESIDING OFFICER. Does the Senator from South

Dakota yield to the Senator from New York?

Mr. STERLING. I yield,

Mr. CALDER. The Senator from Kansas has just reported Senate bill 4648, permitting the reference of a claim which the Senate has already passed on to the courts of the eastern dis-trict of New York. I ask unanimous consent for immediate consideration of the bill.

Mr. ROBINSON. I object.
The PRESIDING OFFICER. Objection is made.

Mr. ROBINSON. I trust that no other unanimous-consent request will be submitted to-night.

RECLASSIFICATION OF GOVERNMENT EMPLOYEES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services, which had been reported from the Committee on Civil Service with an amendment.

Mr. WADSWORTH. Mr. President-

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New York?

Mr. STERLING. I yield to the Senator.

DEATH OF REPRESENTATIVE W. BOURKE COCKRAN.

Mr. WADSWORTH. I ask the Chair to lay before the Senate resolutions which have been sent to the Senate by the House.

The PRESIDING OFFICER (Mr. Reed of Pennsylvania). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The reading clerk read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

March 1, 1923.

Resolved, That the House has heard with profound sorrow of the death of Hon. W. BOURKE COCKRAN, a Representative from the State of New York.

Resolved further, That a committee of 20 Members of the House, with such Members of the Schate as may be joined, be appointed to attend the funeral.

Resolved further, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved further, That the Clerk comments are such as the contingent fund of the House.

Resolved further, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved further, That as a further mark of respect this House do now adjourn.

Mr. WADSWORTH. Mr. President, I offer the following resolutions and ask for their adoption:
The resolution (S. Res. 464) was read, considered by unani-

mous consent, and unanimously agreed to, as follows:

mous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. W. BOURKE COCKRAN, late a Representative from the State of New York.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed by the House of Representatives to attend the funeral.

Resolved. That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. WADSWORTH. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 10 o'clock p. m.) the Senate adjourned, the adjournment being under the order previously entered, until to-morrow, Friday, March 2, 1923, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 1, 1923. GOVERNOR OF PORTO RICO.

HORACE M. TOWNER, of Iowa, to be Governor of Porto Rico, vice E. Mont Reily, resigned, effective April 1, 1923.

ASSISTANT SECRETARY OF THE NAVY.

Dwight Davis, of Missouri, to be Assistant Secretary of War, vice Jonathan Mayhew Wainwright, resigned.

DIRECTOR OF THE WAR FINANCE CORPORATION.

FRANK W. Mondell, of Wyoming, to be a director of the War Finance Corporation, vice Dwight Davis, resigned.

COMMISSIONER OF IMMIGRATION.

John D. Nagle, of California, to be commissioner of immigration at the port of San Francisco, Calif.

UNITED STATES DISTRICT JUDGES.

F. C. Jacobs, of Arizona, to be United States district judge, district of Arizona. (An additional position created by the act approved September 14, 1922.)

John F. McGee, of Minnesota, to be United States district judge, district of Minnesota. (An additional position created by the act approved September 14, 1922.)

Orle L. Phillips, of New Mexico, to be United States district judge, district of New Mexico. (An additional position created by the act approved September 14, 1922.)

Paul Jones, of Ohio, to be United States district judge, northern district of Ohio. (An additional position created by the act approved September 14, 1922.)

John J. Gore, of Tennessee, to be United States district judge. middle district of Tennessee. (An additional position created by the act approved September 14, 1922.)

Harry M. Hoffheimmer, of Ohio, to be United States district judge, southern district of Ohio, vice John W. Peck, resigned, effective April 4, 1923.

Xenophen Hicks, of Tennessee, to be United States district judge for the eastern and middle districts of Tennessee, vice Edward T. Sanford, appointed Associate Justice of the Supreme Court of the United States.

William Bondy, of New York, to be United States district judge, southern district of New York, vice Julius M. Mayer, promoted to circuit judge.

UNITED STATES DISTRICT ATTORNEY.

Benson W. Hough, of Ohio, to be United States attorney, southern district of Ohio, vice D. Q. Morrow, whose nomination was confirmed and who has declined appointment.

REGISTER OF THE LAND OFFICE.

George W. McKnight, of Oregon, to be register of the land office at Vale, Oreg., vice Thomas Jones, term expired.

PROMOTIONS IN THE REGULAR ARMY.

To be colonel.

Lieut. Col. William Topping Merry, Infantry, from February 27, 1923.

To be lieutenant colonels.

Maj. Thomas Worthington Hollyday, Field Artillery, from February 26, 1923.

Maj. Albert Louis Rhoades, Coast Artillery Corps, from February 27, 1923.

CHAPLAINS.

To be chaplains with the rank of captain.

Chaplain Thomas Albert Harkins from February 28, 1923. Chaplain Frank Pearson MacKenzie from February 28, 1923.

APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY. QUARTERMASTER CORPS

Capt. Joseph Lester Brooks, Infantry, with rank from July 1, 1920.

AIR SERVICE.

First Lieut. Eugene Luther Vidal, Corps of Engineers, with rank from September 28, 1919.

PROMOTIONS IN COAST GUARD OF THE UNITED STATES.

Lieut. Edward D. Jones to be lieutenant commander, to rank as such from January 12, 1923, to fill an original vacancy

created by the act of January 12, 1923.

Lieut. (Junior Grade) Thomas S. Klinger to be lieutenant, to rank as such from January 12, 1923, in place of Lieut. H. E. Rideout, promoted.

Lieut. (Junior Grade) Joseph F. Farley to be lieutenant, to rank as such from January 12, 1923, in place of Lieut. R. R.

Waesche, promoted.

Each of the above-named officers has passed the examinations required by law.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

MARINE CORPS.

First Lieut. Bruce J. Millner to be a captain in the Marine

Corps from the 17th day of December, 1921.

First Lieut, William P. Richards to be a captain in the Marine

Corps from the 1st day of January, 1922.

First Lieut. Willett Elmore to be a captain in the Marine

Corps from the 26th day of March, 1922. First Lieut. Francis Fisk to be a captain in the Marine Corps from the 2d day of May, 1922.

Wilson B. McCandless, a citizen of the State of Iowa, to be a second lieutenant in the Marine Corps for a probationary period of two years from the 15th day of February, 1923.

The following-named noncommissioned officers in the Marine Corps to be second lieutenants in the Marine Corps for a probationary period of two years from the 26th day of February, 1923: Corpl. Jonathan O. Becker.

Sergt. Franklin W. R. Brown, Sergt. Harold C. Roberts.

Sergt. Will H. Lee. Sergt. Monroe S. Swanson.

Corpl. William E. Lee. Corpl. August L. Huhn, jr.

Gunnery Sergt, Charles R. Barrett, Corpl. Joshua B. Langley.

Sergt, John G. Walraven. Gunnery Sergt. William R. Hughes.

Corpl. James K. Reid.

POSTMASTERS.

ALABAMA.

Hattie M. Guin to be postmaster at Kennedy, Ala., in place of Alma Collins, resigned.

Hubert H. Hughston to be postmaster at Tuscumbia, Ala., in place of H. H. Hughston. Incumbent's commission expired October 24, 1922.

CALIFORNIA.

George Ide to be postmaster at Orcutt, Calif., in place of

Calla Winger, resigned.

James C. Tyrrell to be postmaster at Grass Valley, Calif., in place of J. C. Tyrrell. Incumbent's commission expired September 5, 1922.
Ella A. Himes to be postmaster at Hammonton, Calif., in

place of L. B. McCarty, resigned.

George F. Russell to be postmaster at Lakeport, Calif., in place of M. A. Craig. Incumbent's commission expired September 5, 1922.

Frederick W. Rohlfing to be postmaster at Placerville, Calif., in place of Joseph Scherrer. Incumbent's commission expired

September 5, 1922.

Meta C. Stofen to be postmaster at Sonoma, Calif., in place of J. D. Wagnon. Incumbent's commission expired September 5, 1922,

GEORGIA.

Albert S. Hardy to be postmaster at Gainesville, Ga., in place of A. S. Hardy. Incumbent's commission expired November 21, 1922

John L. Callaway to be postmaster at Covington, Ga., in place of J. L. Callaway. Incumbent's commission expired September 26, 1922.

Cicero F. Duffee to be postmaster at Jonesboro, Ga., in place

of W. W. Brown, resigned.

Ezma D. Lindley to be postmaster at Powder Springs, Ga., in place of A. C. Moore, resigned.

TDA HO

Burton D. Fox to be postmaster at Challis, Idaho, in place of E. W. Keyes. Incumbent's commission expired September 5, 1922

ILLINOIS.

Samuel H. Lawton to be postmaster at Delavan, Ill., in place of J. N. Hall. Incumbent's commission expired October 24,

Edwin E. Jones to be postmaster at Bloomington, Ill., in place of M. M. Morrissey. Incumbent's commission expired October 24, 1922,

Robert B. Marshall to be postmaster at Capron, Ill., in place

of William Lascelles, resigned.

Henry F. Maiwurm to be postmaster at Forest Park, Ill., in place of H. F. Maiwurm. Office became third class July 1,

George A. Roberts to be postmaster at Staunton, Ill., in place of G. H. Luker, resigned.

INDIANA.

Guy H. Walker to be postmaster at Rockport, Ind., in place of C. H. Salm. Incumbent's commission expired September 5, 1922

IOWA.

Benjamin H. Todd to be postmaster at Ida Grove, Iowa, in place of C. A. Britch, resigned.

Charles O. Shearer to be postmaster at Collins, Iowa, in place of H. R. Sokol, resigned.

Judson P. Holden to be postmaster at Delhi, Iowa, in place of

L. M. Barnes. Office became third class April 1, 1921.
Wesley L. Damerow to be postmaster at Dows, Iowa, in place of J. L. Lee. Incumbent's commission expired November 21, 1922.

Russell E. Metcalf to be postmaster at Hawarden, Iowa, in place of F. A. Gefke. Incumbent's commission expired December 6, 1922.

Paul F. Wilharm to be postmaster at Sumner, Iowa, in place of J. H. Noon, deceased.

KANSAS.

Abe K. Stoufer to be postmaster at Liberal, Kans., in place of E. S. Irwin. Incumbent's commission expired September 13, 1922.

Jesse M. Foster to be postmaster at Clifton, Kans., in place of E. W. Caywood. Incumbent's commission expired September

13, 1922. Walter S. Wright to be postmaster at Minneola, Kans., in

place of W. B. Gregory, resigned.

George S. Robb to be postmaster at Salina, Kans., in place of

W. F. Grosser, resigned.

Franklin J. Adams to be postmaster at Waterville, Kans., in place of C. C. Holbrook. Incumbent's commission expired September 13, 1922.

KENTUCKY.

Edward R. Lafferty to be postmaster at Cave City, Ky., in place of J. B. Yates, removed.

Alvin Courtney to be postmaster at Falmouth, Ky., in place of J. N. Rule, resigned.

ber 1, 1922.

Carl B. Marshall to be postmaster at Lewisburg, Ky., in place of J. B. Lasley, resigned.

MASSACHUSETTS.

Henry T. Maxwell to be postmaster at Millbury, Mass., in place of D. J. Dempsey. Incumbent's commission expired October 1, 1922.

William H. Anderson to be postmaster at Monson, Mass., in

place of F. J. Sullivan, resigned.

Joseph V. Curran to be postmaster at Attleboro, Mass., in place of W. J. Kenney. Incumbent's commission expired October 1, 1922.

Godefroy de Tonnancour to be postmaster at Fall River,

Mass., in place of J. H. Hoar, deceased.

Eugene J. Le Maire to be postmaster at Fisherville, Mass., in place of J. J. Tebo. Office became third class April 1, 1921. Elizabeth B. Flint to be postmaster at North Attleboro, Mass., in place of T. F. Coady. Incumbent's commission expired Octo-

Elmer R. Fate to be postmaster at Bellaire, Mich., in place of R. E. Pryor. Incumbent's commission expired September 13. 1922.

MINNESOTA,

Edwin H. Anderson to be postmaster at Monticello, Minn., in place of C. S. Strout. Incumbent's commission expired September 13, 1922.

Albert S. Webb to be postmaster at Sandstone, Minn., in place of L. M. Reinholdson. Incumbent's commission expired November 21, 1922.

Lottie A. Samuelson to be postmaster at Grasston, Minn., in place of J. T. Samuelson. Office became third class April 1,

Flint E. Stanchfield to be postmaster at Onamia, Minn., in place of Henry Goulet. Incumbent's commission expired Au-

gust 7, 1921.

Hugh R. Smith to be postmaster at Wabasha, Minn., in place of S. M. Quigley. Incumbent's commission expired September 13,

MISSISSIPPI.

Robert B. Cox to be postmaster at Batesville, Miss., in place of R. B. Cox. Incumbent's commission expired April 30, 1922.
William M. Nisbet to be postmaster at Pontotoc, Miss., in place of C. W. Bolton. Incumbent's commission expired August 7, 1921.

MISSOURI.

Otto L. Caroutte to be postmaster at Mountainview, Mo., in place of J. L. Walker. Incumbent's commission expired September 5, 1922.

Joseph V. Forst to be postmaster at Silex, Mo., in place of

J. B. Williams. Incumbent's commission expired December 20, 1920.

George R. Moshier to be postmaster at Baker, Mont., in place of C. M. Daugherty. Incumbent's commission expired September 13, 1922.

Harvey St. J. Cannon to be postmaster at Kallspell, Mont., in place of Samuel Hilburn. Incumbent's commission expired September 13, 1922.

NEBRASKA.

Edwin D. Gideon, jr., to be postmaster at Ainsworth, Nebr.,

in place of F. R. Galbraith, resigned.

Robert W. Finley to be postmaster at Bradshaw, Nebr., in place of G. W. Gilliland. Incumbent's commission expired October 3, 1922.

George Beardsley to be postmaster at Clarke, Nebr., in place of Elizabeth McLean. Incumbent's commission expired November 21, 1922

William E. Brogan to be postmaster at Tilden, Nebr., in place of C. L. McCord. Incumbent's commission expired October 3, 1922.

George F. McMullen to be postmaster at Walthill, Nebr., in place of A. J. Caldwell. Incumbent's commission expired Octoher 3 1922

George W. Howe to be postmaster at Wisner, Nebr., in place of G. W. Howe. Incumbent's commission expired December 6, 1922.

NEVADA.

Madge S. Sweet to be postmaster at Minden, Nev., in place of E. A. Smith, resigned.

NEW JERSEY.

Herman H. Wille to be postmaster at Orange, N. J., in place of J. D. Moriarty, deceased.

John Rotherham to be postmaster at Jersey City, N. J., in place of Matt. Ely, resigned.

Marcus Cramer to be postmaster at Gloucester City, N. J., in place of T. J. Foley. Incumbent's commission expired October 24, 1922.

NEW MEXICO.

Dennis J. Walsh to be postmaster at Santa Rita, N. Mex., in place of J. L. Turner. Incumbent's commission expired September 5, 1922.

NEW YORK.

Delos Wilkinson to be postmaster at Akron, N. Y., in place of R. J. Paxon, removed.

Elmer A. Arnold to be postmaster at Burdett, N. Y., in place

of E. A. Arnold. Office became third class October 1, 1922. Charles H. Brown to be postmaster at Corfu, N. Y., in place of M. J. Flaherty. Incumbent's commission expired September

William J. Leighton to be postmaster at Avon, N. Y., in place of C. H. Tighe. Incumbent's commission expired September 19,

Roy W. Munson to be postmaster at Brasher Falls, N. Y., in place of P. A. Hallahan. Incumbent's commission expired October 24, 1922.

Cornelius V. Collins to be postmaster at Troy, N. Y., in place of J. H. Burns. Incumbent's commission expired Nevember 21,

NORTH CAROLINA.

William H. Parker to be postmaster at Carrboro, N. C., in place of L. D. Whitaker. Office became third class October 1,

NORTH DAKOTA.

Alexander R. Wright to be postmaster at Oakes, N. Dak., in place of J. M. Hamill. Incumbent's commission expired November 21, 1922.

OHIO.

Alexander M. Renick to be postmaster at Chillicothe, Ohio, in place of M. J. Scott, resigned.

John P. Cramer to be postmaster at Fredericksburg, Ohio, in place of C. E. Cramer, resigned. Henry W. Gruver to be postmaster at Miamisburg, Ohio, in

place of William Alexander, resigned.

Isaac Evans to be postmaster at Vinton, Ohlo, in place of H. L. Sansbury, resigned.

Fred H. Tibbetts to be postmaster at Columbus, Ohio, in place of S. A. Kinnear, resigned.

John R. Lloyd to be postmaster at Cambridge, Ohio, in place of R. M. Allison. Incumbent's commission expired September

OKLAHOMA.

Sam H. Wilson to be postmaster at Barnsdall, Okla., in place of G. S. Clute, resigned.

Lyle H. Ball to be postmaster at Laverne, Okla., in place of E. Malloy. Incumbent's commission expired January 27,

J. Ward McCague to be postmaster at Ralston, Okla., in place O. E. McCague. Incumbent's commission expired January 27, 1920.

PENNSYLVANIA.

William Z. Mahon to be postmaster at Carlisle, Pa., in place of Fisk Goodyear. Incumbent's commission expired September 1000

William D. First to be postmaster at Conneaut Lake, Pa., in place of W. D. First. Incumbent's commission expired February 23, 1923.

Joseph A. Hanley to be postmaster at Erie, Pa., in place of J. A. Hanley. Incumbent's commission expired December 23. 1922

John D. Hart to be postmaster at Export, Pa., in place of J. F. Lauffer. Incumbent's commission expired September 13,

Samuel G. Williams to be postmaster at Girard, Pa., in place of J. A. Rick. Incumbent's commission expired October 24, 1999

Ira A. Dinger to be postmaster at Mayport, Pa., in place of A. Waltman. Incumbent's commission expired December 23, 1999

George D. Claassen to be postmaster at Natrona, Pa., in place of J. J. Roll. Incumbent's commission expired December 23, 1922

Edwin W. Dye to be postmaster at Lawrenceville, Pa., in place of E. W. Dye. Incumbent's commission expired September 26, 1922.

PORTO RICO.

Jaime Tous Soto to be postmaster at Hato Ray, P. R., in place of J. C. Silva. Office became third class January 1,

SOUTH CAROLINA.

Julia E. D. Tolbert to be postmaster at Ninety Six, S. C., In place of J. W. Stalnaker, removed.

SOUTH DAKOTA.

Leo D. Houk to be postmaster at Colome, S. Dak., in place of H. F. Mettler, resigned.

TENNESSEE.

Dorsey L. Lillard to be postmaster at Englewood, Tenn., in place of D. D. Edgemon. Incumbent's commission expired January 27, 1923.

Hubert B. McCalla to be postmaster at Kerrville, Tenn., in place of H. N. Aycock, deceased.

Henry E. Hudson to be postmaster at Whitwell, Tenn., in place of H. E. Hudson. Incumbent's commission expired January 2, 1921.

VIRGINIA.

John T. Kinlighan to be postmaster at Staunton, Va., in place of S. M. Donald, resigned.

Francis A. Haynes to be postmaster at Barboursville, Va., in place of D. D. Ball, resigned.

Benjamin B. Parker to be postmaster at Middletown, Va., in place of C. E. Wright, removed.

Charles R. Bockmeir to be postmaster at Granite Falls, Wash., in place of D. I. Carpenter. Incumbent's commission expired October 14, 1922.

John F. Samson to be postmaster at Oroville, Wash., in place of R. P. Hoskyn, resigned.

WEST VIRGINIA.

William B. Hines to be postmaster at White Sulphur Springs, W. Va., in place of L. M. Rowan, resigned.

William M. Kidd to be postmaster at Burnsville, W. Va., in place of H. H. Berry. Incumbent's commission expired November 21, 1922.

WISCONSIN.

Durant C. Gile to be postmaster at Edgerton, Wis., in place of C. A. Hoen, resigned.

Ambrose M. Steinuand to be postmaster at Colby, Wis., in

place of Carrie Kautsky, resigned.

Frances W. Kulwiec to be postmaster at Lublin, Wis., in place of Bruno Rojewski. Office became third class July 1, 1922.

Wilbur H. Bridgman to be postmaster at Stanley, Wis., in place of W. D. Schultz, resigned.

Roy Shaver to be postmaster at Greybull, Wyo., in place of J. E. Gilmore, appointee, declined.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 1, 1923. PROMOTION IN THE CONSULAR SERVICE.

CONSUL GENERAL OF CLASS 3 TO CONSUL GENERAL OF CLASS 2. Carlton Bailey Hurst.

CONSUL OF CLASS 1 TO CONSUL GENERAL OF CLASS 2.

Horace Lee Washington.

CONSUL GENERAL OF CLASS 4 TO CONSUL GENERAL OF CLASS 3.

DeWitt C. Poole. Albert W. Pontius. Claude I. Dawson. Frederick T. F. Dumont.

CONSUL OF CLASS 3 TO CONSUL GENERAL OF CLASS 4.

Homer M. Byington. Tracy Lav Clarence E. Gauss.

CONSUL OF CLASS 4 TO CONSUL OF CLASS 3.

Addison E. Southard. Henry P. Starrett. Louis G. Dreyfus, jr. George S. Messersmith.

Theodore Jaeckel. Thomas D. Bowman. John A. Gamon.

CONSUL OF CLASS 5 TO CONSUL OF CLASS 4.

Felix Cole. Ernest L. Ives. Paul Knabenshue. Irving N. Linnell.
J. Klahr Huddle.

Samuel W. Honaker. Thomas H. Bevan, George K. Donald. Hamilton C. Claiborne, Keith Merrill.

CONSUL OF CLASS 6 TO CONSUL OF CLASS 5.

Henry B. Hitchcock. Thomas M. Wilson. S. Pinkney Tuck, jr. Coert DuBois. Erle R. Dickover. David B. Macgowan.

Carol H. Foster. Homer Brett. Charles R. Cameron. Avra M. Warren. Harry M. Lakin.

CONSUL OF CLASS 7 TO CONSUL OF CLASS 6.

Walter A. Adams. George Wadsworth. Romeyn Wormuth. Karl de G. MacVitty. Cecil M. P. Cross. John Corrigan, jr. John G. Erhardt. Dudley G. Dwyre.

George Orr. Monnett B. Davis. W. M. Parker Mitchell. Clinton E. MacEachran, Herbert O. Williams, Fred R. Robinson. Marshall M. Vance, Alfred T. Burri. VICE CONSUL OF CAREER OF CLASS 1 TO CONSUL OF CLASS 7.

John F. Simons.
Robert B. Macatee.
Ralph H. Tompkins.
Edward M. Groth.
Clarence J. Spiker.
John R. Minter.
Paleigh A. Gibson Raleigh A. Gibson, Richard F. Boyce. Eliot B. Coulter. Hooker A. Doolittle.

Edmund B. Montgomery. Herndon W. Goforth. Hugh S. Fullerton. A. Wallace Treat. William J. McCafferty. Don S. Haven.
Leroy Webber.
Digby A. Willson.
Reginald S. Castleman.
Maynard B. Barnes.
Charles B. Hosmer.

CONSULS OF CLASS 6, FROM THE ELIGIBLE LIST.

Normand L. Anderson. Alfred W. Kliefoth.

Harry E. Carlson.

MEMBER OF THE TARIFF COMMISSION.

Henry H. Glassie.

CIVIL SERVICE COMMISSIONER.

William C. Deming.

PROMOTIONS IN THE COAST GUARD. To be captains.

Byron L. Reed. James M. Moore William B. Jacobs. Preston H. Uberroth. Richard O. Crisp.

To be captains (engineering).

Harry L. Boyd. John B. Coyle, John E. Dorry,

To be commanders.

Frederick G. Dodge. George C. Carmine. Francis S. Van Boskerck. Claude S. Cochran.

John G. Berry, Benjamin M. Chiswell, Aaron L. Gamble. Frederick C. Billard.

To be commanders (engineering).

William E. Maccoun. Carl M. Green. Horatio N. Wood.

Hermann Kotzschmar. Robert E. Wright. Urban Harvey.

PROMOTIONS IN THE ARMY.

Hanson Edward Ely to be major general.
Edwin Burr Babbitt to be major general.
George LeRoy Irwin to be brigadier general.
Ira Allen Haynes to be brigadier general.
Malvern-Hill Barnum to be brigadier general, Cavalry.
James Cooper Rhea to be colonel, Cavalry.

James Cooper Knea to be colonel, Cavany.

James Hanson to be colonel, Infantry.

Fred Radford Brown to be colonel, Infantry.

Walter Trotter Bates to be colonel, Adjutant General's Department.

Edmund Anthony Buchanan to be lieutenant colonel, Cavalry. Benjamin Delahauf Foulois to be lieutenant colonel, Air

Ralph Hill Leavitt to be lieutenant colonel, Infantry. John Doyle Carmody to be major, Quartermaster Corps. John Curtis Newton to be captain, Infantry.

George Frederick Unmacht to be captain, Chemical Warfare

Ranald Trevor Adams to be first lieutenant, Field Artillery. Charles William Leng, jr., to be first lieutenant, Cavalry. Edward Ward Hendrick to be first lieutenant, Coast Artillery Corps.

Frederick Pearson to be first lieutenant, Infantry. Charles Frederick Colson to be first lieutenant, Infantry. Albert Walker Johnson to be first lieutenant, Cavalry. Donald Frederick Carroll to be first lieutenant, Infantry, Bernard Wellington Slifer to be first lieutenant, Coast Artil-

lery Corps.
Willard Ames Holbrook, jr., to be first lieutenant, Cavalry.
Auston Monroe Wilson, jr., to be first lieutenant, Coast Artil-

Samuel Powell Walker, jr., to be first lieutenant, Cavalry. Robert Alwin Schow to be first lieutenant, Infantry. John Harrison Stokes, jr., to be first lieutenant, Infantry. LeGrande Albert Diller to be second lieutenant, Infantry.

PROMOTIONS IN THE NAVY. To be captains.

Clarence L. Arnold. George B. Landenberger.

To be commanders.

Isaac C. Kidd.

Miles A. Libbey.

Robert A. Theobald. Charles F. Russell. Guy E. Baker.

Henry K. Hewitt. Felix X. Gygax. Guy E. Davis. Lelgh M. Stewart. William O. Wallace.

William S. Farber.

George M. Ravenscroft.

Raymond A. Spruance.

Frank D. Pryor. Frank J. Fletcher. John H. Towers. John H. Towers.
William H. Toaz.
Turner F. Caldwell.
Earl R. Shipp.
Arthur W. Sears.
Charles M. Austin.
Walter B. Decker.
John P. Miller.
Harry L. Pence.
Ferdinand L. Reichmuth.
Harvey Delano.

Harvey Delano. To be lieutenant commanders. Joseph F. Crowell, jr.

Webb Trammell. Charlton E. Battle, jr. Herbert A. Ellis. Herbert R. Hein. Herbert H. Bouson. Ole O. Hagen. Robert M. Griffin. Robert H. Skelton. Alfred G. Zimmermann.

Delavan B. Downer. Ralph E. Dennett. William J. Butler. Frederick Baltzly. Fred K. Elder. John H. Culin.

Robert A. Lavender.

John A. Rogers. Arthur H. Cummings, Alfred J. Byrholdt, Harold K. Smoot.

Jay K. Esler. George D. Murray. Harry R. Bogusch. Harry R. Bognsch.
Robert H. English.
Carroll Q. Wright, jr.
Oliver M. Read, jr.
Glenn B. Strickland.
Joseph McE. B. Smith.
George J. McMillin.
William H. O'Brien, jr.
Howard F. Kingman.
James G. B. Gromer.
William M. Oniglov William M. Quigley. Walter S. Haas. Stephan B. Robinson. William G. Greenman.

To be lieutenants.

Lansford F. Kengle. Edward H. Smith. Roger F. McCall. Frank E. Vensel, jr.

Harold H. Little.

Joseph Buchalter. William D. Sample. William L. Marsh. Arthur F. Anderson. Braxton Rhodes. Elwood H. Barkelew. Emil B. Perry. Louis T. Young. Donald McA. Mackey. James E. Dyer. Vernon C. Bixby:

To be lieutenants (junior grade).

Henry S. Dunbar, jr. Daniel F. Worth, jr. Marcy M. Dupre, jr. Edgar P. Kranzfelder Thomas A. Gaylord. Robert Bolton, jr. Robert Bolton, jr.
Robert W. Bockius,
Harry Corman.
Fred B. Avery,
Levi D. York,
Edward P. Wilson.
Geold N. Bull. John F. Crowe, jr. Edwin H. Tillman, jr. William A. Swanston. John T. Bottom, Jr. Frederick J. Caminghams Paul S. Slawson. Martin J. Gillan, jr. Valentine M. Davis. Charles D. Porter. George W. Mead, jr. Charles R. Woodson. Richard P. Glass. David A. Hughes. William Butler, jr. Arthur S. Billings. Kenneth D. Muir. Frank Kerr

Passed assistant paymasters.

Robert H. Mattox. Golden F. Davis. Herman F. Gingrich. Harry R. Hubbard: Henry C. McGinnis. John M. Speissegger. Clarence E. Kastenbein. George Scratchley. Charles B. Forrest William G. Conrad. Orville F. Byrd. Lester B. Karelle. James D. G. Wognum. Daniel L. McCarthy. Charles H. Ritt. Joseph W. Cavanagh. . Verny Carroll. Charles Musil. Forrest Ivanhoe. Ray W. Byrns, William W. Wise.

Don M. Robinson. Robert H. Lenson James H. Stevens. Ellsworth F. Sparks. John P. Killeen. Karl S. Farnum. Louis A. Puckett. Ellory F. Carr. Charles H. Gillilan. Leon Dancer. Harry A. Miller. Harvey R. Dye. Ervine R. Brown Charles Schaaf. Ray E. Snedaker. George W. Davis: Guild Bruda Alvin S. Reid. Robert R. Blaisdell. Edward F. Ney.

To be assistant surgeons:

Harry J. Scholtes. Willard S. Sargent.

To be passed assistant surgeon.

Jerome Braun.

To be naval constructors.

Isaac I. Yates. Ernest L. Patch.

To be chief carpenter.

Hamilton P. K. Lyons.

MARINE CORPS:

Harold C. Snyder to be colonel. Charles F. Williams to be lieutenant colonel. Harry Schmidt to be major. Julius T. Wright to be captain. Samuel J. Bartlett to be captain. Oliver A. Dow to be captain. Louie W. Putnam to be captain.

Frank E. Kennedy. Lewis H. C. Johnson. Dean Blanchard. Alfred Doucet. Percival W. Buzby. Frederick W. Ickes. Scott E. Pack Charles F. Grisham.

Donald J. MacCalman. Steven W. Callaway: William Hartenstein.

Claude B. Arney. Marvin G. Fox. Gilbert R. Whitworth. John J. Gaskin. Edward J. Spuhler. Joseph W. McColl, jr. James R. Harrison Edgar C. Suratt. John P. Bowling. Clarence L. Waters. Clarence H. Pike. Sidney E. Huff. James M. Fernald. Nelson H. Eisenhardt. Lewis R. McDowell. Joseph H. Severyns. Joseph H. Severyns. John B. Hupp. Burton W. Lambert, Godfrey P. Schurz. Raymond S. Kaiser. James F. Cooper: Charles F. Hudson: Hugo F. Sasse:

Irvin M. Hansen.

Benjamin S. Henderson. Meinrad A. Schur. Kenneth C. Hawkins. John V. McElduff, Ralph P. Noisat.

POSTMASTERIS

ALABAMA. Allen R. Byrd, Luverne.

CALIFORNIA.

Charles P. Hoffman, Cement. Alonzo F. Hann, Compton. Leonard G. Hardy, jr., South San Francisco. Nana M. Halferty, Tujunga.

COLOBADO

John L. Nightingale, Fort Collins.

CONNECTION.

Lewis E. Clark, South Meriden.

DELAWARE.

Rhubert R. German, Delmar.

FLORIDA.

Nathan B. Winslow, Bushnell, George E. Gay, Palatka. Edith C. Ryer, Lake Alfred. William P. Moore, Wellborn.

GEORGIA.

Earnest C. Smith, Bainbridge. Charles L. Adair, Comer. William C. McBride, Newnan.

IDAHO.

George F. McMartin, Coeur d'Alene,

ILLINOIS

Louis Lindenbauer, Camp Point, William D. Chambers, East Moline, Richard W. Miller, Hamilton. Walter V. Berry, Irving.
William A. Fay, Jacksonville.
Albert O. Kettelkamp, Nokomis.
William R. Landwehr, Northbrook. Fred A. Sapp, Ottawa. George S. Faxon, Plano Katherine C. Adams, Riverton. Minnie E. Bailey, Taylor Springs. Justin P. Crawford, Tolono.

INDIANA.

Milo E. Garrett, Auburn. Charles G. Covert, Evansville, John C. Chaille, Otwelf. Amanda B. Gosnell, West Terre Haute.

TOWA.

Charles A. Clark, Fort Des Moines. Oscar W. Larson, Odebolt. Ralph A. Rutledge, Sharpsburg. Joseph C. Allen, Zearing.

KANSAS.

Lida H. Caughron, Fontana. James G. Frazer, Halstead, Raymond R. Norris, Marquette. Jessie I. Dickson, Neosho Falls. Luella Tapley, Quenemo.

LOUISIANA.

Clyde L. Nelson, Lillie.

MAINE

Eddy A. Conant, Oldtown. Florence M. McKey, Wytopitlock,

Gladys E. Gaskill, Delton, Fred W. Walker, Otsego.

MISSISSIPPI.

MICHIGAN.

Ida E. Roberts, Cleveland.

NEBRASKA.

William A. Gibson, Cedar Rapids. Gustav A. Koza, Clarkson. Hiram B. Cameron, Herman. Frank E. Crawford, Wymore.

NEVADA.

Charles P. Squires, Las Vegas.

NEW HAMPSHIRE.

Harry F. Smith, Peterboro.

NEW JERSEY.

Cooper L. MacMillan, Audubon. Timothy J. Nevill, Carteret.

Elmer G. Houghton, Cranford. Mary H. Jeffrey, Deal. Arthur J. Halladay, Kenliworth. Rufus O. Walling, Keyport. Harold Pittis, Lakehurst. Edward M. Sutton, Ocean City. James A. Harris, Wildwood. Jacob Feldman, Woodbine.

NEW YORK.

Spencer K. Warnick, Amsterdam. Earl J. Franklin, Belfast. Frank O. Persons, East Aurora. Roof D. Miller, Fort Plain. William D. Shepard, Geneseo. Hilda C. Tuma, Montauk. Dennis Lamarche, Plattsburg. William E. Mills, Rose Hill. Brainard W. Russell, Windsor. Ashmer R. Collins, Norwood.

NORTH CAROLINA.

Charles F. Smathers, Canton. Mattie C. Lewellyn, Walnut Cove.

NORTH DAKOTA.

James E. Galehouse, Carrington. Alfred B. Welch, Mandan.

OHIO.

Oliver R. Gulker, Glandorf. Paul H. Clark, Junction City. Henry G. Moellenbrock, Olmstead Falls.

OKLAHOMA.

Ellen K. Marchant, Aline.

OREGON.

Arlington B. Watt, Amity. Chester G. Coad, Dallas. Oscar C. Maxwell, Elgin. Thomas W. Angus, Gardiner. Nellie G. Reed, Gold Hill.

PENNSYLVANIA.

Joseph P. Fry, Allentown. Howard C. Emigh, Morrisdale. George D. Frey, Newville. Jennie A. Hickernell, Schaefferstown. Quinn T. Mickey, Shippensburg. Robert H. Harris, Tamaqua.

RHODE ISLAND.

William H. Godfrey, Apponaug.

SOUTH DAKOTA.

Arnold Poulsen, Lennox. Olof Nelson, Yankton. Garfield G. Tunell, Mobridge.

TENNESSEE.

Ira L. Presson, Camden. Lulu M. Divine, Johnson City.

Edis T. Oliver, Caldwell. Carlton A. Dickson, Cleburne. Fred L. Brown, Plainview.

Alfred B. Brewster, Benton City. Fred W. Hoover, Eatonville. Thomas A. Graham, Goldendale. Edward C. Campbell, Kettle Falls. James F. Greer, Pe Ell. Sydney Relton, Richland. Edward A. Morris, Rockport. Arthur A. Bousquet, Wenatchee.

WEST VIRGINIA.

Monroe Burns, Cairo. Henry E. Folluo, Glen Rogers. Noah W. Russell, Lewisburg. Oliver A. Locke, Milton. Alma Hawks, McDowell.

J. Bascom McClure, Omar.
Robert E. L. Holt, Princeton. Ben Wakeman, Ward.

WYOMING.

Reuben A. Faulk, Lusk. James Syme, Superior. Alma N. Johnson, Yoder.

WITHDRAWAL,

Executive nomination withdrawn from the Senate March 1, 1923. POSTMASTER.

Hans R. Jepsen to be postmaster at Minde, in the State of Nevada.

REJECTION.

Executive nomination rejected by the Senate March 1, 1923. COMPTROLLER OF CUSTOMS.

Walter L. Cohen to be comptroller of customs, in district No. 20, with headquarters at New Orleans.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 1, 1923.

The House met at 12 o'clock noon and was called to order by

Mr. Campbell of Kansas as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The Lord who gives us life replete with blessings, give us hearts replete with gratitude and inspire them with Thy spirit. Be gentle with us in our sins; teach us the beauty of the upper way. May Thy wisdom be adapted to our weakness, Thy knowledge to our ignorance, and Thy mercy to our needs. Impress us that the greatest rewards of good and useful living are not in external things, but in joy and in peace by the way.

Solemn, silent moment; a pillar has fallen. Again the silver cord is loosed, the golden bowl is broken. The pitcher and the wheel are shattered. O help us in our infirmities and claim us as Thine own. Bring to the sick and sorrowing a release from pain, and unto all the hurts of the heart may our answer be, "God is good." Amen.

The Journal of the proceedings of yesterday was read and approved.

ARLINGTON MEMORIAL AMPHITHEATER,

The report of the Arlington Memorial Amphitheater Commission, with illustrations, was ordered printed.

FARM CREDITS LEGISLATION.

The SPEAKER pro tempore. The unfinished business is the The SPEAKER pro tempore. The uninished business is the bill (S. 4280) to provide for the incorporation and supervision of corporations formed for the purpose of making agricultural and live-stock loans; to amend the Federal reserve act; to amend the Federal farm loan act; to extend and stabilize the market for United States bonds and other securities; to provide fiscal agents for the United States; and for other purposes, which the Chairman of the Committee of the Whole House on the state of the Union, by direction of that committee, has reported back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass. The previous question is ordered under the rule on the bill and amendment to final passage. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

Mr. LUCE. Mr. Speaker, I offer the following motion to recommit.

The Clerk read as follows:

Mr. Luck moves to recommit the bill to the Committee on Banking and Currency with instructions to that committee to report the same back forthwith with the following amendment: On page 51, strike out section 208 and insert in lieu thereof the following:

"The capital and surplus of any farm-credit department, and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation, but such exemption shall not apply to any debentures or other obligations issued under authority of this title or to any income derived therefrom."

Mr. DOWELL. Mr. Speaker, I make the point of order that the motion to recommit is not in order for the reason that the section which the motion seeks to strike out has already the adopted by the House. It is not in order to strike out an amendment which has already been adopted by the House. This amendment has been adopted by the House because this is all in one amendment, and the House just adopted that amendment in toto. Therefore the motion to recommit by striking out a portion of the amendment is not in order.

portion of the amendment is not in order.

Mr. LUCE. Mr. Speaker, an Irish member of the House of Commons said that the way to learn its rules was to break them. If in this motion I propose breaking the precedents of the House I shall be better informed hereafter. The Chair and his

Tucker

Radcliffe

adviser know much more about this than I do, and I merely desire to suggest that if the precedents prevent the application of a principle that was embodied in the rules of the House for the protection of minorities, and in order to accomplish the most salutary purposes, the precedents are unfortunate, and in my judgment should be now reversed.

The SPEAKER pro tempore. It is well settled by the precedents in the House of Representatives that an amendment once agreed upon by the House may not be amended on a motion to recommit. These rulings run through the precedents of the House of Representatives so far back that it is not necessary for the Chair even to make a review of them. The Chair sustains the point of order.

The question is on the passage of the bill.
Mr. McFADDEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 306, nays 36, answered "present" 2, not voting 82, as follows:

YEAS-306. 3-306.
Langley
Lanham
Lankford
Larsen, Ga.
Larson, Minn.
Lawrence
Lazaro
Lea, Calif.
Leatherwood
Lee, Ga.
Lee, N. Y.
Lehlbach
Lineberger Roach Robertson Robsion Rodenberg Rosenbleom Rouse Rucker Sabath Fairchild Fairfield Faust Favrot Abernethy Almon Anderson Anderson Andrews, Nebr. Anthony Appleby Aswell Atkeson Bacharach Bankhead Barbour Barkley Fess Fields Fish Fisher Fitzgerald Focht Fordney Sanders, Ind. Sanders, Tex. Sandlin Schall Fordney
Foster
Frear
Frear
Free
Free
French
Fuller
Fulmer
Funk
Gahn
Garrett, Tenn.
Garrett, Tex.
Gensman
Gilfbort
Goldsborough
Goodykoontz
Gorman
Graham, Ill.
Green, Iowa
Griest
Griffin
Hadley
Hammer
Hardy, Colo.
Hardy, Tex.
Haugen
Hawes
Hawes Foster Scott, Tenn. Beck Beedy Begg Bell Lineberger Linthicum Little Scott, 1 Sears Shaw Shelton Shreve Siegel Sinclair Logan London Benham Bixler Longworth Lowrey Blakeney Bland, Va. Blanton Boies Bond Lyon
McArthur
McDuffle
McFadden
McKenzie
McLaughlin, Nebr.
McSwaln
McSwaln
MacLafferty
Madden
Magee
Mansfield
Mapes
Martin
Mead
Michener
Miller
Mills
Mondell
Montague
Moore, Ill.
Moore, Ohio
Moore, Va.
Morgan
Morin
Mott
Murphy
Nelson, Me.
Nelson, J. M.
Newton, Minn.
Newton, Mo.
Norton
O'Connor
Oldfield Sinnott Sisson Smith,Idaho Smithwick Snell Snyder Speaks Sproul Steagall Stedman Bowers Bowling Box Brand Briggs Brooks, Pa. Buchanan Bulwinkle Steenerson
Stevenson
Stevenson
Strong, Kans.
Strong, Pa.
Strong, Pa.
Sumners, Tex.
Swank
Sweet
Swing
Taylor, Ark.
Taylor, Colo.
Taylor, Tenn,
Ten Eyck
Thompson
Tillman
Timberlake
Tincher
Towner
Turner
Tyson
Upshaw
Valle
Vestal
Vinson
Voigt
Voik Burtness Butler Byrnes, S. C. Byrns, Tenn. Haugen Hawes Hawley Hays Henry Herrick Hersey Hickey Hicks Cable ampbell, Kans. Cannon Cantrill Carter Chalmers Chindblom Christopherson
Clagne
Clarke, N. Y.
Clouse
Cole, Iowa
Cole, Ohio
Collier
Collins
Colton
Connally, Tex.
Cooper, Ohio
Coeper, Wis.
Copley
Coughlin
Cramton
Crisp
Curry hristopherson Himes
Hoch
Hogan
Hooker
Huddleston
Hudspeth
Hukriede
Hull
Humphrey, Nebr.
Humphreys, Miss.
Hutchinson Himes Oldfield Oliver Overstreet Parker, N. Y. Parks, Ark. Patterson, N. J. Paul Perlman Porter Pou Volstead Walters, Wason Watson Hutchinson Ireland James Jefferls, Nebr. Jeffers, Ala. Johnson, Ky. Johnson, S. Dak. Johnson, Wash. Jones Tex. Weaver Webster White, Kans, Williams, III, Williamson Curry Dallinger Darrow Davis, Minn. Davis, Tenn. Dickinson Dominick Jones, Tex. Kelley, Mich. Kelly, Pa. Kendall Ketcham Porter Pou Pringey Purnell Quin Rainey, Ill. Williamson Wilson Wingo Wise Woodruff Woods, Va. Woodyard Wright Wurzbach Wyant Yates Young Zihlman Ketcham Kiess Kincheloe Kissel Kleczka Kline, N. Y. Kline, Pa. Knutson Kopp Kunz Lampert Doughton Dowell Drewry Raker Ramseyer Rankin Ransley Driver Dunbar Dunn Dyer Echols Elliott Rayburn Reed, N. Y. Reed, W. Va. Rhodes

Evans Lampert NAYS-36. Greene, Mass. Greene, Vt. Hill Husted Kirkpatrick Kreider Layton Luce MacGregor Merritt Ackerman Andrew, Mass. Burdick Edmonds Fenn Frothingham Gernerd Burton Moores, Ind. Parker, N. J. Glynn Graham, Pa.

Ricketts

Riordan Rogers	Stephens Tague	Temple Tilson	Winslow
Hogers	10000 March 2000	"PRESENT "-2.	TT I III STO IT
	Gallivan	Tinkham	
		OTING—82.	
Ansorge	Denison	Luhring	Rossdale
Arentz	Drane	McClintie	Ryan
Bird	Dupré	McCormick	Sanders, N. Y.
Bland, Ind.	Ellis	McLaughlin, Mie	ch. Scott, Mich.
Brennan	Freeman	McPherson	Slemp
Britten	Garner	Maloney	Smith, Mich.
Brooks, Ill.	Gould	Michaelson	Stiness
Brown, Tenn.	Hayden	Mudd	Stoll
Browne, Wis.	Huck	Nolan	Sullivan
Burke	Jacoway	Q'Brien	Summers, Wash.
Chandler, N. Y.	Johnson, Miss.	Ogden	Thomas
Chandler, Okla.	Jones, Pa.	Olpp	Thorpe
Clark, Fla.	Kahn	Paige	Treadway
Classon	Kearns	Park, Ga.	Ward, N. Y.
Codd	Keller	Patterson, Mo.	Ward, N. C.
Connolly, Pa.	Kennedy	Perkins	Wheeler
Crago	Kindred	Petersen	White, Me.
Crowther	King	Rainey, Ala.	Williams, Tex.
Cullen	Kitchen	Reber	Wood, Ind.
Dale	Knight	Riddick	
Dempsey	Kraus	Rose	

Taylor, N. J.

So the bill was passed.

The Clerk announced the following pairs:
Mr. McLaughlin of Michigan (for) with Mr. Tinkham (against)

Mr. McClintic (for) with Mr. Gallivan (against).

Further notice:

Mr. Treadway with Mr. Garner.

Stafford

Mr. Denison with Mr. Rainey of Alabama. Mr. Scott of Michigan with Mr. Johnson of Mississippl.

Mr. Paige with Mr. Kindred. Mr. Browne of Wisconsin with Mr. Sullivan, Mr. White of Maine with Mr. Cullen.

Mr. King with Mr. Clark of Florida. Mr. Patterson of Missouri with Mr. Kitchin.

Mr. Patterson of Missouri with Mr. Kitchin.
Mr. Crowther with Mr. O'Brien,
Mr. Dempsey with Mr. Stoll.
Mr. Michaelson with Mr. Thomas.
Mr. Mudd with Mr. Drane.
Mr. Connolly of Pennsylvania with Mr. Dupré.
Mr. Freeman with Mr. Ward of North Carolina.
Mr. Kearns with Mr. Williams of Texas.
Mr. Wood of Indiana with Mr. Jacoway

Mr. Wood of Indiana with Mr. Jacoway.
Mr. Perkins with Mr. Park of Georgia.
Mr. DEMPSEY. Mr. Speaker, I desire to vote.
The SPEAKER pro tempore. Was the gentleman in the Hall

and listening when his name was called?

Mr. DEMPSEY. I was in the Hall, but I am not sure I was here when my name was called.

The SPEAKER pro tempore. The gentleman does not come

within the rule.

Mr. GALLIVAN. Mr. Speaker, on this roll call I voted "no." find that I am paired with the gentleman from Oklahoma [Mr. McClintic]. If he were present he would vote "aye" and I voted "no." I desire to withdraw my vote and answer present.

The name of Mr. Gallivan was called and he answered

" present."

Mr. TINKHAM. Mr. Speaker, I desire to withdraw my vote, I find I am paired with the gentleman from Michigan [Mr. CLAUGHLIN]. He would vote "aye" and I "no," and I McLAUGHLIN]. answer present.

The name of Mr. TINKHAM was called and he answered

present."

The SPEAKER pro tempore. For what purpose does the gentleman from Kansas rise?

Mr. LITTLE. I rise to ask unanimous consent that I may speak for five minutes.

The SPEAKER pro tempore. In a minute.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection the title will he amended.

There was no objection.

On motion of Mr. McFadden, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

Mr. WILSON. Mr. Speaker, I make the same request. The SPEAKER pro tempore. Is there objection? [After a

pause.] The Chair hears none.

Mr. GREENE of Vermont. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAMTON. Mr. Speaker, I make the same request. The SPEAKER pro tempore. Is there objection? [After a

pause. 1 The Chair hears none. The extension of remarks referred to is here printed in full

as follows:

Mr. CRAMTON. Mr. Speaker, we Americans are justly proud of America. We realize that America is to-day the greatest power in the world, the greatest military force in the world, the greatest industrial power, the greatest power in the world of finance, the great leader of all the world in humanity and civilization. But realizing these things as we do, we are likely to assume that that which is always will be, that because America to-day is the great leader of the world's civilization itt always must occupy that high position.

In that great lecture, "The Lost Arts," which he delivered

more than two thousand times, Wendell Phillips said:

The most objectionable feature of our national character-and that is self-conceit, an undue appreciation of ourselves, an exaggerated estimate of our achievements, of our inventions, of our contributions to popular comfort, and of our place, in fact, in the great procession of the ages. We seem to imagine that whether knowledge will die with us or not, it certainly began with us. We have a pitying estimate, a tender pity, for the narrowness, ignorance, and darkness of the bygone ages. We seem to ourselves not only to monopolize but to have begun the era of light. In other words, we are all running over with a Fourth of July spirit of selfcontent."

And then he told of the evidences which remain of civilizations that were and are no more, of great powers that one time led the world's progress and are vanished. He told of the things which people in those bygone civilizations were able to do which we, with all of our progress, with all of our knowledge, are not able as yet to duplicate. He told of the making of a glass as pliable as cloth, of the wonderful tempering of steel, of work in the finer metals, of wonderful accomplishments which the archeologist discovers as he explores the sands that cover great civilizations of other days. WEAKNESS OF PAST CIVILIZATIONS.

The earliest pages of recorded history tell of great powers, of rulers with many millions of subjects, holding dominion over great empires, living in luxury and splendor with such omnipotence that they sometimes thought of themselves as gods, and now they are swallowed up in oblivion.

If I were speaking from a pulpit I might use a text; and if

so, I would take one from the Psalmist where he glorifies God in that He gives strength to the weak and aid to the needy. And if I might have two texts, I would take the line from Ezekiel where he speaks of the great cities engulfed by the waters—the waters of oblivion, I take it.

I wandered once over the sands near Saloniki, the old Thessalonica of Bible days. I wandered about on these sands where now is but a desolate waste, but in the days of Alexander and Philip a great city stood, filled with pride in its power and beauty. I read recently of the excavations which Harvard is about to undertake in old Colophon, extinct for more than two thousand years but once one of the proudest of the 12 cities forming the Ionic Confederacy, claimed as the birthplace of Apelles, the greatest painter in oils of ancient times, and of Homer, whose fame will never die. I have wondered why these great powers of other days, these past civilizations, fell from pride into oblivion. The reason has seemed to me to lie in this—whatever may be our creed or faith, we must all recognize that an all-wise Providence rules the destiny of the world; and these empires that were but temporary, for all their pride and seeming omnipotence, lacked in that they did not serve God's purposes in the world and sank to oblivion because they did not give strength to the weak and aid to the needy.

THE PURPOSE OF DEMOCRACY.

When the founders of this great Republic framed its government they had before them all the pages of recorded history and they read this lesson which is repeated throughout the lesson that whatever the form of government that has existed in any age of the world, that government has always been administered primarily in the interest of those who controlled the government. Such is human nature. In the days of Herod, a despot, himself controlling the government, he brought sorrow into thousands of homes by the killing of the male babes in order, as he thought, to protect his own throne. In days of class rule, the few administered the government primarily in their own interest with scant heed

to the rights or welfare of the many. In the French Revolution, when the very streets of Paris were said to run red with blood, when gentle women were bound upon the rude wooden carts and carried over the rough pavements to the guillotine, when kindness and pity seemed gone and men seemed turned to beasts, many have wondered. But there is less wonder if the first chapter is read first—if one reads how, under the rule of the few, the many had no rights that the nobility were bound to respect; how the nobles riding forth to the hunt might trample down the crops, destroying the labor of the past year and the hopes of the year to come, and there would be no redress for the peasant; how the most sacred rights of family might be invaded and for the peasant there was no justice. Mirabeau called the Revolution "the sudden, impetuous revenge of the many."

AMERICA'S FIRST GREAT EXPERIMENT.

And so with this lesson written on every page of history, the fathers of this Republic ventured to make this a democracy, a Government in which all should share in the ruling, a Government which, being controlled by all, should have as its primary concern the welfare and happiness of all. was America's first great experiment, the world's first great adventure in real democracy. The whole world looked on with skepticism. Everywhere abroad was failure propliesied for this great American experiment. In the first place, it never had been done and that is for many sufficient proof that it never can be done. Your honest-to-goodness pessimist is the man who says that something which ought to be done can not be done because it never has been done, and furthermore he does not propose to to anything to help it to be done. Phillips tells us of the Englishman who in 1836 wrote a book in which he conclusively proved that a steamboat never could cross the Atlantic Ocean because it never had been done. strange thing about it was that the first copy of that wise volume that came to America came on the first steamship that did cross the Atlantic. The spirit of America is rather that of the boy that Edgar Guest writes about:

"Somebody said that it couldn't be done But he with a chuckle replied That 'maybe it couldn't,' but he would be one Who wouldn't say so till he'd tried. So he buckled right in with the trace of a grin On his face. If he worried he hid it. He started to sing as he tackled the thing That couldn't be done, and he did it!

The fathers of the Republic ventured to attempt the thing which they thought ought to be done. The Old World scoffed and said it could not succeed, that there would come days of moboeracy as in old Rome when the people would seek constantly from the Government games, triumphal marches, feasts, and largess from the Treasury, seeking always to receive from the Government and never willing to sacrifice anything for the common good. If such a day does come in America, when the people only expect to receive from the Government and are not willing to sacrifice for the common good, then has begun the end of this democracy. But such has not been the history of America. In every great emergency the many have been willing to yield in the interest of the common good, and so great has been the success of this democracy that new the Old World which once scoffed everywhere seeks to imitate. America's first great experiment is a proven success, accepted and approved of the whole world.

CONFLICT WITH ALCOHOL INEVITABLE

It has seemed to me that it was inevitable that such a Government, founded to secure the happiness and welfare of all its people, must some time or other come to grips with the alcoholic liquor traffic. It is not for me here to prove to you the curse which that traffic has always been to the world. Those who sought its overthrow were always met with the old argument that alcohol could not be driven out, because it never had been done. We were told how from the earliest days of history and before, the traffic in alcoholic liquors had flourished in the world. Prohibition could not be because it never had been. That always emphasized in my mind the thought that the greatest condemnation of the alcoholic liquor traffic lay in this—that given thousands of years of experi-ence with that traffic, no one could point to any one good thing it had ever given to the world. I will call only one witness to testify as to what are the outstanding accomplishments of In March, 1910, there was published alcohol as a beverage. in the Outlook Magazine an interesting exchange of letters on the subject of the saloon between Dr. Lyman Abbott and one T. M. Gilmore, then editor of Bonfort's Wine and Spirit Circular, president of the National Model License League, and closely identified with the distillery business. In that correspondence debate this champion of the distillers' business said:

"I agree with the physician that the excessive use of alcohol is a prolific cause of disease; with the sociologist that it is a prolific cause of poverty; with the penologist that it is

a prolific cause of crime."

A prolific cause of crime, poverty, and disease! Can you imagine a people free from crime, poverty, and disease? How happy would be such a land! How then could a government, pledged to secure the happiness and welfare of all its people, fail to make the attempt to elimate that which is a prolific cause of these great enemies of human happiness and welfare? True, it never had been done but that does not quiet the spirit of America.

WOMAN AND THE SALOON.

It is only a few years ago that in my little town of Lapeer there were 10 or 12 saloons. There met once or twice a month an organization of women, a Woman's Christian Temperance Union, with probably not more than 10 or 12 women at the average meeting. These women were consecrated to the destruction of the traffic in alcoholic liquors. It seemed a most unequal contest between the saloons, established by law, protected by law, and in many cases dominating the very Government itself, and those women without the vote or voice in their Government. I dare say that very few, if any, of those women, with all their faith, ever dared to hope that they would live to see the day when the saloon would be driven out of America. But that day did come when the people of this great democracy, founded to secure the happiness and welfare of all its people, wrote in their fundamental law a declaration that that which is a prolific cause of crime, poverty, and disease, an enemy of human happiness and welfare, would no longer be tolerated anywhere in this country, and the eighteenth amendment became a part of the Constitution of the United States. Then before all the world, America became committed in the most solemn way possible to another great experiment.

ANOTHER GREAT AMERICAN EXPERIMENT.

The issue now before America is whether that great experiment shall be a splendid success, pointing the way for greater happiness for all the world, or a failure involving in its own doom the shame of democracy itself.

RESULTS OF PROHIBITION.

It is not my purpose now to survey the results already accomplished by national prohibition in America. They are sufficiently great to justify the efforts made to bring it about, the efforts that are necessary to sustain and maintain it.

President Harding summed it up eloquently in this:

"In every community men and women have had an opportunity now to know what prohibition means. They know that debts are more promptly paid; that men take home the wages once wasted in saloons; that families are better clothed and fed, and more money finds its way into the savings banks. The liquor traffic was destructive of much that was most precious in American life. In the face of so much evidence on that point, what conscientious man would want to let his own selfish desires influence him to vote to bring it back? In another generation, I believe, liquor will have disappeared not merely from our politics but from our memories."

GOIN' T' BRING BOOZE BACK.

Abe Martin, in one of his evening lines of humor, says:

"Th' ole fashioned candidate that used t' promise t' reduce
taxes now has a son runnin' fer office that's goin' t' bring booze
hack"

year ago there became apparent a great effort to defeat prohibition. Forty organizations or more were formed to contest prohibition, some of them hardly living long enough for the country to know that they had been born. These organiza-tions, formed in the early months of 1922, had for their first object the election of a wet Congress. The present Congress is three to one dry on any question that comes up affecting prohibition. But these hopeful and vociferous wets were sure last January that the Sixty-eighth Congress would be wet. So beer-and-wine candidates became numerous in all of the early primaries. It seemed reasonable then to expect that while the West and South and North, that had experimented for some time in prohibition-local, county, and State-would hold firm to the faith, that the eastern sections, that had not had a similar experience, would show decisive reaction. The returns from the Pennsylvania primary in early June knocked all hopes of the wets into a cocked hat. In these primaries not a single beer-and-wine candidate in the great State of Pennsylvania was able to dislodge a dry Congressman, not even in the Pitts-

burgh district, represented by Hon. CLYDE KELLY, probably the greatest industrial district in the United States. This district is made up almost entirely of miners, steel laborers, and others similarly engaged. Mr. Kelly was opposed by a beer-and-wine candidate and has this to say of the contest:

"In my own district I saw the power of the outlaws and the power of the people. The Allegheny County Liquor Dealers' Association, whose very existence is an insulting challenge to the Constitution and laws of this country, officially indorsed my opponent and supplied him with large sums of money, levied from license holders and bootleggers. Seventy-five thousand dollars was expended and every method known to polecat fight-

ers was brought into use."

He was renominated on the Republican ticket by a majority of 11,900, by a vote of three to one on the Democratic ticket, and secured all the votes on the Prohibition ticket. Similar results followed elsewhere in the primaries. In the election the drys suffered a net loss of six or eight only in the House and made a net gain of three seats in the Senate. It is assured that the Sixty-eighth Congress will be substantially as dry as the present Congress.

EIGHTEENTH AMENDMENT CONSTITUTIONAL,

But these wet organizations are at work; a paid propaganda is flooding the country; a great campaign is on. It is urged that the eighteenth amendment is not constitutional, that it conflicts with the fifth or the sixth or other amendments of the Constitution. It does not conflict with any other part of the Constitution. It is, as I have emphasized, entirely in harmony with the very essence of the underlying principles of our Government. But if there should be any conflict, it is to be remembered that the portion of the Constitution last adopted would repeal anything in earlier portions in conflict with it, and would constitute a repeal in so far as there existed any conflict. Therefore, the eighteenth amendment is the most constitutional part of the Constitution, unless it be the nineteenth amendment extending the right of suffrage to women, and I have not as yet observed any conflict between the votes of the women and national prohibition.

REPRESENTS VIEWS OF SUBSTANTIAL MAJORITY.

It is urged that the eighteenth amendment does not represent the sentiment of the people of the United States; that something was put over on the wets during the war and when the boys were in the military service. This overlooks entirely the long campaign for scores of years to bring about prohibition, the rapid spread of the movement from 1910 and the years immediately following. Many States had gone dry when, on November 7, 1916, Michigan, one of the greatest industrial States in the Union, adopted state-wide by a majority of 68,624. That was before any of our boys had entered the military service in the great war. It is interesting to note that in that vote the urban population, living in cities of 10,000 population or more, gave a majority of 12,334 in favor of prohibition. After state-wide prohibition had been in effect a year, the wets brought on a vote proposing the return of beer and wine, and in the election of April 7, 1919, when a great number of the boys had been discharged from the military service, the return of even beer and wine was overwhelmingly rejected by a vote of 530,123 against to 322,603 for, or a majority of 207,520 against beer and wine. In that election only two of all the cities gave any majority whatever for beer and wine. The great industrial State, Ohio, adopted state-wide prohibition by 25,759 in 1918, and in the November election of 1922, after more than two years of national prohibition, with everyone out of the military service, a proposal to return beer and wine was defeated by a majority of 189,000, with only 7 counties out of 88 in the State giving any majority for beer and wine. Such cities as East Liverpool, Columbus, Ashtabula, Youngstown, and Akron voted to sustain the eighteenth amendment.

The amendment, when submitted, received the vote of 281 members of the House against 128, and in the Senate 65 members as against 20. On the question of ratification in the various State legislatures, 1,288 members of the State senates voted for ratification and 213 against. In the various houses of representatives, 3,739 voted for ratification and 934 against, or a total of 86 per cent voting for ratification in the State senates and 80 per cent in the houses of representatives. In all, 46 States ratified the eighteenth amendment, the greatest number that have ratified any amendment to the Constitution. When the eighteenth amendment was adopted, 33 States were already dry, and 2,338 counties were dry out of 3,032. Over 90 per cent of the area of the United States was dry and over 60 per cent of the population of the United States was living in such arid area. It is but puerlie piffle that the country was taken by

surprise or that the eighteenth amendment is founded on anything but the deliberate judgment of an overwhelming majority of the people of this democracy.

WETS OPPOSE ENFORCEMENT.

The great issue now before the American people is whether law and order shall prevail; whether the Constitution shall be respected and obeyed, or whether the bootleggers and the booze beggars shall be able to dictate to Uncle Sam. The most conspicuous of the principal organizations opposed to prohibition is the Association Against the Prohibition Amendment. In the circular of that organization dated March 1, 1922, which I now have in my hand, the program of that organization is announced as follows:

'A. To get the Volstead Act out of the law and keep it out. "B. To oppose the passage of similar tyrannical laws, and to endeavor to have the enforcement of the eighteenth amendment (so long as it remains in force) left to the people of the several States under the 'concurrent' clause.

"C. To work patiently, lawfully, fairly, and patriotically for the repeal of the prohibition amendment, and in the hope that the Constitution of the United States will hereafter be pre-served from mutilation by an organized fanatical minority."

AMENDMENT CAN NOT BE REPEALED, The repeal of the prohibition amendment is very remote as was recently declared by President Harding. Neither Stayton of Baltimore, nor any of the other functionaries of the association can have any hope of bringing about repeal of the eighteenth amendment in 50 years. In order to secure the ratification of the amendment it was necessary to get the support of both branches of the legislatures in 36, or threefourths of the States. If one branch of the legislature in each of 13 States had stood out against ratification the amendment would never have become a part of the Constitu-The wets were unable to find 13 States in which one branch of the legislature would stand in the way of the amendment, but on the contrary there were 46 States in which both branches voted to ratify, or in all 92 houses of representatives and State senates indorsed the eighteenth amendment. In order to secure a repeal of the amendment the 13 bodies that could have prevented ratification of the amendment will now be woefully insufficient. Instead there must be 72 legislative bodies in 36 States voting together for a resolution of repeal, first submitted by the Congress, before the eighteenth amendment can be taken out of the Constitution. Manifestly. our wet friends, having been unable but recently to stop the march of civilization by the action of 13 State legislative bodies, can not hope in this generation or the next to get 72 such bodies to undo this great legislative reform.

NULLIFICATION IS THE WET PROGRAM.

As a matter of fact, they have no illusions about this. None of these wet agitators have any expectation of repeal. they desire, what they urge, what they plan, is nullification of the Constitution of the United States. And the program of the Association Against the Prohibition Amendment, if you will note, proposes in Paragraph A to eliminate the Volstead Act and eliminate. Federal enforcement of the eighteenth amend-Paragraph B urges that enforcement be left entirely to the people of the several States. There are but two States in the Union that have no State enforcement code to carry into effect the eighteenth amendment. One of these is Maryland, the home of Stayton, the managing director of the Association Against the Prohibition Amendment, and of Hon. John Philip HILL, Member of Congress from Baltimore, and designated spokesman in Congress for that association. Recently an effort as made to secure in Maryland a State law to enforce prohibition. The Hon. John Philip Hill was the leader of the fight against such enactment before the legislature, and the Association Against the Prohibition Amendment in Maryland, as everywhere else, is actively opposed to the enactment of any law for enforcement of the eighteenth amendment, and actively engaged everywhere in an attempt to repeal or to destroy any law now in existence for that end. The program of these enemies of the eighteenth amendment is nullification, nothing more nor This organization is in effect a "league to aid bootleggers."

ISSUE IS NOW LAW AND ORDER.

There was a time when you and I perhaps differed on the question of prohibition. I think we always agreed as to its desirability, but we may very well have differed in our judgment as to its feasibility. But the time for such difference of opinion is past. While you and I may have differed on the question of the feasibility of prohibition, I can not conceive how you and I as good Americans can now differ on this issue of

respect and obedience for the fundamental law of America. It was but a few days ago that the Chief Justice of the Supreme Court of the United States, the Hon. William Howard Taft, speaking before the Washington Alumni Association of Yale, said this:

"This great period has many disquieting symptoms which in themselves constitute a period of lawlessness and even protests The safety of society is in obedience to law. If against law you like the law or not, as long as it is regularly adopted, it is our business to obey it. To obey the law is to be a true democrat. If every man thinks every law must suit him in order to obey it, he is not a democrat, but an anarchist. The basis of If every man thinks every law must suit him in order to good government is obedience to law as people have determined it to be. Young men should be trained to know that to be patriotic and democratic members of society, they must realize not only what it means to obey, but to instill the act of obedience in others."

VOLSTEAD OPPONENTS SET BAD EXAMPLE TO ALIENS.

A great Democrat, Hon. Thomas R. Marshall, former Vice President of the United States, who did not favor the adoption of the eighteenth amendment, in a signed article in the Washington Star of January 27, 1923, said:

When citizens of foreign birth note the attitude of mind and observe the conduct of other citizens, who appear to be leaders in all walks of life, toward the Volstead law, what ideas do they gain about this Government, what impression do they receive as to the kind of Americans they ought to be? We are going to have much difficulty in teaching our foreignborn man to be a law-abiding citizen so long as he has examples of so-called good citizens who reserve the right to eliminate certain laws from among those which they voluntarily obey. And we are doing a very bad thing when we tell him that the law can not be enforced. That should not be said of any law, and no law should be repealed because it can not be enforced. It should be enforced to the strictest letter of it until citizens, voluntarily obeying it, go about its repeal in an orderly man-ner. We do not make Christians by teaching them to mumble creeds. We can not make Americans out of foreigners by teaching them principles and at the same time showing them that loyalty to them is merely lip service. We will make of them good Americans only when we keep and enforce our laws.'

THE BAST IS THE PIRING LINE.

Out in our part of the country this Baltimore organization does not get far with its propaganda. We are experienced in the blessings of prohibition, for it is no new thing with us. Mount Clemens, in my district, a great health resort whose baths are famous throughout the world, was in the old days pretty wet in its sentiment. Last April the Association Against the Prohibition Amendment sought to organize a county branch there Full page ads were resorted to and a canvass was made for sale of tickets for a banquet where \$4 would pay for a splendid dinner and membership and paid-up dues in the association and a badge would be thrown in free. of 80 tickets was sold after considerable effort and the night of the banquet, so the local papers stated, there were only 32 present and 48 vacant chairs, one for each State in the Union.

But the great firing line in this contest is in the East-New York, Massachusetts, New Jersey, Pennsylvania, Maryland—and there this organization seems to meet with greater success in its raising of funds toward a seven million dollar pot and its influence on elections.

BEER AND WINE NOW.

Their immediate program is "beer and wine now." Knowing they can not repeal the eighteenth amendment, that they can not repeal the Volstead Act, they propose a nullification of the Volstead Act to permit the sale of beer with 2.75 per cent alcohol and wine with 14 per cent alcohol. Such an amendment to the Volstead Act would be unconstitutional. The eighteenth amendment prohibits "the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, and the exportation thereof from, the United States and all territories subject to the jurisdiction thereof, for beverage purposes." It is manifest that any amendment of the Volstead Act that seeks to legalize the sale of a liquor which is intoxicating would be contrary to that amendment and hence unconstitutional. The Volstead Act forbids sale of any liquor having over one-half of 1 per cent of alcohol. That standard was adopted because the experience in the States that had adopted it clearly demonstrated that a higher percentage made prohibition enforcement impossible. Thirtypercentage made prohibition enforcement impossible. Thirty-four States had already adopted a limitation of one-half of

1 per cent or less. The Supreme Court of the United States

in an opinion delivered by Justice Brandels said:

"The decision of the courts, as well as the action of the legislatures, make it clear * * * that a rigid classification of beverages is an essential for * * * effective prohibiof beverages is an essential for * * * effection of intoxicating liquor. A test often used effective prohibiwhether it contains one-half of 1 per cent by volume."

The court then called attention to the fact that the Federal Government would have the same difficulties in enforcement as the States, and referred to the definitions of over 30 States which have as strong or stronger definitions than the Volstead Act. The court then said:

"It is therefore * * * clear * * * that the defini-tion provided by the Volstead Act was not an arbitrary one." BEER AND WINE, NEVER.

Admittedly, beer containing one-half of 1 per cent of alcohol is not intoxicating, but the purpose of Congress was not to secure a limitation that is intoxicating but to secure one that is not intoxicating. Recently in the United States District Court in St. Louis the judge held that the court would take judicial notice of the fact that beer of the sort there involved (about 4 per cent) is an intoxicating liquor. The difference in the intoxicating effect between 4 per cent beer and 2.75 beer would only involve the drinking of a little more to secure the same intoxicating effect. Anyone who has read the eighteenth amendment or has given any consideration to the decisions of the United States Supreme Court knows very well that that tribunal would very promptly hold unconstitutional any beer and wine amendment to the Volstead Act. But the enactment of such an amendment by Congress would be destructive of national confidence in enforcement of the law, and it is very fortunate that there is every assurance that the next Congress will give no more serious consideration to such defiance of the Constitution than has this. Beer and wine may be an effective plea to get votes in New York, in New Jersey, or in Massachusetts, but the officials elected by such votes can not deliver the goods in return.

FOR RETTER ENFORCEMENT.

The great issue of the present is not a legislative one. It is education to secure enforcement of law, to increase respect for law, to vindicate the majesty of the Constitution of the United States. There are details in this problem of enforcement to be taken care of. Ministers of foreign Governments must come to realize that habitual violation of our fundamental law will end their usefulness. Our jurisdiction over the waters of the oceans to the east and to the west of us must be asserted a sufficient distance from our shores to enable us to maintain our sovereignty in our own country. Every agency of the Government should be called into action to guard against smuggling upon our boundaries. Politics should be absolutely eliminated from the selection and retention of men charged with enforcement of the Volstead Act. No Congressman and no Senator should be permitted to secure the appointment or prevent the discharge of an undesirable, untrustworthy agent of the commissioner charged with enforcement of the eighteenth amendment.

DEPORT THE ALIEN VIOLATOR.

It is one big question of enforcement of the law and respect for the Constitution. Neither you nor I have any right to say that we like one part of the Constitution and that we will respect; that another part we do not like and that we will not respect or obey. The vilest criminal no doubt obeys the laws that he wishes to obey. His criminality begins when he transgresses the laws which he does not want to obey. Recently in Congress there was pending in the House a bill that proposed the deportation of aliens convicted of violating our laws against sale of narcotics and intoxicating liquors. hibition Commissioner Haynes has said that 80 per cent of the liquor law violation is by aliens. I ventured to say in that debate that if a man comes to America from some foreign land, a land where there was little of opportunity for him or his children; but in some way he got together enough to bring him to this great land of opportunity, and after spending a period of probation, as our Methodist friends have it, and still not having taken upon himself the responsibilities of citizenship, having taken no obligation to defend our flag in time of war or support our institutions-if such a man persistently violates our laws and shows his contempt for the institutions of the land that gave him opportunity instead of lifelong lack of opportunity, the sooner such a man is sent back to the land from which he came the better.

THE CODE OF AMERICANISM.

But what will you say of the man who was born in this country; who has from his earliest hours enjoyed the privilege of an American home, better than any other home in the

world; who has enjoyed the privilege of an American church, a little broader than any other church in the world; who has enjoyed the privilege of an American school where in another land there might have been no school at all; the privilege of American community life, giving more pleasure and inspiration than community life in any other place? If an American, enjoying all these privileges that have been made possible for him by the sacrifice and toil of patriots and pioneers, is still content to enjoy all the blessings that America has for him and in return can not even give respect to the fundamental law of his Nation, what do you say of him? The pity is there is no place to send such a one. We him? The pity is there is no place to send such a one. can at least educate our Nation to realize that such a one is lacking in Americanism. During the war we heard mention of 100 per cent Americanism. I used to think sometimes that those who prated the most about their 100 per cent Americanism knew more about percentage than they did Where do about Americanism. What is Americanism? you find it written down in black and white so that you may teach it to your children? It is in the Constitution of the United States. That is the great code of Americanism. There it is that the people of this great democracy have from time to time written down their great ideals of government. In earlier days they wrote there that your property can not be taken without due process of law; that a man can not be punished for crime except after trial by a jury of his peers. Finally, under the leadership of the great Lincoln, they wrote that one should not hold his fellow in Then under the leadership of the women of America, that one man should not sell to another that which would enslave and ruin him. It is all one great code from the earliest word of its preamble to its latest amendment, and he who would be a 100 per cent American must give love, respect, and obedience to that great document from end to The American creed closes:

"I therefore believe it is my duty to my country to love it; to support its Constitution; to obey its laws; to respect its flag; and to defend it against all enemies."

CIVILIZATION IS LAW AND ORDER.

Attorney General Daugherty, before the American Bar Asso-

ciation, said:
"Respect for law is the one essential fact of our civilization. Without it life, liberty, and property are insecure. The history of civilization has been a continuous struggle for law and order. * * * The Government will endure on the rock of law enforcement or it will perish in the quicksand of lawlessness.

With us a reasonable measure of law and order has been so commonplace that we have failed to appreciate its blessings. A few years ago, during the Great War, I was traveling in southern Albania, one of the oldest countries of Europe, its people intelligent, active, and possessing great possibilities of progress under proper conditions. For half a thousand years they were under the Turk, who cared nothing for their welfare or their development and sought only the taxes that could be wrung from them. In 1912 they won their independence, but, lacking a stable government, anarchy and lawlessness prevailed throughout the country. As the World War progressed, the Austrians occupied the northern half of the country, the Italians the southern portion. There the Italians established law and order, and the great landowner with whom I talked told me that his tenants renting land upon shares were producing from the same land three times as much as they had in the old days of lawlessness. Under law and order established by the Italians, the man who sowed knew that he would reap. They were appreciating law and order recently established. We would appreciate it the more when too late if lawlessness succeeded generally to law and order in this country.

THE TEST OF RESPECT FOR LAW.

When governor of New York, Hon. Charles E. Hughes, now

Secretary of State, said, in 1908:

"Everybody is ready to sustain the laws he likes. The test not, in the proper sense, respect for law and order. of respect for law is where the law is upheld even though it hurts. And we can't afford in this country, and in this State, to have a constitutional provision, which is the fundamental law of the land, ignored, betrayed. Therefore, I say that what the people have said in their Constitution must be enforced. and it is the duty of the legislature and of the governor and of the citizens to see to that enforcement.'

LINCOLN'S APPEAL.

In an address at Springfield, Ill., January 27, 1837, the immortal Lincoln said:

Let every American, every lover of liberty, every well wisher of posterity, swear by the blood of the Revolution never

to violate in the least particular the laws of our country, or to tolerate their violation by others. As the patriots of '76 did to the Declaration of Independence, so to the support of the Constitution and the laws let every American pledge his the Constitution and the laws let every American pledge his life, his property, and his sacred honor. Let everyone remember that he who violates the laws of the land tramples on the blood of the fathers, and tears in sunder the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpits, proclaimed in legislative halls, and enforced in courts of justice, and, in short, let it become the political religion of the Nation." the Nation."

SACRIFICH IN PEACE AS IN WAR.

This great struggle in defense of our institutions, in behalf of respect for the supreme law of the land, may entail some small sacrifices upon us, some inconvenience, some interference with our established habits, some criticism of assoclates, the occasional loss of a customer or a vote; may even seem to stand in the way of the accomplishment of fame or fortune. But the great thing that Americans need to understand is that the citizen owes as much to his country in peace as in war. Peace has its responsibilities for the citizen no less great than those of war. We have seen how ready our people are to give up their money, to give up their sons, to give up their lives for the common cause, for the good of the Nation in time of war. But it is argued that for the common good the difference between one-half of 1 per cent and 2.75 per cent of alcohol in a glass of beer is not to be sacrificed. How cheap is such patriotism! Peace is the normal mission for America, not war. War is justified only to defend the existence of our country, to defend its institutions. It is but subsidiary to peace. The war is but occasional, Peace we hope to have always. Do not underestimate the responsibilities of peace. Peace has its responsibilities for the citizen no as in war. of peace.

During the war I visited our splendid Thirty-second Division just after the wonderful drive they had made in early August, 1918, driving the Germans back from Courmont to Fismes. It was but a few days after that drive when I visited them in their rest camp, a few miles back of Fismes. Early in the morning with the chaplain and the major I went across the fields to a number of graves newly made where boys from my own district were wrapped in the soil of France. As I stood beside these graves one of the soldiers showed me a snapshot of Walter Taylor, buried there, and the girl in Lapeer he was to have married on his return from the war. I realized then that life had meant as much to Taylor as to you or to me; that he owed nothing more of devotion to the cause of democracy or the country or the flag than do you or I; but he made the 100 per cent sacrifice while you and I are permitted to enjoy the blessings of a democracy made more secure. As I stood there I wondered whether there was in America a people worthy of such sacrifices.

That is the issue that is now before America, that is now before you and me-whether in this emergency of peace we are going to meet our responsibilities, perform our duties of citizenship with something of the same spirit of sacrifice as did many thousands in time of war.

I met a French general to whom one of our party spoke of the glory the commander had won in the war. He responded:
"It is not my glory. We are simply the guardians of glory of others.

Those in khaki and in blue guarded the glory of America in time of war so that our banner flies with a brighter gleam in the stars than ever before. But shall there be no one to guard the glory of America in time of peace? That is your privilege and responsibility and mine. Make this second great experiment of America a glorious success to the end that throughout the world the liquor traffic, prolific cause of crime, poverty, and disease, shall everywhere be doomed. Give strength to the weak and aid to the needy. Secure the greatest possible happiness for the many.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL,

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 370. An act for the relief of Charles W. Mugler; H. R. 962. An act for the relief of the heirs of Robert Laird McCormick, deceased:

H. R. 1290. An act for the relief of Cornelius Dugan;

H. R. 2702. An act for the relief of J. W. Glidden and E. F. Hobbs:

H. R. 4421. An act for the relief of John Albrecht; H. R. 5251. An act for the relief of Ruperto Vilche; H. R. 6538. An act for the relief of Grey Skipwith; H. R. 6358. An act authorizing the accounting officers of the

Treasury to pay to A. E. Ackerman the pay and allowances of his rank for services performed prior to the approval of his bond by the Secretary of the Navy;

H. R. 6423. An act to detach Pecos County, in the State of Texas, from Del Rio division of the western judicial district of Texas and attach same to the El Paso division of the western judicial district of said State;

H. R. 6954. An act fixing rates of postage on certain kinds of

printed matter; H. R. 7010. An act for the relief of the Southern Transporta-

tion Co.; H. R. 7053. An act to grant certain lands to the city of Canon City, Colo., for a public park; H. R. 7322. An act for the relief of John F. Homen;

H. R. 7967. An act granting certain lands to Escambia County, Fla., for a public park;

H. R. 8046. An act for the relief of Themis Christ; H. R. 8448. An act for the relief of Joseph Zitek; H. R. 8921. An act for the relief of Ellen McNamara;

H. R. 9309. An act for the relief of the Neah Bay Dock Co., a corporation;

H. R. 9862. An act for the relief of the Fred E. Jones Dredging

H. R. 9944. An act for the relief of Vincent L. Keating; H. R. 10003. An act to further amend and modify the war risk insurance act;

H. R. 10047. An act for the relief of Frances Martin H. R. 10179. An act for the relief of Americus Enfield; H. R. 10287. An act for the relief of John Calvin Starr;

H. R. 10816. An act to fix the annual salary of the collector of

customs for the district of North Carolina; H. R. 11340. An act to advance Maj. Ralph S. Keyser on the lineal list of officers of the United States Marine Corps so that he will take rank next after Maj. John R. Henley;

H. R. 11579. An act to amend section 1 of an act approved January 11, 1922, entitled "An act to permit the city of Chicago to acquire real estate of the United States of America"

H. R. 11603. An act to validate for certain purposes the revocation of discharge orders of Lieut. Col. James M. Palmer and the orders restoring such officer to his former rank and command:

H. R. 11637. An act authorizing the Secretary of the Interior to approve indemnity selections in exchange for described granted school lands;

H. R. 11738. An act for the relief of Maj. Russell B. Putnam; H. R. 12751. An act to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots) in the State of Arkansas;

H. R. 13032. An act to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County Board of the American Legion, Bessemer, Mich.;

H. R. 13272. An act granting a license to the city of Miami Beach, Fla., to construct a drain for sewage across certain Government lands;

H. R. 13326. An act in reference to a national military park at Yorktown, Va.;

H. R. 13827. An act relating to the sinking fund for bonds and notes of the United States;

H. R. 14081. An act granting the consent of Congress to the Valley Transfer Railway Co., a corporation, to construct three bridges and approaches thereto across the junction of the Minnesota and Mississippi Rivers, at points suitable to the interests of navigation;

H. R. 14249. An act for the relief of the owners of the American schooner *Mount Hope*; H. H. 13793. An act making appropriations for the military

and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes; and

H. J. Res. 47. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Jose A. de la Torriente, a citizen of

BUSTS OF THE LATE CHAMP CLARK AND THE LATE JAMES R. MANN.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 568.

Resolved, That the sum of \$4,000 is authorized to be paid from the contingent fund of the House for the procurement of a marble bust of Champ Clark, late a Representative from the State of Missouri, and a marble bust of James R. Mann, late a Representative from the State of Illinois. The expenditure of the sum herein authorized shall be made under the direction of the Committee on the Library.

The SPEAKER pro tempore. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears

The question was taken, and the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was

S. 4245. An act to provide the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922 and all other customs revenue

S. 4425. An act to authorize appropriations for the relief of certain officers of the Army of the United States; S. 4396. An act for the relief of Eldredge & Mason, of Malone,

N. Y.;

S. J. Res. 277. Joint resolution granting permission for the erection of a monument to symbolize the national game of baseball:

S. J. Res. 287. Joint resolution creating the joint commission

of gold and silver inquiry;

S. 4160. An act to amend the act of Congress entitled "An act to establish a commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes, approved September 22, 1922

S. 4631. An act granting the consent of Congress to the counties of Bowie and Cass, State of Texas, for construction of a bridge across Sulphur River at or near Paces Ferry, in said counties and State;

S. 3855. An act to quiet the title to lands within Pueblo Indian

land grants, and for other purposes;

S. 1847. An act to amend an act approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore & Potomac Railroad Co. in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes

S. 4119. An act authorizing the erection in the city of Washington of a monument in memory of the faithful colored mam-

mies of the South;

S. 4638. An act authorizing the Great Northern Railway Co. to maintain and operate or reconstruct, maintain, and operate its bridge across the Columbia River at Marcus, in the State of Washington; and

S. J. Res. 283, Joint resolution directing the Public Utilities Commission of the District of Columbia to investigate rates

charged by taxicabs and automobiles for hire,

The message also announced that the Senate had passed without amendment bill and joint resolution of the following

H. J. Res. 453. Joint resolution requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes; and

H. R. 13554. An act authorizing the construction, maintenance, and operation of a dam and appurtenant intake and outlet structures across or in the Potomac River at or near Williams-

port, Washington County, Md.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4197) to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore or leases of certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes.

The message also announced that the Senate had passed with amendment joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 422. Joint resolution permitting the entry, free of of certain domestic animals which have crossed the boundary line into foreign countries.

PERMISSION TO ADDRESS THE HOUSE.

Mr. LITTLE. Mr. Speaker, I rise to ask permission to ask unanimous consent to address the House for five minutes.

Mr. MONDELL. On what subject?

Mr. LITTLE. To answer a question put here the other day as to how much the code bill cost.

The SPEAKER pro tempore. Is there objection? [After a

The Chair hears none.

Mr. LITTLE. Mr. Speaker, last Saturday there was some inquiry in the House as to the expenses of the preparation and publication of the act to establish a Federal Code. I am glad that I am able to state to the House that whether the Federal Code is completed or not, it would not cost the taxpayers of this country a nickel, but on the contrary will show a clean profit of money put in the Treasury of over a quarter of a million dollars. If you will turn to the Congressional Record of April 10, 1920, you will get the information in detail from Mr. Slemp, chairman of the Ordnance and Fortifications Subcommittee of Appropriations. On page 5505 of the RECORD Mr. SLEMP said:

I will say in reply to the gentleman that the War Department withdrew the estimate of \$58,500 for that board for the coming fiscal year and will return to the Treasury Department the unexpended balance in that fund of \$230,000, or a total of \$288,500, so that the gentleman is responsible for saving to the Treasury \$288,500.

The inquiry was made by myself, with regard to the Bureau of Ordnance and Fortifications. The gentleman from Kansas had called the Secretary of War's attention to the fact that the annual appropriation for that bureau was not authorized by law. The chairman of the revision committee said that if Secretary Baker would have such a bill prepared and introduced the chairman would cheerfully support it, but unless that bill was introduced the chairman on revision would make the point of order that there was no authorization for such an appropriation. Mr. Baker withdrew the request for the appropriation, as Mr. SLEMP says, and it was discovered that fund was then \$230,000, which was returned to the Treasury, and the taxpayers were saved that amount.

The same year the chairman of the revision committee called the attention of the chairman of the Military Affairs Committee to an item in his bill preparing to make the annual appropriation of \$10,000 for the military people to make a military code and suggested that the Military Committee had no such authority; that those funds under the law were required to go to the Revision of Laws Committee, and Mr. KAHN said he would withdraw it. The gentleman from Illinois [Mr. Madden] that afternoon made the point of order and the \$10,000 was stricken

out and the annual appropriation discontinued.

The annual appropriation of \$58,500 and \$10,000 made, of course, \$68,500 that has been saved ever since and will be saved hereafter. Five years of annual savings of \$68,500 constitutes already a saving of \$342,500. This annual saving will continue. Adding to this present amount of \$230,000, we have a total saved by those in charge of the bill to make a code of cash money to the amount of \$572,500. This will pay much more than all the expenses in every way of making the code and leave the Government a clean profit on the investment of over half a million dollars. We challenge the history of this country to surpass that accomplishment as a financial business proposition,

Mr. HILL. Will the gentleman yield? I would like to ask when was the last code published.

Mr. LITTLE. In 1874, and a second edition in 1878

If you will turn to the debates of 1874 you will find that the chairman said it cost them \$100,000 to prepare the Revised The people in charge of the present bill Statutes of 1874. expended about \$13,000 in its preparation for printing, and spent \$87,000 less than they did in '74, and more than that, less than was spent some 15 years ago when the effort was made to make a code.

When the chairman approached the printer's task he took it up with Mr. Morgan, then superintendent, a very excellent printer, and found that to print the bill in the ordinary shape bills were printed would have cost \$84,000. Should the bill thus become a law, it would immediately become necessary to discard all that typesetting and begin to put it in book form. The printer and the chairman after very careful consideration decided to adopt the present form of H. R. 12 as the one that would be most utilitarian and most economical. By printing the bill in this form, it ceased to be necessary to cast it aside and begin to print again. When the bill becomes a law, all that will be necessary is to make the plates from the type, and the cost will be comparatively nominal. So I can assure the gentlemen of the House that whether or not

this bill becomes a law, it will never cost this Government anything.

The saving on the printing and in the preparation over the statutes of '74 and '77 constitutes a saving of \$171,000 that would ordinarily have been expended. When we add that to the \$572,500, we get \$743,500, which money has been saved by the revision committee and its work. We hope presently to be able to present a plan for the permanent maintenance of a code. If you will permit us to put at interest the money we have saved, we will supply you with an annual income that will take care of the printing of this code as long as the Republic keeps one. Indeed, the annual saving of \$68,500 we have already provided will be far more than that.

Mr. BLANTON. Will the gentleman yield?

Mr. LITTLE. I will.

Mr. BLANTON. Could the gentleman get these facts before the people of Kentucky?

Mr. LITTLE. I hope we can; I am trying now. The Government Printing Office has informed me that if the bill becomes a law, when 10,000 copies have been printed, the printing will have cost \$25,340.06, and that thereafter it will cost \$1,690.19 a thousand to print more. We have spent some \$13,000 and are prepared to spend \$4,000 more to complete the book, which would be about \$17,000, which if added to \$25,000 for printing, would make an expense of \$42,000 when the book is done, if we are not annoyed too much by fools. If you will take the \$288,500 that Mr. Slemp told you the gentleman from Kausas had saved, and add the \$10,000 against which Mr. MADDEN made the point of order, you have \$298,500 in cash to be put in the Treasury at one swipe in one year. Subtracting from it the \$42,000 of these expenses, the Treasury will have a clean, clear profit of \$256,500. I haven't heard of any other business enterprise on which this Government ever cleared a quarter of a million dollars, or anything else. The fool who fired the Ephesian dome 22 centuries ago has never had an equal since till a moron rose to block the American Code; but even if that wrong to the bench, the bar, and the litigants should be really accomplished, the Revision of Laws Committee will forever point with pride to a quarter of a million dollars their work has deposited in the Treasury of the United States to the credit of the taxpayers, an achievement that has not been surpassed in the 22 centuries between the two most outstanding and decadent figures of their kind in all the annals

of time. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has

expired.

Mr. LITTLE. I would ask to extend and revise my remarks. The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLE. To thoroughly understand all that has been done in the making of this bill to establish a code it is necessary to lay before my hearers some of the former history of the committee's work.

In the sixties the committee was appointed and a commission selected to revise the statutes. Caleb Cushing was to be chairman, but just attended one session. For some years the commission worked to and fro, and finally, in 1873, Benjamin Butler, chairman of the Revision Committee, took over the board of revisers' work. They were authorized to thoroughly revise and rewrite the laws, and did so. General Butler saw at a glance that the changes and amendments and omissions were so numerous that it would be impossible in any one Congress to read and discuss them and pass the bill. He employed a lawyer named Durant for nine months to rewrite the bill and take out all the changes and leave it as it was so that it might With considerable amusement I hear of commisbe passed. The idea is sions of distinguished scholars to do this work. not workable, and the Revised Statutes of 1874 were not prepared by any commission. The work was mostly done by Mr. Durant, a Washington lawyer from New Orleans. The committee then did a great deal of the work and passed the bill, very much the same manner that the present bill has been prepared, though this work has been done with a great deal more care and has taken more time. Some 20 years ago an effort was made by the Revision Committee of the House to place before the House another revision of the laws. A gentleman was employed for several years to do that work. made many changes and alleged improvements. The committee saw as before that it would be quite impossible to even read such a bill, much less pass it, and wholly discarded it. printers of that date tell me that in printing and reprinting and reprinting this work about \$200,000 was expended, every dollar of which was wasted. When the committee undertook this work the gentleman was so anxious to help that he volunteered his services without pay, though he was paid properly for his time. As before, he was persistently anxious to improve everything, and it finally became necessary to do without his services because he did not understand what the committee was endeavoring to accomplish, the task of repeating in the code the laws made by Congress word for word. He was so interested in it and so hard a worker that after we had secured his promise to adhere to our plans he was reemployed, and he did a considerable portion of the work. I observe with regret that after being employed for some 18 months on H. R. 12 he accepted a fee to attack it and criticize it, including his own work. Fifteen years ago a great publishing house similarly employed a man attached to the work to circulate defamatory statements with regard to the bill the gentleman himself wrote. It is somewhat curious that the only person who has been employed to attack this bill by a formal review was the man employed to make it and discharged for incompetence, but such is the fact. It is very seldom that one can be paid by both sides of such a controversy. In his review he persistently attempts to renew his old efforts to change the law and improve it, as he thinks. Most of the material he inserts is a lot of petty criticisms from various people here and there in the departments whose work has all been thoroughly reviewed by the learned revisers and the committee.

They have long since been given credit for everything that was entitled to consideration, and it is almost buffoonery that in this review of March 2 we should again be confronted by all the stuff that has been thoroughly disposed of over and over during the last three years and fully placed before those who seek to criticize. There can be no better evidence of the detailed application and scholarship applied to the making of this bill than the patient care with which every such puerile or senile criticism has been gone over and over again and is again disposed of in this discussion. Among the fallacious criticisms was one two years ago from the Interstate Commerce Commission, which found its way into the hands of the critic. When the attention of the commission was called to those defects, they withdrew practically all the attacks made by that department, as you will see by the letter from Mr. Esch. The Committee on Revision found that one of those 49 suggestions was correct, and it will be inserted in the bill. Of the balance, 40 were withdrawn entirely, and I do not know why the critics published the letter at all, unless it is to mislead careless readers. Permit me to call attention to the statement by Hon. John J. Esch in his letter, which is included in the review of March 2:

We appreciate fully the magnitude and importance of this work. It is this very fact that leads us to refer to these matters. We do not mean to intimate that the code has not been most carefully and critically prepared. In a work of this character it is practically impossible to prevent inaccuracies. In an endeavor to be helpful, rather than critical, we have attempted to call attention to some matters which it seems to us should be further considered. Many of the doubts that arise can be settled only by Congress or by the courts, which in the last analysis means the Supreme Court.

The laws made by Congress and inserted in this code go into the code accompanied by all judicial decisions that apply to them. Their presentation in the code will result in no further judicial decisions concerning things already decided, and things not decided will be open to the same discussion that they are now and would be if the code is never made. Some of these critics seem to get the idea that their appearance in the code will precipitate new issues. Certainly not; the law will be just as it is now, surrounded by the same difficulties, and no more. When the Revised Statutes was made in 1874 judicial decisions soon determined and settled that fact. We can not do anything that will so fix the law that it will be free from the same questions that arose as Congress made it originally. have done nothing to add any question, as is demonstrated by the results after the adoption of the Revised Statutes of 1874. It is our duty to present in this bill the law as already made. and the only reenactment in it is the enactment of it into one law—a code—instead of many. It is merely repetition of the same laws, and its condition before the courts will be no more changed than it was changed in 1874 when the Revised Statutes became what the whole world concedes to be the greatest law book ever made.

At present nobody knows just what the law is in many cases, and most people are unable to find it all. What we have done is simply to present all the law made by Congress which was in effect March 4, 1919, where its virtues and vices can be at once pointed out, and when it is so reenacted it becomes a law and everybody knows for a certainty just what the law is and finds it right at his hand. When that is done anybody can go to his court and get a decision upon doubtful questions where there appears to be any conflict or confusion. Of course, in so

great a book there may be errors, omissions, or mistakes discovered. Nobody ever heard of any such a big book that did not subsequently disclose occasional mistakes, but every day courts and lawyers make more mistakes because of the confusion in the law than there are in this entire bill.

Therefore the committee instructs me to place before the House this statement with regard to the criticisms which are launched at us at the last moment when it appeared to be impossible to have met them. We replied hastily in 24 hours to these attacks and now, two days later, hastily complete our statement to suggestions made at the last moment after 21 months' delay.

CONFUSION IN PUBLIC PRINTING LAWS.

Because of the confusion in the laws this proposed code was prepared because it would present all the law to the people and they could find it in one book and the courts could know at a glance what the net result would be of such legislation. The Joint Committee on Printing, in view of this confusion, had prepared what amounted to their idea of a code of the law of their committee. Unfortunately the revisers of this great book—lawyers of many years of experience—did not entirely agree with the code, and the clerk of that committee persisted in criticisms on matters of mostly no importance, and the only effect of the criticism might be to block this great code. The committee have felt that the codifiers and revisers were right in the occasional conflicts. For example, the critic calls attention to the fact that on November 1, 1893, the law announced that thereafter engrossed bills should be printed at the stage of the consideration at which they were engrossed before, and he says there is no law in our code to tell at what stage that was. There is certainly no law in our book about it, because there never was any law made by Congress about it and we decided not to invent one. The time of consideration was fixed by the rules and customs of the House and still is, and it is not a matter of law, and it is unfortunate the gentleman wasted our time in looking up such a matter.

He says of our section 5771 that it is superseded by section

He says of our section 5771 that it is superseded by section 5770. He is mistaken. The older section provided that whenever there did not happen to be a Joint Committee on Printing somebody else should supply that need. The newer section undertook to provide for a system so that there would always be a Joint Committee on Printing. There still remained the provision to fill this place if it did not exist. There is no conflict between the two, and if for any reason, by death or any accident, the joint committee should not function, the other one would. Not only is there no conflict, but the new law distinctly did not repeal the old law. The new law did not even make the usual and customary repeal of things in conflict therewith. It is entirely evident that the Congress did not repeal it, but the codifier of the committee print wants to repeal it. The revisers did not agree with him. Whether Congress wanted to maintain it or so totally avoid it we do not know, but as Congress did not repeal It, and very distinctly did not, it still remains in force. We can not be making repeals out of our own minds because the presence of some section appears distasteful to us.

One of the greatest difficulties in our laws is the appearance of the joker in appropriation bills. The gentleman has found one in the Thirty-fifth Statutes, page 381, on which appears an appropriation of \$3,600 for a Deputy Public Printer. In making an appropriation it is required that there should be an authority for the existence of the office, and the appropriation furnished one, and never since has there been such authority for making a Deputy Public Printer. They simply made an appropriation of \$3,600 a year to pay one, though there was no such office. They then added a clause which told what kind of a man should be appointed and who should appoint him. That simply said that the man to draw this \$3,600 should be such and such a man and be appointed. The minute that \$3,600 was spent, man and be appointed. the instructions about spending it stopped. It was a limitation Those words only applied to that approon this expenditure. They did not create an office. They assigned to him certain duties, taking some away from the chief clerk, but nothing was said about doing away with the chief clerk, and the law instituting him still remains and he has other duties to attend to anyway, and the minute the \$3,600 is expended the matter stops unless there should be another appropriation, which, of course, is without any authority of law either. Sometimes when they make such an appropriation they say, after such and such things shall be the law." It has been held that while it is temporary legislation when inserted simply to tell what shall be done with the appropriation, it becomes permanent law when they say that "hereafter" it shall continue. Congress did not so state, and, of course, there is nothing permanent about an appropriation that might have been stopped by a point of order any time and the limitations on it telling how it shall be spent. The critic requires that the law be amended by striking certain words out in order to give effect to his views. Congress has not stricken them out and they are still there. If there is any dispute over it, it is a matter for the courts to decide, and we do not regard the clerk of any committee as gifted with judicial powers and authority, so the committee prefers to leave the law stand the way Congress made it.

There is a criticism of section 5884, which refers to a Government director for the Union Pacific Railroad, which he says is obsolete. There is a law that has never been repealed, and if it had long since ceased to function, we can not say that Congress wanted it out of the road. As a matter of fact, after very careful examination the committee found that there is still a remnant of that old relation which makes it essential that in order to protect all interests this section should be carried. It was looked into with infinite care, and without any question it ought to be right where it is.

The critic suggests that there is some repetition in this book. There certainly is, because the Statutes at Large have frequent repetitions, and so long as they do codes will. Furthermore, it often happens that the same bit of law must almost necessarily be placed under two different titles in order to give the people who study that title full information where they expect to find it. If there were a thousand repetitions in this code it would not change the law a particle, and it would still remain an infinite improvement upon the old laws, which bring more confusion every day in the courts than there are mistakes in the whole bill.

Another excellent example of the impropriety of allowing committee clerks to decide legal confusion questions is found in the Twenty-eighth Statutes, page 608, which provides that the Public Printer may employ six clerks at certain annual salaries. In the Thirty-fifth Statutes Congress directed that the Public Printer shall submit for each fiscal year estimates for clerks. There was nothing that prevented him from including the six clerks mentioned, and that law was left wholly unrepealed. Whether that authority to select those six and file in the estimate still remained with the Public Printer is a judicial question, not a legislative one, and it is up to the courts to decide. The original statute is not in conflict with the new one at all. It may be the purpose of the law to permit those men to retain those positions and be included in that estimate. Congress made no repeal of it in any way and the codifiers will not. This is a matter for the Chief Justice, not for a committee clerk nor for a codifier.

The gentleman suggests that a certain section is dead matter superseded by some other one. Congress did not say so. It made two sections and they are still the law, because neither of them repeals the other. That is why we have to make a code, so people can get at them all at once. The rest of his suggestions were practically all of this character, except some much more puny and unimportant. We are sorry that the revisers have fallen into conflict with the committee clerk and his code, but we are quite frank to say that we still think the indement of the committee is better.

the judgment of the committee is better.

However, he speaks of section 5 of the Thirty-second Statutes, page 631, for distributing some books, as being omitted. I am inclined to think the revisers have made the mistake the critics so often make of disposing of something that is obsolete because it had ceased to amount to anything much. In my judgment this ought to be looked into carefully, and if not located in this book I should recommend that that section be inserted before the bill becomes a law. He has pointed out what he claims are 138 mistakes. In this entire review of March 2 I think that one of his suggestions is right, and that is all that are right, and it will be recommended for adoption unless located somewhere else in the book.

Attention has been called to a "cursory" examination of this code by the attorney general of Alaska, accompanied by an essay from a gentleman in the War Department suggesting criticisms on the law the revisers have found and reported concerning Territories. It is exceedingly pleasant to know that an employee of the Government so far distant has an active interest in these matters, and we earnstly regret that he had not previously given the subject such attention as would make his suggestions more valuable.

ALASKA.

The act of January 27, 1905 (33 Stat. 616), to provide for the construction of roads, the establishment of schools, and care of the insane in the District of Alaska, provides for an Alaska fund to be derived from liquor licenses and occupation or trade licenses outside of incorporated towns in the District of Alaska. The act of February 6, 1909 (35 Stat. 600), being an act relating

to affairs in the Territories, provides for the repeal of as much of the foregoing as provides that 5 per cent of the license moneys collected outside of incorporated towns in the District of Alaska shall be used for the care of the insane, and provides that such moneys, so far as is necessary, shall be applied to the establishment and maintenance of public schools in the District. The attorney general of Alaska makes the severe and caustic criticism that "section 3823 * * * omits the first part of section 7 of the act of February 6, 1900," but he is mistaken. The first part of that is found in section 3840 of the code, just where it should be. He evidently intended to say that a later part of that was omitted, being the statement that the money shall hereafter be applied to the maintenance of schools in said District.

In 1912 the District of Alaska was organized into the Territory of Alaska. Since then the Constitution and the laws have terminated the liquor licenses and there is no money derived from them for that Alaska fund. The organization of the Territory of Alaska, instead of the District of Alaska, terminated the application of that money to the schools in the District of Alaska and left to the Territory of Alaska the duty of utilizing its funds and maintaining its schools. Furthermore, when the District of Alaska desisted, the Government had nothing more to do with occupation or trade licenses outside the incorporated towns in the District of Alaska, and there was no such money

to go into an Alaska fund.

The Territory of Alaska had all the control of trade licenses in such places in its territory, and that money placed in this Alaska fund no longer went there. That fund terminated and was no longer available, and the provision he mentions, of course, disappeared from the law. He does not seem to have observed that when the law created the Territory of Alaska and gave it a legislature with power to raise revenues that legislature controlled its local government and resources. The District has long since become the Territory of Alaska, with it went the revenues thus raised for the Alaska District fund. The matter is now in the hands of the legislature, and the attorney general should call its attention to the fact. His position is a responsible one, and he should fully inform himself of it, not so much for our benefit here as for the benefit of those he serves at home. The manner in which the revisers and the committee have handled this somewhat complicated and intricate point is an admirable illustration of the exact and meticulous care they have given to all the details of this great We thank the gentleman for directing attention to it, because it goes far to prove how careful the revisers have been; but, unfortunately, it also discloses the unfortunate fact that the attorney general himself has not given his duties that same tedious application which would probably greatly improve his

The attorney general of Alaska suggests that sections 3832 and 3833 of the code should be repealed. Well, let him have them repealed. We have no objection; but they are the law as made by the Congress and will so remain until they are re-

pealed.

The gentleman from Alaska states that the Federal law with regard to schools for white and colored children is not found in the code. It is found in section 3836. He is evidently a very careless observer and investigator. A gentleman who is as careless as that could not be a very safe custodian of the rights of the people of Alaska, and I would suggest that it might be well to send an attorney there who can find the law, but who will not rush down here, at a distance of a thousand miles, and endeavor to make it impossible to have a statement of the laws of the United States where such laws can be found by careful men. Also committees and reviewers, employed at \$650 for a few weeks' work, to investigate the proposed code, should be able to have more sense than to publish such a letter as an argument in favor of their opposition to any code.

The Alaska attorney general says:

Some of the penal laws applicable to Alaska are embodied in the codification, but I don't find that the Penal Code of 1899 is inclu-What effect this will have I am not at present prepared to state.

The act of 1912 (37 Stat. 512), which organized the Territory of Alaska, gave it a local government and gave it authority to make its own laws, which it does. It provided that-

All laws now in force in Alaska shall continue in full force and effect until altered, amended, or repealed by Congress or by the legislature.

This bill establishing this code purports to give only the general and permanent laws of the United States and not the laws of Alaska. Any laws which apply solely to Alaska are not general, and no laws which have been or can be superseded at any moment by the Legislature of Alaska are permanent. The laws the gentleman looks for were the laws made for the District of Alaska, and not for the Territory. The attorney

general says he does not know what the effect is. Well, who would know if the attorney general of Alaska does not? I suggest that he go and find out and not bring his trouble here. This committee has trouble enough. Furthermore, two national administrations of Attorneys General have said distinctly that the penal code of this book has no omissions and no mistakes. Attorney General Palmer said:

The only portions of this bill submitted to this department were section 965 to section 1612 relating to the judiciary, and section 503 to section 551 relating to the Department of Justice.

So far as such portion of the bill is concerned there is no criticism to offer on behalf of this department.

And the present Attorney General's office said by its attorney, C. Herron, Chief Justice Taft's brother-in-law:

The sections which seem to relate in any way to the criminal law or criminal procedure have been carefully examined, and, so far as it is possible to discover from such an examination, no errors or omis-sions have been noted.

The Alaska gentleman criticizes the code bill because it has published some parts of the act to make a civil government for Alaska and has omitted some parts. This is perhaps true, Whatever in the said act is permanent and general law is inserted in this code and whatever is not is not in the bill. He complains that the Governor is authorized by the Federal laws to appoint a notary public. Well, the codifier can not help it, and it will remain in this or any other code that is made until Congress changes it. The laws of Alaska might doubtless make authority for a notary public if they want to, and there is no conflict between the two authorities. We are not making new law nor repealing old law. He suggests if we reenact it, might affect the local laws of Alaska. Well, suppose it did; the Federal laws often do. If we reenact it, that simply makes it into one great code; the law is just like it was before. This is just exactly what was done in the old Revised Statutes, and this quibble about it changing the law is pure nonsense. 48 years the Revised Statutes have stood, and for a generation no change has ever been made. The Supreme Court of the United States has long since settled the application of the Revised Statutes to the laws before they went into it, and every such matter is settled. To change from the old Revised Statutes enactments and methods would precipitate a lot of new controversies, which we shall not do. We at first thought we could improve that section, drawn by the wonderful men who prepared the Revised Statutes, but long since found that we could make no change that would not do more harm than good. What he is doing is criticizing the work of the great lawyers who made the Revised Statutes, whose methods we have fol-lowed exactly. We will be compelled to leave to the American people whether these fireflies can dim the luster of the Revised Statutes of 1874.

The attorney general of Alaska continues:

The attorney general of Alaska continues:

Section 3796 also contains a provision making it the duty of the governor to "from time to time inquire into the operation of any person, company, association, or corporation authorized by the United States, by contract or otherwise, to kill seal or other fur-bearing animals in the Territory, and any and all violations by such person, company, association, or corporation of the agreement with the United States under which the operations are being conducted, and shall annually report to Congress result of such inquiries."

This, of course, is antiquated, but a reenactment at this time might impose upon the governor duties which it was not the intention to require him to perform.

He says that this law is antiquated and therefore should not be in effect. Antiquated? Why, the Constitution is much older, How old must a law be before it ceases to be a law in Alaska? He says that its reenactment might impose upon the governor duties which it was not the intention to require him to perform. You can assure him that it will not. It merely repeats the law which authorizes the governor to be a governor and which tells him what his duties are, not whose "intention to have him perform." Congress intended to have him perform it, and I trust he is performing it. I should hate to think that the Governor of Alaska is disobeying the law that created his office. The law requires him to see that seal stealing is stopped in Alaska and of course he has taken an oath of office and he will obey the law.

The critic who is assisting the reviewer says:

These are a few of the objections to the new compilation which occur to me at the present time after, as I have stated, a cursory examination of the subject. If Alaska could be left out of the new code it would give me considerable pleasure to assist in compiling and revising the Federal enactments of a permanent nature touching this

Here is a most remarkable and startling situation. months a corps of scholarly and experienced lawyers in charge of a committee that has had several hundred years of legal experience prepared the code of the laws of the United States, and some gentleman from Alaska hops up and says that he wants Alaska left out of the laws of the United States, and if

that is done it would give him considerable pleasure to assist in the work. Who is this that tells the House of Representatives, which has twice passed this bill unanimously, that he will join in the work if they will leave Alaska out? Is this gentleman going to make the laws for Alaska hereafter, and what improvements has he to suggest? He tells us that the law directing the governor to prevent seal stealing in Alaska is antiquated, and for that reason solely should be omitted, and having made that suggestion he then simply asked that Alaska be left out of the Federal laws. Is not this a little peculiar? The Committee on Revision of the Laws feels that the general laws with regard to Alaska should be in the code the same as any other; that its officers should be governed by the laws made by Congress just as are all other men, and we will insist that even the antiquated law of 25 years ago about Alaska stay right where Congress put it.

In response to the Secretary of State's letter of January 27, 1923, which I have presented to the House elsewhere, the chairman of the House Revision Committee wrote as follows:

JANUARY 28, 1923.

Hon. CHARLES E. HUGHES, Secretary of State, Washington, D. C.

Hon. Charles E. Hughes,

Secretary of State, Washington, D. C.

My Dear Mr. Secretary; Replying to your favor of the 27th answering my letter of the 23d, I note that on December 7, 1922, the department in response to a communication from Senator Ernst dated November 10, 1922, sent him "a copy of a memorandum" and stated that "at the time H. R. 9889 was receiving consideration in the House, a memorandum had been prepared in response to a request from the chairman of the House Committee on Revision, containing brief comments on certain sections of that bill" and "that the department had no additional suggestions to offer concerning the sections covered by that memorandum."

I write to inquire whether you will kindly send me a copy of the memorandum that you forwarded him December 7, with the date thereof. H. R. 9389 passed the House December 20, 1920, and the memoranda with regard to that were long since utilized.

I note your remark that you say, "I have noted your statement that after the bill becomes a law you intend to suggest to the department that an amendment be prepared for the purpose of correcting such inaccuracies as may appear." I presume you refer to my letter of April 11, 1922, in which I said, "Our plan is simply to prepare a bill that contains the present law without any change whatever. This bill is now the law, and if it passes the Senate it becomes a law, and we will then have something to begin with, doing away with the past confusion. Our committee will then bring in a bill suggesting some changes correcting what appear to be errors in the present law." I was not referring to inaccuracies in our bill, but the errors in the present law, such, perhaps, as may exist with regard to these ministers and ambassadors, but which are errors by Congress—not in this bill. Before the old Revised Statutes were fully printed a bill was passed correcting 34 mistakes in it, and two years later a bill was passed statutes which still remain. If we adhere to the precedent set by the Revised Statutes which still

This presents the views of the committee with regard to the matter and we think makes it clear, as does the Secretary's letter, that the law with regard to ambassadors and ministers as found in the code bill is the law of the land as made by Congress and never repealed or declared unconstitutional, and therefore rightfully in the code bill.

TERRITORIAL LAWS.

A gentleman in the War Department says:

I have been asked to comment upon the question whether or not any or all of the provisions of chapter 4 of title 25 of the Code of Laws of the United States, hereinafter referred to as the new code, have been superseded or rendered obsolete by other legislation.

Just why he should have that task is not quite plain. If certain laws made by Congress have been repealed, then they will not be found in the new code. If they have not been repealed, they will be. What does he mean by "obsolete," and what does he mean by "superseded."? If the law has been repealed, it will not be in effect. If it has not been repealed, it will be found in the book. The gentleman has an extended review of the history of the Territories which might be very interesting to a high school, but is of no utility here. some difficulty we discover what seems to be the point. He suggests that there is a question as to whether the laws instituting the Territory of Alaska, for example, have done away with the general Territorial provisions. Why does he ask that question here? If Congress has two sets of laws and has repealed neither, it will be up to the courts to decide what is the result of such legislation. The codifiers have nothing to do with that subject, and it is a curious problem as to what the gentleman has to do with it. One of the reasons that we must have a code is that Congress has made many such legal

situations and thus confused the law. If the code becomes a law all the conflicting legislation will be assembled together and can readily be found and corrected. All those conflicting provisions placed in the code are the law now, and that is why we must make the code. They speak of reenacting it. Nothing is reenacted except that which is in effect now, reenactment simply reenacts them all as one bill, one law, one code. They have the same legal relation to each other as before being assembled, but they are now found all together. The same facts apply to Porto Rico, Hawaii, and the Philippines. There are many thousands of curious legal situations in the laws of the United States, hundreds of which require the decisions of the courts. The codifiers can do nothing whatever to change such legal situations, but when the laws become one law Congress can soon decide just what should be done. At the present time these contradictions and confusions are scattered through some 40 law books, and if the House committee on revision is not too much annoyed by puerile and senile criticism, which exhibits no comprehension of the purpose of the code, Congress will soon have all the laws together so as to be readily compared and applied by the courts or amended by the Congress. Just why this character of an essay is presented here it is difficult to understand.

"THIS ACT."

The Statutes at Large, which the code bill is intended to displace, frequently refer in themselves to "this act," meaning the act in the Statutes at Large. Those words as used in the code would refer to the code, and if so retained would incorrectly state the law; and it became necessary, of course, to cross out "this act" and insert the name of the act, so that the reader would know just what was meant. That plan was utilized in the old Revised Statutes, as will be seen by section 2416 of the Revised Statutes, which reads as follows:

In all cases of warrants for bounty lands issued by virtue of an act approved July 27, 1842, and of two acts approved January 27, 1835, therein and thereby revised, and of two acts to the same intent, respectively, approved June 26, 1848, and February 8, 1854, for military services in the Revolutionary War, or in the War of 1812 with Great Britain, which remained unsatisfied on the 2d day of July, 1864, it is lawful for the person in whose name such warrant issued, his heirs or legal representatives, to enter into quarter sections, at the proper local land office in any of the States or Territories, the quantity of the public lands subject to private entry which he is entitled to under such warrant.

The revisers have been following the precedents thus set. The reviewer of our code bill showed his incompetence for the work by criticizing that plan, which, of course, is absolutely necessary to make a successful book.

He begins his charges against the code bill by directing attention to several sections where this policy has been followed, beginning with section 104. If you will turn to the original of that section in our bill you will find that our code bill section repeats the old law word for word, and that this criticism amounts to a criticism of the original bill itself. This, of course, demonstrates at a glance that his criticisms are not made in good faith but with some determined motive to pile up an apparent bunch of criticisms. He should have said it was a compliment to ascertain we had followed the old law word for word. What manner of a man is this that offers such a statement and calls it a criticism? Let us have fair play somewhere. His criticisms, on that account, are as idle as "a painted ship upon a painted ocean," and as silly as a fool's somewhere. summer dream. He began by telling us that there were thousands of such cases in the bill, but when he was forced to look it up he turns up with 70. Suppose there were 70 such sec-Why did he not go ahead and correct them, if he knew What is he bringing them back to us for? Somebody was allowed \$6,800 a year to do this work elsewhere and they came back with one correction. Why did they think that the House committee and its revisers should spend 22 months' hard work and make all this great book of 2,000,000 words and that they, after 21 months, should return without having done anything? If every one of the 70 were a mistake, it should have been corrected in two days, anyway.

The fact is that in addition to transcribing the former law the scholarly revisers in hundreds of instances located the corresponding section mentioned in our own code and pointed the reader to where he could find that citation in our own booka work of loving labor never performed before by any national codifier to such an extent. This attack that he throws at us should have been labeled "compliment," and nobody who had any comprehension of the work of making a code would have

failed to see the value of it.

He says that some of these sections do not refer to any section in the bill. Why, of course not; necessarily there will be such. Quite a good many of them refer to appropriation bills

from which has been dragged some general law. Appropriation bills are not permanent law and do not go into the code and will not be found there, but reference is necessarily made to them sometimes in order to copy the old laws and put them in the book. What is this critic going to do about these alleged mistakes? He does not tell us any remedy for them, and he has none, because they are not mistakes.

The reviewer says that these conditions compel reversion to the old law. Well, what of it? What if we do follow the precedent of the Revised Statutes and insert necessary references to the old law? There are in this bill 10,747 sections which have been rescued from the confusion of some 40 Statutes at Large. In order to find them, the lawyer must go to every one of all these books and examine all its pages. Suppose that occasionally some lawyer did now and then find it necessary to go back to the old laws? Is it possible that there is anybody who is compos mentis that would refuse to accept such a code as this that gave him over 10,000 sections at hand to be touched instantly, even if a few hundred lawyers did occasionally have to look back at some old section to which his finger is pointed immediately, whereas under the old laws there was nothing to point him to that section? Nobody with good sense would offer that as a criticism.

Referring to our section 988, the reviewer criticizes it severely as being dead matter and because it refers back to something before and instances its last paragraph. It is difficult to speak in patient language of as big a piece of foolery as that. That last paragraph which he criticizes so caustically is taken bodily from the Revised Statutes, section 3465. It reads in our code just as it did in the Revised Statutes, from which it is copied. Is it possible that a man of sound mind can not see that that is just as severe a criticism of the ancient and honorable Revised Statutes as it is of our book? It would seem any mentality would see that when he launched an attack upon us because we repeated word for word section 3465 of the Revised Statutes he was making just as vicious an onslaught on the ancient and honorable Revised Statutes as he was on our code. Our book helped the reader some by locating the references by certain pages in certain books so as to be easily found, while the Revised Statutes mentioned them by names and dates and compelled the reader to work out his own salvation as to where to find them. We gave the location, not the name of the

If you will turn to this section, you will find that it is placed under the title of "Jurisdiction for District Courts," just under the title of "Jurisdiction for District Courts," just where it belongs, of course, as any lawyer would easily see. The critic complains that this paragraph which discusses the jurisdiction of certain cases should not be placed under jurisdiction, but should be placed under internal revenue, which, of course, is just simply nonsense. But from a general analysis of his suggestions we are constrained to the belief that he is honest in his assertion that he so thinks. Probably he does.

After 21 months of defamation and slander and villification of the code without specifying the places which he claimed were wrong, except once, which was soon disposed of, he sums up, with the assistance of one of our former aids, his sum total of alleged errors, of which he specifies 138 and no more. If you have followed with sufficient patience the presentation of our reply in detail, you will find that these gentlemen have just exactly pointed out one mistake in all the 138. Why, that does not amount to a row of pins in 2,000,000 words. As soon as the old Revised Statutes were enacted they discovered and made a new law correcting many mistakes, and two years later they made another new law correcting 242. If this bill had passed with 138 mistakes in it, it would still be far superior to the old Revised Statutes in accuracy. He has only discovered, he claims, 138 mistakes. Well, why in the name of all that is claims, 138 mistakes. Well, why in the name of all that is common sense, did he not correct them and present the bill? If you will turn to Roscoe Conkling's speech in 1874 you will find that they made many changes in that great bill in '74 in a very offhand way. Here are some people who are designated to perform the duty of ascertaining and correcting the mistakes found in this bill and presenting it to Congress. What pitiable showing is this that turns up after 21 months and says, are 138 mistakes, and we do not know how to correct them"? Well, why does he undertake the work, then? If they had handed us such a list of mistakes, our committee would have taken care of them months ago if they were found to be mistakes. The House Committee on Revision of the Laws appeals to the American Congress and the American lawyers and the American bench and bar for a square deal and fair play for this enormous work they have put before the people and which has never yet received any careful consideration from anybody except the gentlemen who have eulogized it many times in public announcement.

Similar questions arose in 1874 when Conkling, Carpenter, Edmunds, and others of the most distinguished lawyers the world ever saw were on the committee that put this bill through the Senate of the United States. Senators Conkling and Carpenter presented those questions very carefully, and I now call your attention in conclusion to what was said by great lawyers and great men at that time in our national career when the first code was made and became a law and the foundation of all our future legislation.

Senator Carpenter said:

our future legislation.

Senator Carpenter said:

Mr. Athony in the chair). The Senator from Indiana says this is a dangerous thing. That is undoubtedly so. It is dangerous to pass any law, because there may be a mistake in it that will harm somebody. That danger is inherent. We can not avoid that difficulty. Every exercise of sovereign power is dangerous in that sense, that if there is an error lurking in it and if it is not discovered it may do harm.

The Senator says this work has been done by three commissioners, and from that he derives an objection to it. I think it would have been an improvement if it could have been done by one competent man. Where you have got one thing to do, whether it he to carve a statue or paint a picture or revise the laws of Congress, if it can be done by one mind, you are more likely to have it correct than you are if it is participated in by more than one.

Now, what does the Senator suppose would become of that revision if it were to come in here and take the fate of ordinary bills in the Senate Chamber? The youngest boy born in this country to-day never could live to see it disposed of. Suppose it were put into installments, part of it taken up one session and part another, by the time you had gone through two or three sessions your accumulated legislation would make a new revision absolutely necessary; you never could end anything, and never would come to any conclusion.

Undoubtedly there will be found errors in this revision. There never was a revision made, as the Senator from New York has said, that did not have errors. It is not in the nature of things that the revision of so many statutes should be absolutely perfect. All that we can do is to give it every guaranty that such a work ever can have that it is correct. The great benefit of it is that it gives us a starting point for the law, and if errors a

Senator Conkling said:

Senator Conkling said:

Mr. Edmunds. I wish to ask the chairman of the Committee on the Revision of the Laws, if he will not think it implies any inference on the committee, as it does not, how sure the committee is, as we necessarily take this revision entirely on trust, that it does embrace existing law and nothing new?

Mr. Conkling. That is not a very easy question to answer. "How sure is the committee?" I scarcely know how to answer that. It is a question I have heard put to a witness sometimes, and always excluded when objected to, it relating to comparative degrees of assurance. Certainly I can only say, as the Senator from Vermont well knows, that this work has engaged the attention of three sets of commissioners, and the examination of the committees of two Houses, and of the committees of the two Houses acting jointly, and of the House special sessions being set apart for many days for its consideration; and all those concerned, so far as I can judge, tried to do their duty in regard to it. But when the Senator asks me to state how sure I am, or how sure they are that this immense volume, made of the gathered meaning of 17 or 18 volumes of statutes, contains no blunder, I repeat the question is difficult to answer. There is upon the second page of the bill, or preceding the second page as it stands, a list of crrors called "errata," which are to be corrected in the reprinting; and many other errors have been found and have been corrected.

Perhaps I should be more candid in my answer if I were to say to the Senator from Vermont that I have no expectation that this work is free from error. I have never known any revision of laws that was. We have had several revisions in the State of New York, conducted by very emiment and expert men usually, and we never had one which did not contain errors. I think the Senator from Massachusetts [Mr. Boutwell] will bear me out in saying that although they revise very carefully, in spite of all their processes errors are found. I presume errors will be found here, and

REVENUE COLLECTION DISTRICTS AND COLLECTORS.

Mr. MHLLS. Mr. Speaker, I am directed by the Committee on Ways and Means to call up bill (S. 2051), to amend section 3142 of the Revised Statutes to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 65, and move its immediate consideration.

The SPEAKER pro tempore. Will the gentleman from New York send the bill to the Clerk's desk?

Mr. MILLS. It is a privileged bill.

The SPEAKER pro tempore. Does the gentleman from New York ask unanimous consent for its present consideration?

Mr. MILLS. It is a privileged bill.

The SPEAKER pro tempore. Does the gentleman ask unanimous consent that it be considered in the House as in Committee of the Whole?

Mr. MILLS. I do.

Mr. HICKS. Regular order, Mr. Speaker. Mr. MILLS. Mr. Speaker, I ask unanimous consent that the measure may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection?
Mr. GARRETT of Tennessee. I object.
Mr. MILLS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2051). No. Mr. Speaker; I temporarily withdraw my motion.

BRIDGE BILLS.

Mr. WINSLOW. Mr. Speaker, at the direction of the Committee on Interstate and Foreign Commerce of the House, ask unanimous consent to have several Senate bridge bills taken from the Speaker's table and considered.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table the following bills, among them Senate bill 4583. Is

there objection?

Mr. BRIGGS. Mr. Speaker, may we have the bills reported? The SPEAKER pro tempore. The Clerk will report the first bill.

BRIDGE ACROSS THE MISSOURI RIVER, S. DAK.

The Clerk read as follows:

A bill (S. 4583) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Charles Mix County and Gregory County, S. Dak.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of South Dakota to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point sultable to the interests of navigation, between Charles Mix County and Gregory County, S. Dak., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was

read the third time, and passed.

The SPEAKER pro tempore. Without objection, a similar House bill will lie on the table.

There was no objection.

BRIDGE ACROSS THE ST. FRANCIS RIVER, ARK.

The SPEAKER pro tempore. The gentleman from Massa-chusetts asks unanimous consent for the immediate consideration of the following bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 4579) to authorize the Lee County bridge district No. 2, the State of Arkansas, to construct a bridge over the St. Francis

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Lee County bridge district No. 2, State of Arkansas, to construct, maintain, and operate a bridge and approaches thereto across the St. Francis River, at a point suitable to the interests of navigation, at or near Cody, in the county of Lee, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the similar House bill will lie on the table.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next one.

BEAR CREEK, MISS.

The Clerk read as follows:

A bill (S. 4548) declaring Bear Creek, in Humphreys, Leflore, and Sunflower Counties, Miss., to be a nonnavigable stream.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I have no objection to the bill, but some explanation should be made before the objecting stage has passed.

The SPEAKER pro tempore. Will some one state the facts

with respect to this bill?
Mr. WINSLOW. The bill S. 4548?

Mr. WINSLOW. The bill S. 4548?
The SPEAKER pro tempore. Yes.
Mr. WINSLOW. I yield to the gentleman from Mississippi [Mr. HUMPHREYS] to explain the bill.
Mr. HUMPHREYS of Mississippi. Mr. Speaker, that creek was formerly under improvement by the United States Government for 12 miles. Commerce has ceased to exist on it.
Mr. STAFFORD. Did it ever have any commerce?
Mr. HUMPHREYS of Mississippi. No much, but some. Since

1913 we have expended no money on the stream, and the Chief of Engineers recommended some years ago that the project be abandoned.

Mr. MONDELL. How much has been expended on the

stream?

Mr. HUMPHREYS of Mississippi. Five thousand dollars or \$6,000 or \$8,000. Now a drainage district has been created by the farmers of that district, and the engineers contemplate building a dam across this creek to prevent the water from backing up and overflowing the land.

Mr. STAFFORD. A very satisfactory explanation. The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Bear Creek in Humphreys, Leflore, and Sunflower Counties, in the State of Mississippi, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States, and jurisdiction over said creek is hereby declared to be vested in the State of Mississippi.

SEC. 2. That the right of Congress to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the third

reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, a similar House bill will lie on the table.

There was no objection.

BRIDGE ACROSS THE PEEDEE RIVER, S. C.

The SPEAKER pro tempore. Also the following Senate bill. S. 4536. The Clerk will report it.

The Clerk read as follows:

A bill (S. 4536) to authorize the building of a bridge across the Peedee River in South Carolina.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the counties of Darlington, Marlbero, and Dillon, in the State of South Carolina, or such townships in said counties as may desire to do so, be, and they are hereby, authorized to construct, operate, and maintain a highway bridge and approaches thereto across the Peedee River at or near a point known as Cashua Ferry, in said State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

expressly reserved

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

DEFACED POSTAGE STAMPS-CONFERENCE REPORT,

Mr. VOLSTEAD. Mr. Speaker, I call up the conference report on S. 2703.

The SPEAKER pro tempore. The gentleman from Minnesota calls up a conference report on a bill which the Clerk will re-

port by title.

The Clerk read the title of the bill (S. 2703) to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates.

Mr. VOLSTEAD. I ask unanimous consent that the statement may be read in lieu of the conference report.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that the statement be read in lieu of the conference report. Is there objection?

There was no objection.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 2703) to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates, having met, after full and free conference have agreed to recom-mend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In line 13, page 1, after the word "albums," strike out the semicolon and insert a period and in lieu of the matter proposed insert the following: "Nothing in said sections shall be construed to forbid or prevent similar illustrations, in black and white only, in philatelic or historical articles, books, journals, albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, albums, or circulars, of such portion of the border of a stamp of the United States as may be necessary to show minor differences in the stamp so illustrated, but all such illustrations shall be at least four times as large as the portion of the original United States stamp so illustrated"; and the House agree to the same.

ANDREW J. VOLSTEAD, W. D. BOIES, HATTON W. SUMMERS, Managers on the part of the House. W. P. DILLINGHAM, ALBERT B. CUMMINS, JNO. K. SHIELDS, Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2703) to allow the printing and publishing of illustrations of postage and revenue stamps from defaced plates, submit the following statement in explanation of the effect of the action agreed upon by the conference com-

The Senate recedes from its disagreement to the amendment of the House No. 1, and also recedes from its disagreement to the amendment of the House No. 2, but agrees to the latter amendment with an amendment that strikes out the provision that before any likeness of any stamp or plate may be produced a permit shall be obtained therefor from the Secretary of the Treasury

In view of the fact that the bill does not permit the reproduction of any stamp or plate of such stamp that would sufficiently resemble an original, so that it could be made use of for the purpose of fraud, this limitation upon the right granted under the proposed act was not deemed necessary.

Andrew J. Volstead,

W. D. Boies, Managers on the part of the House.

Mr. STAFFORD. Will the gentleman from Minnesota explain

the effect of the agreement of the conferees?

Mr. VOLSTEAD. The effect is stated in the last paragraph of our statement. There was an amendment added on the floor requiring the permission of the Secretary of the Treasury before any of these imitations or likenesses of revenue or postage stamps might be printed in catalogues, circulars, and things of that kind; but as the law itself requires that they shall be so defaced that there can not be any possibility of fraud, there is no necessity of that, and we agreed to strike out the amendment.

The SPEAKER pro tempore. The question is on agreeing

to the conference report.

The conference report was agreed to.

REORGANIZATION OF THE ADMINISTRATIVE BRANCH.

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for immediate consideration Senate Joint Resolution 282.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table

vania asks unanimous consent to take from the Speaker's table a Senate joint resolution, which the Clerk will report.

The Clerk read the title of S. J. Res. 282, to amend the resolution of December 29, 1920, entitled "Joint resolution to create a joint committee on the reorganization of the 'administrative branch of the Government."

The SPEAKER pro tempore. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I object.

LEAVE TO EXTEND REMARKS.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the farm loan act.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to extend his remarks as indicated. Is there objection?
There was no objection.

Mr. HILL. Mr. Speaker, the time has come when we Members of this House, in the words of President Harding, must be militant "sentinels on the towers of constitutional government," instead of voting for any old thing that is backed by well-organized propaganda.

Mr. Speaker, yesterday, during the general debate on the

to provide additional credit facilities for the agricultural and live-stock industries of the United States; to amend the Federal farm loan act; to amend the Federal reserve act, and for other purposes—

I raised a question as to two provisions of the bill, as fol-

Mr. Hill. Will the gentleman yield?

Mr. Luce, I will.

Mr. Luce, I will.

Mr. Hill. On page 17 of the report of the committee, I notice this:

"The intermediate credit banks are permitted to rediscount paper purchased by them and to issue collateral trust notes and debentures based on such paper and sell the same for the procurement of additional loanable funds. These debentures are made tax free and may be purchased by Federal reserve banks with the restriction that no such debentures may be purchased by a Federal reserve bank which has a maturity of more than nine months from the date of purchase."

I would like to ask the gentleman if he has estimated how much these tax-free securities will amount to?

Mr. Luce, Six hundred million dollars.

Mr. Hill. The intermediate banks are to be capitalized and capital owned by the United States—\$5,000,000 a bank; \$60,000,000. Does the gentleman know why, in view of the fact that the United States Government is to be the sole stockholder, the shares are put at \$5 a share?

Mr. Luce. Those are mysteries of the bill that I have not yet solved.

Although this House a few weeks ago expressed itself as opposed to tax-exempt securities, by this bill it authorizes 12 Government banks to issue \$600,000,000 worth of such taxexempt securities.

I voted against the proposed constitutional amendment to do away with tax-exempt securities because it was a serious infringement upon the rights of the individual States, but I am opposed to tax-exempt securities. To-day I have voted with 36 others against this bill continuing tax-exempt securities, while 306 Members of this House voted for the bill with this, and all of its other provisions, putting the Federal Government definitely into the banking business.

I am happy to share the views of the gentleman from Ohio [Mr. Burron] and the gentleman from New York [Mr. Cock-RAN], both of whom opposed this bill in most able speeches yesterday. I sat beside Mr. Cockran just before he spoke, and I join in the universal sorrow of this House that it was the last speech of that great American who so long and with such distinction served his country in this body. His loss is to us personal and national.

This bill creates 12 Federal banks of whose capital stock the United States is to be sole owner. This is contrary to the spirit of our Constitution as I conceive it, and it is certainly against the platform of the Republican Party, the theory of which favored taking the Federal Government out of competition with private business.

The Republican platform said, "The fact is that the war, to a great extent, was financed by a policy of inflation through certificate borrowing from the banks and bonds issued at artificial rates, sustained by the low discount rates established by the Federal Reserve Board. The continuance of this policy since the armistice lays the administration open to severe criti-

This bill creates "artificial rates," in addition to authorizing \$600,000,000 of tax-exempt securities. It is not for the real interest of the farmers, but is an encouragement to false financing. I agree with the clear and concise analysis of the bill by the gentleman from New York [Mr. Husted]. This bill is a poor hotchpotch of several bills and should not pass. I do not believe the Senate will pass it, since I recall the words of President Harding's address of acceptance of the nomination for the Presidency, when he said of the Senate, "Its Members are the designated sentinels on the towers of constitutional government.

I am for the pledge of the Republican platform for "the authorization of associations for the extension of personal credits," but this bill goes far beyond that. It puts the Federal Government finally into the private banking business and extends tax exemption. I am therefore one of the 36 who voted against this bill and not one of the 306 who voted for it.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER pro tempore. The Clerk will call the Calendar for Unanimous Consent.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 12997.

The SPEAKER pro tempore. The Chair will recognize the gentleman after the call of the Calendar for Unanimous Con-

MISSISSIPPI RIVER FLOODS.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 13459) extending the jurisdiction of the Mississippi River Commission and making available funds appropriated under authority of an act entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917, for the purpose of controlling the floods of the Mississippi River from the mouth of the Ohio River to Rock Island, Ill., and for the purpose of controlling the floods of the tributaries of the Mississippi River between the mouth of the Ohio River and Rock Island, Ill., including levee protection and bank protection, in so far as said tributaries are affected by the flood waters of the Mississippi River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. MONDELL. Mr. Speaker

Mr. STAFFORD. Mr. Speaker, reserving the right to ob-

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent that that bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

AUDITOR AND DEPUTY AUDITOR OF THE PHILIPPINE ISLANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3617) to fix the salaries of the auditor and deputy auditor of the Philippine Islands.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I object.

The SPEAKER pro tempore. The gentleman from Michigan objects.

The Clerk will report the next bill on the Calendar for Unanimous Consent.

CERTAIN HOMESTEAD ENTRYMEN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2347) for the relief of certain homestead entrymen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the pres-

ent consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, when this bill was last under consideration the gentleman who reported the bill was temporarily out of the Chamber, and we passed the measure over temporarily in order to have some explanation of it. I notice that the author of the bill is present. Perhaps he can give some information as to the real effect of it. Before the gentleman explains the bill I wish to say that I would like to have information as to whether this measure will not put a premium upon settlers taking up home-stead entries on Government land in our forest reserves.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any homestead entryman of 160 acres or less of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as subject to entry under the provisions of the enlarged homestead act of February 19, 1909, or June 17, 1910, who has not submitted final proof upon his existing entry, and any homestead entryman who has submitted final proof, or received patent, for such an amount of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as of the character described in said act, and who owns and resides upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land, of that same character, not in a national forest, and within a radius of 20 miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed 320 acres, and residence upon the original entry shall be credited on both entries; but cultivation must be made on the additional entry as required by said act. For the purposes of this act the Secretary of the Interior is authorized to designate as subject to the enlarged homestead acts lands embraced, at the time of such designation, within valid subsisting entries within national forest.

Sec. 2. That any homestead entryman of 160 acres or less of lands which have been or may hereafter be designated or classified by the Secretary of the Interior as subject to entry under the provisions of the stock raising homestead act of December 29, 1916, who has not the stock raising homestead act of December 29, 1916, who has not

submitted final proof upon his existing entry, and also any homestead entryman who has submitted final proof or received patent for such an amount of lands that are of the character described as subject to entry under the provisions of the said stock raising homestead act, and who owns and resides upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land of that same character, not in a national forest and within a radius of 20 miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed 640 acres, and residence upon the original entry shall be credited on both entries; but improvements must be made on the additional entry equal to \$1.25 for each acre thereof. For the purposes of this act the Secretary of the Interior is authorized to designate under the stock raising homestead act lands embraced, at the time of such designation, within valid subsisting entries within national forests.

The Clerk read the first committee amendment, as follows: Page 1, line 7, strike out the word "and" and insert in lieu thereof the word "or."

The committee amendment was agreed to.

The Clerk read the second committee amendment, as follows: Page 2, line 10, after the word "lands." at the end of the line, insert the following words: "embraced, at the time of such designation, within valid subsisting entries."

The committee amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 3, line 8, after the word "lands," at the end of the line, insert the following words: "embraced, at the time of such designation, within valid subsisting entries."

Mr. BLANTON. Mr. Speaker, I ask recognition on the amendment.

Gentlemen of the committee, there is a unanimous report from the District of Columbia Committee

Mr. MONDELL. Mr. Speaker, the discussion must be on the subject matter, the amendment to the bill.

Mr. BLANTON. The gentleman will save a lot of time if he

allows me to proceed. Mr. MONDELL. We are on the Unanimous Consent Calendar, and we are going to try to get through with it to-day.

discussion must be on the measure before the House.

Mr. BLANTON. This is a very important matter—
The SPEAKER pro tempore. The gentleman will confine himself to the amendment.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to speak for two minutes out of order.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to speak out of order for two minutes. Is there objection?

Mr. MONDELL and Mr. SNELL objected.

Mr. BLANTON. Mr. Speaker, I ask that we have a quorum from now on-to-day, to-morrow, the next day, and Sunday. make the point of no quorum.

The SPEAKER pro tempore. The gentleman from Texas makes the point of no quorum. Evidently there is no quorum present

Mr. STAFFORD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll and the following Members failed to answer to their names

Andrew, Mass.	Fenn Freeman	McDuffie McFadden	Ryan Schall
Allsorge			
Atkeson	Garner	McLaughlin, Pa.	Scott, Mich.
Bird	Gifford	McPherson	Scott, Tenn.
Blakeney	Glynn	Maloney	Shaw
Bowers	Goodykoontz	Michaelson	Shelton
Brand	Gorman	Mills	Slemp
Brennan	Gould	Montague	Smith, Mich.
Britten	Hawes	Moore, Ill.	Sproul
Brooks, Ill.	Hays	Morin	Stiness
Brown, Tenn.	Henry	Mudd	Stoll
Browne, Wis.	Huck	Newton, Minn.	Sullivan
Burdick	Jacoway	Nolan	Taylor, Ark.
Burke	Jefferis, Nebr.	O'Connor	Ten Byck
Cantrill	Johnson, Miss.	Olpp	Thomas
Carew	Jones, Pa.	Overstreet	Thorpe
Chandler, N. Y.	Kahn	Paige	Tinkham
Clague	Keller	Park, Ga.	Towner
Clark, Fla.	Kelley, Mich.	Parker, N. J.	Treadway
Classon	Kennedy	Patterson, Mo.	Turner
Clouse	Kindred	Paul	Ward, N. C.
Codd	King	Perkins	Webster
Cole, Ohio	Kitchin	Petersen	Wheeler
Connolly, Pa.	Knight	Pringey	White, Me.
Copley	Lampert	Purnell	Williams, III.
Crago	Larsen, Ga.	Radeliffe	Williams, Tex.
Crisp	Larson, Minn.	Rainey, Ala.	Williamson
Crowther	Lea, Calif.	Rayburn	Wise
Cullen	Linthieum	Reber	Wood, Ind.
Davis, Minn.	Luhring	Riddick	Wright
Drane	McArthur	Rodenberg	Wyant
Dupré	McClintle	Rose	Zihlman
Ellis	McCormick	Rossdale	Zimmall
	MCCOVIIIACE	as orsanage at	

The SPEAKER pro tempore (Mr. DEMPSEY). On this call

297 Members have answered to their names, a quorum.

Mr. STAFFORD. Mr. Speaker, I move to dispense with further proceedings under the call,

The motion was agreed to. The doors were opened.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

the amendment was agreed to.

The amendment was agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

GRADE PERCENTAGES OF ENLISTED MEN, UNITED STATES ARMY.

The next business on the Calendar for Unanimous Consent was the bill (S. 4037) to amend the grade percentages of enlisted men as prescribed in section 4b of the national defense

The SPEAKER pro tempore. Is there objection to the pres-

ent consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to ob-ect, I have given more consideration to this bill than I usually give to others because it is a matter that affects the After reading the hearings, since the Unanimous-Consent Calendar was last considered, I can not bring myself to the opinion that they need the more than 1,000 additional noncommissioned officers than they now have in these three highest grades. I do not desire by any act of mine to cause the demotion of any of those in the higher grades, but I can not see where the War Department has made a case whereby they should have 1,000 more noncommissioned officers than they have at the present time. I realize that the percentages under the Army reorganization act were based originally upon an Army of 175 000, then 150,000, and now reduced to 125,000. There should be some percentage of increase in the higher grades, but to increase at this time by more than 1,000, entailing an expense of over a million and a half dollars, I do not think is warranted, when we are seeking to curtail Army expenditures for Army personnel, whether commissioned or noncommissioned.

Mr. BLANTON. Mr. Speaker, I demand the regular order.
The SPEAKER pro tempore. The gentleman from Texas
demands the regular order. Is there objection?
Mr. STAFFORD. Mr. Speaker, if the regular order is de-

manded, I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk. announced that the Senate had disagreed to the amendments of the House to the bill (S. 4280) to provide for the incorporation and supervision of corporations formed for the purpose of making agricultural and live-stock loans; to amend the Federal reserve act; to amend the Federal farm loan act; to extend and stabilize the market for United States bonds and other securities; to provide fiscal agents for the United States; and for other purposes; had requested a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. McLean, Mr. Calder, Mr. Pepper, Mr. Owen, and Mr. Hitchcock as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 11939) to amend section

5219 of the Revised Statutes of the United States.

SCHOOL FUND OF CHEROKEE NATION OF OKLAHOMA.

The next business on the Calendar for Unanimous Consent was House Resolution 393, directing the Attorney General to make an immediate investigation of the school fund of the Cherokee Nation in Oklahoma.

The SPEAKER pro tempore. Is there objection?

Mr. HAYDEN. Mr. Speaker, reserving the right to object, the gentleman from Oklahoma [Mr. Carter] stated that he had objection to the passage of this resolution, and that if he were not here to at least have it passed over without prejudice. would not want the resolution passed in his absence. I ask

unanimous consent that it go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request that the resolution be passed over without prejudice?

There was no objection.

CHIPPEWA INDIANS, MINNESOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13953) authorizing, for the relief of the distress of the Chippewa Indians of Minnesota, the withdrawal of

moneys from the tribal funds of said Indians.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to ob-

Mr. MONDELL. Mr. Speaker, do I understand that the gentleman from Wisconsin objected to the bill S. 4037, respecting the grade percentages of enlisted men, which was under consid-

eration a moment ago? I think that is a very worthy bill, and it is legislation that we ought to have. I trust that we may have fair consideration of these measures. This is the last opportunity to go through this calendar.

Mr. BLANTON. Mr. Speaker, I make the point of order that

that has been objected to.

The SPEAKER pro tempore. The gentleman can withdraw

his objection, if he is disposed to do so.

Mr. BLANTON. But we have taken up another bill since that

Mr. STAFFORD. Mr. Speaker, I made the objection under the demand of the regular order. I did not intend to object at the moment, but as the regular order was demanded, necessarily I was compelled to object.

The SPEAKER pro tempore. Does the gentleman withdraw

his objection?

Mr. STAFFORD. I am willing to reserve the objection.
Mr. BLANTON. Mr. Speaker, I reserve the objection to the
bill H. R. 13953, just reported, and in that connection I ask unanimous consent to proceed for three minutes out of order.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. Mr. Speaker, I object. Mr. BLANTON. I think we should have a quorum present, and I make the point of order that there is no quorum present. The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present.

Evidently there is not.

Mr. Mondell. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ansorge	Faust	Logan	Riddick
Anthony	Fordney	Longworth	Rodenberg
Atkeson	Foster	Luhring	Rose
Bell	Freeman	McClintic	Rosenbloom
Bird	French	McCormick	Rossdale
Bowers	Frothingham	McDuffle	Ryan
Brand	Funk	McFadden	Schall
Brennan	Gahn	McLaughlin, Pa.	Scott, Mich.
Britten	Garner	Madden	Scott, Tenn.
Brooks, Ill.	Gifford	Maloney	Shelton
Brown, Tenn.	Glynn	Mead	Sisson
Browne, Wis.	Gorman	Michaelson	Slemp
Burke	Gould	Moore, Ill.	Smith, Mich.
Cantrill	Graham, Pa.	Mott	Snell
Carew	Green, Iowa	Mudd	Stiness
Carter	Hawes	Nelson, Me.	Stoll
Chandler, N. Y.	Hays	Nelson, A. P.	Sullivan
Chandler, Okla.	Henry	Nelson, J. M.	Taylor, Ark.
Clark, Fla.	Huck	Nolan	Ten Eyck
Classon	Husted	O'Connor	Thomas
Clouse	Jacoway	Oliver	Thorpe
Codd	Jefferis, Nebr.	Olpp	Treadway
Connolly, Pa.	Johnson, Miss.	Overstreet	Underhill
Crago	Johnson, S. Dak.	Paige	Vinson
Crowther	Jones, Pa.	Park, Ga.	Ward, N. C.
Cullen	Kahn	Patterson, Mo.	Webster
Curry	Keller	Paul	Wheeler
Dale	Kelley, Mich.	Perkins	White, Me.
Davis, Minn.	Kennedy	Petersen	Williams, Ill.
Denison	Kindred	Porter	Williams, Tex
Dominiek	King	Pringey	Winslow
Drane	Kitchin	Purnell	Wise
Dupré	Knight	Rainey, Ala.	Wood, Ind.
Echols	Lampert	Reber	Zihlman
Edmonds	Larson, Minn.	Reed, N. Y.	
Ellis	Layton	Rhodes	

The SPEAKER pro tempore. On this call 282 Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may extend my remarks on House Joint Resolution 171 re-

lating to the Hawaiian Islands.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, are they the gentleman's own remarks? Mr. RAKER. I want to insert in the Record a statement

of President Roosevelt-

Mr. SHAW. I object.
Mr. LITTLE. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill reported from the Agricultural Committee about wheat.

Mr. RAKER. Reserving the right to object, coupling my

request with it-

Mr. STAFFORD. The gentleman can not do that.

Mr. RAKER. Well, then I object-

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

Mr. RAKER. I object.

Mr. LITTLE. Mr. Speaker, I renew my request. Mr. RAKER. I renew my objection. If I can not be given permission, none shall go through.

The SPEAKER pro tempore. Is there objection to the pres-

ent consideration of this bill? Mr. BLANTON. Which bill?

The SPEAKER pro tempore. The bill H. R. 13953.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I understood the substance of this bill was incorporated in the omnibus Indian legislative and appropriation act. ask unanimous consent that this may be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

CONTRACT WITH ELEPHANT BUTTE IRRIGATION DISTRICT.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 13550) authorizing the Secretary of the Interior to enter into a contract with the Elephant Butte Irrigation District of New Mexico and the El Paso County Improvement District No. 1, of Texas, for the carrying out of the provisions of the convention between the United States and Mexico, proclaimed January 16, 1907, and providing for compensation therefor.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the pres-

ent consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, we have had this bill up for consideration, I would say, at a former date in a small way, but the gentleman from Texas is pressing for immediate and early action. It is an important proposal, and I think some explanation should be made further by the gentleman from Texas as to the exigency, if there is one, and why we should take up the matter now.

Mr. HUDSPETH. Permit me to say to the gentleman from

Wisconsin that he will see from this report that I hold in my hand a statement in Secretary Fall's letter that the people of Texas and New Mexico, under the Elephant Butte project, are having to pay \$35,000 annually in order to carry out the contract entered into between this country and Mexico for the delivery

of 25,000 acre-feet of water.

Now, mark you, gentlemen, that this bill provides that this is a final settlement in regard to this matter and that my people agree to carry out this contract made between this country and Mexico in the future, in perpetuity, and I state to you that if you pass this bill now and not defer until the next session of Congress—as some gentlemen think we should do—that it will be the means of saving this Government several hundred thousand dollars. This bill is not all that we could legally claim and justly present. But my people were satisfied with this amount and I am pleading with you gentlemen to take up this bill and pass it and make a just settlement with my people.

We had almost two weeks' hearing on this bill before the

We had almost two weeks hearing on this bill before the Irrigation Committee of the House, and this committee went into this matter thoroughly and many members of that committee found that the United States was indebted to the water users in a greater sum than we are asking here to-day. Mr. Burges and the other gentlemen representing these projects were satisfied with this amount. It is a final settlement of the controversy. The water users of this State will have to carry out this contract in the future or the director general of reclamation can

force them to do it.

I secured a rule from the Committee on Rules, without a dissenting vote of that committee, but I do not wish to take up the time of this House by having this rule presented, and I trust that the gentleman will let me take it up to-day under unanimous consent. I might not have a chance of getting up this

Mr. STAFFORD. Surely not. The gentleman in his brief experience has become aware that a rule does not amount to much in the closing days of the Congress.

Mr. HUDSPETH. I did not want to get up the rule unless it was necessary and take up the time, but it is a just measure

Mr. STAFFORD. When this bill was under consideration before I recognized the equity-

Mr. STAFFORD. The equity of the users of the water to their pledge to pay these rentals. I could see there was considerable equity on the part of the Government to contribute something toward carrying out the treaty obligations entered into between our Government and the United States of Mexico. I thought then it was rather too important a proposal to take up under the Unanimous Consent Calendar, but if the gentleman says there is no question but what this million dollars will be the fixed price

Mr. HUDSPETH. That is the final outcome-Mr. STAFFORD. And will not be increased-Mr. HUDSPETH. Congress will not be harassed.

Mr. STAFFORD. But will be a finality so far as the understanding existing between our Government and these users is concerned-

Mr. HUDSPETH. That is the situation.
Mr. STAFFORD. And in order to relieve the embarrassed condition of the Committee on Rules, who, I think, have 57 rules—and if I am exaggerating I would like to stand corrected-I will in this instance not press the Committee on Rules to consider this bill any further.

Mr. HUDSPETH. I thank the gentleman. Mr. STAFFORD. I withdraw the reservation of objection. The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk began the reading of the bill.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the committee amendment be read in lieu of the bill.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the committee amendment be read in lieu of the bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the committee amendment, as follows:

The Clerk read the committee amendment, as follows:

Strike out all after the enacting clause and insert:

"That in connection with the Rio Grande Federal irrigation project in New Mexico and Texas, and as a final settlement of the subject, the Secretary of the Interior is authorized to enter into contracts with the Elephant Butte Irrigation District of New Mexico and the El Paso County Water Improvement District No. 1, of Texas, under which said districts shall agree to store and deliver 60,000 acre-feet of water annually in the bed of the Rio Grande at the head works of the Acequia Madre above the city of Juarez, Mexico, as provided by the treaty of January 16, 1907 (34 Stats., p. 2953), between the United States of America and the United States of Mexico, and under which, in case of default by said districts, the Secretary of the Interior may undertake and fulfill such contracts and such treaty obligation and collect the cost thereof from said districts.

"Sec. 2. That upon the mutual execution and delivery of said contract and in consideration thereof the Secretary of the Interior is authorized and directed to credit the construction cost of said Rio Grande Federal irrigation project with the sum of \$1,000,000, thereby reducing by that amount the total construction charge due from the water users under said project to the United States, and shall issue a certificate to that effect to the Secretary of the Treasury of the United States.

"Sec. 3. That upon receipt of such certificate the Secretary of the

States. "SEC. 3. That upon receipt of such certificate the Secretary of the Treasury of the United States is authorized and directed to accept the same in lieu and in full satisfaction of the next installment of \$1,000,000 due the general fund of the Treasury of the United States from the reclamation fund, under the provisions of the act of June 25, 1910 (36 States, p. 835), as amended by the act of June 12, 1917 (40 States, p. 149)."

The SPEAKER pro tempore. The question is on the committee amendment.

Mr. RAKER. Mr. Speaker, before I proceed I ask unanimous consent to extend my remarks in the Record regarding peon labor in Hawaii up to 1890, on the adoption of the joint resolution to provide for the annexation of the Hawaiian Islands, on July 7, 1898, and on to and including the 30th day of April. 1900, when the organic act was passed, and present condition of peon labor, running from that time down to the present, and the effort to restore peonage and contract labor in the Territory of Hawaii by virtue of House Joint Resolution 171, by including a statement of President Roosevelt, by including a statement and a history of the case by Mr. Patterson, of Indiana, and an article in the Saturday Evening Post, and a few remarks of my own on the subject.

Mr. SIEGEL. Reserving the right to object, Mr. Speaker-Mr. STAFFORD. Oh, we can not permit the incorporation

in the Record of things as old as 1890.

Mr. RAKER. It involves a real live problem now. The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

Mr. MONDELL. I suggest that the gentleman confine it to his own remarks.

Mr. RAKER. I can not do that, because I want to refer to the history of this situation and the conditions then and now existing and that contemplated by House Joint Resolution 171, and I was not there when this history was made.

The SPEAKER pro tempore. Objection is made.

Mr. RAKER. Now, Mr. Speaker, I am going to talk on the bill. I admit that just now I dld branch off a little to another matter [laughter], but this bill involves \$1,000,000. From the report of the Secretary and the hearings it is shown that there

was no final settlement, and the project was left as a continued drain on the Government, amounting to from \$25,000 to possibly \$50,000 a year. I went into the matter very thoroughly and took the matter up with the Secretary of the Interior, and I want to say this-and I think I am entitled to it-I suggested to the Secretary of the Interior personally and to his associate, Mr. Finney, that there should be a full and final settlement, and that there should be a requirement on the part of the water users to continue this use, and if they did not, this work shall be done by the Government, and then this expense charged up to the projects and thereafter be of no expense to the Govern-That was my suggestion to the Secretary. adopted by the department and the committee. I feel quite well satisfied with this work. I have tried in all other such matters to make good suggestions for the administration of the affairs of the Government.

As to Hawaii, a Territory of the United States, I feel so keenly on the matter that I do not believe that the Members of the House, if they knew the history and facts regarding the Hawaiian Islands, would object for a moment for the public to know the condition of those islands regarding the population, the tense issues now pending as to what will become of the Islands, and labor conditions. It can not be set aside much

longer.

Mr. MONDELL. Mr. Speaker, I insist that the gentleman speak on the amendment.

Mr. RAKER. I did slip off the amendment a little. I concede that.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

the amendment.

The amendment was agreed to.

The question is on the en-The SPEAKER pro tempore. The grossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the will be amended in accordance with the text of the bill. Without objection, the title

There was no objection.

Mr. HUDSPETH. Mr. Speaker, I move to reconsider the vote whereby the bill was passed and to lay that motion on the table.

Mr. STAFFORD. I object to that. We are not having that to-day.

Mr. HUDSPETH. All right.

The SPEAKER pro tempore. The Clerk will report the next bill.

MARINE HOSPITAL, DETROIT, MICH.

The next business on the Calendar for Unanimous Consent was the bill (H.R. 13961) authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of beneficiaries of the United States Public Health Service, and for other purposes

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the pres-

ent consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, we passed a bill of similar import, so far as Cleveland, Ohio, is concerned. This relates, I notice, to the old marine hospital in the business district of Detroit. I am rather in sympathy with the purpose of the bill, but I would like to inquire as to the necessity of the limitation in section 4 as to the 3 per cent of the amount received from the sale of the said hospital being available for the payment of architect's fees.

Mr. LANGLEY. The author of the bill, the gentleman from

Michigan [Mr. Brennan], is not in the city. I can speak only in a general way from my recollection of the hearings on the I recall that the Surgeon General of the Public Health Service made a report recommending that this legislation be enacted, for the reason that the present site is in a section of the city where business establishments have been erected, factories, and so forth, and the noise and smoke from them makes this location wholly unsuited for a hospital.

The Surgeon General thinks that there is no question about the proceeds of the sale being sufficient to get another site that

is suitable and to erect a suitable building thereon.

This limitation was approved by the Surgeon General, presumably to expedite the construction of a building. That is, he thought this 3 per cent limitation would be sufficient. I am only conjecturing as to that.

Mr. STAFFORD. Will the gentleman inform the House as to how much it is estimated will be received from the sale of this property?

Mr. LANGLEY. I do not recall. I do not happen to have with me the letter of the Surgeon General. I expected the author of the bill to be here to-day. He is entirely familiar with the details. But the Surgeon General said, as I recall, that, on investigation, he was confident that the proceeds would be entirely sufficient to purchase a new site and erect thereon a building such as the Public Health Service needed.

What is the estimate of cost of the new Mr. STAFFORD. hospital building?

Mr. LANGLEY. About \$600,000 or perhaps less.

Mr. MICHENER, About \$500,000.
Mr. STAFFORD. Then why should there not be a limitation placed here to that effect, that the site and buildings should not exceed \$500,000?

Mr. LANGLEY. It does not, in any event, involve any addi-

tional charge on the Treasury.

Mr. STAFFORD. If the Government has a valuable piece of property to dispose of, it should place a limitation on the cost of the building, and not leave it to the whim of the Public Health Service to expend the entire amount received from the

sale of the property.

Mr. LANGLEY. I will say to the gentleman that the committee followed the recommendation of the Surgeon General of the Public Health Service in approving the bill as it stands.

Mr. STAFFORD. If some member of the committee will offer an amendment to limit the cost to \$500,000 I will have no objection.

Mr. BLANTON. I should like to ask the gentleman from Kentucky a question. If I understand it, this hospital is not to be used for ex-service men?

Mr. LANGLEY. It is to be used for the same purpose for which the hospital there has been used heretofore.

Mr. BLANTON. For the Public Health Service, but is it not

one of our ex-service men's hospitals?

Mr. LANGLEY. I do not recall whether this particular hospital was transferred under the Executive order to the jurisdiction of the Veterans' Bureau or not, and I do not happen to know what character of patients are admitted.

Mr. BLANTON. The other day when I finished checking up the number of available beds that are now in the various hospitals which we have provided for the ex-service men I was surprised to find the number of available beds that are now vacant. As the years roll along these hospitals are going to be needed less and less all the time.

Mr. LANGLEY. That is a mooted question. Mr. BLANTON. The first thing you know we are going to have a lot of hospitals on our hands with no use for them.

Mr. LANGLEY. I think not. At any rate this hospital is already on our hands, and has been in use for many years.

Mr. BLANTON. I know, but we are trying to get something bigger on our hands.

Mr. CHINDBLOM. Will the gentleman permit me to answer his question?

Mr. BLANTON. Certainly.
Mr. CHINDBLOM. This hospital is in Detroit. Detroit is one of the most important of the Great Lakes ports. This, as I recall it, is purely a marine hospital, and it is absolutely essential to have a marine hospital in Detroit. It was there long before we had the new hospitals which have been built for the veterans of the World War.

Mr. BLANTON. Will the gentleman tell me how many Government-owned hospitals we have now in Michigan?

Mr. CHINDBLOM. Not very many.
Mr. BLANTON. Can anybody tell us how many?
Mr. STAFFORD. The hospital to be constructed at Camp Custer is to be one of the largest hospitals under the Veterans' Bureau.

Mr. BLANTON. Can any gentleman tell us what other hospitals there are in Michigan?

Mr. CHINDBLOM. My understanding is that the reason for the location of the hospital at Camp Custer was because there was no other hospital there for the treatment of ex-service men.

Mr. BLANTON. I do not believe we ought to pass this bill now under unanimous consent, in the closing hours of Congress, with the superficial investigation that has been had.

Mr. CHINDBLOM. My interest in this matter arises from the fact that there is a marine hospital in Chicago in my own district, and I know the necessity for marine hospitals at ports. It is very essential to have marine hospitals in Lake ports for the sailors on the Lakes.

Mr. BLANTON. But we can not have them in every place. Mr. CHINDBLOM. Detroit is one of the great ports of the

Mr. HERRICK. Mr. Speaker, I want to call the attention of the gentleman from Texas [Mr. Blanton] to the fact that perhaps he ought not to begin to feel concerned about the number of empty beds that we now have available on the theory that we are never going to have any further use for them, for the reason that I want to remind the gentleman from Texas that just about as soon as we get everything lovely the profiteers will discover that there is something to be gained from another war, and they will kick up another fight and we shall need all the beds we have.

Mr. BLANTON. We are going to be here to stop anything

of that kind. I object, Mr. Speaker.

Mr. ELLIS. Will the gentleman reserve his right to ob-

Mr. BLANTON. I object, Mr. Speaker. The SPEAKER pro tempore. The gentleman from Texas objects. The Clerk will report the next bill.

POST OFFICE AND PUBLIC BUILDING AT BELDING, MICH.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 13596) providing for the erection of a post office and public building at Belding, Mich.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?
Mr. MONDELL. Mr. Speaker, I regret very sincerely that I must object.

The SPEAKER pro tempore. The gentleman from Wyoming

objects.

Mr. MONDELL. If I may make a statement—if we should pass this bill and it should go to the Senate, it might blossom out and burgeon into a full-fledged omnibus public building bill.

Mr. BLANTON. I have no objection to the gentleman making that statement

Mr. MONDELL. I must object to the consideration of the bill.

The SPEAKER pro tempore. The Clerk will report the next bill.

PUBLIC BUILDING AT KEYTESVILLE, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14039) authorizing the acquisition of a site and the erection of a public building at Keytesville, Mo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? Mr. BLANTON. Mr. Speaker, reserving the right Mr. Speaker, reserving the right to object, have a public matter of great importance on which I would like to address my colleagues for three minutes, and I ask unanimous consent, under the reservation of objection, to address my colleagues for three minutes out of order.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to address the House for three min-

utes out of order. Is there objection?

Mr. STEPHENS. Mr. Speaker, I object.

Mr. BLANTON. I think we ought to have a quorum. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas

makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. STAFFORD. Mr. Speaker, I move a call of the House. The SPEAKER pro tempore. The gentleman from Wisconsin moves a call of the House.

A call of the House was ordered.

The SPEAKER pro tempore. The Doorkeeper will close the cors. The Sergeant at Arms will bring in absent Members. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Cullen
Davis, Minn.
Davis, Tenn.
Denison
Drane
Dunn
Dupré
Ellis Ansorge Bird Bird
Boies
Brand
Brennan
Britten
Brooks, Ill.
Brown, Tenn.
Browne, Wis.
Burdick
Burke Faust Fenn Focht Frear Free Freemau Funk Garner Burtness Burton Cantrill Carew Carter Garner Glynn Gould Griffin Hawley Hayden Huck Jacoway Jefferis, Nebr. Johnson, Miss. Jones, Pa. Kahn Chandler, N. Y. Chandler, Okla. Clark, Fla. Classon Clouse Couse Codd Collier Connolly, Pa. Cooper, Ohio Copley Crago Crowther

Keller
Kelley, Mich.
Kelly, Mach.
Kelly, Pa.
O'Connor
Connor
Conn Mott Mudd Nelson, A. P.

Nolan
O'Connor
Olpp
Overstreet
Paige
Park, Ga.
Parks, Ark.
Patterson, Mo.
Patterson, N. J.
Paul
Perkins
Petersen
Pringey
Rainey, Ala,
Reber Rodenberg Ryan Schall Scott, Mich. Shelton Sisson Slemp Smith, Mich. Sproul

Stedman	Thomas
Stiness	Thorpe
Stoll	Timberlake
Sullivan	Treadway
Taylor, Ark.	Turner
Ten Eyck	Vinson

Voigt Ward, N. C. Webster Wheeler White, Me. Williams, Tex.

Wise Wood, Ind. Woodruff Zihlman

The SPEAKER pro tempore. On this roll call 291 Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER pro tempore. The Clerk will report the next bill on the Unanimous Consent Calendar.

PUBLIC BUILDING AT KEYTESVILLE, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14039) authorizing the acquisition of a site and the erection of a public building at Keytesville, Mo.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. Mr. Speaker, I regret that I must object.

CENTRAL BUILDING FOR ART AND INDUSTRY.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 218) to create a commission to consider the proposal of a central building for art and industry in the District of Columbia.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

BRIDGE ACROSS TUGALOO RIVER, S. C. AND GA.

The next business on the Calendar for Unanimous Consent was the bill (S. 4387) to authorize the building of a bridge across the Tugaloo River, between South Carolina and Georgia. The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, was not this bill passed in

the early session of the House to-day?

The SPEAKER pro tempore. The Chair is informed that this bill has not been before the House. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the State Highway Department of South Carolina and the State Highway Department of Georgia, in cooperation with the properly constituted authorities of Oconee County, S. C., and Stephens County, Ga., be, and they are hereby, authorized to construct, operate, and maintain a highway bridge and approaches thereto across the Tugaloo River, at a point suitable to the interests of navigation and at or near a point known as the old Southern Railroad bridge, between the counties of Oconee, S. C., and Stephens, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 28, 1906.

Sec. 2. That the right to alter amond or reneal this extraction of the second of the

2. That the right to alter, amend, or repeal this act is hereby

Mr. SEARS. Mr. Speaker, I move to strike out the last word. I would like to ask the chairman of the committee if

this is a toll bridge.

I ask the question because last year during the closing hours bill was passed similar to this permitting the construction of bridge between Georgia and Florida. That bridge was a toll bridge, and I have been trying month after month to get a bill reported from the Interstate and Foreign Commerce Committee to repeal that bill because, unless it is repealed, the main highway from the North to the South will be stopped, because under the Federal law no Federal money can be spent, or at least will be spent, on a road leading up to a toll bridge. I think it is important to find out whether we are going to get into the same position now that we got into then.

Mr. WINSLOW. I will say to the gentleman from Florida that according to the communication from the Secretary of Agriculture we give this a clean bill of health. The gentleman

is laboring under some misinformation. Mr. SEARS. I would like to know what is the misinformation.

Mr. WINSLOW. I do not think it is the law that provides that no Federal money can be spent on a road leading to a toll bridge.

Mr. SEARS. I understand that is the law, and if it is not

the law I will try to have it incorporated into the law.

Mr. WINSLOW. It may be so, but I do not know it.

The bill was ordered to be read the third time, was read the third time, and passed.

BRIDGE ACROSS RED RIVER, MONTAQUE COUNTY, TEX.

The next business on the Calendar for Unanimous Consent was the bill S. 4122, an act granting the consent of Congress to the Interstate Toll Bridge Co. for the construction of a bridge across Red River between Montague County, Tex., and Jefferson County, Okla.

The Clerk read the title of the bill.

The SPEAKER pro tempore, Is there objection to the consideration of the bill? [After a pause,] The Chair hears

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Interstate Toll Bridge Co, to construct, maintain, and operate a bridge and approaches thereto across the Red River at a point suitable to the interests of navigation between Montague County, Tax., and Jefferson County, Okla., In accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. Mr. Speaker, I do this, as I have been trying to do for an hour, for the purpose of calling the attention of my colleagues to a matter of great public importance. I have no private bill on this calendar. I have not had any private bills on the calendar. The question I am interested in is a public matter.

With the exception of the policemen and firemen of this District every other employee of the District of Columbia and of the Government gets one day off each week in lieu of Sunday where they do not get Sunday. The policemen and firemen of this District do not get that day off; they have to work Sundays and seven days in the week. I want to appeal for these police and firemen to my collection in all fairness and tracks. and firemen to my colleagues in all fairness and justice-if you are all fair-minded men

Mr. BEEDY. Mr. Speaker, I make the point of order that

the gentleman is not speaking in order.

Mr. BLANTON. Will not the gentleman permit me to bring

this just matter before the House?

Mr. BEEDY. The gentleman is not speaking to his amendment.

Mr. BLANTON. I make the point that there is no quorum. Mr. POU. Mr. Speaker, I make the point of order that the gentleman's point of order is dilatory.

Mr. BLANTON. There is no quorum present. The Consti-

tution requires one at all times.

Mr. POU. Mr. Speaker, the record shows that the point has been made three times within the last hour, and a quorum has been developed every time. The point was made within 20 minutes. If the Chair desires to bear any authorities for that, I have them here.

The SPEAKER pro tempore. The Chair would be glad to

have the gentleman produce the citation.

Mr. POU. Mr. Speaker, I refer the Chair to section 986 of the Manual:

Manual:

On July 24, 1919, pending the demand for the previous question, Mr. Cramton moved that the House do now adjourn. The motion was lost, and after debate a point of order that no quorum was present was made, and after the roll was called a quorum appeared. Thereupon, a motion to lay the bill on the table was rejected on another roll call, when Mr. Cramton again moved that the House do now adjourn.

Mr. Mann made the point of order that the motion was dilatory.

The Speaker. The Chair thinks it is clearly dilatory.

Mr. Cramton. There has been intervening business.

The Speaker. The question whether the motion to adjourn is dilatory, the Chair thinks, does not depend simply on the time that has clapsed or the business that has intervened. The question is whether the motion is really dilatory or not; and one of the decisions which the Chair thinks is entitled to great weight says that not only should the Chair himself be satisfied that the motion is dilatory, but that the Chair should be satisfied that the House is satisfied that it is dilatory. In the present instance the Chair thinks the House must be satisfied that the motion is dilatory, and the Chair sustains the point of order.

Mr. Speaker. the gentleman from Texas has made this point

Mr. Speaker, the gentleman from Texas has made this point of order three times within the last hour. The gentleman from Texas was on his feet addressing the House and was taken off his feet by a point of order. I make the point of order that it is perfectly clear that the gentleman from Texas is making his point of no quorum out of resentment because of the point of order made which cut off his address. I do not believe the gentleman from Texas himself will deny that. The rules of the House are made to transact business, not to stop the transaction of business. I make the point of order that with the surrounding circumstances, with the facts that have transpired in the presence of the Speaker, there is only one construction that can be put upon the point of order of the gentleman from Texas, and that is that he is holding up the business of the House in order to force this House to allow something that is not permitted under the rules of the House.

Mr. BLANTON. Mr. Speaker, this is a constitutional ques-

I respectfully submit that in view of the appear ance of a quorum promptly on three former occasions, within the last hour, the Speaker should assume that there is a quorum here now and should not permit any Member to hold up the business of the House.

Mr. BLANTON. Mr. Speaker, there is a quorum present new and I withdraw the point.

The SPEAKER pro tempore. The Chair does not recognize the gentleman from Texas.

Mr. BLANTON. But I have the right to withdraw the point, a quorum now having appeared, and I do withdraw it.

Mr. MONDELL. Mr. Speaker, I call attention to the fact that the gentleman who made the point has repeatedly stated in the House that he would tie up the business of the House; that he would prevent the House from doing business.

Mr. BLANTON. I said that I would require them to keep a constitutional quorum here, Mr. Speaker.

The SPEAKER pro tempere. The gentleman from Texas will take his seat.

Mr. GARRETT of Tennessee, Mr. Speaker, the gentleman from Texas has withdrawn the point.

The SPEAKER pro tempore. It is clear that there is nothing for the Chair to do except to direct the Clerk to proceed with the regular order, the point of order having been withdrawn. The Clerk will read the bill a third time.

The bill was read a third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

CHANGING THE DATE FOR THE SESSIONS OF CONGRESS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14186) fixing dates for the beginning of regular sessions of Congress.

The SPEAKER pro tempore. Is there objection to the pres-

ent consideration of the bill?

Mr. HERRICK. Mr. Speaker, I object. Mr. STAFFORD. Mr. Speaker, I object. Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice for the present.

The SPEAKER pro tempore. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I should like to know if it is the thought of the gentleman to attempt to call this bill up before the adjournment of the present session?

Mr. ANDREWS of Nebraska. That will depend upon the action taken en Senate Joint Resolution 253.

Mr. BLANTON. Mr. Speaker, I object. Mr. GARRETT of Tennessee. Mr. Speaker, I object to the request of the gentleman from Nebraska and I object to the consideration of the bill.

EXTENSION OF REMARKS.

Mr. LITTLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the wheat bill which I introduced, which has been favorably reported,

The SPEAKER pro tempore. Is there objection? Mr. RAKER. Mr. Speaker, I am willing to withdraw my objection to the gentleman's request.

There was no objection.

The extension of remarks referred to is here printed in full as follows

Mr. LITTLE. Mr. Speaker, in December I introduced a bill with regard to stabilizing the price of wheat. With gradual improvements, several of those bills have been introduced, next to the last of which was reported to the House with a recommendation that it become the law with four slight amendments. Since then, with the full benefit of the views of the committee, I have introduced bill 14400, which reads as follows:

IN THE HOUSE OF REPRESENTATIVES, February 21, 1923.

In the House of Representatives,

Petruary 21, 1923.

Mr. Lattle introduced the following bill; which was referred to the Committee on Agriculture and ordered to be printed:

A bill (H. R. 14400) to authorize the Secretary of Agriculture to purchase, store, and sell wheat, and to secure and maintain to the producer a reasonable price for wheat and to the consumer a reasonable price for bread, and to stabilize wheat values.

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to buy wheat of such grades and quality as he designates, at such times and places as he directs, at not to exceed \$1.10 a bushel and at not to exceed the market price at said times and places, except when wheat is being sold there and then at less than \$1 a bushel, when he may pay \$1 a bushel for said wheat if he deems best; and an appropriation of \$30,000.000 is hereby authorized for the purchase, transportation, storage, and insurance of said wheat.

Whenever the Secretary of Agriculture has accumulated in elevator storage 1,000,000 bushels of wheat or more, Treasury certificates shall be issued to the Secretary of Agriculture at such interest and for such times as the Secretary of Agriculture to pay them prior to their expiration if he shall see fit. They shall be issued in such amount as the Secretary of the Treasury shall hold to be properly secured by the wheat then in storage. But whenever the wheat on which these certificates are issued is sold that money shall be applied to the discharge of that particular indebtedness and to pay off those certain certificates, and this process may continue whenever the Secretary of Agriculture has a million or more bushels of wheat in storage on which no certificates have issued.

The wheat he buys shall be stored in elevators under warehouse receipts. When any 2,000 bushels or more of wheat shall have been held by the Secretary for more than 30 days, thereafter it shall be stored in bonded elevators.

The Secretary of Agrichlture may from time to time sell wheat at not less than the market price in Minneapolis; Buffalo; Kansas City, Kans.; Chicago; and New York City, as he shall deem to the best interests of the Nation.

Whenever wheat of the aforesaid grades and quality can not be bought in Chicago and New York City for less than \$1.85 per bushel, the Secretary of Agriculture shall proceed to sell as much of the wheat he holds in storage as he deems wise, at such prices as shall be considered proper by him, and so continue as in his judgment such sales shall be to the best interests of the Nation.

The \$30,000,000 first appropriated, the money derived from the sale of the certificates authorized, and the money derived from the sale of wheat by the Secretary as hereinbefore authorized, or for this fund from any other source, shall constitute a revolving fund for carrying out the provisions of this act. If the sale of any wheat made security for any given certificates shall not be sufficient to take up those certificates, the balance may be discharged from the sald revolving fund.

The President of the United States shall appoint, for a term of four years and subject to removal by him, an officer in the Department of Agriculture, to be known as the superintendent of grain and bread, at a salary of \$19,000 a year, who shall maintain in Washington an office as his headquarters, employing, subject to the approval of the Secretary of Agriculture, such assistants in said headquarters and such agents for the purchase and sale of wheat as shall be appropriated for. The bonds of all bonded elevators in which wheat shall be stored shall be subject to the provisions hereof, the Secretary of Agriculture shall make, subject to the provisions hereof, the Secretary of Agriculture shall make, subject t

The bill reported by the committee is practically the same, except that it substitutes \$1.40 for \$1 and \$1.50 for \$1.10. With those prices, if passed, the bill would be better for the farmer, but the increase in prices I find has aroused some opposition to

the bill which did not before exist, and the problem now is for the farmers to decide whether they would rather have a bill with \$1.50 in it which did not pass, than to have one with \$1.10 which did pass. Possibly neither of them might pass, but that is a condition to which I wish to direct their attention during

the months that ensue before the next Congress.

Whenever the farmer goes to town with money in his pockets the merchants are busy selling goods. Whenever that occurs the wholesale houses and the factories prosper and thrive, and the railroads have something to transport and their employees are well paid. In other words, whenever the farmer does well all other business prospers in this country, and when the farmer goes to town with empty pockets nothing goes right and nobody makes money. The farmer is the basis of all the prosperity and wealth of the Nation, and there is no other task the lawmakers have that is more important than securing and assuring success to the farmer. We have made laws for years that would make the manufacturers able to carry on business and pay good wages, and of late we have provided similar legislation for the railroads. We have provided absolute, definite prosperity for the silver miners.

Every candid man will confess that no other industry is in worse condition than the farmer. During the war his crops, like the produce of other business, reached high prices. The first step toward a return to ordinary and normal conditions was the fall of the farmer's prices, but the material he purchases, the machinery he bought, all the things that he must buy have remained at about the old war prices. The farm crops are back to normal, and very lonesome there, because they came back alone and unattended. The purpose of this bill is to enable the farmer to maintain himself until the things he buys are back to normal, along with his crops. The purpose of the bill is to reasonably assure the wheat farmer the cost of production of wheat, so that he can afford to sow wheat and furnish foodstuffs. If the country should produce 800,000,000 bushels of wheat, and this bill should succeed in making the price \$1 a bushel instead of 80 cents, the farmers of this country would make \$160,000,000 in a year over and above their 80cent price. This Government could well afford to establish this business and maintain it and lose from \$10,000,000 to \$20,-000,000 if such a gain could be provided to the wheat people, because with their prosperity would come the prosperity of all Such an investment would merit and meet the support and applause of all the rest of the Nation.

this bill becomes a law, the farmer will be practically certain to receive at least \$1 a bushel for his wheat, which means that wheat will always be above that price, practically, and that every year he may hope for some profit. It has been suggested often that the farmer should have a reduction in railroad rates. That immediately raises the inquiry whether the farmers must pay high rates for transportation in order to give high wages, or whether the wage earners on the railroads must reduce wages to make lower rates for the farmer, because of the fact that about 60 per cent of the money the railroads re-ceive is paid for wages, so that 60 per cent of the money the

farmers pay the railroads goes to the wage earners. This adjustment, of course, is a difficult one, and nobody has been able to solve it satisfactorily, because all concerned have rights that must be considered and conceded. I have prepared this wheat bill in order to cover the securing of a reasonable price for wheat. I am not undertaking to work miracles, and if I can solve this problem I shall feel that I have accomplished some good for the people that need it and for the country at large.

There is still another feature of the railroad issue that should be carefully examined. The railroads have gradually killed off the rivers, and have not been able to take care of the business themselves, so that this country is simply compelled to look to the rivers again, and the shipment of wheat on barges to the ocean is going to be an absolute necessity to the farmer who hopes to get decent rates on transportation for his crops.

Mr. Speaker, the State of Kansas pays 104 cents a bushel to send its wheat to Chicago. It costs 21 cents more a bushel to get that wheat to Liverpool. That is 31½ cents. We are shy just that much on every bushel of wheat that we ship to Liverpool. You can ship wheat from New Orleans to Liverpool for 8 cents. You can send it by barges and tugboats by river from St. Louis to New Orleans for 8 cents. That is 16 cents. If we could get the tugs and barges we could send our wheat to New Orleans for about 10 cents a bushel. Eight cents to Liverpool would make 18 cents. We would save the difference between 18 cents and 31½ cents, which is 13½ cents a bushel. In 1921 Kansas raised 128,900,000 bushels of wheat. At 133 cents a bushel, that would be over seventeen and onehalf million dollars. If you will give us a million and a half dollars a year to fix the Missouri River for a few years we will have a 400-mile 6-foot channel to St. Louis; then save \$17,500,000 a year for the farmers.

If we can get rid of this pretense of the railroad lawyers and lobbyists that to put the Missouri River on the map again would be a pork-barrel job we will soon have reasonable rates to the sea. For many years that cry was raised by railroad lobbyists through their attorneys and the big newspapers. It is time the farmer began to think of his own interests and prices and transportation charges instead of listening to such an outcry. Of the money appropriated this year for rivers and harbors, about half will go to New York City. The New York Harbor needs help less than does the Missouri River; and if all this money for some years should be spent in the interior routes of water transportation instead of on the seacoast, where the great millionaires ply their trades, we would have an adjustment of railroad rates that would be worth while. For the State of Kansas and the Missouri Valley, the most tremendous lesson at hand is the statement I have just made. Then, if we could put wheat at a dollar a bushel and ship it to Liverpool for 131 cents less than we have been paying, the foundation industry of the whole American Union will be put permanently on its feet, which will redound to the business advantage of the whole country. I am not offering some plan to loan a lot of money to people already in debt, with which they can raise some other poor crops, perhaps; I am not offering any fictitious or fancy prices which nobody would want to pay or would have it to pay; but I am suggesting the practical application of a practical, sensible, plain law that will maintain a reasonable price for wheat and a reasonable price for transportation half around the world. If we can secure those two advantages for the farmers of Kansas and the Missouri Valley, prosperity will ring its bells for many years to come on the Kansas prairies. Let us get down to brass tacks, gentlemen, and have something started that is practical. can be done if we will all stand together for the interests of our Commonwealth and open up from Kansas City the path down the Missouri and the Mississippi to the sea.

The Government pays about \$1 an ounce for all the silver that is brought to it. The miners get good wages and the mine owners make good money. The Government makes about 25 per cent on its investment, and you, like everybody else, are in favor of it. There is no reason why the Government should not handle its relation to the wheat business so as to practi-

cally assure the farmer of cost price for his wheat.

Congress has carried out Mr. Wilson's contracts with the railroads and given them millions of dollars with which to pay their wage earners the wages the labor unions insist upon. Why should not the farmers get equally good treatment?

Congress authorized the railroads to charge enough so they could make 5½ per cent. Why should not the farmer be able, with Government assistance, to get cost price for his wheat?

The men who did business on the seas thought it well that they should be allowed to sail across the Isthmus of Panama, and this Government spent many millions to enable them to carry on their business in that way. They are mostly foreign-

ers. Is it possible that you think the Government ought to take care of those people and do nothing for the American wheat grower?

Every year this country spends millions to keep New York Harbor in condition for the people who do business there. Why should it not spend something to assist the farmers in carrying on their business? What is spent for all these people is a gift, but under this plan of mine the Government is not giving a nickel to any farmer nor even giving him a big price for anything.

The lobbyists for those big interests who make so many millions with Government help suggest that the transportation of grain is vested with a public interest and is for everybody,

and therefore Congress should help them.

Why, for heaven's sake, is there anybody so dumb that he does not know that the producer of food is infinitely more important to the welfare of the people than is the transporter of it? If the farmer ever quit work, the rest of us would starve. There are a hundred reasons why the producers of wheat, the principal food crop, should be encouraged where there is one that all these people I have mentioned should be helped with Government money as a gift. A few generations ago private citizens carried all the world's mail. This year we voted \$594,000,000 to the Government to carry the mails. Of course, every man that voted for that bill is in favor of the

Government engaging in that tremendous business.

The Government has already established banks and loan systems under which it endeavors to loan money to the farmer and enable him to get into debt to raise crops that do not pay very frequently. Is it possible that you do not see that the Republic is much more engaged in business with the farmer under its banking system than it would be under this plan of mine, which would simply provide a method by which, under the laws of supply and demand, he would be able to get about cost for his wheat, and probably without the Government being compelled to buy any wheat, just as the gold reserve protects the currency? It is said the worst feature against the agriculturist is the combination for profiteering, the lack of railroad accommodations, and the high raises he the lack of railroad accommodations, and the high rates he is obliged to meet. If my bill becomes a law, the Secretary will be able to break up every corner on wheat at any moment and will terminate that.

I earnestly deplore the disposition to join in sarcasm about the "dear farmer." The lobbyists for the big millionaire interests here get great amusement out of ridiculing those from the West who want the farmer to be considered. I think the people who engage in it ought to be ashamed of themselves. The very people who come here and worry Congress to death to get millions originated this.

I am glad to have the views anybody cares to present, so that I can understand how this bill appeals to different minds. Up to the present time it has had three hearings before the Agricultural Committee and two in Congress on the floor, and nobody has yet been able to suggest any change in it that ought to be made. Those who are in favor of subsidizing the ships and the railroads and the Panama Canal and the silver mines and the rainbatts and the rainbatt and the silver limbes and other interests are, of course, opposed to anything that we may offer to help the farmer, but I do not know of anybody else that is opposed to the bill, except the men who want their Government to go into business to help them. Why should a Kansas farmer follow the lead of the lobbyists of the big interests here?

Under the bill to stabilize the price of wheat, \$30,000,000 is appropriated for the Secretary of Agriculture. He will go to the farmer's home town and buy wheat there of such grades and qualities as he desires at the local market price, not to exceed \$1.10 per bushel, except that if wheat gets below \$1, he may, if he sees fit, pay \$1 per bushel to stabilize the price of wheat at least at \$1 per bushel to the farmer. The wheat buyers at under \$1.10 will buy such wheat as the market desires and wishes. The Secretary will thus merely absorb the immediate surplus of each day, and whenever the wheat buyers determine that the Secretary has absorbed the surplus at \$1.10 or below, they will shoot the price up to \$1.11, and the Secretary will retire from the market with wheat bought at low prices. He will store his wheat in elevators on warehouse receipts, where it will never deteriorate, and will be held at a small cost, thus having assisted the farmer to get a price above \$1.10.

While he does not go into the wheat business like other traders, he can from time to time proceed to sell wheat and take a profit, but at not less than the prices at Minneapolis, Buffalo, and Kansas City, Kans., the great milling towns, and at New York and Chicago. If wheat, as would be natural, should

go up above \$1.11, the Secretary can always throw some wheat into the market, not to interfere with the market prices, and take a profit from time to time, so that the business would be self-sustaining, though he would never interfere with the orderly course of trade. If wheat could not be bought at \$1.85 in New York or Chicago, which would indicate a scarcity or a gambler's pyramid, he is directed to begin selling his reserve supply either at the market price, taking a profit, or at a price that would knock the blocks out from under the pyramided price and put a stop to the gambling, and would give bread to the city people at a proper price.

If the facts drawn from the gold reserve protection of the currency, with a reserve much smaller in amount than the currency, protects the currency, so that nobody wants the gold, so this system will maintain the price of wheat at \$1, when people know that the Government is prepared to pay \$1, the ma-chinery of this plan would cease to be needed to any very great The Government should, however, maintain a sufficient reserve to break up wheat gambling and its high prices and to protect the consumers' market. Thus by application of the ordinary rules of supply and demand and the orderly course of trade, the farmer will know that he can have \$1 a bushel when

When the Secretary of Agriculture invests his \$30,000,000, he will have something over 25,000,000 bushels of wheat. Under this bill he will be authorized on the security of that 25,000,000 bushels to receive Treasury certificates sufficient to buy the next 25,000,000. That money will be paid from the proceeds of the sale of the first 25,000,000 bushels, and so on indefinitely, and this money might easily run up to \$100,000,000, which is in effect the gold reserve of this system, because it notifies everybody that the Government can maintain its purchase of wheat at \$1 as far as anybody wants to go. This system finances itself after it is first started and would not need any additional funds from Congress at any time. When the Government has thus definitely notified the people that it will pay a price of \$1 for wheat, the farmer will know that he is going to get practically cost, at least, and the wheat crop will be stabilized forever. The gamblers' corner will be busted, as they can not corner wheat and shoot it up to extravagant prices with the Government reserve facing them-all bought below \$1.10. It would be impossible that there should be a scarcity of flour when the Government maintains a wheat reserve of 50,000,000 bushels, and at the other end the farmer would know that his wheat had a market value that assured him of at least getting his money back.

The plan represented in this bill is entirely new in every respect and has never been even suggested before by anybody as far as we can learn. If the bill becomes a law the Secretary of Agriculture is authorized to buy wheat at the farmer's home town and to pay \$1 a bushel whenever wheat is below that price, and to pay from \$1 to \$1.10 per bushel wherever and whenever that is the market price. No expensive force would be required, because one agent at a central place like Kansas City can buy wheat for hundreds of miles in any direction any

morning by wire.

The bill authorizes the appropriation of \$30,000,000 for that purpose. A further fund is secured by the fact that whenever the department accumulates a considerable quantity of wheat the Secretary of the Treasury is authorized to advance to the Secretary of Agriculture Treasury certificates which can be used to buy more wheat and are secured by the storage on hand at the moment issued. As fast as that wheat on hand is disposed of it must be expended to discharge the Treasury certificate indebt-Thus a fund of almost unbounded limits is practically at hand for the continued purchase of wheat, without any further appropriation from the taxpayer, and a method is devised which discharges those debts almost as fast as they accumulate. It thus is evident that the ability of the department to buy wheat at \$1 a bushel indefinitely is absolutely certain, and whenever people have learned that the Secretary of Agriculture will always be ready to pay \$1 a bushel for wheat at a man's home town, nobody will sell wheat for less and nobody will endeavor to buy wheat for less. The probability is that the first season the Secretary should expend his \$30,000,000 and put the proposition right on its feet, and make it clear at once that it can be done and will be done. From that time on every farmer can always be assured of what is practically at least cost for his wheat.

There is no real chance that the Government can lose any money, because it will always have either the money or the wheat on hand and it buys at under \$1.10, and it would very infrequently happen that the Government could not hold the wheat at least long enough to get its money back, and it undoubtedly would be practically certain that year by year the Government would sell most of its wheat at a profit and that

the transaction would be a paying one in any event

The menace to the wheat producer of the surplus has been grossly exaggerated. Every year a certain amount of wheat is produced, consumed, and exported, and a certain amount is carried over. There will always be wheat produced, consumed, exported, and carried over. The wheat absorbed by the consumer and the exporter is wholly disposed of, so far as the plans of this bill are concerned. The consumer and exporter need that wheat and they will pay for it whatever they must. Washington will fix, in the final analysis, what they will be required to pay, and if they want it they will have to pay it, and that will be at least \$1 a bushel.

In the season of 1922, 78,000,000 bushels was carried over, and for many years it has varied from 43,000,000 in 1909-10, and 85,000,000 in 1910-11, and 17,000,000 in 1918-19, and 163,-000,000 in 1916-17, and 136,000,000 in 1900-1901, and so on, to 78,000,000 in 1922-23. When the exporters and the consumers have taken what they must have, the carry over is the only surplus that remains with which the Secretary of Agriculture must contend, and the only one that, in the last analysis, it could possibly become necessary that he absorb. Of the carry over, most of it is carried over by people who want to carry it over and would not sell to the Government or anybody else, except at the price they wanted. In 1922-23 there were 28,-000,000 bushels in the country in mills and elevators, leaving 50,000,000 bushels still remaining, of which 18,000,000 were the commercial visible supply and 32,000,000 were in the farmers' hands. As the farmer each year sows 75,000,000 bushels, a good share of it in the spring, it is evident that this surplus is largely imaginary, as shown by the course of the years culminating in As a matter of fact, in order to maintain any wheat reserve, which he must pay at less than \$1.11, the Secretary will have to handle his business with considerable care. Nobody ever burns or sinks any wheat and all wheat is consumed in some way, even the carry over every year, which is just as much a necessity of the market as is the wheat that is used for other purposes. It is not at all necessary that the Government should absorb very much wheat, even in the final analysis. The problem would really be whether the Secretary could get enough wheat to maintain a wheat reserve sufficient to meet the wheat corners and gamblers and the lack of wheat in the dead years.

The Government statistics show how much wheat has been exported in recent years, including wheat manufactured into flour in this country and then exported, as follows: In 1921, 366,000,000 bushels (200,000,000 of which was wheat not manufactured into flour); in 1920, 219,000,000 bushels (including 218,000,000 not manufactured); in 1919, 287,000,000 bushels (including 148,000,000 not manufactured). The statistics further show that in the following years, referring to the total of wheat and wheat manufactured into flour, the United States exported in 1918 133,000,000 bushels; in 1917, 203,000,000; in 1916, 243,000,000; in 1915, 332,000,000; in 1914, 145,000,000.

From this you can see what wheat the rest of the world has

bought from us during the years since Russia was exporting. The figures during the years of the war were somewhat influenced by the war, of course; but it is evident that, at least until Russia reappears as a competitor, from 150,000,000 to 300,000,000 bushels of wheat will be bought in this country by the rest of the world. It is obvious that the world will to that extent purchase wheat in this country at the price necessary to get it until Russia reappears. The wheat that the rest of the world must have from us is no part of the surplus, and it is something that the Government will not be compelled to absorb or purchase under this legislation proposed.

Referring to the years when Russia was a competitor with us in the world's wheat market, we find that we exported, including the manufactured wheat, in 1913, 142,000,000 bushels: in 1912, 79,000,000; in 1911, 69,000,000. The average wheat exported per annum in the years from 1906 to 1910, inclusive, was 121,000,000 bushels; 1901 to 1905, inclusive, 163,000,000; 1896 to 1900, inclusive, 179,000,000; 1891 to 1895, 166,000,000; 1881 to 1890, 126,000,000; 1871 to 1880, 86,000,000; and 1867 to

1870, 30,000,000,

In these latter years the home consumption of wheat in the United States has of course greatly and gradually increased, so that, relatively speaking, a smaller proportion of our wheat can be exported probably. On the other hand, the world is gradu-ally using more wheat all the time and the foreign demand will be bigger on us until Russia comes in, and the demand of course will be greater then on the whole; so that it must be necessarily conceded that when Russia gets in, if it ever does, there will always be a very large demand from abroad on the United

States for a great amount of wheat, which it must necessarily Therefore, our exports will run from 150,000,000 bushels upward for a long time to come. All the wheat thus experted will go abroad, because they need it, and it is just as certain to be purchased as is the home consumption to be maintained as it has been. That is to say, the Secretary of Agriculture will never be asked to absorb that wheat any more than he will the wheat consumed at home.

There remains the carry over. Practically all of that is carried over by people who carry it over because they want to and would not sell to the Government anyway; so that the actual surplus at the end of each year under ordinary conditions, and not made by some artificial stimulant, could hardly run over 50,000,000 bushels a year in any event; and it is not at all certain the Government could buy 10,000,000 bushels if it wanted to, unless some artificial stimulant had been promised them a year ahead in the way of an artificial price. The menace of the surplus against this bill would be practically nominal.

This bill was before the committee and has been before the Congress for weeks. Nobody yet has found a flaw in it. It is true it is new and original and was never suggested before; but if there was any hole in it, they would have sunk our ship long since and put the bill into the discard; but the report from the Committee on Agriculture in its favor was unanimous, and I leave it with the country for the summer in the hope that by next December people may get its full value and it may become a law and redound to the assistance of the farmers and their communities and all the people.

WESTERN JUDICIAL DISTRICT OF SOUTH CAROLINA.

The next business on the Calendar for Unanimous Conseat was the bill (H. R. 7851) to amend an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes,' proved September 1, 1916, so as to provide for the terms of the district court to be held at Spartanburg, S. C.

The SPEAKER pro tempore. Is there objection to the present

consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, what advantage will be gained to the public by establishing a session of the court at Spartanburg?

Mr. McSWAIN. Mr. Speaker, Spartanburg is the most important railroad center in the entire western judicial district of South Carolina. It is a long story and goes back into considerable political history as to why there has not been a term of Federal court at that place. Seven important railroad lines radiate from that point. It has ample hotel facilities, and the committee finds and the Department of Justice reports that it will be in the interest of economy to this Government, because it is in the center of population. It saves mileage and per diem for jurors and witnesses. The splendid hotel facilities will be an accommodation to the court officials, to the judge and the clerk and all other officials, and it is in the interest of justice and economy that this city should at last have a term of the Federal court.

Mr. STAFFORD. As I understand, South Carolina has two

districts?

Mr. McSWAIN. Two-the eastern and western.

Mr. STAFFORD. The judge is not very much burdened with work?

Mr. McSWAIN. He is very much burdened with work, indeed, and this will save time.

Mr. STAFFORD. In view of the fact the Attorney General has pointed out the importance of Spartanburg, I will not

object, but I question very much the real necessity of it. Mr. McSWAIN. I am glad the gentleman will not object. The SPEAKER pro tempore. Is there objection? [After a

The Chair hears none.

pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That section 5 of an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes," approved September 1, 1919, be, and the same is hereby, amended so as to read as follows:

"SEC. 5. That the terms of the district court for the eastern district shall be held at Charleston on the first Tuesday in June and December; at Columbia, on the third Tuesday in January and first Tuesday in November; at Florence, first Tuesday in March; and at Alken, on the first Tuesday in April and October.

"Terms of the district court of the western district shall be held at Greenville on the first Tuesday in April and the first Tuesday in October: at Bock Hill, the second Tuesday in March and September; at Greenwood, the first Tuesday in February and November; at Anderson, the fourth Tuesday in May and November; and at Spartanburg, on the third Tuesday in February and second Tuesday in December.

"The office of the clerks of the district court for the western district shall be at Greenville, and the office of the clerk of the district court for the western district for the eastern district shall be at Charleston."

The committee amendment was read, as follows:

Page 1, line 7, after the word "amended," insert after the words "fourth Tuesday in May and November" the words "and at Spartanburg, on the third Tuesday in February and second Tuesday in December."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

REINSTATEMENT OF WARRANT OFFICERS, ARMY MINE PLANTER SERVICE.

The next business on the Unanimous Consent Calendar was the bill (H. R. 13772) to authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army mine planter service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the committee has not gone to the extent the department recommended that they should go in reinstating these warrant officers connected with the Army mine planter service. This is the aftermath of some of the economies brought about last year by the Subcommittee on War Department Appropriations, when we sought to cut down the commissioned officer personnel and the noncommissioned officer personnel so far as warrant officers are As far as I can ascertain from the reading of the concerned. report and the letter of the Secretary of War, it seeks to reinstate some 20 or more who had about two years' service in the Army, men largely engaged in civilian capacity as engineers or mates and the like. Now, what claim have they on the Government after two years' service to be placed on a permanent roll and be ultimately pensioned on three-quarters pay?

Mr. BLAND of Virginia. If the gentleman will yield, a majority of these men who are sought to be reinstated came into the Army mine planter service from the military and naval service, where they had an accruing right of retirement. They came into the Army mine planter service with the distinct provision in the law that they should be entitled to a right of retirement. When the appropriation bill went into effect 32 men were reduced or cut off from the Army, and those men who had an accruing right of retirement were absolutely kicked out without any regard to their accruing right of retirement. Some of those men had accruing service that would have entitled them to retirement in a few years.

Mr. STAFFORD. How many would have been entitled to

retired pay?

Mr. BLAND of Virginia. I think there are about six or seven, possibly, who would have been entitled to retirement in a few years. Others had longer years to serve. Now, the Secretary of War recommends those men be restored to service. The object of this bill is not to retire them now. The committee amended the bill so as to put them in service-

Mr. McKENZIE. On their application? Mr. BLAND of Virginia. That is true, only those who make

application to be reinstated.

Mr. ANTHONY. If the gentleman will yield. Has the gentleman found there is any real military need for these men after restored to duty? They would be surplus men and they

would have no use for them.

Mr. BLAND of Virginia. The Secretary of War, in his letter to the committee, says that if reinstated these warrant officers could be advantageously used on vessels of the Quartermaster Corps in place of civilian masters, mates, and engineers. He further says:

It is believed that these discharged warrant officers, Army Mine Planter Service, have real ground for feeling that their summary discharge was an unnecessary hardship and in violation of the implied terms of their appointment. Their reinstatement would be an act of justice, and they have more claims to permanence of employment than civilian masters, mates, and engineers whom they would replace on vessels of the Quartermaster Corps.

The bill as amended by the committee and as it came before the committee on that amendment is in the language of the amendment suggested by the Secretary of War.

Mr. ANTHONY. Mr. Speaker, reserving the right to object, it is my impression that there were about 80 of these warrant officers in the mine-planter service at the time of the reduction. Congress reduced the number to 40 to be employed in this It was stated to the committee that in carrying out the reduction the men with the least number of years of service would be the first discharged and the men with the longest periods of service would remain. Now, I can not see where these warrant officers who were discharged—mostly men com-missioned during the war, most of them with little or no military service before the war and with but two or three years' service during or since the war-have any right whatever to

claim retirement at three-quarters pay of their grade; and that is what it will mean eventually if these men are restored. The effect of restoring them to duty would simply be to burden the Army with an additional number of unnecessary warrant officers and burden the Public Treasury with their pay.

Mr. FIELDS. Mr. Speaker, will the gentleman yield? Mr. ANTHONY. Yes. Mr. FIELDS. I happen to know that one of these men had

21 years' service.

Mr. ANTHONY. Then the War Department should not have discharged him. They should have retained him in the service among the 40 that were retained. I think the remedy is to bring in specific legislation to take care of any individual with especially long or meritorious service.

Mr. FIELDS. Some of them had 10 years' service. Mr. ANTHONY. Yes. But certainly those of short service should not be reinstated.

Mr. McKENZIE. Mr. Chairman, will the gentleman vield?

Mr. ANTHONY. Yes.

Is it not true that in the amendment to the Mr. McKENZIE. appropriation bill submitted by the subcommittee of the Committee on Appropriations, providing for the reduction of the commissioned personnel of the Army, they provided that in every other branch of the service except the Mine Planter Service an officer with 10 years' service would be discharged with one year's pay; and if he had more than 10 years' service, he would be retired with 3 per cent additional for the number of years he had been in the service? We simply provide in this bill that on their own application they may be reinstated and work for the Government in a position other than in the Mine Planter Service, where we now hire civilians.

Mr. ANTHONY. The gentleman knows that most of these

men were civil employees, assistant engineers, or mates on harbor boats when they were invested with the dignity of warrant officers during the war. If the gentleman wants to reinstate these men and put them on the retired list, he ought also to

put every civil employee similarly situated on the retired list.

Mr. McKENZIE. Will this cost the Government any money?

Mr. ANTHONY. It depends on whether the Government needs their services or not. It is not shown that the Govern-

ment needs their services.

Mr. BLAND of Virginia. I have a statement furnished me from the War Department to the effect that 22 of the 32 men involved in this bill came from the Army-that is, they had prior service in the Army before they went into the Mine Planter Service—and 5 of them were from the Navy. So that

27 of these men had prior service, military or naval service.

The bill creating the Army Mine Planter Service provided that they should have retirement, and in the bill that was passed by the House, the appropriation bill which provided for their elimination, every other officer who was eliminated was taken care of except the warrant officers in the Army Mine Planter Service

Mr. ANTHONY. The most we did for the commissioned officer with 10 years' service when he was displaced was to give him a year's pay. Does the gentleman think these men should

be given more than a year's pay?

Mr. BLAND of Virginia. Some of them should.

Mr. ANTHONY. I think the Government has the absolute right to discharge surplus officials whenever they are unneces-

Mr. BLAND of Virginia. When it invites them into the service on the understanding that they shall be retired? Does not the Government hold out that offer to these officers?

Mr. ANTHONY. The law provides that they can be retired only by reason of disability or after 30 years' service.

Mr. BLAND of Virginia. The act provides that they shall

have retirement.

Mr. TILSON. Mr. Speaker, will the Mine Planter Mr. ANTHONY. Yes, Mr. TILSON. How did these men get into the Mine Planter

Service from the Navy?

They came in when the Mine Mr. BLAND of Virginia. The military forces had great Planter Service was created. trouble in getting warrant officers, and this inducement was held out to them that they would get retirement pay. The testimony taken before the committee was to the effect that these men would not have come in without the promise of They would have remained in the military or naval retirement. branches of the service, where they would have their accruing

right of retirement.

Mr. ANTHONY. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Kansas objects. The Clerk will report the next bill.

BRIDGE ACROSS THE RED RIVER.

The next business on the Calendar for Unanimous Consent was the bill (S. 4235) granting consent of Congress to the Charlie Bridge Co. for construction of a bridge across Red River between Clay County, Tex., and Cotton County, Okla.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows

Be it enacted, etc., That the consent of Congress is hereby granted to the Charlie Bridge Co. to construct, maintain, and operate a bridge and approaches thereto across the Red River at a point suitable to the interests of navigation between Clay County, Tex., and Cotton County, Okla., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

GRANT ROAD, IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18237) authorizing the closing of certain portions of Grant Road, in the District of Columbia, and for other purposes

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the pres-

ent consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, section 2 of this bill is disapproved by the authorities of the District. It has several very undesirable features. I shall be obliged to object unless section 2 is eliminated.

The SPEAKER pro tempore. It would be in order to strike

out section 2 in the consideration of the bill.

Mr. CRAMTON. Will that be agreeable to the gentleman in charge of the bill, and will it stay out if it is taken out here? If not, I will object.

The SPEAKER pro tempore. The gentleman from Michigan

objects. The Clerk will report the next bill.

TERMS OF COURT AT PAULS VALLEY, OKLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6376) to amend the act establishing the eastern judicial district of Oklahoma.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the

consideration of this bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, that bill is one in which the gentleman from Oklahoma [Mr. CARTER Is interested. This afternoon occurs the wedding of the daughter of the gentleman from Oklahoma, and naturally he is not able to be present here this afternoon; and because of his absence I object.

Mr. SWANK. Will the gentleman reserve his objection?
Mr. CRAMTON. I have no objection to reserving it.
Mr. SWANK. The gentleman from Oklahoma [Mr. CARTER] spoke to me a few minutes ago about this. He has three Federal court towns in his district. This provides for a court at Pauls Valley, Okla. They have a \$150,000 courthouse there that they will furnish the Government for nothing. I would

be glad if the gentleman would not object. Mr. CRAMTON. The gentleman realizes that I am not familiar with the conditions. The gentleman from Oklahoma [Mr. CARTER] is interested, and I have a great deal of confidence that he would have good reasons for his objection, and

I am obliged to object.

Mr. SWANK. Has the gentleman any objection to the bill retaining its place on the calendar?

Mr. CRAMTON. I have not.

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent that the bill may retain its place on the calendar.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the bill may retain its place on the calendar. Is there objection?

There was no objection.

TRANSPORTING COMMITTEE OF FOURTH OHIO INFANTRY TO PORTO RICO.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 442) to authorize the transportation to Porto Rico of a committee representing the Fourth Ohio Infantry, war with Spain.

The Clerk read the title to the resolution.

The SPEAKER pro tempore. Is there objection to the pres-

ent consideration of the resolution?

Mr. STAFFORD. Reserving the right to object, I wish to inquire whether there is any instance where the Government has allowed its utilities to be used gratuitously for transportation purposes as proposed in the resolution submitted for objection or consideration.

Mr. McKENZIE. I wish to say to the gentleman that I can not answer that question. I can simply give him our reason for reporting this resolution. It involves the officers of the Fourth Ohio Infantry who took part in the Spanish-American War. They want to go to Porto Rico to put a marker there. There may not be any precedent for it, but it seems to me it is a matter that we should not quibble about.

Mr. CRAMTON. Will the gentleman yield? Mr. McKENZIE. Yes.

Mr. CRAMTON. It is my recollection that at the time of the last Olympian games at Antwerp such a provision was put into the law, and contestants went over to the number of one or two hundred on a Government transport under a similar provision.

Mr. TOWNER. Will the gentleman yield?

Mr. STAFFORD. I will gladly yield to the future distinguished Governor of Porto Rico, whom we are all, I know, very happy to have been honored with such a distinguished appointment. [Applause.] If I may be allowed, we wish him

Godspeed in his work in his new honorable position.

Mr. TOWNER. Mr. Speaker, I only want to make this state-It would be difficult to find a precedent for it. ment. Fourth Ohio Infantry captured the town of Guyama, in Porto Rico, during the Spanish-American War. This is the twenty-fifth anniversary of that event. The survivors of this regiment desire to send a small party to Porto Rico and also allow them to go on a transport without any additional expense to the Govern-They desire that for two reasons: First, that it would give their visit a significance that they could not acquire by reason of going on some other vessel at their own expense. It will not cost the Government anything, and it will be an act of courtesy, especially to the regiment, and especially also to the people of Porto Rico, who will gladly receive them and join with them in the memorial exercises.

Mr. STAFFORD. Mr. Speaker, as a courtesy to the future Governor of Porto Rico, I withdraw my reservation of an objec-

Mr. MONDELL. Mr. Speaker, there is an additional reason why the resolution should be passed. By the time his visit is made our colleague, our friend from Iowa, will be in Porto Rico as the governor of that beautiful island, and we desire that an opportunity shall be offered these gentlemen to visit Porto Rico at the time he is there and see how splendidly he is maintaining the prestige of the Nation and adding to the glory and prosperity of Porto Rico. [Applause.]

Mr. DAVILA. Mr. Speaker, I am proud of my ancestry and my Spanish blood, but, without any reflection on the Spanish people, whom I love and admire, I want to say that the day the American flag was raised in Porto Rico we began to live a new and prosperous life. [Applause.] Now, it is nat-ural that we want to have an opportunity to extend our courtesies to these soldiers who fought for America and to pay our tribute to those who died during the service in the Spanish-American War. The people of Porto Rico have instructed me to invite the soldiers to go to the island, and we are going to do something for them. They will be welcome as our guests. [Applause.] I hope this resolution will pass.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, it has been my privilege for many years to serve on the Committee on Insular Affairs with the distinguished gentleman from Iowa, Judge Towner. Of course, I do not know just why the judge is willing to retire from the House of Representatives to accept the burdens and responsibilities of the position of Governor of Porto Rico, but since he is willing so to do, I think the people of Porto Rico are to be congratulated; and certainly those of us who have had the opportunity of intimate service with him upon the committee who are aware of the knowledge he pos-sesses of all of the details of insular problems are also aware of the fact that he will meet those responsibilities and dis-charge those duties fairly, honestly, with credit to himself, with credit to his country, and we hope with entire satisfac-tion to the people whose governor general he is to be. [Applause.] My own opinion is that the President made a very

wise choice, and as a member of the minority on the Committee on Insular Affairs I wish to express to the honorable gentleman from Iowa congratulations, good wishes, hopes for his success in the responsibilities that he has to discharge, and to him and to his good wife all good things now and forever.

Mr. DAVILA. Mr. Speaker, if I may be permitted just a moment, I desire to read the following cablegram which I have received from the president of the Porto Rican Senate:

SAN JUAN, P. R., February 28, 1923.

Judge Córdova Dávilla, Resident Commissioner from Porto Rico, Washington, D. C.:

People of Porta Rico received with great enthusiasm the appointment TOWNER. Please so inform President Harding and Judge TOWNER himself.

BARCELO.

The SPEAKER pro tempore. The Clerk will report the joint

The Clerk read the House joint resolution, as follows:

Resolved, etc., That if accommodations on public transports are available, the Secretary of War is authorized to provide, without expense to the United States, transportation from the United States to Porto Rico of a committee composed of members of the Fourth Ohio Infantry, war with Spain, for the purpose of placing a memorial tablet in the city of Guyama commemorating the twenty-fifth anniversary of the capture of that place and in honor of the American soldiers who died during their service in Porto Rico.

The SPEAKER pro tempore. The question is on the engross-ment and third reading of the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

PROCEEDINGS IN CONTESTED ELECTIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14224) to determine proceedings in contested elections of Members of the House of Representatives.

The SPEAKER pro tempore (Mr. HICKS). Is there objec-

tion to the present consideration of the bill?

Mr. GARRETT of Tennessee, Mr. Speaker, reserving the right to object, this is a bill of very great importance and very far-reaching in its aspects.

Mr. DALLINGER. Mr. Speaker, will the gentleman reserve

his objection?

Mr. GARRETT of Tennessee. I reserve the objection.

Mr. BLANTON. Mr. Speaker, I rise to a constitutional question, and make the point of order that we have no quorum

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present. Chair will count. [After counting.] Two hundred and sixteen

Members present, a quorum.

Mr. DALLINGER. Mr. Speaker, this bill has the unanimous report of the Committee on Elections No. 1, and it is the result of eight years' experience with contested election cases in the House of Representatives. For a long time there has been a great deal of criticism throughout the country in regard to the delay in the settlement of these election contests, and still more criticism of the fact that when the contest is decided in favor of the contestant, in some cases two persons from the same district draw almost two years' salary, together with mileage, stutionery allowance, and other perquisites that go with the office. Under the present law, if both the contestant and the contestee take all of the time that the statute allows, and the Committee on Elections to which the case is referred gives it careful consideration, it is a year and a half after the election before the case can be called up upon the floor of the House. Over, it frequently happens that where a committee has several cases referred to it, without any dilatoriness upon the part of the committee, it is almost two years before the case can be decided in the House.

Mr. McARTHUR. Mr. Speaker, will the gentleman yield?
Mr. DALLINGER. Yes.
Mr. McARTHUR. Does this bill propose a quicker report?
Mr. DALLINGER. Mr. Speaker, this bill proposes that these cases shall be tried in the first instance in the Federal courts in a way that will greatly expedite their consideration. say in passing that in 1868, over half a century ago, the British Parliament passed an act providing for the trying of all contested-election cases in the courts, and under the English statute the House of Commons is not even given the right of The court simply certifies to the Speaker of the House the finding of the court. We can not, of course, do that in this country, because our written Constitution makes each House "the judge of the elections, returns, and qualifications of its own Members," but there is nothing whatever to prevent

Congress providing by statute that in the first instance these

heard and decided expeditiously and strictly upon their merits without regard to personal or partisan considerations. If this bill is enacted, the finding of the court, together with an abstract of the testimony in narrative form, will be here in the hands of the Clerk of the House in the case of every contest when the new Congress convenes. The cases can then be re-ferred to one of the Committees on Elections, and we can rest assured that in nine cases out of ten the committees will speedily report in accord with the finding that the Federal court

Mr. STAFFORD. Mr. Speaker, there is no question but that this bill has in it much food for thought. Everyone must realize that the bill would not have any opportunity of consideration in the other branch of the Congress at the present session. The gentleman is fortunately coming back in the next Congress and he will have many days then when he can bring this subject up.

RELIEF OF CERTAIN NAVAL RESERVE OFFICERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10268) to provide for the relief of certain officers of the Naval Reserve Force, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. Mr. McARTHUR. Mr. Speaker, the purpose of this legisla-Mr. McARTHUR. Mr. Speaker, the purpose of this legisla-tion is for the relief of certain officers of the reserve force who have been disenrolled and to those who were released from active duty, but who did not begin travel to their homes within the period of four days after their release. At the close of the war, when these reserve officers, or some of them, were ordered home they were disenrolled and then told to proceed to their homes. The comptroller has decided in a decision rendered on October 7, 1919, that those officers were not entitled to mileage because they had been disenrolled; that that put them out of the service, and that it was the same as ordering civilians to proceed to their homes. It was held that there was no authority for such orders, and that, therefore, they were not entitled to mileage. In some cases the officers were actually paid the mileage, but in some cases they were never paid. That is why the decision came to be made by the comptroller, because when he found that they were being paid this mileage he decided against their getting mileage, and the pay officers who had paid the mileage, of course, had their accounts held up. Then the department issued orders to reserve officers detaching them from active duty and ordering them to their homes at their option. It seems to me this bill does nothing more than correct a

very grave injustice that has been done to a lot of excellent men who wore our uniform during the World War, men of the Naval Reserve Force. They have been denied their pay on account of a ruling of the comptroller, and if justice is going to be done these men and also men in the Paymaster Corps of the Navy who have technically made erroneous payment to these officers because they did not proceed immediately to their

homes

Mr. STAFFORD. If the gentleman will yield. Many of these officers of the Naval Reserve Corps took leave of absence and went on vacation for six months before they attempted to return to their homes. That practice is not indulged in in the Army of allowing the men any such right under those circumstances. Here we have a law which gives members of the Naval Reserve Force mileage if they will begin their travel within a time limit under naval regulations. Of course, there are any number of men upon their discharge from the service who would like to have a holiday of a few months and have Uncle Sam come and pay for their transportation home after the vacation. We find the law is this:

Since under the act of August 29, 1916 (39 Stat. 588), the right of officers of the Naval Reserve Force to the pay and allowances of officers of the regular Navy is expressly dependent upon a status of active duty in the Navy, no right to mileage accrues separate and apart from such active-duty status, and officers of the Naval Reserve Force detached from active duty and ordered to their homes, and who in proceeding home delay beyond the period authorized by naval regulations, are not entitled to mileage in subsequently performing the travel, their active-duty status having been terminated as of the date of detachment, (Decision of Comptroller of the Treasury dated February 9, 1920, 26 Comp. Dec. 639.)

Mr. BLANTON. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object. Mr. McARTHUR. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on this bill.

The SPEAKER pro tempore. Is there objection? [After a cases shall be tried out in the Federal courts, where they will be I pause. 1 The Chair hears none.

AUTHORIZING THE STATE OF CALIFORNIA TO BRING SUIT AGAINST THE UNITED STATES.

The next business on the Calendar for Unanimous Consent was the bill (S. 3892) authorizing the State of California to bring suit against the United States to determine title to certain lands in Siskiyou County, Calif.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the

present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this report is not very illuminating and does not differ from other reports which the Committee on the Judiciary make. I can understand why perhaps in the closing days of the Congress the clerk to the committee had only time to write a report of only five lines. That would be sufficient warrant to object, but in view of the fact that the gentleman from California, my dear friend, is interested in the bill, I reserve the right to object.

Mr. RAKER. Mr. Speaker, the State of California was granted swamp lands under the swamp land act of Congress. The State of California ceded this land to the Government on February 3, 1905 (California Statutes, 1905, p. 4), for reclamation purposes, and the Federal Government accepted it on February 9, 1905 (33 Stat. 714), for reclamation purposes. The land had been drained. Congress passed an act directing the land to be surveyed and to be opened for homestead settlement for soldiers of the late war. That is the status of it. Now the State of California comes in, by an act of the legislature last year, directing the attorney general to commence action. The State of California claims the land; the Federal Government claims the land. I have taken up the matter with the Department of the Interior and with the Reclamation Service, and they tell me this is the only fair way of disposing of it, and let the court adjudicate the legal questions involved. The sooner it is done the better for all concerned.

Mr. STAFFORD. Will the gentleman permit? I remember some years back, before one of those regular interregnums occurred in my service in this House, that the gentleman was endeavoring to get through the House a bill granting some persons preferred rights to entry; and, if I am not mistaken, it

was on this land.

Mr. RAKER. Yes, we did; and the World War came on and that was the first time when the land was authorized to be opened to ex-service men. It gave them the preference right

of entry.

Mr. VOLSTEAD. Mr. Speaker, the statement that has been made does not cover the situation as it has been explained

to us.

Mr. STAFFORD. I would be very glad to have the gentleman from Minnesota give the explanation made to him.

Mr. VOLSTEAD. Here is the situation: The Legislature

of California undertook to grant to the United States a certain right in swamp land granted to the State of California. Now, in the grant there was a provision that the land uncovered by certain drainage proceedings should go to the United States Government. The State of California contends that the land that was granted was inside the meander line of the lake that was to be drained, but the United States Government claims it did not only cover the land in the basin of the lake but also land that was drained by reason of this reclamation. Here is the situation: The Government has drained and permitted entries upon this land that adjoins the margin of the lake. As a consequence there is a dispute between the United States Government and the State of California, and it is very important, it seems to me, to allow that matter to be determined in one suit. Under the law, of course, they can allow entries to go to patent. Then each entryman would have to face a suit to set aside that patent. It is not fair to allow people to go on these lands on the assumption that the Government can protect them, because it may turn out, as the courts of California have held, that the land does belong to Califora. It ought all to be determined in one suit,
Mr. STAFFORD. The bill which the gentleman from Cali-

fornia was so much interested in during the war Congress I was opposed to and other Members were. I believe it did not have merit. But I concede that the rights of California and of the Federal Government should be determined, and I withdraw

my reservation of an objection.
The SPEAKER pro tempore. The reservation of an objection is withdrawn. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That consent is hereby given that a suit or suits may be instituted by or in behalf of the State of California in the Supreme Court of the United States to determine the right, title, and interest of such State to certain lands in Siskiyou County, Calif., alleged to have been ceded by such State to the United States by act

of the Legislature of the State of California entitled "An act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower or Little Klamath Lake, Tule or Rhett Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc Counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all the right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State," approved February 8, 1905, and in any such suit the right, title, and interest of such State and of the United States may be fully tested and determined if the Secretary of the Interior is made a party to such suit.

Upon the request of such Secretary the Attorney General of the United States is authorized and directed to defend the right, title, and interest of the United States to such land or any part thereof.

The SPEAKER pro tempore. The question is on the third

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

FARM CREDITS BILL.

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4280, the farmers' credit bill, disagree to the Senate amendment and agree to the conference asked for by the Senate.

The SPEAKER pro tempore. The gentleman from Pennsylvania moves to take from the Speaker's table the bill S. 4280, disagree to the Senate amendment, and agree to the conference

asked for by the Senate. Is there objection?

There was no objection; and the Speaker pro tempore announced as the conferees on the part of the House Mr. Mc-FADDEN, Mr. DALE, Mr. A. P. NELSON, Mr. WINGO, and Mr. STEAGALL.

EXTENSION OF REMARKS.

Mr. FOSTER, Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 12123.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio to extend his remarks in the manner indicated?

There was no objection.

UNITED STATES INDUSTRIAL REPORMATORY,

Mr. FOSTER. Mr. Speaker, this bill (H. R. 12123) was prepared under the supervision of the Superintendent of Prisons of the United States. It was approved by the Department of Justice. It has the unanimous indorsement of the American Prison Association. Each approves it both as to the principle of the reformatory and its location at Camp Grant. President Harding, in a letter to the chairman of the Judiciary Committee, a copy of which is attached to the report, approves the bill both as to its principle and its location, and calls attention to the fact that the three Federal prisons are already overpopulated by more than 600 and if relief is to be had the project must of necessity be authorized by the present Congress

The Judiciary Committee held exhaustive hearings during November and December. If the entire membership of the House were to read the hearings before the Judiciary Committee, it is my judgment that there would not be 10 votes against either the creation of the reformatory or its location

Among those who testified in behalf of the bill were Assistant Attorney General Holland, Assistant Attorney General Crim, who has charge of the Criminal Division of the Department of Justice, Mr. H. H. Votaw, Superintendent of Prisons, Assistant Attorney General Mabel W. Willebrandt, and Mr. F. F. Duehay, trustee, National Training School for Boys, all of whom heartily approve the bill, both as to its provisions and as to the location Rockford, Ill., and they because of its location near them.

In a memorandum filed in the Department of Justice by Superintendent of Prisons Votaw appears this statement:

The records of the United States courts show that the criminal business of the United States in the last 10 years has increased 800 per cent. Due to new criminal laws which have been passed during the last three or four sessions of Congress, including the antinarcetic act, the espionage act, the auto theft act, the income tax act, and the national prohibition act, at least 60 per cent of the increase has come within the last three or four years.

Assistant Attorney General Willebrandt testified that the records show that there are more than 400,000 men going out from our penitentiaries, State and Federal, annually. tically all of the States have provided reformatories similar to the one proposed by this bill for Federal prisoners. Attorney General Crim, in charge of the Criminal Division of the Department of Justice, in testifying before the committee, said:

The greatly enlarged jurisdiction of the Federal criminal department during the past 10 years, caused by the enactment of a number of statutes which create new Federal offenses, has given us a very much greater number of prisoners than anyone dreamed of 20 years ago.

When we first began to send Federal prisoners to Atlanta, it was thought that the Atlanta prison would be adequate for a great number of years—a generation. The prison at Atlanta is now over capacity. The same is true of Leavenworth and McNeil Island.

The new statutes under which these prisoners are being sent up are giving us a very different type of prisoner from the old Federal prisoner of 20 years ago. He was a man close to middle age. He was a post-office clerk, a counterfeiter, a pretty hard-boiled individual, as prisoners went, if I may use that expression. Our average Federal prisoner to-day is of a different type. He is a much younger man; he is in his twenties, and invariably he is sent there under a statute that does not involve moral turpitude.

Moreover, we have still another type of prisoner, and that is the prisoner who is an addict. About 600 of the present occupants of the prison at Atlanta—and the percentage holds, I believe, true in the other prisons—are addicts. We have no means at Atlanta of segregating those men, giving them the care and attention that they should have.

Then, too, we have a percentage of tubercular prisoners. When I wished the prisoners are addicted to the prisoners.

gating those men, giving them the care and attention that they should have.

Then, too, we have a percentage of tubercular prisoners. When I visited the prison at Atlanta about a year ago I found that we had them in the yard of the prison, in tents, but it was utterly impossible to give those men, under the then existing circumstances and the circumstances that exist to-day, the attention that they should have and the segregation that they ought to have.

With this congestion in our prisons, with ever increasing jurisdiction, it is high time for us to take up, step by step, some scheme of handling these men; and the step before you to-day is a proposed law providing for an industrial prison to take care of the prisoners between the ages of 17 and 30, prisoners who are first offenders, and who, in the judgment of the prison officials, can be saved and released as useful citizens with some means of making a livelihood. There are a great number, a great percentage, as our parole reports show, of young men who are convicted and sent to these prisons who, on getting out or being paroled, make good; and it is to assist those individuals in a subjective way that this theory of an industrial prison is adopted, and as an example to other prisoners as well.

The conditions, if allowed to continue as they are, in a year or two will be absolutely immoral. You can not crowd men together as we have to do without haxing a very serious situation not only with respect to life but to morals as well.

Superintendent of Prisons Votaw states that this bill is modeled along the lines of the best thought of practical penologists and will effect great improvement in the penal laws of the United States. He further states that the prison laws with regard to the treatment of United States prisoners are inadequate and far behind the laws of the more advanced States. Prior to the occupancy of the Atlanta and Leavenworth prisons the United States prisoners were confined in the penal institutions of the various States and were subjected to the same treatment and disciplined as State prisoners in the same institution. There were, therefore, as many as 25 different measures of treatment for the United States prisoner. When the Federal penitentiaries were constructed no consideration was given of a reformatory nature. The result is that while the United States has penitentiaries modern as to physical comforts, measures for the training and reformation are entirely inadequate. Neither are any drastic or reactionary measures contemplated. On the contrary, this bill is in harmony with the prevailing sentiment of enlightened, practical prison administrators throughout the country. It is in accord with legislation already on the statute books of our advanced States. He stated to the Judiciary Committee:

It is conceived in the spirit of the only principle of penology that is worthy of consideration—that is, to try to find out the reasons for a man's wrongdoing and endeavor to make it not worth his while to repeat it.

In an Caborate and exhaustive memorandum submitted by Mr. Votaw he presents the arguments in support of this bill:

First, (a) to meet the needs of our rapidly increasing prison population and (b) obviate the necessity of recourse to State institutions to care for the increase. Second, the desirability of the institution being a reformatory from (a) the humanitarian standpoint and (b) the practical standpoint. And third, the most logical location for its establishment with regard to (a) a center of population, (b) railway facilities, (c) farming operations, (d) economical considerations, and (e) early occupation. I wish every Member of the House would read this

memorandum submitted by the superintendent of prisons.

A commission appointed by the President in 1909 to investigate penal matters reported:

gate penal matters reported:

We do not believe in taking any attitude toward the violators of law that will lead them to look upon their offenses as trivial, to look upon themselves as victims of oppression or upon governments as their debtors. But we do believe in taking a passionless, patient, and impartial attitude toward them, making it as easy as possible to do right, as difficult as possible to do wrong, and keeping always before their eyes the hope of redeeming themselves, in convincing them in every practicable way that they are still the makers of their own destiny. We believe that those who may be reasonably supposed to be reformable should be treated and employed with that end in view. We believe that for certain criminals there should be labor, long and severe. We believe that no system of dealing with the criminal classes should ever at any point lose sight of the fact that the criminal is a man. He should never be needlessly degraded, insulted, or abused. We believe that a vital and momentous point of time is when the prisoner is released and turned back upon the world, and that the law should employ all possible agencies to guard and assist him in making a new start.

It is upon this principle that the Camp Grant reformatory

project is planned.

The War Department has set aside 500 acres from the Camp Grant site, near Rockford, Ill., to be used for the reformatory. Superintendent of Prisons Votaw and others made a personal and careful inspection of all camps that were available for this reformatory, and all agreed upon Camp Grant, and their reasons are set forth fully in the hearings. The chief objection, and about the only objection, urged against the Camp Grant lecation comes from some of the business men of the city of Rockford who desire to extend their factory sites onto this Govern-ment-owned land. The minority report filed by my good friend Governor YATES consists of four letters from four of these business men, and a reading of them will disclose their chief objections. The hearings show that Camp Grant is three hours' ride from Chicago, and entirely without the city limits of Rockford. Hearings were granted citizens of Rockford, and each person protesting the location of the reformatory frankly admitted the need for the reformatory. This matter resolves itself into a question of whether the interests of the Government or the interests of the city of Rockford should be paramount. Similar objections will come from any possible location. I submit that when the Secretary of War consents to the use of these 500 acres, and when the commission, under the superintendent of prisons, has inspected the available sites and recommends Camp Grant, that the protests of the manufacturing interests of one city against the use of Government-owned land located without the city limits should not be taken too seriously.

Every State prison to-day is congested, as will be shown by the hearings on page 4. A table attached to the report on this bill shows the overcrowding of all three Federal prisons. The health and morals of the prisoners are greatly impaired. It also shows that there are 1,900 first offenders between the ages of 17 and 30, of which number 600 are World War veterans.

It is contemplated that this reformatory will be constructed over a 10-year period, with an annual appropriation not to exceed \$150,000. It is intended that the work shall be done by these first offenders, who are to construct their own reformatory, thereby giving them employment and removing these young men from constant association with the hardened

This is a condition, not a theory, confronting Congress. Our three prisons are overcrowded. The health of the prisoners is seriously threatened. The morals of these 1,900 young men are being constantly jeopardized. The expense is inconsiderate. while the need is urgent. The bill seeks to provide a Federal reformatory such as all modern States-such as the State of Illinois-have, in their wisdom and humanity, provided for their first offenders of tender years. I submit that the bill should be passed, both from a humanitarian standpoint as well as from a practical standpoint. It will save both money and men. It has the unanimous approval of the American Prison Asseciation, practically all of the strong and influential women's organizations, the Secretary of War, the Department of Justice, and the President of the United States. It is sound financially; it is sound socially; and I respectfully submit that it is the least the Government should do from both a common-sense and a humanitarian standpoint. This is a duty we owe not only to these unfortunate young men but it is a duty we owe to our Government and to ourselves.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by incorporating a letter from Mr. Samuel Untermyer, a letter containing statements in reply to accusations made by Mr. Geodykoontz, of West Virginia. I spoke with the gentleman from West Virginia, and I understood that he would oppose my request. I also spoke to the gentleman from Minnesota [Mr. Volstead]. I am making the request in their hearing.

The SPEAKER pro tempore. Is there objection?

Mr. VOLSTEAD. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

JOINT COMMISSION OF GOLD AND SILVER INQUIRY.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 441) creating a joint commission, to be known as the joint commission of gold and silver inquiry, which shall consist of five Senators, to be appointed by the President of the Senate, and five Representatives, to be appointed by the Speaker.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this resolution?

Mr. BLACK. I object.

Mr. RAKER. Will the gentleman withhold for just a moment?

Mr. BLACK. Yes.

Mr. RAKER. Mr. Speaker, I want to say to the House that yesterday the Senate passed an identical resolution without any other than a general explanation (S. J. Res. 287, Congressional Record, p. 4867); that it went through the Senate and the resolution is now lying on the Speaker's desk. I hope the gentleman will permit the House Joint Resolution No. 441 to be laid aside and the Senate Joint Resolution 287 be taken up

and passed. It is a vital matter to the mineral interests of the West. There are gentlemen here who are familiar with it. The chairman of the Committee on Mines, the gentleman from Utah [Mr. Colton], and the gentleman from Colorado [Mr. TAYLOR] and myself have a deep interest in it in the way of seeing the question of mineral interests developed. This has nothing to do with the standard of silver and gold, but simply is to make an investigation and report to the Congress the result of the development of minerals. It is for the reasons set out in the report that the resolution is desired. It should pass, and I have be gottlementally belief. and I hope no gentleman will object.

Mr. BLACK. Mr. Speaker, will the gentleman yield?

Mr. RAKER.

Yes.
I have no special interest in this. Mr. BLACK. eral rule I do not favor the creation of these numerous commissions unless there is some definite aim in view. Now, why can not any committee of the Senate or of the House obtain this information?

Mr. RAKER. Under the conditions and under the strain it is impossible. There are a number of men here who are

from the supposition of the report? That will satisfy all criticism.

Mr. BLACK. I have no objection.

The SPEAKER pro tempore. The Clerk will read the matter indicated.

The Clerk read as follows:

The Clerk rend as follows:

Extensive hearings were recently held by the Senate Committee on Mines and Mining on Senate Concurrent Resolution 37, which has been amended to conform to House Joint Resolution 441, and was favorably reported a few days ago.

The printed hearings show that a number of expert economists and mining men testified in support of the Senate resolution. An examination of the testimony of these witnesses shows the following state of facts to exist:

1. The annual production of gold and silver in the United States and throughout the world has been decreasing for a number of years.

2. That many of the silver mines will be compelled to close down and cease operation upon the expiration of the Pittman Act, unless something is done to improve the condition of the industry.

3. Over 80 per cent of the silver of the world is produced in North America and the major portion of it is controlled by American citizens, yet the price of our silver is arbitrarily fixed by four London brokers, controlled by the Bank of England.

4. Great Britain's control over the price and distribution of silver gives her an advantage in commerce in China and India, where the largest foreign silver market is found.

5. That our export trade is adversely affected by conditions surrounding the production, marketing, sale, and use of silver.

6. In 1919 \$80,000,000 of gold went into jewelry and the fine arts in the United States, while our total production of gold for hat year was but \$58,000,000, The world's production of gold in 1915 was \$474,000,000, and in 1922 it was but \$327,000,000.

There are so many complex questions relating to the cost of production, reduction, refining, transportation, marketing, and uses of gold and silver that your committee is of the unanimous opinion a fact-finding commission should be created and report back to Congress the result of its inquiry as soon as practicable. This legislation has no bearing upon the questions of monometalism, bimetalism, or flat money, nor does it propose a subsid

Mr. BLACK. Mr. Speaker, in view of the fact that the Pittman Act expires in the near future, I will withdraw my objection.

Mr. STAFFORD. Mr. Speaker, I enter a reservation of objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. Black] withdraws his objection, and the gentleman from Wisconsin [Mr. Stafford] reserves the right to object.

Mr. STAFFORD. In view of what has been read from the report, what advantage will be gained by the commission going

around the country to explore into this question?

Mr. COLTON. I hope the gentleman will not object. I do not know that there will be any commission going around the country. I do not believe our congressional commissions often take unnecessary trips. No investigation has ever been made of the mineral situation in the United States.

We do know that there is a depressed condition in the mining industry; that many mines will have to close down, undoubt-edly will close down, at the time the Pittman Act expires. We believe that there are certain agencies operating against the

profitable production of gold and silver, and that a fact-finding commission will give us the information necessary to determine the causes of the depression and threatened great injury, if not permanent crippling, of the mining industry. Surely no one would want that if it can be avoided, and I think it can be. We feel sure now that certain conditions are greatly hindering the mining business and undoubtedly the industry can be greatly stimulated.

In the first place, we believe that the freight rates are excessively high, and I believe ores are being discriminated against in freight rates. No one is in a position to give accurate information or reason for the depression of the mining industry. We hope to bring out a lot of facts that will help us to solve the problem. This is merely a fact-finding commission, such as we had investigate agriculture and other industries.

Mr. STAFFORD. Why can not that be done by the Com-mittee on Mines and Mining?

Mr. RHODES. This commission is to be appointed for the same reason that we appointed the Commission on Agricultural Inquiry. That commission consists of five Senators and five Representatives, and the same reasons which justified the appointment of that commission justify the creation of this com-

Mr. HAYDEN. Another point that is embarrassing the industry is that the smelters impose a burden on them. great smelters make undue deductions for moisture in the ore and in many other particulars, and if that could be investigated it would develop facts that would aid the industry itself.

Mr. STAFFORD. What is the estimate of the cost or expenses of this commission?

Mr. RHODES. The commission serves without pay

Mr. STAFFORD. Yes; I know. We have observed how careful some commissions are in expenditures, and with some how the extravagance goes wild. Would the gentleman object to limiting the amount to \$10,0007

Mr. RHODES. That question was raised in the Senate, but the gentleman will remember that there was no limit on the joint agricultural commission, and none of the other commissions that have been created in the Senate have been limited in expenses. I see no good reason why the commission authorized in this resolution should be put under a limitation.

Mr. STAFFORD. The committee may not be able to see any good reason, but, as an individual Member of Congress, I can see some reason why the commission should be placed under a limit as to their expenditure. I want to be reasonable as to the amount, but I do not intend to allow any commission to have a free rein.

Mr. RHODES. The gentleman has allowed and this House has allowed the Joint Commission on Agriculture to proceed without limit.

Mr. STAFFORD. Yes; and the Coal Commission came in the other day for an additional appropriation of \$400,000

Mr. RHODES. I trust the gentleman will be indulgent and let us state our case.

Mr. STAFFORD. Surely. Mr. RHODES. I never have come before the House and insisted on a proposition unless I believed there was merit in it. I do think in this case it would be unfair to the silver and gold mining industry to deny them this commission, and put the commission under a limitation as to expenses. I feel certain there will be no danger of this commission indulging in extravagant expenditures, and I think the gentleman ought not to insist on placing a limitation on it, because we do not know what those expenses are going to be. I am sure they will be modest.

Mr. STAFFORD. Would the gentleman object to some rea-

sonable limitation?

Mr. RHODES. I would not. I do not believe, Mr. Speaker, there is a man on the floor of this House who is prepared to-day to say just what would constitute a reasonable expendi-

Mr. BLANTON. Mr. Speaker, I want to reserve an objection to ask the question.

Mr. CRAMTON. I want to say to the gentlemen who are interested in this matter that they seem to have no idea what-ever of what it is going to cost the Government, and have brought in a bill under which the entire contingent fund of the House could be taken for expenses. They may travel all over the United States, to every mine and over every railroad in the study of the freight rates, and so forth. Under these conditions, whatever may have been provided in the past, does not the gentleman think it is time for the House to establish a precedent and fix the limitation of cost?

Mr. ARENTZ. We do not know whether it will be \$10,000 or \$25,000.

Mr. CRAMTON. I should think that \$2,000 would be enough.

Mr. ARENTZ. They will want to make inquiry among all the nations of Europe.

Mr. CRAMTON. Under this bill they could not visit all of the nations of the world. They should do it in Washington.

Mr. ARENTZ. They are not going to visit any country outside of the United States. They may sit in Washington; they may go as far as Butte, Mont. It will be necessary to travel in the United States but we do not know how far; we do not in the United States, but we do not know how far; we do not know whether it would take \$10,000 or \$25,000.

Mr. CRAMTON. This Congress right along has required the executive departments to come to Congress with definite information—definite estimates. We require every Government department—every executive department—to do that, and we ought to be willing to conform to it ourselves. If nobody knows how much is needed for this purpose, the bill had better wait

until they get that information.

Mr. STAFFORD. Further reserving the right to object, I would like to have some expression as to whether the proponents of this bill want to place any limitation on the cost of this commission

Mr. BUTLER. Mr. Speaker, I am going to demand the regular order. There are others interested in this calendar.
Mr. BLANTON. Mr. Speaker, if the regular order is delar order.

manded, I shall object.

Mr. BUTLER. I am not going to demand the regular order.

Mr. BLANTON. If the gentleman will permit, I would like to ask some questions.

Mr. COLTON. The gentleman from Pennsylvania has withdrawn his demand for the regular order.

The SPEAKER pro tempore. Is there objection?
Mr. BLANTON. Mr. Speaker, I reserve the right to object.
Under the authority of this bill it does not limit the five Senators and five Representatives to Members of the Sixty-eighth Congress, but they could be appointed from the retiring Members of the Sixty-seventh Congress who will go out of office next Sunday, and they could be appointed in five minutes after this resolution is agreed to.

Mr. ARENTZ. If the gentleman is referring to me, I will say that the Sixty-eighth Congress is quite agreeable to me. I would not go on this commission if I had a chance to.

Mr. BLANTON, I did not know that the gentleman was connected with the matter at all and did not have him in mind. I know what has happened with respect to other commissions

Mr. ARENTZ. Oh, that suspicion is so often thrown around

here that we are all looking for jobs. I am not,

Mr. BLANTON. I am glad to know that, but other gentlemen are, and fat jobs are being filled every day. Members who are leaving this Congress could be appointed upon this commission, and then after they have performed the work they could come in as another commission did two years ago and ask for salaries at the rate of \$7,500 per year, and get them out of the Treasury, and then extend their commission

on for a long time.

I want to ask the chairman of the committee why he did not limit this? There are other resolutions to come up similar to this one that do limit the appointments to Members of the Sixty-eighth Congress, which will prevent extra salaries. I call attention to the fact that anywhere in continental United States this commission may meet. It may meet in Seattle, it may meet in San Francisco, it may meet in Albuquerque, N. Mex., or it may meet in Miami, Fla., or in Boston, Mass.

Mr. ARENTZ. The subject is one that is large enough to

justify that.

Mr. BLANTON. But not to justify possible junketing trips. Just one other point. I call attention to this to show that the rights of the American people are not properly safeguarded. This bill provides for the appointment of a stenographer to wait upon the committee. We are to adjourn next Sunday, We have four reporters of committees, not the ones who are taking our debates here, but the ones who are in the House Building, who have offices there. They will not have one single thing to do for nine months and they are drawing \$6,000 a year from the Treasury, with nine months' vacation. Why does not the gentleman provide that one of them should serve on this committee and not have to appoint another patronage stenographer with a new salary?

Mr. RHODES. Mr. Speaker, if the gentleman is addressing

his inquiry to me, I desire to say that the author of the bill, the gentleman from Utah [Mr. Col.ron], has followed the

language in existing congressional commissions.

Mr. BLANTON. If this were the only one of such resolutions it would not be so bad, but the gentleman from New York [Mr. CLARKE] has one in his pocket that he expects to call up. There are others here that are coming up in the

closing hours of Congress for these commissions that can travel all over the world and the United States for the next nine months, during vacation, and waste thousands of dollars of the people's money.

Mr. RHODES. Mr. Speaker, the provision confining the activities of this commission to continental United States was put in the bill for the reason that the original act as introduced in the Senate would have authorized the commission to go anywhere, and members of the House Committee on Mines and Mining objected to that wide latitude. That phrase was put in there to confine the activities of the committee to the United

Mr. BLANTON. That proves that some one had a design to travel over Europe. Just this further suggestion: One paragraph of this bill still directs this commission to confer with travel over Europe. parties in foreign countries.

Mr. ARENTZ. That is necessary.
Mr. RHODES. That can be done by correspondence.
Mr. BLANTON. It attempts to limit that by inserting a provision that the committee shall not sit anywhere except in continental United States. That is a committee amendment. Suppose this passes the objection stage and the resolution comes up for passage and that the gentleman offers his committee amendment and the House votes it down. the other provision in the bill will be the law and will permit this commission to hold its hearings in Liverpool, in London, in Paris, in Rome, or anywhere else in foreign countries.

Mr. HAYDEN. The Senate bill has that limitation in it

and we are trying to pass the Senate bill.

Mr. BLANTON. There are some splendid gentlemen interested in this matter, and I hate to oppose them, but I feel that it is my duty to object to this bill.

Mr. GRAHAM of Illinois. Mr. Speaker, I demand the regu-

lar order

Mr. BLANTON. Mr. Speaker, I object if that is to be done. Mr. RAKER. Oh, just give us a moment and we can meet

Mr. GRAHAM of Illinois. I demand the regular order.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object. Mr. COLTON. Mr. Speaker, I ask unanimous consent that the resolution may retain its place on the calendar.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.
Mr. RAKER. Mr. Speaker, would not the Speaker recognize the gentleman from Utah to suspend the rules and pass this joint resolution? It will take only a few minutes, with these amendments.

The SPEAKER pro tempore. The Chair could not do that

RESERVOIR SITES.

The next business on the Calendar for Unanimous Consent was the bill (8, 3123) to amend section 1 of the act entitled "An act providing for the location and purchase of public lands for reservoir sites," approved January 13, 1897, as amended.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act providing for the location and purchase of public lands for reservoir sites," approved January 13, 1897, as amended, is amended by inserting at the end thereof the following new sentence:

"The Secretary of the Interior, in his discretion, under such rules, regulations, and conditions as he may prescribe, upon application by such person, company, or corporation, may grant permission to fence such reservoirs in order to protect live stock, to conserve water, and to preserve its quality and conditions: Provided. That such reservoir shall be open to the free use of any person desiring to water animals of any kind; but any fence erected under the authority hereof shall be immediately removed on the order of the Secretary."

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read a third time, and passed.

MINING OF COAL, OIL, ETC., ON PUBLIC DOMAIN.

The next business on the Calendar for Unanimous Consent was the bill (8, 3794) to amend section 35 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I object.

BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER, KY.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11477) granting the consent of Congress to the Freeburn Toll Bridge Co. to construct a bridge across the Tug Fork of Big Sandy River, in Pike County, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Freeburn Toll Bridge Co., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Tug Fork of Big Sandy River at a point suitable to the interests of navigation, at or near the mouth of Peter Creek, in the county of Pike, in the State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read the third

time, was read the third time, and passed.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent briefly to extend my remarks in the Record and explain the delay in reference to the passage of this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky? [After a pause.] [After a pause.] The Chair hears none.

SALE OF CERTAIN AIR SERVICE PROPERTY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14388) to authorize the sale of certain Government property and authorizing an appropriation for permanent buildings and improvements for use of the engineering division of the Air Service of the Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, I object.

COLUMBIA RIVER AND WILLAMETTE SLOUGH, OREG.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 415) for the relief of St. Helens, Oreg., by improving the channel between the harbor of St. Helens and the Columbia River.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of this joint resolution? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved, etc., That the Secretary of War is hereby authorized and directed to construct and maintain a channel between deep water in the harbor of St. Helens, Oreg., and deep water in the Columbia River, in accordance with the recommendations made in the House Document No. 156, Sixty-seventh Congress, second session, out of any moneys heretofore or hereafter appropriated or allotted for the improvement or maintenance of channels in the Columbia River.

The committee amendment was read, as follows:

Strike out all of lines 3 to 10, inclusive, page 1, and insert in lien thereof the following:

"That the Secretary of War is hereby authorized and directed to modify the project for the improvement of the Columbia and lower Willamette Rivers, below Portland, Oreg., in accordance with the reports submitted in House Document No. 156, Sixty-seventh Congress, second session."

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

GRANTING HELL'S HALF ACRE TO NATRONA COUNTY, WYO., FOR A PUBLIC PARK.

The next business on the Calendar for Unanimous Consent was the bill (S. 4146) permitting the State of Wyoming to reconvey certain lands to the United States and to select other lands in lieu thereof, and providing for the patenting of certain lands to Natrona County, Wyo., for public-park purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object. this being a bill to grant a patent of interest to the people of Wyoming, I shall not object.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That upon delivery to the Secretary of the Interior by the State of Wyoming of its properly executed and duly recorded deed or deeds reconveying to the United States of America in fee simple the lands in section 36, township 36 north, range 86 west of the sixth principal meridian, containing approximately 640 acres, the said State shall be authorized and permitted to select an equal number of acres from the unreserved, nonmineral, nontimbered, unap-

propriated public lands of the United States in said State, for the same purposes, and subject to the same conditions and limitations under which the lands so reconveyed were held.

Size. 2. That when the title to section 36, township 36 north, range 86 west of the sixth principal meridian, shall have revested in the United States pursuant to the foregoing provisions, the Secretary of the Interior shall cause a patent to issue conveying the said section 36, township 36 north, range 86 west, together with the north half of section 1, township 35 north, range 86 west of the sixth principal meridian, to Natrona County, Wyo., in trust for the purpose of a public park, but in said patent there shall be reserved to the United States all oil, coal, and other mineral deposits within said lands and the right to prespect for, mine, and remove the same.

Size. 3. That the graint herein made is upon the express condition that within 30 days of the receipt of any request therefor from the Secretary of the Interior the county clerk of Natrona County, Wyo., shall submit to the Secretary of the Interior a report as to the use made of the land herein granted the county during the preceding period named in such request, showing compiliance with the terms and conditions stated in this act; and that in the event of his failure to so report, or in the event of a showing in such report to the Secretary of the Interior that the terms of the grant have not been compiled with, the grant shall be held to be forfetted, and the Attorney General of the United States shall institute suit in the proper court for the recovery of said lands.

The bill was ordered to be read the third time, was read the

The bill was ordered to be read the third time, was read the third time, and passed.

AMENDING PATENT AND TRADE-MARK LAWS, AND FOR OTHER PUR-POSES.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 14111) to amend the patent and trade-mark laws, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, my friend from Texas did not object to the other bill because, as the report shows, it is right around and includes what is known as "Hell's Half Acre."

Mr. STAFFORD. The gentleman, I presume, is thoroughly acquainted with the character of the location?

Mr. RAKER. Close, as you and ourselves; we meet on the

Mr. STAFFORD. Did the gentleman ever get close enough

Mr. RAKER. I trust my friend has not been singed. We all have to keep a close lookout lest we slip. You know as well as I what might surely follow a careless act or wrong objection. I just wanted to refer to it by way of saying that sometimes it is advisable not to object. I withdraw the reservation.

Mr. BLANTON. He is much more likely to get singed here

than there

Mr. STAFFORD. In reference to this bill, reserving the right to object, this is a rather important bill, reported rather recently, to authorize the Commissioner of Patents or his assistants to modify and reinstate a patent and correct a mistake. The gentleman shakes his head as if to say that is not the purpose.

Mr. VESTAL. Mr. Speaker, the rules of the Patent Office now provide that these mistakes may be corrected by certificates, and what we want to do here is to give those certificates the authority of law. Practically all the people accept them, but sometimes we find somebody who does not accept those and then the whole matter has to go down to the Bureau of Engraving and Printing and the whole thing be reprinted at a cost, for instance, in a case like this, of \$49, where this certificate has only cost \$2. Practically everybody accepts such certificates, but we want to give them the authority of law and save money to the Patent Office instead of its being a larger expense.

Mr. STAFFORD. Then, as I understand, under the existing practice the Commissioner of Patents when he discovers a mistake has the right to correct it by issuing a certificate

Mr. VESTAL. And we want to give those certificates the authority of law, of correction.

Mr. STAFFORD. I notice that a minor change will be made,

but I will not draw attention to it until the change is made. I

will withdraw my reservation of an objection.

The SPEAKER pro tempore. The reservation of objection is withdrawn. The Clerk will report the bill.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That whenever a mistake in a patent or trademark registration, incurred through the fault of the Patent Office, is clearly disclosed by the records or files of the office, a certificate, stating the fact and nature of such mistake, signed by the Commissioner of Patents and sealed with the seal of the Patent Office, may be issued, without charge, and recorded in the records of patents or trade-marks, and a printed copy thereof attached to each printed copy of the patent or trade-mark registration, and such certificate shall thereafter be considered as part of the original, and every patent or trade-mark registration, together with such certificate, shall have the same effect and operation in law on the trial of all actions for causes thereafter arising as if the same had been originally issued in such corrected form. All such certificates heretofore issued in accordance with the rules of the Patent

Office and the patents or trade-mark registrations to which they are attached shall have the same force and effect as if such certificates had been specifically authorized by statute.

SEC. 2. That section 892 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"SEC. 892. Written or printed copies of any records, books, papers, or drawings belonging to the Patent Office, of letters patent, of certificates of registration of trade-marks, labels, or prints, authenticated by the seal of the Patent Office and certified by the commissioner thereof, or in his name attested by a chief of division duly designated by the commissioner, shall be evidence in all cases wherein the originals could be evidence; and any person making application therefor and paying the fee required by law shall have certified copies thereof."

SEC. 3. That section 11 of the trade-mark act of February 20, 1905, being Thirty-third Statutes at Large, page 725, be, and the same is hereby, amended to read as follows:

"SEC. 11. That certificates of registration of trade-marks shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall either be signed by the Commissioner of Patents or have his name printed thereon and attested by an Assistant Commissioner of Patents or by one of the law examiners duly designated by the Commissioner of Patents, and a record thereof, together with printed copies of the drawing and statement of the applicant, shall be kept in books for that purpose. The certificate shall state the date on which the application for registration was received in the Patent Office. Certificates of registration of trade-marks may be issued to the assignee of the applicant, but the assignment must first be entered of record in the Patent Office."

With a committee amendment:

With a committee amendment:

Page 2, line 24, strike out the words "page 725."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. To the committee amendment?

Mr. STAFFORD. No.

The SPEAKER pro tempore. The gentleman from Wisconsin

offers an amendment, which the Clerk will report.

Mr. STAFFORD. Page 2, line 23, strike out the words "being Thirty-third Statutes at Large" and insert in lieu thereof "(33 Statutes at Large, page 724)."

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Stafford: Page 2, line 23, after "1905," strike out the words "being Thirty-third Statutes at Large" and insert in licu thereof "(38 Statutes at Large, page 724)", with a comma.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

e amendment.

The amendment was agreed to.

The question is on the en-The SPEAKER pro tempore. The grossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time,

was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next

NAVAL STORES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14326) establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, before the objecting stage is passed I think some explanation should be made of this rather important measure.

The SPEAKER pro tempore. The gentleman from Wisconsin

reserves the right to object.

Mr. HAUGEN. Mr. Speaker, this bill simply provides for the standardization of naval stores. There is so much of them being adulterated that it seems the unanimous sentiment of those who have knowledge of it that the bill should be passed, both in the interest of the purchaser and of the producer.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. LONGWORTH. Has not a similar bill been passed by the Senate

Mr. HAUGEN. Yes. I propose to have the House bill laid aside and take up the Senate bill.

Mr. STAFFORD. There seems to be a necessity requiring a statement as to the quality of wool and the like.

Mr. ASWELL. I will say to the gentleman that 20 per cent of all the naval stores purchased by the United States are adulterated.

Mr. STAFFORD. All manufacturers, as I understand, are in

favor of this measure, are they not?

Mr. ASWELL. Yes; the producers and the consumers and the public generally favor it. We had representatives before us of the Bureau of Chemistry in the Department of Agriculture recently, and they all agreed upon this bill.

Mr. STAFFORD. Mr. Speaker, I withdraw the objection.
Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to
take up the bill S. 1076. It is identical with this.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to take up the Senate bill 1076, an identical Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

bill (S. 1076) establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes.

The Clerk read as follows:

A bill (S. 1076) establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes.

Re it enacted. etc., That, for convenience of reference, this act may be seen as the convenience of the convenience of

not exceding \$5,000 or by imprisonal.

both.

SEC. 7. That the Secretary of Agriculture is hereby authorized to purchase from time to time in open market samples of spirits of turpen-

tine and of anything offered for sale as such for the purpose of analysis, classification, or grading and of detecting any violation of this act. He shall report to the Department of Justice for appropriate action any violation of this act coming to his knowledge. He is also authorized to publish from time to time results of any analysis, classification, or grading of spirits of turpentine and of anything offered for sale as such made by him under any provision of this act.

SEC. 8. That there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the administration and enforcement of this act, and within the limits of such sums the Secretary of Agriculture is authorized to employ such persons and means and make such expenditures for printing, telegrams, telephones, books of reference, periodicals, furniture, stationery, office equipment, travel and supplies, and all other expenses as shall be necessary in the District of Columbia and elsewhere.

SEC. 9. That if any provision of this act or the application thereof to any person or circums ances is held invalid, the validity of the remaineder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 10. That this act shall become effective at the expiration of 90 days next after the date of its approval.

Mr. LONDON. Mr. Speaker, I rise in opposition, and I ask

Mr. LONDON. Mr. Speaker, I rise in opposition, and I ask for recognition in opposition to the bill.

The SPEAKER pro tempore. The gentleman from New York

is recognized for five minutes.

Mr. LONDON. Mr. Speaker, one of the reasons why I oppose the bill is that I do not understand it. That is a very good reason for opposing it. I have been unable to follow it.

Another reason is that I would like to save the time of the House, and I would save the other four minutes if the gentleman from Minnesota [Mr. Volstead] will withdraw his objection to the request I previously made, and which I am about to renew. I ask permission to extend my remarks in the Record by incorporating a letter from Mr. Samuel Untermyer, the letter being a refutation of certain charges made against him during a debate in the House.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the manner

indicated. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, I do not think that any individual in the United States who, off in another State, villifies a whole committee of the House of Representatives, without any qualification at all, ought to have his remarks put in the Congressional Record, and I object.

The SPEAKER pro tempore. The gentleman from Texas ob-

Mr. LONDON. I do not want at this late hour to renew the controversy in which Mr. Untermyer participated. This request was to be made by the gentleman from Kentucky [Mr. THOMAS], who presented a minority report in the matter, but he has been in the hospital ill and somebody has asked me to

present the request to the House.

Mr. VOLSTEAD. Will the gentleman yield to me?

Mr. LONDON. I will.

Mr. VOLSTEAD. Before the Committee on the Judiciary had done a thing Mr. Untermyer undertook to make an attack on it in the newspapers. He has repeated it; he has succeeded in getting a lot of stuff into the Record, and it does not seem to me that he should be given the privilege of spreading any more of this stuff in the Record attacking the committee. It is not fair to the committee; it takes too much time to defend the committee

MEMBER. The regular order.

A MEMBER, The regular order.

Mr. LONDON, I am using my five minutes.

Mr. STAFFORD. The gentleman is proceeding by grace of the House. Under the rule the gentleman must confine himself to the matter under discussion.

Mr. LONDON. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has consumed four and a half minutes of his five minutes.

Mr. LONDON. I will ask the gentleman from Minnesota and

the gentleman from Texas to withdraw their objection. Mr. BLANTON. I want to wait until we are sure there are

no improper attacks on the committee in the article which the gentleman wishes to put in the RECORD.

Mr. LONDON. I showed this letter to the gentleman from Minnesota.

The SPEAKER pro tempore. The time of the gentleman from New York has expired. Is there objection?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill was laid on the table.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The extension of remarks referred to is here printed in full as follows

Mr. ASWELL. Mr. Speaker, permit me to say that turpentine farming is one of the old industries of this country, engaged in from earlier colonial days. The oldest known records indicate that tar and pitch were made by the French in Nova Scotia as early as 1606. As early as 1610 the colony at Jamestown, Va., had instructions for making turpentine, but apparently there is no record of the shipment of turpentine from Jamestown.

As early as 1694 rosin was being shipped from New England to England, but whether this rosin originated in the New England States or had been made from the turpentine gum gathered farther South is not clear.

Turpentine farming may be said to have really begun in this country in North Carolina in 1723, and from that time until after the Civil War, possibly as late as 1870, the production of turpentine was primarily, if not entirely, a plantation industry carried on to a large extent by the planters coordinately with their other farm work. Throughout this period the production of turpentine was generally known as "turpentine farming" and even in certain sections of North Carolina, South Carolina, and Georgia is now frequently spoken of in the same terms. The term "turpentine or rosin manufacture" is practically unknown in the turpentine and rosin producing section. People who work timber for turpentine and rosin are known in the South as "turpentine producers" or "turpentine operators," or "turpentine farmers," never as "turpentine manufacturers."

Until after the Civil War comparatively little turpentine was distilled on the plantations. Until about 1830 the turpentine or gum was put in approximately 300 pound barrels and shipped to England or to Philadelphia, New York, or Boston, where by distillation it was separated into spirits of turpentine and rosin. Since about 1830 the separation of spirits of turpentine and gum has been made at Wilmington, N. C., where the stills were erected and in fact the larger part of the turpentine and rosin made in North Carolina to-day is produced at Wilmington from gum which has been shipped in barrels from interior points.

As the industry grew more and more planters established their own stills until, with the expansion of the industry into the States to the south and west of North Carolina, most of the operators had their own stills located on the tract of timber they were working, though even to-day in the Atlantic Seaboard States there are a number of people interested in turpentine and rosin who have no stills of their own but sell their gum direct to another operator who has a still or turn it over to him for distillation for their account.

The production of turpentine and rosin, which began and continued up until after the Civil War largely as a plantation operation, has become more and more specialized until it is now conducted by a specially trained and experienced set of men, just as large-scale orcharding or ranching, creamery or cheese factories are operated. Most of the operators, however, are comparatively small. The Census Report for 1899 shows that Si per cent of the operations are conducted with a capital of less than \$5,000, 33.2 per cent with a capital of from \$5,000 to \$20,000, 49½ per cent with a capital of from \$20,000 to \$100,000, and 8.8 per cent with a capital of \$100,000 and over; but 247 of the 1,200 establishments listed are owned by corporations; the others are owned by individuals or partnerships. It is relatively certain that about one-half per cent of the turpentine and rosin operations are conducted on capital of less than \$30,000, which would not go far in financing a cotton plantation in the South, a butter or cheese factory in Michigan or New York, an orchard in Washington, California, Florida, or Virginia, nor would it run much of a corn or wheat farm in any of the States north of the Ohio River or as far west as the Rocky Mountains

There are about 1,400 turpentine and rosin producers in this country, and probably 200 or 300 of these do not have their own stills but sell the gum direct to other establishments. There are approximately 45,000 people employed in the industry. The invested capital is something more than \$80,000,000, the annual salaries and wages amount to more than \$18,000,000, and the value of the products is more than \$50,000,000 annually

In this connection it may be of interest to consider the parallel statistical data concerning the butter, cheese, and condensed-milk industry

According to the 1919 Census of Manufactures, the total quantities of these materials produced in plants of this kind are as follows:

Total butter, 920,500,000 pounds, valued at something over \$522,000,000; total cheese, 473,500,000 pounds, valued at approximately \$137,000,000; condensed milk, 2,093,600,000 pounds, valued at approxi-

mately \$293,000,000; total capital invested in these plants is approximately \$315,000,000; salaries and wages are approximately \$54,000,000, and the total value of the product is approximately \$1,066,000,000.

There are 7,669 establishments, 59.6 per cent of which have a capital of less than \$100,000, and this 59.6 per cent of the establishments produce but 22 per cent of the total value of the product. The percentage of the plants operated by corporations is 73.2. The value of the products produced by corporations is 65.9 per cent of the whole.

Minnesota produces 146,300,000 pounds of butter and about

10,000,000 pounds of cheese.

Wisconsin produces over 93,000,000 pounds of butter, 298,-000,000 pounds of cheese, and 248,000,000 pounds of condensed

Iowa produces 90,000,000 pounds of butter, 10,000,000 pounds

of cheese, 800,000,000 pounds of condensed milk.

Ohio produces 64,000,000 pounds of butter, 5,000,000 pounds of cheese, 119,000,000 pounds of condensed milk.

California produces 64,000,000 pounds of butter, 9,700,000 pounds of cheese, 46,000,000 pounds of condensed milk.

New York produces approximately 16,000,000 pounds of but-ter, 89,000,000 pounds of cheese, and 474,000,000 pounds of condensed milk.

The following facts are pertinent to this bill:

It has found that from 20 to 80 per cent of the samples of turpentine which have been collected in recent years have been adulterated anywhere from 2 to 50 or 60 per cent, also that in a good many localities, especially in the smaller stores, a mineral oil is delivered to the purchaser who asks for turpentine, and the ordinary small buyer who purchases from 1 to 5 gallons of turpentine has no reliable means by which he can determine whether or not the turpentine is adulterated. Many small shipments of 10 gallons or less are made interstate from the wholesale markets in one State to the retail stores in another.

Of the 100 or more deliveries of rosin which the Bureau of Chemistry has examined in the past two years, representing a total of from 30,000 to 40,000 barrels, all but a dozen of these different lots were found to be misgraded 20 per cent or more, and 60 per cent were misgraded 40 per cent or more, and about

50 per cent were misgraded two grades or more.

From the information which has been secured during the past five or six years, it appears that the adulteration of turpentine is increasing both in the producing and in the consuming sections. The misgrading of rosin is quite as general as it was four or five years ago.

While turpentine and rosin are made in the South, practically all is consumed in the North or West, or is exported, something

over half being used in this country.

Formerly rosin was graded by means of samples made from rosin. These rosin samples were subject to bleaching, were easily broken, and in warm weather became misshapen. Bureau of Chemistry has prepared standard type samples made of glass, and these have been accepted by all of the navalstores trade organizations in this country and are in general use in the grading of rosin. They have, however, no legal status except such as is given them by their general use.

No opposition on the part of either producers, consumers, or

dealers in naval stores is known.

It is estimated that it will cost not more than \$5,000 the first year to enforce this act, since the existing facilities of the Bureau of Chemistry can be utilized in part of the work. It is not anticipated that the work will cost more than \$10,000 a year thereafter.

It is also estimated that the receipts from the examinations and tests which the Secretary of Agriculture is authorized to make will ultimately cover the expense of enforcing the act. It is provided in the bill that these receipts be turned into

the Treasury as miscellaneous receipts,

For the season April 1, 1921, to April 1, 1922, the total production of turpentine in this country was approximately 486,000 standard barrels of 50 gallons and the production of rosin was 1,654,000 standard barrels of 500 pounds. These figures are for gum turpentine and gum rosin only. Wood turpentine and wood rosin constitute about 10 per cent additional. Florida produces about 40 per cent, Georgia about 23 per cent, Alabama about 12 per cent, Louisiana about 11 per cent, Mississippi about 10 per cent, North Carolina, South Carolina, and Texas about 4 per cent of the crop.

SALARIES OF UNITED STATES ATTORNEYS AND UNITED STATES MARSHALS.

The next business on the Calendar for Unanimous Consent was the bill S. 425, "An act authorizing the Attorney General of the United States to fix the salaries of United States

attorneys and United States marshals of the several judicial districts of the United States within certain limits."

The Clerk rend the title of the bill.

The SPEAKER pro tempore. Is there objection? Mr. BLANTON. Reserving the right to object— Mr. SUMNERS of Texas. I reserve the right to object.

Mr. BLANTON. Mr. Speaker, this bill was reported by our distinguished colleague from Minnesota [Mr. Volstead]. Sunday our distinguished friend will have completed 20 years of honorable, faithful, efficient service in this House. [Applause.] I am one of those in this House who appreciates that service, who appreciates what the efforts of the distinguished gentleman, aided by his colleagues, have brought to his State and the Nation. He goes from this House back to Minnesota with the affection and regard and high appreciation of the present speaker and his many friends here.

Mr. Speaker, the name of the distinguished gentleman from Minnesota will live long in the United States; it will have a place here and in our Nation when our names probably are long forgotten. [Applause.] His name will be before the American people when the names of his traducers throughout

the land are forgotten. [Applause.]

The distinguished gentleman from Minnesota has had his name prominently connected with the closing of every saloon in this great Nation, with the closing of every brothel, with the closing of every dive. It is a name that stands for honor and for sobriety and for national morality. [Applause.] It will continue to stand for the things that make home and the fireside secure and worth while. It has been beneficial in setting a worthy example not only to the House of Representatives and Congress, not only to the State of Minnesota, but to the great United States, aye, even unto the whole world. Mr. Volstead in serving in the National Congress has served his country well. I am sure whatever you colleagues may think about the question so vitally connected with his name, whatever stand you may have taken on that question, I am sure the distinguished gentleman from Minnesota goes back to his home State next Sunday with your high regard, your sincere esteem, your confidence, and the hope for his success and happiness through the remainder of his life. I am sure I am not alone in hoping that he will soon come back to this National Capitol and again help serve his country.

Mr. UPSHAW rose.

The SPEAKER pro tempore. For what purpose does the

gentleman from Georgia rise?

Mr. UPSHAW. Mr. Speaker, I rise for the purpose of saying a few words concerning the gentleman from Minnesota VOLSTEAD], and ask unanimous consent that I may proceed for five minutes.

Mr. SABATH. Oh, we have heard one very good speech on the gentleman. If it is only as to the gentleman from Minne-

sota, I do not object.

Mr. UPSHAW. That is all.

The SPEAKER pro tempore. Is there objection? There was no objection.

Mr. UPSHAW. Mr. Speaker and gentlemen of the House, it is an inspiring commentary on the immortality of human influence for a man to so live and so relate himself to a worthy cause that his name is given in unsulfied honor to history's living page.

We honor such a builder of civilization to-day in the person of the gentleman from Minnesota, the Hon. ANDREW J. Vol-STEAD, and it is eminently fitting that as he closes his long and honorable career as a Member of this Congress we should pause few minutes in thoughtful, appreciative recognition of his distinguished services. Because of his character and his acknowledged ability he was made chairman of the Judiciary Committee, and because of this position his name is forever linked to our national enforcement law which the passage of the eighteenth amendment to the Constitution made incumbent

Regardless of any man's personal taste and legislative predilections, he must admit that it is a signal and imperishable honor to have one's name made the synonym of the greatest piece of moral and humanitarian legislation ever enacted through due constitutional process by any nation on earth. But I wish to protest, in the name of all the forces of righteousness in America, against the disparaging criticisms of the liquor press of this country concerning what they are pleased to term gloomy Volsteadism." They are seeking to discount national prohibition by the aspersive application of a personality or an epithet. However great any man's name, however outstanding any personality, let it be remembered that this law, which

fought its way to victory as the expression of generations of agitation, education, and prayerful consecration, is greater than any personality and more powerful than any name. This law is any personality and more powerful than any name. no more "Volsteadism" than it is Neal Dowism, or Frances E. Willardism, or John P. St. Johnism, or John G. Wooleyism, or Willardism, or John P. St. Johnism, or John G. Howard Russellism, or Wayne Wheelerism-it is greater, I tell you, a million times greater than any of these-it is Americanism, sane, sober, constitutional Americanism [applause]—a triumphant, unselfish Americanism that stands, first of all, for the stainless purity and sobrlety of it own flag and every home beneath that flag—and then, pray God, for altruistic leadership in carrying sobriety to the drinking, staggering world.

HAS WARMED MILLIONS OF HEARTHSTONES.

We have all laughed about the story of that enterprising Pennsylvania citizen who hit upon a clever plan to replenish his winter coal supply. Erecting a sign, "Hurrah for Volstead!" beside the railroad, every trainman who mourned for his beer, every hobo who liked illicit liquor as well as an illicit ride, would grab a lump of coal from the open car and hurl it at the sign. And before the winter was very far advanced he could take down his sign in thrifty triumph, for his coal bin was full and his furnace all aglow. [Laughter.]

Oh, my colleague from Minnesota, let the liquor editors rave about your name and the law you helped to frame and pass, but we love to remember that, because of the saving influence of the law that bears your honored name, fires have been kindled on millions of hearthstones that were erstwhile cold and desolate, millions of empty larders have been filled with plenty and to spare, and the roses of beauty and happiness thank God, have been made to bloom on the wan and wasted cheeks of millions of wives and mothers and laughing children. Yes, hurrah for the eighteenth amendment and the Volstead [Laughter and applause.]

The strange, strange thing, gentlemen of this House, is that any friend of humanity can give courage to lawbreakers and liars by criticizing, instead of obeying and defending, this benev-

wholesome law.

Although every honest man must agree that conditions are greatly improved over the old legalized reign of rum and ruin, we must agree that President Harding told the truth when he recently said before this Congress that the situation is gravely serious, and before the curtain falls on the Sixty-seventh Congress I desire to say a final word for vacation contemplation concerning the supremest question before the people of this country, and before coming to my main argument I wish to gratefully acknowledge the vigilant kindness of the gentleman from Michigan [Mr. CRAMTON], the ever-alert gentleman from Texas [Mr. Blanton], and the unique gentleman from Mississippi [Mr. Quin] in making prompt reply during my imperative absence to the "wet" speeches of the gentleman from Maryland [Mr. HILL] and the gentleman from New York [Mr. Cockran], whose rash efforts to answer my plea for sober officials and sober citizens led them into the commission of what I counted monumental follies. It is pertinent, perhaps, to say that I was celebrating that modern edition of the Fourth of July, the 16th of January, anniversary of the adoption of the eighteenth amendment, by addressing a great "dry" rally in New York, the home city of Mr. Cockran, and there I witnessed the militant birth of a national movement for sober officials and the righteous triumph of constitutional law that would make the black hair of Mr. Hill turn gray overnight and that would have caused consternation to the eloquent tribune of Tammany Hall and those gay "wet" twins from Boston, Hon. James Gallivan and Hon. George Holden Tinkham.

One other little side journey I wish to take before starting on

the main line. I wish the genial and gentlemanly newspaper men to get straight forevermore my ecclesiastical status. In introducing my recent pleas for official sobriety the papers have referred to me as "a former evangelist" and the " I want it distinctly understood that I am not an "ex" anything. What I was I am. I am not an ordained preacher; I am just a layman, "a sinner saved by grace." hope, believing with all my heart that since religion is the greatest thing in the world, holding within its compass the supremest issues of time and eternity, it is the commanding duty as well as the joyous privilege of every Christian man and woman to be active in church work, "every day and Sunday, too." For, remember, we are living the only life we shall ever live "between the two peaks of God's eternity," and no journeyman of the ages has a right to "kill time," for "it is time that is killing him."

TAKES COLLEAGUES INTO HIS CONFIDENCE,

Very frankly, taking my colleagues into my confidence, one reason I have never been ordained to preach, I have wanted to feel free as a layman to help lick the fellow who jumps on

preachers; whenever I hear a blind, stingy parasite say that "a p-r-e-a-c-h-e-r always hears the call where the biggest salary is," I want to be free as a larman to lead to I want to be free as a layman to lash him with my tongue or crack him with my crutch and remind him that he is one of the "nuts" that do not pay any of the salary. And when I hear another blind parasite say that "preachers' children are the worst children in the world," I love to be free as a layman to look him in the face and tell him "without mental reserva-tion or purpose of evasion" that he is an unmitigated fool or an unfumigated liar—"either all or both." If one child of a preacher goes wrong, you tell the world; but you hear nothing of the ninety and nine who live on in the modest beauty or the conquering glory of their God-fearing lives, going out from the sacred influences of family altars and sacrificial parental example, making a positive gulf stream of blessing through the social, spiritual, educational, and political life of the Nation, fructifying every shore that it touches. Verily the faithful preacher is the pack horse of the community life. He restrains the erring, marries the loving, comforts the sorrowing, buries the dead, and then usually sinks into his grave without money enough to purchase his own winding sheet, because, like his Master, he has loved humanity better than he has loved worldly preferment or the "yellow glare of gold." Thinking of how preachers, Bibles, churches, and schools give fundamental value to our own homes, our property, and everything that is worth while in our treasured civilization, I love to be free as a layman to crown the underpaid preachers and teachers as the most unselfish men and women the world has ever seen.

AS STRAIGHT AS A STRAIGHT LINE.

Let me say at the very outset that I challenge a critical, honest review of my every statement concerning this matter, both before and since my plea for sober officials. My course in this contention has been as straight as the geometrical definition of a straight line—the shortest distance between two given points. I simply seized upon the President's call for a conference of governors to consider ways and means for a better enforcement of the prohibition law, to commend the power of official example as the quickest and surest way to get results; and while recommending the strict observance of the Volstead law and the spirit of the eighteenth amendment by all governors. I naturally—and I think very properly—widened the application to all officials in Washington and all officials everywhere, especially those whose oath of office calls for loyalty to the Constitution of the United States. The discussion of the sanity, safety, and crying necessity of this plea could hardly be called academic, for the converse of the proposition is unthinkable—it is simply preposterous.

Paying glad and grateful tribute to the vast majority of my colleagues who, I declared, practice the prohibition which their votes profess, I earnestly and honestly called on those who do not to give up their bibulous habits and encourage all high officials to set an example of sobriety and obedience to law for the sake of clean citizenship and happy homes among the masses

of the American people.

And despite the sensational hysterics of a few very "wet" newspapers, the overwhelming majority of the correspondents in the press galleries being square, fair, and helpful, I have not sought to embarrass anybody but devilish, defiant bootleggers. As they can not live without patrons, I have tried to dissuade these patrons from their personal and official devilment. no occasion, it seems to me, for the excitement that has expressed itself in news columns, on editorial pages, and among the magazines and cartoonists of the country; but hostile editors may criticize and "wet" politicians may try to make it a joke, punmakers may pun, and funmakers make fun; but when a man knows he is on the side of the Constitution and sobriety he can be tranquil in heart and humbly but proudly conscious of victory. In the triumphant words of that old camp-meeting song he can "Smile at Satan's rage and face a frowning world," Thrice armed is he whose cause is just.'

PRESERVING "LIBERTY" IN ALCOHOL.

Packed into one paragraph, all who have heard the recent speeches of the eloquent gentlemen from New York and Boston will agree that they mean this and only this: That all laws must conform to the the customs of the communities for which they are made, and that all efforts to regulate and restrain by law the inclinations, the habits, and the "liberties" of the individual are born of fanaticism and doomed to failure. Weaving a halo of eloquence around the brow of the great lawyer, James C. Carter, who spent the last seven years of his life writing lectures for the Harvard Law School on "The Philosophy of Law," the late Mr. Cockran made this statement:

The main proposition underlying them was that all law is merely custom; that no statute can have the force of law which does not enforce customs already established in the locality affected by it,

Why, gentlemen of the House, that unthinkable position would nullify every law of God and man from Sinal to Washington, D. C .- yea, and that utterly unthinkable contention would shatter the towering temple of every state and national government on earth. It would subject every governing entity to the caprice of every defiant atom. Illinois would tremble daily before the behest of Chicago, Ohio would crouch and cower when Cincinnati showed its gnashing teeth, Massachusetts would run under the bed when "rum cultured" Boston entered the door, and the Goddess of Liberty herself would splash into the waters of the Bay of New York or plunge from her sunlit apex on the proud dome of every capitol in which we make laws for the whole Nation to-day just because boozy Baltimore and gay and godless Gotham shake their fists at the Constitution and the flag and tell sober "Uncle Sam" to go where it does not snow!

The difference between their concept of "liberty" and mine is

this: I think liberty can be preserved in the duly enacted Constitution and in the loyal hearts of sober American citizens, and

These gentlemen complain that the purpose of prohibition—" to make men good"—is "utterly repugnant to every element of democracy." It is further declared concerning the purpose to make men good by law:

This is precisely what no government can do and which no democratic government can undertake to do without violating the principles that are absolutely fundamental.

THE WISDOM OF GLADSTONE.

Over against this baseless governmental fallacy I offer the declaration of William E. Gladstone-that towering genius and Christian statesman, of whom Henry Grady said, "He seems to have caught the inspiration of the Infinite and towers, half human and half divine, from his earthly eminence, while the light of another world seems beating in his grand old face." This great builder of Christian civilization said:

It is the duty of government to make it as hard as possible for the citizen to do wrong, and as easy as possible for him to do right.

That is wisdom-fundamental governmental wisdom, in radiant consonance with wisdom divine. The friends of the licensed saloon have always contended that "you can not legislate morality into people." I answer that since no nation can live long without morality, it is therefore the function of government, in the sane and stalwart processes of its own preservation, to protect the agencies and institutions that make for morality. It is not the function of government to patronize the church and subsidize the home, but it is the solemn, saving duty of the government to stand by the door of the home, the church, and the school and fight off the wolves of temptation and damnation that are trying to strike down the youth of the nation, without which no government can endure.

Talk about its not being democratic or ethical or governmental to try to interfere by law with the appetites and in-clinations of the individual! That position is so palpable, so glaring, that a 10-year-old schoolboy would marvel at its folly. "Thou shalt not!" "Thou shalt not," or "thou shalt!"—unwelcome limitations on the liberties of the individual for the common good, have come sounding down through the ages from the throne of God and the courts of man. On the parchments of the early Orientals, on the tables of stone from the hand of God, in the musty records of modern governments that have struggled upward toward the light-yea, on the "burnished ceiling of the sky of God"-we read the daily reflection of this eternal truth.

LIQUOR MAKES A MAN THINK WRONG,

There is something about liquor that makes a man think wrong; whether he drinks it or whether he thinks it, he finds himself demanding for liquor a "liberty" which he claims for no other outlawed evil. Carrying one's own pistol in this "land of the free and home of the brave" might be called "an included by the company of the brave. inalienable right," but organized society strikes that liberty down for the common good; selling and eating opium might be called "an inalienable right" as a surcease of worry amid fantastic visions and dreams, but the Government claims and exercises the right to stop the devilish traffic for the common good. Even hoary China, steeped and groping in ages of paganism, said "Thou shalt not" to Chinese "personal liberty and God knows America ought to do as much. These "wet" champions have never denied the right of the Federal Government to lay its strong hand on every drug store and every doc-tor in America for the purpose of curbing this insidious, na-

Seven thousand men in the State of New York decided last year to join a "personal liberty" gang with several hundred down in Georgia and appropriate another man's automobile without paying for it because the car "looked good" in this land of individual liberty, but no eloquent tribune of New York or Massachusetts will hardly announce for Congress or governor or President on the platform that every well-dressed devil whose habits and inclinations cause him to want a car should be allowed to take one and use it for himself without being branded a criminal. The auto thieves of New York and Georgia have not wrought one-thousandth part of the havoc and horror to human happiness that has been wrought by the makers and sellers of the liquor for whose legal protection Mr. Hull,

Mr. Gallivan, and Mr. Tinkham so eloquently plead.

God of our fathers, citizens of America, save our youth and our national ideals from such insidious baleful sophistry!

THE HIGHER UPS AND THE LOWER DOWNS.

It is a "wet" argument that "the best elements of our society" do not like this prohibition law, and, naturally, they think they ought to be allowed to break it without being rated and indicted as criminals. It is to smile! "Best element," indeed! That means, of course, that whatever the denizens of the Bowery may do-however much they are provided by law with saloons in which to lounge and drink and rob their families of the fellowship of their society and the fruitage of their labor, bringing upon themselves the tragic indictment of being ragged "ne'er-do-wells," and people who live up on Riverside Drive and Fifth Avenue and "laugh and dance and wanton" and drink hard liquor and sparkling champagne beneath silken curtains and glittering chandeliers—these, these should be allowed to plunge into all sorts of bacchanalian excesses and still be called the "best element of our society." I am reminded of that declaration of Clinton Howard, the "little giant" of Rochester, when he recently said: "I am not so much afraid of the alien in the alley as I am of the anarchist on the avenue." And Will Hays, that astute arbiter of the motion picture corporations, in expressing his approval of my demand that the "higher ups" shall practice what they enforce on the lower downs," said:

UPSHAW, you are on the right line. When I read your speech I was reminded of that startling cartoon of Darling in which he pictured a big limousine filled with silk-hat grandees, driving ruthlessly through a barbed-wire fence, labeled "The prohibition law," and right behind this shining limousine came a little old ramshackle roadster filled with long-bearded, wild-eyed bolshevists, anarchists, and cut-throats saying: "We have a right to go where that big car goes!" Who shall deny their contention?

Gentlemen of the Congress, this cartoon of Darling's-this interpretation of Mr. Hays-is as fundamental to government as the preamble of the Declaration of Independence.

If our "best society" means drinking and carousing in defiance of law, then God save our youth from such gilded devil-ment, and give us the plain, humble American "log cabin" where sober contentment reigns.

THE SUPREMEST ISSUE IN THE PRESIDENTIAL CAMPAIGN.

There is beginning even now to be "a stirring in the tops of the mulberry trees" concerning the outstanding men and meas-ures in the next presidential campaign. "Ifs" and "ands," preachments and prognostications are already lighting up the newspapers and magazines and littering up the wastebaskets. Cautious prophets abound, while incipient booms and boomlets, no bigger than a man's hand, flash, flicker, and fade upon the radiant alchemy of the presidential sky.

Who will be the man in each party, and what will be the main plank in his platform? "Listen, my children, and you shall hear." I tell you here and now what his name and his platform will not be: It will not be any name or any plank that trifles with the supremest question now before the Na-tion. I go William J. Bryan "one better" on his recent prophecy concerning the main planks in the Democratic platform. That miracle of genius, eloquence, and sustained power, who has been before the American people 30 years without a fleck upon his name, and who holds the faith of the masses in the hollow of his hand as never before, said that "UPSHAW did not go far enough in his demand for sober officials." I answer that I am ready to go as far as any sane man can go in order to help usher in an era of sober leadership, social and political, for the sake of the sanctity of law and the sobriety of the

I believe with him in doing everything possible for the farmer. I am the son of a farmer, and my record in Congress will show my legislative sympathy with the man who clothes and feeds the world; I believe, with him, in every phase and form of legislative fairness to the man in overalls—I have worn overalls, and the man in overalls has always been my hero. Counseling conservatism, my votes will show that I have given the man in overalls the benefit of the doubt when striving to know and do my duty before the balancing scales of "even-handed justice"; I believe, with Mr. Bryan, in curbing and punishing the conscienceless profiteer, for even my humble home has felt his teeth and his claws; but all economic laws

will fail and fall if they are not planted in the secure guardianship of sober, intelligent humanity. Therefore I here and now announce that the supreme issue in the presidential campaign and the supreme plank of my own party platform will be the integrity of the Constitution, the majesty of duly constituted law, and personal and national sobriety. And when that platform is given to the world, mark my words, the Democratic Party will not dare to nominate a candidate who is not in 100 per cent sympathy with that platform. In other words, the Democratic Party will not nominate a man who meddles with a bottle, a man who personally violates the spirit of the eighteenth amendment; and may the Lord have mercy on the timorous souls of you Republicans if you dare to do less. The best people of America are weary, indignantly weary, not only with lawbreakers among the masses but above all with lawbreakers among the lawmakers. The awakened, regnant conscience of America—the upright, downright, outright conscience and character of this country will not stand any more for a kid-gloved camouflage on this question. If the Great War meant one thing more than any other thing, it meant the shattering of shams. The people demand the genuine in character, the genuine in religion, the genuine in politics, the genuine in everything. And they have made up their minds that any man who will flout a duly constituted law because his liquorized taste demands it is an unsafe leader for our plastic youth and for every citizen beneath the flag.

THE CAMBLE AND THE WISE MEN OF THE EAST.

To the blind and foolish folk who, ostrichlike, hide their heads in the sand and flippantly declare that the sentiment of this country is changing toward a material modification of the prohibition law I commend that breezy, convincing survey of nation-wide sentiment on the prohibition question from the pen of Jack O'Donnell in Collier's of February 10. Beginning his story, "The camels and the wise men of the East," he says:

I am a wet. I have always been and always shall be. All my best friends are wet. I have always been thrown into or sought that company of drinking men. They are the kind of men I like—my kind. I am against prohibition from the first word of the title on the eighteenth amendment to the final word in section 20 of title 3 in the enforcement act. I am a reporter. When Collier's sent me out into the various States to find out "if the sentiment of the people is changing in favor of modification or repeal of the Volstead Act I put my personal opinions in my pocket, so to speak, and sought the facts."

After traveling with impartial observation through the admittedly "wet" East and all over the central Middle West and far Western States, this dyed-in-the-wool wet reporter declares "it almost breaks my wet heart" as he finds the facts which make him loth to admit even to himself that there is an abundance of evidence that "a great dry wave is rolling eastward," slowly but surely grinding down opposition to prohibition." Then "wet" but honest Jack O'Donnell scratches his head, wipes the cold sweat from his brow, and flings to his disconcerted comrades in the reeking realm of "wetdom" this fatal review and ominons warning:

Some day we "wets" are going to awaken to find that an over-whelming majority of the people of the United States are weary of bootleggers and dry-law violators. Some day, and that day is not far distant, these people are going to rid the country of the bootlegger and the rum-runner, just as the Vigilantes of the fifties rid the Califor-nia mining camps of undesirable gamblers, gunmen, and prostitutes. On which side will the defiant "wet" champions stand?

NULLIFICATION AND SECESSION

The whole spirit of the recent "wet" speeches in this House have been a challenge to the Constitution and the law. Many of us have heard them say on this floor; "This law can not and ought not to be enforced." The Chicago Tribune and other "wet" papers in the great cities of the North have taken the same position. Gentlemen of the House, that is nullificationnullification from a strange geographical center-and nullification and secession are inseparable twins. I remind you of that immortal declaration of Daniel Webster in his reply to Cal-

To begin with nullification and not to proceed to secession, dismemberment, and general revolution, is as if one were to take the plunge of Niagara and cry out that he would stop halfway down. In the one case, as in the other, the rash adventurer must go to the bottom of the dark abyss below, were it not that that abyss has no discovered bottom.

It has come to this, that a son of the South, the son of a Confederate soldier in our reunited country, must teach to liquor advocates of the North the majesty of the law, the supremacy of the flag, and the integrity of the Federal Constitution.

And I remind these festive and illogical champions of liquor that, great as was New England in Revolutionary glory, and rich and "wet" and defiant as New York and New England are to-day, they constitute a very small part of the whole

United States, and to those who wish to "secede from the Union" in order to get all the liquor they want, we who believe in sober, constitutional government answer them as we point to the American flag: "Nothing doing! That emblem waves higher than the insignia of any State! We write again in burning letters that withering declaration of that heroic old war horse and pathfinder of reforms, Dr. Wilbur F. Crafts:

You would not ratify and you shall not nullify."

Come on, ye boasted champions of democracy, and salute

anew the flag that protects your homes!

AN UNFORTUNATE COMPARISON,

It is very regrettable that in strained and abnormal effort to show the danger of regulatory legislation there was recently spoken on the floor of this Congress a scathing indictment of a majority of the best people in America who believe in the prohibition of the liquor traffic by a far-fetched comparison of prohibition ideals with certain barbarous cruelties in Louisiana, with which certain hysterical papers have tried to connect the Ku-Klux Klan. Edmond Burke declared: "You can not indict a whole people."

And it is uttery unfair, un-American, and un-Christian to lay such a groundless charge at the door of the millions of patriotic, God-fearing men and women who believe in prohibiting by law the iniquitous liquor traffic, or to likewise indict, because of one isolated tragedy-whose source has not yet been proven-a great nation-wide patriotic organization whose members have just as much right to their fraternity and secrecy as the Knights of Columbus, the Masons, the Red Men, and countless other lodges, especially when the ritual and the oath of these klansmen, as registered in the Library of Congress, reveals a new dedication of loyalty to the Bible as the Word of God, to the Constitution of the United States and the supremacy of the American flag over every foreign power or potentate, political or ecclesiastical.

It is nobody's business to what organization a citizen belongs, just so he is true to God and obedient to the law of his country. And it is because the appetite for liquor and the advocacy of liquor poisons the spirit of genuine, constitutional Americanism that I here and now dedicate my all, of mind and heart and strength, to a truceless warfare against it, in the name of the God of battles, for a sober America and a sober humanity all over the world!

Mr. CRAMTON rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. CRAMTON. To speak for a moment of the man Vox-STEAD.

Mr. RAYBURN. For how many minutes? Not exceeding five minutes. Mr. CRAMTON.

Mr. RAYBURN. Mr. Speaker, a parliamentary inquiry. When are we going to adjourn? Is there an agreement in respect to the time of adjournment to-day? There are some uncontested bridge bills on the calendar that ought to be passed, that are important to local communities. If we are going to run only a little while longer, I am going to object to any further encomiums

Mr. MONDELL. I was in hopes that we could finish the

Unanimous-Consent Calendar before we adjourned.

Mr. RAYBURN. That is satisfactory to me.

Mr. BUTLER. Are we to adjourn when we do?
Mr. MONDELL. I think under all of the circumstances that we must, but I hope we may finish the Unanimous-Consent Calendar to-day, and I trust that where bills are to be objected to that gentlemen will make the objection and that we may go on to the next one.

Mr. RAYBURN. Then I have no objection. My impression was that the House was going to adjourn about 5 o'clock.

The SPEAKER pro tempore. Is there objection to the gentleman from Michigan proceeding for five minutes?

Mr. HERRICK. Mr. Speaker, we have had two speeches now out of order. I do not want to object, but I want to say that I want to have about three minutes before the House adjourns, and if the floor leader will assure me that I can have that, that he will not object to my having three minutes, I shall not object now.

Mr. MONDELL. Oh, Mr. Speaker, I feel that I must object to these discussions.

The SPEAKER pro tempore. Objection is heard. Is there

objection to the present consideration of this bill?

Mr. BLANTON. Mr. Speaker, I object to the consideration of the bill.

The SPEAKER pro tempore. The gentleman from Texas objects, and the Clerk will report the next bill.

THURSTON W. TRUE-CONFERENCE REPORT.

Mr. SNELL. Mr. Speaker, I present a conference report upon the bill (S. 2984), for the relief of Thurston W. True, for printing under the rule,

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2984) for the relief of Thurston W. True, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses that the House recede from its amendment.

B. H. SNELL, JOHN C. KLECZKA, Managers on the part of the House. ARTHUR CAPPER, SELDEN P. SPENCER, JOE T. ROBINSON, Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2984) for the relief of Thurston W. True submit the following statement in explanation of the action agreed upon by the conference committee and submitted in the accompanying conference report:
Appropriates \$1,000, as proposed by the Senate, instead of

\$794, as proposed by the House.

B. H. SNELL. JOHN C. KLECZKA, Managers on the part of the House.

BRIDGES OVER NAVIGABLE CHANNELS OF MOBILE RIVER, ALA.

The next business on the Calendar for Unanimous Consent was the bill (S. 4469) to extend the time for the construction of a bridge or bridges and trestles over the navigable channels of the mouth of the Mobile River in the State of Alabama.

The SPEAKER pro tempore. Is there objection to the present

consideration of the bill?

There was no objection. The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge or bridges and trestles, authorized by the act of Congress approved October 5, 1917, as revived and reenacted by the act of Congress approved February 14, 1922, to be built by the Gulf Ports Terminal Railway Co., a corporation existing under the laws of the State of Florida, over and across the navigable channels of the mouth of Mobile River from Bay Port, in township 4 south, range 2 east, on the east shore of the waters of Mobile Bay, in Baldwin County, Ala., on a direct line, to a point on Blakely Island, in Mobile County, on the east shore of Mobile River, opposite the municipal docks of the city of Mobile, Ala., are hereby extended one and three years, respectively, from the date of approval hereof.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the third

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3855. An act to quiet the title to lands within Pueblo Indian land grants, and for other purposes; to the Committee on

Indian Affairs.

S. 4245. An act to provide the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922 and all other customs revenue laws; to the Committee on Ways and Means.

SURVEY OF INTRACOASTAL WATERWAY IN LOUISIANA AND TEXAS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13246) for the examination and survey of New Orleans, La., to Corpus Christi, Tex.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present

consideration of the bill? [After a pause.] The Chair hears

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent that the Senate bill on the Speaker's table, identical with the House bill, be considered.

The SPEAKER pro tempore. The gentleman from Louisiana asks unanimous consent to consider Senate bill 4211 in lieu of the House bill, being an identical bill. Is there objection?

Mr. STAFFORD. Mr. Speaker, on the assurance they are identical I shall not object.

Mr. DUPRE. I desire to say to the gentleman that in all instances that I make any statements they are true. (Laughter.)
The SPEAKER pro tempore. The Clerk will report the

The Clerk read as follows:

An act (S. 4211) authorizing preliminary examination and survey to be made of the Intracoastal Waterway in Louisiana and Texas.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the Intracoastal Waterway from the Mississippi River at or near New Orleans, La., to Corpus Christi, Tex.

The bill was ordered to be read the third time, was read the third time, and passed.

Mr. DUPRÉ. I ask that the House bill lie on the table. The SPEAKER pro tempore. Without objection, that order will be made.

There was no objection.

Mr. ROACH. Mr. Speaker, I ask unanimous consent to return to Calendar 543, objected to by the gentleman from Texas [Mr. Blanton], and ask that gentleman if he will not withdraw his objection.

Mr. STAFFORD. Mr. Speaker, I demand the regular order. We desire to finish the Unanimous Consent Calendar. Mr. BLANTON. I object.

The SPEAKER pro tempore. The regular order is demanded which is equivalent to an objection. The Clerk will report the next bill.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker pro tempore signed the same:

H. J. Res. 453, Joint resolution requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific

H. R. 5018. An act to authorize the widening of First Street

NE., and for other purposes; and H. R. 13554, An act authorizing the construction, maintenance, and operation of a dam and appurtenant intake and out-let structures across or in the Potomac River at or near Wiliamsport, Washington County, Md.

The SPEAKER pro tempore announced his signature to enrolled bills of the following titles:
S. 4583. An act granting the consent of Congress to the State

of South Dakota for the construction of a bridge across the Missouri River between Charles Mix County and Gregory

County, S. Dak.; S. 4197. An act to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of, certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes; and

S. 4579. An act to authorize the Lee County bridge district No 2, in the State of Arkansas, to construct a bridge over the

St. Francis River.

RELIEF OF CITY OF ASTORIA, OREG.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 449) for the relief of the city of Astoria, Oreg.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object. Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon? [After a pause.] Chair hears none.

Mr. HAWLEY. Mr. Speaker, the resolution authorizes the Secretary of the Treasury to loan to the city of Astoria, Oreg., not to exceed \$1,063,000 for the purpose of enabling the city to rebuild the area devastated by the conflagration of December 8. 1922. The loan is to the municipality, to be used for municipal purposes. It is not to be used in any way for the reconstruction of private property or for the benefit of individuals. For more than a hundred years Congress has given aid to stricken cities and communities according to their several needs. The necessity for the relief proposed for Astoria is apparent from the statement of facts. On December 8, 1922, a fire devastated some 34 blocks, covering about 40 acres, comprising the entire business area of the city. More than 500 buildings were destroyed, including the 5 banks and all the hotels. So fierce was the conflagration that buildings considered fireproof were unable to resist the power of the flames. This great area is now a crater filled with the débris of the fire and the wrecks of the buildings, streets, and sidewalks-practically a total loss.

The city of Astoria is built on the south bank of the Columbia River about 12 miles east of the entrance. It is located on what was originally a tidal flat, formerly submerged at high tide to the depth of about 30 feet. It is the only practicable location on the river in that section. The city was first built on piling from the harbor line to the foot of the steeply sloping hills. Formerly the tide ebbed and flowed under this entire burned

Some years ago the city, in order to establish a modern sewage system that would discharge at all stages of the tide, constructed a bulkhead along the water front and filled in the area to the top of the bulkhead. The property owners were then required to raise their buildings 9 feet to the established street level. The main floors of the buildings and the streets and sidewalks were 9 feet above the level of the fill. The streets were constructed on bridge work set on the pilings which were flush with the top of the fill and decked over with planking. Upon this planking this asphalt pavement was laid and concrete sidewalks constructed. The city intended to complete the filling of the streets up to the street level as soon as the condition of its finances permitted. While many of the buildings were of substantial construction and a number supposed to be fireproof, the majority were made of wood, as is natural in a heavily timbered country. The city had installed water and fire systems expected to be sufficient to provide safety and which for a number of years had so proved. The fire, which broke out at 2 o'clock on the morning of December 8, 1922, spread with great rapidity. It attacked the water and fire systems, spread under and through the buildings, and under the streets with such fierceness that the fire department of Astoria, which received prompt assistance from Portland and from boats along the water front, could not control it.
On December 7, 1922, Astoria was a thriving and prosperous

city provided with modern improvements. Before the close of December 8, the heart of the city had been destroyed. Its sewage and water systems were seriously injured, its streets and sidewalks burned or wrecked, and its business houses were charred and crumbling walls. Nothing of value remained in the burned section. The value of its lots had been reduced to about 2 per cent of their previous assessed valuation.

Before this burned area can be rebuilt it will be necessary to reconstruct the sewage and water systems, build substantial retaining walls around each block, fill in the streets between the walls with dredged material from the river, and pave the streets and lay sidewalks. Until the necessary and essential things are done, no capital can be obtained to enable the property owners to reconstruct their buildings. When the insurance adjusters from New York, Chicago, St. Louis, and San Francisco came to adjust the losses, the city officials, with them, made a careful estimate of the losses and found them to be in excess of \$11,000,000. The value of each building, of all stocks of goods, fixtures, and other property within the burned area, was appraised in arriving at this amount. Many think, with good reason, that the loss was much greater.

The city of Astoria, in order to provide the things essential for a modern city, has issued bonds and incurred bonded obligations as follows: For school purposes, \$277,500; for sewage and water systems, streets, sidewalks, and other city purposes, \$3,852,685.55. The property of the city was also liable for its proportion of the bonds issued by the port of Astoria for the construction of modern docks and other port improvements, and for the bonds issued for the construction of roads in Clatsop County, in which the city is located. These two latter items combined placed a bonded obligation upon the city of \$1,423,709.77. The total bonded liability of the property within the city was, therefore, \$5,553,895.32. Upon this bonded obligation there is an interest charge of over \$330,000 per annum.

The assessed valuation of all property within the city limits prior to the fire was \$11,358,469, so that previous to the conflagration the bonded liability of the city was 49 per cent of its assessed valuation. With the total destruction of the buildings and contents within the burned area and the consequent depreciation of the value of the real estate within it, because of its inaccessibility under present conditions, and the consequent decline of the values of other property in the city, the bonded indebtedness is now so nearly equal to the present value of all

property within the city as to deprive it of the ability to sell further bonds for reconstruction purposes through the ordinary investment channels. If the city had any basis for commercial credit no application for relief would now be presented here. The city has no intention of repudiating its bonded indebtedness nor of attempting to evade in any manner the payment of the principal and interest. Its citizens desire to rebuild and have been assured by banks in Portland and other places of loans of sufficient amount to enable them to construct substantial buildings when the work above described has been accomplished. Some four or five buildings are being constructed on the edge of the burned area, but the inaccessibility of all but exceptional spots will prevent the construction of buildings therein until the reconstruction work has been effected. But with the sewage and water systems relaid, retaining walls erected, fill made, streets and sidewalks built, loans will be available for the building of modern houses of business within the burned area. The property owners are all anxious to rebuild. They believe in the future of the city. They are willing to assume the burdens necessary and have no doubt of their ability in due time to meet all their obligations. The docks, wharves, and other improvements of the port were not burned. The resources surrounding the city justify the belief that the citizens will be able to meet the obligations. The important industries of the tributary territory are the fish canneries, the

sawmills, dairying, trade, and commerce.

Your committee believes that the Government of the United States should grant this aid. It is not probable that any other case similar in character will ever arise where a city, because of its enterprise, unusual location, and desire to install modern improvements, has obligated itself to such an extent that a devastating fire will leave it in a similar condition.

Astoria was founded in 1811 by John Jacob Astor and is the oldest city in the Pacific Northwest. It had a population of some 16,000 people. It grew rapidly in recent years when the improvements above described were made. There will always be a city on the present site of Astoria. There is no other location suitable for a city in that section. It is essential to trade and commerce, but without the aid proposed in the pending resolution its restoration will be a long process of many weary years.

The following tables and statements from public officials present the facts in a succinct form, relating to the property destroyed in the burned area and the financial condition of the

ASTORIA, OREG. Reasonable value: Buildings destroyed Merchandise destroyed Other property destroyed Public-service utilities destroyed City property destroyed; including pavements, sidewalks, sewer and water systems, fire system, etc. \$3, 450, 000 4, 190, 000 1, 550, 000 430, 000 1, 500, 000 Total loss 11, 030, 000 Area devastated stated to include 34 blocks, covering about 40 sed value: Buildings and merchandise (all destroyed), and of real estate (little value without streets) in the burned Property outside of the burned area.____ Total assessed value 11, 358, 469 Bonded indebtedness. or city purposes. ability of city for county road bonds and for bonds of the port of Astoria (29 per cent of the total of such issues) School district No. 1

Total bonded indebtedness_____ Total bonded indebtedness — 5, 553; 894

The bonded indebtedness was 49 per cent of the assessed valuation before the fire, and now exceeds present value of the property remaining in the city, since the destruction of the entire business district has caused the property remaining to decline in value,

Annual interest charge on the bonded indebtedness, over \$330,000.

Insurance on buildings destroyed, \$600,000, or 17.4 per cent of their reasonable value.

Insurance on other property destroyed, exclusive of public utilities and city improvements and property, \$1,650,000, or 29.2 per cent of its reasonable value.

RECONSTRUCTION.

What it is necessary to do to rebuild the city, which the city is unable to do, as it has no credit, and its citizens are not able to do, since until reconstruction work is done they have no credit,

Reconstruction of sewers. Reconstruction of water system. Retaining walls Fill. Paving streets	-	\$101, 242 72, 907 455, 552 26, 041 167, 590
Sidewalks:		240, 225
Total	1	062 557

1,063,557

[Telegram.]

ASTORIA, OREG., January 4, 1923.

Hon. W. C. Hawley, House of Representatives, Washington, D. C.:

House of Representatives, Washington, D. C.:

In compliance with your telegram of the 3d instant, the executive committee met with property owners and insurance adjuster on the ground now adjusting and paying our fire losses and hereby certify the facts to be: First, the total reasonable value of the buildings destroyed by such fire is \$3,450,000; second, total reasonable value of merchandise, furnishings, fixtures, libraries, etc., including property of all kinds, exclusive of buildings above mentioned, as follows: Merchandise, \$4,100,000; furniture, fixtures, and libraries, \$1,550,000; third, public service utilities, \$430,000; fourth, city properties, including streets, water systems, sewers, fire system and appliances, \$1,500,000; grand total, \$11,030,000; fifth, total insurance, \$2,250,000.

Col. W. S. Gilbert, chairman; A. B. Everts, T. C. Shanlund, W. M. Patterson, W. G. Lloyd, E. R. Thompson, E. T. V. Ettlinger, E. G. Ford, adjusters on the ground.

CITY OF ASTORIA, CLATSOP COUNTY, OREG.

, rusi, walka	AND SCHOOL DEBT.	
\$1, 208, 762, 91	City of Astoria proper: Municipal bouded debt	
216, 095, 22	Floating debt— 89, 666. 42 Special fund 89, 666. 42	
	Total municipal general debt. 1,056,166.42 Sanitary and reclamation commission of the city:	
303, 300. 00 13, 161. 25	Municipal bonded debt 300,000.00 District improvement bonded debt Floating debt, district warrants	
	Total general obligation of city 1, 356, 166, 42	

Total district or special obligation becoming general obligation upon default of district or system_____ 1, 741, 319, 38

system.

I hereby certify that the foregoing statement is true and correct and from the records of the city of Astoria, in my office and in my custody. Dated at Astoria, Oreg., December 29, 1922.

[SEAL.]

Auditor and Police Judge of the City of Astoria, Clatsop County, Oreg.

ASTORIA PUBLIC SCHOOLS, Astoria, Oreg.

STATE OF OREGON, County of Clatsop, 98: This is to certify that I am the duly elected, qualified, and acting clerk of school district No. 1, Clatsop County, Oreg., and the custodian of all books, records, and papers of the said district; that the outstanding indebtedness of the said district at this date is as follows: Outstanding bonds_____Outstanding building warrants___

Total indebtedness . In witness whereof, I bereunto set my hand on behalf of the said district this 29th day of December, 1922.

W. A. SHERMAN, District Clerk.

THE WATER COMMISSION.
Astoria, Oreg.

To whom it may concern: We hereby certify that the indebtedness of the water commission of the city of Astoria, Oreg., as shown by our trial balance of Novem-ber 30, 1922 (exclusive of monthly pay rolls and bills), was as

follows: Outstanding bonds Less sinking fund	\$852, 000, 00 96, 800, 00
Net indebtedness	755, 199, 75
[SEAL.] THE ASTORIA WATER C By G. W. LOUNSBERRY, Ch.	OMMISSION, erk.

PORT OF ASTORIA, Astoria, Oreg. The bonded indebtedness of the port of Astoria December 28, 1922, is \$4:130.000.

I hereby certify that the amount of bonded indebtedness as stated above is correct, according to the records of the port of Astoria.

R. R. BARTLETT,

Manager Port of Astoria.

Subscribed and sworn to before me this 28th day of December, 1922. C. L. HESS,

Notary Public for Oregon.

My commission expires August 8, 1924.

To general fund warrants outstanding ...

STATEMENT OF INDEBTEDNESS OF CLATSOP COUNTY, OREG., ON THE 20TH DAY OF NOVEMBER, 1922.

Cash in fand to reason immoration	
To general fund warrants outstanding in excess of cash on hand to redeem same	349, 878. 25 6, 864. 73 443, 000. 00

STATE OF OREGON, County of Clatsop, ss:

I. J. C. Clinton, county clerk and clerk of the county court of the county and State aforesaid, do hereby certify that the foregoing is a full, true, and correct statement of the indebtedness of Clatsop County, Oreg., on the 30th day of November, A. D. 1922, as the same appears from the books at my office and in my custody.

In testimony whereof I have hereunto set my hand and affixed the seal of the county court this 29th day of December, A. D. 1922.

[SEAL.]

J. C. CLINTON, County Clerk.

ASTORIA, OREG., December 16, 1922.

ASTORIA, OREG., December 16, 1922.

ADJUTANT GENERAL UNITED STATES ARMY,

Washington, D. C.:

Under requirements of paragraph 2, Regulations 67, War Department, 1921, governing relief work, report as follows: Conflagration of city of Astoria on December 8 completely destroyed 34 blocks in the business section of the city, area about 40 acres. Estimated damage about \$20,000,000. Number of people seriously affected. 5,000,

Rellef measures taken by local authorities as follows: National Guard field kitchens on ground for first meal. All welfare societies in operation at once. People were housed and fed from the very moment of crisis by emergency funds and supplies and contributions, which came in at once from neighboring cities—Portland mostly, National Red Cross, and Fort Stevens.

Restorative measures are beyond power of the municipality and State. The municipality is absolutely bankrupt through previous heavy issues of bonds for former street, municipal, and port terminals.

Guarding of city now done by detachments from United States ship Yarborough, Coast Guard cutter Algonquin, volunteer Legion men, municipal police assisted by sworn deputies.

Presence of Regular troops not necessary.

Rations and quartermaster supplies not required of Army,

Immediate relief work as follows is recommended: The construction by the United States Government of bulkheads for streets in the affected district, the same to be filled by sand dredged from the harbor along the Astoria water front, which in places is in need of deepening.

The restoration also of the sewer, water, and electric fire system. This latter work, as stated above, can not be done by this bankrupt city and is absolutely necessary before the devastated district, which comprises entirely all of the business section of town, can be reconstructed by the municipality or people of Astoria.

The rehabilitation refers to municipal work only—streets, water, and sewerage systems, together with fire and police wiring. No portion is for property owned by private individ

T. M. ANDERSON, Colonel Seventh Infantry.

There was insurance on the buildings in the burned area of \$600,000, and on stocks, fixtures, etc., \$1,650,000; but as the merchants had in their Christmas stocks, as well as other considerable staple stocks, since business was good, it has taken nearly all the insurance money to liquidate the balances unpaid upon them.

The Legislature of the State of Oregon has passed legislation authorizing the remission of the taxes on the property in the city for a period of seven years, which relief will amount to nearly \$500,000.

Every stricken city and community in this country has been aided by the Government, even when their necessities were not as dire as those of Astoria. We gave \$2,500,000 to San Francisco; we gave \$800,000 to Italy for relief purposes when volcanic eruptions had wrought disaster. A partial list of the acts of Congress providing relief for sufferers on account of fires, floods, earthquakes, etc., is given below:

Relief granted by Congress to sufferers on account of fires, floods, carthquakes, etc.

	Amount.	Date.	Statutes at Large.
Venezuela, earthquake in	\$50,000.00	May 8, 1812 Feb. 17, 1815	Vol. 2, p. 730. Vol. 3, p. 211.
New York City, sufferers from fire to be relieved from paying certain duties.		Mar. 19, 1836	Vol. 5, p. 6.
Florida, rations to be given sufferers from Indian depredations in.	Indefinite.	Feb. 1, 1836	Vol. 5, p. 131.
Portsmouth, N. H., sufferers from fire to be relieved from paying duties on merchandise.		Feb. 19, 1803	Vol. 6, p. 49.
Norfolk, Va., sufferers from fire given extension of time within which to pay certain duties.		Mar. 19,1804	Vol. 6, p. 53.
Alexandria, Va., for relief of sufferers from fire.	20, 000. 00	Jan. 24, 1827	Vol. 6, p. 356.
Ireland, authority to use U. S. S. Macedonian for transportation of supplies to sufferers in Ireland.	***********	Mar. 3, 1847	Vol. 9, p. 207.
Minnesota, relief of persons damaged by Indian depredations in.	200, 000. 00	Feb. 16, 1863	Vol. 12, p. 652
District of Columbia Arsenal, relief of sufferers from explosion in cartridge factory.	2,000.00	July 4, 1864	Vol. 13, p. 416
Portland, Me., relief of sufferers from fire, certain articles admitted free of duty.		July 4, 1866	Vol. 14, p. 304.
District of Columbia Arsenal, relief of sufferers from explosion.	2, 500. 00	Mar. 17, 1866	Vel. 14, p. 351.

Relief granted by Congress to sufferers on account of fires, floods, earthquakes, etc.-Con. Relief granted by Congress to sufferers on account of fires, floods, earthquakes, etc.-Con.

	Amount.	Date.	Statutes at Large.
Portland, Me., relief granted in payment of taxes of citizens who suffered from fire at.		July 27, 1866	Vol. 14, p. 369.
Southern States: Authority given to use public vessels in transportation of supplies to.		Feb. 22, 1867	Vol. 14, p. 567.
Authority given to charter ves- sels for the transportation of	care and a	Mar. 29, 1867	Vol. 15, p. 24.
supplies. South, Secretary of War authorized to issue supplies of food to sufferers		Mar. 30, 1867	Vol. 15, p. 28.
in. Southern States, purchase of seeds	\$50,000.00	do	Do.
for distribution. South, authority given to Secretary of War to distribute certain food		Jan. 31, 1868	Vol. 15, p. 246.
supplies. France and Germany, authority given to use naval vessels for the transportation of supplies to the destitute and suffering peoples of.		Feb. 10, 1871	Vol. 16, p. 596
Chicago, Ill.: Relief of sufferers from fire at Relief of postmaster at, on ac-	Indefinite.	Apr. 5, 1872 Mar. 12, 1872	Vol. 16, p. 31. Vol. 16, p. 646.
Relief of postmaster at, on ac- count of loss due to fire. Mississippi River flood sufferers, President authorized to issue sup-	Indefinite.	Apr. 23, 1874	Vol. 18, p. 34.
plies of food and clothing to. Sufferers from ravages of grasshop-	30, 000. 00	Jan. 25, 1875	Vol. 18, p. 303.
pers, purchase of seeds for. Mississippi flood sufferers, relief of Sufferers from ravages of grasshop-	190, 000, 00	May 13, 1874	Vol. 18, p. 45.
Yellow fever, refrigerating ships for	150, 000. 00 200, 000. 00	Feb. 10, 1875 Apr. 18, 1879	Vol. 18, p. 314. Vol. 1, p. 21.
disinfection of vessels and canoes on account of.			
Colored immigrants, articles for relief of, to be admitted free.		Mar. 5,1880	Vol. 21, p. 66.
Ireland, Secretary of Navy authorized to use naval vessels for transporta-		Feb. 25, 1880	Vol. 21, p. 303.
tion of supplies to. Macon, Miss., Secretary of War authorized to send 4,000 rations to cyclone sufferers.		May 4,1880	Vol. 21, p. 306.
Mississippi River flood sufferers: Purchase of seeds for Relief of destitute. Secretary of War authorized to use hospital tents for.	20,000.00 100,000.00	Apr. 11,1882 Feb. 25,1882 Mar. 10,1882	Vol. 22, p. 44. Vol. 22, p. 378. Do.
use hospital tents for. Secretary of War authorized to use Government vessels for transportation and distribution of rations.		Mar. 11,1882	Do.
Furnishing food to	- 150, 000, 00 100, 000, 00	Mar. 21,1882 Apr. 1,1882	Vol. 22, p. 379. Do.
Purchase and distribution of sub- sistence stores, clothing, etc., to.	300,000.00	Feb. 12,1884	Vol. 23, p. 267.
Relief	200,000.00	Feb. 15,1884 Mar. 27,1884	Vol. 23, p. 268. Vol. 23, p. 269.
Yellow fever and cholera, prevention of.	200,000.00	Sept. 26,1888	Vol. 25, p. 630.
Yellow fever, eradication of Japanese crew, recognition of kind of treatment of.	100,000.00 5,000.00	Oct. 12,1888 May 24,1888	Vol. 25, p. 631, Vol. 25, p. 623,
Arkansas, Mississippi, and Louisiana, purchase of tents for flood sufferers. Mississippi River flood sufferers:	25,000.00	Mar. 31,1890	Vol. 26, p. 33.
Authority to hire boats from appropriation for improvement of Mississippi River to rescue.		Apr. 3,1890	Vol. 26, p. 670.
Relief of. Oklahoma, certain unexpended balances made available for the relief of citizens of made destitute by	150, 000, 00	Apr. 21, 1890 Sept. 1, 1890	Vol. 26, p. 671. Vol. 26, p. 679.
drought. Potomac River, removal of ice gorge. Ford Theater disaster:	5, 000. 00	Feb. 15, 1895	Vol. 28, p. 969.
Payment to heirs of legal repre-	125, 000: 00	Mar. 2,1895	Vol. 28, p. 932.
sentatives of persons killed in. Payment to employees on account of.	131, 550. 00	June 8, 1896	Vol. 29, p. 273.
Authority to transport supplies to poor of.		Feb. 19, 1897	Vol. 29. p. 701.
Use of vessels authorized to aid suffering of poor.	900 000 00	June 1, 1897	Vol. 30, p. 219.
Mississippi River flood sufferers, relief of. Cuba, relief of United States citizens	200, 000. 00 50, 000. 00	Apr. 7, 1897 May 24, 1897	Do. Vol. 30, p. 220.
in. Maine, U. S. S., payment to sufferers	00,000.00	Mar. 30, 1898	Vol. 30, p. 346.
on account of destruction of. District of Columbia, prevention of spread of contagious diseases.	50, 000. 00	Feb. 28, 1899	Vol. 30, p. 1390.
San Franciso, Calif.: Relief of sufferers from earthquake Do	1,000,000.00 1,500,000.00 (1)	Apr. 19, 1906 Apr. 24, 1906 June 18, 1906	Vol. 34, p. 827. Vol. 34, p. 828. Vol. 34, p. 850.

indicate in the second of the	Amount.	Date.	Statutes at Large.
Alabama, Arkansas, Georgia, Louisi- ana, Mississippi, Tennessee, Texas, relief of cyclone sufferers.	\$250, 000. 00	May 11, 1908	Vol. 35, p. 572,
Italy, relief of citizens of Ohio River, removal of ice gorges	800, 000, 00 10, 000, 00	Jan. 5, 1909 Jan. 19, 1910	Vol. 35, p. 584.
Costa Rica, sufferers from earthquake. Imperial Valley, Calif., protection of lands and property from Colorado River.	1,000,000.00	May 13, 1910 June 25, 1910	Vol. 35, p. 584. Vol. 36, p. 873. Vol. 36, p. 367. Vol. 36, p. 883.
China, relief of famine sufferers Mississippi Valley, relief of flood sufferers in,	50,000.00 1,239,179.00	Feb. 10,1911 May 9,1912	Vol. 36, p. 919. Vol. 37, p. 633.
Mississippi River, between Head of Passes and Cape Girardeau, main- taining and protecting levees	350, 000. 00	Apr. 3,1912	Vol. 37, p. 78.
against floods. Mississippi River and tributaries:	The state of		
Maintaining and protecting levees against impending floods.	300, 000. 00	Apr. 16,1912	Vol. 37, p. 85.
Authority to use \$1,500,000 for re- pair, improvement, and strengthening levees against floods.		Apr. 30, 1912	Vol. 37, p. 633.
Middle West flood sufferers, reim- bursement to Life Saving Service appropriation for aid to.	5,000.00	Oct. 22, 1913	Vol. 28, p. 211.
Mississippi and Ohio Valleys, Peach Tree, Alabama, and Nebraska re- lief of sufferers from floods, torna-	654; 448. 49	do	Vol. 38, p. 215.
does, and conflagrations, reim- bursement of War Department ap- propriations.			
Action of the President in extending aid from various appropriations ratified.		do	Vol. 38, p. 216.
Mississippi Valley flood sufferers, 1913:		100	
Credit in account of certain river and harbor appropriations for expenditures.	34, 192. 35	do	Do.
Medical supplies, action of the President in issuing ratified.	8, 239. 40	do	Do.
Flood sufferers in Ohio and Indiana and on the Ohio and Mississippi Rivers, reimbursement to certain naval appropriations for relief.	130, 940. 38	Oct. 22, 1913	Vol. 38, p. 215.
Salem, Mass., relief to sufferers from fire at (expended, \$47,140.10).	200, 000, 00	Aug. 1,1914	Vol. 38, p. 681.
Paris, Tex., relief to sufferers from fire at.	(2)	Apr. 11, 1916	Vol. 39, p. 50.
North Carolina, South Carolina, Georgia, Alabama, Tennessee, Florida, and Mississippi flood suf- ferers, supply of seeds to be fur- nished, and Army supplies by Quartermaster and Medical De- partments of the Army.	540, 000. 00	Aug. 3, 1916	Vol. 39, p. 434.
West Virginia, relief of flood sufferers (provisions of resolution, appropria- tion just above extended to West Virginia).	540, 000. 00	Aug. 24, 1916	Vol. 39, p. 534.

¹ Tents, blankets, etc., by Army, Navy, and Panama Canal.
² Tents, cots, etc., and supplies to be furnished by War Department.

In addition to the above we have in recent years loaned very considerable sums of money to agricultural sections for the purchase of grain. We have loaned to various nations of Europe since the World War many millions of dollars for relief purposes. We gave also \$3,000,000 for the relief of the Philippines.

It seems to me that in view of all the circumstances, and the fact that the Government has hitherto aided stricken cities and communities, this bill should be passed, and the loan, which will surely be duly repaid, be made to this sorely distressed community.

EXTENDING RETIREMENT ACT TO PANAMA CANAL EMPLOYEES.

The next business on the Calendar for Unanimous Consent was the bill (S. 4167) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, in order to extend the benefits of said act to certain employees in the Panama Canal Zone.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I ask that it may be passed.

The SPEAKER pro tempore. Is there objection to the bill being passed? [After a pause.] The Chair hears none.

AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 253) proposing an amendment to the Constitution of the United States, fixing the commencement of the terms of President and Vice President and

Members of Congress, and fixing the time of the assembling of

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of this joint resolution?

Mr. BLANTON. I object.

ANDREWS of Nebraska. Mr. Speaker, I move to suspend the rules and pass the resolution according to the re-

The SPEAKER pro tempore. The Chair does not recognize the gentleman for that purpose. The Clerk will report the next bill

Mr. ANDREWS of Nebraska. I make the point of order that there is no quorum present.

Mr. BLANTON. I make the point of order that that is

The SPEAKER pro tempore. The Chair will count.

Mr. HERRICK, I move that the House recess until 8

The SPEAKER pro tempore. That motion is not in order. Mr. HERRICK. Well, I make the motion that we do now

Mr. ANDREWS of Nebraska. Mr. Speaker, I withdraw the question of a quorum.

The SPEAKER pro tempore. The Clerk will report the next

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the Joint Resolution 441 may remain on the calendar. That is the resolution regarding silver.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the resolution referred to may retain its place on the calendar. Is there objection?

Mr. BLANTON. Mr. Speaker, for the present, I object.

POST OFFICE SITE, TAMAQUA, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9597) relating to the title to land to be acquired as a site for a post office building at Tamaqua, Pa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HERRICK. Mr. Speaker, I object. The other post office bill has been objected to, and unless that goes on I will object. The SPEAKER pro tempore. The Clerk will report the next

COMPENSATION OF INJURED EMPLOYEES.

The next business on the Calendar for Unanimous Consent was the bill (H, R, 14226) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I request that this bill be passed over without losing its place on the calendar.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that this bill be passed over without losing its place on the calendar. Is there objection? There was no objection.

The SPEAKER pro tempore. The Clerk will report the next

MEMORIAL TO JOSEPH J. DARLINGTON.

The next business on the Calendar for Unanimous Consent was the resolution (S. J. Res. 240) authorizing the erection, on public grounds, of a memorial to the late Joseph J. Dar-

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and is hereby, authorized and directed to select a suitable site and to grant permission for the erection on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, the White House, and the Mall, of a memorial to the late Joseph J. Darlington, a leader of the Washington bar, as a gift to the people of the city of Washington: Provided, That the site chosen and the design of the memorial shall be approved by the Joint Library Committee of Congress, with the advice of the Commission of Fine Arts; that it shall be erected under the supervision of the Chief of Engineers, and that the United States shall be put to no expense in or by the erection of the said memorial.

Mr. CRAMTON. Mr. Speaker, I offer an amendment. Page 2, line 3, after the word "erection," insert the words "or maintenance.'

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 3, after the word erection," insert the words "or maintenance."

Mr. CRAMTON. Mr. Speaker, I understand it is not proposed to erect a fountain that will cost the Government \$2,000 or \$3,000 a year to operate, but to guard against this I offer the amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate resolution as amended.

The Senate joint resolution as amended was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

EMBASSY IN PARIS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14287) to authorize the Secretary of State to acquire in Paris a site, with an erected building thereon, at a cost not to exceed \$300,000, for the use of the diplomatic and consular establishments of the United States.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object. Mr. VOLSTEAD. Mr. Speaker, will the gentleman withhold his objection?

Mr. FAIRCHILD. Will the gentleman from Texas withheld his objection for a moment?

Mr. BLANTON. I do not think it would be fair. I intend

Mr. MONDELL. If the objection is made, I hope it will be made now.

Mr. BLANTON. I intend to make it, but I will withhold it

if the gentleman wants to speak about it.

The SPEAKER pro tempore. The Clerk will report the next

AMENDMENT OF THE DAYLIGHT SAVING LAW.

The next business on the Calendar for Unanimous Consent was the bill (S. 574) to amend an act entitled "An act to save daylight and to provide standard time for the United States,' as amended.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object. Mr. SMITH of Idaho. Mr. Speaker, will the gentleman reserve his objection and permit me to explain the bill?

Mr. BLANTON, I will reserve it if the gentleman will get

permission to proceed on that side, but he is not going to get permission to proceed.

Mr. SMITH of Idaho. This is exceedingly important legislation, Mr. Speaker. All the people in the State of Idaho are exceedingly desirious of having it enacted. It transfers southern Idaho from the Pacific to the Mountain time zone, where it was prior to March 19, 1918, when the daylight saving law was The railroad operators, as well as the Rotary, Kienacted. wanis, and other commercial clubs in the various towns and cities, as well as city councils in southern Idaho, have been appealing for the change proposed.

Mr. BLANTON. Why do not the people in Idaho do as they do in New York and New Jersey-fix their clocks to suit themselves?

Mr. STAFFORD. Will the gentleman from Texas yield in that particular?

Mr. BLANTON. I have not the floor. Mr. STAFFORD. Some years ago—I can not recall just when—we fixed regional sections where the railroad time should begin and end. This is merely to include some portions of the railroad time that was left out. It has nothing to do with the proposal for daylight saving.

Mr. BLANTON. I know exactly what it is intended to do. object.

Mr. FAIRCHILD. Mr. Speaker, I ask unanimous consent that the bill (H. R. 14287) in regard to the site for an embassy at Paris may retain its place on the calendar.

Mr. SMITH of Idaho. Mr. Speaker, I make the same request

with respect to the bill S. 574, Calendar No. 553.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that Calendar No. 552 retain its place on the calendar, and the gentleman from Idaho makes a similar request with respect to Calendar No. 553. Is there objection? Mr. BLANTON. Which two bills?

Mr. SMITH of Idaho. Nos. 552 and 553 on the calendar.

The SPEAKER pro tempore. One relating to daylight saving and the other to the embassy at Paris.

Mr. BLANTON. So far as the embassy building is concerned,

To the other, I do not. I object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho that the bill S. 574 retain its place on the calendar?

There was no objection.

The SPEAKER pro tempore. Objection is made to the request of the gentleman from New York [Mr. FAIRCHILD].

Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous

consent to return to Calendar No. 548.

COTTON STATISTICS.

The SPEAKER pro tempore. The Clerk will report the next hill

The next business on the Calendar for Unanimous Consent was the bill (S. 3757) authorizing the Department of Commerce to collect and publish additional cotton statistics and information.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman reporting this bill, where is the constitutional warrant to compel private individuals to furnish data, such as this bill requires, to the Census Bureau?

Mr. FAIRCHILD. The Census Bureau holds the data they

take inviolate.

Mr. STAFFORD. In the last Congress, when I was not present, as everyone knows, a bill was passed requiring leather users to furnish statistics as to the amount of leather on hand. It required private leather manufacturers to go to the expense of furnishing data every month. I wish to inquire where is the constitutional warrant that gives the Government the right to imprison the manufacturer who refuses to furnish this information?

Mr. FAIRCHILD. By an amendment passed, that privilege

was taken out.

Mr. STAFFORD. But you want to fine those who fail to furnish this information. I think you are going pretty far when you are trying to compel a private party to furnish information as to his private affairs under the guise of census taking, and I would like to ascertain from some one the reasons that would justify such procedure.

Mr. WYANT. Mr. Speaker, I object.
The SPEAKER pro tempore. Objection is made.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent to return to the consideration of Calendar No. 553.

Mr. FAIRFIELD. Mr. Speaker, there was no objection to my bill.

Mr. WYANT. I objected. The SPEAKER pro tempore. The gentleman from Idaho asks unanimous consent to return to Calendar No. 553. Senate 574. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

The Clerk read as follows:

An act (8. 574) to amend an act entitled "An act to save daylight and to provide standard time for the United States," as amended.

Be it enacted, etc., That an act entitled "An act to save daylight and to provide standard time for the United States," approved March 19, 1918, as amended, be, and the same hereby is, further amended by adding thereto after section 2 and before section 4, an additional section to be known as section 3, as follows:

"SEC. 3. In the division of territory, and in the definition of the limits of each zone, as hereinbefore provided, so much of the State of Idaho as lies south of the Salmon River, traversing the State from east to west near 45 degrees 30 minutes latitude shall be embraced in the third zone."

The bill was ordered to be read a third time, was read the third time, and passed.

REPRESSION OF PROSTITUTION. *

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11490) to enlarge the powers and duties of the Department of Justice in relation to the repression of prostitution for the protection of the armed forces.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MOORES of Indiana. Mr. Speaker, I ask that the bill be passed over.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that the bill be passed over.

Mr. RAKER. Let us dispose of the bill. It ought to be

passed by the House; there is no objection to it.

Mr. MOORES of Indiana. Then I object.
Mr. SUMNERS of Texas. Does the gentleman object to the bill retaining its place on the calendar?

Mr. STAFFORD. Mr. Speaker, I demand the regular order, The SPEAKER pro tempore. The regular order is, Is there objection?

Mr. MOORES of Indiana. I object.

The SPEAKER pro tempore. The gentleman from Indiana objects, and the Clerk will report the next bill on the calendar.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to speak out of order for one minute.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to speak out of order for one minute. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, if I may have the attention of the gentleman from Wyoming, I think there will be no objection to meeting at 11 o'clock to-morrow, if the gentleman should desire to make such a request. I am very doubtful whether the requests that are now being made are receiving the consideration that they ought to receive, but it occurs to me that in view of circumstances that exist, known to all of us, the hour has about arrived when we should adjourn.

Mr. MONDELL. Mr. Speaker, I should like to go through with the calendar. It will take but a few moments more. Bills that are objected to can go back on the calendar and we ought to be able to finish in half an hour, and then I would like to

adjourn until 11 o'clock to-morrow.

Mr. GARRETT of Tennessee. What has occurred to me is that the objections that are made to bills are apparently made

in temper.

MEETING AT 11 O'CLOCK TO-MORROW.

Mr. MONDELL. I hope the gentlemen who have been irritated will calm themselves and let us finish the calendar. It will only take 20 or 25 minutes. I ask unanimous consent, Mr. Speaker, that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there ob-

Mr. HERRICK. I will not object to that if the gentleman will assure me that he will not freeze me out of five minutes.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. I never froze anyone out.
Mr. HERRICK. Mr. Speaker, with that assurance I withdraw my objection. [Laughter.]
The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FAIRFIELD. Mr. Speaker, I ask unanimous consent to return to Calendar No. 554. I understand there was a misunderstanding that led to the objection.

Mr. WYANT. Mr. Speaker, I withdraw my objection. I misunderstood the character of the bill.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to return to Calendar No. 554. Is there objection? Mr. STAFFORD. I do not object to returning if we return

under a reservation of objection.

Mr. MONDELL. To return under a reservation of objection at this hour I do not think is a kindness to anyone.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object. Mr. FAIRFIELD. Mr. Speaker, I ask unanimous consent that No. 554 on the Calendar for Unanimous Consent, the bill S. 3757, may be placed back on the calendar without prejudice.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to place the bill referred to back on the calendar. Is there objection?

There was no objection.

Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous consent that Calendar No. 548 be returned to the calendar. Mr. BLANTON. Mr. Speaker, I object.

COMPENSATION OF CERTAIN INJURED UNITED STATES EMPLOYEES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14226) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, be amended as follows:

That section 40 of said act is amended to read as follows:

"Sec. 40. That wherever used in this act—
"The singular includes the plural and the masculine includes the feminine.

"SEC. 40. That wherever used in this act—
"The singular includes the plural and the masculine includes the feminine.
"The term 'employee' includes all civil employees of the United States and of the Panama Raliroad Co.
"The term 'commission' shall be taken to refer to the United States Employees' Compensation Commission provided for in section 28.
"The term 'monthly pay' shall be taken to refer to the monthly pay at the time of the injury.
"The term 'injury 'includes, in addition to injury by accident, any disease proximately caused by the employment. Any award made by the Compensation Commission under the act of September 7, 1916, for an injury sustained prior to the passage of this act, shall be valid, if such award would be valid if made in respect to an injury sustained after the passage of this act.
"The term 'compensation' includes the money allowance payable to an employee or his dependents and any other benefits paid for out of the compensation fund."

SEC. 2. That section 37 of said act is amended to read as follows:
"SEC. 37. That if the original claim for compensation has been made within the time specified in section 20, the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation. In the absence of fraud or mistake in mathematical calculation, the findings of fact in, and the decision of the commission upon the merits of any claim presented under or authorized by this act shall not be subject to review by any other administrative officer, employee, or agent of the United States."

With the following committee amendment:

With the following committee amendment:

Page 2, beginning with line 22, strike out all of section 2.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

AMENDING CHINA TRADE ACT.

The next business on the Calendar for Unanimous Consent was H. J. Res. 455, to amend the China trade act.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?
Mr. BLACK. Mr. Speaker, I object.

CLERKS AND STENOGRAPHERS IN GRAND JURY SESSIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14084) to amend section 1025 of the Revised Statutes

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HERRICK. Mr. Speaker, I object.

Mr. VOLSTEAD. Mr. Speaker, I wish the gentleman would withdraw his objection. This is a very important proposition and can do no possible harm. It is recommended by two attorneys general.

Mr. HERRICK. Mr. Speaker, I withdraw my objection. Mr. STAFFORD. Mr. Speaker, I reserve the right to object. I understand this bill is to authorize the presence of clerks and stenographers in grand jury sessions.

Mr. VOLSTEAD. It has been practiced for a number of years, but a question has been raised as to the validity of indictments where that has occurred. It seems to me that no harm can come out of a thing of that kind.

Mr. STAFFORD. What is the necessity for having clerks

rather than stenographers present in grand jury sessions?

Mr. VOLSTEAD. The clerks are stenographers, in fact. They appear and take the testimony, and very often by knowing what the testimony is before the grand jury they are able to conduct the case with much less expense, with much more expedition. There ought not to be any objection to this proposition.

Mr. STAFFORD. I thought the recommendation of the department was solely for permitting stenographers rather than clerks.

Mr. VOLSTEAD. They are really clerks.
Mr. STAFFORD. I think the sanctity of the grand jury should be preserved as much as possible and not allow clerks and outsiders to invade those sacred precincts.

Mr. VOLSTEAD. They are employees of the Attorney General's office, and they do, in fact, take the testimony.

Mr. GOLDSBOROUGH. Mr. Speaker, I object.

CONTINUING TERMS OF GRAND JURIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14085) to amend section 284 of the Judicial Code of the United States.

The SPEAKER pro tempore. Is there objection to the pres-

ent consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, is this the bill that provides that grand juries shall not be summoned-

Mr. VOLSTEAD. There is only one change proposed. the end of a term the grand jury is in session and is considering a matter, this provides that it may continue and finish that particular matter, so that you would not be compelled to call a new grand jury for the purpose of investigating that particular thing.

Mr. BLANTON. The gentleman had one bill which I thought was a very good bill, which would prevent the summoning of grand juries by the clerk and the marshal until the district

attorney approved.

Mr. VOLSTEAD. This is the law as it exists, with one exception.

Mr. BLANTON. And you are reciting the present law as a preamble?

Mr. VOLSTEAD. Simply that the grand jury, if it is engaged in the investigation of a matter, may continue and conclude that after the term of court.

Mr. BLANTON. There is just one objection to that, and I want to get the gentleman's view upon it. We do not want to pass a law that is not a salutary law. Usually when the court is forced to end a term the judge goes somewhere else to open court at another place. That place is sometimes two or three hundred miles distant from where he last held court. What would be the situation after the judge left and went away 200 miles with his grand jury sitting and some witness should come in and refuse to testify? 'process to make him testify. The grand jury would be without

Mr. VOLSTEAD. Oh, I do not think that is true. Mr. BLANTON. Things of that kind could arise. I do not think a grand jury should sit when there is no court to direct them or to stand behind them and enforce their orders

Mr. VOLSTEAD. When the term ends there should be some way of continuing that grand jury investigation.

Mr. BLANTON. Is there any recommendation as to how

long the grand jury may sit?

Mr. VOLSTEAD. It may sit to the end of the term.
Mr. BLANTON. I mean in this bill.
Mr. VOLSTEAD. No; except this, that it may only finish

the business that has been started.

Mr. BLANTON. That would be a question of opinion as to what it had done. A judge could leave his town and go two or three hundred miles away and that jury could sit until he comes back

Mr. VOLSTEAD. Oh, there is a limit on that.
Mr. BLANTON. I do not think that this bill should pass. I object.

AMENDING SECTION 81 OF THE LAWS RELATING TO THE JUDICIARY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14272) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911. The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I do not see this on the calendar.

The SPEAKER pro tempore. The bill is on the House Cal-

Mr. STAFFORD. Let the bill be read.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

The Clerk read as follows:

Be it enacted, etc., That section S1 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of February 23, 1916, and the act of April 27, 1916, be, and the same is hereby, amended to read as follows:

"SEC. S1. The State of Iowa is divided into two judicial districts, to be known as the northern and southern districts of Iowa.

"The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allamakee, Dubuque, Buchanan, Clayton, Delaware, Fayette, Winneshiek, Howard, Chickasaw, Bremer, Blackhawk, Floyd, Mitchell, and Jackson, which shall constitute the eastern division of said district: also the territory embraced on the date last mentioned in the counties of Jones, Cedar, Linn, Iowa, Benton, Tama, Grundy, and Hardin, which shall constitute the Cedar Rapids division; also the territory embraced on the date last mentioned in the counties of Emmet, Palo Alto, Pocahontas, Calhoun, Carroll, Kossuth, Humboldt, Webster, Winnebago, Hancock, Wright,

Hamilton, Worth, Cerro Gordo, Franklin, and Butler, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Dickinson, Clay, Buena Vista, 8ac, Oscoela, O'Brien, Cherokee, Ida, Lyon, Sloux, Plymouth, Woodbury, and Monona, which shall constitute the western division.

"Terms of the district court for the castern division shall be held at Dubuque on the fourth Tuesday in April and the first Tuesday in December; and at Waterloo on the second Tuesdays in May and September; for the Cedar Rapids division, at Cedar Rapids on the first Tuesday in April and the fourth Tuesday in September; for the central division, at Fort Dodge on the second Tuesdays in June and November, and at Mason City on the fourth Tuesdays in June and November; and for the western division, at Sioux City on the fourth Tuesday in May and the third Tuesday in October.

"The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Louisa, Henry, Des Moines, Lee, and Van Buren, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Marshall, Story, Boone, Greene, Guthrie, Dallas, Polk, Jasper, Poweshlek, Marlon, Warren, and Madison, which shall constitute the central division of said district; also the territory embraced on the date last mentioned in the counties of Crawford, Harrison, Shelby, Audubon, Cass, Pottawattamie, Mills, and Montgomery, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Scott, Muscatine, Washington, Johnson, and Clinton, which shall constitute the Davenport division of said district; also the territory embraced on the date last mentioned in the counties of Bavis, Appanoose, Mahaska, Keokuk, Jefferson, Monroe, and Wapelo, which shall constitute the Davenport division of said district; also the territory embraced on the date last mentioned in the counties o

Mr. STAFFORD. Mr. Speaker, reserving the right to object,

will the gentleman from Iowa or some member of the commit-tee inform the House how far Mason City is from Fort Dodge? Mr. HAUGEN. It is 73 miles. Mason City is in the north-east corner of the district and Fort Dodge is in the northwest corner. Mason City has railroad facilities and is one of the largest railroad centers in the State and is more accessible to a majority of the people in the district.

Mr. STAFFORD. Has this the approval of the Department

of Justice?

Mr. HAUGEN. It has not been submitted, but I know of no objection to it.

Mr. STAFFORD. Has it the approval of the district judge? Mr. HAUGEN. I have not taken it up with the judge, but

the bar has passed a resolution asking—
Mr. BLANTON. The gentleman ought to answer the question of whether it has the approval of the judge and the district at-

Mr. HAUGEN. I have not asked the approval of the depart-It is a matter that is generally conceded because of the location, which makes it advantageous to the people of that community and the attorneys as well. I trust there will be no objection to it. I know of no objection.

Mr. BLANTON. Mr. Speaker, until the judge approves of it,

I object

The SPEAKER pro tempore. Objection is heard.

STATUE BY JOSÉ CLABA, PERSONIFYING "SERENITY."

The next business on the Calendar for Unanimous Consent was S. J. Res. 242, authorizing the erection on public grounds in the District of Columbia of a statue by José Clara, personifying "Serenity."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? Mr. HERRICK. I object.

BRIDGE ACROSS THE RIO GRANDE.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 12378) granting the consent of Congress to maintain a bridge across the Rio Grande River. The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill. The Chair

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to F. M. Rose, E. F. Measles, D. Newton, H. M. Hutchinson, and B. G. Stafford, comprising a copartnership known as the San Felipe

Bridge Co., and their successors and assigns, to maintain and operate a bridge and approaches thereto across the Rio Grande River at or near the city of Del Rio, State of Texas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

expressly reserved.

The committee amendments were read as follows:

The committee amendments were read as follows:

Page 1, line 3, after the word "to" strike out "F. M. Rose, E. F. Measles, D. Newton, H. M. Hutchinson, and B. G. Stafford, comprising a partnership known as the San Felipe Bridge Co., and their," and insert "the Citizens' Bridge Co., a corporation, and its."

Page 2, after the figures "1906" in line 2 insert: "Provided, That the authority hereby granted shall terminate and end on the 1st day of July, 1925, if within that time the Del Rio & Las Vacas Bridge Co., a copartnership organized and entered into under the laws of the State of Texas, shall construct and complete a bridge at or near said location in accordance with the authority given to said copartnership by the act entitled "An act to authorize the construction of a bridge over the Rio Grande between the cities of Del Rio, Tex., and Las Vacas, Mexico, approved July 1, 1922: Provided further, That nothing herein shall operate to extend the time within which said Del Rio & Las Vacas Bridge Co. is required by the act approved July 1, 1922, to begin and complete said bridge."

The question was taken and the committee amendments were

The question was taken and the committee amendments were agreed to

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

EXTENSION OF REMARKS.

Mr. BOX. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on H. J. Res. 171.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to revise and extend his remarks in the

manner indicated. Is there objection?

Mr. SHAW. I object.

Mr. FESS. Mr. Speaker, I ask unanimous consent that Calendar No. 562 retain its place on the calendar, objected to awhile

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that No. 562 retain its place on the calendar. Mr. GARRETT of Tennessee. That would not be of any value; there is no chance of its being considered any more.

DEATH OF HON. W. BOURKE COCKRAN, REPRESENTATIVE FROM NEW YORK.

Mr. RIORDAN. Mr. Speaker, it becomes my painful duty to report to the House the death of my colleague, Hon. W. BOURKE COCKRAN, Representative from the State of New York.

At this late hour of the day and at this late day of the session there is only opportunity now to offer this resolution of adjournment. At the first suitable opportunity I shall ask for occasion for the House to pay tribute to his memory. I offer the following resolution, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from New York

offers a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved. That the House has heard with profound sorrow of the death of Hon. W. BOURKE COCKRAN, Representative from the State of New York.

Resolved. That a committee of 20 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the

Members of the Senate as an action of the senate as an action of the senate as a senate as

The SPEAKER pro tempore. The question is on agreeing to the resolution.

the resolution.

The resolution was agreed to.

The SPEAKER pro tempore. The Chair appoints the following committee to attend the funeral: Mr. Riordan, Mr. Mott, Mr. Carew, Mr. Siegel, Mr. Sullivan, Mr. Kline of New York, Mr. London, Mr. Griffin, Mr. Mead, Mr. Oliver, Mr. Dale, Mr. Tucker, Mr. Fish, Mr. Linthicum, Mr. Fairchild, Mr. Sabath, Mr. Connally of Texas, Mr. Ten Eyck, Mr. Chandler of New York, and Mr. Jones of Texas.

ADJOURNMENT.

The SPEAKER pro tempore. The Clerk will report the additional resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect this House do now

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned, under the order previously made, until to-morrow, Friday, March 2, 1923, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

1025. Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy, transmitting a schedule of claims paid from the appropriation "Pay, miscellaneous," during the fiscal year 1922 for damages to private property for which men in the naval service and the Marine Corps have been found to be responsible, was taken from the Speaker's table and referred to the Committee on Expenditures in the Navy Department.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SNYDER: Committee on Indian Affairs. S. 4544. act to authorize the extension of the period of restriction against allenation on surplus lands allotted to minor members of the Kansas or Kaw Tribe of Indians in Oklahoma; without amendment (Rept. No. 1741). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINSLOW: Committee on Interstate and Foreign Commerce. H. R. 14443. A bill for the relief of certain disbursing agents under the Department of Commerce; without amendment (Rept. No. 1742). Referred to the Committee of the

Whole House on the state of the Union.

Mr. LANGLEY: Committee on Public Buildings and Grounds, H. J. Res. 462. A joint resolution authorizing the President of the United States to lease certain land in the District of Columbia and pay rental from revenues derived from the opera-tion of the Government hotels for Government workers; with amendments (Rept. No. 1744). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNYDER: Committee on Indian Affairs. S. 3855. An act to quiet the title to lands within Pueblo Indian land grants, and for other purposes; without amendment (Rept. No. 1748). Referred to the Committee of the Whole House on the state of

the Union.

Mr. PORTER: Committee on Foreign Affairs. H. J. Res. 459. Joint resolution authorizing and requesting the Secretary of State to enter into negotiations with the Dominion of Canada with reference to the straightening and deepening of the channel of the Roseau River north of the international boundary line; without amendment (Rept. No. 1749). Referred to the House Calendar.

Mr. FORDNEY: Committee on Ways and Means. S. 4245. An act to provide the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922 and all other customs revenue laws; with amendment (Rept. No. 1750). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOORES of Indiana: Joint Select Committee on Disposition of Useless Executive Papers. H. Rept. 1743. A report on disposition of useless papers in the United States Veterans'

Bureau. Ordered to be printed.

Mr. MOORES of Indiana: Joint Select Committee on Disposition of Useless Executive Papers. H. Rept. 1747. A report on disposition of useless papers in the United States Navy Department. Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SWING: Committee on Naval Affairs. H. R. 12340. A bill for the relief of Gordon G. MacDonald; without amendment (Rept. No. 1745). Referred to the Committee of the Whole House.

Mr. KLINE of New York: Committee on Naval Affairs. H. A bill for the relief of Lieut. Commander Jerome E. Morse, United States Navy, retired; without amendment (Rept. No. 1746). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:
By Mr. SHAW: A bill (H. R. 14449) for the purchase of a

site for a public building at Roodhouse, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. MALONEY (by request): A bill (H. R. 14450) to amend section 35 of an act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917; to the Committee on Insular Affairs.

Mr. PATTERSON of New Jersey (by request): A bill (H. R. 14451) to amend section 96, chapter 5, of the act of

Congress of March 3, 1911, entitled "The Judicial Code"; to

the Committee on the Judiciary.

By Mr. UPSHAW: A bill (H. R. 14452) to increase the compensation of Senators, Representatives, Delegates, and Resident Commissioners; to the Committee on the Judiciary

By Mr. ROBSION: A bill (H. R. 14453) to abolish the Railroad Labor Board; to the Committee on Interstate and Foreign Commerce.

By Mr. VINSON: A joint resolution (H. J. Res. 463) to extend the powers of the War Finance Corporation to March 4, 1924; to the Committee on Banking and Currency.

By Mr. JOHNSON of Washington: A joint resolution (H. J. Res. 464) amending and supplementing the immigration act of May 19, 1921; to the Committee on Immigration and Naturalization.

By Mr. IRELAND: A resolution (H. Res. 569) authorizing the Clerk of the House to pay out of the contingent fund of the House to Margaret F, Kerr and Hugh S, Ryder one month's salary as clerks to the late Hon. W. Bourke Cockran; to the Committee on Accounts.

By Mr. ANDREW of Massachusetts: Memorial of the Legislature of the State of Massachusetts, relative to retirement of disabled emergency officers of the United States Army; to the

Committee on Military Affairs.

Also, memorial of the Legislature of the State of Massachusetts, in favor of the ship subsidy bill, so called; to the Committee on the Merchant Marine and Fisheries.

By Mr. GALLIVAN: Memorial of the Legislature of the State of Massachusetts, favoring the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. ROGERS: Memorial of the Legislature of the State of Massachusetts, relative to retirement of disabled emergency officers of the United States Army; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Massachusetts, favoring the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:
By Mr. BLAND of Indiana: A bill (H. R. 14454) granting a pension to Martha A. Hall; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 14455) for the relief of the estate of Sigmund Luscher; to the Committee on War Claims. By Mr. FOCHT: A bill (H. R. 14456) for the relief of the victims of the Knickerbocker Theater disaster; to the Committee on Claims

By Mr. SNELL: A bill (H. R. 14457) granting an increase of pension to Elizabeth Gonier; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7487. By the SPEAKER (by request): Petition of the convention of department of superintendence, National Education Association, urging the passage of the teachers' salary bill; to the Committee on the District of Columbia.

7488. By Mr. CHINDBLOM: Petition of Annie Greening and 1,215 other citizens of Illinois, for the passage of the legislation embodied in House Joint Resolution 412 providing for the relief of the distress and famine conditions in Germany and Austria: to the Committee on Foreign Affairs.

7489. By Mr. CRAMTON: Petition of John Meyer and other citizens of Mount Clemens, Mich., urging passage of the resolution to give aid to the people of Germany and Austria; to

the Committee on Foreign Affairs.
7490. By Mr. KISSEL: Petition of the National Association of Woolen and Worsted Overseers, Webster, Mass., favoring legislation to establish greater uniformity in the hours of labor in the textile industries of the United States; to the Committee Labor.

7491. Also, petition of National Federation of Federal Employees, Washington, D. C., urging passage of House bill 14226;

to the Committee on the Judiciary.
7492. By Mr. ROUSE: Petition of 102 citizens of Campbell County, Ky., protesting against the enactment of any legisla-tion toward the change of the present immigration laws that will permit admission of aliens other than provided by present laws; to the Committee on Immigration and Naturalization.

7493. By Mr. SINCLAIR: Petition of Northern Pacific System Lodge, No. 87, Brotherhood Railroad Signal Men of America, protesting against unrestricted immigration; to the Committee on Immigration and Naturalization.

7494. By Mr. SMITH of Michigan: Petition of Battle Creek Trades and Labor Council, of Battle Creek, Mich., urging restriction of immigration; to the Committee on Immigration and

Naturalization.

SENATE.

FRIDAY, March 2, 1923.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we bless Thee for the privileges continued unto us, for all the mercies with which Thou art crowning our days, for the opportunities of service for a loved country, and for the high honor of being related to Thee in all the duties and obligations of life. Hear us this morning; be with us constantly; and ever help us to realize Thy presence. We ask through Jesus Christ, our Lord. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Curtis and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Ledge	Shields
Ball	Frelinghuysen	McCormick	Shortridge
Bayard	George	McCumber	Smith
Borah	Gerry	McKellar	Smoot
Brandegee	Glass	McKinley	Spencer
Brookhart	Gooding	McNary	Stanley
Bursum	Hale	Moses	Sterling
Calder	Harreld	Myers	Sutherland
Cameron	Harris	New	Swanson
Capper	Harrison	Norbeck	Townsend
Caraway	Heflin	Norris	Wadsworth
Colt	Johnson	Oddie	Walsh, Mass.
Couzens	Jones, N. Mex.	Overman	Walsh, Mont.
Culherson	Jones, Wash.	Page	Warren
Cummins	Kellogg	Phipps	Watson
Curtis	Kendrick	Pittman	Weller
Dial	King	Ransdell	Willis
Dillingham	Ladd	Reed, Pa.	WILLIS
Edge	La Follette	Robinson	
Ernst	Lenroot		
EATTINE	Tenioot	Sheppard	

Mr. CALDER. I wish to announce the absence of the Senator from Connecticut [Mr. McLean], the Senator from Pennsylvania [Mr. Pepper], the Senator from Oklahoma [Mr. OWEN], and the Senator from Nebraska [Mr. HITCHCOCK] on business of the Senate.

Mr. PHIPPS. I desire to announce the absence of my col-

league [Mr. Nicholson] on account of illness.

The PRESIDING OFFICER (Mr. Jones of Washington in the chair). Seventy-seven Senators have answered to their names. There is a quorum present.

PROPOSED CONSIDERATION OF THE CALENDAR.

Mr. CURTIS. Mr. President, before we proceed to routine morning business, I would like to submit a request for a unanimous-consent agreement. I ask unanimous consent that at the conclusion of the routine morning business the calendar be called for unobjected House bills and unobjected Senate resolutions until they are completed or not later than 1 o'clock

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that at the conclusion of the routine morning business the Senate proceed to the calendar for the consideration of unobjected House bills and unobjected Senate

resolutions. Is there objection?

Mr. CUMMINS. Does the Senator from Kansas mean that

we are to begin at the beginning of the calendar?

Mr. CURTIS. No; to begin where we left off at the last call.

The PRESIDING OFFICER. Beginning with calendar No. 1035.

SUTHERLAND. I should like to ask whether that Mr.

would include unobjected joint resolutions?

Mr. CURTIS. No; I said Senate resolutions. If a joint resolution has passed the House the request would include it, but not otherwise.

Mr. SUTHERLAND. Would it not be well to include all foint resolutions?

Mr. CURTIS. Very well; I will include unobjected joint resolutions.

Mr. KING. May I inquire of the Senator why he dis-criminates against Senate bills and in favor of Senate joint

resolutions or Senate resolutions?

Mr. CURTIS. The House has been holding night sessions to pass Senate bills. There are quite a number of House bills on the Senate calendar. In my judgment, no bill can pass at this session that has not already passed one House or the other. I think it would be useless to pass a Senate bill at this time, because it would be impossible to get it through the House before Sunday. I believe we owe it to the House to dispose of their measures.

Mr. KING. When the Senator says House bills he means reported bills?

Mr. CURTIS. I mean those reported and on the calendar. Mr. HARRISON. Mr. President, I have a bill on the calendar that is a private measure and there can not be any objection to it. It has not passed the House, and that bill can not come up for consideration under the proposed agreement.

Mr. CURTIS. After we have concluded the call of the calendar under the unanimous-consent agreement the Senator could ask unanimous consent to take up his bill. I do not suppose anyone would object to its consideration.

Mr. HARRISON. That might be a long time off. I think I

shall object to the request of the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Mississippi objects.

Mr. CURTIS. Then I ask unanimous consent that at the conclusion of the routine morning business, the Senate shall proceed to the consideration of unobjected bills and resolutions on the calendar, beginning where we left off at the last call of the calendar.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that at the conclusion of the routine morning business, the Senate shall proceed to the consideration of unobjected bills and resolutions on the calendar, beginning at Calendar No. 1035. Is there objection?

Mr. McKELLAR. I object.

The PRESIDING OFFICER. The Senator from Tennessee objects.

SUGAR PRICES AS AFFECTED BY THE FORDNEY-M'CUMBER TARIFF.

Mr. WALSH of Massachusetts. Mr. President, recent information of a further advance in the price of sugar suggests the appropriateness of calling the attention of the public to the effect of the tariff in increasing the price of sugar since the passage of the Fordney-McCumber tariff law.

When the Fordney-McCumber law became effective last September, the wholesale price of refined sugar was 6.25 cents per pound. It is now 9 cents, or about 44 per cent price increase in five months. This is the highest price sugar has reached in the last 40 years, with the exception of five months in 1919 and the average price for 1920. It is interesting to compare the New York refined price announced February 3, 1923, with the average price for recent years: The average for 1922 was 5.904 cents; for 1921, 6.207 cents; for 1920, 11.309 cents; from August 12 to December 31, 1919, 9.003 cents.

The present wholesale price of 9 cents is the highest since 1883, with the exception of five months in 1919, and the average for 1920, as I have said before, which was the peak period of war-time inflation. The retail price is now 10 cents per pound in New York, and from 11 to 12 cents per pound in other parts of the United States.

The present tariff is responsible for 2 cents per pound of this increase price, according to the United States Sugar Associa-I request that a recent letter and review of this question

published by this association be printed in the Record.

Mr. SMOOT. Mr. President, if that is to go into the Record,
I simply want to say that if time permits, I shall answer not only the article that is to go into the RECORD but circulars that have been sent out by the refiners of the country, which are filled full of lies.

Mr. WALSH of Massachusetts. I assumed the Senator would say it was all a lie; but a categorical denial is not an answer. I hope the Senator will answer, if he can, the claim that the Republican tariff is responsible for the present high price of sugar. I am asking to have this communication inserted in the RECORD this morning because of comments in the press of the country to-day with reference to the very high increase in the price of sugar recently announced.

Mr. SMOOT. As I said the other day, before the Fordney-McCumber Tariff Act went into effect sugar in Cuba sold at \$1.67 per hundred. What is it selling for to-day in Cuba?

There is no need of discussing the question of a tariff on sugar at all. I say now that the refiners who control the crop sugar at all. I say now that the reinlers who control the ctop of sugar in Cuba have put the price up from \$1.67 per hundred to over \$4.75 for 96 per cent sugar. Did the Fordney tariff law have anything to do with it? Not a thing.

Mr. HARRISON. Mr. President, will the Senator from Utah

vield to me'

Mr. CUMMINS. Mr. President, I call for the regular order. The PRESIDING OFFICER. The regular order is the pres-

entation of petitions and memorials.

Mr. HARRISON, Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it

Mr. WALSH of Massachusetts. I ask that my request be passed upon.

The PRESIDING OFFICER. The Senator from Mississippi desires to make a parliamentary inquiry, and will state it.

Mr. HARRISON. The Senator from Utah [Mr. SMOOT] made a statement, and immediately the regular order is called for. Is it in order for me to say now that I hope when the Senator from Utah shall make his speech defending the present iniquitous rate on raw sugar he will not wait until the last minute, as he did in the last Congress, to make his speech, but will make it early enough to give those of us who opposed

the present tariff law an opportunity to reply to it?

The PRESIDING OFFICER. The Chair does not regard the statement of the Senator from Mississippi as a parliamentary inquiry, but his statement, having been made, will appear in the RECORD. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and the communication will be printed in the RECORD.

The communication from the United States Sugar Association is as follows:

UNITED STATES SUGAR ASSOCIATION, New York, February 23, 1923.

Hon. David I. Walsh,

Senate Office Building, Washington, D. C.

Honorable Str: Inclosed find a review of the effects of the tariff on sugar since the passage of the Fordney-McCumber bill. When the law went into effect the price of refined sugar was 6.25 cents per pound, and it is now 9 cents per pound, or an advance of 2.75 cents per pound. This is the highest price in 40 years, with the exception of five months in 1920 and the average for 1910. This has been due mainly to the 1,200,000 long tons less supplies in Cuba at the beginning of the year than there was at the beginning of last year, and such a situation did not call for a tariff increase to raise the price for the benefit of the domestic beet and other tariff-favored sugar interests at the expense of the American public.

The domestic beet-sugar interests are following all advances in price and selling their product on New York basis plus freight in their immediate territory. They are doing this despite the fact that their costs have not been advanced the same as that of cane refiners, who are obliged to purchase their raw product from day to day at market quotations.

obliged to purchase their raw product from day to day at market quotations.

Desire to call your special attention to the fact that the benefit domestic beet-sugar interests derive from the tariff exceeds the price they guarantee the factory, which averages \$5 per ton. At 2 cents per ton tariff benefit the beet factories of Colorado obtain \$5.22 from a ton of beets; of Idaho, \$6.18; Nebraska, \$5.35; Utah, \$5.62. The only time that the farmer obtains more than the guaranteed price from the factory is when they sell their refined sugar above 5 cents per pound. All of the above benefit to the extent of \$2.61, \$3.09, \$2.67, \$2.81 per ton, respectively, on each increase of 1 cent per pound, and give the farmer \$1 of this amount, and all of the above increase is paid by the consumer.

While the Cuban tariff rate is 1.7648 cents per pound, it takes 107 pounds of 96 degrees test sugar to make 100 pounds of refined, which makes the tariff cost 1.89 cents per pound instead of 1.7648 cents per pound, and other added expense due to the tariff brings the total cost up to 2 cents per pound. You can appreciate that the actual cost of the tariff is more than the Cuban rate when I inform you that the drawback received on refined sugar exported is 1.88 cents per pound.

The statistics upon which all of the conclusions are based were obtained from the records of the Department of Agriculture or from Truman G, Palmer's "Concerning Sugar," and may be relied upon as not at all exaggerating the position of the domestic beet-sugar interests.

Trusting that you may have an opportunity to confront Senator Sanoor and other high tariff advocates with the result of their legislation and embarrass them to the same extent they were embarrassed when reminded of the high prices brought about by the increased tariff on wool, I beg to remain,

Very truly yours,

Assistant Secretary.

M. DORAN, Assistant Secretary.

Under the Fordney-McCumber tariff bill the rate of 2.206 cents per pound imposed upon full duty and 1.7648 cents upon Cuban raw sugars, 96 degrees test, are the highest since the general rate of 2.24 cents per pound of the tariff act of 1888. They are even 30 per cent higher than the corresponding rates of 1.685 cents and 1.348 cents per pound of the Payne and exactly 76.48 per cent more than the corresponding rates of 1.256 cents and 1.0048 cents per pound of the Underwood bills. The importations of 450,000 long tons of raw sugar annually from Hawaii, 25,000 from Porto Rico, and 215,000 from the Philippines are duty free: sugar produced within our tariff wall from Louisiana and Texas cane. 215,000 long tons, annually, avoid the tariff or any special form of tax. As the duty-free and domestic cane-sugar interests sell their product upon the duty-paid Cuban basis, and the domestic beet factories sell their finished product upon the basis of New York refined sugar, which includes the cost of the tariff, at least 1.7648 cents per pound is added to the cost of every pound consumed by the American public. EFFECT OF THE TARIFF ON SUGAR SINCE PASSAGE OF TARIFF BILL.

The United States' annual consumption of sugar is new 5,092.758 tong tons of 2,240 pounds each, which is equal to 11,407.779,920 pounds, or 108.18 pounds per capita. Hence, upon the Cuban basis, the tariff costs American consumers a total of \$201,324,456 annually, only 60 per cent of which, or \$121,000,000, inures to the benefit of the Government as revenue collected from Cuban importations, the balance of 40 interests at the expense of American consumers through the tariff levided upon Cuban importations. But as 107 pounds of 90 degrees refused, and the duty on these extra 7 pounds at 1.7648 cents per pound is equivalent per pound instead of 1.7648 cents of the tariff is 1.89 cents per pound instead of 1.7648 cents ere cost of the tariff is 1.80 cents per pound instead of 1.7648 cents ere pound of the tariff is 1.80 cents loss in weight upon raw sugars stored or in transit before melting, and requirement of additional cash investment are further increased by the atiff increase to at least 0.11 of a cent per pound more, and must be passed on to the consumer. The actual cost of the present tariff averannually to every man, woman, and child in the United States, or a total of \$228,155.558.

As it was contended during the course of the tariff debates that increases in the duty on sugar would not result in an increased price to consumers, in fact, a set of statistics graphically prepared having a cubally decline if the duty was advanced and that the price of sugar invariably decline dhen the Louisiana cane and domestic best crops came on the market, actual experience since the law went into effect the law was enacted a special clause to the effect that if there was any increase in the tariff on sugar between the date of the contract price. On September 22, 1922, the price of raw sugar was 3 cents per pound, the duty-paid price of raw sugar for the law was enacted a special clause to the effect that if there was any increase in the tariff on sugar between the date of the contract per pound. On September 25, 1922, th

same period in 1921.

During all of this advance the price of raw sugar reflected the increase in the tariff, and refiners' margin was less than it was before the increase took effect, thus demonstrating that refiners did not take advantage of the situation to increase their margin of profit, as contended by the beet-sugar advocates. This development was the culmination of tariff discriminations against Cuba for a year and a half, which forced her to sacrifice her surplus production. As a result, her surplus in 1922 (September) was 400,000 long tons, as compared with 1,500,000 long tons in 1921, to supply our needs during the three months pending receipts from her new crop. Attention was called to this situation during the course of the Senate debates as an unanswerable argument for a reduction instead of an increase in duties, but was entirely ignored.

There was no relief from this advance until the advent of the new

able argument for a reduction instead of an increase in duties, but was entirely ignored.

There was no relief from this advance until the advent of the new Cuban crop, which began to make its influence felt on December 14, forcing a decline from 7.25 cents to 7.16 cents per pound, and further declines until the price reached 6.50 cents per pound on January 27, 1923. Production of new crop Cuban sugars up to this date had been 675,000 long tons, as compared with 354,000 the year previous, and exports to 306,000 long tons, as compared with 68,000 long tons in 1921. Thus Cuba was the usual dependable reservoir of sugar supplies for the relief of American consumers in the absence of consideration by domestic tariff-favored interests.

This decline, however, proved temporary. By February 1 the price of refined had advanced to 6.70 cents per pound, owing to the increase in the price of duty-paid raw sugars from 5.99 cents to 5.28 cents per pound, and on February 8 to 7.25 cents per pound, on account of the further increase on duty-paid raws to 5.78 cents per pound. On February 8 the United States Department of Commerce Issued a misleading statement tending to show that there was a world's prospective shortage in production over consumption of 725,000 tons, and on the same date Gume-Mejer, a leading authority on Cuban conditions, reduced his estimate of the Cuban 1923 crop from 4.193,500 long tons to 3,800,000 long tons. As a result there was wild speculation in raw sugars, which

at one time forced the price of duty-paid sugars as high as 7.22 cents. Between February 12 and February 15, when the prices of duty-paid raw sugars on the New York Sugar Exchange were fluctuating between 5.78 cents and 7.22 cents per pound, the refiners did not advance their prices of refined, but withdrew from the market, and did not again quote prices for refined sugar until the afterneon of February 15, at an advance to 8.25 cents per pound, because the price of duty-paid raws had then become fairly steady between 6.75 cents and 7.03 cents per pound. Refiners did all in their power to discourage this advance, but were obliged to follow the raw market. Although domestic beet sugar factories have not had their costs advanced by the fluctuations which affected cane refiners, they have advanced the price of their product to 8.25 cents per pound. New York basis. Thus the price of sugar has advanced exactly 2 cents per pound since the tariff law went into effect, more than ever emphasizing that there was no occasion for an increase in the tariff when the sugar market was so sensitive to the least influence on account of threatened scarcity of supplies.

As the burden fell upon consumers on account of the failure of these two contentions, let us determine who profited by the increase in tariff subsidy.

According to the authority of the United States Department of Agriculture, the United States average price paid beet farmers by beet factories in 1919 was \$11.74 for a ton of beets averaging 246.8 pounds of refined sugar, and, in 1920, \$11.63 for a ton of beets averaging 272.8 pounds of refined sugar, or an average for the two years of \$11.685 for a ton of beets averaging 275.2 pounds of sugar under a tariff rate of 1 cent per pound, while the average paid in 1921 was \$0.32 for a ton of beets averaging 276.5 pounds of refined sugar, under a tariff rate of 1 cent per pound, while the average paid in 1921 was \$0.32 for a ton of beets averaging 270.5 pounds of refined sugar, or an average of 263.4 pounds of refined su

1921 and 1922.

Nebraska: Average price of \$11.43 for a ton of beets averaging 243.5 pounds of sugar in 1919 and 1920; average price of \$5.785 for a ton of beets averaging 267.4 pounds of sugar for 1921 and 1922, or an average of \$5.645 less for 23.9 pounds more sugar in 1921 and 1922 than the average for 1919 and 1920; average, 1916–1921, \$9.24 for a ton of beets averaging 253.6 pounds of sugar, or an average of \$3.455 more for a ton of beets averaging 13.8 pounds less sugar than for 1921 and 1922.

Litch Average price of \$11.50 for a ton of beets averaging 240.1

1921 and 1922.

Utah: Average price of \$11.50 for a ton of beets averaging 240.1 pounds of sugar for 1919 and 1920: average price of \$5.275 for a ton of beets averaging 280.9 pounds of sugar for 1921 and 1922, or an average of \$6.225 more in 1919 and 1920 for a ton of beets averaging 40.8 pounds less sugar than the average for 1921 and 1922; average, 1914-1921. \$7.925 for a ton of beets averaging 257.1 pounds of sugar, or an average of \$2.65 more for a ton of beets averaging 29.8 pounds less sugar than the average for 1921 and 1922;

Wisconsin: Average price of \$11.11 for a ton of beets averaging 224.9 pounds of sugar for 1919 and 1920; average price of \$6.475 for a ton of beets averaging 235.8 pounds of sugar for 1921 and 1922, or an average of \$5.635 more in 1919 and 1920 for a ton of beets averaging 10.9 pounds less sugar than the average for 1921 and 1922; average, 1916-1921, \$8.42 for a ton of beets averaging 238.8 pounds of sugar, or an average of \$2.945 more for an average of 3 pounds more sugar than the average of 1921 and 1922.

From a consideration of the above it is apparent that the farmer has suffered an average reduction in price of over 50 per cent while the tariff on sugar was being increased an average of \$8.14 per cent, although he has to pay for the increased price of sugar along with the 110,000,000 consumers.

the tariff on sugar was being increased an average of 68.14 per cent, although he has to pay for the increased price of sugar along with the 110,000,000 consumers.

As the United States average of refined sugar obtained by the beet factory from a ton of beets in 1922 was 263.4 pounds, and the tariff adds 2 cents to the value of every pound of sugar sold by the factory, the total benefit derived by the factory from a ton of beets purchased from the farmer at an average of \$5.65 amounts to \$5.27. Even the increase in the tariff from 1 cent per pound to 1.7648 cents per pound increases the profits of the factory \$2.01 per ton, yet they are paying 51.2 per cent less than under a tariff rate of 1 cent per pound, and the only prospect the farmer has of gaining would be in the event the average price received by the factory would be well over 5 cents per pound. The only obligation there is on the part of the factory to the farmer is to pay him a guaranteed price, ranging from \$5 to \$5.50 per ton. If the price received by the factory exceeds 5 cents per pound, it is the consumer who must pay the farmer \$1 more per ton for each 1 cent advance and the factory \$1.63 more profit. The increased price to the farmer is not paid by the factory. In contrast, in 1912 the beet factory poid the beet farmer \$5.82 per ton and in 1913 \$5.69, and the average New York price for refined during 1912 was 5.041 cents per pound and in 1913 4.278 cents per pound, as compared with present prices of 8.25 cents per pound. The beet factory is therefore averaging over 3\(\text{2} cents per pound more at the present time than the average for 1912 and 1913 and paying the farmer less for a ton of beets. The following are the amounts, by States, to which beet-sugar

factories benefit through the present tariff cost of 2 cents per pound and the increase in tariff from 1 cent to 1.7648 cents:

State,	Pounds from ton of beets.	Tariff benefit, 2 cents per pound.	Tariff benefit in- crease from 1 cent to 1.7648 cents per pound.
Colorado	260. 8	\$5, 22	\$1. 99
	309. 0	6, 18	2. 36
	267. 4	5, 35	2. 04
	280. 9	5, 62	2. 15
	235. 8	4, 71	1. 80

that the beet farmers profit even in the remotest degree from the

Following is the production of beet sugar and consumption of sugar by States:

State.	Popula- tion.	Pro- duc- tion.	Pro- duction.	Consump- tion, 103 pounds per capita.	Production, surplus.	Pro- duction, deficit.
California	2, 930, 544 2, 403, 630 1, 769, 257 3, 667, 222 2, 386, 371 547, 593 1, 296, 372	183, 000 41, 000 3, 000 8, 000 85, 000 7, 500 20, 000 27, 000 118, 000	366, 000, 600 82, 000, 000 6, 000, 000 20, 000, 000 16, 000, 000 172, 000, 000 16, 000, 000 170, 000, 000 54, 000, 000 7, 200, 000 20, 000, 000	97, 000, 000 44, 500, 000 302, 000, 000 248, 000, 000 182, 500, 000 246, 000, 000 55, 400, 000 56, 400, 000 592, 000, 000 271, 100, 000 20, 000, 000 66, 600, 000	269, 000, 000 37, 500, 000 33, 600, 000 190, 000, 000 14, 000, 000	209, 000, 000 289, 000, 000 228, 000, 000 166, 500, 000 231, 000, 000 16, 400, 000 539, 000, 000 132, 800, 000

WEST BAY CITY DIVIDENDS.

"Bay City, Mich., December 25.—A stock dividend of 400 per cent has been declared by the West Bay City Sugar Co., increasing the authorized capitalization from \$200,000 to \$1,000,000. This is the first additional stock issue made since the company was organized. 25 years ago, at which time a bond issue was put out to meet the cost of plant construction in excess of the \$200,000 provided for Since that time bonds have been retired and several hundred thousand dollars have been spent in improvement, all coming out of earnings, while some large dividends have also been paid. The new stock issue is being made to transfer assets representing plant investment, and carried as surplus to the stock account. The stock of the company is practically all held by the president, M. J. Bally and members of his family, the heirs of the late Charles J. Smith, and the heirs of the late John M. Kelton, all three of whom are among the original incorporators."

Thus, domestic beet-sugar companies are capitalizing the tariff and absorbing all of the profits derived through it without sharing any of the benefits with the beet farmer, who finds himself now raising sugar beets at a loss.

of the benefits with the best latines, who had not sugar bests at a loss.

From Facts About Sugar, issue of January 27, 1922, at page 73:

HAWAIIAN CAPITAL INCREASES

of the Benefits with the best farmer, who finds hinself now raising sugar bests at a loss.

From Facts About Sugar, issue of January 27, 1923, at page 73:

HAWAILIA CAPITAL INCREASES.

"HOXOLULE, January S.—Prom November 15 to December 21, 1922, notices of increases in capital stock were filed with the territorial treasurer by 48 Hawaiian corporations, the total increases amounting to \$31,315,000. Among the corporations, increasing their capital were Castle & Cook, sugar and shipping agents, from \$2,500,000 to \$5,000,000, 43 per cent; Hawaiian Pineappis Co., from \$4,000,000 to \$5,000,000, 25 per cent; Hawaiian Pineappis Co., from \$4,000,000 to \$5,000,000, 25 per cent; Hawaiian Pineappis Co., from \$4,000,000 to \$2,000,000, 25 per cent; Olawa Sugar Co., from \$2,000,000 to \$2,000,000, 25 per cent; Olawa Sugar Co., from \$75,000 to \$1,500,000, 100 per cent; Honomu Sugar Co., from \$750,000 to \$1,500,000, 100 per cent; Honomu Sugar Co., from \$750,000 to \$1,500,000, 100 per cent; Hawaiian guar Indress and companies dependent use their first the former have adopted the ingenious method of increasing their issues of capital stock as their fariff profits increase, thus managing to conceal the enormous amount of such profits. In some instances, the capital is inflated four times beyond the actual investment. Even upon this inflated stock, Hawaiian companies are in the habit of raw sugar. The balance of the sugar companies are controlled by the Western Sugar Co. of San Francisco, and all of their profits and Conceal the enormous amount of such profits. In some instances, the capital is inflated four times beyond the actual investment. Even upon this inflated stock, Hawaiian companies are in the habit of raw sugar. The balance of the sugar companies are controlled by the Western Sugar Co. of San Francisco, and all of their profits and control of the sugar companies are controlled by the Western Sugar Co. of San Francisco, and all of their product is sugar Co., sugar Co., september, sper hundred pounds in freight, or 2,418 ce

Since the passage of the tariff law, local brokers have been continually distributing circulars calling attention to the fact that Porto Rican raw-sugar companies have been benefited to the extent of \$5.50 per bag of 320 pounds by the tariff levied upon imports of sugar and advising their clients to invest. This affords another example of capitalizing the tariff.

CLASS OF LABOR FOR WHICH TARIFF PROTECTION IS REQUESTED.

As "Protection to American labor" was one of the chief slogans and pretexts indulged in by high-tariff advocates in defense of the present high tariff on sugar, let us call attention to the class of labor employed in the domestic and tariff-favored sugar industry. In Hawaff over 95 per cent of the labor in the sugar industry consists of Japanese, Chinese, and Philippine immigrants, and Hawailan sugar interests are now endeavoring before Congress to obtain special legislation to allow them to import Chinese coolies to relieve the prependerance of Japanese influence in the Islands. They prefer the

Chinese to any other nationality, principally because they will work for less, and their present labor elements are not satisfied with the present wages paid in proportion to the sugar companies' profits. Japanese, Mexican peons, and some Hindus constitute the labor in the domestic beet industry of California; Mexicans, Japanese, Russian-Germans, and children prevail in Utah, Idaho, and Colorado; Russian-Germans and the surplus foreign-labor supply of the larger cities, comprise the labor employed in the rest of the States. This class of labor is usually rounded up and contracted for by the agents of the factory and furnished to the farmer upon the basis of so much per acre of beets. They are the cheapest kind and class of labor that can be secured and not of the high-class American standard for which protection should be demanded.

From Sugar, issue of December, 1922, at page 679:

MICHIGAN LABOR TROUBLES.

"BAD AXE, MICH., October 29.—During the beet-harvesting season which is now progressing. Huron County beet growers are experiencing difficulty in harvesting their crops. Early in the year a number of foreigners were brought into the local fields to take care of the work, but many of them broke their contracts and returned to their locations. Frank Thornton, in charge of former Gov. Albert E. Sleeper's beet farm, was left with 40 acres of beets to harvest without help. A number of Walpole Indians were brought to the farm, but the majority of them left after one or two days."

From the American Child, published monthly by the National Child Labor Committee, 105 East Twenty-second Street, New York, issue of December, 1922, under heading:

NOTES FROM OUR INVESTIGATORS.

"In Utah we found that some rural schools were closed on account of beet-field needs. Think of it! In the rich beet-field districts through which the Denver & Rio Grande Railroad passed that was the situa-

which the Denver & Mo Grande Linear County, Kans., beet-sugar districts are more deplorable than those in any other section of the State, according to Miss Alice K. McFarland, head of the welfare division of the industrial court. 'It is a common thing to see little tots with long, sharp knives cutting tops from beets. In many cases they work from 6 o'clock in the morning until nearly dark, with only a short stop for lunch.'" (Topeka (Kans.) Capital, October 26, 1922)

1922.)
Yet Senator Smoot testified before the Senate Finance Committee that the opportunities offered by the beet-sugar industry of Utah to the child for work in the beet fields was a perfect godsend to them.

CHILDREN WORKING IN BEET-SUGAR FIELDS IN COLORADO.

child for work in the beet fields was a perfect godsend to them.

CHILDREN WORKING IN BEET-SUGAR FIELDS IN COLORADO.

"The United States Department of Labor, through the Children's Bureau, has just issued some preliminary figures regarding the findings in the study of children who work in the beet fields, one of a series of studies which the Children's Bureau is making of the work of children on farms. The study covers part of Weld and Larimer Counties in Colorado, and included 1,077 children 16 years of age who did beet-field work. While some of the beet growers plant small acreages and depend upon their own families to do the handwork which is involved, the great majority hire contract laborers for the handwork. Over seven-tenths of the working children were children of the contract laborers. In the area studied in Colorado four-fifths of the laborers were resident; that is, they lived in towns near the beet fields, moving out to the farms in the spring and returning to their homes after the harvest. About 70 families, however, were those of transient laborers, recruited by the sugar companies, often from distant parts of the country. Many of them were attracted to the beet-growing areas by the fact that the whole family could work in the beet fields. Children thinned out the small beet plants in the spring, hoed, and pulled up the beets and 'topped' or cut off the beet tops at harvest. They worked at very early ages. Over one-fourth of them were under 10 years old, a small percentage under 8. Less than one-fifth were as much as 14 years old. Considerably over half were from 9 to 13 years of age. Physically, the most harmful feature of the work probably lies in the iong hours. From 69 to 85 per cent, according to the process in which the child was engaged, worked nine hours or more aday. From more than one-seventh to one-third (again varying with the process worked 11 hours or more. Thinning and blocking in the spring and pulling and topping in the sutumn are both done under more or less pressure; the first p

CHILD LABOR IN MICHIGAN REET INDUSTRY.

A recent report of investigation by the National Child Labor Committee of the employment of children in the beet industry of Michigan discloses that there were about 10,000 children between the ages of 6 and 16 employed and that the working hours varied between 9 and 13: that they were employed in thinning and hoeing, as well as pulling and topping the beets; that they were usually the children of parents of Slavic origin, with an average family of 10, and that the class of labor employed was recruited from the larger cities of 14 different States; that the average earnings of a man and wife when working alone was about \$14 per acre per season, and that for each additional child employed the earning capacity was increased \$7 per acre per child; that this class of labor was furnished to the farmer by the agents of the beet factories on the basis of about \$18 per acre, and that this class of labor generally rented from or had furnished them the house and quarters they lived in by the factories; that two very disastrous fires had occurred in Saginaw County during the past season; that the effect of this employment on children was to interfere with their proper education, retard their normal growth, and undermine their general health. On account of the actual shortage of labor prevailing during the past year and the prospect of an increase in acreage in Michigan for 1923. the employment of child labor is apt to be resorted to on even a larger scale.

Practically all field labor in the sugar industry of Louisiana are colored—men, women, and boys—a few Creoles, Cajuns, and Italians. The rate of wages is so low that negroes are migrating North because

of higher wages. It is estimated that 5.000 have turned trappers, thus creating a shortage. The American Cane Sugar League is trying to ingo that they may be released for work in the sugar industry. The Louisiana Planter, the organ of the Louisiana sugar interests, advocated gratultously advised Cuba to import Italians as a solution of her labor problems.

The control of the cane-refining industry toward the tariff may be cally and simply explained. The tariff and in 1984 cents per pound to every pound of raw sugar they must purchase for the purpose of refining. It takes 107 pounds of 96 degrees test raw sugar to make, 100 pound. This averages more than 50 per cent of the cost of the raw sugar, that they are compelled to the open-third of their investment of the cost of the cost of every pound of sugar they produce, which must be passed on to the costs of every pound of sugar they produce, which must be passed on to the costs of every pound of sugar they produce, which must be passed on to the costs of every pound of sugar they produce, which must be passed on to the costs and the more profit. At present they supply 85 per cent of the sugar consumed to the aways given consumers the benefit of tariff reductions, and they can always afford to do so, on account of correct the sugar consumed by the American public, as compared with 15 per to plaintain they are consumed to the sugar consumed by the American public, as compared with 15 per to the sugar consumed to the American public, as compared with 15 per to the consumer is a price of 2 cents less if the fariff is removed, and reduction in price corresponding to a reduction from present high states, despite the disadvantages under while they are obliged to complete with beet-sugar interests, as they manufacture several grades that the sugar and distribute it only in 100 pound bags.

Slxty per cent of the sugar consumed by the American public is furnished by the control of the sugar state of the full duty basis or a world's price that would give Cuba and the contro

retailer a profit of one-half cent per pound and the retailer exacts from the customer another one-half cent per pound. Prior to the war the wholesaler was satisfied with one-fourth of a cent per pound profit, and the retailer frequently sold sugar to the consumer without a profit, using it as a leader to induce sales of other classes of merchandise. But both the wholesaler and retailer are now obliged to invest so much more in sugar on account of increase in price, due largely to the tariff, that they must charge more in order to obtain proper return upon their investment. It was not unusual 10 years ago to obtain sugar for 5 cents per pound retail, even with a tariff of 1.348 cents per pound, but the American public can never expect refined sugar at such a price with a tariff rate amounting to 2 cents per pound. Owing to the high prices paid during the war, the American consumers seem to have become indifferent to the 100 per cent increase in sugar prices during the past 10 years, and this indifference is taken advantage of by many dealers to indulge in war-time profits. There is no reason why sugar under normal conditions and with a reasonable tariff could not again sell for 5½ to 6 cents retail.

FEBRUARY 23, 1923.—The price of New York refined sugar has now advanced to 9 cents per pound, due to advance in duty-paid raws to 7.53 cents per pound, which means that the retail price of sugar is now 10 cents per pound in New York and from 11 to 12 cents per pound in other parts of the United States. The New York refined price of 9 cents per pound compares with an average for 1922 of 5.904 cents; 1921, 6.207 cents; 1920, 11.309 cents; from August 12 to December 31, 1919, 9.003 cents; 1918, 7.834 cents; 1917, 6.33 cents; 1916, 6.682 cents; 1915, 5.539 cents; 1914, 4.682 cents; 1913, 4.278 cents per pound. The present price, therefore, is the highest since 1883, with the exception of five months in 1920 and the year 1919, during the peak period of war-time inflation. The present tariff is responsible for 2 cents per pound of this price.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore laid before the Senate a resolution unanimously adopted by citizens of Eastham, Mass., in town meeting assembled, favoring the enactment of legislation fixing a maximum price on coal, etc., which was referred to the Committee on Education and Labor.

Mr. KEYES presented resolutions adopted by the men of the Church of Christ at Dartmouth College, of Hanover; Woolen Workers' Local, No. 1424, United Textile Workers of America, of Dover; and Cotton Workers' Local, No. 27, United Textile Workers of America, of Dover, all in the State of New Hampshire, favoring an amendment to the Constitution governing the passage of legislation regulating child labor, which were ordered to lie on the table.

Mr. WARREN presented the following joint resolution of the Legislature of Wyoming, which was referred to the Committee on Interstate Commerce:

THE STATE OF WYOMING, Office of the Secretary of State.

United States of America.

State of Wyoming, ss:

I. F. E. Lucas, secretary of state of the State of Wyoming, do hereby certify that the annexed copy of Enrolled Joint Resolution No. 23 (senate) of the Seventeenth Legislature of the State of Wyoming, being original Senate Joint Resolution No. 6, has been carefully compared with the original, filed in this office, and is a full, true, and correct transcript of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 27th day of February, A. D. 1923.

1923. [SEAL.]

F. E. Lucas,
Secretary of State.
By H. M. SYMONS, Deputy.

Eurolled Joint Resolution No. 23 (Senate), Seventeenth Legislature of the State of Wyoming.

Senate joint resolution requesting the appointment of a commission to investigate the feasibility of the Great Lakes-St. Lawrence tidewater project, and providing for the expenses thereof, and asking Congress to aid in the investigation of the project.

Whereas it is proposed to make such improvements in the St. Lawrence River as to make the Great Lakes necessible to ocean-going commerce; and as this improvement will in effect bring the State of Wyoming nearer to the world's markets; and because our producers and the consuming public have allke suffered enormons losses during the last year by reason of the high cost of transportation, there is an urgent need for such a project; and

Whereas a number of States have joined the Great Lakes-St. Lawrence Tidewater Association, having as its object the early undertaking of a completion of this project: Therefore be it

Resolved, That the State of Wyoming be properly associated in the above-named organization with the other States interested, in pressing this undertaking to completion; be it further

Resolved, That the Representatives of this State in Congress of the United States be requested to facilitate in every possible way the prosecution of this undertaking.

S. Skovgare,

S. SKOVGARD, President of the Senate. J. D. NOBLITT, Speaker of the House,

Approved February 21, 1923.

WILLIAM B. Ross, Governor.

Mr. NORRIS. I present and ask unanimous consent to have inserted in the Record resolutions adopted by the Northwest Stabilization Congress at Billings, Mont., on February 16 and 17, 1923.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Resolutions adopted by Northwest Stabilization Congress at Billings, Mont., February 16 and 17, 1923.

Mont., February 16 and 17. 1923.

Whereas agriculture, including animal husbandry, is the basic industry of the United States; and
Whereas this industry has been and is suffering from the unprecedented deflation which followed the World War, which has forced the farmers to sell their products for less than the cost of production; and Whereas those engaged in agricultural pursuits are by the very nature of their occupation decentralized and scattered over a large territory and, as a result, are unable to thoroughly organize to influence the market conditions and are thereby compelled to sell and buy in a market over which they have no control; and
Whereas the purchase and sale of farm products is no longer governed by the so-called law of supply and demand; and
Whereas the farmers' cooperative and sales agencies are not able to compete with the highly centralized organized power of monopoly; and Whereas farmers and stockmen over 15 Western States are stranded and can no longer function under the heavy load which they carry, excessive interest, high taxes, short-time loans, deflated markets, high cost of farm machinery, also all supplies necessary to feed and clothe themselves and families; and
Whereas form the best authority on cost of production covering a period of 10 years the actual cost of producing a bushel of wheat is \$1.60 over the 10 Northwestern States; and
Whereas over 100 banks have failed in six of these States within the last 45 days; and
Whereas the not more credit that the farmers need but a price for their products which will enable them to liquidate their already too large burden of debt: Therefore be it

Resolved by the Northwest Stabilization Congress in session assembled. That the stabilization of the price of farm products by Federal legislation is the only scientific method by which agriculture can be immediately restored to its rightful place in our industrial and economic system; and be it further

Resolved, That copies of this resolution be sent to the chairmen of the Agricultural Commi

Mr. NORBECK presented the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Indian Affairs:

Aff. NORDECK presented the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Indian Affairs:

A concurrent resolution memorializing the Congress of the United States to make such provisions as will authorize the Secretary of the Interior to sell Indian inheritance lands.

Whereas there are several large Indian reservations in the State of South Dakota on which there are residing at the present time about 20,000 Indians who have been allotted lands in severalty, which allottements vary in size from 160 acres to 640 acres: and

Whereas these allotments are held in trust by the General Government for a period of 25 years, or until such time as the Secretary of the Interior, in his opinion, may deem any allottee competent to manage his own affairs, when in such case the Secretary of the Interior may grant a patient in fee to such Indian for the land allotted to him; and

Whereas the experience of such practice in the past has been that in a large majority of the cases where patients in fee have been granted that the Indians receiving such patients invariably sell the lands thus patented to them and squander the proceeds within a short time thereafter; and

Whereas it is evident that if this practice continues it will only be a question of time when the lands now belonging to the Indians will have passed from their control, either to speculators or to settlers, and the Indians themselves will in many instances be papers and dependent upon the communities in which they live; and

Whereas this state of affairs is one to be deplored and which should be prevented, if possible by the citizens of South Dakota by cooperating with the Federal Government in regulating and controlling the sale of Indian land yield a regular income to the present owners and at the same time afford homes to a large number of would-be settlers with small means, and also to add to the taxable property of the counties in which these reservations are located and thereby decrease the present b

Pro tempore President of the Senate.
A. B. Blake.
Secretary of the Senate.
E. O. Friscoln.
Speaker of the House.
Wright Tarrell.
Chief Clerk of the House.

Mr. NORBECK presented the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Public Lands and Surveys:

Concurrent resolution.

Whereas the Bad Lands of the White River in South Dakota embrace an area about 1,500 square miles in extent, the title to which chiefly remains in the United States; and

Whereas this area is most unique and picturesque in character, showing the processes by which nature is croding and carrying away overlying strata of materials of the most unusual sort; soils filled with remains of prehistoric life, from which the museums of the world have been supplied with specimens of the first importance; an area affording opportunities for study in natural history, paleontology, anthropology, geology, and topography not found elsewhere, as well as indescribable scenic grandeur; cliffs carved by crosion into vast cathedrals surmounted by tapering spires, deep chasms with walls of jasper, embattlements with bases of blazing crimson and crowned with parapets of crystal white; extensive areas so complicated that man has not yet invaded them and the hidden beauties and wealth of which have not been glimpsed by human eye; and

Whereas this wonderland is located directly upon the lines of two of the great transcontinental highways and is easily accessible to scientists and tourists: Therefore be it

Resolved by the Senate of the State of South Dakota (the House of Representatives concurring), That the Congress of the United States be memorialized to set aside and establish this area as a national park and to provide for its supervision.

That engrossed copies of this resolution be forwarded by the secretary of state to our Senators and Representatives in Congress, to the Secretary of the Senate, and Chief Clerk of the House of Representatives of the United States, and to His Excellency the President of the Senate.

C. S. AMSDEN,
President of the Senate.
A. B. BLAKE,
Secretary of the Senate.
E. O. FRESCOLN,
Speaker of the House.
WRIGHT TARBELL,
Chief Clerk of the House.

Mr. NORBECK presented the following concurrent resolution of the Legislature of South Dakota, which was referred to the Committee on Education and Labor:

Concurrent resolution of South Dakota Legislature,

Concurrent resolution of South Dakota Legislature.

Whereas the unprecedented wave of crime sweeping over America, crowding our jails and peniteutiaries and increasing the prison population of South Dakota almost 100 per cent, is, in the opinion of the most expert sociologists of the age, due to the emphasis which has in recent years been placed upon material values and the small consern paid to spiritual values in home, school, and society; and

Whereas this alarming condition shows no indication of subsidence, but on the contrary is increasing and must produce a situation that should arouse every thoughtful person to consider efficient methods of combating the crime wave and to impress the great necessity for reform in modern home life, school economy, and social practices; and

Whereas the multiplicity of bills offering diverse methods of accomplishing this purpose which have flooded this legislature is proof of the concern felt, as well as the difficulty of enacting into law effective provisions for producing the end sought, as well as the greater difficulty of bringing citizens of opposing views and different religious convictions to a uniform understanding and method; and

Whereas Washington said in his Farewell Address: "No nation can exist without religion." Experience—the history of humanity—has demonstrated that a Republle like ours is strong and a blessing to its people, according to the moral character and intelligent religion of its people; and

people and the world according to the development of its people, according to the moral character and intelligent religion of its people; and

Whereas the strength and efficiency of any republic, a government by the people, depends upon the best development of those people, which experience has demonstrated and history shows can not be without religion. The strength of a republic is in the character of its citizens, their intelligence and their morals inseparable from their religion; and Whereas it is uniformly conceded that the remedy must be effected through the inculcation of morality, spirituality, and conscience in the young, in church, school, and home: Therefore be it

Resolved by the Senate of the State of South Dakoia (the House of Representatives concurring). That the people of South Dakoia be enjoined to address themselves to renewed effort to restore the balance between the spiritual and the material, that our children be reared up in the precepts of fundamental righteousness.

That the churches and Sabbath schools be constrained to intensify their work and to extend it to every child within their respective spheres of influence.

That parents be adjured to exert every effort to restore the old-time influence of the home in molding the lives of their children, for the development of conscience and morality; that the family altar be restored and that in self-sacrificing love the little ones be trained in the simple virtues of truthfulness, honesty, and respect for the rights of others.

That the schools promptly reform their methods, so that the radimentary studies as well as the sciences be taught only as subordinate to righteousness. That the emphasis be placed upon morality, good conscience, respect for parents, reverence for age and experience, and that all learning is but the handmaiden of eternal goodness.

That it is the judgment of the Legislature of South Dakota that only upon the lines herein suggested can the true balance be restored and the crime wave checked and civilization preserved.

Mr. NORBECK presented a petition, numerously signed, of sundry citizens of Lane, Woonsocket, Wessington Springs, and Alpena, all in the State of South Dakota, praying for the passage of legislation granting immediate aid to the faminestricken peoples of the German and Austrian Republics, which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. McNARY, from the Committee on Commerce, to which was referred the joint resolution (H. J. Res. 415) to authorize the improvement of the Columbia River at St. Helens, Oreg., reported it without amendment.

Mr. CALDER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 459) authorizing an annotation of the Senate rules, reported it without amendment.

AUGUST NELSON.

Mr. KENDRICK. From the Committee on Public Lands and Surveys I report back favorably without amendment the bill (H. R. 13024) for the relief of August Nelson, and I submit a report (No. 1259) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as

follows:

Be it enacted, etc., That the homestead entry No. 027376, Cheyenne, Wyo., made by August Nelson on October 11, 1920, under the act of February 19, 1909 (35 Stat. L. p. 639), for lots 3 and 4, east half of the southwest quarter, and southeast quarter of section 30, township 25 north, range 81 west, sixth principal meridian, be, and the same is hereby, validated, and the Secretary of the Interior is hereby authorized to issue patent thereon upon the submission of satisfactory proof of compliance with the law under which the entry was allowed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF MILES J. DAVIS, DECEASED.

Mr. KENDRICK. From the Committee on Public Lands and Surveys I report back favorably without amendment the bill (H. R. 13612) authorizing the issuance of patent to the legal representatives of Miles J. Davis, deceased, and I submit a report (No. 1260) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as

follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to the legal representatives of Miles J. Davis, deceased, upon homestead entry, Buffalo, Wyo., No. 014165, made August 2, 1920, for the east half of the west half, west half of the east half of section 34, south half of the south half of section 27, and south half of the south half of section 27, and south half of the south half of section 26, township 54 north, range 75 west, sixth principal meridian, upon which proof of compliance with law has been filed,

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL SENATE PAGES.

Mr. CALDER, Mr. President, all the pages of the Senate are carried on the pay rolls until the end of the present month of March except the five extra pages whom we have had employed for the past two years. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably Senate Resolution 462 to carry those five pages until the 31st of March.

I ask unanimous consent for the present consideration of

the resolution.

There being no objection, the resolution (S. Res. 462) submitted by Mr. Curtis on the 1st instant was considered and agreed to, as follows:

Resolved, That Senate Resolution 363, agreed to December 4, 1922, authorizing and directing the employment of five additional pages for the Senate Chamber to serve until March 4, 1923, at \$2.50 per day each, be, and the same hereby is, continued in full force and effect until March 31, 1923.

DISTRICT COURT AT SPARTANBURG, S. C.

The PRESIDING OFFICER. If there be no further reports of committees, the introduction of bills and joint resolutions is in order.

Mr. SMITH. Mr. President, before we pass from the order of reports of committees, I wish to ask the Senator from North Carolina [Mr. Overman] if his committee is ready to report on a measure which has come over from the House of Representatives in reference to establishing Spartanburg, S. as a place where the district court may hold its sessions? The proposed legislation is a matter of importance, and I wish to see it expedited. I disliked for this order of business to pass over until I knew whether or not it would be possible for us to pass on the matter to-day.

Mr. OVERMAN. There has been no message received from

the House of Representatives this morning at all. The Com-

the House of Representatives this morning at all. The Committee on the Judiciary, of course, can not report on the measure to which the Senator from South Carolina referred until it shall have come from the other House.

The PRESIDING OFFICER. The measure has not yet come from the House. The introduction of bills and joint resolutions is in order. If there be none, concurrent and other resolutions are in order.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHORTRIDGE:

A bill (S. 4654) for the relief of William J. McGee; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 4655) to amend section 463 of the Revised Statutes; to the Committee on Indian Affairs.

By Mr. KING (by request):

A bill (S. 4656) to transfer to the Secretary of Commerce the powers, duties, and functions of the United States Shipping Board, including the assets, properties, funds, and liabilities of the United States Shipping Board Emergency Fleet Corpora-tion, and to provide for the disposition of merchant vessels owned by the Government; to the Committee on Commerce.

THE PRICE OF SUGAR.

Mr. BROOKHART. Mr. President, I submit a resolution providing for an investigation of the sugar situation.

The PRESIDING OFFICER. The Senator from Iowa offers a resolution, which will be read.

The resolution (S. Res. 465) was read, as follows:

The resolution (S. Res. 465) was read, as follows:

Whereas the price of sugar has advanced so rapidly during the past 30 days and propaganda is being broadcasted through the public press that a sugar shortage is at hand, and the sugar manipulators are reaping a harvest from the consuming public: Therefore be it

Resolved, That the Senate Committee on Manufactures, or a duly authorized subcommittee thereof, is hereby authorized to investigate the manipulations of the sugar market and ascertain the cause of the rapid advance in the price of sugar, notwithstanding the fact that the Secretary of Commerce announces that there is no world's shortage of the sugar supply. The committee or subcommittee shall make a final report of its investigations, with recommendations to the Senate, at the convening of the Sixty-eighth Congress. For the purpose of this resolution the committee or subcommittee is authorized to sit and act at such times during the recess of Congress and in such places within the United States, to hold such hearings as such committee or subcommittee shall deem advisable, and to employ such clerical and stenographic assistants as it deems necessary, and the subcommittee shall have the same authority as the full committee. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The committee or subcommittee is further authorized to send for persons, books, and papers, to administer oaths, and to take testimony. The expense of the committee or subcommittee shall be paid from the contingent fund of the Senate.

Mr. BROOKHART. I ask unanimous consent for the imme-

Mr. BROOKHART. I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDING OFFICER. That may not be done. Under the statute the resolution has first to go to the Committee to Audit and Control the Contingent Expenses of the Senate, as it involves an expenditure of money.

Mr. President, I hope the Senator from Iowa Mr. KING. will request and use his best offices to secure prompt action by that committee. I think the resolution is one which ought to pass

Mr. BROOKHART. Mr. President—
The PRESIDING OFFICER. The resolution is required to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate in pursuance of the statute and not of the rules of the Senate.

Mr. BROOKHART. I ask unanimous consent that the rule

may be suspend.

The PRESIDING OFFICER. If the Senator will pardon the Chair, he desires to repeat that the necessity for referring his resolution to the Committee to Audit and Control the Contingent Expenses of the Senate is not by virtue of a rule of the Senate but by virtue of the statute providing that such matters must first be passed on by the Committee to Audit and

Control the Contingent Expenses of the Senate.

Mr. BROOKHART. Then I desire to say that I hope the resolution will be reported immediately, so that action may be

had at this time.

In this connection I desire to submit and have printed in the RECORD a letter which I addressed to the Secretary of Commerce on the subject and his letter in reply. I desire to call to the attention of the Senate the fact that there is no sugar shortage; in fact, there is quite a large surplus. The increase in the price of sugar has been worked up by certain speculators who are interested in making profits out of a situation of this kind. I wish to call upon the house-wives of the United States to boycott this sugar combination

for bringing about this increase in the price of sugar.

The PRESIDING OFFICER. Without objection, the correspondence referred to by the Senator from Iowa will be printed

in the RECORD.

The letters referred to are as follows:

FEBRUARY 23, 1923.

Hon. Herbert Hoover, Secretary of Commerce, Washington, D. C.

My Dear Mr. Secretary: I have noted in press dispatches the rapid rise in the price of sugar, and am receiving complaints from Iowa asking for an investigation with a view to ascertaining the cause for such rapid increase. I wish you would kindly advise, in your opinion, as to whether or not there is a corner on sugar and the great American public is being mulcted out of millions of dollars through the sugar gamblers of Wall Street. I know that you handled this question during the war and are fully advised as to the methods pursued by these sugar operators at that time.

If you would kindly advise me fully just what the situation is, and what law, if any, could be put in force to regulate this matter, I shall very much appreciate it.

I would also like to be advised as to the sugar supply. It is my understanding that they have sent out word that there is to be a great sugar shortage, and this has caused a panic in the sugar market. An early reply will be appreciated.

With kind regards, I am, sincerely yours,

SMITH W. BROOKHART.

DEPARTMENT OF COMMERCE, OFFICE OF THE SECRETARY, Washington, February 26, 1923.

Hon. SMITH W. BROOKHART. United States Senate, Washington, D. O.

United States Senate, Washington, D. O.

Dear Mr. Senator: I am in receipt of your letter of February 23. The only laws at all related to the subject to which you refer are the restraint of trade acts, as all price and other war regulations have been long since repealed by Congress. This department necessarily has no knowledge of any corner in sugar, as such matters are dealt with by the Department of Justice and the Federal Trade Commission.

As to the question of sugar supplies, a world survey made by this department showed that the stocks of sugar on hand from last year, plus the production of this year, were estimated at a total of 19,511,000 tons, whereas the consumption for the year was estimated at 19,035,000 tons, leaving a probable surplus at the end of the year of 476,000 tons. Some misconception has arisen because the estimated surplus at the end of the year showed a decrease from the abnormal stocks at the beginning of the year.

There is obviously no shortage in sugar and, moreover, an undue increase in price will decrease consumption.

Herbert Hoover.

Ballway Shopmen's Strike.

BAILWAY SHOPMEN'S STRIKE.

Mr. SHEPPARD. I desire to call up Senate Resolution 463, which was introduced by me on yesterday, and ask unanimous consent for its immediate consideration.

Mr. CURTIS. Let the resolution be read. The PRESIDING OFFICER. The resolution will be read. The Assistant Secretary read the resolution (S. Res. 463)

Resolved. That the President of the United States be requested, in his discretion, to renew his good offices in bringing about a settlement of pending controversies between certain railroads and railway shopmen. which was submitted on yesterday by Mr. Sheppard, as follows:

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent for the present consideration of the resolution which has just been read.

Mr. SMOOT. I ask for the regular order.

The PRESIDING OFFICER. The Senator from Utah asks for the regular order, which is the introduction of concurrent and other resolutions.

ANNOTATION OF SENATE RULES.

Mr. CALDER. I ask unanimous consent, out of order, to report from the Committee to Audit and Control the Contingent Expenses of the Senate Senate Resolution 459.

The PRESIDING OFFICER. The Senator from Utah [Mr. SMOOT] has just asked for the regular order. The Senator from New York asks unanimous consent, out of order, to report from the Committee to Audit and Control the Contingent Expenses of the Senate a resolution, which will be read.

The resolution (S. Res. 459) submitted by Mr. Curtis on February 28, 1923, was read, as follows:

Resolved, That an annotation be made of the Standing Rules of the Senate with the more important decisions on points of order and parliamentary questions listed and digested under each rule, with a full index, and that 1,000 copies be printed and bound for the use of the Senate. The Rules Committee is authorized to employ a competent person to assist in preparing the annotation, if necessary, his compensation to be paid out of the contingent fund of the Senate.

Mr. CALDER. I ask unanimous consent for the immediate

consideration of the resolution.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent for the present consideration of the resolution

Mr. OVERMAN.

Mr. OVERMAN. I ask for the regular order.
The PRESIDING OFFICER. The regular order is demanded. Concurrent and other resolutions are in order. there be none, resolutions coming over from a preceding day are in order. Is there further morning business? If not, morning business is closed. The calendar under Rule VIII is in order.

LAND IN MILITARY RESERVATION AT FORT LEAVENWORTH.

Mr. CURTIS. Mr. President, I am obliged to leave the Chamber to attend a meeting of a conference committee. am therefore going to ask unanimous consent at this time for the consideration of Order of Business 1238, being House bill 13004. The bill has been unanimously reported. If its consideration leads to any debate, I will withdraw my re-

The PRESIDING OFFICER. Is there objection to the consideration of the bill referred to by the Senator from Kansas?
There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13004) authorizing the Secretary of War to lease to the Kansas Electric Power Co., its successors and assigns, a certain tract of land in the military reservation at Fort Leavenworth, Kans. The bill was read, as follows:

in the military reservation at Fort Leavenworth, Kans. The bill was read, as follows:

**Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and empowered to lease for a term of 50 years with the privilege, in the discretion of the Secretary of War, of renewal for a like ferm to the Kansas Electric Power Co., a corporation, its successors and assigns, for a consideration and under terms and conditions to be determined by said Secretary of War, the following-described tract of real estate in the military reservation at Fort Leavenworth in the State of Kansas:

Beginning at a point which is located as follows: Starting from the northeast corner of the east coping of concrete bridge on Grant Avenue over the Leavenworth, Kansas & Western Railroad; thence north 71 degrees 6 minutes east, a distance of 1.073% feet, to the northwest corner of the United States Government Motor Transport Building; a distance of 1.023% feet to the aforesaid point of beginning; thence south 18 degrees east, a distance of 847 feet; thence north 72 degrees east, a distance of 433 feet more or less, to a point located on the west right-of-way line of the said Leavenworth, Kansas & Western Railroad, Returning to the original point of beginning; thence north 18 degrees west, a distance of 580 feet, to a point; thence north 72 degrees east, a distance of 580 feet, to a point; thence north 72 degrees east, a distance of 543 feet more or less, to a point located on the west right-of-way line of the Missouri Pacific Railroad; thence in a southerly direction along the west boundary of the Missouri Pacific Railroad; thence in a southerly direction along the west boundary of the Missouri Pacific Railroad; exclusive of the rights of way rearted to said Leavenworth, Kansas & Western Railroad and said Missouri Pacific Railroad, and containing, exclusive of the rights of way granted to said Leavenworth, when the successors or assigns, shall case for the purpose herein above set out, under the provided, so long as said tract s

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. LOTT.

Mr. ERNST submitted the following resolution (S. Res. 468), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he bereby is, authorized and directed to pay out of the contingent fund of the Senate to John L. Lott the sum of \$650 for services rendered the Committee on Revision of the Laws of the Senate during the Sixty-seventh Congress in an expert, technical examination of H. R. 12, an act to codify and revise the laws of the United States, passed by the House of Representatives and referred to said committee.

INTERNATIONAL COURT OF JUSTICE AT THE HAGUE (S. DOC. 342).

Mr. LODGE. Mr. President, I present a reply from the Secretary of State, transmitted by the President, to certain questions asked by the Committee on Foreign Relations in regard to the message of the President on Saturday last. As we have only one day more, it seemed to me desirable that this communication should be placed before the Senate as soon as possible, and I ask that it be printed in the Record in 8-point type. I understand that the Secretary of State has already given the letter to the press

The PRESIDING OFFICER. Without objection, it is so ordered

Mr. LODGE. I ask that the letter of the President and the letter of the Secretary of State, which are to be printed in the RECORD, be also printed as a Senate document.

There being no objection, the matter referred to was ordered to be printed as a document and to be printed in the RECORD in 8-point type, as follows:

THE WHITE HOUSE, Washington, March 2, 1923.

HON. HENRY CABOT LODGE,

United States Senate, Washington, D. C.

MY DEAR SENATOR LODGE: On Wednesday you sent me the request of the Foreign Relations Committee for information relative to the proposal that we adhere to the protocol establishing an International Court of Justice at The Hague. I immediately submitted the inquiries of your committee to the Secretary of State for detailed reply. I am pleased to transmit

to you herewith a letter from the Secretary of State covering the various questions raised in the committee resolution of inquiry. I need not add that the reply of the Secretary of State has my most hearty approval.

Very truly yours,

WARREN G. HARDING.

DEPARTMENT OF STATE, Washington, March 1, 1923.

MY DEAR MR. PRESIDENT: I have received your letter of February 28, inclosing a request handed to you by Senator Longe, chairman of the Senate Committee on Foreign Relations, for certain information desired by the committee in order to reach a decision relative to advising and consenting to our adhesion to the protocol establishing the Permanent Court of International Justice. I beg leave to submit the following statement upon the points raised:

First, the inquiry is this:

That the President be requested to advise the committee whether he favors an agreement obligating all powers or governments who are signers of the protocol creating the court to submit all questions about which there is a dispute, and which can not be settled by diplomatic efforts, relative to: (a) The interpretation of treaties; (b) any question of international law; (c) the existence of any fact which, if established, would constitute a breach of an international obligation; (d) the nature or extent of reparation to be made for the breach of an international obligation; (e) the interpretation of a sentence passed by the court."

I understand that the question is not intended to elicit your purely personal opinion, or whether you would look with an approving eye upon an agreement of this sort made effective by the action of all powers, but whether you, as President, in the exercise of your constitutional authority to negotiate treaties, favor the undertaking to negotiate a treaty on the part of the United States with other powers creating such an obligatory jurisdiction.

So understood, I think that the question must be answered in the negative. This is for the reason that the Senate has so clearly defined its attitude in opposition to such an agreement that until there is ground for believing that this attitude has been changed it would be entirely futile for the Executive to negotiate any treaty of the sort described.

I may briefly refer to earlier efforts in this direction.

In the latter part of the Cleveland administration a very strong public sentiment was expressed in favor of a general arbitration treaty between the United States and Great Britain, this being regarded as a step toward a plan for all civilized nations. In January, 1897, the Olney-Pauncefote treaty was signed, with provisions for compulsory arbitration having a wide scope. This treaty was supported not only by the Cleveland administration but President McKinley indorsed it in the strongest terms in his annual message of December 6, 1897, urging "the early action of the Senate thereon not merely as a matter of policy but as a duty to mankind." But despite the safeguards established by the treaty the provisions for compulsory arbitration met with disfavor in the Senate, and the treaty failed. (Moore's Int. Law Dig., Vol. VII, pp. 76-78.)

A series of arbitration treaties was concluded in 1904 by Secretary Hay with about 12 States. Warned by the fate of the Olney-Pauncefote treaty, Secretary Hay limited the provision for obligatory arbitration in these treaties to "differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy." Even with this limitation, there was added the further provise: "Provided, nevertheless, that they (the differences) do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third parties."

It was also provided that the parties should conclude a "special agreement" in each individual case, "defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure.'

Notwithstanding the limited scope of these treaties for compulsory arbitration, the Senate amended them by substituting the phrase "special treaty" for "special agreement," so that in every individual case of arbitration a special treaty would have to be made with the advice and consent of the Senate. (Moore's Int. Law Dig., Vol. VII, p. 102-103.) In view of this change, Secretary Hay announced that the President would not submit the amendment to the other Governments.

It should also be observed that The Hague conventions of 1899 and 1907, to which the United States is a party, relating to the general arbitration of certain classes of international differences, do not make recourse to the tribunal compulsory.

In 1908 a series of arbitration treaties was negotiated by the United States. The provisions of these treaties were limited to differences which may exist of a legal nature or relating to the interpretation of treaties existing between the two contracting parties and which it may not have been possible to settle by diplomacy," with the proviso "that they do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third Secretary Root also provided, taking account of the failure of the Hay treaties, that "in each individual case" the contracting parties before appealing to the arbitral tribunal should conclude a "special agreement" defining the matter in dispute, the scope and powers of the arbitrator, and so forth, and it was further explicitly stipulated in these treaties that "special agreement" on the part of the United States should be made by the President "by and with the advice and consent of the Senate." These treaties, with these limiting provisions, made in deference to the opinion of the Senate as to the permissible scope of such agreements, received the Senate's approval

In 1911 the Taft administration submitted to the Senate general arbitration conventions with Great Britain and with France which were of broad scope. There were numerous objections on the part of the Senate. There was a provision in article 8 that, in case of a controversy as to whether a particular difference was justiciable, the issue should be settled by a proposed joint high commission. Objection was made that such an arrangement was an unconstitutional delegation of power, and the provision was struck out by the Senate. Again the Senate conditioned its approval on numerous other reservations, withholding from the operation of the treaty any ques-"which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or moneyed obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy."

In the amended form the treaties were not acceptable to the

administration and remain unratified.

In the light of this record it would seem to be entirely clear that until the Senate changes its attitude it would be a waste of effort for the President to attempt to negotiate treaties with the other powers providing for an obligatory jurisdiction of the scope stated in the committee's first inquiry, quoted above

If the Senate, or even the Committee on Foreign Relations, would indicate that a different point of view is now entertained, you might properly consider the advisability of negotiating such

agreements

Second. The second inquiry is as follows:

"Secondly, if the President favors such an agreement, does he deem it advisable to communicate with the other powers to ascertain whether they are willing to obligate themselves as aforesaid?

"In other words, are those who are signers of the protocol creating the court willing to obligate themselves by agreement to submit such questions as aforesaid, or are they to insist that such questions shall only be submitted in case both, or all, parties interested agree to the submission after the controversy

"The purpose being to give the court obligatory jurisdiction over all purely justiciable questions relating to the interpretation of treaties, questions of international law, to the existence of facts constituting a breach of international obligation, to reparation for the breach of international obligation, to the interpretation of the sentences passed by the court, to the end that

these matters may be finally determined in a court of justice."

What has been said above is believed to be a sufficient answer to this question. It may, however, be added that the statute establishing the Permanent Court of International Justice, as I stated in my previous letter, has a provision-article 36which compulsory jurisdiction can be accepted, if desired, in any or all of the classes of legal disputes concerning (a) the interpretation of a treaty, (b) any question of international law. (c) the existence of any fact which, if established, would constitute a breach of an international obligation, and (d) the nature or extent of the reparation to be made for the breach of an international obligation. Accordingly, attached to the protocol of signature for the establishment of the Permanent

Court of International Justice is an "optional clause" by which the signatory may accept this compulsory jurisdiction.

I understand that of the 46 States which have signed the protocol for the establishment of the court about 15 have ratified this optional clause for compulsory jurisdiction, but among the States which have not as yet assented to the optional clause are to be found, I believe, Great Britain, France, Italy, and Japan. The result is that aside from the objections to which I have referred in answering the first inquiry there is the additional one resulting from the attitude of these powers.

It was for all the reasons above stated that in my previous. letter I recommended that if this course met with your approval you should request the Senate to give its advice and consent to the adhesion on the part of the United States to the protocol accepting, upon the conditions stated, the adjoined statute of the Permanent Court of International Justice, but not the optional clause for compulsory jurisdiction.

Third. The next inquiry is: "The committee would also like to ascertain whether it is the purpose of the administration to have this country recognize part 13 (labor) of the treaty of Versailles as a binding obligation. See article 26 of statute of league establishing the court."

I submit that the answer should be in the negative.

Part XIII of the treaty of Versailles, relating to labor, is not one of the parts under which rights were reserved to the United States by our treaty with Germany. On the contrary, it was distinctly stated in that treaty that the United States assumes no obligations under Part XIII. It is not now contemplated that the United States should assume any obligations of that sort. Article 26 of the statute of the court, to which the committee refers in its inquiry, relates to the manner in which labor cases referred to in Part XIII of the treaty of Versailles shall be heard and determined. But this provision would in no way involve the United States in Part XIII. The purpose of the court is to provide a judicial tribunal of the greatest ability and distinction to deal with questions arising under treaties. The fact that the United States gave its adhesion to the proto-col and accepted the statute of the court would not make the United States a party to treaties to which it was otherwise not a party or a participant in disputes in which it would otherwise not be a participant. The function of the court, of course, is to determine questions which arise under treaties, although only two of all the powers concerned in maintaining the court may be parties to the particular treaty or the particular dis-

Undoubtedly there are a host of treatles to which the United States is not a party, as well as Part XIII of the treaty of Versailles, which would give rise to questions which such a permanent court of international justice should hear and deter-None of the signatory powers by cooperating in the establishment and maintenance of the court make themselves parties to treaties or assume obligations under treaties between other powers. It is to the interest of the United States, however, that controversies which arise under treaties to which it is not a party should be the subject of peaceful settlements, so far as it is practicable to obtain them, and to this end that there should be an instrumentality, equipped as a permanent court, through which impartial justice among the nations may be administered according to judicial standards.

Fourth. Finally the committee states that "they would also like to be informed as to what reservations, if any, have been

made by those countries who have adhered to the protocol."

I am not advised that any other State has made reservations on signing or adhering to the protocol.

I am, my dear Mr. President,

Faithfully yours, CHARLES E. HUGHES.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the bill (S. 4552) to incorporate the Belleau Wood Memorial Association.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2984) for the relief of Thurston W. True.

The message further announced that the House had passed bills and joint resolutions of the following titles, in which it requested the concurrence of the Senate:

H. R. 2347. An act for the relief of certain homestead entry-

H. R. 7851. An act to amend an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes," approved September 1, 1916, so as to provide for the terms of the district court to be held at Spartanburg, S. C.:

H. R. 11477. An act granting the consent of Congress to the Freeburn Toll Bridge Co. to construct a bridge across the Tug Fork of Big Sandy River, in Pike County, Ky.

H. R. 12378. An act granting the consent of Congress to main-

tain a bridge across the Rio Grande River:

H. R. 14111. An act to amend the patent and trade-mark laws,

and for other purposes;

H. R. 14226. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916;

H. J. Res. 415. Joint resolution to authorize the improvement

of the Columbia River at St. Helens, Oreg.; and

H. J. Res. 442. Joint resolution to authorize the transportation Porto Rico of a committee representing the Fourth Ohio Infantry, war with Spain.

HOUSE BILLS AND JOINT RESOLUTIONS REFFERRED.

The following bills and joint resolutions were severally read

twice by title and referred as indicated below:
H. R. 2347. An act for the relief of certain homestead entrymen; to the Committee on Public Lands and Surveys.

H. R. 14111. An act to amend the patent and trade-mark laws, and for other purposes; to the Committee on Patents.

H. J. Res. 442. Joint resolution to authorize the transporta-tion to Porto Rico of a committee representing the Fourth Ohio Infantry, war with Spain; to the Committee on Military

H. R. 7851. An act to amend an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes," approved September 1, 1916, so as to provide for the terms of the district court to be held at Spartanburg, S. C.; and H. R, 14226. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering

injuries while in the performance of their duties, and for other purposes," approved September 7, 1916; to the Committee on purposes." the Judiciary.

H. R. 11477. An act granting the consent of Congress to the Freeburn Toll Bridge Co. to construct a bridge across the Tug Fork of Big Sandy River, in Pike County, Ky.;

H. R. 12378. An act granting the consent of Congress to maintain a bridge across, the Rio Grande River; and

H. J. Res. 415. Joint resolution to authorize the improvement of the Columbia River at St. Helens, Oreg.; to the Committee on Commerce.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on March 2, 1923, the President had approved and signed the following acts

S. 937. An act to reimburse Isaiah Stephens, postmaster of McMechen, Marshall County, W. Va., for money and postage stamps stolen;

S. 2168. An act for the relief of Jesse C. Dennis and William Rhett Eleazer;

S. 2632. An act for the relief of Martin Cletner;

S. 3171. An act for the relief of the trustee of the estate of Hillsboro Dredging Co., a corporation, bankrupt; and

S. 4028. An act for the relief of John N. Halladay.

THE CALENDAR.

The PRESIDING OFFICER. The calendar under Rule VIII is in order.

Mr. CUMMINS. Mr. President, I ask unanimous consent that the call of the calendar begin at the number where we left off when the calendar was last under consideration.

The PRESIDING OFFICER. The Senator from Iowa asks

unanimous consent that the consideration of the calendar begin with Order of Business No. 1135. Is there objection?

Mr. McNARY. Is that the order of business which follows the last bill which was considered when the calendar was under consideration a few days ago?

The PRESIDING OFFICER. The Chair is informed that that is where we left off the consideration of the calendar when it was last under consideration. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

JOSEPH F. BECKER.

The bill (S. 3615) for the relief of Joseph F. Becker was announced as first in order.

Mr. NORRIS. Mr. President, I have offered an amendment to that bill to correspond with the action we took the day before

on a similar bill. I wish to say that I have made some further investigation in what limited time I have had, and I find that the disability of the beneficiary of the bill in this case is not so great as the disability of the claimant in the other case. Following the precedent then set, therefore, I think the amount under this bill ought not to be so high, and I will modify my amendment by striking out \$150 a month and inserting \$75 a

Mr. SMOOT. Mr. President, I do not see why the beneficiary of this bill should have any more than an old soldier who served through the Civil War and was crippled and requires an attendant. I understand that the man for whose relief this bill is intended had his leg broken.

Mr. NORRIS. The amount proposed is not more than the

Civil War soldier would receive.

Mr. SMOOT. Yes; it is. Mr. NORRIS. No.

Mr. SMOOT. Sixty dollars is the very highest rate that is paid for any injury like this to an old soldier of the Civil War who is on the verge of the grave.

Mr. NORRIS. Such an old soldier gets more than \$60 a month.

Mr. SMOOT. I say that he does not get more than \$60 a month.

Mr. NORRIS. The Senator can make his statement, of course, and I can make mine, but neither one of us, perhaps, can make a statement that may not be contradicted by the record. I have known many old soldiers who have received more than that when they did not require the services of an

Mr. SMOOT. The amount allowed in the most aggravated and helpless cases is \$72.

Mr. NORRIS. Well, let us put the figure in this bill at \$72. I think that would be fair. The proposed beneficiary can not perform any labor where he is required to stand.

Mr. SMOOT. He had his leg broken; that is all. Mr. NORRIS. This man is not able to perform any kind of labor where he has to stand up or walk. He is permanently disabled and can not use one of his limbs.

Mr. DIAL. Mr. President, I notice from the report that he

was not injured in the performance of his duty.

Mr. NORRIS. He was injured in the performance of his duty.

Mr. DIAL. Will the Senator inform us how his injury was brought about?

Mr. NORRIS. He was injured in line of duty, but he was not injured until after peace had been declared with Germany. This man was the commander of his vessel. He came from private life, it is true, but he was one of the reserve officers and was permanently injured in the line of duty on his own ship. As I have stated, however, the injury occurred after peace had been declared. Had it occurred before that he would have been entitled—I do not know just what a reserve officer's salary would have been, but it would have been \$200 or \$300 a month, as I understand-but because the injury occurred after peace, instead of while there was technical war on, he was not entitled to anything under the general law.

We have taken similar action in other cases. to take up the time of the Senate; we debated this case at considerable length a few days ago, and the Senate finally reached a conclusion as to what action it would take in such cases, of which there are several. In one case which was before the Senate it was decided to give the one who had been injured a pension, and we passed a bill giving the man a pension in that case of \$150 a month. If we make it \$72 in this case, we have equalized matters, it seems to me.

Mr. SMOOT. Mr. President-

The PRESIDING OFFICER. The Chair assumes that unanimous consent has been given for the consideration of the bill

I did not so understand, Mr. President.

The PRESIDING OFFICER. Well, is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to con-

sider the bill (S. 3615) for the relief of Joseph F. Becker.
Mr. SMOOT. Mr. President, I do not want to object to the consideration of this bill, or else I would have done so before. I am perfectly willing to pay a man a reasonable pension, even though his leg was not broken in the line of duty; but I can not understand why to-day we should pay a man who has one lame leg more than we pay a wounded Civil War veteran. Simply because there is a special bill for this man, who is not entitled under the law to a pension, I do not see why we should give him more than anyone else.

This is a Senate bill, Mr. President, and there is no use in taking any time with it, because I do not think it will pass the House, anyhow. Therefore I shall not object to its consideration any further, and let the \$72 go.

The PRESIDING OFFICER. The amendment offered by the

Senator from Nebraska will be stated.

The READING CLERK. It is proposed to strike out all after the enacting clause and in lieu thereof to insert the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph F. Becker, late a lieutenant commander, United States Naval Reserve Force, and pay him a pension at the rate of \$72 per month, dating from the date of his discharge from the Navy.

Mr. SMOOT. Mr. President, does the Senator mean to pay him back pay or pension?

Mr. NORRIS. Yes.

Mr. SMOOT. I can not agree to that, Mr. President. We

Mr. NORRIS. Mr. President, we did that the other day, and now the Senator says we never do that. The very precedent that I am following did that very thing. That was in the Senate bill that we debated all day and finally decided on a

Mr. SMOOT. Mr. President, that is exactly what happens

when a precedent is established.

Mr. NORRIS. That is what ought to happen when a precedent is established. We ought to treat them all alike.

Mr. SMOOT. Oh, well, the cases are not the same at all. Mr. NORRIS. I admit that, but the only difference is in degree; that is all; and we have cut this man down to \$72, when we paid the other man \$150. Outside of that, the cases are identically the same.

Mr. SMOOT. No pension bill has ever passed for an old soldier where he was paid a dollar unless it began at the date

when the bill became a law.

Mr. CUMMINS. Mr. President, is this bill before the Sen-

The PRESIDING OFFICER. It is, under Rule VIII, subject to objection, of course.

Mr. OVERMAN. Mr. President, I am summoned to a conference committee on the deficiency bill—

Mr. NORRIS. Mr. President, let us dispose of this bill

Mr. OVERMAN. I thought it had been disposed of.

Mr. SMOOT. Mr. President, I move to strike out the part of the amendment that refers to back pay.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. It is proposed to strike out "dating from the date of his discharge from the Navy.

Mr. WALSH of Massachusetts obtained the floor.

Mr. NORRIS. Mr. President, on that motion I want to be heard.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. WALSH of Massachusetts. Mr. President, I simply want to say that I have some knowledge of cases similar to this one. I consider this a worthy case. This naval reserve officer ought to be given some compensation by the Government, or better, he ought to be retired on pay, just as regular officers

Mr. OVERMAN. Mr. President, I hope the Senator from

Utah will allow this bill to pass.

Mr. WALSH of Massachusetts. I want to ask the Senator from Nebraska, however, because, though the Senator passes this bill, it is doubtful if he will get any legislation at this session, to join with some other Senators on this floor in get-

ting a general law passed to give relief to naval reserve officers.

Mr. NORRIS. I shall be very glad to do that.

Mr. WALSH of Massachusetts. Every reserve officer in the
Navy who was injured between March 3, 1921, and July 1, 1922, when they were all released from active service, is in the same position that man is in. Up to March 3, 1921, they were all, when permanently incapacitated, given the right to be retired in the same manner as regular naval officers. After March 3, 1921, to July 1, 1922, that right has been denied them; and several of them have sustained severe injuries not dissimilar to the injury that this particular applicant has experienced. I think we ought to make a general law and treat every reserve officer alike, in view of the fact that after July 1 last their active service terminated. I can not see any justification for giving certain rights to reserve officers who were injured on March 1, 1921, and denying those same privileges to men injured on March 10, 1921, and thereafter. It seems to me we ought to get together here and pass a gen-

eral act giving reserve officers who were permanently incapacitated between March 3, 1921, and July 1 of last year the same rights as reserve officers injured previously

period.

I have no objection to the Senator's bill; I hope it will be passed; but it will not end these cases, and we ought to pass a general law. The Committee on Naval Affairs ought to report a bill treating all these men alike, because otherwise we will have these independent bills here, session after session, until the men are all dead. Year after year we will be hounded here in Congress to give them the relief that they are entitled to; and I hope the Senator will help a movement to get a general act adopted.

Mr. FRELINGHUYSEN. Mr. President, I have a similar bill following this one. Were I to remain here, I most certainly would join with the Senator from Massachusetts in order that a general bill might be passed. I hope the same consideration will be given to this bill that has been given to

the one previously passed.

Mr. LENROOT. Mr. President, if there were the slightest possibility of any of these Senate bills becoming law, I certainly would not object to a reasonable compensation; but everyone knows that it is utterly futile for the Senate to spend its time upon this class of bills when they will not be considered by the House. It does not seem to me that the time of the Senate ought to be occupied in doing an utterly useless thing when there are so many House bills upon the tlendar. Therefore, Mr. President, I am going to object.
The PRESIDING OFFICER. The Senator from Wisconsin calendar

objects to the present consideration of the bill.

Mr. NORRIS. I move that the Senate take up the bill not-

withstanding the objection.

The PRESIDING OFFICER. The Senator from Nebraska moves that the Senate proceed to the consideration of this bill notwithstanding the objection.

Mr. SMOOT. Mr. President, the unanimous-consent agree-

ment was that unobjected bills would be considered.

Mr. NORRIS. No.
Mr. ROBINSON. No. Mr. President.
The PRESIDING OFFICER. That agreement was not entered into. Objection was made, as the Chair remembers, so we are proceeding with the calendar under Rule VIII. The question is on the motion of the Senator from Nebraska to take up the bill, notwithstanding the objection.

Mr. ROBINSON. Mr. President——
The PRESIDING OFFICER. The Chair does not understand that the motion is debatable at this time.

Mr. ROBINSON. Very well.
The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska.

On a division, the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Utah [Mr. Smoot] to the amendment in the nature of a substitute.

Mr. NORRIS. Mr. President, I want to be heard briefly on

The other day, at great length, we debated this question, and finally we had two roll calls on it. We had a roll call first upon the adoption of the amendment, and then we had a roll call upon the passage of the bill; and an amendment was adopted word for word like this one, with the exception that this provides for \$72 where the other one provided for \$150, Now the Senator from Utah [Mr. Smoot] has moved to strike out of this proposed amendment the clause which says that this pay shall begin from the date of this man's discharge from the Navy.

Mr. President, the injury was received even before he was discharged. He has received nothing for that injury, no help of any kind. I am told that he is in circumstances of the direst poverty. I do not know that of my own personal knowledge. He does not even live in my State; but, at least, the payment ought to date from the date of his discharge. To be really just, we ought to give him the pension from the date when the injury was received. Under general law if a man is given a pension for an injury incurred in the service, the

pension does date from the date of the injury.

I do not want to go over that ground again. thrashed it all out heretofore. I just want to know whether or not the Senate Is going to treat this case in the same way that it did the other one, when it discussed it all day and finally reached a conclusion upon a roll call of the Senate. We must treat them all alike. We can not make fish of one and fowl of the other. We can not favor some one Senator's bill and put the kibosh on somebody else's bill. It is a question of whether or not we are going to do the same with this man that we did with the other man. That is all there is to it.

Mr. LENROOT. Mr. President, inasmuch as the Senate seems to wish to occupy its time in the useless undertaking of

considering Senate bills which can not ever be considered by the House at this time, I do not know why we should not take some time in debating the merits of this proposition.

The position of the Senator from Nebraska [Mr. Norris] is that if the Senate the other day made a mistake and did a wrong thing, therefore it must continue the mistake and

do the wrong thing in this case.

Mr. President, if we go upon the pension basis-and I say that is the only correct basis for these men-why should we give them a greater privilege and give them greater considera-tion than we have given to soldiers of the Civil War and to soldiers of the Spanish-American War?

Mr. President, will the Senator yield? Mr. NORRIS. The PRESIDING OFFICER. Does the Senator from Wis-

consin yield to the Senator from Nebraska?

Mr. LENROOT. I do. Mr. NORRIS. I should like to ask the Senator how he

voted the other day upon the Wadsworth amendment?
Mr. LENROOT. Mr. President, the particular question that is now up was not up on that proposition.

Mr. NORRIS. It was involved in it.

Mr. LENROOT. Oh, it was involved; but I want to say to the Senator that if that question had come up, I would have voted then just exactly as I expect to vote to-day.

Mr. NORRIS. Now I want to ask the Senator another

question, if he will kindly yield.

Mr. LENROOT. I want to ask the Senator from Nebraska a question. Does the Senator think that if there is in a bill something that is wrong, to which Senators have not had their attention called, the Senate is thereafter bound to continue the

Mr. NORRIS. No. First, it is not wrong. Secondly, it was brought to the attention of everybody here, and we had a discussion of it, and a roll-call vote, and I take it that the Senator voted for it. Now he is going to vote against it because it is a different man and a different Senator.

Mr. LENROOT. Let me ask the Senator this question: Is he willing, in the case of pensions for the soldiers of the Civil War, to date their pensions from 1865?

Mr. NORRIS. I am willing, in the case of soldiers of the Civil War, to date their pensions from the date of the injury;

and that is the general law and has been all the time.
Mr. SMOOT. Mr. President, the Senator is wrong.
Mr. LENROOT. The Senator is entirely wrong. Mr. LENROOT. The Senator is entirely wrong. Why, if that rule prevailed, it would cost hundreds of millions of dollars additional to the Treasury of the United States. The Senator from Nebraska must be aware of that. I am especially surprised that the Senator from Nebraska, of all Senators on this floor, should take the position that Senators are bound to vote for something they believe is wrong because the Senate the other day did something that the same Senators believe was wrong. That is a very unwise position. It is not the kind of position that the distinguished Senator from Nebraska usually takes.

Mr. COUZENS. Mr. President-

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Michigan?

Mr. LENROOT. I yield. Mr. COUZENS. In view of the statement of the Senator from Wisconsin in regard to the inability of the House of Representatives to pass upon these bills at this late time in the session. I am going to object to taking up every one of these bills as they come along, so that we may get down to some business that can be done.

The PRESIDING OFFICER. The bill is up now by motion,

by vote of the Senate.

Mr. COUZENS. I am making reference to future bills.
Mr. LENROOT. I wish to say to the Senator from Michigan
that I am entirely in accord with his view, and I took that position not 10 minutes ago; but the Senate, by a majority vote, seemed to be indifferent to action upon House bills, to action upon bills that might become laws, and by a very considerable majority this morning voted to take up bills that every Senator knows can not become law. That being the attitude of the Senate, I do not know why I, as one Senator, should be at all concerned, as long as the majority has expressed its will with reference to debating and doing an utterly futile and useless thing until the hour of 1 o'clock shall arrive.

Mr. FRELINGHUYSEN. Will the Senator yield?

Mr. LENROOT. I yield. Mr. FRELINGHUYSEN. Mr. President. I think the attitude taken by the Senator from Michigan and the Senator from I have a bill of a similar Wisconsin is manifestly unfair. character. I am perfectly willing, if it is the will of the Senate that these bills shall not be discussed and passed upon. to wipe them all out, but inasmuch as the Senate has taken up one, and inasmuch as the Naval Affairs Committee have passed upon the merits of these cases and reported the bills favorably, and inasmuch as these men who are suffering have appealed to their Representatives for relief, and we have introduced these measures, it is the duty of the Senate to pass upon them, as the Senate has passed upon one.

Mr. LENROOT. I ask the Senator from New Jersey what benefit will accrue to these men from the Senate passing these

bills which can not become laws?

Mr. FRELINGHUYSEN. I will answer the Senator. benefit comes from the very fact that the Senate has gone on

record in favor of the claims,

Mr. LENROOT. That is exactly the point, Mr. President. The questions which now come up are of a serious nature, and the effort being made to make hasty action of the Senate a precedent in all cases is the strongest reason why these matters should be carefully considered, and a uniform policy upon these bills adopted.

Mr. ROBINSON. Mr. President-

The PRESIDING OFFICER. Does the Senator from Wis-

consin yield to the Senator from Arkansas?

Mr. LENROOT. I yield

Mr. ROBINSON. I thought the Senator's time had expired.

Mr. LENROOT. There is no limit upon the time.
The PRESIDING OFFICER. The bill was taken up by motion.

Mr. LENROOT. It was taken up by motion.
Mr. ROBINSON. Mr. President—
The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LENROOT. I yield. Mr. ROBINSON. With With the indulgence of the Senator from Wisconsin, I hope the Senate will not get into a frame of mind now that will prevent it from transacting the business which everybody knows ought to be performed, and I very much fear that is what is about to occur.

In my opinion, the unanimous-consent request submitted by the Senator from Kansas ought to have been entered into. very much regret that the Senator from Tennessee found it his duty to object to that request. There are on the calendar a large number of bills and joint resolutions which have not been called and for the consideration of which no opportunity has been given. This is the next to the last day of the session, and the business of the Senate is constantly becoming more and There are some resolutions and some House more congested. bills on the calendar which have not yet been called and which in all probability will not be reached, to which no objection will be urged, to which no objection can be urged.

Mr. President, I have no objection to the passage of the pending bill. I think, inasmuch as it has been brought before the Senate, it ought to be disposed of, and then I think the Senate ought to enter into some sort of an agreement which will enable it to transact the business that can be transacted.

Mr. LENROOT. If the Senator desires to submit another unanimous-consent request, I will yield for that purpose.

Mr. McKELLAR. My purpose in objecting awhile ago— Mr. ROBINSON. I will submit a request for unanimous consent if the Senator will yield.

Mr. LENROOT. I yield for that purpose. Mr. ROBINSON. I ask that after the pending bill has been disposed of the Senate shall proceed to the consideration of unobjected bills, resolutions, and joint resolutions on the calendar, commencing with Calendar No. 1135, which is the number where the Senate last left off. I submit that request.

Mr. FRELINGHUYSEN. I object.

The PRESIDING OFFICER. Objection is made.

Mr. HEFLIN and Mr. McKELLAR addressed the Chair. The PRESIDING OFFICER. Will the Senator from Wisconsin yield; and if so, to whom?

Mr. LENROOT. I yield to the Senator from Alabama. Mr. HEFLIN. I want to be heard on this question.

Mr. LENROOT. I quite appreciate the situation; yet the Senator from Arkansas recognizes that the Senate by a very large majority expressed itself a few minutes ago as not being concerned greatly about the passage of bills which have some opportunity of becoming laws.

Mr. ROBINSON. Will the Senator yield further? Mr. LENROOT. I yield.

Mr. ROBINSON. So long as the Senate is proceeding under an order which contemplates that motions may be made to take up bills it is not to be expected that Senators will vote against the consideration of bills they favor. That is not the practice. The intelligent course to pursue, if Senators want measures on the calendar considered, is to enter into a unanimous-consent agreement for that purpose. Senators who want to defeat resolutions and joint resolutions and bills in which they are interested are doing it now, for the last opportunity to consider them is at hand, or well-nigh at hand.

Mr. LENROOT. That is exactly the situation; but a majority of the Senate have voted that they were not concerned in the Senate passing bills which could become laws.

Mr. ROBINSON. Will the Senator yield?
Mr. BURSUM. Mr. President, a point of order.
The PRESIDING OFFICER. The Senator from New Mexico rises to a question of order. The Senator will state his point of order.

Mr. BURSUM. My understanding is that up until 1 o'clock, under Rule VIII, we are subject to the five-minute restriction.

The PRESIDING OFFICER. That is true in regard to bills taken up by unanimous consent, but not when bills are taken up on motion, as this bill has been taken up. The Presiding Officer ruled it that way just a few days ago.

Mr. FRELINGHUYSEN. Mr. President-

Mr. LENROOT. I yield.

Mr. FRELINGHUYSEN. I think every Senator in this body will agree that I have not been an obstructionist at any time in my whole term of service here. I have a bill similar in character to the one now under consideration. I think it is manifestly unfair to pass one of those bills and put another over under objection. I have hesitated to object, and I wish to withdraw my objection-

Mr. NORRIS. Mr. President-

The PRESIDING OFFICER. As the Chair understands, the Senator from Arkansas wishes to have the Chair submit his unanimous-consent agreement.

Mr. NORRIS. Will the Senator from Wisconsin yield to me to submit a unanimous-consent agreement?

Mr. LENROOT. I yield. Mr. NORRIS. I ask unanimous consent—

The PRESIDING OFFICER. There is one unanimous-consent request now pending. Is there objection to the request?

Mr. McKELLAR. Mr. President, I objected to the unani-

mous-consent request this morning because it seemed to me that certain Senate resolutions, in two of which I am interested, ought to be considered by the Senate before it adjourns, and I did not know whether they could be considered under the proposed agreement. In view of what has been said, I will withdraw the objection I made. As I understand it, the unanimous-consent request was that we consider unobjected bills

Mr. ROBINSON. Until 1 o'clock.
Mr. McKELLAR. But after 1 o'clock, how long?
Mr. ROBINSON. It was not to run after 1 o'clock.

I withdraw the objection. Mr. McKELLAR.

The PRESIDING OFFICER. As the Chair understands the request of the Senator from Arkansas, it is that upon the disposition of the pending bill the Senate will proceed to the consideration of unobjected bills, House resolutions, and Senate resolutions, on the calendar, beginning with Calendar No. 1136.

Mr. McKELLAR. During the morning hour?
The PRESIDING OFFICER. During the morning hour. Is

there objection?

Mr. SHORTRIDGE. I object for the moment.

Mr. NORRIS. Mr. President-

The PRESIDING OFFICER. Objection is made. The Senator from Wisconsin has the floor.

Mr. NORRIS. He has yielded to me.

Mr. LENROOT. I yield. Mr. NORRIS. I ask unanimous consent that all speeches on the pending bill be limited to two minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LENROOT. I object.

Mr. NORRIS. I thought the Senator was very anxious to get along.

Mr. LENROOT. I was,
Mr. NORRIS. He has gotten over that.
Mr. LENROOT. No; I have not. The Senate has determined by vote, and by a large majority, that we should spend the time of the Senate in doing utterly useless and futile things, and if that is so, we might as well debate the merits of this measure at length, even though it takes until 1 o'clock.

Mr. COUZENS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Michigan?

Mr. LENROOT. I yield.
Mr. COUZENS. I wish to say that the Senator from New Jersey [Mr. Frelinghuysen] raised a question a short time ago about having an interest in these relief bills, and the inference was that those who oppose proceeding with the relief bills are opposed to the relief. I want to say that I am just as interested as any Senator here in relieving these injured service men of the country, but I am unalterably opposed to merely going through the form of pretending that we are interested in the relief of the men, when we know that the bills can not at this late time in the session be passed by the House of Representatives. So what is the use of wasting the time of the Senate in trying to pretend that we are interesed in his relief, when we know that no relief can be had during this session of Congress?

Mr. LENROOT. Mr. President, I think I can answer the question of the Senator from Michigan. What is the desire here

now?

Mr. WALSH of Montana. Mr. President-

The PRESIDING OFFICER. Does the Senator yield?
Mr. LENROOT. Let me finish this statement. What is the desire now of the Senator from Nebraska? Of course, he knows that this bill can not become a law, but what is desired, no doubt, is that at the next session, the Senate having voted a certain sum, irrespective of the judgment of any committee as to the extent of the injury involved, he will have a precedent for having the Senate pass a bill at that time carrying the same sum.

No committee has considered the extent of the injury. The committee considered only whether the case came within the law governing retirement, and properly so, if we are to have that policy; but if we are to go to a pension policy-and that is the only proper policy in these cases—the committee can examine into the extent of the injury, determine the proper amount of compensation, and the Senate ought not to be tied up in the future by a provision such as the Senator now seeks to have passed.

Mr. WALSH of Montana and Mr. NORRIS addressed the

Chair.

The PRESIDING OFFICER. Does the Senator from Wis-

consin yield; and if so, to whom?

Mr. LENROOT. I yield to the Senator from Montana. Mr. WALSH of Montana. I observed that the Senator from California [Mr. Shortringe] objected to the unanimous-consent

request just preferred. Everybody recognizes that it is a waste of time we are indulging in this morning. I should like to inquire of the Senator from California what is the nature of his objection?

Mr. SHORTRIDGE. If the Senator from Wisconsin will

Mr. LENROOT. I yield.

Mr. SHORTRIDGE. I have waited here on two different days for hours to reach Order of Business 1136 on the calendar, in which I am very deeply interested.

Mr. LENROOT. Is that a Senate bill or a House bill?

Mr. SHORTRIDGE. It is a Senate bill; but permit me to explain why I have objected. It will take me but a moment. Lieutenant MacDonald, a brave man-

Mr. WALSH of Montana. Let me inquire of the Senator if

be anticipates that some objection will be made?

Mr. SHORTRIDGE. I can not imagine that there would be any.

Mr. WALSH of Montana. Then the Senator will expedite consideration by agreeing to the unanimous-consent request.

Mr. SHORTRIDGE. That may be; but let me explain myself, if the Senator from Wisconsin will permit me. During a state

of war, in active service

Mr. ROBINSON. Mr. President, I object to the discussion of the merits of a bill that is not before the Senate.

Mr. SHORTRIDGE. I am not discussing the merits of the bill, I am answering a question of the Senator from Montana. Mr. NORRIS. Mr. President, if we are going to be technical,

I rise to a point of order. The PRESIDING OFFICER. The Senator will state his

point of order.

Mr. LENROOT. I decline to yield further. Mr. NORRIS. The Senator from Wisconsin has no right to farm out the time and hold the floor himself for carrying on his little one-man filibuster.

The PRESIDING OFFICER. The point of order is well taken.

Mr. HEFLIN. Mr. President-

Mr. LENROOT. I decline to yield. If I recollect the bill of the Senator from California-and I think I do-it is a very striking illustration of what this policy will lead to. As I recollect the bill of the Senator from California, it was the case of an officer having ankylosis. Am I correct?
Mr. SHORTRIDGE. The Senator is correct.

Mr. LENROOT. He had trouble with his ankle; yet under the bill now before the Senate it is proposed to give him a higher compensation than we give to a man with a total disability, who was in the enlisted ranks. If this precedent be established, I expect the Senator from California will propose \$72 a month for the officer in whom he is interested, although the only injury he has is ankylosis, incapacitating him for military or naval service.

Mr. President, it is worth while, as long as we are going to discuss bills which can not become laws, to discuss somewhat the policy the Senate proposes to enter into. My objection is that upon this matter of compensation we should have information as to the extent of the disability. There is no word in the report upon the bill that is now before the Senate as to the extent of the disability, except that the man is totally in-

capacitated for military or naval service.

So, Mr. President, my objection is not to giving compensation to these men at a time when it is possible to do something for them, but this is not the time, and when we do give it we should have a report from a proper committee as to the extent of the injury and what in the judgment of the committee would be a proper compensation. Here the bill comes before the Senate. I do not know what rank the officer held, but as the bill was originally proposed, as the Senator from Nebraska would favor it, it would give to the officer two or three or four times the compensation a private soldier or a marine would receive for exactly the same disability. I can not stand here and countenance, so far as my vote is concerned, any such discrimination against a private soldier. The Senator from Nebraska may do so if he chooses.

Mr. NORRIS. Mr. President—
Mr. NORRIS. Mr. President—
Mr. NORRIS. I thought the Senator from Nebraska,
Mr. NORRIS. I thought the Senator had yielded the floor.
Mr. LENROOT. No; I have not.

So much for that branch of the matter. Next, as to the dating of the pension back to the time of the injury: I challenge any Senator to give any reason why in the case of the World War we should give pensions back to the time of the injury if we do not, as we have not, pursue the same practice with regard to soldiers and sailors of the Civil War and of the Spanish-Ameri-

Mr. WADSWORTH. Mr. President—
The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New York?
Mr. LENROOT. I yield.
Mr. WADSWORTH. The Senator should recoilect also that

the officer in question was paid at the full rate of his grade until the time of his discharge.

Mr. NORRIS. This does not go back of the discharge.

Mr. WADSWORTH, I know; but the Senator adverted to the proposal of the Senator from Nebraska as to the date from which the man should be paid on account of his injury. As a matter of fact, between the moment of the injury and the moment of discharge many months may elapse during which the man is on a full-pay basis.

Mr. LENROOT. May I have the bill reported as to the time when the pension would take effect? I would like to inquire as

to the time under the proposed amendment.

The Reading Clerk. The amendment reads "dating from the date of his discharge from the Navy," which the senior Senator from Utah [Mr. Smoot] has moved to strike out.

Mr. LENROOT. It does not seem to me that the Senate ought to settle that policy now. If we do, what excuse are we going to give for special bills for soldlers of the Civil War from now on as to why their pensions should not date back to 1865, a pension, if you please, of \$50 or more a month, \$600 a year, for a period of more than 50 years.

SHORTRIDGE. Mr. President, will the Senator yield

for just a moment?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from California?

Mr. LENROOT. Very well; I yield. Mr. SHORTRIDGE. In order to make haste, I will withdraw my objection if it stands in the way of adopting the proposed unanimous-consent agreement.

Mr. ROBINSON. Mr. President— Mr. LENROOT. I yield to the Senator from Arkansas.

Mr. ROBINSON. Once more I am going to submit the request for unanimous consent. I renew the request I have twice before made; and unless it is accepted this time we might as well stop pretending to work and, like little children, go on I ask for the present consideration of the unanimousconsent request which I stated a moment ago, and which I will restate if anyone desire

The VICE PRESIDENT. Is there objection to the unanimous-consent request submitted by the Senator from Arkansas? Mr. HEFLIN. Does the acceptance of the agreement interfere with the disposition of the measure now before the Senate?

It will not cut off debate on that measure?

No; it is not so intended.

Mr. ROBINSON. No; it is not Mr. SPENCER. Mr. President-Mr. LENROOT. Will not the Will not the Senator from Missouri wait until the unanimous-consent agreement is entered into?

Mr. SPENCER. I desire to say something with reference to the unanimous-consent agreement.

Mr. McNARY. Mr. President, I would like to have the proposed unanimous-consent agreement stated.

The VICE PRESIDENT. The proposed unanimous-consent agreement will be stated.

The Assistant Secretary. It is proposed by the Senator from Arkansas that after the bill under consideration is disposed of the Senate shall proceed to the consideration of unobjected House bills, joint resolutions, and resolutions on the calendar, beginning with No. 1136.

Mr. McNARY. That does not give much comfort to those who have bills on the calendar that might be considered if we were working under Rule VIII. If I knew or had some assur-

Mr. ROBINSON. Mr. President-

Please let me finish my statement. If I had Mr. McNARY. any assurance that we would return to the calendar under Rule VIII I would not object, but some time I want to go through the calendar under Rule VIII so that we may move to take up bills that are objected to.

Mr. ROBINSON. There will be no objection to that if the time affords an opportunity to do it. The Senate has now consumed an hour and five minutes and has taken no action upon any measure. This is next to the last day of the session. If the bills that have never been called are to have their chance for disposition, they ought to be called immediately. I have no objection subsequently to proceeding to the consideration of other bills on the calendar if the Senate finds it profitable to do so. I am simply trying to prevent the Senate from wasting its valuable time in the consideration of matters which we all know can not be disposed of by the body at the other end of the Capitol.

Mr. FRELINGHUYSEN. Mr. President, will not the Senator consent to have Senate bills included? They would go over on objection.

Mr. ROBINSON. Yes; I will modify the request so as to include all unobjected bills on the calendar.

The VICE PRESIDENT. Is there objection?

Mr. GOODING. Mr. President, I will have to object. I have a bill on the calendar in which I am very much interested, and a Senator objected to it the other day. I am quite sure he would not object to it to-day. It is a bill in which a neigh-bor of mine is interested, and I want the Senate to take some action on it.

Mr. LENROOT. If It is not objected to, the Senator will have a chance to have action on it.

Mr. GOODING. But it has been objected to.
Mr. ROBINSON. Very well. I have no interest in any bill on the calendar. I am simply moving in the interest of orderly and decent procedure. If Senators want to make a farce of the business of the Senate and act like little children with half intelligence they can do it. I propose that an opportunity shall be given to dispose of business to which there is no objection, and then if any Senator can get the floor and move to proceed to the consideration of his bill, I shall have no objection. I shall be glad to see accomplished anything the Senator from Idaho desires to accomplish, if it can be done.

Mr. GOODING. I have no desire to delay the passage of bills, and with that understanding I will withdraw my ob-

jection.

The VICE PRESIDENT. Is there objection to the unanimous-consent request submitted by the Senator from Arkansas? Mr. SPENCER. Mr. President, I want to submit to the Sena-tor from Arkansas this fact: There is upon the calendar an omnibus bill reported from the Committee on Indian Affairs, to which the committee has given considerable attention. Of

course, if there are any items of the bill to which serious objection is made they can be eliminated.

Mr. ROBINSON. Will the Senator pardon an interruption?

Mr. ROBINSON. Will the Senator pardon an interruption?
Mr. SPENCER. May I finish my statement?
Mr. ROBINSON. Certainly.
Mr. SPENCER. But that bill ought not to be put in a position where any single Senator may prevent the Senate from

proceeding to its consideration.

Mr. ROBINSON. The only effect of the agreement is to utilize the small remaining part of the morning hour. the Senator can move to proceed to the consideration of the bill, if he desires to do so, at any time that he can get the floor, but it is perfectly apparent that his bill could not be disposed of within the morning hour to-day. We ought to take the 50 minutes remaining before 1 o'clock to dispose of matters that are not objected to. It is in the power of any Senator who chooses to do so to continue the useless waste of time of the Senate, but I ask for the submission of my unanimous-consent request.

Mr. SPENCER. May I ask what number on the calendar we

are now considering?

The VICE PRESIDENT. Calendar No. 1135. Mr. SPENCER. I withdraw my objection.

The VICE PRESIDENT. Is there objection to the request of

the Senator from Arkansas?

Mr. HARRISON. I am not going to object, but I want to reserve the right to do so for just a moment. This little snarl has come about because Senators who have voted against recommitting the shipping bill time after time have brought it upon us. We pointed out weeks and months ago that if the passage of the ship subsidy bill was insisted on this situation would arise and bill after bill would be defeated. So those Senators who sat here by day and by night voting against the motion to recommit and trying to put the ship subsidy bill over are now responsible for the failure of bills in which they are interested, and they will have that matter to explain to their constituents.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from Arkansas? The Chair hears none, and the unanimous-consent agreement is

entered into.

Mr. LENROOT, Now, Mr. President—
Mr. NORRIS. Mr. President, I make the point of order that
the Senator from Wisconsin has lost the floor long ago.

The VICE PRESIDENT. The Chair does not understand the

reason for the point of order.

Mr. NORRIS. In the first place, I objected to the Senator farming out the time awhile ago. There has been action by the Senate and numerous speeches made by other Senators in the meantime, and he still holds the floor to the exclusion of everybody else.

The VICE PRESIDENT. The Chair inquires of the Senator from Wisconsin whether he has spoken more than the number

of times permitted under the rule?

Mr. LENROOT. I did not understand the statement of the Chair.

The VICE PRESIDENT. Has the Senator exhausted the

number of times he is permitted to speak under the rule?

Mr. LENROOT. He has not. The Senator from Wisconsin yielded for the purpose of having a unanimous-consent request The Senator from Nebraska may attempt to take submitted. advantage of yielding for the purpose of expediting business if he wishes to do so. That is his prerogative.

Mr. NORRIS. That is what I wanted. I want to stop the

filibuster.

Mr. LENROOT. There is no filibuster except that the Senator from Nebraska is trying to get the Senate to do a useless

thing in order to create a precedent for the future.

Now, Mr. President, I am going to conclude in just a moment by saying that I hope the amendment proposed by the senior Senator from Utah [Mr. Smoot] will be agreed to, and that we will do by this man what we have done for the soldiers and sailors of the Civil War and the Spanish-American War in this regard.

Further, I want to suggest that at the next session, when similar bills come before the committee, as they will, the committee should consider the extent of the disability and make recommendation as to what is the proper amount of compensation, and I shall then cheerfully support them,

Mr. HEFLIN. Mr. President-

Mr. LENROOT. I do not yield. The reason why I have taken the time is that if the unanimous-consent agreement had not been entered into there would have been like motions on numberless other Senate bills, and I wanted to give notice that if the Senate was going to vote to take up bills that could not possibly become laws, they themselves in so voting were pre-

venting the consideration of House bills that ought to be considered by the Senate.

Mr. NORRIS and Mr. HEFLIN addressed the Chair.

The VICE PRESIDENT, The Senator from Nebraska is recognized.

Mr. NORRIS. Mr. President, if it had not been for the Senator from Wisconsin, we would have disposed of the bill long ago. I presume I ought to remain quiet under his castigation and not say anything in reply and permit action by the Senate. But I feel that I am justified in saying a few words in reply, because of what he has said and the insinuations he has cast, unfounded, unreasonable, and discourteous as they

All at once the Senator from Wisconsin has become virtuous. His virtue is paraded here. He does not want to consider a bill where the committee has not considered the evidence of the disability. That is true, as a matter of fact. The bill was introduced on a different theory. When it was brought up and the new theory was suggested, and the Senator from New York [Mr. Wadsworth] offered the amendment that was finally agreed to, I not only did my best to expedite it but I supported the amendment. I acted in good faith. After Senators had debated it to a considerable extent, I accepted the verdict, and I offered an amendment to make the bill cover the points at issue.

The Senator from Wisconsin was voting for that amendment. He did not see then the necessity of sending it back to the committee to get evidence. It was somebody else's bill then. It was all right to take that step then. He, like I, supported the Senator from New York in the motion that he made. We voted for the amendment. Like myself, he voted for the other bill. Now he is condemning such action as a most vicious practice when it is applied to somebody else's bill or to some

other soldier who has been injured.

Mr. President, the contention as to his getting double pay is not well founded, for the bill provides, just as the other bill did, that his pay shall commence from the date of discharge.

Mr. HEFLIN. Mr. President, it may be unpopular with some in the closing hours of this session to take up the time of the Senate pleading for aid for a disabled soldier, but I intend to insist that favorable action be had on this bill to-day, The Senator from Wisconsin tells us that we are undertaking to do an utterly useless and futile thing. I do not agree with the Senator from Wisconsin. The Senate owes it to this soldier to pass this bill. Then the responsibility for failure to pass it through the House will be upon that body. If the Republican Party, in power in both branches of Congress, with two more days and nights remaining of this session, can not put through a little bill to pay a disabled soldier who has practically lost his leg, who is without means—a poor, unfortunate fellow-if that party can not halt other business long enough

reliow—It that party can not half other ousness one can be to extend a helping hand to this poor boy who offered to die for his country, then that party is contemptible and impotent.

Are we doing something that is utterly useless and futile? Senators, what are we thinking about? Do you want to send the message to this poor, afflicted boy that you would not halt the proceedings of the Senate long enough to pass a bill of this character? The Government, when our liberty was imperiled, took time enough to go to his home and to bring him out to join the ranks of his comrades and to stand between us and the overthrow of our Government, but we have not time now to do this act of justice. Senators are anxious to get some measure on the calendar jammed through the Senate in the closing hours, and a disabled soldier, poverty stricken, may do the best he can for nine months to come before another Con-God of the Republic, have mercy upon those gress convenes.

who contend for such a course.

Futile! Why futile? The Senator from Nebraska is asking for a small sum for this man who has lost his leg. He is not to blame for losing his leg. He lost it in the service of his country. In the closing hours of the Senate Senators are criticized and lectured for pausing long enough to demand justice for this soldier who was stricken down while serving

his country in the hour of its peril.

The junior Senator from Michigan [Mr. Couzens] has said there is no use to lose time with a bill which can not be passed. Why can not Congress pass it? If we pass the bill here and some one makes an appeal to those in authority in the House, if they have any heart, can they not go upon the floor of the House and, because of the merit and emergency character of the measure, ask unanimous consent of the House to pass the bill? If any man in the House should object, I want the RECORD to show it and let the people back home know that he objected and kept this boy out of the aid to which he is entitled for nine long months. I would like to see the Senator or Member of the

House who would deny this crippled soldier boy the meager means here asked for to aid in his support. Such a one should be condemned by his people at home. Does not the service of this boy and the condition of this boy appeal to us?

Freeze, freeze, oh bitter sky
That dost not bite so nigh
As benefits forgot.
Though thou the waters warp,
Thy sting is not so sharp
As friends remembered not.

This boy is an American patriot and an American soldier, and, as I have said, was injured in the service of his country. The Republican Party in control of Congress can find time to past through the House and try to pass through the Senate a bill appropriating \$5,000,000 to Liberia to enable her to pay debts which are due by her to Wall Street—your party had time to do that; I did not hear any one of you criticizing it either—the Republican Party in control of Congress had time to vote \$20,000,000 aid to Russia, and not one of you chirped on that; but you have not time to pay a disabled soldier who is lying on his bed with his leg broken a few dollars to keep him from starying. I have not any patience with any such conduct or patriotism.

Now, Senators ask what good it would do to pass the bill if it should fail in the other House? I will tell Senators what good it will do. If the Senate approves the measure and goes on record as voting for the appropriation asked for, that action alone would enable this boy to borrow money, to get aid from somebody during the next nine months until Congress reconvenes. I beg you, Senators, to do that much for this boy.

venes. I beg you, Senators, to do that much for this boy.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. Smoot] to the amendment of the Senator from Nebraska [Mr. Norris], which will be stated.

The Assistant Secretary. It is proposed to amend the amendment by striking out the words "dating from the date of his discharge from the Navy."

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, amounced that the House had agreed to the amendments of the Senate to the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce.

The message also announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 53) providing for a special joint committee of the Senate and House of Representatives to investigate employment of prisoners at Leavenworth, Kans., and McNeil Island, Wash., and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. J. Res. 422) permitting the entry free of duty of certain domestic animals which have crossed the boundary line into foreign countries; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Green of Iowa, Mr. Longworth, Mr. Hawley, Mr. Collier, and Mr. Oldfield were appointed managers on the part of the House at the conference.

The message also announced that the House had passed without amendment the bill (S. 2051) to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 65.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Madden, Mr. Anthony, and Mr. Byrns of Tennessee were appointed managers on the part of the House at the conference:

ENROLLED BILLS SIGNED.

The message also announced that the Speaker pro tempore of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President: S. 4122. An act granting the consent of Congress to the Interstate Toll Bridge Co. for construction of a bridge across Red River between Montague County, Tex., and Jefferson County, Okla.;

8. 4235. An act granting consent of Congress to the Charlie Bridge Co. for construction of a bridge across Red River between Clay County, Tex., and Cotton County, Okla.;

S. 4387. An act to authorize the building of a bridge across the Tugaloo River between South Carolina and Georgia;

H. R. 7851. An act to amend an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes,' "approved September 1, 1916, so as to provide for the terms of the district court to be held at Spartanburg, S. C.;

H. R. 8086. An act to prohibit the shipment of filled milk in

interstate or foreign commerce;

H. R. 11477. An act granting the consent of Congress to the Freeburn Toll Bridge Co. to construct a bridge across the Tug Fork of Big Sandy River, in Pike County, Ky.;

H. R. 11939. An act to amend section 5219 of the Revised Statutes of the United States; and

H. R. 13205. An act for the relief of the American Trust Co.

DEFICIENCY APPROPRIATION.

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House of Representatives on the deficiency appropriation bill.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its

Mr. WARREN. I move that the Senate insist upon its amendments, that the request of the House for a conference be granted, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. Warren, Mr. Curtis, and Mr. Overman conferees on the part of the Senate.

FUNERAL OF THE LATE REPRESENTATIVE W. BOURKE COCKRAN.

The VICE PRESIDENT appointed Mr. Wadsworth, Mr. Calder, Mr. Robinson, Mr. Watson, Mr. Walsh of Montana, and Mr. Walsh of Massachusetts as the committee on the part of the Senate to attend the funeral of the late Representative W. Bourke Cockran under the resolution (S. Res. 464) unanimously adopted by the Senate on yesterday.

MEMBER OF JOINT COMMISSION ON POSTAL SERVICE.

The VICE PRESIDENT appointed Mr. Edge a member of the Joint Commission on Postal Service, vice Mr. Townsend (chairman), resigned.

DEPARTMENTAL USE OF AUTOMOBILES.

The VICE PRESIDENT laid before the Senate a communication from the First Assistant Secretary of the Interior, in further response to Senate Resolution 399, agreed to January 6, 1923, transmitting data relative to motor-driven vehicles in use by the department in the field service of the General Lain Office, the Indian Office, the Geological Survey, the Reclamation Service, the Bureau of Mines, and the National Park Service, which, with the accompanying papers, was ordered to lie on the table.

EMPLOYMENT OF FEDERAL PRISONERS.

The VICE PRESIDENT. Pursuant to the provisions of House Concurrent Resolution 53, to create a joint committee of the Senate and House of Representatives to determine what employment can be furnished Federal prisoners, and for other purposes, the Chair appoints the following Senators members of the special joint committee on the part of the Senate: Mr. Dillingham, Mr. Shorreidge, and Mr. Overman.

INVESTIGATION OF UNITED STATES VETERANS' BUREAU.

The VICE PRESIDENT. Pursuant to the provisions of Senate Resolution 466, authorizing the appointment of a committee to investigate the leases and contracts executed by the United States Veterans' Bureau, and for other purposes, the Chair appoints the following Senators as members of the committee: Mr. Reed of Pennsylvania, Mr. Oddie, and Mr. Walsh of Massachusetts.

REPORT OF COLORADO RIVER COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from Hon. Herbert Hoover, chairman of and Federal representative on the Colorado River Commission, transmitting, pursuant to law, a report of the proceedings of the commission and a copy of the "Colorado River Compact," which was referred to the Committee on Irrigation and Reclamation.

DISTRICT COURT AT SPARTANBURG, S. C.

Mr. OVERMAN. I ask unanimous consent, from the Committee on the Judiciary, to report back favorably without amendment the bill (H. R. 7851) to amend an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes," approved September 1, 1916, so as to provide for the terms of the district court to be held at Spartanburg, S. C.

The VICE PRESIDENT. Without objection, the report will

be received.

Mr. SMITH. I ask unanimous consent for the present consideration of the bill. It simply designates a city in my State as a place where a term of the Federal court may be held. The passage of the bill is recommended by the Attorney General.

The VICE PRESIDENT. Is there objection to the immediate

consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 5 of an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district atterney, and marshal for the western district of South Carolina, and for other purposes," approved September 1, 1916, be, and the same is hereby, amended by inserting after the words "fourth Tuesday in May and November" the words "and at Spartanburg, on the third Tuesday in February and second Tuesday in December" so as to read as follows:

"Sec. 5. That the terms of the district court for the eastern district shall be held at Charleston on the first Tuesday in June and December; at Columbia, on the third Tuesday in January and first Tuesday in November; at Florence, first Tuesday in March; and at Aiken, on the first Tuesday in April and October.

"Terms of the district court of the western district shall be held at Greenville on the first Tuesday in April and the first Tuesday in October; at Rock Hill, the second Tuesday in March and September; at Greenwood, the first Tuesday in April and the first Tuesday in October; at Rock Hill, the second Tuesday in March and September; at Greenwood, the first Tuesday in February and sovember; at Anderson, the fourth Tuesday in May and November; and at Spartanburg, on the third Tuesday in February and second Tuesday in December.

"The office of the clerks of the district court for the western district shall be at Greenville, and the office of the clerk of the district court for the eastern district shall be at Charleston."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER, KY.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 11477) granting the consent of Congress to the Freeburn Toll Bridge Co. to construct a bridge across the Tug Fork of Big Sandy River, in Pike County, Ky., and I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present

consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Freeburn Toll Bridge Co. and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the Tug Fork of Big Sandy River at a point sultable to the interests of navigation at or near the mouth of Peter Creek, in the county of Pike, in the State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

expressly reserved.

GORDON G. MACDONALD.

The bill (S. 3826) for the relief of Gordon G. MacDonald, was announced as next in order on the calendar.

Mr. KING. I ask that the bill go over. The VICE PRESIDENT. The bill will be passed over.

BENJAMIN H. RICHARDSON.

The bill (S. 3895) for the relief of Benjamin H. Richardson was announced as next in order.

Mr. KING. I ask that that bill go over.
Mr. FRELINGHUYSEN. If the Senator will withhold his objection for a moment, I merely wish to state that that bill is similar to the one which has just been passed. ported by the Committee on Naval Affairs, and I will offer the same amendment to this bill that was offered to the bill which the Senate acted upon a few moments ago, if the Senator will withdraw his objection.

Mr. KING. With that understanding, I will withhold the obection.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FRELINGHUYSEN. I offer the amendment which I send

to the desk.

The VICE PRESIDENT. The amendment will be stated.
The Assistant Secretary. It is proposed to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin II. Richardson, late lieutenant, junior grade, United States Naval Reserve Force, and pay him a pension at the rate of \$72 per month, dating from the date of his discharge from the Navy.

Mr. LENROOT. Mr. President, I should like to ask the Senator from New Jersey what the extent of the injury is in that case?

Mr. FRELINGHUYSEN. The report of the Committee on Naval Affairs, as I recall, does not specify the nature of the injury, but I am informed by a member of h's family that his back was injured, that he was operated on two years after the injury, and that to-day his disability is nearly permanent. I have been trying to get a report on his injury.

Mr. LENROOT. Mr. President, that only illustrates what we

are doing in fixing compensation without knowing anything

about the extent of the injury.

Mr. SMOOT. I will inquire of the Senator if this is Order of Business No. 1136?

Mr. FRELINGHUYSEN. Yes.

Mr. SMOOT. I will say to the Senator that the report indi-

He is suffering from deformity of bones of the right leg with resulting inversion of foot.

Mr. FRELINGHUYSEN. I understood from a member of his family that the injury was to his hip and back.

Mr. SMOOT. The report shows that the only injury is to a few bones in his leg.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Jersey.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read

the third time, and passed.

Mr. SMOOT subsequently said: Mr. President, so that the RECORD may be correct, I desire to say that I asked the Senator from New Jersey when we were considering Senate bill 3895 if it was Order of Business 1136, and he answered yes. I now find that the Senator from New Jersey probably spoke inadvertently, because the calendar number of the bill is 1137, and the report of the committee on that bill does not show the nature of the injury to the soldier. I simply wish to have the RECORD correct and therefore make this statement.

AMERICAN TRUST CO.

Mr. OVERMAN. Mr. President, I should like to ask the indulgence of the Senate for the consideration out of order of a bill on the calendar. The Senate has appointed me a member of the conference committee on the deficiency appropriation bill, and I have been called to attend a meeting of the con-The bill to which I refer authorizes the Secretary of the Treasury, under proper safeguards, to redeem certain certificates of indebtedness which were lost, destroyed, or stolen. ask unanimous consent for the immediate consideration of the

bill (H. R. 13205) for the relief of the American Trust Co.
There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem United States Treasury certificates of indebtedness Nos. 18462, 18463, 18464, and 18465, each in the denomination of \$1,000, series TM4-1920, dated February 2, 1920, and maturing March 15, 1920, with interest at the rate of 44 per annum from February 2, 1920, to March 15, 1920, in favor of the American Trust Co., of Charlotte, N. C., or its assigns, without presentation of the said certificates, the certificates of indebtedness having been lost, stolen, or destroyed: Provided, That the said certificates of indebtedness shall not have been previously presented for payment, and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: And provided further, That the said American Trust Co., of Charlotte, N. C., shall first file in the Treasury Department a bond in the penal sum of double the amount of the lost, stolen, or destroyed Treasury certificates of indebtedness and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to

indedmnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness herein described.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDICTMENTS FOUND BY GRAND JURIES.

The bill (S. 4438) to amend section 1025 of the Revised Statutes of the United States was considered as in Committee of the Whole. The bill had been reported from the Committee on the Judiciary with amendments on page 2, at the beginning of line 1, to strike out "clerks or"; in line 2, after the word "Government," to strike out "in a clerical capacity, who shall, in that connection, be deemed to be persons acting for and on behalf of the United States in an official capacity and function," and to insert "who (such stenographers) shall be sworn to secrecy concerning the proceedings and evidence produced before the grand jury"; so as to make the bill read:

Be it enacted, etc., That section 1025 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

follows:

"SEC. 1025. No indictment found and presented by a grand jury in any district or other court of the United States shall be deemed insufficient, nor shall the trial, judgment, or other proceeding thereon be affected, by reason of any defect or imperfection in matter of form only, which shall not tend to the prejudice of the defendant, or by reason of the attendance before a grand jury of one or more stenggraphers employed to assist the district attorney or other counsel for the Government who (such stenographers) shall be sworn to secrecy concerning the proceedings and evidence produced before the grand jury."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF JUDICIAL CODE.

The bill (S. 4437) to amend section 284 of the Judicial Code of the United States was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That section 284 of the Judicial Code of the nited States be, and the same is hereby, amended so as to read as

Be it enacted, etc., That section 284 of the Judicial Code of the United States be, and the same is hereby, amended so as to read as follows:

"SEC, 284. No grand jury shall be summoned to attend any district court unless the judge thereof, in his own discretion or upon a notification by the district attorney that such jury will be needed, orders a venire to issue therefor. If the United States attorney for any district which has a city or borough containing at least 300,000 inhabitants shall certify in writing to the district judge or the senior district judge of the district that the exigencies of the public service require it, the judge may, in his discretion, also order a venire to issue for a second grand jury. And said court may in term order a grand jury to be summoned at such time, and to serve such time as it may direct, whenever, in its judgment, it may be proper to do so. And such judge may, upon request of the district attorney or of the grand jury or on his own motion, by order authorize any grand jury to continue to sit during the term succeeding the term at which such request is made, solely to continue business unfinished by such grand jury: Provided, however, That no grand jury shall be permitted to sit in all during more than three terms. But nothing therein shall operate to extend beyond the time permitted by law the imprisonment before indictment found of a person accused of a crime or offense, or the time during which a person so accused may be held under recognizance before indictment found."

Mr. KING. May I inquire of the Senator from Montana to

Mr. KING. May I inquire of the Senator from Montana to what extent the bill proposes to amend the present law?
Mr. WALSH of Montana. The change commences in line 7,

page 2, with the word-

And such judge may, upon request of the district attorney, or of the grand jury, or on his own motion-

And so forth.

Under the existing law the grand jury would expire with the expiration of the term. This bill will permit a grand jury called at one term to continue on during the next term in order to complete its unfinished business.

Mr. KING. That is the only change?

Mr. WALSH of Montana. That is the only change. The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF TRANSPORTATION ACT OF 1920.

The bill (H. R. 14309) to amend section 206 of the transportation act, 1920, was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That section 206 of the transportation act, 1920, is amended by adding at the end thereof two new subdivisions to read

is amended by adding at the charter two constants as follows:

"(h) Actions, suits, proceedings, and reparation claims, of the character described in subdivision (a), (c), or (d), properly commenced within the period of limitation prescribed, and pending at the time this subdivision takes effect, shall not abate by reason of the death, expiration of term of office, retirement, resignation, or removal from office of the Director General of Railroads or the agent designated under subdivision (a), but may (despite the provisions of the act entitled

'An act to prevent abatement of certain actions.' approved February 8, 1899) be prosecuted to final judgment, decree, or award, substituting at any time before satisfaction of such final judgment, decree, or award the agent designated by the President then in office. Nor shall any action, suit, or other proceeding heretofore or hereafter brought by any public officer or official, in his official capacity, to enforce or compel the performance of an obligation due or accruing to the United States arising out of Federal control, abate by reason of the death, resignation, retirement, or removal from office of such officer or official, but such action, suit, or other proceeding may (despite the provisions of such act of February 8, 1899) be prosecuted to final judgment, decree, or award, substituting at any time before satisfaction of any such final judgment, decree, or award the successor in office.

"(1) Orders providing for a substitution in such cases made before this subdivision takes effect by courts having jurisdiction of the parties and subject matter are hereby validated, anything in such act of February 8, 1899, to the contrary notwithstanding. Actions, suits, reparation claims, or other proceedings of the character described in subdivision (h) which have been abated or dismissed solely because of the provisions of such act of February 8, 1899, shall be reinstated upon reasonable notice to the adverse party, and upon proper motion therefor filed within one year from the time this subdivision takes effect."

Mr. KING. Reserving the right to object. I should like to

Mr. KING. Reserving the right to object, I should like to

ask the Senator from Iowa to explain the bill.

Mr. CUMMINS. Mr. President, section 206 of the transportation act of 1920 is the section which provides for the bringing of suits against the United States and by the United States against people who may have controversies arising out of the transportation act. It provides that suits against the United States or against the railroads represented by the United States may be brought against the director general. We have had four directors general, and suits have been brought against all of them. It has not been thought necessary by the lawyers who have conducted this litigation to institute a revival of the actions against the several directors general.

Mr. KING. This bill only permits the substitution of one de-

fendant for the other, does it?

Mr. CUMMINS. That is all. It validates the suits that have been brought against Mr. Jones, for instance, when he has passed out of office and Mr. Smith has come in. It validates the judgments that have been rendered, notwithstanding the abatement of the suits which the Supreme Court has recently held has occurred if this substitution has not been made. It changes no man's rights, and it preserves the rights of a great

many very worthy people.

Mr. KING. Has the Senator in mind approximately the amount involved in suits by the Government against individuals

and suits by individuals against the Government?

Mr. CUMMINS. No; I have not. Mr. SMITH. Mr. President, if the Senator will allow me. it is in the process of the settlement of the different claims that ew out of Government control.

Mr. CUMMINS. That is all.
Mr. SMITH. That is all that is involved. It is the trans-

ference from one director general to another.

Mr. McKELLAR. Mr. President, where suit has already been brought and dismissed, will this have the effect of reviving it?

Mr. CUMMINS. Oh, no. Where an order has been made, whether it was a judgment or not, against Mr. McAdoo as director general, and subsequently Mr. Hines became director general, and no substitution has been made, and the suit has been continued against Mr. McAdoo, it validates that suit.

Mr. McKELLAR. This is what I want to know: Where a

suit was brought, say, against Mr. Hines when it ought to have been brought against Mr. McAdoo, and the court has dismissed the suit because it was not brought against the proper person, will this permit the suit to be refiled?

Mr. CUMMINS. I think not.
Mr. McKELLAR. It would not cover such a case?
Mr. CUMMINS. No court has ever made an order of that because it was not supposed until very recently that the director general was an officer of the United States in the

sense that there must be a revival of the suit.

Mr. McKELLAR. I know of a case at Birmingham, Ala., where a citizen of Tennessee had sued under the holding of the supreme court; the presiding judge at Birmingham dismissed his suit, and the man apparently is without recourse. I was wondering whether this bill covered a case of that sort, which evidently ought not to have been dismissed on a techni-

Mr. CUMMINS. If the suit was dismissed on that ground, it would revive the suit.

Mr. McKELLAR. That is all I wanted to know.

The VICE PRESIDENT. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment,

ordered to a third reading, read the third time, and passed.

KANSAS CITY, MEXICO & ORIENT BAILBOAD.

The bill (S. 4528) for the relief of the Kansas City, Mexico & Orlent Railroad of Texas, Oklahoma, and Kansas, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Interstate Commerce with an amendment, to strike out all after the enacting clause and to insert:

That the Interstate Commerce Commission be, and it is hereby, authorized and empowered to certify to the Secretary of the Treasury an additional loan or loans to the receiver of the Kansas City, Mexico & Orient Railroad Co.; and to the Kansas City, Mexico & Orient Railroad Co.; and to the Kansas City, Mexico & Orient Railway Co. of Texas, or its receiver if one shall be appointed, from the revolving fund created by and under section 210 of the transportation act, 1920, in the aggregate amount of not to exceed \$3.000,000; the time, terms, and conditions of said loan or loans to be fixed by the commission: Provided, That such additional loan or loans shall be prior liens upon the property or properties except the lien or liens of the loan or loans heretofore made out of the revolving fund: Provided further. That upon investigation said commission shall find and certify that such loan or loans are in the public interest.

Mr. LA FOLLETTE. Mr. President, I will ask the Senator from Texas [Mr. Sheppard] to make some explanation of that bill.

Mr. CUMMINS. Mr. President, although I reported the bill from the committee, the Senator from Texas understands the situation as well as I do, and I should be very glad to have

him explain it.

Mr. SHEPPARD. Mr. President, the passage of this bill is necessary to avert a widespread calamity to a large territory of the southwestern United States. The Interstate Commerce Commission and the Interstate Commerce Committee, after examining the situation, have found that if this road can make further borrowings from the revolving fund created by the transportation act of 1920 it can, in all probability, repay the moneys already loaned it by the Government and the further loans also. If this is not done, the road will cease to operate.

On account of the diversion of the business of the road under Government operation, the road is having difficulty in regaining that business, and has gone into the hands of a re-ceiver. It can gradually get back that business if it is given these additional loans and become a going concern. The Interstate Commerce Committee says there is ample security for the loans, and that there can be no loss to the Government, but that unless the privilege of making another loan is granted the road will cease to operate. It is a road 735 miles long, serving approximately 500,000 people, with property values aggregating three or four hundred millions in its tributary areas. If the road ceases to operate, it is estimated that the losses to the people of the territory will run into a sum of more than one hundred million dollars; that these property values will shrink to that extent. General suffering and ruin will follow:
Mr. WATSON. Mr. President, has this road hitherto bor-

Mr. WATSON. Br. Fresheat, has this four interest of rowed money from the Government?
Mr. SHEPPARD. It has,
Mr. WATSON. Has it repaid that money?
Mr. SHEPPARD: It has not repaid that money, and the Interstate Commerce Commission says that under present cir-cumstances it can not repay unless further loans are allowed. The time has expired within which loans can be made under

existing law.

Mr. SMITH. If the Senator will allow me, in response to the question asked by the Senator from Indiana, I will state that the road was making money up to the time it was taken over by the Government. Under the distribution of freight it seems that the Government diverted it so that the other roads got most of its business; and therefore, after the war was over it could not get back and has not yet been able to get back the business that made it prosperous prior to the time it was taken over by the Government. I have been informed by members of the department having this matter in charge that they are now working toward the end of getting back for it as far as possible its pro rata share of the business. It is a pioneer road that is developing this country; and the committee, after going over the matter, were of opinion that an additional loan to tide them over this time from the revolving fund would enable them once again to do business profitably without sacrificing the road.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was stricken out.

TRAVEL AND SUBSISTENCE OF OFFICERS OF DEPARTMENT OF JUSTICE.

The bill (H. R. 13430) to amend section 370 of the Revised Statutes of the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 2, line 2, before the word while," to insert "per day," so as to make the bill read:

Be it enacted, etc., That section 370 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 370. Whenever the Solicitor General, an attorney, an assistant attorney, a special assistant to the Attorney General, or any other officer of the Department of Justice is sent by the Attorney General to any State, District, Territory, or country to attend to any interest of the United States the person so sent shall receive, in addition to his salary and the necessary expenses of travel, his actual expenses incurred for subsistence, not to exceed \$6 per day while absent from the seat of government, the account thereof to be verified by affidavit."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SALARIES IN DEPARTMENT OF AGRICULTURE.

The bill (H. R. 10819) relating to the Department of Agriculture was announced as next in order, and was read, as follows:

culture was announced as next in order, and was read, as follows:

Be it enacted, etc., That the maximum salary per annum of any scientific investigator, or employee engaged in scientific work and paid from the general appropriations of the Department of Agriculture, shall not exceed \$6,500: Provided, That no salary shall be paid under this section at a rate per annum in excess of \$5,500 except the following: Not more than 12 in excess of \$5,500 but not in excess of \$5,500 each, and not more than five in excess of \$5,500 each.

Sec. 2. That the salaries per annum of the following officers in the Department of Agriculture shall not exceed as follows:

Assistant Secretary, \$7,500; director of scientific work, \$6,500; director of regulatory work, \$6,500; director of extension service, \$6,500; solicitor, \$6,500; chief of the Weather Bureau, \$6,000; chief of the Bureau of Animal Industry, \$6,500; chief of the Bureau of Plant Industry, \$6,500; chief of the

Mr. SMOOT. Mr. President, this is a bill from the House increasing the salaries of certain positions in the Department of Agriculture. At 1 o'clock we are going to take up the reclassification bill, and this very subject matter is treated in that bill

Mr. KING. I object. Mr. SMOOT. Therefore, I object to the consideration of the bill.

Mr. McNARY. Mr. President, I hope the Senator will withhold his objection for just a moment. This is not enacting any new law. It is making permanent legislation which is now carried in the annual agricultural appropriation bill.

Mr. SMOOT. If the reclassification bill passes, it will take

precedence over all these other things.

Mr. NORRIS. Mr. President, may I make an inquiry of the Senator from Utah? I have not examined the reclassification bill; I have not had time. This bill seeks to remedy a situation that everybody admits is almost intolerable in the Department of Agriculture. Will all of the propositions contained in this bill be remedied by the reclassification bill?

Mr. SMOOT. I will say to the Senator that there is no doubt

of it.

Mr. NORRIS. I have had experience with the Department of Agriculture, particularly with its Bureau of Chemistry, one of the scientific bureaus of the Government, for quite a number of years; I have come in official contact with them, and they are in a deplorable situation now.

Mr. SMOOT. If the Senator will notice the rates in the scientific schedule here, he will observe that they are taken care of, and that is one of the very reasons why we wanted this bill passed. I know that that situation exists not only in the Agricultural Department, but in the Department of Commerce and others

Here is the difficulty, as I understand it: The Mr. NORRIS. reclassification bill may not become a law. This is a House bill, designed to remedy this situation in the Department of Agriculture. If the reclassification bill for any reason should fail to pass, then, as a result of our failure to act on this bill, we would have no relief.

Mr. SMOOT. I will ask that the bill go over.
Mr. NORRIS. I should like to say before I conclude that I concede very frankly that the Senate ought not to pass this kind of a bill under a unanimous-consent agreement like this. I concede that it ought to be discussed. It is quite important. However, there is no other way to pass it, on account of having a short session of Congress and the usual jam that always takes There is not any other hope of securing action at this place. session.

Mr. WATSON. Mr. President, my understanding is that this bill applies only to a limited number of experts in the Agricul-

tural Department.

Mr. NORRIS. A great many of these positions are vacant They are unable to secure the men to fill them. Some of

them have been vacant for two years.

Mr. KING. Mr. President, it is apparent from what the Senator has stated and from the debate thus far ensuing that we can not pass this bill in the limited time we have-only 15 I therefore object to its consideration. minutes more.

The VICE PRESIDENT. Objection is made. The bill will

be passed over.

JOINT RESOLUTION PASSED OVER.

The joint resolution (S. J. Res. 82) providing for immigration to relieve the emergency caused by an acute shortage of labor in the Territory of Hawaii was announced as next in order.

Mr. JOHNSON. Let that go over.
The VICE PRESIDENT. The joint resolution will be passed

over.

PAYMENT TO CERTAIN EMPLOYEES OF THE UNITED STATES.

The joint resolution (H. J. Res. 256) proposing payment to certain employees of the United States was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That all per diem employees of the several departments and independent establishments of the Government who were carried on the rolls as employees and excused from work on November 11, 1921, shall be allowed pay for that day.

Mr. STERLING. Mr. President, I hope this joint resolution will pass. It deals with the same subject matter as the legislation we passed last night.

Mr. KING. I was about to say that this legislation was

passed last evening.

Mr. STERLING. It passed as an amendment, but this is a House joint resolution. In view of the uncertainty in regard to the conference report, I hope this joint resolution will pass.

Mr. NORRIS. Mr. President, what is the number of this measure?

The VICE PRESIDENT. It is House Joint Resolution 256. Mr. STERLING. It is to pay the per diem employees of

the Government for one day.

Mr. KING. I have no objection to the joint resolution-I think it ought to pass-except for the fact that we passed a

similar measure last night.

Mr. NORRIS. Mr. President, I am going to be more generous than some other Senators. This measure is not half so important to the country as the one that was objected to. It will pay a whole lot of fellows for another day's work; but the great Department of Agriculture has been handicapped, and is handicapped now, because of its inability to employ chemists and other scientific men.

When that comes before the Senate it is killed, although it is a House bill and only needs the approval of the Senate. am not objecting to this bill; I have no information which would lead me to object to it, at least; but it is true, as it was in the case of the other bills, that it is not the right way to legislate, and we ought not to pass it. We ought to debate all these bills. We are in a condition now where we can not do it. When we come to something that is going to bring some relief, especially to the agricultural interests of the country, we do not have time; but we can find time for these other

Mr. CUMMINS. I wish to say, in confirmation of the statement just made by the Senator from Nebraska, that in my opinion there is no bill on this calendar more important than the one to which he has just referred.

Mr. NORRIS. I think the Senator is right.

Mr. CUMMINS. The House has passed it. The value of the Agricultural Department depends on the skill of its scientific employees, and men of high education and broad experience can not be kept in the Department of Agriculture unless they know that it is to be the policy of the United States to pay reasonable salarles for the work which they are doing. will join with the Senator from Nebraska any time in voting to bring it up.

Mr. NORRIS. It now lacks only 15 minutes of 1 o'clock, and it doubtless would not avail anything if I could get it up

by motion.

The VICE PRESIDENT. The joint resolution is still in Committee of the Whole and open to amendment.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and

SESSIONS OF DISTRICT COURT IN MAINE.

The bill (H. R. 14135) to amend an act approved Sentember 8, 1916, providing for holding sessions of the United States district court in the district of Maine, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the act of Congress approved September 8, 1916, entitled "An act to provide for holding sessions of the United States district court in the district of Maine and for dividing said district into divisions, and providing for offices of the clerk and marshal of said district to be maintained in each of said divisions, and for the appointment of a field deputy marshal in the division in which the marshal does not reside," be amended in the first section thereof, by striking out the word "February" where it appears first in said section, substituting therefor the word "November," so that the said section, when amended, shall read as follows:

"November," so that the said section, when amended, shall read as follows:

"That hereafter, and until otherwise provided by law, two sessions of the United States district court for the district of Maine shall be held in each and every year in the city of Bangor, in said district, beginning, respectively, on the first Tuesday of November and the first Tuesday of June, and three sessions of said court shall be held in each and every year in the city of Portland, in said district, beginning, respectively, on the first Tuesday of April, on the third Tuesday of September, and on the second Tuesday in December: Provided, however, That in the year 1923 the session of said court at Bangor, beginning on the first Tuesday of November, shall be held in addition to the sessions in February and June, now provided for by law."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MUNICIPAL COURT, DISTRICT OF COLUMBIA

The bill (H. R. 13998) making section 1535c of the Code of Law for the District of Columbia applicable to the municipal court of the District of Columbia, and for other purposes, was considered as in Committee of the Whole, and was read, as

Be it enacted, etc., That hereafter section 1535c of the Code of Law for the District of Columbia, permitting equitable defenses to be interposed in actions at law, shall be applicable to proceedings now pending in the municipal court of the District of Columbia as well as to actions hereafter brought in said court.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN DREDGING CO. AND WALES ISLAND PACKING CO.

The resolution (S. Res. 447) referring to the Court of Claims the bills (S. 3931) for the relief of the North American Dredging Co. and (S. 2888) for the relief of the Wales Island Packing Co. was read and agreed to, as follows:

Resolved, That the claims of the North American Dredging Co. (S. 3931) and the Wales Island Packing Co. (S. 2888), now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS PASSED OVER.

The bill (S. 3487) to provide for the widening of Nichols Avenue between Good Hope Road and S Street SE, was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4413) to provide for a tax on motor-vehicle fuel sold within the District of Columbia, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that go over. Mr. BALL. Mr. President, I trust the Senator will withhold his objection to the bill. It is a measure of the utmost im-

Mr. McKELLAR. It will take some time to dispose of it, and we have not time to discuss it now. There are real objections to the bill.

The VICE PRESIDENT. On objection, the bill will be passed over.

AMERICAN BATTLE MONUMENTS COMMISSION.

The bill (II. R. 14087) for the creation of an American battle monuments commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Whole and was read, as follows:

Be it enacted, etc., That a commission is hereby created and established, to be known as the American battle monuments commission (hereinafter referred to as the commission), to consist of seven members who shall be appointed by the President, who shall also appoint one officer of the Regular Army to serve as its secretary. The members and secretary shall serve at the pleasure of the President, who shall fill any vacancies that from time to time occur. The secretary shall slass serve as disbursing officer of the commission, who shall make disbursement upon vouchers approved by its chairman.

The members of the commission shall serve without compensation, except that their actual expenses in connection with the work of the commission may be paid from any funds appropriated for the purposes of this act, or acquired by other means hereinbefore authorized.

Upon request of the commission the President is authorized to designate such personnel of any department or of the Army, Navy, or Marine Corps as may be necessary to assist in carrying out the purposes of this act, and the commission is authorized to employ such further personnel as may be necessary to carry out the purposes of this act, within the limits of any appropriation or appropriations made for such purposes.

this act, and the commission is authorized to employ such further personnel as may be necessary to carry out the purposes of this act, within the limits of any appropriation or appropriations made for such purposes.

Sec. 2. That the commission shall prepare plans and estimates for the erection of suitable memorials to mark and commemorate the services of the American forces in Europe and erect memorials therein at such places as the commission shall determine, including works of architecture and art in the American cometeries in Europe.

The commission shall control as to materials and design, provide registions for and supervise the erection of all memorial monuments and buildings in the American cemeteries in Europe.

The commission shall cause such photographs to be secured or taken of the terrain of the various battle fields of Europe upon which units of the armed forces of the United States were actively engaged with the enemy as will complete the historical photographic record of the operation of such units, and the commission shall transmit such record when completed to the Secretary of War for permanent file with the records of the War Department.

Sec. 3. That before any design or material for memorials is accepted by the commission the same shall be approved by the National Commission of Fine Arts.

Sec. 4. That the President is requested to make the necessary arrangements with the proper authorities of the countries concerned to enable the commission to carry out the purposes of this act.

Sec. 5. That the commission is authorized to receive funds from any State, municipal, or private source for the purposes of this act, and such funds shall be deposited by the commission with the Chief of Finance of the United States Army and shall be kept by him in separate accounts and shall be deposited by the commission with the Chief of Finance of the Commission shalls of determine.

Sec. 6. That authority is hereby given for the preparation of models and designs and the fabrication of memorials, and the mater

constracted under under the commission shall refrain from utilizing material which might otherwise be available for decorative or memorial purposes.

SEC. 7. That the commission is authorized to furnish repliess of any memorial, or any part thereof, to States, municipalities, or interested private persons or associations at actual cost, and to apply any proceeds from such sales to the purposes of this act.

SEC. 8. That the commission is authorized and directed to cooperate with American citizens, States, municipalities, or associations desiring to erect war memorials in Europe in such manner as may be determined by the commission: Provided, That no assistance in erecting any such memorial shall be given by any administrative agency of the United States unless the plan has been approved in accordance with the provisions of this act.

SEC. 9. That it shall be the duty of the Secretary of War to maintain the memorials erected by the commission under authority of this act, and the commission shall advise the Secretary of War of the location and date of completions of each memorial.

SEC. 10. That the commission shall transmit to the President of the United States annually on the list of July a statement of all its financial and other transactions during the preceding fiscal year.

SEC. 11. That such sum or sums as Congress may hereafter appropriate for the purposes of this act are hereby authorized to be appropriate for the purposes of this act are hereby authorized to be appropriated.

printed.

SEC. 12. That the records and archives of the commission shall, upon the termination of its duties, be deposited with the Secretary of

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VALLEY TRANSPER RAILWAY CO.

The bill (H. R. 14082) to authorize the Valley Transfer Railway Co., a corporation, to construct and operate a line of railway in and upon the Fort Snelling Military Reservation in the State of Minnesota, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to give to the Valley Transfer Raffway Co., a corporation organized under the laws of the State of Minnesota, its successors and assigns, a revocable permit to locate, construct, maintain, and operate a line of railway, with single or double tracks, across the Fort Snelling Military Reservation in the State of Minnesota, upon such location and under such regulations and conditions as shall be approved by the Secretary of War. such regulations and conditions as shall be approved by the Secretary of War.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAYMENT OF NATIONAL GUARD AND RESERVE OFFICERS.

The bill (H. R. 14077) to extend the benefits of section 14 of the pay readjustment act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrant officers, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments; on page 2, after line 2, to insert the words "or accruing under the operation of this section, hereby made retroactive in effect"; after line 22, on page 2, to insert a new section, to be numbered section 4; to change the numbering of section 4, on line 24, page 3, to section 5; and on page 4, line 6, after the word "validated," to insert additional sections, so as to make the bill read:

a new section, to be numbered section 4; to change the numbering of section 4; and line 24, page 2, to section 5; and on page 4, line 6, after the word "validated," to insert additional sections, so as to make the bill read:

Bet 4 enacted, etc., That officers and warrant officers of the National Guera etc., page 2, 11 and 10 of the antional defense act, approved June 3, 1916, as amended, and reserve officers and reserve warrant officers of any of the services mentioned in the title of the page 2, 11 and 10 of the said pay act, and payments hereforce made, or accruing under the operation of this section, hereby made retroacters, 6, 6, and 11 of the said pay act, and payments hereforce made, or accruing under the operation of this section, hereby made retroacters with the provisions of section 57. That service rendered by National Guard officers during sections are hereby validated.

Sec. 2. That service rendered by National Guard officers during section 57, national defense act, approved June 8, 1916; and all payments hereforce or hereafter made therefor are hereby validated and section 75, national defense act, approved June 8, 1916; and all payments hereforce or hereafter made therefor are hereby validated and section 75, national defense act, approved June 8, 1916; and all payments hereforce or hereafter made therefor are hereby validated and section 75, national defense act, approved June 8, 1916; and all payments hereforce or hereafter made therefor are hereby validated and section 75, national defense act, approved June 8, 1916; and all payments hereforce or hereafter made therefor are hereby validated and section 75, national defense act, approved June 8, 1916; and all payments hereforce are hereby and and payments hereforce are hereby validated and and payments hereforce are hereby and and payments and payments and payments are payments hereforce are hereby and and payments and payments are payments and payments and payments and payments are payments and payments and payments and payments and payments a

amended; members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army injured in line of duty while on active duty under proper orders; members of the Reserve Officers' Training Corps, and members of the civilian military training camps, injured in line of duty while at camps of instruction under the provisions of sections 47a and 47d of said national defense act, as amended; and anyone belonging to any of said classes of persons who may now be undergoing hospital treatment for such injuries so sustained, shall be entitled, under such regulations as the President may prescribe, to medical and hospital treatment at Government expense until they are fit for transportation to their homes, and upon termination of such medical and hospital treatment shall be entitled to transportation to their homes at Government expense. Officers and ealisted men of the National Guard air service injured in line of duty when performing the duties and exercises described in section 92 of said national defense act, as amended, which involve flying, shall be entitled to like medical and hospital treatment and to like transportation to their homes. Any expenditures heretofore made by the Government in caring for persons injured under the conditions specified herein are hereby validated: Provided, That officers and warrant officers undergoing treatment in hospital under any of the foregoing provisions while not in receipt of pay, and other persons undergoing hospital treatment under any of the foregoing provisions, shall be entitled to subsistence at Government expense.

Mr. WADSWORTH Section 4 mekes but two charges in

Mr. WADSWORTH. Section 4 makes but two changes in existing law. It provides that the officers of the National Guard units shall attend and be paid for the same number of drills as the enlisted men. The enlisted men under existing law are placed upon a maximum attendance of eight drills per month. This puts the officers on the same basis.

Mr. LA FOLLETTE. How much does it involve in the way

of increased appropriations or expenditures?

Mr. WADSWORTH. Nothing. The maximum of pay is fixed anyway for any one calendar year. The men and officers today, under the bill, will attend the same number of drills and be paid for the same number of drills. That is the change made. Through an error in the national defense act that is not the case now.

Mr. KING. Is there any increase by reason of the words

one-thirtieth of the base pay "?

Mr. WADSWORTH. No; that is existing law.

Mr. KING. So the bill will not increase the compensation to be paid either to reserve officers or any of the beneficiaries of the act?

Mr. WADSWORTH. It will not.
Mr. KING. Will the Senator briefly explain the additional sections added? I did not understand the Senator to state that the bill did not increase the compensation in the aggregate.

Mr. WADSWORTH. I said that section 4 did not. The bill consists of a series of amendments to the national defense act, or to the pay act of a year and a half ago, due to the fact that the comptroller has rendered certain decisions so unexpected and so extraordinary in the construction of the intent of the Congress, both in the action of the joint committee between the two Houses and of the Congress itself in passing it, that it is beyond the comprehension of myself and the members of the committee how he ever put such a meaning on it. These provisions, with the exception of the last one, which I will explain, merely make it perfectly definite and sure that the intent of the Congress, as expressed, we believe, in the clearest of English in the pay act and the national defense act, shall be absolutely the law.

Now I will state what the last section has in view. comptroller has ruled that if a National Guard man attending a maneuver camp in the summer time for the 15-day training period with his unit, a soldier of the United States to all intents and purposes, is injured or falls seriously ill, the Government can not give him any hospital care beyond the termination of the camp. Any such interpretation is so extraordinary and in its result so cruel, almost vindictive, that the committee is unanimous in believing that when a man in the service of the Government, training under Government supervision, is injured, at least the Government should take care of him through its medical department until he recovers, but we put

a six months' limitation on that.

Mr. KING. Will this be the basis of making injuries received during that period the ground for pensions?

Mr. WADSWORTH. Not at all. That is carefully avoided.

Mr. KING. Or claims for damages?

Mr. WADSWORTH. No; they can not make claims for

damages if the care is given. Mr. KING. Of course, they can claim they were disabled for life, and I have no doubt in the world that we will have hundreds of applications for pensions.

Mr. WADSWORTH.' We never have had, and we have had the National Guard for years.

Mr. KING. I hope the Senator's conjectures are right. Mr. WADSWORTH. We are about to send 150,000 guardsmen to the maneuver camps this year. Last year we sent 130,000; 12 or 15 out of the 130,000 were injured. A motor

truck ran over a man's leg and broke it. Of course, he could not recover in 15 days' time. One man had his leg so badly crushed that he has been eight months in the Walter Reed Hospital. The Government has no authority to keep him there. General Ireland, the Chief Surgeon of the Army, has kept that man there contrary to the ruling of the comptroller, but the bills for his care have been piling up against the young man all that time. The thing is an outrage.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT OF REVENUE ACT OF 1921-CONFERENCE REPORT.

Mr. McCUMBER. Mr. President, in the next four or five minutes, before 1 o'clock, I do not think we can get through another bill, and I ask permission to present a conference report, and I ask for its immediate consideration, calling the attention of the Senator from Massachusetts [Mr. Longz] to it. The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13774) to amend the revenue act of 1921 in respect to exchanges of property, having met, and after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2,

3, 4, and 5.

P. J. McCumber, REED SMOOT, A. A. JONES, Managers on the part of the Senate. W. R. GREEN, NICHOLAS LONGWORTH, OGDEN L. MILLS, J. W. COLLIER, W. A. OLDFIELD, Managers on the part of the House.

Mr. LODGE. Mr. President, when the bill was before the Senate I offered an amendment to make the law take effect on its passage, because as it now stands the law is retroactive for two months. I have no fault to find with the merits of the bill. I am in favor of the bill, but I do not favor retroactive legislation. I therefore offered an amendment, which was inserted by the Senate with the committee's approval, but through an oversight of mine, and of the committee, I think, too, we failed to change a similar date in section 2, which would have to be changed in order to make the law take effect, and this produces confusion, to which the Treasury Department objects. I think it is an injustice to make it retroactive. I do not believe in retroactive measures, but I am not ready to stop legislation of this kind for the better enforcement of the tax laws on account of that point.

Mr. KING. In a word, what does the bill provide?
Mr. LODGE. It is an amendment to the law made necessary,
according to the Treasury Department, to enable them to collect taxes in cases of the exchange of stocks. If the Senator and I exchange stocks, and his is precisely of the same value as mine, of course the matter would not come under the income-tax law at all, but if by exchange of stocks, which is now possible under existing law, a profit is made, this is to provide that the profit shall be taxed as income. I am not opposing the bill. I think the merits of the bill are all right, but I do not think it ought to be made retroactive.

Mr. KING. That is the only objection?
Mr. LODGE. That is the only objection I made, that it should not be retroactive, and our conferees have receded. I do not want to defeat the bill on that account when it is a valuable bill, but I think it is an injustice to certain people.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

THE CALENDAR.

The bill (S. 4607) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, was announced as next in order on the calendar.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

CLAIMANTS UNDER SOLDIERS AND SAILORS' CIVIL RELIEF ACT.

The bill (H. R. 14144) to limit and fix the time within which suits may be brought or rights asserted in court arising out of the provisions of subdivision 3 of section 302 of the soldiers and sailors' civil relief act approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States, was announced as next in order.

Mr. DIAL. Let that go over.
Mr. WALSH of Montana. I trust the Senator from South
Carolina will not object. It is a bill which ought to have very careful consideration, and it ought to be passed.

Mr. DIAL. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Public Lands and Surveys, with an amendment, on page 2, line 6, to strike out the words "ninety days" and insert in lieu thereof the words "one year," so as to make the bill read:

Be it enacted, etc., That any person entitled to claim any right, title to, or interest in any real estate because of any failure to comply with the provisions of subdivision 3 of section 302 of the soldiers and sailors civil relief act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States, in the foreclosure of a mortgage, or the sale upon a judgment, of such real estate shall be barred forever from asserting such claim unless the claim is successfully asserted in an action or proceeding, in a court of competent jurisdiction, commenced prior to the approval of this act or within one year thereafter.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DISTRICT COURTS IN TENNESSEE.

The bill (H. R. 14324) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended, was considered as in Committee of the Whole and was read, as follows:

the judiciary," approved March 3, 1911, as heretofore amended, was considered as in Committee of the Whole and was read, as follows:

**Be it enacted, etc., That section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary." approved March 3, 1911, as heretofore amended, be, and it is, amended so as to read as follows:

**Sec. 107. The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Biedsoe, Bradley, Hamilton, James, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Clalborne, Grainger, Jefferson, Knox, Loudon, Monro Morgan, Roane Sevier, Scott, and Union, which shall constitute the date last mentioned in the counties of Currer, Core Geometric Marchael and Constitute the property of the control of the date last mentioned in the counties of Currer, Core Geometric Marchael and Marchael a

eastern division at Jackson on the fourth Mondays in April and October. The clerk of the court for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. The clerk of the court for the eastern district shall appoint a deputy who shall reside at Chattanooga, and clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Knowlle, at Chattanooga, and at Greeneville, which shall be kept open at all times for the transaction of the business of the court."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAYMENT OF CLAIMS.

The bill (S. 4608) for the payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, and under the provisions of section 151 of the Judicial Code, was announced as next in order.

Mr. SMOOT Let that go over.

The VICE PRESIDENT. The bill will be passed over.

REGISTER AND RECEIVER AT GUTHRIE, OKLA.

The joint resolution (S. J. Res. 278) providing for continuation of register and receiver of the land office at Guthrie, Okla., at salaries in effect prior to act of January 24, 1923, was con-

sidered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Public Lands and Surveys with an amendment, on line 8, after the numerals "1923," to insert a comma and the words "until such time as the Secretary of the Interior shall see fit to consolidate said offices as provided in the act approved January 24, 1923," so as to make the joint resolution read:

Resolved, etc., That in so far as the land office located at Guthrie, Okla., is concerned, the office of register and the office of receiver shall be continued, notwithstanding the provisions of the act approved January 24, 1923, and that the compensation of each shall continue as fixed by the law prior to the passage of said act of January 24, 1923, until such time as the Secretary of the Interior shall see fit to consolidate said offices as provided in the act approved January 24, 1923.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGES.

The bill (S. 4581) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Brule County and Lyman County, S. Dak., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of South Dakota to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, between Brule County and Lyman County, S. Dak., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 4580) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Hughes County and Stanley County, S. Dak., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of South Dakota to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, between Hughes County and Stanley County, S. Dak., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

expressly reserved. The bill was reported to the Senate without amendment,

ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 4582) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Walworth County and Corson County, S. Dak., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of South Dakota to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, between Walworth County and Corson County, S. Dak., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressive reserved.

expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECLASSIFICATION OF GOVERNMENT EMPLOYEES.

The VICE PRESIDENT. The hour of 1 o'clock having arrived the Chair lays before the Senate the unfinished business, which is House bill 8928.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services

Mr. STERLING. Mr. President-

Mr. WALSH of Montana. Mr. President, will the Senator from South Dakota yield to me briefly?

Mr. STERLING. Will the matter which the Senator has in mind take any time?

Mr. WALSH of Montana. Not to exceed five minutes.

Mr. STERLING. I yield to the Senator from Montana.

BLACKFEET INDIAN RESERVATION.

Mr. WALSH of Montana. Mr. President, I take advantage of the liberty accorded in debate to call attention to some circular matter which evidently was laid upon the desk of each Member of the Senate referring to what is known as the Indian omnibus bill (H. R. 13835). A very severe criticism of the bill has been made. I take it that objections which are thus suggested will prevent the bill from being considered at the present session of Congress. The bill was referred to this morning by the Senator from Missouri [Mr. Spences], the chairman of the Senate Committee on Indian Affairs.

I do not desire to advert to the criticisms at length, but I desire to characterize them by mentioning something concerning the criticism of an item referring to the Blackfeet Indian Reservation in the State of Montana. I have before me the following comment:

Section 5, Blackfeet Indians: This section will permit the sale to white settlers of land under the Blackfeet irrigation project, in which \$1,000,000 of Blackfeet funds have been invested, 1,500,000 acres of land are involved, 12,000 plus are irrigable.

The provision of the bill to which exception is thus made reads as follows:

SEC. 5. That the allotments of Blackfeet Indians designated as home-steads under section 10 of the act of June 30, 1919 (41 Stat. L. 16), imposing restriction on allenation, shall, after the death of the original allottee, be subject to partition, sale, issuance of patents in fee, or any other disposition authorized by existing law relating to Indian allotments.

That is all there is to section 5 relating to the subject. It is perfectly obvious that the gentleman who framed these circulars for the information of the Senate could not possibly have had any knowledge of the law thus to be amended. law to be amended is section 10 of the act of June 30, 1919. which provides as follows:

which provides as follows:

That so much of the Indian appropriation act of March 1, 1907 (34 Stat. L. 1015, 1035), as relates to the disposal of surplus unallotted lands within the Blackfeet Indian Reservation in Montana is hereby repealed, and the Secretary of the Interior is authorized to make allotments under existing laws within the said reservation to any Indians of said Blackfeet Tribe not heretofore allotted living six months after the approval of this act, and thereafter to prorate all mallotted and otherwise unreserved lands therein among the Indians who have been allotted or may be entitled to rights within said reservation: Provided, That of the lands so allotted 80 acres of each allotment shall be designated as a homestead by the allottee and be evidenced by a trust patent and shall remain inalienable and nontaxable until Congress shall otherwise direct.

That provise to the effect that these homesteads, to the extent of 80 acres of the Blackfeet Indians, who were allotted in the aggregate something like 300 acres, should remain inalienable and nontaxable was inserted in the law by myself. I proposed that provision to safeguard the rights of these Indians, so that in any event, no matter what happened to them, they should have 80 acres of land which could not be alienated.

Now, it seems to be contended that by reason of this provision the lands are not subject to disposition, as other lands are under the general law, after the death of the Indian. I do not think that is a proper construction. The bill under consideration is simply intended to make these homesteads subject to disposition, subject to partition, just the same as all other Indian lands, upon the death of the allottee. That has been the law since 1910. In that year the act was passed to which the proposed legislation makes reference and it was to the following effect:

That when any Indian to whom an allotment of land has been made, or may hereafter be made, dies before the expiration of the trust period and before the issuance of a fee simple patent, without having made a will disposing of said allotment as hereinafter provided, the Secretary of the Interior, upon notice and hearing, under such rules as he may prescribe, shall ascertain the legal heirs of such decedent, and his decision thereon shall be final and conclusive. If the Secretary of the Interior decides the heir or heirs of such decedent competent to manage

their own affairs, he shall issue to such heir or heirs a patent in fee for the allotment of such decedent; if he shall decide one or more of the heirs to be incompetent he may, in his discretion, cause such lands to be sold: Provided, That if the Secretary of the Interior shall find that the lands of the decedent are capable of partition to the advantage of the heirs, he may cause the shares of such as are competent, upon their petition, to be set aside and patents in fee to be issued to them therefor. All sales of lands allotted to Indians authorized by this or any other act shall be made under such rules and regulations and upon such terms as the Secretary of the Interior may prescribe, and he shall require a deposit of 10 per cent of the purchase price at the time of the sale.

The bill under consideration simply provides that with respect to those lands declared by the act of 1919 to be inalienable when the allottee dies, they shall become subject to disposition as other Indian lands are subject to disposition, subject to partition, subject to sale, and to issuance of patents as prescribed in the act of 1910.

Mr. STERLING. Mr. President, I remind the Senator from Montana that he requested only 5 minutes' time, and he has

now taken 10 minutes.

Mr. WALSH of Montana. The Senafor will not have to bear with me very long. I have about concluded my statement,

Mr. STERLING. How long will it take the Senator to con-

Mr. WALSH of Montana. It will take but a moment longer. I would have concluded by this time if I had not been interrupted.

Mr. STERLING. Very well; I yield further to the Senator. Mr. WALSH of Montana. Mr. President, I make this statement because I have no disposition to justify the bill in toto as it came from the Committee on Indian Affairs. I shall not even insist against objection on consideration of the particular items in the bill or others in which my State is vitally interested. But it is remarkable that such extraordinary statements should be made by people who seem to be entirely unadvised about the situation for the purpose of prejudicing legislation demanding the serious consideration of Congress in these closing hours of the session.

Reference is made to the irrigation project on the Blackfeet Indian Reservation. There are irrigation projects on all other Indian reservations in the West. The lands are all subject to disposition upon the death of the allottee, just as is provided for in the bill under discussion.

Mr. PITTMAN. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). Does the Senator from South Dakota yield to the Senator from Nevada?

Mr. STERLING. I yield. Mr. PITTMAN. What would become of the lands if it were

not for the provision under discussion?

Mr. WALSH of Montana. They would simply be held by the heirs in undivided interest, practically the same as private property would be held by a vast number of heirs upon the death of the antecedent,

TREATIES AND CONVENTIONS WITH FOREIGN POWERS.

Mr. MOSES. Mr. President, during routine morning business I was engaged in an impromptu but very important meeting of the Committee on Foreign Relations, and was unable then to submit a report from the Committee on Printing. I now ask leave to report from the Committee on Printing a resolution,

and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Without objection, the resolution will be received.

The resolution (S. Res. 467) was read, as follows:

Resolved, That the revised supplement to the compilation entitled "Treaties and Conventions Between the United States and Other Powers," prepared and revised up to March 4, 1923, under authority of the Senate resolution of August 19, 1921, be printed as a Senate document, and that 500 additional copies be printed for the use of the Senate Committee on Foreign Relations;

Mr. KING. Mr. President, may I inquire of the Senator from New Hampshire with reference to the impromptu meeting of the Committee on Foreign Relations whether, because of his devotion to the President and his desire to see the wishes of the President carried into effect, he was considering a measure for the purpose of having the United States become a member of the Permanent Court of Justice?

Mr. MOSES. In order to slake the thirst of the Senator from Utah for information on this and all other subjects, I will say this was a hastily summoned meeting of such members of the committee as could be easily reached for the purpose of having them hear read by the chairman of the committee-I may say with great oratorical effect—a letter from the President and Secretary Hughes which I understand the chairman of the committee has caused to be printed in the RECORD.

Mr. KING. I am sure the Senator profited by hearing the same read, and I hope it has converted him to the wisdom of the President's course.

Mr. MOSES. "While the lamp holds out to burn."

The resolution was considered by unanimous consent and agreed to.

RECLASSIFICATION OF CIVILIAN EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services.

Mr. STERLING. Mr. President, I know that time is precious and so, both from the standpoint of the bill and from the standpoint of the wishes of other Senators who have matters with which they desire to proceed in the Senate, I shall consume very little of that time in the discussion of the bill.

The bill before the Senate now is the result of some four years of study and of effort, and of expectation, too, I may say, in regard to the enactment of a law that would reclassify the civil-

ian employees of the Government.

Gross inequalities had grown up under the present system; inequalities in pay particularly; and there were employees in the same department doing the same kind of work who were receiving different rates of pay. As between departments, there was great variance in the pay of those who were doing the same kind of work. Other inequalities, and I may say even injustices, existed under that system. They grew in part out of the lump-sum system of payments and out of the fixed statutory roll. In the one there were liable to be abuses sometimes by the heads of departments, and there were opportunities for favoritism because of that system; and in the other there were not the opportunities for promotion and transfer that should have existed.

The Joint Classification Commission, which was appointed in 1919, in pursuance of an act of Congress of that year, made a summary of these various inequalities, and I shall sketch them. They found-

1. That the salary and wage rates for positions involving like duties and responsibilities and calling for the same qualifications (that is, for positions of the same class) show wide variations and marked inequalities.

They also found-

2. That the salary and wage rates for positions of the same class are different in different departments and independent establishments, the scale of pay in some departments being markedly higher than the scale for the same class of work in other departments.

They found-

4. That the present system of paying bonuses tends to increase the inequality in salary and wage rates for positions of the same class.

I may pause in reading their findings to remind Senators that unless this reclassification bill be passed we shall have the bonus bill before us again here in the Senate providing a bonus for all the employees of the Government whose pay is \$2,500 per annum or less, both in the service in the District of Co-lumbia and in the field service as well. One of the purposes of the pending bill is to rid the Government of this, what I am pleased to term, iniquitous bonus system, but one which we have been compelled from year to year since 1919 to adopt in order to do simple justice by the great class of the lower-salaried employees of the Government whose salary was inadequate as compared with the cost of living.

The Joint Reclassification Commission also found-

5. That the rates of compensation in the Government service as a whole have not increased as rapidly as has the cost of living.

They found-

That the amounts of recent increases in rates of pay in the Government service have varied greatly (a) as between classes of em-ployment and (b) as between departments.

With these recent increases in pay there has been no equalization of the rates of pay at all. I think I may say that one great purpose of the bill, the underlying principle of the bill, is equal pay for equal work throughout the Government service and a reasonable and adequate compensation for the service

Without reading further, Mr. President, from the findings of the Joint Reclassification Commission, I desire to say that they find the system had a bad effect upon the morale of the em-I do not wonder, and I do not doubt it. I think the experience of Senators who know about departmental work, who have visited the departments from time to time and have seen the conditions under which the employees have worked and knew the salaries they were getting and the discriminations that were here and there made, will corroborate in nearly every particular the report of the Joint Reclassification Commission in this respect.

With reference to the pending bill, Mr. President, there have been matters that have been the subject of sharp conflict of opinion, but we have labored earnestly and faithfully to pre-pare and report a bill to the Senate that would do justice to the employees on the one hand and to the Government on the other hand. We believe that the bill now before the Senate is such a bill. We have succeeded in harmonizing the various We have succeeded in harmonizing the various sharp differences.

One feature of the original bill was the provision that the Civil Service Commission should be the classifying agency. are providing for the creation of another commission for the purpose of doing the allocating and classifying. That commission is to consist of a representative of the Bureau of the Budget, a representative of the Civil Service Commission, and a representative of the Bureau of Efficiency. The allocations, according to the terms of the bill, are to be made primarily by the heads of the various departments. From the beginning of the study of this question it has been a subject of controversy as to who should constitute the classifying agency; whether it should be the Civil Service Commission, on the one hand, or should be the head of the department on consultation with the Civil Service Commission or some other authority, or whether it should be some other independent body. We have finally, if I may use the term, compromised upon this as the consti tution of the allocating or classifying agency. The work of the head of the department in allocating the employees in his department is subject to review and revision by the personnel classification board.

We have sought, Mr. President, to make the bill somewhat flexible. We have provided for increases in compensation upon the attainment of the appropriate efficiency ratings. We have provided for promotions when it shall be in the interest of the Government, and when justice shall be done to the employee by such promotion. One of the provisions of the bill is:

Nothing herein contained shall be construed to prevent the promotion of an employee from one class to a vacant position in a higher class at any time in accordance with civil service rules.

And so on. The bill also provides:

Reductions in compensation and dismissals shall be made by heads of departments in all cases whenever the efficiency ratings warrant, as provided herein, subject to the approval of the board.

That is, the personnel classification board.

The board, under the terms of the bill, is to have the power of review and revision of efficiency ratings which are made. In case of a failure to adopt or abide by the revisions made by the board, an appeal may be taken to the President of the United States.

Now, Mr. President, I think I shall from this time on adopt the course we sometimes adopt when we inclose a letter in I will let the bill explain itself. I am going now to ask for the reading of the bill.

Mr. GERRY. Mr. President-

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Rhode Island?

Mr. STERLING. I yield to the Senator from Rhode Island. Mr. GERRY. I should like to ask the Senator from South Dakota a question. On pages 80 and 81 of the bill there are two sections, one covering the skilled-trades service and the other the common and specialized labor service. Am I correct in my understanding of the bill that those provisions would only affect employees in the District of Columbia and the general departments and would not affect outside activities, such as navy yards and torpedo stations throughout the country?

Mr. STERLING. The Senator is correct in that idea. Those provisions apply only to employees in the District of Columbia. The bill as reported by the Senate committee, although the House bill did not so provide, extended the classification to the field service; but that has now been dropped out, and the bill applies only to the service within the District of Columbia, with a provision that a survey shall be made of the field service and report made to the next Congress. There is no attempt whatever to classify such employees as those to whom the Senator from Rhode Island refers.

Mr. JONES of New Mexico. Mr. President— Mr. STERLING. I yield to the Senator from New Mexico. Mr. JONES of New Mexico. The Senator from South Dakota knows that I am deeply interested in this subject.

Mr. STERLING. I am aware of the Senator's great interest in it.

Mr. JONES of New Mexico. And I do not wish to delay the passage of the bill, but I should like to get some statement from the Senator as to section 6 on page 42 of the bill.

The whole purpose of this proposed legislation is to equalize the compensation. We know that during the World War, especially when we often appropriated lump sums for certain activities of the Government, persons were put into the service without any particular regard to the question of compensation, especially as to whether or not their compensation compared with that which was paid for service in other branches of the Government. The purpose of this bill largely is to equalize that situation.

Mr. STERLING. Yes, sir.

Mr. JONES of New Mexico. And there is a provision in the bill-in fact, most of the bill is taken up with the question of classification, defining certain employments and duties, and fixing various grades of salaries which shall apply from a minimum grade, running up to as many as seven or eight grades in certain cases, with the different amounts of compensation for the respective grades. Section 6 of the bill relates, of course, to those who are now in the service, and clause 3 of that section provides:

3. If the employee is receiving compensation within the range of salary prescribed for the appropriate grade at one of the rates fixed therein, no change shall be made in the existing compensation.

That provision, as I view it, absolutely prohibits the adjustment of compensation in any case where the present employee is receiving too much. If he is receiving compensation even beyond the very highest amount provided for any grade or class under this provision, if I am able to interpret it correctly, that compensation will continue and that employee may continue in the service of the Government at that compensation indefinitely, for the remainder of his life, and so far as he is concerned

there will be no readjustment of compensation.

I can quite understand that we do not want to disarrange the affairs of the Government by any sudden change in existing conditions, but I just wondered if it would not be possible to eliminate that section, or else to make some change in the period of its duration. This bill does not go into effect until the 1st of next July, and if there is an employee in a class who is now receiving compensation higher than the very highest amount provided for that class for the future it seems to me that he ought to be willing to accept a reduction of his compensation or else he ought to resign from the service of the Government, so that some one may be employed and take the job and do the work at the compensation fixed within the and compensations and limitations of the act. So I should like to get from the Senator, if I may, some statement as to why that paragraph was inserted in the bill?

Mr. STERLING. Mr. President, throughout the consideration of the bill by the Senate Committee on Civil Service, and then in conferences that have been had in regard to it, rule 25 has been the source of considerable discussion. Rule 5

as it came from the House read as follows:

If the employee is receiving compensation in excess of the range of salary prescribed for the appropriate grade, the compensation shall be reduced to the rate within the grade nearest the present com-pensation.

Rule 5 stopped there. But there was a strong feeling against reducing the compensation of any employee at present and immediately, and the opinion prevailed that we should not provide for the immediate reduction of the compensation; so the Senate committee amended it by striking out the words "the com-pensation shall be reduced to the rate within the grade nearest the present compensation" and added certain words, so that it would read:

If the employee is receiving compensation in excess of the range of salary prescribed for the appropriate grade or class thereof, no change shall be made in his compensation so long as he continues in the same position and Congress appropriates therefor: Provided That such position on becoming vacant shall be filled at a rate of compensation fixed for its grade or class.

Mr. President, if the Senator from New Mexico will note, we introduce a new term in the second line of section 6 of the bill, We provide-

That in determining the compensation to be established initially for the several employees the following rules shall govern—

And so it is provided-and that is the sense and the substance of rule 5 as it stands now, read in the light of that preliminary statement at the beginning of the rule—that the employee's compensation shall not at once be reduced, but on the initial allocation his compensation will stand as it is, subject, I think, to revision afterwards, and surely subject to reduction by act of Congress.

Mr. JONES of New Mexico. Mr. President—
The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New Mexico?

Mr. STERLING. I yield.

Mr. JONES of New Mexico. Does the Senator want us to understand that there is any provision in the bill for the reduction of salaries of existing employees at any time in the future?

Mr. STERLING. Certainly.

Mr. JONES of New Mexico. Where?

Mr. STERLING. It depends upon their efficiency ratings from time to time.

Mr. JONES of New Mexico. Does the Senator mean to say that if the present employee is now getting a salary beyond the highest salary provided for in a grade, and if his efficiency rating should be Δ -1, he would be subsequently reduced to a salary within the grade?

Mr. STERLING. If his efficiency rating were A-1?

Mr. JONES of New Mexico. Yes.

Mr. STERLING. Oh, I do not say that.

Mr. JONES of New Mexico. No; I thought the Senator would Suppose there is an accountant who is getting to-day twice the salary provided for within a given grade; and I may say that that is not a wild suggestion, even hypothetically, because it appeared in the testimony taken by the Reclassification Commission, of which I had the honor to be chairman, that salaries varied from \$2,000 to \$4,000 a year for precisely the same kind of service. In that case, assuming that the highest salary fixed in this classification for the grade would be \$3,000 a year, ranging from \$2,000 to \$3,000—and many grades here have such ranges as that—a present employee getting \$4,000 a year would continue to do the same kind of work as long as he lived, and get \$4,000 a year. It seems to me that that provision perpetuates the present injustice and inequality, rather than bringing about an equalization of these employments and compensa-

Mr. STERLING. Mr. President, I have said before that this was the initial allocation, provided that in cases of this kind no change should be made in the existing compensation, and that with reference to whatsoever grade he might fall in, so far as that is concerned; but being the initial allocation, it would be subject to revision afterwards and, as I say, subject, of course, to regulation by Congress,

Mr. JONES of New Mexico. Mr. President, if the Senator will pardon me further, I know the difficulties which the Senator from South Dakota has had to contend with in this matter. and he has had my most profound sympathy in all of the trials and tribulations which he has had to bear in trying to get anything through here, and I am going to vote for the bill with that in it if it is thought best to keep it there, but I do not believe it is advisable to do it.

Mr. STERLING. Let me suggest to the Senator that if he will let that pass and let it be a matter of subsequent consideration, I will give it my earnest attention. I should like to have the substitute reported by the committee read.

Mr. JONES of New Mexico. It does seem to me that if, as to present employees, we should limit their compensation to the highest amount provided for in the grade, that would be serving them as equitably as they should be served. It will be four months from now before this goes into operation; and if there is any man in the service who is unwilling to continue in the service at the highest salary fixed by this classification board for a grade or class of work, he ought to resign. If he is not willing to take the highest pay provided for anybody for the same kind of job, he ought to quit. It seems to me that if we should provide, instead of his receiving his present compensation, that his compensation should be reduced to the highest amount fixed for the grade, he ought to be satisfied with it, and that will have a tendency to bring about something of equality and something of readjustment here; but this simply perpetu-

ates the very thing which we are seeking to get rid of.

Mr. NORRIS. Mr. President, we are confronted here with a condition in legislative matters that ought to bring the blush of shame to every legislator in our country, if not to every citizen. I am not finding fault with any individual or any body of individuals; but from the very nature of our Government, as constituted now, we are confronted with a legislative

Jam that meets us every two years on the 4th day of March. We have now, at 15 minutes to 2 o'clock p. m. on the 2d day of March, just taken up a bill of tremendous importance, composed of 83 pages. It has to do with practically the entire clerical service of the Government of the United States. Many thousands and thousands of employees are directly interested and are directly controlled by the provisions of this bill. We are confronted with the remarkable fact that although this bill has been under consideration by the committees for somewhere in the neighborhood of 14 months, we are expected to pass it almost in 14 minutes after it is taken up.

In the first place, the bill itself is an amendment. It strikes out all of the House bill, and provides a new bill. Two different committees of the Senate have been working on this proposition from time to time for considerably more than a year. The bill passed the House December 15, 1921. From that day until a day or two ago the Senate committee has had it in charge.

I have talked with members of the committee, and they have told me they never worked so hard on anything in their lives, and I believe them. They are entitled to the thanks of the Senate, whether they accomplish anything or not, for the diligent service they have conscientiously performed. Now, because we are going to adjourn on the 4th day of March at noon, we will not be able to consider this bill beyond that time. If it is to be enacted, we must pass it through the Senate almost without reading, with very little if any debate or discussion, with practically no analysis, and then it must go to conference, and between the conferees of the two Houses they will probably between now and the 4th of March agree upon a report, and it will come back to us. It may be an entirely new bill as it is reported by the conferees, and we will vote for it without reading it, because if we took the time to read it, it would probably run us beyond the 4th of March. At least, it would interfere with other legislation just as important as this.

Mr. President, without blaming anybody for this condition, I am calling attention to something which everybody knows to be true. What kind of legislation do you expect the Senate and House, or any other legislative body, to enact, when every two years they are completely engulfed with this kind of a proposition? I mention this bill because it happens to be the one now before the Senate. It is not the only one, as everybody knows. We must do one of two things. We must pass this bill and other bills without giving them consideration, or we must, by considering one bill, defeat other meritorious measures.

A man or a corporation of enterprise and progress would not permit such a condition to exist in private business for a This has been the condition for years, Ever since the adoption of our Constitution, we have had a short session of Congress. It is getting worse. It is worse now than it was two years ago. It was worse then than it was two years before

What have we done during the short session? Most of the time has been taken up in the consideration of one bill, which can not pass, and which is conceded now to be dead, and regardless of whether we were in favor of or against ship subsidy, we must admit two things; first, if we had had no short session, and the new Congress had met in January after they had been elected, the ship subsidy bill would not have been here at all, because it is conceded that the new Congress would not pass it. That is one thing which must be admitted.

Another thing we must admit is that even if the bill had been introduced and reported and we did not know in advance that on the 4th day of March we had to quit-that the session necessarily ended on that day-there would have been no delay even on the ship bill. Ninety per cent of the successful filibusters which have been carried on have been in the short session of Congress, made possible entirely by the ending of Congress on the 4th day of March, and in this case there would have been no filibuster and no ship bill if it had not been for the fact that Congress will close on the 4th day of March,

How many Senators have read this bill of 83 pages? I confess I have not, and I have been working 16 hours a day. I, of course, do not know, but in my judgment, outside of the committees which handled it, I do not believe there have been half a dozen Members of this body who have read it or will read it, and I say that without criticism. I am not finding fault with Senators. They have too much to do, and most of it will not be done when we close on the 4th of March,

What is the result? We get half-baked legislation. We get all kinds of jokers in our laws. We are prevented from passing valuable legislation which everybody admits ought to be This very condition would be relieved if the House would pass and the legislatures would approve the constitutional amendment the Senate passed some time ago by a vote of 63 to 6. That proposition is now hung up in the House. It is conceded that if they could get a vote on it it would be carried almost unanimously; yet it is practically conceded that one or two men have it within their power to block it all and to prevent the passage of that resolution and thus the adoption of that constitutional amendment, which would relieve the very situation we are in now.

If the 4th of March were not just a few days off that resolution would pass the House. If we were not compelled to adjourn at that time there is no question but what Congress at this session would submit to the States that proposition to

amend the Constitution. Nobody doubts it; everybody admits it. The short session perpetuates itself in existence, with all of the evils that follow.

Nobody has heard me make a disrespectful remark about any of the so-called "lame ducks." I have not argued this proposition from the point of view of preventing defeated Congressmen acting on legislation, although that is one reason for the amendment. It is perfectly preposterous, it seems to me, in a civilized country such as ours, that a Congress elected in November should wait until a year from the following December before they can get into actual work. Yet that is the case now. Nobody has ever yet suggested the perpetuation of that in real good faith.

Why should that resolution be held up, then? Why is the House of Representatives, which is supposed to represent the people of the United States, absolutely impotent and unable to take a move because one man says no or two men say no?

It is amusing to hear the objections made to that constitutional amendment. I talked with a man very high in official life the other day; and while he is a very great man, he did not know that the resolution of the Senate had come from the Committee on Agriculture and Forestry and that I had reported it. He said, "You know, that resolution to amend the Constitution sent over by the Senate was the awfulest thing I ever saw." I said, "What is the matter with it?" He said, "They fixed the date of the beginning of Congress on the first Monday in January. Just think of it! That would not always be the same day of the month. It would vary seven days, and thus the terms of Representatives and of Senators would vary seven days, one a little longer and the other a little shorter." He said, "Oh, we could not stand for anything of that kind. Such stuff as that will never do in the Constitution." I said, "Why?"

Mr. WATSON. Will the Senator yield to me? Mr. NORRIS. Certainly.

Mr. WATSON. The Senator from Nebraska is a practical Why does he scold us, when we have already passed the joint resolution?

Mr. NORRIS. I have not thought of scolding. Mr. WATSON. We have already passed it, and we can not help what the House is doing.

Mr. NORRIS. The Senator must have a guilty conscience, or he would not think anything I have said is a scolding.

Mr. WATSON. I have no guilty conscience at all. I even went so far as to vote for the measure.

Mr. NORRIS. That was going quite a ways for the Senator. Mr. WATSON. But why the Senator wants to upbraid us, when we have done what he wants done-

Mr. NORRIS. Again I say I am not upbraiding anybody.

I am talking about a man who is not a Senator.

Mr. WATSON. The Senator must know as well as anybody that he is not affecting the House's action by talking to us We have already passed the joint resolution.

Mr. NORRIS. Mr. President, I will go on with the story I was telling, which the Senator from Indiana interrupted. said, "My friend, have you ever read the Constitution of the United States?" He said, "Why, sure; I know all about the Constitution of the United States." He had said something about how the forefathers had adopted the Constitution, and how they would blush if we had such a thing in it as a provision for commencing the term of Congress on the first Monday in January. I said, "Are you familiar with the provision of the Constitution, put in it by our forefathers, never yet amended by any of their descendants, which provides that Congress shall assemble once each year, and that the day of assembly shall be the first Monday in December, unless Congress otherwise determines, and that we always meet in annual session on the first Monday in December? Would it be any greater sin if we met on the first Monday in January, and had the new Congress meet instead of the old?"

Then another one of the great leaders, one of the outstanding national figures in the great Republican Party, a man now slated for a \$12,000 job, said, "Why, the House committee have amended this resolution; they have made the meeting on the 4th of January, and the beginning of the President's term on the 24th of January. That is too long, too much time." I said, "Why do you not amend it? If 20 days is too much, make it 19, or 19½, or 19¼, or 15. Nobody will kick if you want to amend it." Then he said, "There is too short a time, under that amendment, between the election of Congress and the convening of Congress-between November and January. It does not give time for men to settle down and cool off, and we had better not monkey with the Constitution that our forefathers made."

I had heard that argument before. I had heard it at the time the resolution was first reported to the Senate, coming from the highest place in the land, "Do not monkey with the Constitution. Let the Congress elected in November settle down and get quiet and keep still until a year from the following December, for fear, in the excitement of their passion just after

election, they may do some great injury to the people."

Mr. President, no objection has been made to that resolution which any man will stand up in the face of a civilized community and say is valid; yet we can not get it passed on. The people of the country unanimously demand it; the Senate is almost unanimously for it; the House is ready to vote almost unanimously for it; but we can not get it. We must hold on to this old method. We must continue to have conditions such as we have now, when the calendar is congested, when the time is limited, when we can not legislate correctly, as everybody knows; when we will defeat good legislation and innocently pass bad legislation, because we can not give it the consideration it deserves. We are helpless.

It may be that some of these men who are to blame have been repudiated by the people. I have never said a word against any such. I based my argument on two propositions. One was that when the people of the country had expressed themselves at the ballot box they were entitled to have their will translated into law at the earliest possible moment, and that with the election in November a meeting of the newly elected Congress in January was not undue haste; that the Congress elected in November should actually commence operations the following January instead of waiting a year and a month before they did.

The other reason I have given was that there would be no short session of Congress. This jam we have now, this jam of incompetency and impotency that comes every two years, no matter how good everybody may be or how honest may be their intentions, will always come home to plague us unless we remedy the situation. The people almost to a man are crying out for relief, but are not able to get it, because somebody will not let the people's representatives vote.

Mr. President, I hope that in what I am about to say I shall not be misunderstood. As I said, I have never spoken disre-spectfully of any man who has ever been defeated for the Senate or the House. In every political contest I have had in my life my joy at success has been practically equaled by my sympathy and my sorrow for the man who was defeated. do not claim that because a man was defeated he is necessarily a bad man. I am not claiming that he should not perform the functions of his office according to the Constitution, not by any means, and I never have. I do claim that a newly elected Congress ought to be put into office as soon as possible.

But, Mr. President, the danger is not there. The danger is not in that proposition. The danger comes in these conditions giving to the man in the White House almost supreme power over the Congress, the Senate and the House, the National Legislature. Aye, Mr. President, we have seen recently many men who have been defeated for reelection to the Senate and the House, and some who have not been defeated, appointed to high positions. In not a single case, so far as I know, is any one of them disqualified for the office that has been given to him. I am not complaining that the men have been appointed to these positions because of any disqualification, because of any lack of ability, because of any lack of patriotism. There is not the danger point. The real danger is that that kind of system gives to the President of the United States a power that our forefathers never intended he should have in the control of legislation in the House and in the Senate.

Human nature is the same here as elsewhere. Where is the Senator or Member of the House who for months will sit in his seat and with longing eyes look at the dazzling prize of a high office with an increased salary held above him-where is that man who, while he is looking at that dazzling prize, would vote contrary to the wishes and the desires of the man who holds the string by which the prize is dangled before him? There is the danger.

I say, without criticizing the men who have received the appointments, that it is human nature as to the man who knows, and particularly is it true if he has been defeated, but it is true to a greater extent if he has been repudiated at home and lost the election; and when he sees private life just ahead of him, and for three or four months can sit here or in another body recognizing that he is going to get surely or has a chance of getting a job that is better than the one he has had to give up, does anyone expect him ever to get crosswise against the man who has the power to give him that job?

I never knew it to happen. They may vote always conscien-

I never knew it to happen. They may vote always conscientiously, but the very fact that they are human will shape their consciences to be always on the side of the man who holds the whole thing in his hand. That is the danger. If it were not for that danger, that thing existing right now, the amendment

to the Constitution would be out of the House and the Senate and the Congress and submitted to the people of the United States.

Yes, Mr. President, we need another amendment to the Constitution of the United States, just as important as that one. We need an amendment that in effect shall provide that a Member of the House of Representatives or a Member of the United States Senate shall be disqualified from receiving a Federal appointment, not only during his term of office, but for two years thereafter. Now, we who believe in separating the functions of the Government according to the fundamental principles laid down by our fathers, into the judicial here, the legislative there, and the executive there, if we are going to keep them separate, then we must prevent the one from dominating the other. As long as the President has the power in his hand that he now has and has had, not only this President but other Presidents before him, it is a temptation ever too great to lay aside for any man to have that power; and when he has the power to control legislation and it is necessary to deal out offices to Congressmen and Senators to get that legislation enacted, he will do it.

Mr. DIAL. Mr. President-

Mr. NORRIS. I yield to the Senator from South Carolina. Mr. DIAL. Does not the Senator think it would add to the efficiency of our Government if the President's term were limited to six years and he were made ineligible for reelection?

Mr. NORRIS. Yes; I agree with that proposition. I think that would help. But if we had the legislation I am speaking of now, we would not have the condition in the country that we now have, in one sense laughable and in another sense pitiful. But the very fact that we have it constitutes the very chains around us used to prevent us from getting our legislative

Now, Mr. President, the pending bill, of course, is going to be passed. So far as I know about it, it is a good bill. have to vote for it blindly. I am going to offer an amendment later on, but I do not claim to be posted on it. I think it is impossible for me to do so within the time now remaining, which is limited. I could point out 100 other bills on the calendar of which that is true, with the exception, perhaps, of the few Senators in each case who had to do with the framing of the bill or its consideration in the committee. That is the condition we are in now. We are faced with a condition that, in my judgment, is absolutely disgraceful for a civilized country to maintain, and yet the very fact that we are in that condition is used as a lever by which we are held down and kept under.

Mr. ERNST. Mr. President, H. R. 12 is a bill to consolidate, codify, revise, and reenact general and permanent laws of the United States in force March 4, 1919.

Before the Senator proceeds, will be permit Mr. NORRIS. me to interrupt him just a moment?

Mr. ERNST. Certainly. Mr. NORRIS. That is such a beautiful Illustration. I am somewhat familiar with the bill to which the Senator refers. It is a codification of the laws. Every citizen of the United States is interested in it. It has been an awful task to prepare it. The men who have done it are entitled to braise. They have been at it for years. The Government of the fact to the fa that we have to adjourn on the 4th of March, if our session were unlimited, we would enact it before this Congress closes. But we are helpless. One of the greatest progressive steps than can be thought of is the codifying of our laws and putting them in such shape that every intelligent man can know the law and find the law that must govern and control him, even to his liberty.

I thank the Senator from Kentucky.

CODIFICATION OF LAWS.

Mr. ERNST. Mr. President, H. R. 12 is a bill to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919. This bill passed the House and was referred to the Committee on Revision of the Laws of the Senate.

H. R. 12 has not been reported to the Senate because it is filled with imperfections of every character, so many and so serious that they can not be remedied by amendments.

A compilation of the laws of the United States should contain all of the laws in such form that one can ascertain the law without the necessity of referring to the Revised Statutes or to the many volumes of the Statutes at Large. If a compilation fails in this respect, we have but added another reference book

to already overcrowded shelves.

H. R. 12 contains section after section with references in the body of the section to the law as it is set out in the Revised Statutes or in the Statutes at Large, and with no references whatever to that section of the compilation where the law itself can be found, if, indeed, such section be included in the bill. In every such case an examination must be made of the Revised Statutes or Statutes at Large containing the law thus referred to. This statement does not relate to citations at the end of the various sections of the compilation.

If H. R. 12 should therefore become the law it will fail to accomplish the purpose for which it was enacted, namely, to set forth the laws of the United States in one volume, so that reference to and examination of the Revised Statutes and the

Statutes at Large may not be necessary.

A few of the many sections above referred to are sections 104, 333, 354, 423, 456, 501, 651, 660, 773, 783, 787, 869, 905, 925, 945, 955, 988, 1355, 1651, 1679, 1686, 1695, 1774, 1805, 1838, 1967, 2006, 2033, 2058, 2059, 2063, 2199, 2234, 2414, 2452, 2453, 2454, 2455, 2597, 2719, 2777, 2810, 2817, 2824, 2828, 2881, 2892, 2900, 2964, 3122, 3159, 3188, 3224, 3326.

Some of the acts referred to in sections like those above set out were found in this compilation and others were not. foregoing are only a portion of the sections of that character, and no attempt is made here to set out all of them. are 10,747 sections in the code, and the sections just set out and others of the same kind are all found in the first 3,326 sections.

One of the sections above-section 104 of the code-reads as fellows:

In any action now pending, or which may be brought against any person for or on account of anything done by him while an officer of either House of Congress in the discharge of his official duty in executing any order of such House, the district attorney for the district within which the action is brought, on being thereto requested by the officer sued, shall enter an appearance in behalf of such officer; and all provisions of the eighth section of the act of July 28, 1886, entitled "An act to protect the revenue, and for other purposes," and also all provisions of the sections of the former acts therein referred to, so far as the same relate to the removal of suits, the witholding of executions, and the paying of judgments against revenue or other officers of the United States, shall become applicable to such action and to all proceedings and matters whatsoever connected therewith, and the defense of such action shall thenceforth be conducted under the supervision and direction of the Attorney General.

It will be observed that reference is made in this section to

It will be observed that reference is made in this section to the act of July 28, 1866, instead of the section containing that act in this bill. An examination of that act will disclose the fact that a reference is therein made to an act passed in 1833.

It is clear, therefore, that an examination of section 104 of the code makes absolutely necessary an examination of the act of 1866 and also the act of 1833.

It is interesting to note that the acts referred to have been superseded by later legislation and have been dead matter for more than 30 years.

As to section 988, the last paragraph of this section reads as follows:

But chapter 57, Fourth Statutes at Large, shall not be construed to apply to cases arising under chapter 173, Thirteenth Statutes at Large, nor any act in addition or amendment thereto, nor to any case in which the validity or interpretation of said acts shall be at issue.

Therefore the act referred to in section 988 and all acts "in addition or amendment thereto" must be examined in order to ascertain to what this section relates. Furthermore, this section is one conferring jurisdiction upon district courts and the above provision has no proper place where it is found. What it does is, in substance, to declare that the provisions of a customs act shall not apply to cases arising under an internal revenue act.

It may be noted that this provision also has long since been dead matter.

There are hundreds of other sections like the following:

SEC. 769. Nothing in this chapter contained shall affect or modify the provisions of chapter 372, Thirty-first Statutes at Large, page 790, section 5060 of the Code of the Laws of the United States.

As will be seen, the foregoing refers to the Statutes at Large and also to the corresponding section of the code.

Other sections make reference to the acts set out in the Revised Statutes and give the section where the same act can also be found in the code.

There is no good reason for this double reference.

Mr. STERLING. Mr. President-

Mr. ERNST. I yield to the Senator from South Dakota.
Mr. STERLING. I would like to ask the Senator from Kentucky what is meant exactly by the use of the term "code"?
In 1876 we had the Revised Statutes, as I remember it, and

Mr. ERNST. I can say to the Senator that I do not think it should be called the code. That is a name that has been given it in the body of the compilation and is used here for reference. I think this is a compilation of the laws of the United States, and that that would be the better way of designating it.

In the first place, the acts referred to are expressly repealed by this code. In the second place, the double references in hundreds of sections throughout the code make it cumbersome, confusing, and serve no good purpose.

If it is desired to refer to the source from which a section is drawn, that should be done by a citation thereto, placed either at the side or at the end of the section.

Other sections of this code refer only to sections of the code itself, usually, however, in the following form: "Section - of the Code of the Laws of the United States."

Mr. STERLING. Then the term "code," as I understand from the Senator, applies particularly to this attempted re-

vision?

Mr. ERNST. It applies to the revision bill, as we call it, being House bill No. 12

It would be much simpler to make reference to other sections without in every instance repeating the words "the Code of the Laws of the United States," as such reference would be understood as referring to the sections of the bill and to noth-

I call especial attention to section 3705, which reads as follows:

All acts or parts of acts inconsistent with or repugnant to the provisions of chapter 89, Fortieth Statutes at Large, page 547, section 3675 of the Code of the Laws of the United States, are repealed; but nothing in said act shall repeal or in any way emlarge section 2169 of the Revised Statutes of 1878, except as specified in the seventh subdivision of section 3675 of the Code of the Laws of the United States, and under the limitation therein defined: Provided, That for the purposes of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to the act of May 9, 1918, Fortieth Statutes at Large, chapter 69, the statutes and laws repealed shall remain in full force and effect: Provided further. That as to all alliens who, prior to January 1, 1900, served in the armies of the United States and were honorably discharged therefrom, section 2166 of the Revised Statutes of 1878 shall be and remain in full force and effect, anything in chapter 60, Fortieth Statutes at Large, page 547, section 3675, of the Code of the Laws of the United States, to the contrary notwithstanding.

Comment upon the foregoing section is hardly necessary.

Comment upon the foregoing section is hardly necessary. It is a most remarkable work of art in statute making. It does not slight either the Revised Statutes or the Statutes at Large or the the Code of the Laws of the United States.

The following provision appears in section 6802, of the code: The excess of his salary from the Coast and Geodetic Survey paid their man shall come from the funds of this commission. The above provision is "revised" from a provision in the

river and harbor act of June 25, 1910 (36 Stat., 658), relating to the Mississippi River Commission, and reads:

Provided, That * * * the member of said commission appointed from the Coast and Geodetic Survey shall receive the same annual compensation as other civilian members of said commission, and the excess of compensation he receives from the Coast and Geodetic Survey shall be paid from the funds of said commission.

Being from the funds of the Mississippi River Commission. SEC. 2414. The President is authorized, under the provisions of what was section 20 of chapter 294 of the Sixteenth Statutes at Large, page 319, to make and publish regulations for the government of the Army in accordance with laws existing March 1, 1875: Provided, That said regulations shall not be inconsistent with the laws of the United States.

It will be noted that the foregoing section refers to the provisions of "what was section 20," and so forth, of the Sixteenth Statutes at Large.

Many more examples or illustrations of the character above set out can be given, but the foregoing are abundantly sufficient to demonstrate that H. R. 12 has falled as a compilation of the laws of the United States, which makes reference to the Revised Statutes and to the Statutes at Large unnecessary.

Mr. WALSH of Montana. Mr. President—
The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Kentucky yield to the Senator from Montana?

Mr. ERNST. I yield. Mr. WALSH of Montana. I was unfortunately not in the Chamber when the Senator began his remarks and possibly he has answered the inquiry I desire to address to him. I should like to ask exactly how this work was done? Did some Member of Congress in the midst of his absorbing duties endeavor to devote sufficient time to this subject to make the compilation himself or did he have the assistance of some experts in the work of compilation and revision?

Mr. ERNST. I am not advised as to that; I do not know how this work was prepared in the House.

Mr. WALSH of Montana. I am sure that neither the Senator nor myself, with the extraordinary demands that are made upon our time here, even assuming that we had any particular skill in that character of work, would be able to devote to such a subject as this the time and attention that it requires. It seems to me that a Member of the House of Representatives must be equally pressed for time in the midst of his other duties. I suppose that a work of this kind ought to be assigned to some commission, including experts who are skilled in the matter of digesting, compiling, and so forth. I was curious to know whether any such course as that had been taken.

Mr. ERNST. I am very glad to hear the Senator from Montana say what he has. I do not know what steps were taken in the House, but I call attention to the fact later on, in my remarks. I state that work of this character can not possibly be done by any committee of either House. It ought to be done by a competent, able, experienced lawyer, assisted by a force who understand this character of work, and it would be necessary for them to give their undivided attention to it. I may as well remark here that to read this volume as one would read a novel would require some three hours of steady reading every day for two months, and to go over it in a critical way so as to analyze it, make the necessary comparisons with the existing statutes, ascertain what sections have been repealed and what have not, would require the work of many, many months by an expert force. It can not be done otherwise.

The errors to which I am calling attention demonstrate, I think, that every character of error which could creep into a compilation of this character have found their way into this REPETITION OF SECTIONS.

Many statutes or sections are repeated, some in substance, others in exact language.

The last 16 lines of section 2879 are repeated word for word in section 2901, on the following page.

In section 2879 is found the following:

That in determining the officers with rank senior to colonel there shall be included the officer serving as major general commandant.

The identical language is repeated on the next page but one, in section 2895, which is a section of but two and a half lines and contains no other matter.

Section 2778, with the headline "Physical examination," and section 2779, with the headline "Physical disqualifications by wounds," are followed but a few pages farther on by sections 2886 and 2887, which later sections contain the same headlines and the exact language in every respect, except that the two words "Navy or" are contained in section 2778 and are not found in section 2886.

I wish to call especial attention to section 218. I am by no means reading all of the sections to which objection can be made, but am picking out some merely for purposes of illustration

Section 218 reads as follows:

The officers and employees of the United States whose salaries were appropriated for in chapter 141 of the Thirty-eighth Statutes at Large, page 1049, by the act of March 4, 1915, are established and shall continue from year to year to the extent they shall be appropriated for by Congress. Employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be necessary.

Except for slight variations in sections 3327 and 5509 this section is repeated verbatim et literatim some fourteen times in the compilation, as will be seen by reference to the following sections: Sections 116, 218, 339, 511, 560, 595, 651, 909, 923, 3327, 3487, 5496, 5498, 5500, 5090,

Sections 220 and 221 under title 3, "The President," are duplicated in sections 6355 and 6356, under title 37, "Foreign Relations."

In many places throughout the compilation we find kindred

subjects under totally different titles.

Section 596: The last paragraph of this section is, with slight variations, duplicated in section 587.

The last part of section 700, under the "Department of the Interior," is duplicated in section 1396, under "The judi-

Section 1413, under "The judiciary," is duplicated in section 5907 under "Public printing, advertisements, and public documents.

Section 1414, under "The judiciary," is substantially duplicated in section 5872 under "Public printing, advertisements, and public documents."

The last sentence of section 1490, under "The judiciary," is duplicated in section 10731 under the "Penal Code."

Section 1519, under "The judiciary," is duplicated in section 10740 under the "Penal Code."

Sections 2876, 2877, 2878, 2895, and 2901, 2902, 2903, 2904 are duplicated in a section found between those sections and numbered 2879.

There are many other duplications of sections, some in exact language, others in language substantially the same, and there are other sections which duplicate sections in part.

Other duplications will be noted elsewhere.

DEPARTMENT OF STATE

TITLE 19 .- DIPLOMATIC AND CONSULAR OFFICERS.

Many suggestions have been made by the Department of State concerning various sections of the code relating to that department. Attention is directed to the following sections:

department. Attention is directed to the following sections:

Section 3215. Salaries: This section purports to set out the salaries paid to ambassadors and envoys on March 4, 1919. It does not correctly set out the salaries paid those officers on that date. The appropriation act of March 4, 1919 (40 Stat. 1325), provides for salaries for such offiers as follows:

"Ambassadors to Austria-Hungary, Argentina, Brazil, Chile, France, Germany, Great Britain, Italy, Japan, Mexico, Peru, Spain, and Turkey, each \$17,500.

"Envoys to Belgium, China, Cuba, the Netherlands and Luxemburg, Czechoslovakia, and Poland, each \$12,000.

"Envoys to Bolivia, Bulgaria, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, Greece and Montenegro, Guatemala, Haiti, Honduras, Nicaragua, Norway, Panama, Paraguay, Persia, Portugal, Rumania, Salvador, Serbia, Slam, Sweden, Switzerland, and Venezuela, each \$10,000."

Attention is also called to the fact that this section speaks of "legations" to Japan, France, Germany, and Great Britain instead of "embassies."

Section 3216: The department asks, Should not this section, together with section 3217, relating to the ambassador to Argentina; 3219, relating to Paraguay; 3220, relating to Uruguay; 3221, relating to other countries; and 3222, relating to Haiti and Liberia; 3223, relating to an agent and consul general at Egypt; 3224, relating to chargé and consul general at Teheran, all be incorporated in section 3215, wherein the salaries of ambassadors and ministers are set out?

I call the especial attention of the Committee on Foreign Re-

I call the especial attention of the Committee on Foreign Relations to section-

SEC. 3221. Ministers to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua: This section provides for one minister resident for all of those countries, inclusive, and gives the President the power to select the residence for the minister in any one of those States. There is now a minister in each of those countries.

SEC. 3222. Representatives to Haiti and Liberia: The representative to Haiti is referred to as minister resident and consul general, with a salary of \$7,500.

He appears to have been accredited as envoy extraordinary and minister plenipotentiary since 1901. He now receives a salary of \$10,000. (31 Stat. 884.)

SEC. 3224. Chargé and consul general at Teheran: This provision specifically amended section 1675, Revised Statutes. tion 1675 is found in section 3215 of this bill. It is difficult to understand why the amendment was not carried into the section, instead of making it a separate section. Further, the representative to Persia, since at least 1905 (32 Stat. 916), has been designated not charge and consul general but "envoy extraordinary and minister plenipotentiary," and his salary in the act of March 4, 1919 (40 Stat. 1326), was fixed at \$10,000.

The section has been obsolete for more than 15 years and

should be omitted from the bill.

Sec. 3230. Secretary of legation to Turkey: This section provides that the consul general at Constantinople shall be the secretary of the legation to Turkey, but shall receive compensation only as consul general.

This provision of law seems now obsolete. The legation at Constantinople was a number of years ago raised to the rank of embassy. For several years a secretary of legation was provided for in the annual appropriation acts. (38 Stat. 443.) Since the passage of the act of February 5, 1919 (38 Stat. 805), providing that secretaries should be appointed by commission to the office of secretary, and not by commission to any par-ticular post, secretaries have been assigned to the mission at Constantinople.

Sec. 3231. Interpreter to legation to Turkey: The word "legation" should apparently be changed to "embassy," which is

now the designation of our diplomatic mission.

Sec. 3232. Interpreter of legation to Japan: This provides for a salary of \$2,500 to the interpreter to the legation to Japan. In more recent years the interpreter to the legation to Japan. In more recent years the interpreter has been referred to in appropriation acts as "Japanese secretary and interpreter to embassy to Japan, \$3,000" (34 Stat. 288); as "Japanese secretary of embassy to Japan, \$3,600" (39 Stat. 1048); and as "secretary interpreter of embassy to Japan, \$3,600" (40 Stat. 520).

Similar provisions have also been made for the embassy in Turkey and the legation in China, as will be noted from the acts cited.

SEC. 3246. Consul assistant's salary: This provision, with the exception of the last three lines, which seem to have no particular value, is duplicated in section 3258, upon the following page of this compilation. One or the other might be omitted. The last three lines of section 3246 read as follows: "and section 1704, Revised Statutes, its amendatory act of June 11, 1874, and all other acts inconsistent with this provision, are so amended.'

Section 3248. Can draw one salary only: This same provision is contained in the last three lines of section 3239, on

the preceding page of the compilation,

Section 3249. Interpreter for consulates in China and Japan: This provision providing for interpreters for consulates at the places named therein appears to have been taken from an appropriation act for the fiscal year ending in 1875, and does not appear in recent appropriation acts, and consequently it is hardly to be considered as permanent legislation.

Section 3250. Interpreter at Bangkok: This section provides that the salary of the interpreter at the consulate of Bangkok shall not exceed \$500 a year. Appropriation acts for the past several years have allowed the interpreter at Bangkok \$1,500.

(40 Stat. 520.)

Section 3282. Notarial fees: This section should be included within the first part of section 3304, as it imposes upon consular officers the duty of taking acknowledgments and administering oaths when requested. Under section 3304 it was to a certain extent optional with the officer whether he would take an acknowledgment or administer an oath or not.

Section 3286. Penalty for wrongful conduct: Since passage of the act of March 4, 1915 (38 Stat. 1164, 1167, 1170), under section 18 of that act, the authority of consuls to "re-claim deserters" from vessels was repealed, and this section should be amended to conform to the change made by the act of

TITLE 37 .- FOREIGN RELATIONS.

Section 6294: Arrest of seamen.

Section 6295: Commitment and discharge.

So much of these sections as related to the arrest or imprisonment of officers or seamen, deserting, or charged with desertion, and for the cooperation of the local authorities in effecting such arrest or imprisonment, was specifically repealed by sections 16 and 17 of the act of March 4, 1915 (38 Stat. 1184), and these sections should be corrected accordingly. This Gov ernment has abrogated all treaty provisions which would permit arrest or imprisonment for desertion.

Section 6297. Judicial authority: The extraterritorial juris diction of the United States in Egypt results from a treaty with the Ottoman Empire made in 1830, and not with Egypt, as stated

in the section.

With respect to China, the jurisdiction of the minister to China was taken away by the act of June 30, 1906 (34 Stat. 814), and most of the jurisdiction that had theretofore been exercised by consuls was vested in the United States Court for China by that act. The section should be corrected to state the

Section 6300: Laws of the United States extended over citizens.

Section 6305: Appellate jurisdiction of ministers.

Section 6307: Arb!tration of civil cases.

Section 6311: Capital offenses.

Section 6312: Execution and pardons. Section 6317. Minister's jurisdiction defined.

Section 6329. Turkey embraced within provisions of title. In connection with each of these sections, reference is made to

the comment on section 6297.

Ministers, since the passage of the act of June 30, 1906 (34 Stat. 814), exercise no jurisdiction, civil or criminal, in China, and each of these sections should be corrected to conform to the

Section 6333. Tripoli, Tunis, Morocco, Muscat, and Samoan Islands, and other countries: The United States, as a result of treaties and conventions, has not exercised extraterritorial jurisdiction in Tripoli, since 1913 (see Foreign Relations 1913, p 608); in Tunis, since the convention with France on March 15, 1905; in Zanzibar, since 1907 (see Foreign Relations 1907, p. 574); and in the Samoan Islands since the convention of 1899, between the United States, Germany, and Great Britain, went into effect.

RIVERS, HARBORS, AND CANALS. TITLE 39.

This title, excluding therefrom chapter 11, relating to the Panama Canal Zone, is made up of 78 sections. Of this number at least one-fourth have been repealed, executed, or are obsolete, or are special provisions applying to particular rivers or Most of the sections in chapter 11 relate to the Panama Canal Zone and have no proper place in this title, but belong under the title "Insular affairs," and do not relate to the canal but to the government of the Canal Zone.

In this title-"Rivers, harbors, and canals"-are a number of sections which apply only to particular rivers or creeks, such as acts which declare certain streams to be navigable or non-navigable, which authorize the lease of water powers, or which authorize the purchase or condemnation of certain canals.

Acts of this character are no more to be considered general laws than are the acts which authorize certain companies or persons to construct bridges over particular streams,

It may be that with respect to New York Harbor, or perhaps Chicago Harbor, in view of the extent of the provisions applying to them, it might be convenient to include them in this If the omission of the other provisions should cause doubt, such doubt could be removed by omitting such acts and by including among the general and repealing provisions of H. R. 12 a section to the effect that nothing in this bill shall affect, modify, or repeal such acts.

It is desired to call especial attention to a few of these sec-

Section 6806: This section appears to be a paraphrase of paragraphs (a) and (b) of the flood control act of March 1, 1917 (39 Stat. 948). As drawn it is inaccurate, as well as

The entire section from which this section is drawn is set

out in this bill as section 6819.

Section 6817: This section is subject to the same criticism as the foregoing. It merely repeats a portion of section 6820 of

the bill and should be eliminated.

Section 6833: This section is obsolete. The Louisville and Portland Canal has been owned and operated by the Government for nearly 50 years. Tolls and operating charges upon the Government-owned canals were abolished by the act of July 5, 1884. This section was amended March 3, 1909, and the amendment is set out in section 6827 of this bill.

Section 6843: The act from which the first part of this section is taken was repealed by the act from which the second part of this section is taken, as can be seen upon careful exami-

Section 6861: The first three paragraphs of this section refer to a privilege granted a Michigan power company to divert water from the St. Marys River into its canal, but this grant was repealed by the act of March 3, 1909, and both paragraphs should therefore be omitted.

Section 6864: This section is taken from section 10 of the river and harbor act of September 19, 1890 (26 Stat. 454), which was repealed and superseded by sections 10 and 12 of the river and harbor act of March 3, 1899 (30 Stat. 1152), which appear as sections 6863 and 6867 of this bill. The section having been specifically repealed, it should, of course, be omitted.

Section 6865: This section from the river and harbor act of 1875 (19 Stat. 139) was repealed by section 14 of the act of March 3, 1899 (30 Stat. 1152), which act is set out in section 6870 of this bill. This is another illustration of what we find frequently throughout this compilation, namely, two flatly contradictory sections.

Section 6874: This section, taken from section 11 of the river and harbor act of September 19, 1890 (26 Stat. 455), was repealed by section 17 of the act of March 3, 1899 (30 Stat. 1153), which is fully set out in the preceding section, No. 6873, two more flatly contradictory sections.

Section 6879: This is a special provision of a temporary The work has already been done. There is no reason

for including this section in the bill.

Section 6880: The first part of this section is set out in section 6805 and should not be repeated. The latter part of the section is a special provision in the river and harbor act of August 8, The changes there authorized have been made and the

work completed. The section should be omitted.

Section 6885: This is a special provision of a temporary nature in the river and harbor act of July 27, 1916 (39 Stat. 403). By the terms of the item the experiment was to be made within two years. It, therefore, no longer has any force, and

the section should be omitted.

Section 6890: This is a small part of a special provision in the river and harbor act of June 13, 1902 (32 Stat. 340), which is fully covered by the general provision found in section 6889, which latter provision vests in the Secretary of War the authority to use such means as he may deem necessary to accomplish the purpose named. It adds nothing to the general authority conferred by section 6889, and should be omitted.

Section 6892: This section contains a special grant to James A. Moore, in the act of June 11, 1906 (34 Stat. 231), to construct a canal to connect the waters of Puget Sound with Lake Washington. Later (34 Stat. 1108), the grant was modified. Later, Congress, by the act of June 25, Stat. 666), made an appropriation for the construction of the canal, and under which the canal and locks have been completed and the grant to Moore extinguished. The section. therefore, is dead matter.

Section 6910: This section is merely a duplication, it being set out in section 6896, and should be omitted.

Section 6933: This is an act authorizing the purchase of certain land which has long ago been obtained and paid for by the Government and the Government has been in possession of it for several years.

Section 6951: By this section the Secretary of Commerce is authorized to establish anchorage ground in Chicago Harbor. By a later act this authority is vested in the Secretary of War (sec. 6957). Flatly contradictory sections, only six sec-

tions apart.

Sections 6960 to 6991: These sections under the title "Rivers, harbors, and canals," contain the entire law providing a government for the Panama Canal Zone. A few of the sections, namely, 6960, 6961, 6962, 6966, 6968, and probably portions of two or three other sections which relate to the ownership and operation of the canal, should be included in this chapter; but why should section 6965, providing for the government of the Canal Zone, and sections 6967 and 6968, relating to courts and judicial procedure, and section 6973, a part of which regulates the passage of persons through the Canal Zone, why should these sections and a number of others be placed in this chapter? These sections should be placed under the proper title in this compilation, "Insular affairs." In this compilation, laws relating to Territories and insular possessions are found in the two separate titles. Title 25 bears the heading "The States and Territories," and contains four chapters which bear headings as follows:

Chapter 1. The States; Chapter 2. Alaska; Chapter 3. Hawaii; and Chapter 4. Territorial provisions.

Under title 26, entitled "Insular affairs," there are four chapters with headings as follows:

Chapter 1. Porto Rico; Chapter 2. The Philippine Islands; Chapter 3. Guam and Guano Islands; and Chapter 4. The Virgin Islands.

Porto Rico is placed under the title "Insular affairs," while Hawaii is placed in the title "The States and Territories."

There are many other errors under this title to which atten-

tion will not now be called.

Mr. HARRISON. Mr. President, I came into the Chamber after the Senator had begun his speech. Is the Senator now giving the reasons why, in his opinion, this legislation codifying the laws should not be passed by the Senate at this time?

Mr. ERNST. That is correct.

Mr. HARRISON. The reason why I asked the question is that I did not hear the preliminary statement of the Senator. The Senator is now giving the reasons why, in his opinion, the legislation should not be passed at this time?

Mr. ERNST. That is correct.

THE NAVY.

I desire to call the especial attention of the Senate to a number of objections made by the Navy Department.

There are many mistakes running all through this title and they begin with the first section.

Section 2438: The section speaks of rear admirals (first nine) and rear admirals (second nine). This is not correct. The proper titles of these officers are "rear admirals, upper half of grade or rank." and "rear admirals, lower half of grade rank." (39 Stat., 577, 578.) Section 2452: The last sentence of this section should be or rank."

omitted, as it is a duplication of the last sentence of section

2456, and belongs in that section.

Section 2463: This section is from the naval appropriation act of August 22, 1912 (37 Stat., 344); but the provision carried into this section was expressly repealed by the provision in the naval appropriation act of July 1, 1918 (40 Stat., 708). So this section, as well as section 2464, are dead matter and have no place in this bill.

Sections 2465 to 2470: These sections are taken from the naval appropriation act of August 22, 1912 (37 Stat., 344).

The naval appropriation act of July 1, 1918 (40 Stat., 710),

provided for a Dental Corps, which provisions are carried into sections 2472 to 2475, inclusive, and then repealed.

All acts or parts of acts inconsistent with the provisions of that

The only provision in the act of 1912 which is not inconsistent with the provisions of the act of 1918 is that which declares that appointees in the Dental Corps-

Shall not exercise command over persons in the Navy other than dental surgeons and such enlisted men as may be detailed to assist them by competent authority.

The only portions, then, of sections 2465 to 2470 which were not inconsistent with the provisions of the act of 1918 is the above provision just quoted. It can be carried into its proper place in section 2472 and sections 2472 to 2475 omitted from the bill.

Section 2471: This was a special provision, applying only to one officer. A similar provision was carried into the act of 1918 and carried into the first proviso of section 2475. I am advised that the officer specifically referred to in these provisions had reached the age of 70 years and had been placed on the retired list prior to March 1, 1919. Section 2471, as well as the similar provision in section 2475, should be omitted.

Section 2479: This last sentence of this section, "The Secretary of the Navy is empowered to limit and fix the numbers in the various ratings," relates to the ratings of the enlisted men only, and not to pharmacists, and should be transposed to and made the last sentence of section 2482. The "enlisted ratings" are given in section 2478 of the bill.

Section 2486: The provision carried into this section is obsolete, having been superseded by the provision from the naval act of August 29, 1916 (39 Stat. 576), carried into section 2439.

Section 2489: The words in the last two lines of the section. subject to such examinations as may be prescribed by the Secretary of the Navy," should be omitted. Being staff officers, under the provision carried into section 2709 they are not required to take examinations except for "regular advancements in rank." Sections 2781 et seq. regulate the examinations for promotions in grade.

Section 2500: The act of March 3, 1899 (30 Stat. 1005), abolished the Engineer Corps of the Navy and transferred the officers thereof to the line of the Navy. There are, therefore, no longer "chief engineers" as such in the Navy. To state the law as it stands at present, the section should read:

The President may designate among the officers of the Navy performing engineering duty only, and appoint to every fleet or squadron an engineer, who shall be denominated "engineer of the fleet."

Section 2512: The proviso in this section is obsolete, as It has been superseded by the provision carried into section 2439. which provides that the commissioned officers of the Construction Corps shall be 5 per cent of the total number of commissioned officers of the line of the Navy. The proviso should be omitted, as it is dead matter.

Section 2513: This section provides that certain officers having not less than three years' service shall be eligible for transfer to the grade of assistant naval constructor. That provision of the section has been superseded by the later provision in section 2441, that-

Hereinafter ensigns of not less than one year's service as such shall be eligible for transfer to the Construction Corps.

The section should be corrected to conform to this later provision.

The proviso to the section has been superseded by the later law found in sections 2439-2441 of this bill, and should be omitted:

Section 2525: The provisions of this section were superseded by the later provision found in section 2795. The law governing the examinations of officers for promotion are set out in sections 2781 et seq. The section is dead matter.

Section 2531: The provision contained in this section is repealed and superseded by the later provision found in the next, section 2532.

Section 2534: This provision is repealed by the act contained in section 2532.

Section 2536: The act of April 25, 1917 (40 Stat. 38), provides that any enlistment for minority in the Navy or Marine Corps may be extended as provided for extending a term of enlistment for four years. The words "four year," in line 7 of this section, should be omitted, and 40 Stat. 38, cited as authority for this action.

Section 2542: The provision contained in this section has been dead matter for many years. The enlisted strength of the Navy

gead matter for many years. The enlisted strength of the Navy is fixed by the law in section 2541.

Section 2547: The second sentence of this section, as compiled, provides that "honorable discharges may be granted to all enlisted persons in the Navy who have enlisted for four years." The act of June 11, 1896 (29 Stat. 476; 2 Supp. 531) extends the benefits of honorable discharge to "all enlisted or the provider of the provide Therefore the words "who have enlisted for four

years" in the fourth line of the section should be omitted.
Section 2549: The three months granted by law as the limit of time in which to receive the pecuniary benefits of discharge was, by the act of March 3, 1899 (30 Stat. 1003; 2 Supp. 973), extended to four months; and that provision was again amended (in other respects) by the act of August 22, 1912 (37 Stat. 331). The words "three months" in the fifth line of the section should be changed to "four months."

Section 2538: This section is not of a general nature, but relates to the acceptance, from the State of Rhode Island, of Coaster's Harbor Island for use as a naval training station. The cession was made and accepted 40 years ago, and this sec-

tion can serve no purpose here, its provisions being fully exe-

Section 2559: What is said with respect to section 2558 is true of this section. Its provisions have been fully executed, and It has no place in this compilation.

Section 2563: The provisions of this section were repealed by the provisions of the act of May 13, 1908 (35 Stat. 128), which provides that "an officer of the Navy," after 30 years in the service, may, upon his own application, be retired. This lan-

guage includes all officers of the Navy who have served 30 years. Section 2563 should be omitted.

Section 2564: There is no officer now on the active list of the Navy to whom this provision can apply, all officers to whom it could apply having been retired. It should be omitted as being executed.

Section 2579: As here set out, this section is inaccurate in that it provides that all officers failing to pass the physical examination should be retired with the rank to which their seniority entitled them to be promoted, and Thirty-sixth Stat-

utes, 1267, is cited as the source of the section.

This provision was amended by the naval act of August 29, 1916 (39 Stat. 579), with respect to the grades of commander, captain, and rear admiral. By this amendment officers falling to pass the physical examination "shall not be considered, in the event of retirement, entitled to the rank of the next higher grade.

Then the act of July 1, 1918 (40 Stat. 718), extended the provisions of the act of 1916 to officers of the line.

To correctly state the law will require the insertion of the words "below the rank of lieutenant commander" after the word "Navy"

ord "Navy" in the second line of the section. Section 2580: The word "sea," in the last line of the section, should be eliminated, as the act of May 30, 1908 (35 Stat. 501), declares that the 10 per cent additional allowed for service beyond the limits of the United States should not be included in computing the retired pay of naval officers. See section 2678 of the bill.

Section 2583: The Navy Department states that this section is executed and obsolete, as there is no officer now in the

Navy who can possibly be affected by this provision. Section 2586: The act of August 29, 1916 (39 Stat. 579) fixed 64 years as the age for retiring, instead of 62 years. The words "sixty-four" should be substituted for "sixty-two" in the third line of the section.

Section 2587: This section as compiled provides that the next officer in rank shall be promoted to the place of a retired officer, but the act of August 29, 1916 (39 Stat. 579), and the act of July 1, 1918 (40 Stat. 718), provide that in the case of an officer in the rank of commander and above the vacancy shall be filled by selection and promotion and not by seniority, so that the provisions of this section apply only to the grades below commander. The words "except as otherwise provided in this title" should be inserted at the beginning of the section.

Section 2589: Standing as it is this section is in conflict with section 2596 (from a later statute), which provides that officers on the retired list restored to active duty, under certain conditions, may receive an increase of pay. Section 2589 should therefore be amended by inserting at the beginning thereof the words "Except as provided in section 2596."

Section 2590: This section as it is compiled is in direct conflict with section 2590 (from a later act). To reconcile this conflict section 2590 should be amended by inserting at the beginning of the section the words "Except as provided in section 2500;" or the latter section added as a proviso to section

Section 2595: This section as it stands is in direct conflict with respect to some of its provisions with the later act of March 2, 1907 (34 Stat. 1217). This later act is entitled "An act providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States"; and it repeals "all acts and parts of acts so far as they conflict with the provisions of this act." This act appears as section 2052 in the title The Army.

Section 2601: All that part of this section beginning with the words "and the accounting," in line 10 and to the end of the section, were remedial, the accounts have been adjusted and paid, and the provision fully executed. It is therefore dead matter and should be omitted.

Section 2602: This section fixes the pay of admiral at \$13,500. At the time the act from which the section is taken was passed Admiral Dewey was the only admiral, but in the

Later the act of March 3, 1915 (38 Stat. 941, 942), provided that while holding the position of commander of the Atlantic, Pacific, and Asiatic Fleets the officers holding such positions should have the rank and pay of admiral, and fixed the pay at \$10,000, and also provided that the second in command should have the rank of vice admiral, and fixed the pay at \$9,000 per annum.

The provisions of this later law are carried into section 2443 of this bill, where the pay of admiral and of vice admiral is

correctly stated.

Section 2604: Under the provisions carried into section 2602 all commissioned officers of the active list of the Navy shall receive the same pay and allowance, according to rank and length of service." Naval constructors, assistant naval constructors, professors of mathematics, and civil engineers are "commissioned officers" whose pay is fixed by the law found in section 2602. Section 2604 should be corrected by striking out all matter, beginning with the words "naval constructors," is line 8 to and including the words "two theyeard civ hum. in line 8, to and including the words "two thousand six hundred dollars," in line 3, top of page 230.

In addition to this conflict of provisions there are several

other minor errors in the section.

Section 2608: The first sentence of this section is from the act of March 3, 1899 (31 Stat. 1108; 2 Supp. 1548), and includes officers of the Navy and officers and enlisted men of the Marine Corps.

The second sentence, while it sets out the exact language of the act of May 13, 1908 (35 Stat. 128), in the act itself refers only to officers of the Navy. The pay of officers of the Marine Corps is the same as the pay of officers of the Army (see sec. 2917 of the bill), which is to be found in sections 2069 et seq. of this bill. The sentence should be changed so as to apply only to officers of the Navy, and should read:

All commissioned officers of the Navy on sea duty and all such officers on shore duty, etc.

Section 2613: The act of May 13, 1908 (35 Stat. 127) provides that all commissioned officers of the active list of the Navy shall receive the same pay and allowances according to rank. It also provided that nothing in that act should be construed so as to reduce the pay or allowances now (on May 13, 1908) authorized by law for any commissioned officer, etc., of the active or retired lists of the Navy.

The provision carried into section 2613 is from the act of June 29, 1906 (34 Stat. 554). This act fixed the pay of chaplains then in the service. The section should be corrected so as to preserve the pay of the chaplains in the service on that date.

Section 2614: The provision found in this section was repealed by a later enactment, found in section 2602 of this bill. The section should be omitted.

Section 2617: The provisions of law found in this section were modified by the provision in the act of May 22, 1917 (40 Stat. 86), section 5, and also in the act of July 1, 1918 (40 Stat. 716). Concisely stated, the section should read:

Midshipmen graduated from the Naval Academy may be commissioned effective from date of graduation, and shall be allowed the pay of the grade in which so commissioned from the date they take rank as stated in their commissions to the date of qualifications and acceptance of said commissions. (27 S. 716; 32 S. 686; 40 S. 86; 40 S. 716.) (See sec. 2704.)

Section 2618: The provision in this section is superseded by a later enactment contained in section 2619 of the bill; and section 2618 should be omitted as dead matter.

Section 2621: The provisions of this section have been super-

seded by the later law found in section 2619 of this bill.

Section 2626: The act carried into this section was superseded by a subsequent enactment found in section 2627 and in section 2628.

Section 2631. The provision found in this section was superseded by the provision carried into section 2632.

Section 2638: This provision of law was superseded by the provisions of the later act found in section 2602 of this bill.

Section 2641: The first part of the section which authorizes the President to fix the pay of petty officers, excepting mates, etc., was repealed by the provisions in the act of May 13, 1908 (35 Stat. 128), which increased the pay of those officers and provided that the pay as so fixed should remain, until changed by act of Congress. The section should be changed to conform to the act of 1908, to read:

The rates of pay provided for all active and refired enlisted men of the Navy, prior to May 13, 1908, are increased 10 per cent and, as so increased, shall remain in force until changed by act of Congress. (35 S. 128.)

Section 2644: The provision carried into this section was repealed by section 3 of the act of February 28, 1919 (40 Stat. act conferring upon him this title it was provided that upon his death the title should cease (30 Stat. 1045; 2 Supp. 988). 1203), which is found in section 2169 of this bill, in the title "The Army." Changed to apply only to the Navy and the Marine Corps, the section should be changed to read:

An enlisted man honorably discharged from the Navy or Marine Corps shall receive 5 cents per mile from the place of his discharge to his actual bona fide home or residence or original muster into the service, at his option: Provided, That for sea travel on discharge, transportation and subsistence only shall be furnished to enlisted men: Provided further, That naval reservitsts duly enrolled who may be honorably released from active service shall be entitled likewise to receive mileage as aforesaid (40 Stat. 1203).

Section 2646: The law contained in this section is also included in section 2554 of this bill.

Section 2659: The provision carried into this section was

superseded by the act carried into section 2661.

Section 2675: This section is section 1588, Revised Statutes. That section provides, among other things, what the retired pay shall be for officers who have performed 45 years' service, after reaching the age of 16 years. As compiled, to be entitled to retired pay, the officer would have to serve 45 years after reaching the age of 64 years, in other words, the officer would have to be 109 years of age before he would be entitled to re-tired pay. The word "sixteen" should be substituted for "sixty-four" in the third line of the section.

As a matter of fact, section 1588, Revised Statutes, has been modified by several later acts. See sections 2561, 2579, 2580,

2581, 2584, and 2792.
Section 2676: As compiled, this section in some of its provisions is in conflict with the provisions of section 2596. reconcile this conflict there should be inserted at the beginning of the section the words "Except as provided in section 2596."

Section 2679: There should be inserted at the beginning of this section the words "Except as otherwise provided in this for the reason that there are other and later provisions of law which modify the law carried into this section. See sections 2596, 2597, 2600, and 2681.

Section 2683: This section is in direct conflict with the pro-

visions of the later law carried into section 2589.

Section 2686: The provision in this section is superseded by the later law, found in section 1828, title "The Army." Section 2692: The act of August 29, 1916 (39 Stat. 576), in-

creased from 10 to 15 the number of midshipmen the President was authorized to appoint annually to the Naval Academy, and the act of March 4, 1917 (39 Stat. 1182), increased from 25 to 100 the number that might annually be appointed to the Naval Academy by the Secretary of the Navy. If this section should become a law in the form in which it appears in this bill, the effect will be to increase from 15 to 30 the number of midshipmen the President annually may appoint to the academy

Section 2694: This section is merely a duplication of the provisions regulating the appointment of 100 midshipmen annually by the Secretary of the Navy. It is a useless repetition and

should be omitted from the bill.

Section 2719: The first sentence of this section is from the

naval act of March 2, 1895 (28 Stat. 837)

The remainder of the section is from the naval act of March 3, 1897 (29 Stat. 661). The only purpose of the provision was to authorize the proper pay officer to pay the professors the increase in their compensation which had been granted in the act of 1895 from July 1, 1896. It was merely temporary legislation and long since executed, and should be omitted.

The first sentence is obsolete, as it is superseded by the provision in the naval act of August 29, 1916 (39 Stat. 607), which

appears as section 2714 of this bill.

Section 2719, therefore, is obsolete, and should be omitted. Section 2758: This section is obsolete, having been super-seded by the provision in the naval act of July 1, 1918 (40 Stat.

717), carried into section 2625 of this bill.

Section 2760: This section is likewise dead matter, having been superseded by the provision of law carried into section

2625 of this bill.

Section 2764: As to officers entering the service after March 4, 1913 (37 Stat. 892), they take precedence according to their respective dates of commission, which provision is found in section 2809 of this bill. The latter section should be a proviso to section 2764, or the words "except as provided in section 2809" should be inserted at the beginning of the section.

Sections 2767, 2768, 2769: The provisions found in these sections were superseded and repealed by the act of August 29, 1916 (39 Stat. 577), carried into section 2441 of this bill. Section 2772: The provision appearing in this section was re-

pealed by the act of June 30, 1914 (38 Stat. 404), which is found in section 2504 of this bill.

Section 2782: This section is in direct conflict with the provisions of a later law, carried into section 2800 of this bill. Section 2782 is, therefore, dead matter.

Section 2785: Under the terms of this section the whole record and finding shall be presented to the President for his approval or disapproval of the finding.

The provisions of the act of May 22, 1917 (40 Stat. 90) authorize the President to direct the Secretary of the Navy to take such action on the records of promotion boards is now required by law to be taken by the President," which has been carried into section 2795 of this bill. This later provision is in conflict with section 2785.

Section 2794: This section provides that any officer of the Navy below the rank of commander who upon examination promotion is found not professionally qualified shall be suspended from promotion for a period of six months, whereas by the later law of August 29, 1916 (39 Stat. 579), any officer selected to pass an examination for promotion who shall fail to pass the professional examination "shall thereafter be in-eligible for selection and promotion." This later provision is carried into section 2791 of this bill, and is in direct conflict with the provisions of section 2794.

Section 2797: This section furnishes another illustration of the careless manner in which the sections have been arranged

in this bill.

The provision of law found in this section is from the act of August 29, 1916 (39 Stat. 579). This section forms a part of the law found in sections 2788-2791, and should follow section 2789. The board spoken of in the section is the board of selection provided for in section 2788. Without going to the source of the law, no one could tell what board is referred to in the section-whether an examining board or the board of selec-

Section 2828: This section shows upon its face that it is merely temporary legislation, and has no place in this compilation.

TITLE-THE NAVY.

CHAPTER IX-THE MARINE CORPS.

Attention is specially called to the duplications in this chapter.

Section 2874: The act of August 29, 1916 (39 Stat. 609), changes the title of "commandant," as set out in section 2874, to that of "major general commandant," and this section should be changed accordingly.

Section 2879: This section seems to be the parent section

from which several other sections are drawn.

The first four lines of the section and the word "follows," in the fifth line, are a "made up" provision, and might be con-strued in their present form to be in addition to the officers named in section 2875, and should be changed to state the fact or omitted.

Here are some of the duplications from the section:

The first proviso of the section is duplicated in section 2876.

The second proviso is duplicated in section 2878. The fifth proviso is duplicated in section 2877.

The sixth proviso is duplicated in section 2902. The first part of the seventh proviso is duplicated in section

The second sentence of the seventh proviso is duplicated in

section 2903.

The remainder of the seventh proviso is duplicated in section

Section 2883: This section, while correctly fixing the ages between which persons may be appointed to the grade of lieutenant from civil life, does not contain the provision in the act of March 3, 1903 (32 Stat. 1198), that appointees to the grade of lientenant from noncommissioned officers shall be between the ages of 21 and 27 years.

I have been unable to find this provision in the bill; and if not in the bill this section should be amended by incorporating

that provision.

Section 2884: This section is drawn from the act of August 29, 1916 (39 Stat. 611); and in that act, immediately following the provision found in this section, is the following:

That no midshipman at the United States Naval Academy or cadet at the United States Military Academy who fails to graduate there-from shall be eligible for appointment as a commissioned officer in the Marine Corps until after the graduation of the class of which he was

I have been unable to find this provision in this bill.

should be added to this section.

Section 2899: This section states that the staff of the Marine Corps shall be separate from the line; while the act of August 29, 1916 (39 Stat. 610), declares that vacancies thereafter oc-curring in any grade of the staff department should be filled by detail, for a period of four years, from the line. This latter provision appears in sections 2879 and 2901.

Section 2899 should therefore be omitted.

Section 2900: This section provides for the composition of the staff of the Marine Corps, as provided in the act of March 3, 1899 (30 Stat. 1009), but that provision has been modified by the act of August 29, 1916 (39 Stat. 610).

This section does not, therefore, state the law with respect

to the staff of the Marine Corps.

The foregoing are not the only errors under the title "The Navy," but are some of the serious mistakes and duplications that are to be found therein. Many more, of a more or less serious character, are to be found in it. So, too, but few of the omitted provisions are referred to. The foregoing are sufficient, however, to indicate the character of the compilation and the confusion that will exist in attempting to execute the laws relating to the Navy should House bill 12 become a law.

It is not surprising, therefore, that the Secretary of the Navy in his letter, calling attention to the foregoing and to

other defects in the bill, states:

It is obvious that the inclusion of provisions which have heretofore been and now stand repealed would be enacting law which, for reasons best known to Congress and the department, have been specifically repealed. The result would be confusion compounded and result in an intolerable situation. * * *

It is reasonable to believe that if the compilation in its present form should become law it would be impossible for the department to determine the status of the law in a large number of instances affecting the personnel of the naval service, and, further, that it would be necessary to request immediate legislation on these points reenacting the law as it now exists but as it has not been incorporated in said compilation.

In a subsequent letter the Secretary of the Navy adds:

In a subsequent letter the Secretary of the Navy adds:

To reenact these repealed provisions would not only result in constructive legislation detrimental to the naval service, but would also result in such confusion that it would be impossible to administer the naval service in several important particulars until subsequent legislation had been obtained to eliminate the damage done by enacting this codification into law.

Suffice it to say that this department is very anxious to promote a careful and comprehensive codification of all the laws of the United States, and that it is particularly interested in a proper codification of the laws relating to the Navy. It must, however, recommend that it be not enacted into law until the very many obvious errors contained therein have been corrected and the provisions of law omitted therefrom incorporated therein.

You are advised, therefore, that this department is of the opinion that H. R. 12 in its present form should not be enacted, and that in respect to those titles which affect the naval service only a most careful revision and in many instances a complete reconstruction thereof will suffice.

Territorial Provisions.

TERRITORIAL PROVISIONS.

TITLE 25, CHAPTER 4.

Most of the sections in this chapter are taken from the Revised Statutes and are dead matter, having become obsolete when Arizona and New Mexico, the last of the Territories to which they applied, became States.

They can serve no useful purpose in this bill.

Alaska: Alaska has a complete system of government—legislative, executive, and judicial—which is set out in the organic act of August 24, 1912. (37 Stat. 512.)

Hawaii: The organic act of April 30, 1900 (31 Stat. 141) establishing a complete system of Government—legislative, execu-

tive, and judicial-for Hawaii.

Porto Rico: The new organic act of March 2, 1917, an act entitled "An act to provide a civil government for Porto Rico, and for other purposes," establishes a complete government for Porto Rico with legislative, executive, and judicial departments.

Philippine Islands: The new organic act of August 29, 1916 (39 Stat. 545), is that of a completely organized Territory, and it has a governmental organization with legislative, executive, and judicial departments.

These organic laws governing these Territories are fully set

out in the other chapters, title 25 and in title 26 of the code.

There is no necessity to have further enactment of other laws relating to these Territories which can not be applied to them and which will but serve to confuse. It simply encumbers the new compilation with dead matter which can be of no possible use.

For the purpose of demonstrating the obsolete character of the sections in this chapter, reference is here made to a few of the sections and then to the corresponding section of H. R. 12, which relate to Alaska, Hawaii, and Porto Rico:

Section 3957. Governor: 3796, Alaska; 3925, Hawaii; and 4046,

Section 3958. Veto power: 3776, Alaska; 3914, Hawaii; and 4071, Porto Rico.
Section 3959. Secretary: 3797, Alaska; 3926, Hawaii; and 4049

Section 3969. Section; of the Section 3961. Legislative power: 3766, Alaska; 3884, Hawaii; and 4060, Porto Rico.

Section 3968. The legislature: 3766, Alaska; 3902-3910, Hawaii; and 4061-4062, Porto Rico.

Chapter 4 of title 25 contains sections in the code 3957 to 4038, inclusive. An examination of each one of these sections

50

will demonstrate that there are but very few of them which can possibly be applied to our Territorial possessions.

These obsolete sections should be omitted from the code.

There is submitted herewith a memorandum prepared in the office of the Judge Advocate General of the War Department, which sets out with great care and minuteness the laws and conditions covering Alaska, Hawaii, Porto Rico, and the Philippine Islands, a careful examination of which should be made by anyone interested in this new compilation. It clearly demonstrates that much confusion, uncertainty, and litigation would necessarily follow the enactment of this bill.

Unanimous consent is asked that the memorandum above referred to be printed in full in the RECORD at the end of these remarks, and also that a letter from John Rustgard, attorney general of Alaska, in a report upon this bill (H. R. 12) to the governor of Alaska, be also printed in the RECORD at the end of

these remarks.

The VICE PRESIDENT. Without objection, it is so ordered. (See Appendix 1.)

Mr. Rustgard, in concluding his letter, makes the following

These are a few of the objections to the new compilation which occur to me at the present time after, as I have stated, a cursory examination of the subject.

If Alaska could be left out of the new code, it would give me considerable pleasure to assist in compiling and revising the Federal enactments of a permanent nature touching this Territory. I am satisfied that such task must be undertaken in the near future. At any rate, an effort should be made to have some changes made in the compilation in question before it becomes a law.

PUBLIC PRINTING -- TITLE 84

Section 5769: This section provides that "every bill and joint resolution in each House of Congress at the stage of the consideration at which it was engrossed prior to November 1, 1893, shall be printed, and such printed copy shall take the place of what was known before that as, and shall be called, the engrossed bill or resolution," and so forth.

The law with respect to printing bills or resolutions as it existed prior to November 1, 1893, is not set out in the compilation, and therefore it can not be determined at what stage

of passage the bill should be printed.

Section 5771: The provision in this section was superseded by the provision in section 5770. There is now no time "when there is no joint committee of the two Houses of Congress."

The section should, therefore, be omitted.

Section 5788: By the act of May 27, 1908 (35 Stat. 381, 382), Congress created the office of a Deputy Public Printer and defined his duties, and provided that he should perform the duties theretofore performed by the chief clerk. Among such duties were those set out in this section. The words "chief clerk" appear three times in this section as compiled. These words appear three times in this section as compiled. These words should be stricken out and the words "Deputy Public Printer" substituted therefor.

Section 5802: The same change should be made in this sec-

tion as in section 5788 and for the same reason.

Section 5821: This section is obsolete and is superseded by the provisions of the sundry civil act of May 27, 1908 (35 Stat. 382), which is set out in the last paragraph of section 5786 of H. R. 12.

Section 5830: The word "otherwise" in the fifth line of this section should be changed to "hereinafter" to conform to exist-

Section 5870: The Superintendent of Documents and not the Secretary of State is authorized to sell copies of the pamphlet laws. The words "Superintendent of Documents" should be substituted for the word "him" in the fourth line of the section, inasmuch as the word "him" refers to the Secretary of

Section 5872: The first sentence of this section is contained in section 1414 in the chapter on "Evidence" in the judiciary title, where it properly belongs, because it makes competent as evidence pamphlet copies of the statutes.

Section 5884: This section is obsolete. The Government's

interest in the Union Pacific Railway ceased in 1807 and the last report was issued in 1898.

Section 5891: The third paragraph of this section and the second paragraph of section 5916 are duplicates.

The second paragraph of section 5016 should be omitted and the first part of the same section carried into section 5891, since it relates to matters which should be included in the Official Register.

Section 5898: While this section contains the provision regulating the size of the bulletins to be issued, it does not contain the provisions which authorize their publication and the number to be printed. That provision is found in the concurrent resolution of April 27, 1900 (31 Stat. 1992).

LOSIESUS TUESDA POR

Section 5905: The provision found in this section is an amendment of the law found in section 5900 and should be carried into that section. Standing as two separate sections, one con-

tradicts the provisions in the other.

Section 5914: This section is dead matter, having been superseded by a later provision, which is set out in section 5836, which increases from 6 to 10 the number of copies of the daily CONGRESSIONAL RECORD to be furnished to the Library of Con-

Section 5943: This section has been superseded by the provi-

sion set out in section 5773.

Section 5969: This section is superseded by the act of May 12, 1910 (36 Stat. 366), which is set out in section 6614 of this bill.

Omitted provision: Section 5 of the act of July 1, 1902 (32 Stat. 631), authorizes the distribution at the beginning of the first session of each Congress to any Senator or Representative who may apply for them a copy of the Revised Statutes and the supplements thereto, one copy of each to be furnished during the term of service of the Member. This provision can not be found in H. R. 12.

INTERSTATE COMMERCE COMMISSION.

The Interstate Commerce Commission in a communication of considerable length, dated February 13 and addressed to the Hon. Edward C. Little, and a copy of which was sent to the Committee on Revision of the Laws of the Senate, withdrawing sundry objections made to the bill in a former letter and setting out various other objections to it, state as follows:

Out various other objections to it, state as follows:

We appreciate fully the magnitude and importance of this work. It is this very fact that leads us to refer to these matters. We do not mean to intimate that the code has not been most carefully and critically prepared. In a work of this character it is practically impossible to prevent inaccuracies. In an endeavor to be helpful rather than critical we have attempted to call attention to some matters which it seems to us should be further considered. Many of the doubts that griss can be settled only by Congress or by the courts which in the last analysis means the Supreme Court. The law under which the commission functions has been growing since its original enactment and thas taken many years to determine its application to various combinations of facts or circumstances. If the code is enacted, it may again require many years before the courts will have decided many of the questions which will arise. This would leave all concerned with the application of the laws relating to the commission's work in a state of uncertainty, in many instances, pending these court decisions. It is also conceivable that the construction placed by the courts upon some of the questions that will arise may vary from the intent of Congress. Congress, in the first instance, determines what the law shall be and the effect that it shall have. It would seem preferable in the enactment of the code that Congress rather than the court should resolve these doubts and that steps should be taken to eliminate such doubts as far as it is possible to do so.

Unanimous consent is asked that this communication from

Unanimous consent is asked that this communication from the Interstate Commerce Commission be printed in full in the RECORD at the end of these remarks. It is worthy of serious consideration.

The VICE PRESIDENT. Without objection, it is so ordered. (See Appendix 2.)

THE CAPITAL.

TITLE XXI-CHAP, II.

Section 3420: The law from which this section was taken was repealed and superseded by section 10 of the legislative appropriation act of March 1, 1919 (40 Stat. 1269), which appears as section 3462 of this bill.

Section 3435: This section is taken from the act of March 3. 1891 (26 Stat. 868), and does not state the law, as the act from which it is taken was expressly amended by the act of June 21, 1906 (34 Stat. 385), the last sentence of which reads as follows:

And hereafter no such permits shall be granted except upon special application and with the concurrence of all of said commissioners, and, where such extensions are to be placed upon buildings to be erected on land adjoining United States public reservations, the approval of the Secretary of War.

Section 3451: The latter part of this section, which provides that Rock Creek Park shall be under the joint control of the Commissioners of the District and the Chief of Engineers, was repealed by the act of July 1, 1918 (40 Stat. 650), which declares the park to be a part of the park system of the District of Columbia. As a result, this park is now under the exclusive control of the Chief of Engineers (see section 3448), and the Commissioners of the District have no control over the park. The last two sentences of section 3451 are in direct conflict with the law as set forth in section 3448, and they should, therefore, be stricken from the section.

Section 3466, determination of harbor lines: The act carried into this section was repealed by a provision in the river

and harbor act of July 25, 1912 (37 Stat. 206), which reads:
The provisions of section 11 of the river and harbor act of March 3, 1899, are hereby made applicable to the Potomac and Anacostia Rivers; and hereafter harbor lines in the District of Columbia, or elsewhere on said rivers, shall be established or modified as therein provided; and all laws or parts of laws inconsistent with this proviso are hereby repealed.

The provisions of section 11 of the river and harbor act of March 3, 1899, which were made applicable to the Potomac and Anacostla Rivers, are found in section 6866 of the bill, in which appears the language from the act of July 25, 1912, above quoted.

The section should be omitted as being dead matter.

TITLE XV .- THE JUDICIARY. SECTION 988, PARAGRAPH THIRD.

Congress, by the act of October 6, 1917 (40 Stat. 395), attempted to amend paragraph third of this section by the addition of the words "and to claimants the rights and remedies under the workmen's compensation law of any State"; but the Supreme Court, in Knickerbocker Ice Co. v. Stewart (253 U. S. 149), held the provision unconstitutional, as being an attempt on the part of Congress to delegate its legislative power.

The words quoted should be omitted from the section as being

dead matter.

Section 1209, paragraph third: Congress by the act of October 6, 1917 (40 Stat. 395), attempted to make the same amendment to this paragraph that it did to paragraph third of section 988, but it was likewise held void by the Supreme Court in the case above cited.

The attempted amendment is therefore dead matter and should be omitted from the paragraph.

HEADLINES TO THE SECTIONS.

Some of the headlines to the sections of the code are crude and meaningless. I cite a few:

Section 206. Mileage or neglect of messengers.
Section 1358. Husband or wife competent in bigamy.
Section 1358. Husband or wife competent in bigamy.
Section 1847. Appointment to above colonel; vacancy.
Section 1970. Superior punished if detached six years.
Section 2573. Disability by otherwise than in service.
Section 2933. Exchange of machines and things.
Section 4049. Sanitary bonds of municipal corporations,
Section 4044. United States laws apply except on internal-revenueceptrs.

Section 4095. Harbors and navigable waters transferred. Section 6838. Construction of bridges or dams over

waters.
Section 7250. Killing female or seal less than 1 year old.
Section 8204. The Lighthouse Establishment things.
Section 9693. Neat cattle and hides prohibited; penalty.

CITATIONS.

The citations are frequently inaccurate and incomplete.

I have many other letters which I should like to have placed in the Record, but I shall not now ask to have that done. I simply desire to say in conclusion that no attempt has been made to set out more than a part of the defects in this bill, consisting of errors of omission and commission. A number of the titles have not been touched or commented upon in any

To read this bill as one would a novel, as I said a moment

ago, would require some three hours a day for two months.

A critical and complete examination of the entire compilation, with its 10,747 sections, would require the continued labor for many, many months of an able and experienced lawyer and a force of assistants familiar with this character of work. It can not be performed by novices.

It would have been a far pleasanter task to report this bill favorably than to point out its defects. Such course would

have saved many weeks of hard work.

Its passage is not favored, solely because the bill in its present form is fatally defective, and, in my judgment, it can not be cured by amendment.

APPENDIX 1.

UNITED STATES SENATE, COMMITTEE ON THE JUDICIARY, September 23, 1921.

Senator R. P. ERNST, United States Senate.

DEAR SIR: Inasmuch as the bill referred to in the inclosed letters from the Governor of Alaska and the attorney general of Alaska is in the hands of your committee, I beg leave to refer the communications to you for your consideration and attention.

Yours very truly,

KNUTE NELSON.

TERRITORY OF ALASKA, OFFICE OF THE GOVERNOR, Juneau, September 9, 1921.

Hon. Knute Nelson,
Chairman Judiciary Committee,
United States Senate, Washington.

My Dear Senator Nelson: I am transmitting to you herewith a letter received by me from the attorney general of Alaska in which he calls my attention to House bill No. 12, now pending in the Senate and evidently in your committee, to codify, revise, and reenact the general and permanent laws of the United States, and which he believes in its Alaska provisions may produce complications in this Territory.

I am submitting his letter for your information and such consideration and action as you may think necessary.
With very good wishes, I am,
Sincerely yours,
Scott C. Bone, Governor,

TERRITORY OF ALASKA, OFFICE OF ATTORNEY GENERAL, Juneau, Alaska, September 2, 1921.

Hon. Scott C. Bone, Governor of Alaska, Juneau, Alaska,

Hon. Scott C. Bone,

Governor of Alaska, Juneau, Alaska.

My Dear Governor: Permit me to call your attention to House bill No. 12, entitled "A bill to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1913."

This bill passed the House of Representatives May 16, 1921, and is presumably at the present time pending before the Senate.

As the title indicates, this is a bill not only to compile, but to revise and reenact the general and permanent laws of the United States in force March 4, 1919, and as such it purports to compile, revise, and reenact the Federal laws applicable to Alaska.

Under the circumstances, I have hastily examined the Alaska provisions and find that if this bill becomes a law it is likely to cause many complications in this Territory; section 3823 contains the provisions relative to the distribution of the Alaska fund, but I find that it omits the first part of section 7 of the act of February 6, 1909, entitled "An act relating to the affairs of the Territories" (35 Stat. L. 601). This is the provision which authorizes he 5 per cent of the Alaska fund formerly devoted to the care of the insane to be diverted to the used for schools.

Sections 3832 and 3833 contain the old provisions in regard to the establishment of school districts in and outside of incorporated towns, respectively. I have formerly suggested that these sections be repealed. But there is another enactment of importance which has been omitted, so far as I can find, and that is the act of March 3, 1917 (39 Stat. 1131), entitled "An act to authorize the Legislature of Alaska to establish and maintain schools, and for other purposes" (39 Stat. L., ch. 167). Unless this last act is embodied in the new revision of the Federal States it is likely that the Legislature of Alaska will have no authority over schools.

Some of the penal laws applicable to Alaska are embodied in the new codification, but I do not find that the penal code of 1899 is included. What effect this wi

Some of the penal laws applicable to Alaska are embodied in the new codification, but I do not find that the penal code of 1899 is included. What effect this will have I am not at present prepared to state.

I also find that a portion of the act of June 6, 1900, is embodied in the new compilation, but not all of it. I find by section 10742 of the proposed new codification it is provided:

"All acts of Congress passed prior to the 4th day of March, 1919, any portion of which is embraced in any section of this code are hereby repealed, and the sections herein applicable thereto shall be in force in lieu thereof; all parts of such acts not contained in this codification having been repealed or superseded by subsequent acts or not being general and permanent in their nature."

There is serious question under this provision whether or not a large part of our civil code, as well as our code of procedure, may be repealed by the bill here in question. This, of course, was not the intent. The act of June 6, 1900, entitled "An act making further provisions for civil government for Alaska, and for other purposes," contains both a political code, civil practice codes, and the civil code in one enactment. Only the political code is amended in the new compilation, but inasmuch as this political code is a part only of a larger act the question is whether or not the other part not included in the codification is repealed by the new enactment.

I also observe that amendments and modification of the civil code of the Territory enacted subsequent to 1900 are incorporated into the above-named compilation.

Personally I feel that the political code of Alaska should be rewritten, and inasmuch as the legislature of the Territory has made several amendments to the remainder, the latter should not be at the present time touched by Congress, as serious complications would thus arise.

The new compilation, for instance, contains the old provisions of 1900 concerning notaries public. These provisions have been to some extent amended by th

2 Supp. 1194). This reenactment would have the effect of legalizing any unauthorized act done by the governor prior hereto touching the same subject.

Section 3796 also contains a provision making it the duty of the governor to "from time to time inquire into the operation of any person, company, association, or corporation authorized by the United States, by contract or otherwise, to kill seal or other fur-bearing animals in the Territory, and any and all violations by such person, company, association, or corporation of the agreement with the United States under which the operations are being conducted, and shall annually report to Congress result of such inquiries."

This, of course, is antiquated, but a reenactment at this time might impose upon the governor duties which it was not the intention to require him to perform.

These are a few of the objections to the new compilation which occur to me at the present time after, as I have stated, a cursory examination of the subject. If Alaska could be left out of the new code it would give me considerable pleasure to assist in compiling and revising the Federal enactments of a permanent nature touching this Territory. I am satisfied that such task must be undertaken in the near future. At any rate, an effort should be made to have some changes made in the compilation in question before it becomes a law.

Yours truly,

JOHN RUSTGARD, Attorney General.

APPENDIX 2.

INTERSTATE COMMERCE COMMISSION, Washington, February 13, 1923.

Hon. RICHARD P. ERNST, United States Senate, Washington, D. C.

MY DEAR SENATOR: I herewith beg leave to inclose a copy of a letter I have this day sent to Hon. Edward C. Little.
Yours very truly,

JOHN J. ESCH, Commissioner.

INTERSTATE COMMERCE COMMISSION, Washington, February 13, 1923.

Hon. Edward C. Little, Washington, February 13, 1923.

Chairman Committee on Revision of Laws,

House of Representatives, Washington, D. C.

Mx Dear Little: I have your recent letters commenting on former Chairman Clark's letter of February 26, 1921, to Senator Wolcott, with respect to H. R. 9389, Sixty-sixth Congress.

The explanatory statements made in that letter were probably not as explicit as they might have been, and thus have led to a misapprehension of the purpose of that letter. I take the liberty of quoting from it as follows:

"Some examination has been made of this bill, but it has been impossible to make that careful examination and criticism which its great importance demands. At this time I can only point out certain apparent errors and omissions which seem important and should be considered."

Upon reflection you will probably agree that we did not be considered."

importance demands. At this time I can only point out certain apparent errors and omissions which seem important and should be considered."

Upon reflection you will probably agree that we did not intend to suggest that the matters omitted should be included in the code. These omissions were merely matters which the hasty examination we were obliged to make of the code in the time available brought to light. We realized, of course, that the importance of the work demanded a most careful examination, and it was with the thought in mind that the effect of these omissions should not be overlooked rather than that the parts omitted should be included in the code that we directed attention to them. It seems only fair to all concerned that this explanation be made.

Before proceeding to a consideration of the effect of these omissions, permit me to refer to your comments with respect to the use of the commission's pamphlet prints of the law. We appreciate, of course, that these pamphlets are not authoritative texts of the law and, in fact, they are not intended to be. They do, however, contain the various acts, under which the commission functions, and there was less possibility of failing to consider some one of these acts in the check made of H. R. 9389 through use of the pamphlet print than through use of the Statutes at Large. Our pamphlet prints contain appropriate references to the Statutes at Large. In the preparation of this letter we have not relied upon our print but have consulted the texts of the various acts as contained in the Statutes at Large which cover the points discussed. It is necessary to refer frequently in this letter to various acts, and as it is easier to associate various acts by their usual designation in stead of the correct citation, we are using the former. For convenience these designations, together with the correct citations, are listed below: Cullom Act, or act to regulate commerce, approved February 4, 1887. (24 Stat. L. 379.)

Elkins Act, approved June 18, 1910. (36 Stat. L. 539.)

You will note from our letter of November 22, 1922, to Senator Eanst, copy of which you have, that our letter of February 26, 1921, relating to H. R. 9389, is equally applicable to H. R. 12. For convenience, H. R. 12 is hereinafter referred to as the code.

In taking up the various paragraphs contained in our letter of February 26, 1921, we will consider them in the order in which they there appear. We do not mean to imply that our position with respect to these various omissions is indisputable, but it does seem to us that the very fact that it may be disputable should lead the committee to exercise extreme care in omitting these portions of the act to regulate commerce as amended. T.

ACT TO REGULATE COMMERCE.

ACT TO REGULATE COMMERCE.

1. The eleventh and twelfth paragraphs in section 1, appearing on pages 10, 11, and 12 of the June, 1918, print, are omitted. These are contained in the act approved August 19, 1917 (40 Stat. L. 272). We withdraw these from further consideration. (See note A.)

2. The words "after January first, nineteen hundred and seven," appearing in the lifteenth paragraph of section 1 on page 13 of the June, 1918, print, are omitted. These are contained in section 1 of the Hepburn Act. They are withdrawn from further consideration. (See note B.)

3. The sixteenth paragraph in section 1, appearing on page 14 of the June, 1918, print, is omitted. This is contained in the act of February 17, 1917 (39 Stat. L. 922), relating to free transportation to the trustees of the Cincinnati Southern Railway. It is withdrawn from further consideration. (See note C.)

4. The words "From and after May first, nineteen hundred and eight," appearing in the seventeenth paragraph in section 1, on page 14 of the June, 1918, print, are omitted. These are contained in section 1 of the Hepburn Act. They are withdrawn from further consideration. (See note D.)

5. The second proviso in section 4, appearing on page 16 of the June, 1918, print, is omitted. This proviso, which reads "Provided further, That no rates or charges lawfully existing at the time of the passage of this amendatory act shall be required to be changed by reason of the provisions of this section prior to the expiration of six months after the passage of this act, nor in any case where application shall have been filed before the commission, in accordance with the provisions of this section, until a determination of such application by the commission," was added to section 4 of the act to regulate commerce, as amended, by section 8 of the Mann-Elkins Act, which amended that section "to read as follows." This proviso in a modified form is contained in the transportation act, 1920. Under the code would probably cover any situation arising prior to that date,

Panama Canal act. Under this paragraph the commission is authorized to permit the continuance of water-line operations by railroads under certain conditions. There seems to be no reason for omitting this paragraph from the code.

8. The following sentence appearing in the third paragraph in section 12, on pages 29 and 30 of the June, 1918, print, is omitted:

"The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding."

This is contained in section 12 of the act to regulate commerce. It is withdrawn from further consideration. (See note E.)

9. The following proviso appearing in the second paragraph in section 15, on page 34 of the June, 1918, print, is omitted:

"Provided further, That until January 1, 1920, no increased rate, fare, charge, or classification shall be filed except after approval thereof, has been secured from the commission. Such approval may, in the discretion of the commission, be given without formal hearing and in such case shall not affect any subsequent proceeding relative to such rate, fare, charge, or classification."

It was added to this paragraph by section 4 of the act approved August 9, 1917 (40 Stat. L. 270). This law, which is general, was in effect on March 4, 1919, and continued in effect for nine months after that date.

OTHER AND RELATED ACTS.

August 9, 1917 (40 Stat. L. 270). This law, which is general, was in effect on March 4, 1919, and continued in effect for nine months after that date.

II.

OTHER AND RELATED ACTS.

1. That part of the amp appropriation act approved August 29, 4101 (39 Stat. L. 568, 649), and appropriation act approved rates of members of the National Guard travellogeration at reduced reacts of members of the National Guard travellogeration at reduced reacts of members of the National Guard travellogeration at reduced reacts of members of the National Guard travellogeration at reduced reacts of members of the National Guard travellogeration in the first four lines of page 55 of the June, 1918, print, is omitted.

Paragraph No. 9, under this heading, relates to the omission from the page 10 of the following, which is contained in the same act on page 65 of the June, 1918, print, is omitted.

"The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilities the same, to the exclusion as far as may be necessary of all other material, and equipment, or for such other purposes connected with the emergency as may be needful or destrable."

In connection with the former, you say: "In the first place, it is from an appropriation act, which, of course, is not general and part in the section 10742 of the code reads, in part; "That the incorporation in this codification of any general and permanent provisions, taken from an act making appropriation * "" We did not intend to suggest that the appropriation act is included in the code of the foregoing quotation from the code would seem to preclude possibility of any doubt as to the inclusion of these provisions are general, and that the one relating to reduced rates for members when the supply to "any appropriation or any provision of a private, local, or temporary is the value of the inclusion of the provision and the code of the foregoing quotation from the code

"That under the immunity provisions in the act entitled 'An act in retation to testimony before the Interstate Commerce Commission, etc., approved February 11, 1893, in section 6 of the act entitled 'An act to establish the Department of Commerce and Labor, approved February 14, 1893, and in the act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February 19, 1903, and in the act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February 25, 1903."

The acts described are—
"Compulsory testimony act, Twenty-seventh Statutes at Large, 443; act to establish Department of Commerce and Labor, Thirty-second Statutes at Large, 825; Elkins Act, Thirty-second Statutes at Large, 825; ilkins Act, Thirty-second Statutes at Large, 847; legislative, executive, and judicial appropriation act, Thirty-second Statutes at Large, 847.

The compulsory testimony act provided that no person shall be excused from restifying, etc., in any proceeding 'based upon or growing out of any alleged violation of the act of Congress entitled 'An act to regulate commerce,' approved February 4, 1887, or of any amendment thereof "".

The immunity provisions of the compulsory testimony act are contained in section 7034 of the code includes the unomitted portion of the immunity of witnesses act. As there stated, it reads: "Under the immunity of witnesses act which is contained in section 7034, although under the immunity of witnesses act which is contained in section 7034, although under the immunity of witnesses act which is contained in section 7034, although under the immunity of witnesses act which is contained in section 7034, although under the immunity of witnesses act which is contained to section of the code covering the immunity provisions in the four acts described the provision which restricts the immunity provisions of those four acts to natural persons.

We have not checked to ascertain whether the immunity provisions contained in the cod

Stat. L. 450), appearing on page 105 of the June, 1918, print, is omitted. This omission is withdrawn from further consideration.

(See note F (b).)

9. This was considered in connection with paragraph No. 1 under this heading.

10. The Federal control act, approved March 21, 1918 (40 Stat. L. 1290), appearing on pages 106-117 of the June, 1918, print, is omitted. We note your statement that the matter in Fortieth Statutes at Large, 1290, is contained in section 6918 of the code. That section contains section 8 of Fortieth Statutes at Large, 1290, while the matter referred to by our letter of February 26, 1921, is the amendment of the Federal control act, contained in section 7 of Fortieth Statutes at Large, 1290.

The omission of the Federal control act and the amendment are withdrawn from further consideration. (See note G.)

The omission of the Federal control act and the amendment are withdrawn from further consideration. (See note G.)

11. The first paragraph of section 6 of the safety appliance act, approved April 14, 1910 (36 Stat. L. 298), appearing on page 125 of the June, 1918, print, is said to be omitted.

We note your statement that this is contained in section 7407 of the code.

We desire to call attention to another point in this connection which examination of section 7407 has disclosed. The first paragraph of section 8 of the safety appliance act approved April 14, 1910, provides that it shall be the duty of the Interstate Commerce Commission to enforce the provisions "of this act." The various sections "of this act" are contained in sections 7407, 7418, 7419, 7420, 7425, and 7426 of the code. Section 7407 in restating this provision refers to "this act" are contained in sections 7407, 7418, 7419, 7420, 7425, and 7426 of the Code of Laws of the United States." Section 7416, 7418, 7419, 7420, 7425, and 7426 of the Code of Laws of the United States. Section 7416, 7418, 7419, 7429, 7425, and 7426 of the Code of Laws of the United States. Section 7416, 7418, 7419, 7429, 7425, and 7426 of the June,

quired of all railway common carriers, including the number, equipment, size, and construction of the cars necessary for the transaction of the business; the character and speed of the trains which are to carry the various kinds of mail; the service, both terminal and en route, which the carriers are to render; and all other information which may be material to the inquiry, but such other information may be filed at any time in the discretion of the commission."

The words at the end of the quotation, "but such other information may be filed at any time in the discretion of the commission," are retained in section 6686 of the code. With the omission of the words underscored they do not seem to have a definite meaning.

We note that our reference to section 7033 on page 9 of the letter of February 26, 1921, was in error and that the correction in section 7360 has been made. We also note that the duplication between sections 7057 and 7077 of H. R. 9389 has been corrected in H. R. 12.

We have covered the point raised on that page with respect to section 7076 more fully in this letter.

This concludes the consideration of the various points indicated in our letter of February 26, 1921. The examination of the statutes and of the code in connection with the preparation of our comments above has disclosed several other matters to which it seems desirable to direct attention.

The code is entitled "An act to consolidate, codity, revise, and recent

We have covered the point raised on that page with respect to section our letter of February 26, 1921. The examination of the statutes and of the code in connection with the preparation of our comments above has disclosed several other matters to which it seems desirable to direct. The code is entitled "An act to consolidate, codify, revise, and arenaet the general and permanent laws of the United States in force March 4, 1919. The effect of the word "revise" on some of the changes in the than is at present apparent.

For instance, section 7064 of the code restates section 1 of the Elkins Act, as amended. The first sentence of section 7064 reads as follows: Carrier subject to chapter 104. Twenty-fourth St tartor commendation of the code of the code of the code and the code are committed to be done by any director or officer thereof, or any receiver trustee, lessee, search, or person acting for or employed by such corporation, and upon conviction thereof it shall be adjusted to the code of the code of the code of the code and the

The only means of determining the corresponding sections of the code is by a comparison of the code with the act to regulate commerce and the various amendatory acts. That can be done with the aid of an adequate index. The courts may hold that under the provisions of the code the amendments made by the transportation act, 1920, to the act to regulate commerce, as amended, will apply as amendments to the corresponding sections of the code. But many difficulties will be encountered in the application to the code of these amendments.

Section 5 of the act to regulate commerce, as amended, affords a excellent illustration of some of these difficulties. The first paragraph of this section was enacted in the act to regulate commerce. Section 11 of the Panama Canal act specifically amended section 5 of the act to regulate commerce, as amended, by adding a new paragraph. These two paragraphs are contained in section 7077 of the code. Section 11 of the Panama Canal act also contains other paragraps under which the commission functions. The first of these additional paragraphs is contained in section 7058 of the code; the second, as indicated in paragraph No. 7 under "I. An act to regulate commerce "above, has not been found in the code; and the third is contained in section 7138. Section 408 of the transportation act, 1920, provides that the first and second additional paragraphs of section 11 of the Panama Canal act "are hereby made a part of section 5 of the interstate commerce act."

If it can be said that under the provisions of the code the amendments to the act to regulate commerce, as amended, made by the transportation act, 1920, are applicable to the corresponding sections of the code, in what manner will section 408 of the transportation act, 1920, are applicable to the corresponding sections of the code, in what manner will section 408 of the transportation act, 1920, apply? Will section 7058 of the code be repealed and the matter there appearing be made a part of section 7077, or will no change in the code i

portant, but they are at least indicative of the doubts that arise in connection with the application under the provisions of the code of the transportation act, 1920, to the code. Who shall resolve these doubts?

We have never suggested and do not suggest now that the transportation act, 1920, or any other law passed subsequent to March 4, 1919, should be included in the code, but surely the code should not be enacted until the effect of its enactment upon such subsequent laws has been fully considered and effective provision made to eliminate all possibility of confusion as to what is the law under which various rights would accrue, liabilities be incurred, and causes of action arise.

We also note one correction which should be made in section 7078. That section corresponds to section 9 of the act to regulate commerce, as amended. It provides that any person claiming to be damaged by any common carrier may make complaint to the commission as 'here-inafter' provided. Section 13 of the act to regulate commerce, as amended, which contained the provisions with respect to the filing of complaints with the commission will become section 7035 of the code, and thus 'hereinafter' lis incorrectly used in section 7078 of the code. We appreciate fully the magnitude and importance of this work. It is this very fact that leads us to refer to these matters. We do not mean to intimate that the code has not been most carefully and critically prepared. In a work of this character it is practically impossible to prevent inaccuracles. In an endeavor to be helpful, rather than critical, we have attempted to call attention to some matters which it seems to us should be further considered. Many of the doubts that arise can be settled only by Congress or by the courts, which in the last analysis means the Supreme Court. The law under which the commission functions has been growing since its original enactment and it has taken many years to determine its application to various combinations of facts or circumstances. He the code is e

JOHN J. ESCH. Chairman.

NOTES. A.

Fortieth Statutes at Large, 272, amends section 1 of the act to regulate commerce, as amended, "by adding thereto the following." "The following" is the text of these paragraphs which relate to penalties for obstructing interstate commerce and to priority in transportation "during the war in which the United States is now engaged." This,

of course, is a "temporary" law, and although the paragraphs form a part of section 1 they will not be repeated by the code, inasmuch as no part of this act is contained in the code.

These words are contained in the paragraph prohibiting, with certain exceptions, the issuance of passes, etc., and constitute an "effective date."

Although this is shown by the June, 1918, print as a part of section 1 of the act, it is not part of section 1, and as it is not a "general" law, it should not be included in the code.

These words establish the effective date of the commodities clause.

The provisions of the compulsory testimony act (27 Stat. L. 443) would seem to cover the portion omitted from section 7033 and are contained in section 7034 of the code.

(a) Section 9: The laws relating to the attendance of witnesses, etc., existing at the time the Hepburn Act was passed, are probably contained in the code. We do not now perceive the consequences that may attach to the emission of this section from the code.

(b) Section 10 repeals conflicting laws. Under section 10742 of H. R. 12 the Hepburn Act will be repealed. Will the repeal of this omitted repealing section revive prior conflicting laws? Section 4, chapter 1, title 1, rules and terms, reads:

"Effect of repeal: Whenever an act is repealed which repealed a former act such former act shall not thereby be revived, unless it shall be expressly so provided. The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability."

This is a restatement of Sixteenth Statutes at Large, 431, approved February 25, 1871. Under this the repeal of the omitted repealing sections would not revive prior conflicting laws.

(c) Section 11 and the joint resolution: Under the code sections of the Hepburn Act included in the code are "reenacted" and "shall be in force in tieu thereof." It is possible that those sections may thus be held to become effective as of March 4, 1919, but it would seem that section 10743 of the code is sufficient to cover any situation that may arise by reason of this change.

Section 15 of the External control and many arise by reason of this change.

Section 16 of the Federal control act specifically provides that "this act is expressly declared to be emergency legislation." Its operation is limited to the period of Federal control. It will not be repealed by H. R. 12.

This is the provision of the Ekkins Act making the published rate the legal rate and any departure from such rate an offense "under this section of this act." The words in italics are omitted. Section 7064 of the code contains the words "under this section." There seems to be no reason for including the words "of this act."

The omitted part was added to section 1 of the expediting act (32 Stat. L. 823) by the amendment of that section made by Thirty-sixth Statutes at Large, page 854. Under the code the part omitted will be repealed. The amendment was approved June 25, 1910. It seems improbable, especially as this is the expediting act, that any proceeding pending on that date would now be pending. Even if such situation did exist, it is possible that it would be covered by section 10743 of the code.

The words omitted are contained in section 8 of the appropriation act approved August 24, 1912 (37 Stat. L. 539, 558). This was restated in section 6 of the appropriation act approved July 28, 1916 (39 Stat. L. 412, 431), which does not contain the words said to be omitted. Section 6 of Thirty-minth Statutes at Large, page 412, is contained in section 6518 of the code.

The words omitted are contained in section 2 of Thirty-ninth Statutes at Large, page 61, section 1 of which amends section 3 of Thirty-fourth Statutes at Large, page 1415. "to read as follows." As shown in the commission's print of June, 1918, they form a part of section 3 of the latter act, but, of course, they are not, although they do preserve the status que of matters arising under section 3 before it was amended. Section 10743 of the code would seem to cover the same situations, even though the omitted words would be repealed by section 10742.

APPENDIX 3.

WAR DEPARTMENT, OFFICE OF THE JUDGE ADVOCATE GENERAL, Washington.

(Memorandum for Senator Richard P. Ernst.)

Subject: Chapter 4 of title 25 of "The Code of Laws of the United States."

States."

I have been asked to comment upon the question whether or not any or all of the provisions of chapter 4 of title 25 of "The Code of Laws of the United States." hereinafter referred to as the new code, have been superseded or rendered obsolete by other legislation.

The new code is entitled "An act to consolidate, codify, revise, and recnact the general and permanent laws of the United States in force March 4, 1919. Section 10742 thereof provides that—

"All acts of Congress passed prior to the 4th day of March, 1919, any portion of which is embraced in any section of this code, are hereby repealed and the sections herein applicable thereto shall be in force in lieu thereof; all parts of such acts not contained in this codification, having been repealed or superseded by subsequent acts or not being general and permanent in their nature: " " "."

BRIEF SKETCH OF THE ORIGIN AND HISTORY OF OUR TERRITORIAL

RRIEF SKETCH OF THE ORIGIN AND HISTORY OF OUR TERRITORIAL GOVERNMENTS.

The development of the United States began with the original thirteen Colonies. The territory outside came to be considered later. Although the charter limits of the different Colonies conflicted, the western boundary of the new country was limited to the Mississippi River by the treaty of peace with Great Britain in 1782. The claims of the Colonies to the western lands was ceded to the Confederation, thereby transferring to the confederate management the territory northwest of the Ohlo River, which territory was included in the treaty with Great Britain. The Confederate Congress on July 13, 1784, and is entitled "An ordinance for the government of the territory of the entitled "An ordinance for the government of the territory and the united States northwest of the Ohlo River." There were, after the United States northwest of the Ohlo River." There were, after the Water, in the Confederate Congress on July 13, 1784, and adoption of the Constitution, cessions to the United States of territory south of the Ohlo. Kentucky was admitted in 1792 as the first new State, it having been a district of Virginia and not having hed any northwest territory being called Indiana Territory, from which was cut off Illinois and Michigan Territories (2 Stat. 38, 173, 201, 428, 514; 3 Stat. 289, 399, 528).

Tennessee was ceded to the United States in 1789 and accepted by the act of April 2, 1799 (1 Stat. 109), followed by the act of May 26, 3 Stat. 289, 399, 528.

Tennessee and the line of 31' claimed by Georgia and South Caronessee and the line of 31' claimed by Georgia and South Caronessee and the line of 31' claimed by Georgia and South Caronessee and the line of 31' claimed by Georgia and South Caronessee and the line of 31' claimed by Georgia and South Caronessee and the line of 31' claimed by Georgia and South Caronessee and the line of 31' claimed by Georgia and South Caronessee and the line of 31' claimed by Georgia and South Caronessee and the line of

CHAPTER IV, TITLE XXV, OF THE NEW CODE.

Chapter 4 of title 25 of the new code is entitled "Territorial provisions" and contains sections 3957-4938. Of these, 30 sections are essentially the same as the corresponding section of the Revised Statutes from which they were taken, and no reference to other statutes is given as the source of their origin. While 13 other sections are taken in the main from the corresponding sections of the Revised Statutes, reference is also made to various Statutes at Large. The remaining 39 sections refer only to the Statutes at Large for the source of their origin.

39 sections refer only to the Statutes at Large for the source of their origin.

All sections and parts of sections which have their origin in the Revised Statutes appear in Title XXIII, Chapter I, entitled "Provisions common to all the Territories," of the Revised Statutes. The Congress was then speaking as of January I, 1870, when we had no noncontiguous organized Territories. The District of Columbia was not then and is not now a Territory within the meaning of Chapter I, Title XXIII, of the Revised Statutes, for "it is well settled that the District of Columbia has no legislative power, it being merely a municipal corporation bearing the same relation to Congress that a city does to the legislature of the State in which it is incorporated." United States ex rel. Daly v. MacFarland (2S Dist. of Col. Apps. 552, 558, and cases cited).

The result is that Chapter IV, Title XXV, of the new code has been superseded in its entirety in so far as contiguous Territories are concerned by the admission of those Territories into the Union as States.

If the provisions of Chapter IV, Title XXV, of the new code are not applicable to or in force in either Alaska or the Hawaiian Islands or Porto Rico or the Philippine Islands, they are not applicable to or in force in any Territory or elsewhere. An examination into the nature, character, or kind of governments which have been set up in those Territories will not be out of place at this time.

Alaska remained from the date of the cession until 1884 an unorganized Territory, subject very largely to the provisions of the act of July 27, 1868 (15 Stat. 240). The provisions of that act were reproduced in sections 1954 to 1976, inclusive, of the Revised Statutes, under the title of "Provisions relating to the unorganized Territory of Alaska." Steamer Coquitlam v. United States, 163 U. S. 346

Alaska remained from the date of the cession until 1884 an uncranized Territory, subject very largely to the provisions of that act of July 27, 1888 (15 Stat. 240). The provisions of that act were reproduced in sections 1956 to 1976, inclusive, of the Revised Territory of Alaska." Steamer Ocquittum v. United States, 163 U. S. 144, and it is not only an organized Territory in a craniced Territory in Incorporated into the United States. Bassmussen v. United States, 1971 U. S. 516. The present organic act is that of August 24, 1912 (37 Stat. 512), which established a complete system of States, 1971 U. S. 516. The present organic act is that of August 24, 1912 (37 Stat. 512), which established a complete system of States, 1971 (1972), and the complete system of the Complete

duced had been superseded by the Hepburn Act, of June 29, 1906 (34 Stat. 585), so that the power was not vested in the Interstate Commerce Commission alone. Would the reenactment of the law as it now stands in section 5211 of the new code override this court decision so that the Secretary of the Interior would again take such power? Or would the simultaneous enactment of section 1 of the Hepburn Act by section 7036 of the new code continue the status quo? Whichever view is taken, there would be a contradiction between the two provisions which would probably result in litigation.

The general result of this short study may be summarized as follows:

The general result of this short study may be summarized as follows:

(1) The sections of the new code in Title XXV, Chapter II, dealing with statutory laws of the United States directly applicable to and in force in Alaska do not contain all of said laws nor do they appear to contain the specific provisions of law applicable to Alaska on March 4, 1919, as modified by the Territorial legislation of Alaska under the power given it by section 3 of the organic act of August 24, 1912. Consequently as such modifications have been made, it would be a question of statutory construction of considerable difficulty whether the enactment of the new code without containing such modifications would not in effect be a repeal thereof.

The provisions in the new code found in Title XXV, Chapter IV, are almost entirely covered by the specific provisions above referred to and only in isolated instances, if at all, will there be room for these provisions to operate in Alaska. Consequently, to determine whether or not one of these general provisions in Chapter IV is in force in Alaska, it would be necessary to ascertain by detailed examination of Chapter II whether or not there is a special provision for Alaska rendering the general provision in operation.

The results of my investigation in respect to Hawaii, Porto Rico, and the Philippine Islands will be set forth less in detail than that of Alaska.

The Republic of Hawaii continued in existence from the adoption of the joint resolution of July 7, 1898, until the passage of the organic act of April 30, 1900 (31 Stat. 141), when the "Territory of Hawaii" was organized. Hawaii v. Mankichi (190 U. S. 197). That organic act established a complete system of government, legislative, executive, and judicial. Chapter III of Title XXV of the new code, embracing sections 2874 to 3956, inclusive, reproduce those provisions of the statutory laws of the United States deemed by the revisers specifically applicable to and in force in Hawaii. Of these 83 sections not one contains a reference to the Revised Statutes; 60 sections contain reference only to the organic act of April 30, 1900, supra; 18 to that organic act and other acts; and 5 to acts other than the organic act. The five sections which contain no reference to the organic act have to do with public lands (sec. 3951), personal or movable property ceded to the United States (sec. 3952), assumption of the public debt by the United States (sec. 3952), assumption of the public debt by the United States (sec. 3952), assumption of the public debt by the United States (sec. 3952), assumptions," to Chapter II, "Hawaii." Ifind that by section 3878 of the new code 47 sections of Chapter IV, are expressly declared inoperative in Hawaii. The presumption, therefore, arises that the remaining 35 sections of Chapter IV were intended to be operative in Hawaii, and this presumption stands until there is found a special provision for Hawaii covering the subject matter of each of these 35 sections in Chapter III or elsewhere in the code. As to three sections, it appears that the general provisions of Chapter IV were intended to be operative in Hawaii, and this presumptions of Chapter IV are inapplicable by reason of the comprehensive language of the sections in Chapter III, The corresponding sections in the two chapters are as follows:

Chapter IV covered by Chapter III.

3968 4007 4012 3916

As to six sections there is a question of more doubt, for while the specific provisions in Chapter III deal more or less generally with the subject matter they do not cover it as comprehensively as in the first group. These sections are as follows:

Chapter IV covered by Chapter III. 3911 3916, 3939

Are there justices of peace in Ha-waii: No reference found to them in the laws of Hawaii.

3923 3891 3939, 3937, 3942 3945

3986 3939, 3945

There remain 26 sections of Chapter IV which do not appear to be covered either expressly or by implication in Chapter III. Of these 26 sections it seems clear that there is a reason why at least seven of them should not be included in Chapter III. These sections are as follows: Sections 4016-4018 apply only to the District of Columbia; section 4037 and section 4038 are general provisions of Federal law rather than Territorial provisions; while section 4009 is not included in the list of those sections not applicable to Hawaii under section 3878; said section 4009 is an amendment of chapter 818 (24 Stat. L., 170), and amendments of that chapter are expressly excelled from operation in Hawaii by the provisions of section 3878; section 4010 relates to the provisions of sections 4004 to 4008, inclusive, but sections 4004 to 4006 and 4008 are, by section 3878, not applicable to Hawaii and section 4007 is expressly covered by section 3916, and section 4009 is not applicable to Hawaii for the reasons just stated. There is, therefore, nothing on which section 4010 can operate.

There seems no reason for including the 16 sections running from 4019 to 4034 in Chapter III, because there are no coal mines, no mining, in the Territory of Hawaii to which these elaborate provisions could apply.

This leaves the provisions of sections 4014 4015, and 4020 decline.

in the Territory of Hawaii to which these elaborate provisions could apply.

This leaves the provisions of sections 4014, 4015, and 4020 dealing with the rights of aliens to hold land in Hawaii. By section 3929, taken from the organic act, it is provided that aliens can not acquire homesteads in Hawaii except under certain conditions. The compilers of the Revised Laws of Hawaii, 1915, on page 52 of their work query "whether Federal statutes (24 Stat. 476; 25 Stat. 45; 29 Stat. 618) relating to disabilities of aliens to hold land in the Territories in general are applicable to Hawaii," although that question does not appear to have been passed upon by the courts. Assuming the answer is in the affirmative, however, the general result of this hasty examination would seem to be that these three sections are the only ones that are not covered by the provisions of Chapter III, and that otherwise the

omission of Chapter IV of Title XXV of the new code would not materially affect the present laws in force in Hawaii.

It is worthy of note that the local Legislature of Hawaii may have covered by legislation a part of the subject matter covered by some of the 35 sections of Chapter IV, for the legislature is given, by section 55 of the organic act, as amended by the act of May 27, 1910 (Sec. 3916 of the new code), legislative power extending to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable, except those subjects therein specifically mentioned. For instance, section 3937 provides that the judical power of the Territory shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. Whether the legislature has established courts of fustices of the peace, I do not know. However this may be, it would seem that the establishment of such courts would be a rightful subject of legislation. I pursue this point no further.

What sections, if any, of Chapter IV, Title XXV, of the new code, relating to the organization and functioning or procedure of the three departments of government in an organized Territory, apply to Porto Rico? An understanding of the kind of government which has been erected for the people of Porto Rico will aid in the solution of the question.

What sections, if any, of Chapter IV, Thic XXV, of the new code and the three defenting to the organization and functioning to procedure of the three defents to the organization of the three defents to the control of the process of the people of Porto Rico will aid in the solution of the erected for the people of Porto Rico will aid in the solution of the erected for the people of Porto Rico will aid in the solution of the Control of the Porto Rico is a completely organized Territory, sithough not incorporated into the Union. To the same effect is the holding in American Railroad Company of Porto Rico v. Didrichsen (227 U. S. 145). And in People of Porto Rico v. Didrichsen (227 U. S. 145). And in People of Porto Rico v. Didrichsen (227 U. S. 145). And in People of Porto Rico v. Didrichsen (227 U. S. 145). And in People of Porto Rico v. Didrichsen (227 U. S. 270) it was beld that the government established the process of the Control of the Revision of the Revis

I am not advised as to the number of other instances, if any, where local legislation in conflict with Federal legislation has been enacted by the Porto Rican Legislature.

PHILIPPINE ISLANDS

Again, what section, if any, of Chapter IV, Title XXV, of the new code relating to the organization and functioning or procedure of the three departments of government in an organized Territory are in force in the Philippine Islands. The status of the Philippine Islands under the new organic act of August 29, 1916 (39 Stat. 545), is that of a completely organized Territory—a possession of the United States not incorporated into the Union. Section 5 provides that the statutory laws of the United States hereafter enacted shall not apply to the Philippine Islands "except when they specifically so provide, or it is so provided in this act." Section 1 of the former organic act of July 1, 1902 (32 Stat. 691), provided that the provisions of section 1891 of the Revised Statutes of 1878 shall not apply to the Philippine Islands.

of the Revised Statutes of 1878 shall not apply to the Philippine Islands.

The Government of the Philippine Islands is now, like that of Porto Rico, a complete governmental organism, with legislative, executive, and judicial departments. The separation of powers is just as complete as that of the Federal and State systems. The act of August 29, 1916, supra, is the practical equivalent of a State constitution. Sections 6, 7, and 8 of this act give the Philippine Legislature general legislative power, subject to the limitations contained therein, including the power to amend, alter, modify, or repeal any law continued in force by the act, provided such action be not in conflict with the said act. And by section 31, "All laws or parts of laws applicable to the Philippine Islands not in conflict with any of the provisions of this act are hereby continued in force and effect." The other sections of the act make complete provisions for the organization and operation of the three great departments of the Philippine Government. The provisions of the new organic act of August 29, 1916, supra, are reproduced in Chapter II, Title XXVI, of the new code, except the provisions appear in some other section of the new code I do not know.

So it is clear that the operation of each and every provision in Chapter IV, Title XXV, of the new code, which has to do with the creation, organization, and functioning of the three great departments of government as such, are excluded from the Philippine Islands by the new organic act of August 29, 1916, supra.

One other observation: The act of Congress of February 6, 1905 (33 Stat. 690), limited the authority of the Philippine Government in lending financial aid to the railroad corporations operating in the islands to the guaranteeing of interest on bonds issued by such corporations. The new code.

By Act No. 3008, the Philippine Legislature authorized the Philippine

to the guaranteeing of interest on bonds issued by such corporations. The pertinent provisions of that act are reproduced in section 4224 of the new code.

By Act No. 3008, the Philippine Legislature authorized the Philippine Government to guarantee the payment of both the principal and interest of certain bonds to be issued by the Manila Railroad Co. The legality of this guaranty was submitted to the Attorney General of the United States, and he held, on April 21, 1922 (33 Ops. Atty. Gen. 147), that the act of February 6, 1905, supra, was continued in force by the act of August 29, 1916, supra, and that:

"The provisions of Act No. 3008, above quoted, must be construed as amending section 4 of the act of February 6, 1905, supra, to permit the Philippine Government to guarantee the principal as well as the interest of bonds issued by the railroad companies organized pursuant to the laws of the said government."

While Act No. 3008 of the Philippine Legislature was enacted subsequent to March 4, 1919, it is cited for the purpose of showing that both the Philippine Legislature and the Attorney General of the United States are of the opinion that the former has the power to repeal or modify any act of Congress in force in the Philippine Islands, provided that such action on the part of the local legislature be not in conflict with the new organic act of August 29, 1916, supra. This is the only instance that has been called to my attention wherein the Philippine Legislature has modified an act of Congress, although I might point out that a few months after the approval of the act of August 29, 1916, supra, the Philippine Legislature passed, effective on October 1, 1917, Act No. 2711, known as the Administrative Code, which contains 2,768 sections. This Administrative Code was enacted "for the purpose of adapting it to the Jones law (act of August 29, 1916) and the reorganization act (Act No. 2666 of the Philippine Legislature). Whether any of the provisions of the Administrative Code, which contains 2,768 sections.

OBSERVATIONS COMMON TO BOTH PORTO RICO AND THE PHILIPPINE ISLANDS.

There are indications which tend to show that chapter 4, title 25, of the new code is not applicable to Territories not incorporated into the Union, such as Porto Rico and the Philippines, for the chapter is entitled "Territorial provisions," and Porto Rico and the Philippines are not mentioned in section 3961 along with Alaska and Hawaii. True it is that both Porto Rico and the Philippines are mentioned in section 4038, but the proviso takes the Philippines out of the operation of the section. With this single exception in respect to Porto Rico, I find no provision in the entire chapter, as a result of this somewhat hasty study, which is applicable to either Porto Rico or the Philippines.

The most important question upon this branch of the Inquiry is, in my opinion, the one which was considered in Two hundred and seventy-second Federal Report 924 and in Thirty-third Opinions Attorney General 147. As I have heretofore indicated, I have not examined chapters 1 and 2, title 26, section by section and the related sections, for the purpose of pointing out just what provisions therein have been amended, modified, or repealed by the organic act of August 29, 1916, and March 2, 1917, supra, or by the local legislatures.

I note that the preamble to the organic act of August 29, 1916, is entirely omitted in the new code. No legal objection can be raised on this point. A great many of the Filipino people, however, consider this preamble as the most sacred and important declaration yet made by the Congress in so far as the islands are concerned.

CONCLUSIONS.

My sole purpose in submitting these comments and observations is the hope that they may be of some assistance to you in your study of this important legislation, knowing at the same time that the Congress will pursue its traditional policy of moving cautiously in such matters so as not to disturb the existing condition of things any further than is necessary under the circumstances. GRANT T. TRENT.

Table showing sections in Chapter IV, Title XXV, of new code, entitled "Territorial provisions," covered in Chapter II, Title XXV, entitled "Alaska," with comments on such sections as do not appear to be thus covered.

Chapter IV ("Territorial Provisions"),	Covered by section in Cha ter II (Alaska	
3957	3796	
3958 3959	8776 3797	
3960	8797	
3961 3962	3766	Can operate only prospectively and
3963	3783-3795	hence not applicable to Alaska in any event.
3964	3779	any event.
3965 8966	3771 3768	
3967	3768	
3968 3969:	3766 3773	Probably se construed.
3970	3807 8802	No militia in Alaska; hence not ap-
sulfill distributed	111111111111111111111111111111111111111	plicable.
3973)	3771	See act of Apr. 28, 1904 (33 Stat. 529) re municipalities in Alaska
3974		(not in new code).
3975 3976	3767 3782	
8977 3978	3782 3769	
3979	3781	
3980 3981	3783-3795 3800	是1600年1617年在1月1日 1518日 1119日
3982	3800	
3983 3984	3802 3800	
3985	3800-3801 3800-3801	
3986 3987	3802	St. Despuis on the following the property
3988	3802 3802	
3989	3801	
3991 3992	3801 3804	
3993	3805	
3994	3807	Requirement of oath of office. This
3995 1		is covered by sec. 795, Comp. Laws, Alaska 1913. Salaries not to com-
3996		money until onth of office taken
	arried at least in	query as to whether 3996 appli- cable to Alaska in view of 3807?
3997 3998	3807 3807–3808	
3999	0001 0000	No salary to officer of a Territory
		absent from duties; exception. Probably applicable to Alaska by
40000	977.6	reason of sec. 3807 of New Code.
4000	3704 3777	
4002 4008	377T 3777	
4004	3771	the second of the second of the second of the second
4005	3771 3771	
4007	3771	and the contract of the same and the same
4008	3771	See act of Apr. 28, 1904 (33 Stat. 529), as to municipal indebted-
4009	3771	ness.
4010	3771	
4011	3779 3771	
4013		Ownership of real estate by religious societies, etc. Repealed by chap.
		12. Laws of Alaska 1913?
4014	THE REPORT OF THE	Ownership of real estate by aliens.
4015		These provisions still apply to Alaska (133 Fed, 216).
4016]	1	Provisions applicable to District of
4017	(Columbia.
4019	and algular	Mine inspection is covered in several Alaskan acts, the latest of which is chap 51, Session Laws of Alaska,
4021-4034		is chap. 51, Session Laws of Alaska,
4035	3821	1917.
4036	3765	Use of Federal penitentiaries by Ter-
4037		ritories—a general rather than a Territorial provision.
4038		Territorial provision. Shipping laws to apply to Alaska.
The state of the s	WITH THE PERSON NAMED IN	to apply to maska.

UNITED STATES VETERANS' BUREAU.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent for the immediate consideration of Senate Resolution 466, creating a committee for the investigation of the Veterans' Bureau affairs. It is recommended by the committee which has been conducting that investigation, except that this resolution provides for a committee of three to report to the next Con-

Mr. STERLING. Mr. President, I shall not object if it does

not take any time.

Mr. ROBINSON. I hope there will be no objection to that resolution. I do not believe that it will require any considerable length of time to pass the resolution.

The PRESIDING OFFICER (Mr. Jones of Washington in the chair). Is there objection to the present consideration of the resolution? The Chair hears none. The Secretary will read the resolution.

The resolution (S. Res. 466) was read, as follows:

Whereas complaints are being made against alleged delay by the Veterans' Bureau in the adjustment of claims for relief of invalid and disabled veterans of the World War under the various acts of Congress;

Veterans' Bureau in the adjustment of claims for relief of invalid and disabled veterans of the World War under the various acts of Congress; and

Whereas it is claimed that there has been great and needless delay in the construction of hospitals and in providing proper hospitalization for the relief of disabled veterans, as a result of which much unnecessary suffering exists; and

Whereas it is claimed that an unnecessarily large proportion of the appropriations made by Congress for the relief of the veterans is being improperly consumed in overhead expense, duplication of duttes, excessive rent of properties and quarters, and in the employment of an unnecessarily large number of agents, doctors, inspectors, instructors, and other persons; and

Whereas it has been charged that certain sales of surplus property belonging to the Government and under the supervision of the United States Veterans' Bureau were made improperly: Therefore be it

Resolved, That a committee consisting of three Senators, Members of the Skate, is authorized and directed to investigate the leases and contracts executed by the United States Veterans' Bureau or the Treasury Department for vocational schools and hospitals and for the purchase; rental, and sales of real estate and supplies used or to be used directly or indirectly by the Veterans' Bureau for the benefit of the veterans of the World War and the matters and conditions in the premises set forth and to report their findings, together with recommendations for the improvement of such conditions, to the next regular session of Congress. Such committee is authorized to sit during any recess of Congress and send for persons and papers, to administer oaths to witnesses, and to incur necessary expenses for clerical and other services not exceeding \$20,000, which shall be paid out of the contingent fund of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to. The preamble was agreed to.

Mr. REED of Pennsylvania. I ask unanimous consent that S. J. Res. 288, authorizing the appointment of a committee to investigate the leases and contracts executed by the United States Veterans' Bureau, and for other purposes, which is the resolution reported by the committee, for a committee of five; be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it will be

indefinitely postponed.

Mr. ROBINSON. Will the Senator explain why he did not ask for the passage of the committee resolution?

Mr. REED of Pennsylvania. I can do that in a sentence, I think, Mr. President.

Mr. ROBINSON. I do not want to take up very much time about the matter.

Mr. REED of Pennsylvania. The committee resolution was a joint resolution, and the House has not acted on it. Therefore It is necessary for us to make this a Senate resolution if anything is to be done.

Mr. ROBINSON. Very well.

FREE ENTRY OF CERTAIN DOMESTIC ANIMALS.

The PRESIDING OFFICER (Mr. Jones of Washington in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the joint resolution (H. J. Res. 422) permitting the entry, free of duty, of certain domestic animals which have crossed the boundary line into foreign countries, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. McCumber, Mr. Smoot, and Mr. Jones of New Mexico conferees on the part of the Senate.

RECLASSIFICATION OF CIVILIAN EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services.

Mr. STERLING. Mr. President, I now ask that the reading of the bill be proceeded with.

The VICE PRESIDENT. The Secretary will read the bill. The READING CLERK. The Committee on Civil Service has reported an amendment to the bill to strike out all after the enacting clause and to insert:

SEC. 2. That the term "compensation schedules" means the schedules of positions, grades, and salaries as contained in section 13 of this act.

The term "department" means an executive department of the United States Government, a governmental establishment in the executive branch of the United States Government which is not a part of an executive department, the municipal government of the District of Columbia, the Botanic Garden, Library of Congress, Library Building and Grounds, Government Printing, Office, and the Smithsonian Institution.

The term "the head of the department" means the officer or group of officers in the department who are not subordinate or responsible to any other officer of the department.

The term "board" means the personnel classification board established by section 3 hereof.

The term "position" means a specific civilian office or employment, whether occupied or vacant, in a department other than the following: Offices or employments in the Postal Service; teachers, librarians, school attendance officers, and employees of the community center department under the Board of Education of the District of Columbia; officers and members of the Metropolitan police, the fire department of the District of Columbia, and the United States park police; and the commissioned personnel of the Coast Guard, the Public Health Service, and the Coast and Geodetic Survey.

The term "employee" means any person temporarily or permanently in a position.

The term "employee" means any person temporarily or permanently in a position.

The term "service" means the broadest division of related offices

The term "service" means the broadest division of related offices and employments.

The term "grade" means a subdivision of a service, including one or more positions for which approximately the same basic qualifications and compensation are prescribed, the distinction between grades being based upon differences in the importance, difficulty, responsibility, and value of the work.

The term "class" means a group of positions to be established under this act sufficiently similar in respect to the duties and responsibilities thereof that the same requirements as to education, experience, knowledge, and ability are demanded of incumbents, the same tests of fitness are used to choose qualified appointees, and the same schedule of compensation is made to apply with equity.

The term "compensation" means any salary, wage, fee, allowance, or other emolument paid to an employee for service in a position.

SEC. 3. That there is hereby established an ex-officio board, to be known as the personnel classification board, to consist of the Director of the Bureau of the Budget or an alternate designated by him. a member of the Civil Service Commission or an alternate designated by that commission, and the Chief of the United States Bureau of Efficiency or an alternate designated by him.

Mr. STERLING. In section 3, page 39, in line 16, of the com-

Mr. STERLING. In section 3, page 39, in line 16, of the committee substitute, after the word "alternate," I move to insert the words "from that bureau"; in the same line to strike out the words "from that bureau"; in the same line to strike out the word "him" and to insert in lieu thereof the words "the director"; in line 17, after the word "alternate," to insert the words "from that commission"; in the same line, to strike out the word "that" and to insert the word "the" in lieu thereof; in line 19, after the word "alternate," to insert the words "from that bureau"; and in the same line to strike out the word "him" and to insert the words "the chief of the bureau.

The VICE PRESIDENT. Without objection, the amendments to the amendment will be agreed to.

Mr. JONES of New Mexico. Mr. President, the Secretary

has been reading the bill quite rapidly—
Mr. STERLING. Mr. President, I think, perhaps, I know what the Senator from New Mexico has in mind, but if he will let the reading continue for the present until we get through with a couple of committee amendments we shall return to the portion of the bill he wishes to amend and an opportunity will be given for individual amendments.

Mr. JONES of New Mexico. That will be satisfactory to me.

Mr. STERLING. Very well.

Mr. JONES of New Mexico. For what purpose, however, is

the bill now being read—for committee amendments?

Mr. STERLING. The bill is being read for committee amendments

Mr. JONES of New Mexico. If that be true, and if we are adopting committee amendments as we go along, then, from a parliamentary point of view, there would be no opportunity to amend the bill unless Senators should now offer their amend-

Mr. SMOOT. There will be ample opportunity for Senators to offer amendments to the committee amendment later.

Mr. STERLING. The amendments which Lam now offering are committee amendments.

Mr. JONES of New Mexico. Strictly speaking, I do not think so; but I am willing to act in accordance with the general understanding.

Mr. STERLING. I will see that the Senator from New Mexico has an opportunity to present his amendments.

Mr. CURTIS. Is it understood that after the amendments which are now being offered by the Senator from South Dakota [Mr. Sterling] on behalf of the committee to the pending substitute are agreed to it will then be open to amendments by Senators?

Mr. STERLING. Certainly. That is the understanding I have had all along.

The VICE PRESIDENT. Without objection, it is so ordered. The reading clerk resumed and continued the reading of the committee substitute, as follows:

The Director of the Bureau of the Budget or his alternate shall be chairman of the board.

Subject to the approval of the President, the heads of the departments shall detail to the board, at its request, for temporary service under its direction, officers or employees possessed of special knowledge, ability, or experience required in the classification and allocation of positions. The Civil Service Commission, the Bureau of Efficiency shall render the board such cooperation

and assistance as the board may require for the performance of its duties under this act.

The board shall make all necessary rules and regulations not inconsistent with the provisions of this act and provide such subdivisions of the grades contained in section 13 hereof and such titles and definitions as it may deem necessary according to the kind and difficulty of the work. Its regulations shall provide for ascertaining and recording the duties of positions and the qualifications required of incumbents, and it shall prepare and publish an adequate statement giring (1) the duties and responsibilities involved in the classes to be established within the several grades, illustrated where necessary by examples of typical tasks, (2) the minimum qualifications required for the satisfactory performance of such duties and tasks, and (3) the satisfactory performance of such duties and tasks, and (3) the mate additional classes within the output of the content of the satisfactory performance of such duties and tasks, and (3) the mate additional classes within the output of the content of the satisfactory performance of such duties and tasks, and (3) the mate additional classes within the output of the promptly report the duties and responsibilities of new positions to the board. The board shall make necessary adjustments in compensation for positions carrying maintenance and for positions requiring only part-time service.

Sec. 4. That after consultation with the board, and in accordance with a uniform procedure prescribed by it, the head of each department shall allocate all positions in his department in the District of Columbia to their appropriate grades in the compensation schedules and shall be reviewed and may be revised by the board and shall become final upon their approval by said board. Whenever an existing position or a position hereafter created by law shall not fairly and reasonably be allocable to one of the grades of the several services described in the compensation schedules, the board shall adopt for

therein, no change shall be made in the existing compensation.

4. If the employee is receiving compensation within the range of salary prescribed for the appropriate grade, but not at one of the rates fixed therein, the compensation shall be increased to the next higher rate.

5. If the employee is receiving compensation in excess of the range of salary prescribed for the appropriate grade or class thereof, no change shall be made in the existing compensation.

6. All new appointments shall be made at the minimum rate of the appropriate grade or class thereof, but the board may authorize appointments at rates above the minimum for the grade if such action is necessary in the interest of good administration.

7. In determining the rate of compensation which an employee shall receive, the principle of equal compensation which an employee shall receive, the principle of equal compensation for equal work irrespective of sex shall be followed.

SEC. 7. Increases in compensation shall be allowed upon the attainment and maintenance of the appropriate efficiency ratings: Provided, housever, That in no case shall the compensation of any employee be increased unless Congress has appropriated money from which the increased beyond the maximum rate for the grade to which his position is allocated. Nothing herein contained shall be construed to prevent the promotion of an employee from one class to a vacant position in a higher class at any time in accordance with civil-service rules, and when so promoted the employee shall receive compensation according to the schedule established for the class to which he is promoted.

SEC. 8. That nothing in this act shall modify or repeal any existing preference in appointment or reduction in the service of honorably discharged soldiers, sailors, or marines under any existing law or any Executive order now in force.

SEC. 9. That the board shall have powers of review and revision over uniform systems of efficiency rating established for the various grades or classes thereof, which shall

Mr. STERLING. On page 45, line 12, after the word "compensation," I move to insert the words "in accordance with civil-service rules," so that it will read:

a higher rate of compensation in accordance with civil-service rules.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

The reading clerk resumed the reading of the committee substitute, as follows:

stitute, as follows:

Provided, That nothing herein shall be construed to authorize or permit the transfer of an employee of the United States to a position under the municipal government of the District of Columbia, or an employee of the municipal government of the District of Columbia to a position under the United States.

SEC. 11. That nothing contained in this act shall be construed to make permanent any temporary appointments under existing law.

SEC. 12. That it shall be the duty of the board to consider what rates of compensation consistent with efficiency and economy in the Government service and the maintenance of a reasonable standard of living should be paid to the civilian employees of the Government; to make a study of the rates of compensation provided in this act for the various services and grades with a view to any readjustment deemed by said board to be just and reasonable. Said board shall, after such study and at such subsequent times as it may deem necessary, report its conclusions to Congress with any recommendations it may deem advisable.

SEC. 13. That the compensation schedules be as follows:

PROFESSIONAL AND SCIENTIFIC SERVICE.

PROFESSIONAL AND SCIENTIFIC SERVICE,

PROFESSIONAL AND SCIENTIFIC SERVICE.

The professional and scientific service shall include all classes of positions the duties of which are to perform routine, advisory, administrative, or research work which is based upon the established principles of a profession or science, and which requires professional, scientific, or technical training equivalent to that represented by graduation from a college or university of recognized standing.

Grade 1, in this service, which may be referred to as the junior professional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, simple and elementary work requiring professional, scientific, or technical training as herein specified, but little or no experience.

The annual rates of compensation for positions in this grade shall be \$1.860, \$1,920, \$2,000, \$2,100, \$2,200, \$2,200, and \$2,400.

Grade 2, in this service, which may be referred to as the assistant professional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, individually or with a small number of subordinates, work requiring professional, scientific, or technical training as herein specified, previous experience, and, to a limited extent, the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be applied to the second standard standa

ment.

The annual rates of compensation for positions in this grade shall be \$2,400, \$2,500, \$2,600, \$2,700, \$2,800, \$2,900, and \$3,000.

Grade 3, in this service, which may be referred to as the associate professional grade, shall include all classes of positions the duties of which are to perform, individually or with a small number of trained assistants, under general supervision but with considerable latitude for the exercise of independent judgment, responsible work requiring extended professional, scientific, or technical training and considerable regions experience.

the exercise of independent judgment, responsible work requiring extended professional, scientific, or technical training and considerable previous experience.

The annual rates of compensation for positions in this grade shall be \$3,000, \$3,100, \$3,200, \$3,500, \$3,500, and \$3,600.

Grade 4, in this service, which may be referred to as the full professional grade, shall include all classes of positions the duties of which are to perform, under general administrative supervision, important specialized work requiring extended professional, scientific, or technical training and experience, the exercise of independent judgment, and the assumption of responsibility for results, or for the administration of a small scientific or technical organization.

The annual rates of compensation for positions in this grade shall be \$3,800, \$4,900, \$4,200, \$4,400, \$4,600, \$4,800, and \$5,000, unless a higher rate is specifically authorized by law.

Grade 5, in this service, which may be referred to as the senior professional grade, shall include all classes of positions the duties of which are to act as assistant head of a large professional or scientific organization, or to act as administrative head of a major subdivision of such an organization, or to serve as consulting specialist, or independently to plan, organize, and conduct investigations in original research or development work in a professional, scientific, or technical field.

The annual rates of compensation for positions in this grade shall be \$5,000, \$5,000, \$6,

search of development work in a professional, scientific, or technical field.

The annual rates of compensation for positions in this grade shall be \$5,200, \$5,400, \$5,800, \$5,800, and \$6,000, unless a higher rate is specifically authorized by law.

Grade 6, in this service, which may be referred to as the chief professional grade, shall include all classes of positions the duties of which are to act as the scientific and administrative head of a major professional or scientific bureau, or as professional consultant to a department head or a commission or board dealing with professional, scientific, or technical problems.

The annual rates of compensation for positions in this grade shall be \$6,000, \$6,500, \$7,000, and \$7,500, unless a higher rate is specifically authorized by law.

Grade 7 in this service, which may be referred to as the special professional grade, shall include all classes of positions the duties and requirements of which are more responsible and exacting than those described in grade 6.

The annual rates of compensation for positions in this grade shall be \$7,500, unless a higher rate is specifically authorized by law.

Subprofessional Service.

SUBPROFESSIONAL SERVICE.

The subprofessional service shall include all classes of positions the duties of which are to perform work which is incident, subordinate, or preparatory to the work required of employees holding positions in the professional and scientific service, and which requires or involves professional, scientific, or technical training of any degree inferior to that represented by graduation from a college or university of recognized standing.

Grade 1 in this service, which may be referred to as the minor subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, the simplest routine work in a professional, scientific, or technical organization.

The annual rates of compensation for positions in this grade shall be \$900, \$900, \$1,020, \$1,080, \$1,140, \$1,200, and \$1,290.

Grade 2 in this service, which may be referred to as the undersupprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, assigned subordinate work of a professional, scientific, or technical character, requiring limited training or experience but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be \$1,240, \$1,200, \$1,320, \$1,380, \$1,440, and \$1,500, and professional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, subordinate work of a professional, scientific, or technical character, requiring considerable training or experience, but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be \$1,320, \$1,330, \$1,440, \$1,500, \$1,620, and \$1,680.

Grade 4 in this service, which may be referred to as the assistant subprofessional grade, shall include all classes of positions the duties of work of a professional, scientific, or technical character requiring considerable training or experience, and, to a limited extent, the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be \$1,500, \$1,560, \$1,620, \$1,680, \$1,740, \$1,800, and \$1,800.

Grade 5 in this service, which may be referred to as the assistant subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, subprofessional grade, shall include all classes of positions the duties of which are to perform

CLERICAL, ADMINISTRATIVE, AND FISCAL SERVICE

CLERICAL, ADMINISTRATIVE, AND FISCAL SERVICE.

The clerical, administrative, and fiscal service shall include all classes of positions the duties of which are to perform clerical, administrative, or accounting work, or any other work commonly associated with office, business, or fiscal administration.

Grade 1 in this service, which may be referred to as the under clerical grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, the simplest routine office work, such as the following:

Accounting and auditing: Entering in registers, cashbooks, or journals, from verified original documents, without classification or distribution, or with distribution in columns according to classification indicated on original documents. (Loughand as distinguished from machine work.)

Editorial and correspondence: Comparing printed or typewritten mat-r with copy and indicating discrepancies.

Mails and files: Sorting papers numerically or alphabetically.

Indexing papers by names; filing by names or numbers.

Filing punch cards where the work requires merely the ability to read
e cards.

Searching indexes.

e cards.
Searching indexes (numeric or alphabetic).
Reading and classifying mail for distribution where the classification is large office divisions.
Miscellaneous: Operating telephone switchboard.
Sorting and counting valuable paper, stamps, currency, coin, coupons.

sorting and counting variable paper, stamps, currency, ton, exceptions, etc.

Verifying shipping lists of currency, securities, etc.

Hand copying from simple text; addressing envelopes.

Filling acknowledgment and similar forms.

Verifying bills, checks, notices, statements, letters, etc., with records from which prepared.

Proof reading and correcting errors in embossed plates and stencils.

Office appliance operation: Operating addressing machines (addressograph, Belknap, Elliott, etc.), or duplicating machines, mimeograph, etc.).

Operating listing adding machines (Burroughs, Dalton, Sunstrand, etc.).

Punching cards for tabulating machines (Hollerith, Powers, Peirce,

Punching cards for tabulating machines (Hollerith, Powers, Peirce, etc.).

Embossing names, addresses, and other information on metal plates for use in addressing machines (graphotype).

Operating punch-card sorting machines (Hollerith, Powers, etc.).

Stenography and typing: Typing from plain copy nontechnical material, with little or no tabular matter.

Preparing stencils for addressing machine (Belknap).

The annual rates of compensation for positions in this grade shall be \$1,140, \$1,200, \$1,260, \$1,320, \$1,380, \$1,440, and \$1,500.

Grade 2 in this service, which may be referred to as the junior clerical grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, assigned office work requiring training or experience but not the exercise of independent judgment, such as the following:

Accounting and auditing: Operating bookkeeping machines for register, journal, or billing work (Underwood, Remington-Wahl, Eilliottfisher, etc.).

Entering in registers, cashbooks, or journals, from verified original documents, with distribution in columns or otherwise according to a classification made by the entry clerk himself. (Longhand as distinguished from machine work.)

Editorial and correspondence: Reviewing circulars, letters, and reports for errors in grammar, punctuation, and spelling.

Selecting correspondence forms and filling in appropriate items.

Mails and files: Indexing papers by names and indicating subject matter.

matter.

matter.

Searching subject files for specific information.

Miscellaneous: Copying tabular matter in longhand.

Office appliance operation: Operating nonlisting machines, principally addition only (comptometer, Burroughs calculator, etc.).

Operating automatic-feed addressographs.

Operating tabulating machines (Hollerith, Powers, etc.).

Setting type for multigraph.

Personnel: Keeping time records of personnel and preparing pay rolls.

Purchases and supplies: Receiving and issuing supplies and stores. Statistical: Selecting and transcribing figures from reports, publications, and documents to tabulation sheets.

Making simple statistical tabulations that require no knowledge of the subject matter, but merely the following of simple instructions. Coding schedules, questionnaires, reports, or other documents for use in punching tabulation cards.

Stenography and typing: Typing from plain copy in which technical or unusual words, expressions, and phrases occur frequently; typing involving tabular matter where operator is responsible for arrangement.

ment.

Preparing stencils for mimeograph.

Performing ordinary stenographic work, such as taking in shorthand and transcribing routine nontechnical dictation.

The annual rates of compensation for positions in this grade shall
be \$1,320, \$1,380, \$1,440, \$1,500, \$1,660, \$1,620, and \$1,680.

Grade 3 in this service, which may be referred to as the assistant
clerical grade, shall include all classes of positions the duties of
which are to perform, under immediate or general supervision, assigned office work requiring training and experience and knowledge of
a specialized subject matter or the exercise of independent judgment
or to supervise a small section performing simple cierical operations.
The positions of employees performing the following duties, and
positions requiring similar qualifications of their incumbents, shall be
allocated to this grade.

Accounting and auditing: Operating bookkeeping machines for ledger
and statement work (Underwood, Remington-Wahl, Burroughs, ElliottFisher, etc.).

Pisher, etc.).
Posting detail ledgers from registers, cashbooks, or journals or from separate posting media, locating errors in such ledgers and taking trial balances thereof. (Longhand as distinguished from machine

Making routine examination of fiscal officers' accounts where a limited knowledge of regulations, comptroller's decisions, and minor points of law is required.

Examining and settling property returns and accounts, including passing upon the validity of papers filed as vouchers to property accounts.

Auditing passenger transportation claims and bills not involving land grants and express claims and bills.

Receiving cash or cash items and keeping primary accounts thereof. Editorial and correspondence: Preparing correspondence in cases which require little special knowledge and in which the facts are clear and the action to be taken is obvious.

Briefing or digesting simple cases for action by administrative officers.

nnd the action to be taken is obvious.

Briefing or digesting simple cases for action by administrative officers.

Legal: Performing clerical work in connection with the proceedings of cases instituted before a court, board, or other similar body, such as keeping dockets of hearings, petitions, appeals, etc.

Mails and files: Indexing or marking papers for filing by subjects according to a simple system.

Reading and classifying mail embracing a wide variety of subjects, which must be routed to many groups of employees, or where the work and organization of the office is involved and overlapping of functions between divisions is frequent.

Miscellaneous: Operating telegraph.

Performing routine clerical work in connection with receiving, sorting, storing, issuing, and shipping currency, bonds, securities, and valuable stamped paper, and keeping records of receipts, withdrawals, and balances thereof.

Office appliance operation: Operating computing and calculation machines, involving subtraction, multiplication, and division (comptometer, Burroughs calculator, Monroe Millionaire, Marchant, etc.).

Personnel: Performing clerical work in connection with personnel administration, involving the application of civil-service and departmental rules and regulations.

Purchases and supplies: Reviewing requisitions for supplies where the work requires the exercise of little discretion.

Secretarial: Performing the work of secretarial clerk to the head of a minor branch of the service.

Statistical: Examining simple statistical reports or schedules to determine their accuracy and completeness and preparing them for tabulation.

Stenography and typing: Having direct supervision over a small group of typists.

Performing stenographic work of more than average difficulty, such as taking in shorthand and transcribing routine dictation in which technical words, expressions, and phrases occur frequently or taking in shorthand and transcribing dictation with constant variation of subject matter (not routine) but containing few technical words, expressions, and phrases.

The annual rates of compensation for positions in this grade shall be \$1,500, \$1,560, \$1,620, \$1,620, \$1,740, \$1,800, and \$1,860.

Grade 4 in this service, which may be referred to as the main clerical grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, responsible office work requiring training and experience, the exercise of independent judgment or knowledge of a specialized subject matter, or

both, and an acquaintance with office procedure and practice, or to supervise a small stenographic section or a small section performing clerical operations of corresponding difficulty. The positions of employees performing the following duties, and positions requiring similar qualifications of their incumbents, shall be allocated to this grade.

Accounting and auditing: Under a simple accounting system, journalizing routine transactions (or posting them directly to a ledger) where the bookkeeper must use judgment as to the accounts affected posting of general ledger, locating errors therein, and taking trial balance thereof. (Longhand as distinguished from machine work.)

Analyzing personal or partnership income-tax returns not involving a field sudit in order to determine the trasble income under the Provincial and correspondence: Edition ganuscripts for form and marking them for the printer, indicating style of type, headings, etc.; reading and revising gailey and page proof; preparing title pages, tables of contents, indexes, etc.

Reviewing letters, telegrams, reports, etc., composed by correspondence clerks and others; criticizing such material as to general appearance, style, diction, and grammatical construction to see that it conveys the correct information in as concise form as possible.

Briefing or digesting cases of moderate complexity for action by administrative officers.

Malls and files: indexing or marking papers for filing by subjects according to a system of moderate complexity.

Being responsible for opening, reading, routing, dispatching, classifying, indexing, and filing mail in a small Government organization where the responsibility for such functions is vested in one position, and supervising or administering a large storeroom or warehouse.

Personnel: Having direct supervision over the work of a group of clerks engaged on time records and the preparation of pay rolls.

Personnel: Having direct supervision over the work of supervision of administering a large storeroom or warehouse.

S

Making examinations of fiscal officers' accounts where a thorough knowledge of regulations, comptroller's decisions, and minor points of law is involved.

Analyzing corporation income and profits tax returns for the purpose of determining the taxable income under the Federal income tax laws and the tax liability.

Analyzing personal and partnership income and profits tax returns, which have been given a field audit, for the purpose of determining the taxable income under the Federal income tax laws and the tax liability.

Directing and having independent responsibility for the receiving and paying of money in a small bureau or establishment where the disbursements relate almost exclusively to salaries and travel.

Editorial and correspondence: Conducting correspondence in cases of moderate complexity requiring considerable special knowledge, in which the determination of the facts and the action to be taken involves the exercise of judgment and discretion.

Legal: Performing responsible clerical work in connection with the proceedings of cases instituted before a court, board, or other similar body, such as acknowledging, classifying, and docketing appeals, petitions, and other documents and referring them to an adjudicating organization.

Passing upon claims or other matters, disposition of which involves knowledge of particular laws, regulations, and office procedure, but not a general legal knowledge; conducting correspondence arising in connection therewith.

Miscellaneous: Having general supervision over a group of counters of money and securities and directing distribution of the work.

Personnel: Having general supervision over a central time record and pay-roll organization involving the management of a large group engaged on time records and pay rolls.

Performing work involving supervisory responsibility or the exercise of independent judgment and discretion in connection with the personnel administration of a Government organization; administering and applying, or assisting in the administration and

Grade 6 in this service, which may be referred to as the principal clerical grade, shall include all classes of positions the duties of which are to perform, under general supervision, exceptionally difficult and responsible office work, requiring extended training and experience, the exercise of independent judgment or knowledge of a specialized and complex subject matter, or both, and a thorough knowledge of office procedure and practice, or to serve as the recognized authority or adviser in matters requiring long experience and an exceptional knowledge of the most difficult and complicated procedure or of a very difficult and complex subject, or to supervise a large or important office organization engaged in difficult or varied work. The positions of employees performing the following duties, and positions requiring similar qualifications of their incumbents, shall be allocated to this grade:

Accounting and auditing: Under a complex accounting system, journalizing transactions (or posting them directly to a ledger) when the bookkeeper must use judgment as to the accounts affected, posting of general ledger, locating errors therein, taking trial balance thereof, and preparing periodical and special financial statements, such as balance sheets and operation statements.

Assisting in the designing and installing of accounting systems of a complex nature requiring a knowledge of accounting theory and practice.

Auditing transportation claims and bills, verifying transportation rates and charges invalving allocations.

practice.

Auditing transportation claims and bills, verifying transportation rates and charges involving allowances, divisions, or land grants, and handling correspondence in connection therewith.

Supervising the work of auditing and settling claims and accounts in a section of an auditor's office or performing the more difficult work

in a section of an auditor's office or performing the more dimensional of the section.

Editorial and correspondence: Editing and revising material for public distribution, advising with authors as to arrangement of materials, and laying out copy for printers guidance. Preparing summaries of reports for the press.

Briefing and digesting cases of exceptional complexity for action by administrative officers.

Conducting correspondence in complex cases requiring much special

Briefing and digesting cases of exceptional complexity for action by administrative officers.

Conducting correspondence in complex cases requiring much special knowledge, in which the determination of the facts and the action to be taken requires independent judgment and discretion.

Mails and files: Indexing or marking papers for filing according to a complex subject system embracing a great variety of subjects.

Having responsible supervision over a large mail and file division where the subject matter of the correspondence is of a varied nature, and devising methods for the expeditious conduct of the work.

Miscellaneous: Having direct charge of a large stock vault or a group of vaults and supervising a group of clerks receiving, storing, safeguarding, issuing, and shipping securities, keeping records and indexes thereof, taking inventories, and making reports as required, where the transactions are numerous, and conducting correspondence relating to the work.

Supervising the work of a large group engaged in the distribution of publications, devising methods of facilitating and expediting the work, and making necessary reports and conducting correspondence.

Personnel: Having general supervision over the personnel office of a small Government organization.

Purchases and supplies: Passing upon requisitions for printing and binding and supervising the distribution or sale of publications, including maps, charts, and departmental forms and blanks, in a department or large bureau.

Stenography and typing: Making verbatim reports of the proceedings of formal conferences and meetings.

The annual rates of compensation for positions in this grade shall be \$2,100, \$2,200, \$2,300, \$2,400, \$2,500, \$2,600, and \$2,700.

Grade 7 in this service, which may be referred to as the assistant administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, responsible office work along specialized and technical lines, requiring specialized training and experience an

Accounting and auditing: Settling the accounts of common carriers on the basis of commercial rates less the proper land-grant deductions. Revising disbursing officers' accounts involving payments for freight transportation.

transportation.

Directing and having independent responsibility for the receiving and paying of money in a small bureau or establishment where the disbursements are somewhat varied.

Analyzing consolidated corporation income and profits tax returns not involving a field audit for the purpose of determining the taxable income under the Federal income tax laws and the tax liability, (The position of an employee who has been engaged upon these duties for a period of not less than one year, and whose responsibilities have increased proportionately may, in the discretion of the head of the department concerned, be placed in grade 9, subject, however, to the approval of the Personnel Classification Board.)

Editorial and correspondence: Supervising and laying out the work of a group of clerks engaged in conducting important or specialized correspondence.

correspondence.

of a group of clerks engaged in conducting important or specialized correspondence.

Legal: Supervising the work of a group engaged in receiving, acknowledging, classifying, docketing, indexing, filing, examining, and assigning appeals, pleadings, petitions, or other documents used in the proceedings of cases instituted before a Government board, commission, or other body possessing powers of adjudication; conferring with attorneys, plaintiffs, and others, and advising them as to the practice, procedure, and preparation of cases; deciding matters of practice and procedure; and similar duties.

Miscellaneous: Having direct charge of a large vault or group of vaults containing large quantities of securities, and supervising a group of clerks receiving, storing, safeguarding, issuing, and shipping securities held in trust by the United States, making substitutions and exchanges, clipping coupons and accounting therefor, keeping records and indexes thereof, taking inventories and making reports as required where the transactions are numerous, and conducting correspondence relating to the work.

Personnel: Performing the duties of assistant to a personnel officer in a large Government establishment where the personnel work requires a large force.

Purchase and supplies: Having responsibility for the procurement, receiving storage, issue and maintenance of supplies and equipment of a

a large force.

Purchase and supplies: Having responsibility for the procurement, receipt, storage, issue, and maintenance of supplies and equipment of a varied nature in an executive department, large bureau, or independent establishment.

Secretarial: Performing the work of private secretary to the head of a bureau having jurisdiction over a group of major divisions or subdivisions.

visions.

The annual rates of compensation for positions in this grade shall be \$2,400, \$2,500, \$2,600, \$2,700, \$2,800, \$2,900, and \$3,000.

Grade 8 in this service, which may be referred to as the associate administrative grade, shall include all classes of positions the dutles of which are to perform, under general supervision, difficult and responsible office work along specialized and technical lines, requiring specialized training and experience and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving specialized training on the part of the employees.

of which are to perform, under general supervision, difficult and vesponsible office work along specialized and technical lines, requiring specialized training and experience and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving specialized training on the part of the employees.

The annual rates of compensation for positions in this grade shall be \$2,700, \$2,900, \$3,000, \$3,100, \$3,200, and \$3,300.

Grade 9 in this service, which may be referred to as the full administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, exceptionally difficult and responsible office work along specialized and technical lines, requiring the service of independent judgment, or as chief clerk, to supervise the general business operations of a large independent establishment or a major burseau or division of an executive department, or to supervise a large or important office organization engaged in work involving technical training on the part of the employees.

The annual rates of compensation for positions in this grade shall be \$3,000, \$3,100, \$3,200, \$3,300, \$3,400, \$3,500, and \$3,500.

Grade 10 in this service, which may be referred to as the senior of which are to perform, under general supervision, the most difficult equiring extended training, considerable experience, and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving considerable technical training and experience on the part of the employees.

The annual rates of compensation for positions in this grade shall be \$3,300, \$3,400, \$3,500, \$3,500, \$3,00, and \$3,900.

Grade 11 in this service, which may be referred to as the assistant of independent judgment, or to supervise a large or important office organization engaged in work involving extended training and considerable experience in the part of the employees.

The annual rates of compensation for positions in this g

CUSTODIAL SERVICE.

CUSTODIAL SERVICE.

The custodial service shall include all classes of positions the duties of which are to supervise or to perform manual work involved in the custody, maintenance, and protection of public buildings, premises, and equipment, the transportation of public officers, employees, or property, and the transmission of official papers.

Grade 1, in this service, which may be referred to as the junton messenger grade, shall include all classes of positions the duties of which are to run errands, to check parcels, or to perform other light manual or mechanical tasks with little or no responsibility.

The annual rates of compensation for positions in this grade shall be \$600, \$630, \$690, \$720, \$750, and \$780.

Grade 2, in this service, which may be referred to as the office-laborer grade, shall include all classes of positions the duties of which are to handle desks, mail sacks, and other heavy objects and to perform similar work ordinarily required of unskilled laborers; to operate elevators; to clean office rooms; or to perform other work of similar character.

vators; to clean omce rooms; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be \$900, \$960, \$1,020, \$1,080, and \$1,140: Provided, That charwomen working part time be paid at the rate of 40 cents an hour and head charwomen at the rate of 45 cents an hour.

Grade 3, in this service, which may be referred to as the minor custodial grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, custodial or manual office work with some degree of responsibility, such as guarding office or storage buildings; operating paper-cutting, canceling, envelope-opening or envelope-sealing machines; firing and keeping up steam in boilers used for heating purposes in office buildings, cleaning boilers, and oiling machinery and related apparatus; operating passenger or freight automobiles; packing goods for shipment: supervising a large group of charwomen; running errands and doing light manual or mechanical tasks with some responsibility; carrying important documents from one office to another; or attending the door and private office of a department head or other public officer.

The annual rates of compensation for positions in this grade shall be \$1,020, \$1,080, \$1,140, \$1,200, and \$1,260.

Grade 4 in this service, which may be referred to as the understodial grade, shall include all classes of postitions the duties of which are to perform, under general supervision, custodial work of a responsible character, such as supervising a small force of unskilled laborers; directly supervising a small detachment of watchmen or responsible character, such as supervising a small force of unskilled laborers; directly supervising a small detachment of watchmen or building guards; firing and keeping up steam in heating apparatus and operating the boilers and other equipment used for heating purposes; or performing general semimechanical new or repair work requiring some skill with hand tools.

The annual rates of compensation for positions in this grade shall be \$1,140, \$1,200, \$1,260, \$1,320, \$1,380, \$1,440, and \$1,500.

Grade 5 in this service, which may be referred to as the junior custodial grade, shall include all classes of positions the duties of which are general supervision over a small force of watchmen to such employees; to supervise the operation and maintenance of a small heating plant and its auxiliary equipment; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be \$1,320, \$1,380, \$1,440, \$1,500, \$1,560, \$1,620, and \$1,680.

Grade 6 in this service, which may be referred to as the assistant custodial grade, shall include all classes of positions the duties of which are to assist in the supervision of large forces of watchmen and building guards, or to have general supervision over smaller forces; to supervise a large force of unskilled laborers; to repair office appliances; or Caperform other work of similar character of the property of the supervise of the supervise of supervise the work of similar character.

The annual rates of compensation for positions in this grade shall be \$1,500, \$1,560, \$1,560, \$1,560, \$1,560, and \$2,060.

Grade 7 in this service, which may be referred to as the main custodial grade, shall include all class

The annual rates of compensation for positions in this grade shall be \$2,400, \$2,500, \$2,500, \$2,500, \$2,500, \$2,900, and \$3,000.

SKILLED TRADES SERVICE.

The skilled trades service shall include all classes of positions the duties of which are to perform, assist in, or supervise apprentice, helper, or journeyman work in a recognized trade or craft.

Grade 1 may be referred to as the apprentice grade, and the compensation for classes of positions in this grade shall be in accordance with the prevailing practice.

Grade 2 may be referred to as the helper grade, and the compensation for classes of positions in this grade shall be in accordance with the prevailing practice.

Grade 3 may be referred to as the journeyman grade, and the compensation for classes of positions in this grade shall be in accordance with the prevailing practice.

Grade 4 may be referred to as the foreman grade, and the compensation for classes of positions in this grade shall be in accordance with the prevailing practice.

Grade 5 may be referred to as the general foreman grade, and the compensation of classes of positions in this grade shall be in accordance with the prevailing practice.

Grade 6 may be referred to as the mechanical supervisor grade, and the compensation of classes of positions in this grade shall be in accordance with the prevailing practice.

Grade 6 may be referred to as the mechanical supervisor grade, and the compensation of classes of positions in this grade shall be in accordance with the prevailing practice.

the compensation of classes of positions in this grade shall be in accordance with the prevailing practice.

COMMON AND SPECIALIZED LABOR SERVICE.

The common and specialized labor service shall include all classes of positions the duties of which are to perform or direct manual work requiring more or less special skill or experience but no knowledge or skill in a trade or craft coming within the skilled trades service.

Grade 1 may be referred to as the common labor grade, and the compensation for classes of positions in this grade shall be in accordance with the prevailing practice.

Grade 2 may be referred to as the specialized labor grade, and the compensation for classes of positions in this grade shall be in accordance with the prevailing practice.

Grade 3 may be referred to as the semiskilled labor grade, and the compensation for classes of positions in this grade shall be in accordance with the prevailing practice.

Grade 4 may be referred to as the labor supervisory grade, and the compensation for classes of positions in this grade shall be in accordance with the prevailing practice.

Where it is provided for any grade of the skilled trades or the common and specialized labor service that the compensation shall be in accordance with the prevailing practice, such practice shall be determined by agreement between the head of the department and a representative of the class affected, in the employment of the Government, such agreement to be subject to the approval of the board. In the event of a failure to agree on such prevailing practice, or in the event of

the nonapproval of any agreement reached by the head of the department and the representative of such class, then such prevailing practice shall be determined by the board.

In fixing the rates of pay for employees of the skilled trades or the common and specialized labor service, leave privileges, continuity of employment, payment for holidays and Sundays, and other conditions of employment peculiar to the Government service shall be taken into consideration.

SEC. 14. The rates of compensation fixed in accordance with the provisions of section 4 hereof shall become effective July 1, 1923, and all provisions of existing law fixing or limiting the rates of compensation of the positions covered by the compensation schedules contained in this act are hereby repealed as of that date.

Mr. STERLING. Mr. President, on page 83, line 1, after the word "employment," I move to insert the words "including cost of living.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The READING CLERK. On page 83, line 1, after the word "employment," it is proposed to insert a comma and the words "including cost of living."

Mr. KING. Mr. President, how will the paragraph read

The VICE PRESIDENT. The Secretary will read the paragraph as it would read if amended.

The reading clerk read as follows:

In fixing the rates of pay for employees of the skilled trades or the common and specialized labor service, leave privileges, continuity of employment, payment for holidays and Sundays, and other condi-tions of employment, including cost of living, peculiar to the Govern-ment service shall be taken into consideration.

The amendment to the amendment was agreed to.

Mr. JONES of New Mexico. Mr. President, I should like to call the attention of the Senator from South Dakota to rule 5, which we were discussing some little time ago, and inquire if he is not willing to accept the provision which passed the House. It is on page 43, at the top of the page-paragraph 5 of section 6.

The House had a provision there which is precisely in keeping with my thought on the subject. The House provision can be found on page 6, paragraph 5, beginning at line 9. If the Senator from South Dakota will agree to that, it will save time. Otherwise, I should feel like asking for the presence of a quorum, so that the Senate might understand the situation.

Mr. SMOOT. Mr. President, I just want to call the Senator's attention to the reason why this wording was put in the Senate bill in preference to that of the House.

After making an examination of the employees who would be affected by paragraph 5 on page 43 we found that most of those who would be affected were old soldiers who were in the Government service, and we really felt that we did not want to change the compensation received to-day by those old men. do not say that those soldiers are the only employees that will be affected; there may be some older people in the service, but I think the wording of this provision that we have is the best possible wording that could be devised to take care of the situation that exists to-day in the District of Columbia.

If this applied to the field service—and there is where the great bulk of the Government employees are—then I should say that the Senator from New Mexico was right, and I think whenever the field service is taken in the provision of the House bill is the provision that will apply and that should apply, but I thought it was rather unfortunate

Mr. JONES of New Mexico. Mr. President, it is quite apparent that we are not going to come to an agreement regarding this amendment; but before calling for a quorum, and in the presence of those who are here now, I want to say that with about 75 or 80 people working for a year under the classification commission, of which I was chairman, we investigated the subject to which the Senator from Utah now refers, and we did

not find the state of facts which he has just stated.

Mr. MOSES. Mr. President, may I ask the Senator from New Mexico exactly what he meant by his earlier statement?

Does he mean that this paragraph No. 5 contains the idea which he had in mind for legislation, or that this notion of reducing the compensation of these employees is repugnant to him? I probably was not paying sufficiently close attention to what the Senator said at the outset of his remarks.

Mr. JONES of New Mexico. I am sorry to say that I am sure the Senator from New Hampshire did not hear my former statement at all, because I made it about an hour and a half ago, when the Senator was not in the Chamber.

Mr. MOSES. I did not hear the statement; I was not in the Chamber then, Mr. President.

Mr. SMOOT. Mr. President, may I say to the Senator that as far as I am personally concerned, and other members of the committee, I have no objection at all to that provision; in fact, I insisted upon it, as the Senator from South Dakota knows.

Mr. MOSES. Does the Senator from Utah mean paragraph 5

Mr. JONES of New Mexico. Paragraph 5, on page 6, should

be inserted for paragraph 5 on page 43.

Mr. MOSES. Is there an issue of fact here between the Senator from New Mexico and the Senator from Utah?

Mr. SMOOT. No.
Mr. MOSES. I want to get this clear in my own mind if I have to vote on an amendment offered by the Senator from New Mexico. The Senator from Utah, as I understand, points out that the employees affected by this provision are chiefly veterans of the Civil War.

Mr. SMOOT. And I will say to the Senator that there are only a very few of those. The Senator was right as to the employees generally; but some of the old soldiers did take the civil-service examination, and they have been kept in the service, and perhaps

Mr. MOSES. How about the application of the retirement

act to these men?

Mr. SMOOT. That is what I say; that will come into effect; but there are quite a number of them that have asked that they be kept on until the two-year period, amounting to four years in all, has elapsed. It can not amount to more than a year or two at most.

Mr. MOSES. Yes; but of course I assume that the Senator from New Mexico does not want paragraphs in legislation of this character, which is designed to be permanent legislation, drawn to affect a small, selected group of people who can receive the benefits of the legislation only through a limited period of time.

Mr. JONES of New Mexico. I do not believe the Senator understands the provisions of this bill, Mr. President. I move, on page 43, to strike out paragraph 5 as it appears in the amendment reported by the committee and to insert in lieu thereof paragraph 5 as it appears in the House bill on page 6, without the strike-out.

Mr. McKELLAR. What page is that?

Mr. JONES of New Mexico. Page 43. Mr. STERLING. It will be the corresponding rule in the House bill.

Mr. JONES of New Mexico. Yes. I move that the corresponding provision which passed the House be inserted instead

of that reported by the Senate committee.

Mr. MOSES. Will the Senator yield to me a moment? am very much gratified to see the interest that is being manifested in this proposal by the Senator from Tennessee [Mr. McKellar], because the Senator from Tennessee, who sat with the Senator from South Dakota and other Members of the Senate and the House on the commission of which I was a member to reclassify the salaries in the Postal Service, took exactly the position which is taken in paragraph 5, on page 43. The Senator from South Dakota and the Senator from Tennessee will corroborate me in the statement that we did not undertake to do any injustice to anybody anywhere in the Postal Service by reduction of salaries. Now I understand that the Senator from New Mexico wishes to insert in this bill-a bill whose central purpose is to increase salaries, and therefore to ameliorate the condition of civil-service employeession which, if I understand it, will probably work a hardship on a considerable group of people within the civil service, a group who should have our utmost consideration, having been described by the Senator from Utah, who probably knows as much about the civil service as any Member of this body, as a group made up almost wholly of veterans of the Civil If I misinterpret the purpose of the Senator from New Mexico in what he is attempting to do to the bill now, I hope that he will clarify my judgment on the subject.

Mr. McKellar. Mr. President, my attention was temporarily diverted to something else, but I should like to have an explanation. What is the provision that is referred to?

Mr. SMOOT. It is on page 43.

Mr. McKellar. What section?

Mr. SMOOT. Section 5, at the beginning of the page.

Mr. JONES of New Mexico. Mr. President, I can explain the matter to the Senate in just a few words; but if there is to be any contest about it, I prefer that we get a quorum here so that the Senate may understand what is going on.

Mr. MOSES. Mr. President, it is perfectly within the prov-ince of the Senator from New Mexico to suggest the absence of quorum.

Mr. JONES of New Mexico. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Gerry
Glass
Gooding
Hale
Harris
Harrison
Heffin
Johnson
Jones, N. Mex.
Jones, Wash.
Kellogg
Kendrick
Keyes
King
Ladd
La Follette Ashurst Bayard Lenroot Robinson Robinson
Sheppard
Shortridge
Smith
Smoot
Stanfield
Sterling
Sutherland
Swanson
Wadsworth
Walsh, Mont.
Warren
Watson
Weller
Willis Lodge McCumber Borah Brandegee Brookhart McKellar McKinley McNary Broussard McNary Moses New Norris Oddie Overman Owen Page Phipps Ransdell Reed, Pa. Bursum Capper Colt Curtis Dial Dillingham Edge Ernst Frelinghuysen George

The VICE PRESIDENT. Sixty-three Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment offered by the Senator from New Mexico.

Mr. MOSES. Let the amendment be stated. Mr. JONES of New Mexico obtained the floor.

Mr. McKELLAR. May we have order while we listen to

what the Senator from New Mexico has to say?

Mr. JONES of New Mexico. Mr. President, I asked for a call of the Senate for the reason that I think we have before us a question of very considerable importance. It is easily understood, however, and I think the Senate will bear with me in making a short statement.

In 1919 Congress established a joint commission for the purpose of providing a plan for the reclassification of the civilian employees in the District of Columbia. I was chairman of that We had a number of experts and other people emcommission. ployed to assist us in that work. It continued for about a year, and we made a most thorough investigation of the situation regarding the compensation of the employees in the District.

We found this situation to exist: In one case there was a man doing a certain job getting \$2,000 a year. Immediately by his side another man, doing precisely the same kind of work,

and no better, was getting \$4,000.

Mr. MOSES. Of course, that condition of affairs existed before any sort of classification had been attempted in the Government service.

Mr. SMOOT. Before there was any allocation at all.

Mr. JONES of New Mexico. Certainly. That was in 1919, when we started in.

Mr. STERLING. Further, that was due then largely to war

conditions. There was a rush to get things done.

Mr. JONES of New Mexico. It was during war times, and it came about by reason of the conditions which prevailed during the war, to a very great extent.

May I interrupt the Senator once more? Mr. MOSES. Mr. JONES of New Mexico. In just a moment. The way it came about was this: Each department of the Government was struggling to get assistance and help in the organization of new bureaus, and as we made appropriations for the organization of new bureaus we did not undertake to classify the employees who should be engaged, but we gave lump-sum appropriations, and that had the result, largely, to which I have just referred, and there was absolute discrimination. As I said, salaries varied from \$2,000 to \$4,000 for precisely the same kind of work.

There were thousands of cases where the variation was great, but not so great as I have indicated in the illustration which I gave awhile ago. Now I yield to the Senator from New Hampshire.

Mr. MOSES. Mr. President, I am very glad the Senator has brought out what he has, because it bears directly upon the question I intended to propound to him. He has pointed out with emphasis the evil of lump-sum appropriations by showing clearly to the Senate and to the country that under that system we had two sets of employees doing exactly the same character of work, in most cases doing the same work side by side in the same room, often at adjoining desks, one paid under a statutory provision and the other paid out of a lump-sum appropriation, where the latter salary was fixed by the whim of the superior officer, to the discredit of the service, to the production of in-efficiency in the service, as I believe, and absolutely to the emicency in the service, as I believe, and assolutely to the ravishment of the Treasury in most instances. I am very glad the Senator has brought that out.

Mr. JONES of New Mexico. I thank the Senator from New Hampshire for his contribution to this discussion. It is for the

purpose of doing away with that very sort of thing that this

legislation is proposed.

The question immediately before the Senate is, What are we going to do with the present employees? Under this bill there is established, in the first place, a service, which is a very broad division of public employment, and that service is divided into various grades. In one service there are as many as 13 different grades. Within each grade are various classes. The compensation for the various grades varies in a very substantial degree. There are as many as eight or nine different amounts of compensation within the same grade. It is specified in this bill that these employees shall be allocated to certain classes of certain grades by a board established by this bill.

Mr. MOSES. Mr. President-

Mr. JONES of New Mexico. Just a moment. There are some people in the Government service to-day who are receiving compensation which is higher than the highest rate provided in this bill for the highest class within a grade; and the question is, What are we going to do with those who are now engaged in a job and who are getting compensation higher than the highest rate provided for in this bill?

My proposition is to let them have the highest rates provided for in the grade, and in that way you get them at least within There are some people to-day, for instance, getcertain bounds. ting \$4,000 a year in a position which is worth only \$2,000 a year, and the man holding such a position can keep that place for life at \$4,000 a year, while everybody around him and everybody who comes in the service hereafter will have to sit by his side and get

\$2,000 a year.

Mr. MOSES. Mr. President, may I ask the Senator if he understands the purpose of this bill is to continue at their present salaries all these lump-sum employees?

Mr. JONES of New Mexico. If the Senator will read the para-

graph on page 43-

Mr. MOSES. I have just read it.

Mr. JONES of New Mexico. It does precisely that thing. Mr. MOSES. Am I to understand that this bill makes no dis-

crimination whatever between those civil-service employees who hold their positions by statute, under a fixed appropriation, where there is a limited number of employees to whom that appropriation can be paid, where merely the multiplication table is applied to an item in an appropriation bill, and those people who are paid out of a lump-sum appropriation, paid, as I have recently said, at the whim or caprice, or through the favor, of a superior officer? Will the former class be put upon exactly the same basis under this bill with the latter class, who receive the high salary through some good fortune, to be carried over into a civil-service classification which will give them those positions and those salaries for the balance of their natural lives?

Mr. JONES of New Mexico. I mean precisely that, if I understand the bill, and I may call attention to the language of the I read from page 38, if the Senator from New Hampshire

will give me his attention, where it is provided

The term "employee" means any person temporarily or permanently

It is those people we are undertaking to fix compensation for in this bill, and under this paragraph 5, at the top of page 43, the salary of a single one of them can not be reduced.

Mr. SMOOT. Will the Senator yield?
Mr. MOSES. I understand the Senator intends presently to offer his amendment in a modified form?

Mr. JONES of New Mexico. Yes.

With a view of preventing an injustice being Mr. MOSES. done to this limited class of employees, whom the Senator from Utah describes as the veterans of the Civil War and their widows, but that does not go to the root of the evil which the Senator from New Mexico has been describing. That will not cure the evil at all. The modification which the Senator from New Mexico has in mind to make to the amendment which he originally proposed will have to be broadened so that these originally proposed will have to be broadened so that these lump-sum employees can not secure all these permanent benefits from the legislation, which the Senator from New Mexico thinks will apply to them, and which he has convinced me will apply to them.

Mr. JONES of New Mexico. Mr. President, I may say that these lump-sum employees, under my proposal, will not retain their present compensation, unless it be low enough to come within the grade fixed in the bill.

Mr. MOSES. Let me ask the Senator if he has reported his

amendment in its perfected form?

Mr. JONES of New Mexico. I have not. I have not had an opportunity yet to do that.

Mr. MOSES. I beg the Senator's pardon. I was addressing myself to the amendment which he originally proposed, and which I understood was to be modified with reference to veterans of the Civil War. Mr. JONES of New Mexico. That is true.

Mr. MOSES. What I want to get at is whether, when he has perfected his amendment, as he has in mind to do, it then will be effective over the whole field of civil-service employees. whether they are paid from a statutory roll or whether they are paid from a lump-sum appropriation?

Mr. JONES of New Mexico. It will.
Mr. SMOOT. Mr. President, just for the Record, if the Senator will yield, so that Senators may know the situation, every employee in the District of Columbia has been classified and allocated to one of the grades within whatever class he or she may fall. No employee in the field has been classified, and this bill does not cover the field service. It could not cover the field service because of the fact that it will take nearly two years to classify and allocate the field service.

Mr. MOSES. May I ask the Senator a question at that point?

Mr. SMOOT Yes.

Mr. MOSES. Does the Senator intend to give the impression to the Senate that every individual now borne upon the Government pay roll in the District of Columbia has been allocated within one of the various classifications set up by this bill, not that they have been allocated by grades and in groups but that every individual has been allocated "in his own proper per-son," if I may use the language with which President Wilson signed the treaty of Versailles?

Mr. SMOOT. I will say to the Senator that every employee in the District of Columbia, under the order of the President of the United States, through the Bureau of Efficiency, has

been classified.

Mr. MOSES. By name?

By name. I have handled thousands and tens Mr. SMOOT. of thousands of the returns, and they will be allocated to whatever places the classification provided in this bill carries them.

The classifications in grades in the bill cover every employee in the District and he will naturally fall just where his examination would take him. I think that the amendment of the Senator from New Mexico is absolutely just. As I said, the only reason why a change was made was to take care of a very few people whom we thought ought to be taken care of. Now, the Senator in accepting that as to veterans and widows of the Civil War, I hope his amendment will be agreed to in place of paragraph 5, on page 43, as now worded.

Mr. JONES of New Mexico. I have the amendment ready. On page 43, in line 1, after the numeral "5" strike out the

remainder of the paragraph and insert the following:

If the employee is not a veteran of the Civil War or a widow of such veteran, and is receiving compensation in excess of the range of salary prescribed for the appropriate grades, the compensation shall be reduced to the rate within the grade nearest the present compensation.

Mr. MOSES. That, of course, means the highest rate? Mr. SMOOT. That would be the highest rate within That would be the highest rate within the

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 43, line 1, strike out all after the numeral "5" and the period, down to and including the word "compensation" in line 4, and insert in lieu thereof the following:

If the employee is not a veteran of the Civil War or a widow of such veteran, and is receiving compensation in excess of the range of salary prescribed for the appropriate grades, the compensation shall be reduced to the rate within the grade nearest the present compensation.

Mr. STERLING. The amendment is to strike out and insert? Mr. JONES of New Mexico. Yes; to strike out all after the numeral "5" in the first four lines, and insert the amendment that has just been read.

The PRESIDING OFFICER. The question is on agreeing to

the amendment to the amendment.

The amendment to the amendment was agreed to. Mr. McKELLAR. Mr. President, I desire to call the attention of the chairman of the committee to the language at the bottom of page 44, as follows:

Reductions in compensation and dismissals shall be made by heads of departments in all cases whenever the efficiency ratings warrant, as provided herein, subject to the approval of the board.

Does that give the heads of departments carte blanche to dismiss employees at will? Just what is the effect of it? do not know what is the effect of it and I would like to have

the Senator explain it.

Mr. STERLING. The law governs the matter of dismissal. The law of 1912 provides that there shall be no dismissal by the head of a department without notice to the employee.

Mr. McKELLAR. Would not this provision repeal that law? Mr. STERLING. Oh, no; it would not repeal the law.

Mr. SMOOT. I want to call the Senator's attention to another matter so that he can see that it does not repeal the law. In line 13, page 44-

Mr. McKellar. I have that language before me.
Mr. SMOOT. The Senator will notice it is provided that—

The board shall have powers of review and revision over uniform systems of efficiency rating established for the various grades or classes thereof * * * (d) dismissal.)

So any employee dismissed has the right to take the matter to the board for review and revision.

Mr. McKELLAR. I recall the law of 1912 provided that a civil-service employee should have the right of trial before dismissal.

Mr. STERLING. Oh, not the right to trial. He has a right to notice and a right to make an answer.

Mr. McKELLAR. To make answer to charges filed against

Mr. STERLING. If he chooses, but there is no trial, and

the law provides that there shall be no trial.

Mr. McKELLAR. It is not exactly a trial, but at the same time he has to be heard before dismissal. According to the language in the bill, the head of the department is given the absolute right to dismiss an employee for inefficiency at any time he sees fit, and then the employee may appeal to the board. That is about the substance of it.

Mr. SMOOT. But the Senator has not read the balance of

the paragraph.

Oh, yes; I have. It says, "subject to the Mr. McKELLAR. approval of the board."

Mr. SMOOT. Yes; that is right. Mr. McKELLAR. Under that language is it meant that the employee shall be dismissed before the board takes up the matter, or has the head of the department got to have the approval of the board before the dismissal of an employee? It seems to me he ought to have the approval of the board first.

Mr. STERLING. I think under the plain language of the paragraph there can be no dismissal without the approval of

the board. That is what it means.

Mr. McKELLAR. I think that is the proper construction of it, but I think, too, that we ought to be perfectly clear about it and that it should read: "Subject first to the approval of the board." Then we would have it exactly as the Senator said he intends it to be. Then there could be no dispute

Mr. STERLING. An employee would not be dismissed until the board approved the order.

Mr. NORRIS. There might be cases where a dismissal ought to take place immediately. There will be cases where a removal ought to be made instanter. Something may happen to an employee where there must be a removal before there can be a trial. Somebody must have authority to do that. I take it that it could be done under this language. But after that is done, there should then be a hearing and a full opportunity given to the person discharged, and that would mean, as I understand it, that before it could become permanent and be a real removal, the board would have to approve the act.

Mr. SMOOT. If the Senator will read section 9, he will see

that there is where the power is given:

That the board shall have powers of review and revision over uniform systems of efficiency rating established for the various grades or classes thereof, which shall set forth the degree of efficiency which shall constitute ground for (a) increase in the rate of compensation * * *, (c) decrease in the rate of compensation * * *, and (d) dismissal.

So they have that power even of dismissal by review and reduction.

Mr. NORRIS. Of course, that power must exist somewhere. I think we must all admit that.

Mr. McKELLAR. I call attention to the words at the top of page 45 "as provided therein." Of course, that evidently refers to section 9.

Mr. SMOOT. That has reference to the rate of efficiency. The language at the top of the page has reference to that matter.

Mr. McKELLAR. I think it would be very much wiser to have it the other way. However, it is the consensus of opinion that the employees are to have trial by the board, and if that is the understanding of everybody there is no use pursuing it any further.

Mr. STERLING. Let me say to the Senator from Tennessee that if this had been confined to dismissals alone there would have been no need for the paragraph, because that matter is governed by the law and must be upon notice. But it relates to reductions in compensation also, and we did not want it provided that there should be a reduction in compensation without the approval of the board.

Mr. McKELLAR. What is in my mind could be very easily arranged by striking out the language "subject to the approval of the board," and saying instead, "having first obtained the approval of the board."

Mr. SMOOT. That is the same as "subject to the approval

of the board."

Mr. McKELLAR. Under this language summary action could be had and then the employee would have to go before the board and make his own fight. In the other case, the head of the department could go before the board and submit the matter and then have the employee discharged or his salary reduced. I think that would be nothing more than fair.

Mr. SMOOT. It provides that "dismissals shall be made by heads of departments in all cases whenever the efficiency ratings warrant, as provided herein, subject to the approval of the

board."

Mr. McKELLAR. If that were made to read "subject first to the approval of the board," it would be all right according

to my view.

Mr. MOSES. The trial is on appeal. I understand there is going to be some summary decision rendered by the head of the department. No hearings will be had until after appeal. The deficiency rating having been sufficient in the judgment of the head of the department to warrant a reduction or a dismissal, the reduction or dismissal takes place summarily. victim may then take an appeal.

Mr. McKELLAR. That is contrary to the law of 1912 under which, up to this time, as I recall, is what was done. An employee could be summarily dismissed. But there was some resolution passed, or some law enacted since 1912 which changed that to some extent. Has the Senator that before him?

Mr. MOSES. I understand the Senator from South Dakota in his opening statement with reference to the bill, which, unfortunately, I did not hear completely, adverted to those stat-utes which are abrogated by the provisions of the bill. In a conversation I have just had with him I gained the impression that the abrogation of those statutes was had under section 9 of the bill, with a good deal of deliberation on the part of the conferees on the measure.

Mr. STERLING. The Senator from New Hampshire has the wrong idea as to the statutes to which I referred. I referred to one statute of 1907 and another of 1917 relating to transfers and relating to promotions. Those are repealed by the provisions of the bill. They do not refer to dismissals at all. law of 1912 is still the law, and is not repealed by any provi-

sion of the pending bill.

Mr. MOSES. Is it affected in any way by it? Mr. STERLING. I do not think so. As to dismissals referred to in the bill, they must be governed by the provisions of the law, as follows:

No person in the classified civil service of the United States shall be moved therefrom except for such cause as will promote the efficiency said service and for reasons given in writing.

"For dismissal" relates to lack of efficiency in the service, and there may be dismissal for that cause.

As will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and charges preferred against him.

Then the removal must be had according to the bill.

Mr. MOSES. Just what is the modus operandi of dismissal or reduction under the provision of section 9, beginning with line 23, page 44, and continuing to line 2, on page 45? Does it mean that after the efficiency rating has been discovered to be of such a character as to warrant reduction or dismissal the employee shall be served with a notice reciting those facts and shall be then reduced or dismissed, or will be then be permitted to take an appeal to the board and finally to the President, if I interpret the bill correctly, prior to having been reduced or dismissed? In other words, does the employee retain his status after the notice has been served upon him until it has finally

been passed upon by the board or ultimately by the President?

Mr. STERLING. I will say to the Senator from New Hampshire that I think it means that in case of the proposed dismissal or reduction of the salary of the employee there must be the approval of the board to the contemplated reduction or to the contemplated dismissal, and then notice of the contemplated reduction or dismissal must be served upon the employee.

Mr. MOSES. What right will the employee have in the

Mr. STERLING. What right will he have?

Mr. MOSES. And further, as the Senator from Wisconsin suggests, what will be the status of the employee? Does the Does the employee continue in his existing grade at his existing salary or has he gone out of the service or is he permitted in the

interval to go to the board with his appeal before the final judgment is rendered; or does the board, having established the ratings and having taken them to the head of the department, do all that without the knowledge of the implicated employee?

Mr. STERLING. I think the status of the employee is that of an employee in the service until a final order of removal is issued after the proceedings required by law; after the approval of the board in the first instance, and then the subsequent proceedings

Mr. McKELLAR. With that understanding, I am entirely satisfied

Mr. MOSES. But, even so, Mr. President, what is the situa-tion of the employee? The board would have made his ratings in the meantime.

Mr. McKELLAR. He is in the employ of the Government. Mr. MOSES. He is in the employ of the Government, yes, until the board has approved his reduction or his dismissal; but the board and the head of the department may have acted all the time without the knowledge of the employee and the employee have had no occasion to present his case until a final decision has been rendered on it.

Mr. McKELLAR. But the old law has not been repealed.

The employee has to be served with notice.

Mr. MOSES. The old statute of 1912 has not been repealed, but the clear implication of the statute as now read to us is a modification, a dilution of the rights of the employee under that earlier statute.

Mr. McKELLAR. That is why I called the attention of the Senator in charge of the bill to that paragraph.

Mr. MOSES. The Senator from Tennessee may think what the Senator from South Dakota has said about this language is adequate to protect the rights of the employee.

Mr. McKELLAR. I hope it is, but if it is not I hope some

amendment will be offered which will protect the employee.

Mr. MOSES. If the Senator from South Dakota, who has the floor, will permit me, I will say that the Senator from Tennessee understands perfectly well that an assertion made here on the floor of the Senate by a Senator in charge of a bill is not necessarily a binding interpretation of the language of the statute

Mr. McKELLAR. Of course not.

Mr. MOSES. And if there is any question here with reference to the status of these employees during the time when their efficiency record is under scrutiny, possibly with the purpose of reduction or dismissal, the language of the measure should be made explicit in that regard.

Mr. McKELLAR. That is why I suggested the insertion of the words "subject first to the approval of the board." would make the meaning of the language plain beyond the

shadow of a doubt.

Mr. MOSES. Now, just what is the suggestion of the Senator from Tennessee?

Mr. McKELLAR. That on line 1, page 45-

Mr. STERLING. Mr. President, if the Senators will permit me

The Senator from South Dakota has the floor. Mr. STERLING. I believe I can make this plain by reading the language of section 9 of the bill.

Mr. KING. Mr. President, if the Senator from South Dakota will permit an inquiry, he may answer my question at the same time, because I am sure the suggestion he is about to make will be in answer to at least some of the points which are in my mind.

First, I desire to ask the Senator whether, under the bill as it is now before us, it would be more easy than at present to get rid of or to reduce an employee under the civil service within the District of Columbia, and, secondly, does it give greater protection to inefficient and incompetent employees and make more difficult their reduction or their expulsion from the service?

Mr. STERLING. I do not think it does. I think the present law and procedure in that respect are substantially the same as

proposed under this bill.

Let me read section 9 and Senators will then see that it does not provide for an order of dismissal at all, but the purpose of the efficiency rating is to ascertain whether there is ground for promotion or advancement; whether there is ground for leaving the employee in his present status; whether there is ground for demotion; or whether there is ground for his dismissal. It does not provide that there shall be an order of dismissal. The bill

Sec. 9. That the board shall have powers of review and revision over uniform systems of efficiency rating established for the various grades or classes thereof, which shall set forth the degree of efficiency which shall constitute ground for (a) increase in the rate of compensation for employees who have not attained the maximum rate of the class to which their positions are allocated, (b) continuance at the

existing rate of compensation without increase or decrease, (c) decrease in the rate of compensation for employees who at the time are above the minimum rate for the class to which their positions are allocated, and (d) dismissal.

Just follow that word "ground" as the antecedent all the way through before these various subdivisions, and Senators will understand it.

If the board shall find that there is ground for dismissal, then the employee will receive notice. Of course, there will have to be first the approval or the disapproval of the board. If the board approves of the contemplated order of dismissal, notice will be given to the employee, and he will have his chance to be heard.

Mr. MOSES. Let me ask the Senator a question in view of what he has said. Assuming absolutely that underlying all action under this section is the "ground" upon which action shall be taken, will the Senator take a typical case and go forward with it and show to the Senate exactly what would happen to John Smith, let us say, who is a \$1,800 a year clerk? He is being rated, his rating being made by the head of the department in accordance with a certain system. The rating is to be open to the inspection of John Smith, who is affected by it, under conditions to be determined by the board after consultation with the department head. John Smith might have a feeling that his rating for some personal or other reason was not such as he was entitled to, for we all know, Mr. President, that such sentiments exist in the minds of Government employees in Washington; that there are many clerks who feel that the chief of the division or the head of a bureau or their immediate superior officer is hostile and unfriendly or desires to bring about a demotion or otherwise to get rid of an individual employee. Under those conditions John Smith, having that feeling, finds that he can have access to his current ratings, which are being made for him day by day as he goes on with his work in the Government service, but he may not find out how he is carried on the official roll of the Government except under conditions which a hostile head of the department may have made for him.

If I am not stating the successive steps in a typical case accurately I hope the Senator from South Dakota will correct me as I undertake to enumerate them; but that much we do know, that the rating of John Smith is going to be made from day to day as he goes on with his work in the department in Washington, and that rating is recorded, and that he may have access to it under conditions which are prescribed by the board after consultation with the department head. He may have great difficulty in getting access to his record, but nevertheless there the record is, and his rating is made upon that record. His rating having been made upon a record kept in such fashion and accessible in the manner in which I have described, John Smith suddenly learns that on the basis of the rating—for the language is "in all cases whenever the efficiency ratings warrant, as provided herein"; that is to say, I assume, as provided in section 9—John Smith suddenly receives notice that he is reduced or that he is dismissed. Now, what is his

Mr. STERLING. Let me go over the case supposed by the Senator from New Hampshire.

Mr. MOSES. The case is that of John Smith.

Mr. STERLING. Yes. In the first place, John Smith has

access to his efficiency rating.

Mr. JONES of New Mexico. He has if those over him will allow him to have such access.

Mr. STERLING. Wait a moment. I presume we have a right to assume—that is a presumption of law—that officials will do their duty, and that they will, as the law requires, allow John Smith to examine his efficiency rating to see where he stands.

But in the event they should not do so, in the event they themselves should violate the spirit of the law, John Smith is not without his remedy. After what has been ascertained through the efficiency rating which the records show John Smith attained—and it may be wrong—will come the contemplated order of the head of the department for the purpose of dismissing John Smith, subject to the approval of the board.

Mr. MOSES. But John is out before the board could get to him.

Mr. STERLING. No; he is not out. I do not concede that he is out. He is not out until the order of dismissal is finally issued, and that time has not as yet arrived. He is not dismissed when it is found that his efficiency rating does not come up to the mark; he is not dismissed until the order is made. and the order can only come after the processes fixed by the statute itself and after the proceedings prescribed by the statute.

Mr. McKELLAR. Mr. President, will the Senator yield to me that I may offer an amendment intended to clarify the meaning?

Mr. STERLING. Yes.

Mr. McKELLAR. I offer an amendment, to come in on line 2, on page 45, to strike out the period-

Mr. MOSES. Let me ask the Senator not to offer the amendment formally; we may desire to perfect the text to some

Mr. McKELLAR. Very well; I am perfectly willing. The amendment which I desire to propose, however, is to strike out the period and insert in lieu thereof a colon and the following proviso:

Provided, That no employee shall be reduced or dismissed without the notice and hearing before the board and without the approval of the board.

Mr. STERLING. Where would the Senator from Tennessee insert that amendment?

Mr. McKELLAR. In line 2, on page 45. The amendment provides exactly what I understand the Senator has argued is provided for in this section. If so, let us make it perfectly plain, so that it may not be misunderstood.

Mr. MOSES. I did not understand the Senator from South Dakota to maintain that. The Senator from South Dakota, if I understood him correctly, maintained that section 9 of this act, read in conjunction with the act of 1912, would so provide.

Mr. STERLING. Certainly.
Mr. McKELLAR. In conjunction with the law.

Mr. MOSES. But the suggestion of the Senator from Tennessee makes it perfectly clear in this act what is the intention of its framers.

Mr. STERLING. In view of the law of 1912 and the language of the bill itself, I see no necessity for the amendment suggested by the Senator from Tennessee.

Mr. MOSES. What harm could come from it?

Mr. McKELLAR. In order to relieve the situation, why can we not adopt such an amendment?

Mr. STERLING. Will the Senator state the language of his amendment again?

Mr. McKELLAR. If the Secretary has it, I will ask him to read it.

The Assistant Secretary. On page 45, at the end of line 2, it is proposed to strike out the period and insert a colon and the following proviso:

Provided, That no employee shall be reduced or dismissed without due notice and hearing before the board and without the approval of the board.

Mr. STERLING. I would say "reduced in compensation."
Mr. McKELLAR. "Reduced in compensation"—that will be entirely satisfactory.

Mr. MOSES. Does reduction in compensation mean exactly the same thing as reduction in grade under this act?

Mr. McKELLAR. Yes; that might have that effect-"in compensation or grade."

Mr. NORRIS. Mr. President, before the Senator from South Dakota agrees to that, I want to ascertain whether that would not lead us into difficulties. As I said awhile ago, there might be a case where a dismissal must take place instanter. Suppose you had a clerk who was handling money, for instance, and the head of the department learned that he was defrauding the Government by taking the money, stealing it.

Mr. McKELLAR. He would be arrested at once.

Mr. NORRIS. Yes; but it seems to me that in a case of that kind, where immediate action was necessary, somebody ought to have authority to take that action, but with a proviso that the employee should be immediately heard upon the proposition; in other words, that somebody ought to have a right to suspend the employee at least while the trial is going on.

I want everyone to have a trial. I do not think employees ought to be finally separated from the service without it. They ought to be confronted with the witnesses against them, and they ought to be given an opportunity to examine the charges and defend themselves properly, but it seems to me that there must be of necessity cases occasionally arising where summary action is necessary. I do not care whether we call that dismissal or whether we call it suspension, or something of that kind, but we ought not to put in a provision here that would make it necessary, if a man were charged with some such offense as I have indicated, for him to be retained in his position while they were going through the formality of trying him.

Mr. STERLING. Mr. President, I am afraid that in order to carry out the thought suggested by the Senator from Nebraska. the departments would be engaged all the time in holding trials. so far as that is concerned, if there was a right view of what the Senator from Nebraska calls a trial-a regular trial.

Mr. NORRIS. When I speak of a trial I have reference to the hearing provided for in the bill.

Mr. STERLING. Yes.

Mr. NORRIS. As I understand, that is already provided for. I do not want to deprive anybody of it, but I can realize that occasions might arise where, for the good of the service, summary action would be demanded.

Mr. STERLING. Yes. Let me read the language of section 6

of the law of 1912:

That no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing, and affidavits in support thereof, but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal.

Mr. President, I think that is as far as we can go in the Government service. I think it would utterly disrupt the service if we were to have what might be termed anything in the way of a

formal trial in every case.

Mr. NORRIS. The Senator from South Dakota has not understood what I said. I was trying to impress upon the mind of the Senator from South Dakota that before he accepted this amendment it seemed to me he ought to be sure that he was not making it impossible for some official to take summary action while the trial was in progress.

Mr. STERLING. The Senator from South Dakota believes that the employees' rights are fully protected by the provisions of the bill and by the law of 1912; and I do not think I can accept the amendment of the Senator from Tennessee.

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). The question is on the amendment of the Senator from Tennessee to the committee amendment, which will be

The Assistant Secretary. On page 45, line 2, after the word "board," it is proposed to insert a colon and the following proviso:

Provided, That no employee shall be reduced in compensation or grade or be dismissed without due notice and hearing before the board and without approval of the board.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee to the committee amendment. [Putting the question:] The "noes" have it; and the amendment to the amendment is rejected.

Mr. MOSES and Mr. McKELLAR called for a division. On a division, the amendment to the amendment was rejected.

Mr. NORRIS. Mr. President, I want to offer an amendment to the committee amendment. I presume when the Chair says "the committee amendment" he refers to the entire substitute?

The PRESIDING OFFICER. He does.

Mr. NORRIS. Therefore I can offer an amendment to any part of it?

The PRESIDING OFFICER. The Senator can.

Mr. NORRIS. I send the amendment to the desk and ask to have it read.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The Assistant Secretary. On page 80 it is proposed to strike out all after line 16, to and including line 2 on page 83, and in lieu thereof to insert the following:

Provided, That none of the provisions of this act shall include or apply to the skilled trades service, which shall include all classes of positions the duties of which are to perform, assist in, or supervise, appendice, helper, or journeyman work in a recognized trade or craft; or the common and specialized labor service not otherwise specially provided for, which shall include all classes of positions the duties of which are to perform or direct manual work requiring more or less special skill or experience, but no knowledge or skill in a trade or craft coming within the skilled trades service: Provided jurther, That all employees excluded from the provisions of this act and who received the \$240 benus during any portion of the fiscal year ending June 30, 1923, shall on July 1, 1923, receive an increase at the rate of \$240 per annum in addition to their present base pay.

Mr. NORRIS. Mr. President, the latter clause, as I understand, is, as a matter of fact, no increase.

Mr. SMOOT. Mr. President, is not the Senator mistaken in that?

Mr. NORRIS. I understand not, Mr. SMOOT. That is one of the things that we had up here before when an effort was made to give these employees \$240 a year over and above the rates paid for the same class of service in private institutions. Their salaries are based upon existing law, which provides that they shall be paid the amount which is paid in like industries in the vicinity in which the labor is performed. This is only another scheme for adding \$240 a year to their employment.

Mr. NORRIS. No; at least, that is not my intention. Mr. SMOOT. I do not say that that is the Senator's inten-

Mr. NORRIS. My understanding is that as a matter of fact it makes no increase, because these people would have the bonus. They are excluded from this bill. If this bill is passed no bonus bill will be passed, and consequently those who are excluded from this bill, with no bonus bill passed, would get no bonus, and there would be a reduction in their salaries by If we should pass the bonus bill and this bill, \$240 a year. too-which nobody intends to do-then there would be an in-

Mr. SMOOT. Mr. President, this bill does not apply to the field service in any way. This bill applies just to the employees in the District of Columbia, with the exception of the Postal Service, the Board of Education of the District of Columbia, officers and members of the Metropolitan police, the fire department of the District of Columbia, the United States park police, the commissioned personnel of the Coast Guard, the Public Health Service, and the Coast and Geodetic Survey. Those are exempted from the provisions of the bill. All of the other employees in the District of Columbia are covered by the bill.

Mr. NORRIS. Why does the Senator exempt those?

Mr. SMOOT. As to the officers and members of the Metropolitan police and the fire department of the District of Columbia, the Senator knows that the United States pays only 60 per cent of the appropriations made for the District of Columbia, and not only that, but the appropriations are made directly Congress; and while the United States does not pay the full amount, they have had special legislation, particularly as to the police and firemen, and increases have been made for them, so that I think it is absolutely satisfactory to all of There is no necessity of bringing them under this bill. I mention also the United States park police.

Mr. NORRIS. Mr. President, I have not asked the Senator

why the ones he has mentioned are excluded with any critical plan in mind. I approve it myself. I was glad to have the Senator outline the particular classes that were omitted by the

express terms of the bill.

The Senator says, in his closing statement, that these people are satisfied with being excluded. I agree to that. They wanted to be excluded, and the committee excluded them. Now, here comes another class of people who want to be excluded likewise, and yet the committee puts them in. I can give reasons, I think, why these should be excluded that do not apply even to the others.

Mr. SMOOT. I referred simply to the police and the firemen in the District of Columbia as those that desired to be excluded

from the bill.

Mr. NORRIS. Yes; and you excluded them. Now, I do not criticize that. I approve that. Mr. SMOOT. And I gave th

Mr. SMOOT. And I gave the reasons for it.
Mr. NORRIS. I am not finding fault. I was simply using the Senator from Utah as a witness in favor of the amendment I am offering.

Mr. GERRY. Mr. President—
The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Rhode Island?

Mr. NORRIS. I do. Mr. GERRY. The Senator from Utah [Mr. Smoot] stated that these sections with regard to the skilled-trade service and the common and specialized labor service, on pages 80 and 81, applied only in the District of Columbia. That is true, as I understand the bill; but it is also true that on page 41 of the bill there is a provision that the board shall make a survey of the field service and shall report to Congress.

In this survey the board will go into all the wage schedules of different branches of the Government's activities, and determine a wage scale which it will report back to Congress. If these sections on pages 80 and 81 are left in the bill, it will include in that report a wage scale for such activities as the torpedo stations, and the different navy yards, all the wages of which are now determined by special boards under different department heads, to meet particular conditions.

Mr. NORRIS. Let me say right there that, so far as I know. this arrangement is satisfactory to the people who are being

controlled by those special boards.

Mr. GERRY. It is satisfactory.

Mr. MOSES. That is always a reason for legislation, if it is satisfactory to the people drawing the Government salaries.

Mr. GERRY. It is not only satisfactory to the different individuals, but it is also satisfactory to the different departments, like the Navy Department and the War Department. I feel sure of that, and I do not believe we could get the same initial justice with this sort of legislation as we can if it is left under the present condition.

Mr. MOSES. Why not?
Mr. SMOOT. I will answer the Senator by this statement, that there has been no survey made, and the Senator is mistaken when he thinks that whenever that survey is made it will fall under the provisions of this bill. There will have to be additional legislation, because I have no question of a doubt that a clerk, we will say, working in a small city somewhere in this country, can live a great deal cheaper than that same clerk. doing the same work, could live for in the District of Columbia. All those things are to be taken into consideration in the survey which will be made.

Mr. NORRIS. I have no doubt of that, but the Senator must realize that when that survey was made, as the Senator from Rhode Island has pointed out, these people who are not excluded may be put in, and I have included in my amendment a provision that will prohibit that. I want to keep

them out permanently.

Mr. SMOOT. It will take two years to make that survey. Mr. GERRY. If the Senator will yield to me further, at the present time the Navy Department is conducting an investigation as to the wages to be paid in the different yards and establishments. It has to determine conditions in each one, and, in my opinion, it is much better able to determine what are the proper rates of wages than will a board constituted as this is to be, which will be much more centralized. If we open the door now, and do not amend these sections on pages 80 and 81, we will have a report coming back to Congress for a general schedule, and will have to meet that condition then, and will have to fight then, and I would rather meet it now.

Mr. SMOOT. There is no fight to be made.

Mr. NORRIS. Mr. President, briefly as I may, I want to add another reason which it seems to me ought to differentiate this class of employees from the ordinary clerks in all of these departments. These employees are satisfied as they are. They are afraid to go under this provision, because they will come under the jurisdiction of people, honest and conscientious though they may be, who are engaged in a business entirely different from what these people are engaged in. In other words, you would have the skilled trades service under the supervision and jurisdiction of boards which are familiar with and are handling ordinary clerks in the various departments. Their work is entirely different. It is skilled in both in-stances, but in no sense are they related to each other.

Would it not be better, and would we not get better service, if these employees were under boards which were particularly skilled in the line of their employment, as they are now, instead of putting them under the jurisdiction and control of a board that has no knowledge of their business or their occupation, more or less scientific and distinguished, and entirely different from the one with which the board and those above

them would be familiar?

Mr. STERLING. Let me suggest to the Senator that there may be an agreement, under the terms of the bill, between the head of the department under whose jurisdiction the particular employee comes, or that class of employees come, and the representative of the class of employees affected. employees affected are represented in a conference with the head of the department when it comes to determine what the prevailing practice is. Of course, that agreement is subject to the approval of the board, consisting of a representative of the bureau of efficiency

Mr. NORRIS. I hope the Senator will not get any idea that I am trying to insinuate, even indirectly, that this board is going to be moved by any improper motives. I am not. I am simply saying that from the very nature of things they are not as well qualified to pass on the questions that will arise, which will be mainly as to salaries, I take it, in every

case, as they would be for clerks.

Mr. STERLING. Can not the representative of the head of the department present all the facts and circumstances and say what the commercial rate is?

Mr. NORRIS. Oh, yes; but, after all, the final disposition is in the hands of a board that has practically no knowledge whatever of the business in which the employee is engaged.

Mr. SMITH. May I ask the Senator a question?

Mr. NORRIS. I yield. Mr. SMITH. Under the present conditions, each these departments employing skilled labor has a board which passes upon the efficiency and the pay of the different employees?

Mr. NORRIS. Yes.

Mr. SMITH. That board is constituted of men who know the business and the qualifications of those who are engaged in the business?

Mr. NORRIS. Exactly.
Mr. SMITH. The bill, as I understand it, proposes to unify in this board in Washington the power to do that supervisory work and to fix the compensation without the members of the board here in Washington having the qualification that the members of the boards have in these different departments, and it seems to me that when we are attempting to bring about efficiency, we should have efficiency of supervision as well as efficiency in the performance of work, because a man might pass upon the character of a job who knew no more about the job than some layman who never had been familiar with it, and who therefore would be as likely to do harm as to do good.

If the present arrangement is working efficiently and is bringing about the proper returns, and the boards are efficient in these skilled departments, why go afield, when the object of this bill is to operate among the mere clerical workers, to see

that the clerk gets a proper wage for the labor performed?

Mr. STERLING. If the Senator from Nebraska will per-

mit me

Mr. NORRIS I yield to the Senator from South Dakota.

Mr. STERLING. The fundamental question here is as to whether the employee should receive more than is paid according to the prevailing practice, or whether he is satisfied with the prevailing practice; in other words, the commercial rate for employment of that kind. That is the question. He ought to have that much, and I do not think he ought to have any more. This is a way of determining what that prevailing practice is, as provided in the bill.

Mr. SWANSON. Will the Senator from Nebraska yield

to me?

Mr. NORRIS. Before I yield I want to make a reference to a matter presented by the Senator from South Dakota. In my humble opinion the Senator from South Dakota would not accomplish his object as well by the bill as drawn as if this amendment were adopted as a part of the bill. Certainly these boards, as far as I know, have worked satisfactorily. There is no complaint in regard to them. The men who are at work, and those who are above them, are both satisfied, as far as I know. If that is not true, I have not heard of it. It seems to me, if that is the condition which exists, we ought to let it alone, unless we have some reason to change it that is sufficient to warrant our interfering with a situation which is satisfactory.

The Senator from South Dakota says that the question is whether they shall get wages which correspond with the wages paid for similar work in private business. The boards who are familiar with the kind of work these employees do, I submit, are better able to determine that question than some fellows here who are familiar only with clerks and clerkships. They know more about it. They can do better, it seems to me, both

for the Government and for the men.

As far as taking these men in is concerned, when they do not want to come in, a precedent has already been practically established, and a lot of these bureaus are left out expressly. The people who are in are satisfied. Those who are out do not want to come in, and the Government is satisfied. Here is another situation where employees should be left out, but in this case there is a better reason. They are doing a different kind of work, entirely foreign to the work that is going to be controlled or handled by this board. They are doing a work similar to the work in the navy yards, manual labor of an expert kind, high class technical labor. A great many of them have nothing to do with the keeping of books and the ordinary work of a clerk. If they are satisfied, and if you have let others stay out because they are satisfied, even though in other cases there is nothing else but clerks to handle and control, why should we step outside and take these men in when everything is satisfactory, as it is, and when the Government and the men both

Mr. LENROOT. I would like to ask the Senator concerning the proviso. Under this proviso it would seem that if a messenger had received, during any portion of the year, the \$240 bonus, and then on the 1st of July got employment in the excluded class, he would receive \$240 a year or \$20 a month more than any of his fellows. Surely the Senator does

not intend that.

Mr. NORRIS. It would depend on the position he would get. I thought I made that plain; at least I have outlined what my idea was as to the effect of my amendment. Just let me go over that briefly again. Here is a reclassification bill. If it is passed, those under it get the benefit of the bonus, and we do not need to pass a bonus bill. I think that is

conceded. If we exclude these people, they will not get the benefit of that, of course. They will be left outside. Now they, have the bonus. The bonus bill will not pass, and hence their salaries, if that provision were not in the pending bill, would be reduced \$240 a year.

Mr. LENROOT. I am in sympathy with that.

Mr. NORRIS. I am only trying to effect the object I have in mind. I do not want to raise anybody's salary

Mr. LENROOT. May I ask the Senator whether he would accept this as an amendment to his amendment?

Provided further, That all employees excluded from the provisions of this act and who would, if employed on June 30, 1923, be entitled to the \$240 bonus, shall, on July 1, 1923, receive an increase at the rate of \$240 per annum in addition to their present base pay so long as they shall hold any position which would have entitled them to receive said bonus had the present law regarding the same been continued.

Mr. STERLING. May I ask the Senator one question? Does he say "this act" or "these provisions"?

Mr. LENROOT. "This act." I am taking the language of

the amendment.

Mr. STERLING. Should it be so broad as that? I do not think so. I think the Senator is concerned with the skilled trades, and I think it had better be confined to those provisions.

Mr. NORRIS. I will say to the Senator from that I have sent the only copy of the amendment I have to the desk, but at first blush, and on the reading of his proposal, I do not see any objection to the change the Senator has suggested. Before I would commit myself to it definitely I would like to study his proposal and compare the two. I want the Senate to understand that I am not trying to put anything in to increase anybody's salary. I want to leave them just as they would be. If they go under this bill, their salaries are automatically increased. If the bill is not passed and the bonus bill is passed, they will still receive \$240 above their base pay. What I want to do is to keep them out of the bill and protect them from a reduction in pay. That is what I am trying Mr. SWANSON and Mr. SMITH addressed the Chair. That is what I am trying to do.

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). Does the Senator from Nebraska yield; and if so,

to whom?

I yield first to the Senator from Virginia. Mr. NORRIS.

Mr. SWANSON. Mr. President, I think the Senator from Nebraska is entirely right in regard to these exceptions. It is illustrated by the situation in the Navy. Under the present law the salaries or wages of the mechanics, the boiler makers, the ship fitters, in the Navy are fixed in accordance with the salaries in the neighborhood. Each year a board is constituted who visit people in the neighborhood; evidence is heard as to the salaries paid in the neighborhood to mechanics of a similar kind, and that forms the basis for the wages paid. These men are much more capable of determining what the salaries of the boiler makers ought to be in the navy yards or one of the arsenals of the Army than a board composed of the Chief of the Civil Service Commission, the Efficiency Board, and those people who simply handle clerical work, as the Senator from Nebraska has well stated.

Each year the board meets and decides what are fair wages paid in the community, and the Government's wages are based upon this determination. To have the wages of boiler makers, skilled mechanics, and men of that class engaged in expert work fixed by a board sitting here in Washington, consisting of persons connected with the Civil Service Commission or the Efficiency Board or the Bureau of the Budget, who know nothing whatever about the matter, who have their hands full of clerical work, is turning the work of the Government over to inex-

perienced people instead of experienced people.

The local board which fixes the wages, as I have described. usually has a representative from the Navy Department and one from the laboring people as well. They hear the evidence, take the testimony, and make investigations. They go to the private shipyard and ascertain the wages paid there and try to adjust the wages for the Government on that basis. In Philadelphia they go to the private shipyards and find what the mechanics get there, what the boiler makers and other skilled workers get there, and try to pay the same wage. To require these people to come here to a central board in Washington, with all the business incident to it, simply means to turn this class of people over and allow their wages to be fixed by inexperienced people. There is no reason for doing it and no justification for taking action of that sort. There is no reason why they should be compelled to come to Washington and appear before a board of inexperienced people of that kind.

Mr. NORRIS. Mr. President, I understand the Senator from South Dakota is willing to accept the amendment I have offered if I will accept the modification presented by the junior Senator

from Wisconsin [Mr. Lenroot].

Mr STERLING. On behalf of the committee I accept the amendment as modified by the substitute offered by the Senator from Wisconsin.

Mr. SMITH. Will the Senator have the amendment as modified read?

Mr. NORRIS. It is a substitute for the last paragra Mr. SMOOT. Let the modified amendment be reported. It is a substitute for the last paragraph.

The Assistant Secretary. It is proposed-

NORRIS. Mr. President, it seems there is a misunder-

Mr. STERLING. I did not quite understand the scope of the amendment

Mr. NORRIS. The suggestion of the Senator from Wisconsin was not a substitute for my amendment, but only a substitute for the proviso in the amendment.

Mr. SMOOT. Let the amendment be reported.

The PRESIDING OFFICER. The amendment will be stated. The Assistant Secretary. On page 80, strike out all after line 16, to and including line 2 on page 83, and insert in lieu thereof the following:

thereof the following:

Provided, That none of the provisions of this act shall include or apply to the skilled trades service, which shall include all classes of positions the duties of which are to perform, assist in, or supervise, apprentice, helper, or journeyman work in a recognized trade or craft; or the common and specialized labor service not otherwise specially provided for, which shall include all classes of positions the duties of which are to perform or direct manual work requiring more or less special skill or experience, but no knowledge or skill in a trade or craft coming within the skilled trades service: Provided further, That all employees excluded from the provisions of this act and who would feed employed on June 30, 1923, be entitled to the \$240 bonus, shall on July 1, 1923, receive an increase at the rate of \$240 per annum in addition to their present base pay so long as they shall hold any position which would have entitled them to receive said bonus had the present law regarding the same been continued.

Mr. NORRIS. I want to make a suggestion to the Senator

Mr. NORRIS. I want to make a suggestion to the Senator from South Dakota. There is a dispute here about the bonus. I think I am right about it, but I may be wrong. The Senator from Utah [Mr. SMOOT] is very positive that he is right about The only way to correct that, if we correct it at all, is to include the employees in the amendment. If the conferees find that the men are not getting the bonus, of course they can rectify it, but I would not want the amendment agreed to with the bonus item stricken out, because, as I understand the situation, it would mean a reduction in salary of \$240 for each of those

Mr. SMOOT. Since I made the statement on the floor I have telephoned down and I now say positively to the Senator from Nebraska that they do not receive the \$240 bonus. ceive the base pay.

Mr. NORRIS. Then the acceptance of the amendment will not do any harm, because it only applies to those who do receive the bonus. That is what the amendment is for.

ceive the bonus. That is what the amendment is lot.

Mr. SMITH. The amendment, as I understood it when read, was that the \$240 bonus is added to the base pay and would only apply to those who have been receiving it.

Mr. NORRIS. If they are not getting the bonus, it will not

apply to them.

I ask that the provision be read. I know that am right as it was first read, but the Senator may have changed it from the way it was first read.

The PRESIDING OFFICER. The proviso of the amendment offered by the Senator from Nebraska will be read.

The Assistant Secretary read as follows:

Provided further, That all employees excluded from the provisions of this act and who would, if employees excluded from the provisions of this act and who would, if employed on June 30, 1923, be entitled to the \$240 bonus, shall, on July 1, 1923, receive an increase at the rate of \$240 per annum in addition to their present base pay so long as they shall hold any position which would have entitled them to receive said bonus had the present law regarding the same been continued.

That is right. Mr. SMITH.

Mr. NORRIS. Will the Senator from Utah admit that he was mistaken?

I do not know whether there has been any Mr. SMOOT. change made in it since it was first read.

Mr. NORRIS. I have made no change except the penciled memorandum of the Senator from Wisconsin [Mr. Lenboot]. think the Secretary read the proviso in the original amendment.

Mr. SMOOT. Oh, no.
Mr. NORRIS. Then read that and see whether it applies. Mr. SMOOT. This is what the Senator read, and this is just

what it said:

Provided, That all employees excluded from the provisions of this act who received the \$240 bonus during any portion of the fiscal year ending June 30, 1923, shall, on the 1st of July, 1923, receive an increase at the rate of \$240 in addition to their present base pay.

Mr. NORRIS. Now, the Senator will admit he was for once mistaken?

Mr. SMOOT. Oh, I have been mistaken more than once in my life, I will say to the Senator.

Mr. WATSON. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska, as modified, to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. MOSES. Now, there will be required some perfection of

the bill, the amendment having been agreed to.

Mr. STERLING. In view of the action of the Senate in striking out the language proposed by the committee, I must offer an amendment that will include certain employees. send to the desk and ask the Secretary to read the amendment which I now offer.

Mr. LODGE. Mr. President, if we are to open up a new line of debate I wish to state that while I am very anxious to get the bill through, I think we must have an executive session. There are some appointments of very great importance that ought to be confirmed before the 4th of March, members of the International Debt Commission among others. There is also a brief treaty which must be ratified and must come before the Senate to-day so that we can dispose of it to-morrow, relating to the halibut fisheries on the western coast. If possible we want to have a short executive session and dispose of those matters

Mr. WATSON. Does the Senator want to have the executive session before the conclusion of the consideration of the

Mr. LODGE. The conclusion of the bill is so indefinite that I think we ought to get the nominations confirmed. It will take but a few moments.

Mr. STERLING. I do not think it will take long to conclude the consideration of the bill. Anyway, the Senator from Massachusetts has all day to-morrow.

Mr. MOSES. It will take some time to conclude the bill unless we get it perfectly clear that the amendment just agreed to is not going to interfere with the operation of the Government Printing Office.

Mr. STERLING. I think I have an amendment here that will cover that situation.

Mr. MOSES. I am not clear about that. I want to be very certain about it.

Mr. LODGE. I will withhold the motion for a little while, but I shall make it within a very few minutes unless the bill is disposed of promptly.

The PRESIDING OFFICER. The amendment offered by the

Senator from South Dakota will be stated.

The READING CLERK. On page 41, line 21, after the word "Columbia," add the following:

and shall not apply to employees in positions the duties of which are to perform or assist in apprentice, helper, or journeyman work in a recognized trade or craft, and skilled and semiskilled laborers, except such as are under the direction and control of the custodian of a public building, or perform work which is subordinate, incidental, or preparatory to work of a professional, scientific, or technical character.

Mr. NORRIS. I want to inquire where the amendment is proposed to be inserted?

The PRESIDING OFFICER. On page 41, line 21, after the word "Columbia." The question is on the amendment offered by the Senator from South Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. MOSES. I want to offer an amendment now.

Mr. STERLING. Just a moment. I offer another amendment from the committee, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 80, line 17, in lieu of the matter relating to the skilled trades service insert the following:

CLERICAL-MECHANICAL SERVICE.

The clerical-mechanical service shall include all classes of positions which are not in a recognized trade or craft and which are located in the Government Printing Office, the Bureau of Engraving and Printing, the mail equipment shop, the duties of which are to perform or to direct manual or machine operations requiring special skill or experience or to perform or direct the counting, examining, sorting, or other verification of the products of manual or machine operations.

Mr. STERLING. The amendment is the same as that handed the secretary with the exception that the Government Printing Office and the Bureau of Engraving and Printing and the mail equipment shop are specified and they were not specified in the other amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Dakota to the committee amendment.

The amendment to the amendment was agreed to,

I offer to the committee amendment the Mr MOSES amendment which I send to the desk and ask that it may be read.

The PRESIDING OFFICER. The amendment to the amend-

ment will be stated.

Mr. SMOOT. Mr. President, only a part of amendment No. 2, which was offered by the Senator from South Dakota, was agreed to. The portion relating to the grades was not agreed to, and those grades will have to be included in the amendment in order to take care of the Bureau of Engraving and Printing and the Government Printing Office.

Mr. STERLING. The grades are a part of the amendment, but I omitted so to state when I presented the amendment.

Mr. SMOOT. I ask that the vote whereby the amendment to

the amendment was agreed to may be reconsidered.

The PRESIDING OFFICER. The Senator from Utah asks that the vote whereby the last amendment to the amendment was agreed to may be reconsidered. Without objection, it is so ordered. The question now is on the amendment of the Senator from South Dakota, as now modified with the inclusion of the grades, to the amendment. The Secretary will state the amendment to the amendment in the form in which it is now presented.

The Reading Clerk. On page 80 it is proposed to strike out all after line 16, down to and including line 2 on page 83,

and to insert:

CLERICAL-MECHANICAL SERVICE.

and to insert:

CLERICAL-MECHANICAL SERVICE.

The clerical-mechanical service shall include all classes of positions which are not in a recognized trade or craft and which are located in the Government Printing Office, the Bureau of Engraving and Printing, the mail equipment shop, the duties of which are to perform or to direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations.

Grade 1 shall include all classes of positions in this service the duties of which are to perform the simplest operations or processes requiring special skill and experience.

The rates of compensation for classes of positions in this service the duties of which are to operate simple machines or to perform operations or processes requiring a higher degree of skill than those in grade 1.

The rates of compensation for classes of positions in this service the duties of which are to operate machines or to perform operations or processes requiring a higher degree of skill than those in grade 1.

The rates of compensation for classes of positions in this service the duties of which are to operate machines or to perform operations or processes requiring the highest degree of skill or supervise a small number of subordinates.

The rates of compensation for classes of positions in this grade shall be 55 to 70 cents an hour.

Grade four shall include all classes of positions in this service the duties of which are to perform supervisory work over a large unit of subordinates.

The rates of compensation for classes of positions in this grade shall be 80 to 90 cents an hour.

Grade four shall include all classes of positions in this grade shall be \$5.00 do the provision of the provision of the administration of a major division of a large bureau or establishment with varied work.

The rates of compensation for classes of positions in this grade shall be \$2.90, \$3.180, \$3.420, and \$3.640 a year:

Provided,

The PRESIDING OFFICER. The question is on the amendment as modified offered by the Senator from South Dakota [Mr. Sterling] to the committee amendment.

Mr. KING. Mr. President, may I inquire of the Senator

from South Dakota if this amendment to the amendment relates to the printers in the Bureau of Engraving and Printing?

Mr. STERLING. It does not relate to the printers. It merely relates to some semiskilled workers. The crafts and skilled trades are now altogether eliminated by the amendment.

The PRESIDING OFFICER. The question is on the adoption,

as modified, of the amendment of the Senator from South Dakota to the committee substitute.

Mr. KING. Mr. President, may I inquire of the Senator from South Dakota what are the differences between the various grades and what will be the duties of the employees in the

grades calling for the highest compensation?

Mr. STERLING. The duties are to some extent, although I agree to a limited extent, described in the paragraphs before the rates of compensation are fixed. Beginning with grade 1, for example

Grade 1 shall include all classes of positions in this service the duties of which are to perform the simplest operations or processes requiring special skill and experience—

Mr. KING. Such as printers and engravers?

Mr. STERLING. Printers and engravers who are yet outside of a recognized trade or craft and below that grade.

I will take grade 5, as another example-

Grade 5 shall include all classes of positions in this service the duties of which are to be responsible for the administration of a major division of a large bureau or establishment with varied work.

Of course the duties referred to there are those largely of a supervisory character and they involve great responsibility upon

the part of the person who has charge.

Mr. KING. Without taking the time to ask for an explanation for each grade, may I ask the Senator whether the duties embraced in the last grade, calling for the highest compensation, are comparable to the duties that in private printing establ'shments would be devolved upon persons having supervisory care and if the compensation here provided is comparable to the compensation in private establishments, not now when wages are perhaps exceedingly high in some trades, but in ordinary, nor-

Mr. STERLING. I think the compensation is fairly comparable with that paid in ordinary times. I wish to say further to the Senator that the idea is to give the employees of this grade about their present basic salary with the bonus added. That has been the intention all through this bill.

Mr. KING. And the basic salary was established some years

ago, I believe.

Mr. STERLING. It was.
The PRESIDING OFFICER. The question is on the adoption, as modified, of the amendment of the Senator from South Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the adoption of the committee amendment as amended.

Mr. MOSES. Mr. President, I now offer the amendment which I previously sent to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The Assistant Secretary. At the proper place in the amendment of the committee it is proposed to add the following:

The compensation for the clerks, first assistant clerks, and second assistant clerks of committees of the Senate, and for the same classification of clerical assistants to Senators who are not chairmen of committees shall be, respectively, \$3,600, \$2,500, and \$2,100 per annum: Provided, That the salaries of the clerks and messengers of the Senate Committees on Appropriations, Finance, and Interstate Commerce shall be as now established by law.

The compensation for additional clerks now provided by law for committees of the Senate or for Senators who are not chairmen of committees shall be \$1,500 per annum.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire to

the amendment of the committee.

Mr. KING. Mr. President, the Senator from New Hampshire has just offered a very interesting amendment, which is scarcely germane to the bill under consideration. In view of that fact, and it probably being a diversion, I shall take the opportunity of creating a little further diversion, under the latitude permitted in debate, by inviting attention to a very interesting communication appearing in the New York Herald of this day.

Mr. MOSES. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. KING. I yield for a question.
Mr. MOSES. I wish to make a personal explanation. have no intention, of course, of depriving the Senator or any person within these walls from any diversion that might be had here this afternoon. I wish to assure the Senator, however, that I have not offered this amendment as a diversion. I have offered it in grim and deadly earnest, and it is germane to legislation which is classifying the duties and fixing the salaries of Government employees.

Mr. KING. Mr. President, I am so good-natured that I will consider that it is not a diversion, that it is offered in grim and good earnest, and is perfectly pertinent and germane; and having made that concession, I shall proceed.

DEFICIENCY APPROPRIATIONS-CONFERENCE REPORT.

Mr. WARREN. Mr. President, will the Senator yield to me to present a conference report?

Mr. KING. I yield to the Senator from Wyoming.

Mr. WARREN. I send to the desk the conference report on the deficiency appropriation bill, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be read.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 23, 27, 29, 34, 35, 39, 42, 44, 46, 47, 48, 50, 52, 53, 55, 59, 60, 61, 68,

and 73.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 25, 26, 28, 30, 81, 33, 37, 41, 43, 49, 56, 57, 58, 62, 63, 65, 67, 69, 70, 71, 74, 75, 77, 78, 79, 80, 81, 82, 83,

and 84, and agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Omit the matter stricken out and inserted by said amendment, and, on page 5 of the bill, in line 4, strike out the title "Botanic Garden"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its

disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment, insert "\$7,500"; and the

Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "\$25,000"; and the Senate agree to

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out the word "rebuilding" and insert in lieu thereof the words "repairing, reconstructing"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment, after the word "river," insert the words "on public lands"; and the Senate agree to

the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment, before the sum "\$4,380.67," insert "fiscal year 1918"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: Strike out the last five lines of the matter inserted by said amendment; and

the Senate agree to the same.

Amendment numbered S6: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the number proposed insert "4"; and the Senate agree to the same. The committee of conference have not agreed on amendments numbered 22, 24, 36, 40, 54, 66, 72, and 76.

F. E. WARREN, CHARLES CURTIS. LEE S. OVERMAN. Managers on the part of the Senate. MARTIN B. MADDEN, D. R. ANTHONY, Jr., JOSEPH W. BYRNS Managers on the part of the House.

The PRESIDING OFFICER. The Senator from Wyoming asks for the immediate consideration of the report. Is there objection?

There being no objection, the Senate proceeded to consider

Mr. WARREN. I move the adoption of the report.

The PRESIDING OFFICER. The question is on agreeing to the report of the conference committee.

Mr. NORRIS. Mr. President, if nobody else wants to speak

on it, I want recognition on that question.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KING. Mr. President, I yielded for the purpose of submitting the conference report. Does the Senator desire to debate the report?

Mr. NORRIS. I do.

Mr. KING. Not the bill that is before the Senate?

Mr. NORRIS. No.

Mr. KING. I think in good faith, then. I should yield to the Senator from Nebraska.

Mr. NORRIS. I am not asking the Senator to yield. I do not think he ought to. A motion has been made to adopt the conference report. I realize that the Senator has the floor, but a conference report can not be put through here without permitting it to be debated merely because somebody has the floor.

The PRESIDING OFFICER. There was no objection to the consideration of the conference report, and therefore debate on the adoption of the report seems to the Chair to be in order.

Mr. KING. I yield to the Senator from Nebraska, as I understand that he desires to discuss the conference report.

Mr. NORRIS. Mr. President, this is a conference report on a bill which passed the Senate last night about 10 o'clock. Nobody has read it. Nobody has had an opportunity to read it. It has not been printed. It has been only partly read even by the Clerk. Can we expect intelligent legislation when we do business in this way on a bill that involves a great many millions of dollars, and 50 or 60, perhaps a hundred, amendments?

Mr. WARREN. Mr. President, if the Senator will allow me,

there are not a hundred amendments to the bill,

Mr. NORRIS. Well, it will run along toward that number. The report speaks of disagreeing to amendments from 1 to 30. Nobody here knows what that means. It might just as well have been read in French; it would have been just as under-Unless we have a printed bill before us with the amendments numbered, we can not tell what they are.

Mr. WARREN. I wish to state to the Senator that this report was made in the same way that every other report is made.

Mr. NORRIS. Oh, I am not criticizing the manner in which the report is made. Everybody seems to think that he is criticized when a Senator will not permit a thing to go through here without saying something about it. I am not criticizing anybody. I suppose this report is made, as the Senator says, just the same as every other report of a similar character is made. I have not claimed otherwise; but that does not do away with the fact that none of us knows anything about it.

Mr. WARREN. It is open for debate or for inquiry.
Mr. NORRIS. That is what I am trying to do—to debate it.

Mr. President, the report ought to be printed. We ought to have an opportunity to see what there is in it.

Mr. WARREN. May I say to the Senator that, as the Senator knows, it is desired to have the report acted on here so that it can go to the House.

Mr. McNARY. Mr. President, we can not hear a word that is going on in the Senate Chamber. I make the point of order that the Senate is in disorder.

The PRESIDING OFFICER. The Senate will be in order,

and Senators now standing will take their seats.

Mr. NORRIS. Mr. President, what we ought to have is an explanation of all these amendments. The Senate spent all day yesterday upon this bill. It adopted in good faith a lot of amendments. Now they are all brushed aside without knowing just what, or how many, or in what condition they are, and we are going to vote blindly to approve the report. We are going to do it because we are just a few hours away from the time when we know we shall have to adjourn.

I have taken this occasion again to call attention to the slipshod way in which the Senate of the United States is legislating where there are involved hundreds of millions of dollars of the money of the people, who have to raise it by toil and labor, all because we are in a legislative jam here at the end of a short session, worse than we were ever in before, perhaps, but not as bad as we will be in two years from now, because the legislation continues to become more important year by year.

Here we are, like a lot of boys, spending all day conscientiously and earnestly debating and considering amendments to the appropriation bill. We send it to conference, and it comes back in five or six hours, and the conferees say all amendments up to 30 are rejected, and all amendments up to 10 are agreed and all the other amendments are still in disagreement. There is not a man here except the conferees who knows what amendment No. 1 is, or amendment No. 2, or 3, or 4, or 5, or any other amendment; and we are going to vote to undo to-day everything that we did yesterday, and we are going to do it because we have not time to give it proper consideration.

Mr. WARREN. Mr. President, I will say that we have used all the time we have to-day in the consideration of the matter. We have saved everything the Senate put in that it was possible to save. The bill was printed with the amendments that went to conference numbered, and I presume a copy can be furnished to any Senator who desires it. As to explaining the amend-ments, I should be perfectly willing to do that if time permitted.

Mr. NORRIS. Mr. President, if the Senator should explain these amendments, it would take nearly as long as it took us when we adopted them. If we had the amendments before us and saw just what they were, perhaps they would not require an explanation in some instances. If the Senator wants to explain them, I will ask him to go ahead and explain every one of them.

Mr. WARREN. I am perfectly willing to do it. I simply dislike to waste a lot of time.

Mr. LODGE. Of course, that would result in the defeat of the bill.

Mr. NORRIS. The Senator says it is a waste of time. realize that. I am not criticizing the Senator; but the Congress has to adjourn on the 4th of March. I want to emphasize to this body, I want to emphasize to the country, that on account of the way the sessions of Congress must end, Congress must necessarily be practically impotent for the purpose of doing anything in the way of legislating for the country.

I know that after we have worked all day and amended the bill in various ways, when we take it all back the next day it is something that it is necessary for us to do. We might just as well pass these bills without reading them and let them go. After all, we are going to be at the mercy of conferees. When they bring in a report we are going to agree to it, because we know that if we do not agree to it, it means the death of the whole thing; so we are legislating by conferees and not by the House or the Senate. We have abdicated; we have turned over our powers to three men; and I am not criticizing those three men. They may be doing the best they can. very condition of things we can not accomplish anything.

The VICE PRESIDENT. The question is on agreeing to the

conference report.

The report was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. KING. Mr. President— Mr. STERLING. Mr. President, I hope the Senator from Massachusetts will defer that motion for just a little while. We are on the eve now of passing the reclassification bill. For the most of the business of the Senator from Massachusetts, I think, there is ample time. I sat here last night until 10 o'clock for the purpose of getting up the reclassification bill. I got it up at the last minute before adjournment, and now, I think, we can wait a few minutes for the conclusion of the consideration of the bill.

Mr. LODGE. Mr. President, I have been told that since 11 o'clock this morning. It will take only a few minutes to get this executive business out of the way, and it must be disposed of if we are to dispose to-morrow of the important nominations that have come in to-day.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts.

Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry. Mr. HEFLIN. Is it the purpose of the Senator to have the Senate return to legislative session?

Mr. LODGE, It is. Mr. HEFLIN. I ha I have no objection to the motion.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After two hours and five minutes spent in executive session the doors were reopened.

Mr. STERLING. Mr. President, I ask that the bill be laid again before the Senate.

RECLASSIFICATION OF GOVERNMENT EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8028) to provide for the classification of civilian positions in the District of Columbia and in the field services.

Mr. McKELLAR. Mr. President, I want to discuss for a moment the pending amendment before we vote on it.

Mr. WALSH of Montana. Mr. President-

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. McKELLAR. I yield.

COMMISSION OF GOLD AND SILVER INQUIRY.

Mr. WALSH of Montana. Mr. President, I desire to submit a unanimous-consent request. On Wednesday the Senate by a unanimous vote passed Senate Joint Resolution 287, provid-ing for the appointment of a commission of gold and silver in-

quiry, to inquire into the condition of the gold and silver industry in the United States, and providing for the appointment of five Members of the Senate and five Members of the House. I am told that the condition of the business in the House is such that it will make it impossible for the joint resolution to receive consideration in that body. I ask unanimous consent that I may be permitted to tender the same measure as a Senate resolution, for the appointment of a Senate commission of five Members of the Senate, to sit during the recess of the Senate, and make the inquiry which was contemplated to be made by a joint commission of the two Houses.

Mr. SMOOT. That will entail some expense, and will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WALSH of Montana. I ask leave to present it and have it referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 469) was referred to the Committee to Audit and Control the Contingent Expenses of the Senate,

as follows:

Resolved, etc.. That a Senate commission is hereby created, to be known as the Senate Commission of Gold and Silver Inquiry, which shall consist of five Senators, three of whom shall be members of the majority party and two of whom shall be members of the minority party, to be appointed by the President of the Senate.

Said commission shall investigate and report to the Congress on January 1, 1924, upon the following subjects:

1. The causes of the continuing decrease in the production of gold and silver.

2. The causes of the depressed condition of the gold and silver.

and sliver.

2. The causes of the depressed condition of the gold and sliver industry in the United States.

3. The production, reduction, refining, transportation, marketing, sale, and uses of gold and sliver in the United States and elsewhere.

4. The effect of the decreased production of gold and sliver upon commerce, industry, exchange, and prices.

The said commission is further authorized:

1. To confer with citizens, associations, or corporations of foreign countries with a view to the stabilization and wider use of silver in exchange.

2. To propose, either formally or informally, to the President of the United States.

countries with a view to the stabilization and wider use of silver in exchange.

2. To propose, either formally or informally, to the President of the United States, or the heads of the proper departments, plans for negotiations with foreign governments to the same end.

The commission shall include in its report recommendations for legislation which in its opinion will tend to remedy existing conditions and shall specifically report upon the limitations of the powers of Congress in enacting relief legislation.

The commission shall elect its chairman, and vacancies occurring in the membership of the commission shall be filled in the same manner as the original appointments.

The commission or any subcommittee of its members is authorized to sit during the sessions, recesses, or adjournments of the Sixty-seventh and Sixty-eighth Congresses in the District of Columbia or elsewhere in continental United States, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to employ a stenographer at a cost not exceeding 25 cents per folio to report such hearings as may be had in connection with any subject which may be before said joint commission, and to employ such personal services and incur such expenses as may be necessary to carry out the purposes of this resolution; such expenditure shall be paid from the countingent funds of the Senate upon vouchers authorized by the committee and signed by the chairman thereof. thereof.

Mr. WALSH of Montana. In this connection I desire to submit a table supplementary to the one which I submitted a few days ago, which shows the alarming decline in the production of gold and silver in the United States. It shows the decline in production of gold and silver in the world, the decline being startling, as this statement will show.

There being no objection, the table was ordered to be printed

in the RECORD, as follows:

Silver production of the world by continents, United States Mint Reports, 1915-1921.

		[In]	ine ounces.	Sealin	Sen Liller	e Pfends Irkin
Continents.	1915	Per cent of world pro-duction.	1921	Per cent of world production.	Increase (+), decrease (-), 1921 from 1915.	Per cent of in- crease (+), de- crease (-), 1921 from 1915
United States Canada. Mexico. North America. Central America. South America. Europe. Australia. Asia. Africa.	74, 961, 075 26, 625, 960 39, 570, 151 141, 157, 186 2, 920, 496 13, 687, 464 10, 107, 556 4, 295, 755 5, 494, 004 1, 188, 639	41.9 14.9 22.1 78.9 1.6 7.7 5.7 2.4 8.1	53,052,441 13,134,926 64,513,540 130,700,907 2,000,000 15,065,610 7,990,662 19,446,363 8,903,316 1,161,376	30. 2 7. 5 36. 8 74. 5 1. 1 8. 6 4. 6 5. 4 5. 1	-21,908,634 -13,491,034 +24,943,389 -10,456,279 -920,496 +1,378,146 -2,116,894 +5,150,608 +3,409,312 -25,663	-29. 2 -50. 8 +63. 0 -7. 4 -31. 5 +10. 1 -20. 9 +119. 8 +62. 0 -2. 2
Total for world	178, 850, 500	100.0	175, 268, 234	100.0	-3, 582, 266	-2.0

Table compiled and computed by H. N. Lawrie, managing director American Gold and Silver Institute.

Silver production in the United States by States, United States Mint Reports, 1915-1921-1922.

[Fine ounces.		

		trine ounc	69.1		SNIII
State.	1915	1921	19224	Increase (+) or decrease (-) 1921 from 1915.	Per cent of in- crease (+) decrease (-) 1921 from 1915.
Alaska Arizona California Colorado Idaho Michigan Montana Nevada New Mexico Oregon South Dakota Texas Utah Washington Other States and possessions	1, 054, 634 5, 665, 672 1, 689, 924 7, 199, 74 13, 042, 466 581, 874 14, 423, 173 14, 453, 085 2, 337, 064 125, 499 197, 589 724, 580 13, 073, 471 213, 877	753, 999 2, 519, 200 2 3, 606, 708 6, 310, 694 7, 200, 319 316, 551 9, 677, 020 6, 998, 774 579, 374 53, 118 111, 670 548, 827 14, 028, 661 147, 584	652, 251 4, 198, 695 8, 119, 002 5, 951, 593 5, 965, 698 361, 912 9, 601, 648 8, 108, 027 657, 231 193, 121 121, 757 601, 765 15, 588, 734 210, 885	-300, 635 -3,146, 472 +1, 916, 784 -889, 051 -5,842, 147 -265, 323 -4, 746, 153 -7, 454, 311 -1, 757, 690 -175, 783 -955, 190 -66, 293 +21, 500	-28.53 -55.52 +113.42 -12.35 -44.79 -45.53 -32.15.57 -75.22 -57.60 -43.43 -24.28 +7.61 -30.84 +12.09
Total	74, 961, 075	53, 052, 441	⁸ 55,510, 859	-21, 908, 634	-29.23

1 Preliminary estimate of the Bureau of the Mint in cooperation with the Geologi-

¹ Prenimary estimate of the Bureau of the Mint in cooperation with the Geological Survey.

² Increase from 1915 due to rich discovery.

³ Production from siliceous ores is estimated to be less in 1922 than in 1921, the increase in the total production for 1922 over 1921 is attributed to the increase in silver derived as a by-product of lead and copper, the production of both of which increased materially in 1922.

Table compiled and computed by H. N. Lawrie, managing director, American Gold and Silver Institute.

AMENDMENT OF REVENUE LAW OF 1921-CONFERENCE REPORT. Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bill (H. R. 13775) to amend the revenue act of 1921 in respect to credits and refunds, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4. That the House recede from its disagreement to the amend-

ments of the Senate numbered 1 and 3, and agree to the same. Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment, and on page 2 of the House bill, line 16, after the word "taxpayer," insert a colon and the following: "Provided further, That if the taxpayer has, within five years from the time the return for the taxable year 1917 was due, filed a waiver of his right to have the taxes due for such taxable year determined and assessed within five years after the return was filed, such credit or refund shall be allowed or made if claim therefor is filed either within six years from the time the return for such taxable year 1917 was due or within two years from the time the tax was paid"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its

disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "b"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the

following: "SEC. 2. "Sec. 2. Section 3226 of the Revised Statutes, as amended by section 1318 of the revenue act of 1921, is amended by inserting before the period at the end thereof a comma and the following: unless such suit or proceeding is begun within two years after the disallowance of the part of such claim to which such suit or proceeding relates. The commissioner shall within 90 days after any such disallowance notify the taxpayer thereof by mail."

And the Senate agree to the same.

P. J. McCumber, REED SMOOT, PETER G. GERRY, Managers on the part of the Senate. W. R. GREEN, NICHOLAS LONGWORTH. W. C. HAWLEY, J. W. COLLIER, W. A. OLDFIELD, Managers on the part of the House.

Mr. ROBINSON. Mr. President, I ask the Senator from North Dakota to state the substance and effect of the conference agreement so that we may understand it.

Mr. McCUMBER. This bill came from the House as a simple bill to meet those cases where the department asked the taxpayer to waive the five-year limitation on the 1917 taxes. The bill gave another year for the department to examine the tax reports, and it also gave another year to the taxpayer to ask for a refund. We made several amendments, but we had to recede from the principal amendment, which related to the payment of taxes by the Alien Property Custodian, which the House refused to agree to, and so we let it go out. The others are mere clerical changes. That is all that is effectuated by the bill.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

FREE ENTRY OF DOMESTIC CATTLE-CONFERENCE REPORT.

Mr. McCUMBER. I have another conference report to present. It is relative to importing cattle, allowing them to remain more than the eight months permitted under the present law. It relates to cattle which are brought in from Mexico, and which have had to be kept there on account of drought for a little longer period. It allows them to be returned for a period of four months beyond the eight months. The two Senators from New Mexico join most heartily in the measure.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 422) permitting the entry free of duty of certain domestic animals which have crossed the boundary line into foreign countries, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

> P. J. McCumber, REED SMOOT, A. A. JONES, Managers on the part of the Senate. W. R. GREEN, NICHOLAS LONGWORTH, W. C. HAWLEY, J. W. COLLIER, WM. A. OLDFIELD, Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.
Mr. McCUMBER. I am much obliged to the Senator from Tennessee for yielding.

Mr. McKELLAR. I now yield to the Senator from Louisiana.

CONTROL OF FLOODS ON THE MISSISSIPPI.

Mr. RANSDELL. I report back favorably from the Committee on Commerce House bill 18810, to continue the improvement of the Mississippi River and for the control of its floods. I ask for its immediate consideration. I do not think there will be any debate on it.

Mr. SMOOT. I object at this time. I want to get the classification bill through.

The VICE PRESIDENT. It will go to the calendar.
Mr. ROBINSON. I suggest that the Senator request that the report lie on the table.

Mr. RANSDELL. I ask that it may lie on the table.

The VICE PRESIDENT. It will lie on the table.

Mr. ROBINSON. I hope the Senator from Utah will in-

vestigate the matter as soon as he can, so that we may consider the bill at the earliest possible moment.

Mr. RANSDELL. I would like to say to the Senator from Utah that if we can not pass it this evening it can not be enacted at all at this session. It is a bill for flood control, and is of very great importance.

JUDICIAL DISTRICTS IN IOWA.

Mr. CUMMINS. Mr. President, I desire to call up from the calendar Senate bill 4614, adding a place for the holding of a Federal court in Iowa. The situation in the House is such that if it is passed here and can go to the House in the morning it will be enacted; otherwise it will fail. It will take but a minute.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4614) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which was read, as follows:

He it enacted, etc., That section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of Pebruary 23, 1916, and the act of April 27, 1916, be, and the same is hereby, amended to read

Be it enacted, etc., That section S1 of the act entitled "An act to colify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of February 23, 1916, and the act of April Tr, 1916, be, and the same is hereby, amended to read as follows:

"SEC SI. The State of Iowa is divided into two judicial districts, to be known as the northern and southern districts of Iowa.

"The morthern district shall include the Allamakes, Dubrague, Buchanua, Clayton, Delaware, Fayerte, Winneshiek, Howard, Chickasaw, Bremer, Blackhawk, Floyd, Mitchell, and Jackson, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Jones, Cedar, Linn, Iowa, Benton, Tama, Grundy, and Hardin, which shall constitute the castern division of said district; also the territory embraced on the date last mentioned in the counties of Emmer, Palo Alto, Pocahonta, Calhoun, Carroll, Kossuth, Humboldt, Webster, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, Franklin, and Butler, which shall constitute the central division; also the ierritory embraced on the date last mentioned in the counties of Dickinson, Clay, Buena Vista, Sac. Oscoola, O'Brien, Cherokee, Ida, Lyon, Sioux, Flymouth, Woodbury, and Monona, which shall constitute the western alvision.

The produce on the Gurth Thesday in April and the first Tuesday in December, and at Waterloo on the second Tuesdays in May and September; for the Cedar Rapids division, at Cedar Rapids on the first Tuesday in April and the fourth Tuesday in September; for the central division, at Fort Dodge on the second Tuesdays in May and September; and for the western division, at Sloux City on the fourth Tuesday in May and the third Tuesday in October.

"The southern district shall include the territory embraced on the late last mentioned in the Counties of July, 1910, in the counties of Crawford, Harrison, Shelby, Audubon, Cass, Pottawattamie, Mills, and Montgomery, which shall constitute

The bill was reported to the Senate without amendment. ordered to be engrossed for a third reading, read the third time, and passed.

RECLASSIFICATION OF GOVERNMENT EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field services.

Mr. McKELLAR. I understand the pending question is on the amendment of the Senator from New Hampshire [Mr.

The VICE PRESIDENT. That is correct.

Mr. McKELLAR. I want to read the amendment. It is as

The compensation for clerks, first assistant clerks, and second assistant clerks of committees of the Senate, and for the same classification of clerical assistants to Senators who are not chairmen of committees shall be, respectively, \$3,600, \$2,500, and \$2,100 per annum: Provided, That the salaries of the clerks and messengers of the Senate Committees on Appropriations, Finance, and Interstate Commerce shall be as now established by law. The compensation for additional clerks now provided by law for committees of the Senate or for Senators who are not chairmen of committees shall be \$1,500 per annum.

I favor this amandment. We are just about to recommend

I favor this amendment. We are just about to pass a reclassification bill in which the salaries of all employees of the Government are raised. Practically everyone seems to think it is the proper thing for the Congress to do. Surely we should treat our own employees in the same fair way that we treat the employees of the other branches of the Government. It does

seem to me that our own clerks are entitled to the sums provided for in the amendment presented by the Senator from New Hampshire.

I hope Senators will agree to it. I want to say for my chief clerk that he has earned, ever since he has served me, fully \$3,600 a year and even more. I think probably most of the Senators have clerks who have well earned that much money and are entitled to it. It seems to me the amendment ought to be adopted.

Mr. STERLING. Mr. President— Mr. McKELLAR. I ask the Senator from South Dakota if he will not accept the amendment and let it be agreed to?

Mr. STERLING. I had thought at one time that I could not accept the amendment and that I would move to lay it on the table, but on reflection I have concluded to accept the amend-

ment and let the matter go to conference.

Mr. NORRIS. Mr. President, it seems to me that if Senators will stop and think they will realize that the proposed legislation is illogically placed on the pending bill, if it is placed there. Here we have clerks serving the committee of the Senate, and it is proposed to put them in a law. If the provision should stay in and is passed by the Senate and House and signed by the President, we will have lost control of the clerkships of the Senate committees at once. If we conclude to change one in any way, we would have to pass a law through the House and Senate and have it signed by the President before we could do so.

What would the House think if we should go over there with the reclassification measure covering the clerkships of the Government if we have included in it the committee clerks of the Senate? The House committee clerks and Members' clerks are not included. What would we think if they put that kind of an amendment on general legislation for us to pass? Would we not say, "That is your business. Handle your own clerks; handle your own committees. Provide for whatever assistants

you want, and that is what we will do."

It seems to me we are loading the bill down with a fundamentally illogical proposition. It will come home to roost if we put it in the bill. We have control of our committees now, We can regulate, without the action of the House or the President, the assistants that we shall have, but if we once establish the precedent, either House must then go through all the formality of providing through the means of a law before we can change a committeeship or clerkship to a committee, and we will then realize what we are really into.

Mr. JONES of Washington. Does not the Senator also be-lieve that the House might very justly refuse to ask for a con-

Mr. NORRIS. I should think they might. It seems to me that the House would be justified in resenting the attempt of the Senate to put its clerkships into permanent law.

Mr. CAMERON. Mr. President, I have an amendment which I desire to offer. I ask that the amendment follow the amendment offered by the Senator from New Hampshire.

Mr. KING. Is it an amendment to the amendment, or is it

an original amendment.

Mr. CAMERON. It is an amendment to the amendment.

Mr. KING. Let it be reported.

The READING CLERK, Add at the end of the amendment offered by the Senator from New Hampshire the following:

Press gallery assistant superintendent, \$1,800; messenger for service to press correspondents, \$1,400; office of Sergeant at Arms and Doorkeeper, 43 messengers at \$1,800 each.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Nebraska will state the inquiry.

Mr. NORRIS. What was done with the amendment of the

Senator from New Hampshire?

The VICE PRESIDENT. The Senator from Arizona is moving an amendment to the amendment of the Senator from New Hampshire.

Mr. NORRIS. Why does not the Senator include the pages,

Mr. KING. Does the Senator from Arizona desire to occupy the floor?

Mr. CAMERON. I do not.

THE INTERNATIONAL COURT.

Mr. KING. Mr. President, the admonitions of the able Senator from Nebraska ought to receive the attention of the Senate, but they will probably be unheeded, because congruity and consistency in legislation are not virtues possessed by this Congress. Nor are appeals for the Treasury considered with Congress. Nor are appeals for the Treasury considered with approval. Indeed, whenever an effort is made to increase appropriations there is in most cases a strong and triumphant

affirmative vote. The Treasury of the United States by many is regarded as common prey. Of course, I am speaking wholly impersonal, but there is, in my opinion, too little regard for the Government, in the matter of appropriations, as a result of which the expenses of the Federal Government are constantly mounting to great heights and the burdens of taxation are becoming more oppressive to the people.

But I did not rise to dilate upon the amendment which was offered by the Senator from New Hampshire, and which I think the Senator from South Dakota [Mr. STERLING] ought not to

have accepted. Its incongruity must be manifest to everyone.

The Senator from Nebraska very pertinently inquired why not put upon the reclassification bill a provision for the pages and for every employee in the Capitol-temporary employees, -converting the reclassification bill into a measure dealing with the employees of the Senate, and which are regarded as temporary positions, wholly within the control of the Senate, regardless of their importance. It is to me a most absurd proposition, and I regret that the able Senator in charge of the bill has felt constrained, evidently in his anxiety to secure the prompt passage of the bill, to accept an amendment dealing with matters not pertinent, not germane, and indeed inconsistent.

Mr. JONES of Washington. May I ask if the Senator from South Dakota has accepted the amendment?

Mr. KING. The Senator indicated quite clearly that it was his purpose to accept it. I think there was some vacillation in his position, but I assume he expected to accept the amendment in order that it might go to conference.

Mr. McKELLAR. I thought the Senator was very outspoken in his acceptance of the amendment.

Mr. KING. I prefer not to accept the statement of the Senator from Tennessee upon the prospective action of the Senator from South Dakota. He may speak for himself, as he does with great lucidity, and I prefer to hear from the Senator from South Dakota as to his purpose in dealing with this amendment.

Mr. NORRIS. Mr. President, will the Senator from Utah yield?

Mr. KING.

Mr. KING. Certainly. Mr. NORRIS. The Senator from South Dakota can only accept an amendment as far as he is individually concerned.

Mr. KING. Certainly. There are many Senators who do not accept it.

Mr. NORRIS. We do not accept it at all. Mr. KING. We rebel against his leadership.

Mr. NORRIS. We rebel against his leadership. We are revolutionists!

Mr. STERLING. I want to say for the benefit of the Senator from Washington that it was my impression that I should move to table the amendment, just as I stated awhile ago when it was presented. But I concluded that I would accept it to end debate and that it might go to conference.

Mr. JONES of Washington. Apparently it is bringing on

more debate.

Mr. STERLING. It appears that it has done so.

Mr. KING. I hope that I may now be permitted to conclude the observations which I rose to submit. I shall occupy but

Before the Senate went into executive session I had secured recognition and was about to call attention to an interesting article appearing in this morning's Republican newspaper, the New York Herald. I was taken from the floor by a motion to proceed to the consideration of executive business. I desire to complete my reference to that article and have it read for

the benefit of Republican Senators.

It is a great pleasure to occasionally find a common ground upon which I can stand with the President of the United States. He has recommended many measures, among them the ship subsidy bill and the Fordney tariff bill, which I could not support. He urged with the utmost pertinacity the ship subsidy hill, which a majority of the American people regarded as unwise and subversive of the best interests of the country. But I am glad to support the President in his efforts to secure the adhesion of the United States to the protocol and the statute by which our country will become a member of the permanent court of international justice. The recent message of the President asking the Senate to advise and consent to this action upon the part of this Government is exceedingly important and deserves the commendation of the American people. This policy is in harmony with the best traditions of our country and follows the course advocated by many of our Presidents and ablest statesmen. It will, if accepted, make for world peace and progress.

The President has asked that the United States become a member of the Permanent International Court which has recently been organized and is now functioning at The Hague. He perceives that this great judicial tribunal, in the organization of which Hon. Elihu Root played a most conspicuous part, is important for the peace of the world and that it will contribute powerfully to a diminution of the causes and possibilities of war.

I understand that the Committee on Foreign Relations, a majority of the members being Republicans, has agreed to take no action upon the matter submitted by the President with the earnest request that it should receive the attention of the Senate before adjournment. The senior Senator from Massachusetts [Mr. Lodge] has stated that further consideration of the President's message and request would be postponed until the next session of Congress; and if we are to believe the public press, the President of the United States has acquiesced in this suggestion. I can not believe that the Senator from Massachusetts has been accurately quoted, nor can I believe that the President, who urged in his message the consideration of this important subject before adjournment, has changed his view and is willing that his message be silently buried by the Republicans of the Senate in the musty vaults of the committee room.

Now, Mr. President, I direct attention to the article appearing in this morning's issue of the New York Herald, written by Dr. Nicholas Murray Butler, an eminent Republican, a man of ability and erudition, and who is able to speak with authority upon national and international questions. I ask that the article may be read at the desk.

The VICE PRESIDENT. The article will be read as re-

quested

The reading clerk read as follows:

THE INTERNATIONAL COURT-NICHOLAS MURRAY BUTLER IS IN FAVOR OF OUR JOINING IT.

The reading clerk read as follows:

THE INTERNATIONAL COURT—NICHOLAS MURRAY BUTLER IS IN FAVOR OF OUR JOINING IT.

To the New York Herald: It is with profound regret that I see the great influence of the New York Herald thrown against prompt acceptance of President Harding's recommendation that the United States take steps formally to share in the organization and work of the existing international court of justice and to accept its jurisdiction in justiciable controversies arising between our Nation and any other.

This is not only fixed American policy but in particular it is oft declared Republican Party policy. A reading of the national platforms adopted by the Republican Party at the conventions of 1990, 1994, 1998, 1912, 1918, and 1920 will show the party's developing sense of the importance of this step and the various forms of its declared adherence to the principle involved. The New York State Republican convention which met at Saratoga in 1918 by unanimous vote made a still more definite and specific declaration.

The Sixty-fourth Congress, on August 29, 1916, enacted into law a declaration of the international policy of the United States, which specifically includes a plan for a court of arbitration or other tribunal to which disputed questions between nations shall be referred for adjudication and peaceful settlement.

President Roosevelt's notable speech at Christlania included this principle among the four points of the international program which be then advanced and supported.

The proposal of President Harding is that the American Government shall now definitely act in a way that will make good its oft-repeated declarations of policy. He proposes that we move forward in the early way that is now practicable, namely, by making use of the existing court, whose very framework was fashioned by American thought and on the basis of American experience.

The acceptance of President Harding's recommendation no more involves membership in or dependence on the Holy Roman Empire. The League of Nations as

NEW YORK, March 1.

Mr. KING. Mr. President, just a word. It is evident that this distinguished Republican considers that there is still an unsettled international problem, one which affects the relations of the United States to other nations. He does not say that the League of Nations is dead, but it is apparent from his presentation that he perceives that there must be cooperation between world powers and that an international court is important in the development of a better international spirit and in the promotion of world peace. May I say to those who lay the flattering unction to their souls that the League of Nations is dead and that the advocates of national selfishness have destroyed any future hope of international cooperation that they will have a rude awakening. The world is vibrant with the spirit of fellowship and cooperation, and notwithstanding the animosities and conflicts which now threaten another conflagration, there are forces, moral and ethical and spiritual, which, operating powerfully throughout the world, will in the end still the tempests and bring into happy accord the nations and peoples of the world. This is not the time for the cynic, the narrow and selfish individualist or nationalist; it is the hour when real leadership is needed, when men of vision and faith and loyalty to the universal truths of nature and the indestructible forces of righteousness, and the principles of Christian unity and fellowship shall carry the banner and point the way to world solidarity. The American people are in favor of cooperation between the United States and other nations; they are in favor of an economic conference for the purpose of stabilizing exchange, aiding in trade and commerce, and in the promotion of the peace of the world. They are particularly anxious that the United States should participate in the great international tribunal now functioning at The Hague and contribute, materially and otherwise, to the establishment of this great court, which though outgrowth of the League of Nations, has been recognized as a world tribunal and as an assurance of the development of the spirit of law and the forces which promote order and international good will.

RECLASSIFICATION OF GOVERNMENT EMPLOYEES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Arizona [Mr. Cameron] to the amendment of the Senator from New Hampshire [Mr. Moses].

Mr. CAMERON. I ask for a division.

The question being put, on a division, the amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on the amendment of the Senator from New Hampshire.

Mr. McKellar. Mr. President, I do not see the author of the amendment here, but I desire to offer the following amendment to the amendment:

The secretary to the Vice President, \$5,000.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire to the committee amendment. [Putting the question.] The Mr. McKELLAR. I ask for the yeas and nays. The noes have it.

The yeas and nays were not ordered, and the amendment to

the amendment was rejected.

Mr. SMOOT. I desire to offer another amendment which I have just noticed should be made. Title by which the act may be cited is stated as being "The classification act of 1922." I move, on page 1, line 4, to strike out the figures "1922" and to insert "1923."

Mr. STERLING. I had it in mind to offer that amendment. The VICE PRESIDENT. Without objection, the amendment to the committee amendment is agreed to. The question is on agreeing to the committee amendment as amended.

Mr. McKELLAR. I offer the following amendment to the bill,

to be inserted in the proper place:

The compensation for the clerks, first assistant clerks, and second assistant clerks of committees of the Senate and for the same classification of clerical assistants to Senators who are not chairmen of committees shall be, respectively, \$3,300, \$2,200, and \$2,000 per annum: Provided, That the salaries of the clerks and messengers of the Senate Committees on Appropriations, Finance, and Interstate Commerce shall be as now established by law. The compensation for additional clerks now provided by law for committees of the Senate or for Senators who are not chairman of committees shall be \$1,500 per annum. The compensation for the secretary to the Vice President shall be \$4,500.

Mr. President, I merely wish to say that, as compared with the amendment offered by the Senator from New Hampshire, my amendment proposes a reduction of \$300 in the salaries of the principal clerks of Senators, \$200 in the salaries of the first assistant clerks, and \$100 in the salaries of the second assistant clerks, so that their salaries will be, respectively, \$3,300, \$2,200,

and \$2,000, leaving the salary of the fourth clerk as heretofore, It seems to me that the clerks are entitled to this amount of consideration, and I hope that Senators will vote for the amend-

Mr. SMOOT. What did the Senator from Tennessee say the increase would be in the salary of the first clerks of Senators? Mr. McKELLAR. The salary of those clerks would be \$3,300 instead of \$2,750 per annum.

Mr. SMOOT. That \$2,750 includes the bonus.

Mr. McKELLAR. It includes the bonus, as everybody knows. They get \$2,750 now, while under the amendment they would get \$3,300. It does seem to me we ought to do this much in justice to our clerks, and I hope the Senate will adopt the amendment.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Tennessee to the committee amendment.

Mr. NORRIS. I ask that the amendment proposed by the Senator from Tennessee to the committee amendment may be read.

The VICE PRESIDENT. The amendment proposed by the Senator from Tennessee to the committee amendment will be

The reading clerk read the amendment to the amendment.

Mr. SMOOT. Mr. President, if that amendment should be adopted and should become a law, how could a Senator get rid of his secretary or clerk if he wanted to? Senators are not going to release all their power over the clerks in their offices; but if this bill shall finally be passed with this amendment in it the provisions of the amendment would become law, and would be fixed.

Mr. McKELLAR. Will the Senator explain why that would

SMOOT. Because the provisions of the amendment would become statute law, and hereafter the Appropriations Committee would have nothing to do with making any changes so far as the clerks of committees and other clerks are concerned.

Mr. McKELLAR. There is a law now fixing the salaries of

these employees precisely in the same way.

Mr. SMOOT. No; the number and salaries of these employees are fixed every year and changes are made from year to year. This amendment, if adopted and finally passed, would become the fixed law. I do not want to be in a position where I am compelled to have a clerk that I can not get rid of.

Mr. STANLEY. Mr. President, I wish to ask the Senator from Utah a question.

Mr. SMOOT. I yield.
Mr. STANLEY. I will ask the Senator to explain how this amendment changes the tenure of office of the secretaries and clerks to Senators who are now in office.

Mr. SMOOT. The amendment, if adopted, would fix by permanent law the salaries of the clerks. Under present conditions if I want to make a change I simply appoint another man and give notice of that appointment to the financial clerk of the Senate. In that way I can make a change in my office any time I want to do so.

Mr. McKELLAR. That could be done in precisely the same way under this amendment if it should become a part of the law.

Mr. SMOOT. There is nothing in the amendment which so provides.

Mr. McKELLAR. There is nothing to provide that it can not be done. I might also say there is nothing in the present law which provides that it can or can not be done, but, of course, a Senator can change his secretary or clerk whenever he desires to under the present law, and he could do so under this amend-

I wish to say to the Senator that if the amendment should finally be adopted its provisions would become a law just as any other act of Congress and would remain on the statute books until a subsequent act of Congress repealed it. The appropriations for our employees are made annually, and there is not a year that some kind of a change is not made, not only as to the number of clerks in some of the committees, due to changed conditions, but likewise salaries are changed and made different in the case of one committee as compared to another. Under this amendment, however, if it should finally prevail, if a change were desired, we would have to amend the law, which would open the whole question every year, and perhaps even twice a year.

Mr. STANLEY. Could the amendment of the Senator from

Tennessee be so amended as to remedy that defect?

Mr. SMOOT. I do not think so. The Senate has always maintained the right of appropriating whatever they wanted to provide for their employees and for all expenses to be paid out of the contingent fund of the Senate. The House has maintained the same right on its part. The Senate never undertakes on an appropriation bill to affect in any way the employees of the House. I remember one case during the 20 years I have been here when such an attempt was made, and I recall what occurred in the House of Representatives. I felt that the House was absolutely right. The custom to which I have referred of each House providing for its own employees has prevailed ever since the two Houses were first organized.

Mr. HARRELD. Mr. President, who fixes the salaries under the present system? I have never known the question to come

before the Senate.

Mr. SMOOT. Mr. President, they are fixed by the Appropriations Committee.

Mr. HARRELD. No one else has anything to say about them?

Mr. SMOOT. Each Senator has a say. There is not a year that some Senator does not come before the committee and ask that a change be made.

Mr. HARRELD. I do not see why Senators would not have

the same right under the proposed amendment.

Mr. SMOOT. If the amendment were adopted, then, in order to change a salary, we would have to amend the law, for an act of Congress would provide what the salaries shall here-

Mr. HARRELD. Does not the Senator think it is a good time to let the Senate have some say in these matters, rather

than merely the Appropriations Committee?

Mr. NORRIS. Mr. President, the Senate does act on them. The Senate itself has fixed the salaries of its employees and can now fix by rule the salary of each one of its employees. It can say that the Committee on Civil Service shall have a certain number of clerks and provide what their salaries shall be. The House in the case of a similar committee or any other committee can do and does do the same thing. It would not be proper for us to say to the House, "Your Committee on Agri-culture shall have two clerks and one of them shall receive such a salary and the other a certain other salary." They insist on determining the number of their employees and the compensation they shall receive and change it when they please, and we do the same thing here.

Here is an amendment which, if finally adopted, will become a law-not a Senate resolution-and if we should want to change it, it would be necessary to pass a law through both Houses of Congress and it would have to be signed by the Pres-

ident.

Mr. HARRELD. Mr. President, I should like to ask the

Senator

Mr. NORRIS. If this is put on the bill, and goes to the House, the House, in my judgment, will either resent it and refuse even to go to conference on it, or they will pass it and

put it in the law as a joke on the Senate.

Mr. McKELLAR. Mr. President, the Senator will recall that just six years ago, I believe—I think the bill was voted on after I was elected to the Senate, and while I was still a Member of the House-the House increased the salaries of their clerks by adding some \$1,500, I believe.

Mr. NORRIS. We did not have anything to do with that, Mr. McKELLAR. Oh, yes; it was passed by the House, and the Senate agreed to it.

Mr. NORRIS. No; the House fixed that.
Mr. McKELLAR. Oh, no; it was in the form of a law, and was put in the appropriation bill, and the Senate had to agree to it.

Mr. NORRIS. Yes; when we pass an appropriation bill, no matter who gets the money or where it goes, it has to be in

the form of a law.

Mr. McKELLAR. The Senate had to agree to it, and it did agree to it, just exactly as the House will agree to the compensation of our employees being fixed here. Why, of course the House is not going to take issue with the Senate about what compensation shall be paid to Senate employees. believe it will object to it in the slightest degree.

Mr. President, of course we are changing the law; yes. The salaries of our clerks now are \$2,500, and while this reclassification bill is being passed some of us believe that our secretaries should receive more. I think they earn more. I know mine does, and I believe the secretaries of other Senators do, and

it is nothing but fair and right.

This talk about a Senator not having control of his clerk under this law is simply-well, I will not characterize it. I will just say that the Senator is wholly mistaken about it. A Senator will have the same right to discharge or change his clerk that he has now. There is no change in the world in the

status of the clerk. A Senator has a perfect right to discharge his clerk or change his clerk at any time. The only effect of this amendment will be to increase the salary from \$2,740 to \$3,300, in the case of the chief secretary. I think that when we are raising the salary of every other employee of the Government here in the city of Washington, it is as little as we can do to give to our secretaries a fair and reasonable wage for the work done.

Every Senator knows how valuable his secretary is to him. He has to go early and late. He is at the departments every day. He is at work all the time in the majority of cases, and he is entitled to \$3,300 rather than \$2,750. The only issue here is whether we are going to give him the increase in salary to which he is entitled, or whether we are not. There is no other question involved.

Mr. NORRIS. Mr. President, to accomplish what the Senator wants to accomplish will require a Senate resolution only. It is not necessary to pass a bill to get it, and we will not get

anywhere with this law.

Mr. LENROOT. Mr. President, I am in favor of this increase. I so voted yesterday. I shall vote against this amendment, however, because there is only a slight possibility at best of the reclassification bill being passed by the House to-morrow. It is certain that it will not be passed if we are to include the salaries of secretaries and clerks to Senators, not because the House would attempt to fix them, but because if we include ours they will insist upon amendments including theirs, and in my judgment it will mean the certain defeat of the bill. Therefore, I shall vote against the amendment to the amendment.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Tennessee [Mr. McKellar] to the amendment of the committee. [Putting the question:] The 'noes" have it, and the amendment to the amendment is re-

jected.

Mr. McKELLAR and Mr. HEFLIN called for the yeas and

The VICE PRESIDENT. Is the demand seconded?

The yeas and nays were not ordered.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Let the roll be called.

The roll was called, and the following Senators answered to their names:

Ball Fernald McCormick McCumber McKellar Sheppard Shortridge George Hale Brandegee Brookhart Bursum Calder Cameron Hale
Harreld
Harris
Heflin
Jones, Wash.
Kellogg
Keyes
King
La Follette
Lenroot
Lodge Smith McKinley McNary Moses Norris Oddie Smoot Stanley Sterling Sutherland Wadsworth Walsh, Mass. Willis Capper Cummins Curtis Dial Overman Pepper Ransdell Dillingham Reed, Pa. Robinson Ernst

The VICE PRESIDENT. Forty-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. STERLING. I move that the Senate insist on its amendment and request a conference with the House, and that the Chair appoint the conferees upon the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. Sterling, Mr. Smoot, and Mr. McKellar conferees on the

part of the Senate.

ENROLLED BILLS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on March 2, 1923, they presented to the President of the United States the following enrolled bills:

S. 4197. An act to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of, certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes;

S. 4583. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Charles Mix County and Gregory

County, S. Dak.; S. 4579. An act to authorize the Lee County bridge district No. 2, in the State of Arkansas, to construct a bridge over the St. Francis River;

S. 4122. An act granting the consent of Congress to the Interstate Toll Bridge Co. for construction of a bridge across Red River between Montague County, Tex., and Jefferson County, Okla.;

S. 4235. An act granting the consent of Congress to the Charlie Bridge Co. for construction of a bridge across Red River between Clay County, Tex., and Cotton County, Okla.;

S. 4387. An act to authorize the building of a bridge across the Tugaloo River, between South Carolina and Georgia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the joint resolution (S. J. Res. 282) to amend the resolution of December 29, 1920, entitled "Joint resolution to create a Joint Committee on the Reorganization of the Administrative Branch of the Government.'

The message also announced that the House had passed the bill (S. 4160) to amend the act of Congress entitled "An act to establish a commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes," approved September 22, 1922, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 4216) authorizing the sale of real property no longer required for military purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 14401) to amend and modify the war risk insurance act, in which it requested the concurrence of the Senate.

MISSISSIPPI RIVER FLOOD CONTROL.

Mr. CURTIS. Mr. President, I move that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. JONES of Washington. Mr. President, I hope the Senator will withhold that motion for a moment.

Mr. McCUMBER. I hope the Senator will withhold the

Mr. CURTIS. I am willing to withhold it for a moment, just for routine business, but not for any debate.

Mr. RANSDELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Louisiana?

Mr. CURTIS. I yield to the Senator from Louisiana.

Mr. RANSDELL. I ask unanimous consent for the consideration of the flood control bill which is lying on the table.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The READING CLERK. A bill (H. R. 13810) to continue the improvement of the Mississippi River and for the control of its floods

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

Mr. SMOOT. Let it be read.

The VICE PRESIDENT. The Secretary will read the bill. The reading clerk read the bill, as follows:

The reading clerk read the bill, as follows:

**Be it enacted, etc., That for controlling the floods of the Mississippi River and continuing its improvement from the Head of the Passes to the mouth of the Ohlo River, in accordance with the provisions of section 1 of "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917, the Secretary of War is hereby empowered, authorized, and directed to carry on continuously, by hired labor or otherwise, the plans of the Mississippi River Commission heretofore or hereafter adopted, to be paid for as appropriations may from time to time be made by law; and a sum not to exceed \$10,000,000 annually is hereby authorized to be appropriated for that purpose for a period of six years beginning July 1, 1924.

Any funds which may hereafter be appropriated under authority of this act, and which may hereafter be appropriated oner authority of the Passes and Rock Island, Ill., and upon the tributaries and outlets of said river in so far as they may be affected by the flood waters of said river in so far as they may be affected by the flood waters of Said river.

Mr. SMOOT. Mr. President, I do not understand why that

Mr. SMOOT. Mr. President, I do not understand why that last paragraph is in the bill.

Mr. CURTIS. If it is going to lead to debate, I must object. Mr. RANSDELL. It will not lead to debate. I can explain it, I think, to the Senator's satisfaction in two minutes.

Mr. SMOOT. I just want to call attention to the reason why it seems to me so improper to be in this bill, and then the Senator can aswer or not, as he pleases. I want to call the attention of the Senator to the wording of that paragraph:

Any funds which may hereafter be appropriated-

It makes no difference when, no difference what amount is to be expended as this measure provides if it becomes a law, I do not remember any such provision ever being put into a law. If the Senator has any reason why any such provision as that should be enacted into law, I should like to know it.

Mr. RANSDELL. I will say that those terms were very carefully worked out by the president of the Mississippi River Commission and the Chief of Engineers. It is to authorize the Mississippi River Commission to expend such sums as we may appropriate under the terms of this act on any works of flood control on the river, or on the tributaries, where we have authorized the commission to expend money.

Mr. ROBINSON. Mr. President, that has been in the law all the time, ever since the jurisdiction of the Mississippi River

Commission was extended.

Mr. RANSDELL. It does not change the law at all, as I understand it.

Mr. SMOOT. I dislike to even suggest that the Senator from

Arkansas is mistaken, and I do not know that he is.

Mr. ROBINSON. I am not mistaken. My own recollection is confirmed by the statement of one more familiar with floodcontrol matters than anyone else, the senior Senator from Louisiana; and it is necessary, especially for the administration of the funds in cases of emergency. It would be difficult to provide for emergent conditions if that provision were not in the law.

Mr. SMOOT. I want to call attention to one more thing, and then I shall say no more. This bill calls for \$60,000,000. Yesterday evening, just before adjournment, the Republican Party was charged with making extravagant appropriations, and with appropriating more money than we did a year ago. Now we are faced with a \$60,000,000 appropriation.

Mr. RANSDELL. The bill does not appropriate a cent. It

authorizes an appropriation for a term of six years.

Mr. SMOOT. Of course, the Senator knows the money is to be paid. If it was not, the Senator would not be asking for the passage of the bill.

Mr. RANSDELL. Only as hereafter appropriated.

Mr. SMOOT. Of course, we know it will be appropriated. Does the Senator think there is a Senator on this floor who would hesitate one moment to vote to appropriate the money after the passage of this act?

Mr. RANSDELL. It is not an appropriation now; it is to

cover a period of six years, and it may last a longer period

than six years. The flood control act did.

Mr. SMOOT. I think we all understand just what it means. I know that if it passes, Senators will never see me standing upon the floor of the Senate and objecting to an appropriation to conform with the act as it is passed to-day. Any Senator would be unreasonable and unjust; he would have no reason to advance for such an act. It means an appropriation of

If the Senate and the House feel that the money should be appropriated, well and good. I am not objecting to it, but I simply wanted to call attention to the fact that Senators cry loudly about appropriations made by this administration, caused many and many and many a time on account of the recent war, and to readjust conditions which have been caused in this country through the war, by the last administration. If they are to be charged to an administration, though I do not want to do that, I want to say that those things ought to be taken into consideration.

I am not going to object to the passage of the bill at this time. I simply wanted to say that, because I want at least to have some semblance of justice and right in criticisms which may be directed to this side of the Chamber.

Mr. RANSDELL. I sympathize with the Senator's remarks,

and I hope we can have a vote.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the

Whole, proceeded to consider the bill. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CURTIS. I yield to the Senator from North Dakota [Mr. McCumber].

INCOME TAX OF NONRESIDENT ALIENS,

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill (H. R. 14050) to amend the revenue act of 1921 in respect to income tax of nonresident aliens.

The VICE PRESIDENT. The bill will be read for informa-

The bill was read, as follows:

Be it enucted, etc., That section 210 of the revenue act of 1921 is amended, to take effect January 1, 1922, to read as follows:

" NORMAL TAX.

"SEC. 210. (a) That in lieu of the tax imposed by section 210 of the revenue act of 1918 there shall be levied, collected, and paid for each taxable year upon the net income of every individual (except as provided in subdivision (b) of this section) a normal tax of 8 per cent of the amount of the net income in excess of the credits provided in sec-

tion 216, except that in the case of a citizen or resident of the United States the rate upon the first \$4,000 of such excess amount shall be 4 per cent.

"(b) In lieu of the tax imposed by subdivision (a) there shall be levied, collected, and paid for the taxable year 1922 and each taxable year thereafter, upon the net income of every nonresident alien individual, a resident of a contiguous country, a normal tax equal to the sum of the following:

"(1) Four per cent of the amount of the net income attributable to compensation for labor or personal services performed in the United States in excess of the credits provided in subdivisions (d) and (e) of section 216; but the amount taxable at such 4 per cent rate shall not exceed \$4.000; and

"(2) Eight per cent of the amount of the net income in excess of the sum of (A) the amount taxed under paragraph (1) plus (B) the credits provided in section 216."

Sec. 2. That subdivision (e) of section 216 of the revenue act of 1921 is amended, to take effect January 1, 1922, to read as follows:

"(e) In the case of a nonresident alien individual, or of a citizen entitled to the benefits of section 262, the personal exemption shall be only \$1,000. The credit provided in subdivision (d) shall not be allowed in the case of a nonresident alien individual unless he is a resident of a contiguous country, nor in the case of a citizen entitled to the benefits of section 262."

The VICE PRESIDENT. Is there objection to the imme-

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

READJUSTMENT OF LOSSES OF DISBURSING AGE

Mr. JONES of Washington. Mr. President, last evening we placed an amendment on the deficiency appropriation bill, urged very strongly by the Secretary of Commerce, to provide for the readjustment by the accounting office of the losses of disbursing officers for exchange, and so forth, provided under appropriation acts, but which thereafter they were deprived of by a ruling of the comptroller just for certain years. The conferees on the deficiency appropriation bill had to leave the amendment out of the report, because it was legislation on the

The Committee on Commerce has authorized a favorable report upon the measure, and I want to say that it has been favorably reported by the Interstate Commerce Committee of the House and is on the House Calendar. I believe if we can pass it now, we can get it through the House, and it will enable not only a correction of an injustice to men who deserve this action but will also save others from a very great injustice. I ask unanimous consent for its immediate consideration,

The VICE PRESIDENT. The bill S. 4637 will be reported for the information of the Senate.

The bill was read, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to allow credit in the respective accounts of disbursing agents under the Department of Commerce for payment of loss by exchange on salary and per diem checks issued under appropriations respectively for the fiscal years 1917 to 1922, inclusive, containing a provision for "exchange on official checks," the accounts of which payments may have been heretofore settled or may hereafter become the matter of settlement.

Mr. ROBINSON. Mr. President, the provisions of the bill having passed the Senate in connection with the deficiency ap-

propriation bill, I see no objection to the passage of the bill.

The VICE PRESIDENT. Is there objection to its immediate consideration?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment. ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT.

Mr. CURTIS. I understand there are some House bills which were not disposed of this morning, and therefore I move that the Senate adjourn until 11 o'clock to-morrow.

Mr. SMITH. Before the Chair puts the motion, is it proposed that we shall have a morning hour to-morrow?

Mr. CURTIS. Yes. I move that the Senate adjourn until 11 o'clock to-morrow.

Mr. McNARY. Mr. President-

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Oregon?

Mr. CURTIS. No: I can not yield.

Mr. McNARY. I want to call up a House joint resolution. It will not take-

I can not yield for that to-night. I insist on my motion to adjourn.

The motion was agreed to; and the Senate (at 8 o'clock and 55 minutes p. m.) adjourned until to-morrow, Saturday, March 3, 1923, at 11 o'clock a. m.

CONFIRMATION OF JUDGE JOHN F. M'GEE.

In executive session this day, during the consideration of the nomination of John F. McGee, of Minnesota, to be United States district judge for the district of Minnesota, on request of Mr. LA FOLLETTE, and by unanimous consent, the injunction of secrecy was removed from certain votes and proceedings in

connection therewith, as follows:

Mr. La Follette moved that the nomination be postponed

during the remainder of this session of Congress

Mr. McNary moved to amend the motion of Mr. La Follette so as to postpone the consideration of the nomination until tomorrow, Saturday, March 3, 1923.

On Mr. McNary's motion, Mr. La Follette called for the yeas and nays, and they were ordered.

The question being taken by yeas and nays, resulted-yeas 30, nays 31, as follows: THAN

	I.E.	As—au.	
Bayard Brookhart Broussard Capper Caraway Couzens France George	Gerry Harris Harrison Johnson Jones, N. Mex. Jones, Wash. King La Follette	Lenroot McCormick McNary Moses Norbeck Norris Owen Ransdell	Robinson Sheppard Smith Stanley Walsh, Mass, Walsh, Mont.
	NA NA	YS-31.	
Ball Brandegee Bursum Calder Cameron Colt Cummins Curtis	Dial Dillingham Edge Ernst Fernald Frelinghuysen Hale Harreld	Kellogg Keyes Lodge IcCumber McKinley Oddie Reed, Pa. Shields	Shortridge Smoot Sterling Sutherland Wadsworth Weller Willis
	NOT V	OTING-35.	
Ashurst Borah Culberson Elkins Fletcher Glass Gooding Heffin Hitchcock	Kendrick Ladd McKellar McLean Myers Nelson New Nicholson Overman	Page Pepper Phipps Pittman Poindexter Pomerene Reed, Mo, Simmons Spencer	Stanfield Swanson Townsend Trammell Underwood Warren Watson Williams

So Mr. McNary's motion was rejected.

The question then recurred, on the motion of Mr. La Follette, to postpone the consideration of the nomination for the remainder of the session.

On this motion Mr. LA FOLLETTE called for the yeas and nays. and they were ordered.

The question being taken by yeas and nays resulted-yeas 13. navs 45, as follows:

2000	YE	AS-13.	
Brookhart Capper Couzens Johnson	Jones, N. Mex. King La Follette Norbeck	Norris Owen Sheppard Stanley	Walsh, Mass.
	NA	YS-45.	
Ball Bayard Brandegee Broussard Bursum Calder Cameron Caraway Colt Cummins Curtis Dial	Dillingham Edge Ernst Fernald France Frelinghuysen George Gerry Hale Harreld Harrison Jones, Wash.	Kellogg Keyes Lenroot Lodge McCormick McCumber McKinley Moses Oddie Reed, Pa, Robinson Shields	Shortridge Smith Smoot Sterling Sutherland Wadsworth Walsh, Mont, Weller Willis
	NOT V	OTING-38.	MASSAGE STATE
Ashurst Borah Culberson Elkins Fletcher Glass Gooding Harris Heffin	Kendrick Ladd McKellar McLean McNary Myers Nelson New Nicholson Overman	Page Pepper Phipps Pittman Poindexter Pomerene Ransdell Reed, Mo. Simmons Spencer	Stanfield Swanson Townsend Trammell Underwood Warren Watson Williams

So the motion was rejected.

The question then was, Shall the Senate advise and consent to the nomination? on which Mr. La Follette called for the yeas and nays, and they were ordered.

The question being taken by yeas and nays resulted—yeas 46,

nays 11, as follows:

YEAS-46.					
Ball	Cummins	George	Lodge		
Bayard	Curtis	Gerry	McCormick		
Brandegee	Dial	Hale -	McCumber		
Broussard	Dillingham	Harreld	McKinley		
Bursum	Edge	Harrison	Moses		
Calder	Ernst	Jones, Wash.	Myers		
Cameron	Fernald	Kellogg	Oddie		
Caraway	France	Keyes	Reed, Pa.		
Colt	Frelinghuysen	Lenroot	Robinson		

Shields Shortridge Smith	Smoot Sterling Sutherland	Wadsworth Walsh, Mont. Weller	Willis
TALL SING	NA NA	YS-11.	
Brookhart Capper Johnson	Jones, N. Mex. King La Follette	Norris Sheppard	Stanley Walsh, Mass.
	NOT V	OTING-89.	
Ashurst Borah Couzens Culberson Elkins Fletcher Glass Gooding Harris	Hitchcock Kendrick Ladd McKellar McNary Nelson New Nicholson Overman	Owen Page Pepper Phipps Pittman Poindexter Pomereng Ransdell Reed, Mo. Simmons	Spencer Stanfield Swanson Townsend Trammelf Underwood Warren Watson Williams

So the Senate advised and consented to the nomination of John F. McGee, of Minnesota, to be United States district judge for the district of Minnesota.

It was ordered that the President be notified of the confirmation.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1923.

MEMBERS OF THE WORLD WAR FOREIGN DEBT COMMISSION.

The following-named persons to be members of the World War Foreign Debt Commission, under the provisions of the act of Congress approved February 28, 1923;

Carter Glass, of Virginia, United States Senate.

Charles R. Crisp, of Georgia, House of Representatives.

Richard Olney, of Massachusetts.

ASSOCIATE JUDGES OF THE UNITED STATES COURT OF CUSTOMS

Oscar E. Bland, of Indiana, to be associate judge of the United States Court of Customs Appeals, vice Marion De Vries, who was appointed presiding judge.

Charles S. Hatfield, of Ohio, to be associate judge of the United States Court of Customs Appeals, vice George E. Martin,

who was appointed presiding judge.

UNITED STATES DISTRICT JUDGES.

John S. Partridge, of California, to be United States district judge, Northern District of California. (Additional position created by the act approved September 14, 1922.)

William P. James, of California, to be United States district judge, Southern District of California. (Additional position created by the act approved September 14, 1922.)

UNITED STATES ATTORNEY.

A. E. Bernsteen, of Ohio, to be United States attorney, Northern District of Ohio, vice Edwin S. Wertz, resigned, effective March 1, 1923.

UNITED STATES MARSHAL.

Stanley Borthwick, of Ohlo, to be United States marshal, Southern District of Ohlo, vice Michael Devanney, resigned.

COAST AND GEODETIC SURVEY.

Howard Oscar Olson, of South Dakota, to be aid (with relative rank of ensign in the Navy) in the Coast and Geodetic Survey, vice G. H. Everett, resigned.

PROMOTIONS IN THE COAST GUARD.

Lieut. Commander Harry C. Hamlet to be commander, "to rank as such from January 12, 1923, to fill an original va-cancy created by the act of January 12, 1923.

Lieut. John S. Baylis to be lieutenant commander, to rank

as such from January 12, 1923, in place of Lieut. Commander

H. G. Hamlet, promoted. Lieut. (Junior Grade) Raymond T. McElligott to be lieutenant, to rank as such from January 12, 1923, in place of Lieut. E. D. Jones, promoted.

Lieut. (Junior Grade) Robert M. Kaufholz to be lieutenant, to rank as such from January 12, 1923, in place of Lieut. J. S. Baylis, promoted,

(Engineering) Webb C. Maglathlin to be lieutenant commander (engineering), to rank as such from January 12, 1923, to fill a vacancy as extra number authorized by the act of January 12, 1923.

Lieut. (Junior Grade) Joseph E. Stika to be lieutenant, to rank as such from January 12, 1923, in place of Lieut. Le Roy

Reinburg, promoted.

Each of the above-named officers has passed the examinations required by law.

POSTMASTERS.

ALABAMA.

Martin E. Forsyth to be postmaster at Union Springs, Ala., in place of B. L. Perry. Incumbent's commission expired September 5, 1922.

Harry G. White to be postmaster at Glendale, Ariz., in place of J. W. Hawks. Incumbent's commission expired September

Alfred R. Kleindienst to be postmaster at Winslow, Ariz., in place of J. H. Gibson. Incumbent's commission expired November 21, 1922.

ARKANSAS

Hillary H. Dawson to be postmaster at Prescott, Ark., in place of Jack Grayson, deceased.

Bing Moody to be postmaster at Bald Knob, Ark., in place of

R. H. Clark, resigned.

Milton R. Stimson to be postmaster at Brinkley, Ark., in place of J. H. Stack. Incumbent's commission expired September 5, 1922.

John S. Bowden to be postmaster at Russellville, Ark., in place of J. L. Ragsdale, resigned.

Carrick W. White to be postmaster at Walnut Ridge, Ark., in place of J. W. Pinnell, removed.

CALIFORNIA.

H. D. Priest to be postmaster at Mount Lowe, Calif., in place

of N. B. Vickrey, resigned.

William Junkans to be postmaster at Redding, Calif., in place of Alexander Ludwig. Incumbent's commission expired January 24, 1922.

Charles S. Graham to be postmaster at Pleasanton, Calif., in

place of I. F. Sylvia, resigned.

Anna R. Mixon to be postmaster at Woodland, Calif., in place of E. I. Leake. Incumbent's commission expired September 5, 1922.

Cassius C. Olmsted to be postmaster at San Rafael, Calif., in place of Michael F. Cochrane. Incumbent's commission expired January 24, 1922.

COLORADO.

Harry A. Cobbett to be postmaster at Cedaredge, Colo., in place of F. W. Childs, resigned.

Idamay Spurlock to be postmaster at Fair Play, Colo., in place of Idamay Spurlock. Office became third class January 1, 1923.
Wiley O. Reynolds to be postmaster at Fort Lyon, Colo., in place of W. O. Reynolds. Office became third class January 1,

Jesse W. Noble to be postmaster at Manitou, Colo., in place of C. E. Leibold, deceased.

CONNECTICUT.

Edward S. Lewis to be postmaster at Portland, Conn., in place of E. F. Daly. Incumbent's commission expired September 5, 1922

Edwin H. Keach to be postmaster at Danielson, Conn., in place of R. E. Allen. Incumbent's commission expired December 6,

FLORIDA.

Mabel Miller to be postmaster at Littleriver, Fla., in place of T. O. Norris. Office became third class October 1, 1922.

GEORGIA.

Ralph A. Waters to be postmaster at Alpharetta, Ga., in place of G. D. Rucker, deceased.

Mattie M. Lewis to be postmaster at Fayetteville, Ga., in place of S. B. Lewis. Incumbent's commission expired August 7, 1921,

Huram R. Hancock to be postmaster at Maysville, Ga., in place of C. C. Jarrard, resigned.

George H. Ray to be postmaster at Norwood, Ga., in place of E. S. Ray. Office became third class January 1, 1921.
Will C. Woodall to be postmaster at Woodland, Ga., in place

of R. E. Trussell. Office became third class July 1, 1922.

TDAHO.

Allen H. Smith to be postmaster at Roselake, Idaho, in place of L. V. LeGore, resigned.

Fred V. Diers to be postmaster at Mackay, Idaho, in place of W. A. Criswell. Incumbent's commission expired September 5, 1922.

ILLINOIS.

Walter B. Dunlap to be postmaster at Bath, Ill., in place of W. B. Lindsay, declined.

William S. Brownlow to be postmaster at Chapin, Ill., in place of Alice Anderson. Office became third class January 1, 1923.

Levi H. Perryman to be postmaster at Cowden, Ill., in place of S. A. D. Howe, resigned.

Edward S. Breithaupt to be postmaster at Gifford, Ill., in place of J. S. Barnes. Office became third class April 1, 1922.

Raymond W. Pfeifer to be postmaster at Mascoutah, Ill., in place of Carl Montag. Incumbent's commission expired October 24, 1922.

Herman Meyer to be postmaster at Niles Center, Ill., in place of George Busscher, jr. Office became third class October 1, 1922.

William McKinley to be postmaster at Ogden, Ill., in place of P. J. McKinney, removed.

Mary A. Barkmeier to be postmaster at San Jose, Ill., in place of G. H. Barkmeler, deceased.

George H. Duncan to be postmaster at Villa Grove, Ill., in place of O. C. Hays, resigned.

Russell F. Jones to be postmaster at Catlin, Ill., in place of

G. S. Fleming, removed.
William M. Karr to be postmaster at Flora, Ill., in place of B. F. Wineland, removed.

Amanda L. Kobisk to be postmaster at Lombard, Ill., in

place of W. J. Dobberstein, declined. David S. Cossairt to be postmaster at Potomac, Ill., in place

of E. R. Duncan, removed. William A. Bussert to be postmaster at Sheldon, Ill., in place

of H. R. Hootman, resigned. Raymond B. Pearce to be postmaster at White Hall, Ill., in place of J. E. Wyatt, resigned.

Emery S. Waid to be postmaster at Winchester, Ill., in place

of T. B. Lyons, resigned.
William H. Weathers to be postmaster at Magnolia, Ill., in place of J. J. Dunne. Office became third class October 1, 1922.

Sylvester H. DePew to be postmaster at Zion, Ill., in place of M. N. Price. Incumbent's commission expired October 24, 1922.

INDIANA.

Andrew G. Kauffman to be postmaster at Atlanta, Ind., in

place of H. E. Snyder, removed.

Walter R. O'Neal to be postmaster at Carlisle, Ind., in place of Tilghman Ogle. Incumbent's commission expired September 5, 1922.

Harvey E. Mayall to be postmaster at Decker, Ind., place of M. J. Mayall. Office became third class July 1, 1922.

John M. Sweeney to be postmaster at Dugger, Ind., in place of N. W. Ringo. Incumbent's commission expired January 27, 1922.

Alfred W. Hill to be postmaster at Shelburn, Ind., in place of R. H. Heath, resigned.

Addison N. Worstell to be postmaster at Valparaiso, Ind., in place of J. T. Scott, resigned.

IOWA.

Calvin L. Sipe to be postmaster at Sioux Rapids, Iowa, in place of C. P. Sickles. Incumbent's commission expired November 21, 1922.

Eva L. Woods to be postmaster at Cambridge, Iowa, in place of J. T. Larson, resigned.

Charles B. Abbott to be postmaster at Imogene, Iowa, in place of F. W. Gee. Office became third class October 1, 1922.

Albert L. Clark to be postmaster at Lanesboro, Iowa, in place of Agnes Brand. Office became third class October 1, 1922.

Arthur C. Schnurr to be postmaster at New Hampton, Iowa, in place of H. F. A. Hilmer. Incumbent's commission expired September 5, 1922.

Isaac J. Phillips to be postmaster at Hiteman, Iowa, in place of J. V. Frew, resigned.

Hiram E. Morrison to be postmaster at Seymour, Iowa, in place of W. B. Perkins. Incumbent's commission expired September 7, 1920.

Fred A. Hall to be postmaster at Van Wert, Iowa, in place of

M. E. Edwards. Office became third class October 1, 1922.

Kate R. Weston to be postmaster at Webster City, Iowa, in place of W. S. Weston, deceased.

KANSAS.

William H. Dittemore to be postmaster at Severance, Kans.,

in place of V. J. Kirvan, resigned.

Melyin F. Gardner to be postmaster at Greenleaf, Kans., in

place of D. G. M. Keen, deceased.

Joseph P. Fern to be postmaster at Scammon, Kans., in place of J. P. Fern. Incumbent's commission expired September 13, 1922.

Louisa Allender to be postmaster at Axtell, Kans., in place of Imogene Ream, resigned.

Robert T. Smith to be postmaster at Caldwell, Kans., in place of Bowles Unsell. Incumbent's commission expired September 13, 1922.

Edward R. Dannefer to be postmaster at Cuba, Kans., in place of Bertha McDonald. Incumbent's commission expired March 16, 1921.

M. Blanche Perry to be postmaster at Culver, Kans., in place

of N. A. Lockard. Office became third class April 1, 1922. Howard F. Heleker to be postmaster at Frankfort, Kans., in place of Adelaide Brandenburg. Incumbent's commission expired September 13, 1922. Charles N. Wooddell to be postmaster at Nickerson, Kans., in

place of G. W. Sain, jr. Incumbent's commission expired September 13, 1922.

Herbert M. Bentley to be postmaster at Sterling, Kans., in place of J. M. Little. Incumbent's commission expired September 13, 1922

KENTUCKY.

Jewell S. Webb to be postmaster at Earlington, Ky., in place of I. E. Newton. Incumbent's commission expired December 6, 1922

Samuel W. Crump to be postmaster at Glasgow Junction, Ky., in place of J. B. Hatcher. Office became third class October 1,

Harry Beall to be postmaster at Warsaw, Ky., in place of G. W. Snyder. Incumbent's commission expired October 3, 1922. Herbert B. Duncan to be postmaster at New Castle, Ky., in

place of A. M. Edwards, resigned. James Osborne to be postmaster at Wayland, Ky., in place of E. Hart. Office became third class January 1, 1921.

Leander Johnson to be postmaster at Weeksbury, Ky., in place of Leander Johnson. Office became third class January 1, 1921.

LOUISIANA.

Jesse L. Fowler to be postmaster at Oak Grove, La., in place of J. L. Fowler. Incumbent's commission expired December 18, 1999

Laurence E. Wilson to be postmaster at Oil City, La., in place of L. E. Wilson. Incumbent's commission expired November 21. 1922.

Frank S. Gianelloni to be postmaster at Paincourtville, La., in place of F. S. Gianelloni. Office became third class January 1, 1923.

Adelbert J. Burns to be postmaster at National Soldiers' Home, Me., in place of E. R. Hayes, removed.

MARYLAND.

William L. Marcy to be postmaster at Annapolis, Md., in place of T. J. Linthicum. Incumbent's commission expired September 5, 1922.

Gustavus R. Timanus to be postmaster at Laurel, Md., in place of E. P. Haslup. Incumbent's commission expired September 5, 1922.

MASSACHUSETTS.

Russell B. De Wolf to be postmaster at Duxbury, Mass., in place of H. B. Nichols, appointee declined.

William R. Farrington to be postmaster at Middleboro, Mass., in place of J. H. Creedon. Incumbent's commission expired October 1, 1922.

Josephine E. Dempsey to be postmaster at South Ashburnham, Mass., in place of J. E. Dempsey. Incumbent's commission expired May 14, 1921.

MICHIGAN.

Thomas P. DeClaire to be postmaster at Clawson, Mich., in place of L. R. Wells. Office became third class October 1, 1922. Orin T. Mallory to be postmaster at Blissfield, Mich., in place of Edson Porter. Incumbent's commission expired September 13, 1922.

Emile J. Crete to be postmaster at Caspian, Mich., in place

of H. M. Lawry, deceased.

Charles S. Wilcox to be postmaster at East Lansing, Mich., in place of C. D. Aldrich. Incumbent's commission expired September 13, 1922.

Frank A. Miller to be postmaster at Gladstone, Mich., in place of F. A. Miller. Incumbent's commission expired April 19, 1921.

Lottie E. Bultman to be postmaster at Hermansville, Mich., in place of M. R. Bradley. Incumbent's commission expired

September 13, 1922. Charles B. Curtis to be postmaster at Houghton Lake, Mich., in place of C. B. Curtis. Office became third class January 1.

1923.

Frank E. Darby to be postmaster at Kalkaska, Mich., in place of H. B. Whalley, deceased.

Olive F. Gowans to be postmaster at Mackinaw, Mich., in place of C. O. Barrett, resigned.

Fred R. Griffin to be postmaster at Manistique, Mich., in place of F. J. L. Carroll. Incumbent's commission expired September 13, 1922.

William H. Palmer to be postmaster at Newberry, Mich., in place of Malcolm McPhee. Incumbent's commission expired

Fred H. Johnson to be postmaster at St. Ignace, Mich., in place of Michael Hoban. Incumbent's commission expired September 13, 1922.

Albert Sanders, jr., to be postmaster at Stephenson, Mich., in place of M. W. Doyle. Incumbent's commission expired September 13, 1922.

Webb W. Walter to be postmaster at Three Rivers, Mich., in place of H. I. Wright. Incumbent's commission expired Sep-

tember 13, 1922.

Charles S. Sisson to be postmaster at White Pigeon, Mich., in place of Freeman Ware. Incumbent's commission expired November 15, 1922.

MINNESOTA.

Mary E. Stark to be postmaster at Buffalo, Minn., in place of M. E. Stark. Incumbent's commission expired September 26, 1922.

Claus H. Lepler to be postmaster at Clara City, Minu., in place of M. C. Benson. Incumbent's commission expired April

Ralph G. Hosfield to be postmaster at Medford, Minn., place of W. A. Balley. Office became third class July 1, 1922. Folmer Bjorge to be postmaster at Bigfork, Minn., in place of Folmer Bjorge. Office became third class January 1, 1923.

MISSISSIPPI. William D. Fields to be postmaster at Doddsville, Miss., in

place of L. I. Coleman, resigned.

Starling L. Pake to be postmaster at Dundee, Miss., in place

of Lee Bankston, resigned.

Thomas L. Cotten to be postmaster at Summitt, Miss., in place of S. E. Carruth. Incumbent's commission expired September 26, 1922.

MISSOURI.

Abraham B. Peters to be postmaster at Bonnots Mill, Mo., in place of H. V. Party. Office became third class October 1, 1922.

Elliot Marshall to be postmaster at St. Joseph, Mo., in place of Frank Freytag. Incumbent's commission expired September 5, 1922.

John C. Datwieler to be postmaster at Clinton, Mo., in place of Clay Adair. Incumbent's commission expired September 5, 1922.

Albert R. Lebold to be postmaster at Lawson, Mo., in place of

B. Neville, resigned.

William R. Lytle to be postmaster at Fredericktown, Mo., in place of A. T. Lacey. Incumbent's commission expired September 5, 1922.

Tom D. Purdy to be postmaster at Harris, Mo., in place of J. T. Incumbent's commission expired September 5, 1922.

Paul C. Campbell to be postmaster at Osborn, Mo., in place of E. J. Everett. Incumbent's commission expired December 20, 1920.

Harry Korf to be postmaster at South St. Joseph, Mo., in place of H. J. Bowen. Incumbent's commission expired September 5, 1922.

MONTANA.

Jennie W. Chowning to be postmaster at Ennis, Mont., in place of J. W. Chowning. Office became third class October 1, 1922.

Frederick B. Gillette to be postmaster at Hinsdale, Mont., in place of J. H. Rutter. Incumbent's commission expired September 13, 1922.

Wilfred J. Hazelton to be postmaster at Townsend, Mont., in place of W. J. Hazelton. Incumbent's commission expired October 14, 1922.

Stephen E. Sande to be postmaster at Winifred, Mont., in place of T. H. Hayden, resigned.

NEBRASKA.

Edward H. Springer to be postmaster at Brady, Nebr., in place of David Johnson, resigned.

James M. Fox to be postmaster at Gretna, Nebr., in place of P. J. Melia, resigned.

Claude A. Barker to be postmaster at Pawnee City, Nebr., in place of A. E. Ovenden, resigned.

Eugene Roddy to be postmaster at Union, Nebr., in place of L. E. Borne, resigned.

Freemont L. Neely to be postmaster at Wayne, Nebr., in place of C. A. Berry. Incumbent's commission expired November 21, 1922.

Frederick H. Crook to be postmaster at Paxton, Nebr., in place of C. V. Kildare. Incumbent's commission expired Octo-

ber 3, 1922.

NEW JERSEY.

Berta Brown to be postmaster at Leonardo, N. J., in place of B. J. Haulboskey. Office became third class October 1, 1922.

Margarethe Grund to be postmaster at New Milford, N. J., in place of N. A. Terhune. Office became third class April 1,

Robert E. Bromley to be postmaster at Haddon Heights, N. J., in place of G. H. Abel. Incumbent's commission expired October 24, 1922.

Mina A. Crowell to be postmaster at Minotola, N. J., in place

of L. A. Shaw, resigned.

Lemuel H. Greenwood to be postmaster at Elmer. N. J., in place of C. H. Hitchner. Incumbent's commission expired October 24, 1922.

NEW YORK.

J. Edward Uline to be postmaster at Ransomville, N. Y., in place of H. S. Ransom. Incumbent's commission expired October 24, 1922.

Guy R. Dodson to be postmaster at Wyoming, N. Y., in place

of Henry Webster, deceased.

Elbert J. Eckerson to be postmaster at Cobleskill, N. Y., in place of Silas Springstead. Incumbent's commission expired November 15, 1922.

Ida L. Baxter to be postmaster at Port Washington, N. Y. in place of M. T. Hutchinson. Incumbent's commission expired October 24, 1922.

Frank R. Hanson to be postmaster at Sea Cliff, N. Y., in

place of W. F. Britt, resigned.

Edwin P. Bouton to be postmaster at Trumansburg, N. Y. in place of C. E. Thompson. Incumbent's commission expired September 19, 1922.

Herbert L. Merritt to be postmaster at Katonah, N. Y., in place of M. F. Doyle. Incumbent's commission expired Novem-

ber 21, 1922

Beulah H. Kelly to be postmaster at Lisbon, N. Y., in place Bessie Sullivan. Incumbent's commission expired October of Bessie Sullivan. 24, 1922.

Augusta H. Tilden to be postmaster at New Lebanon, N. Y., in place of A. H. Tilden. Incumbent's commission expired November 21, 1922.

George W. Morton to be postmaster at Pulaski, N. Y., in place of J. L. Hutchens, deceased.

Charles L. Carrier to be postmaster at Sherburne, N. Y., in place of H. J. McDaniel, resigned.

NORTH CAROLINA.

Theophilus H. McLeod to be postmaster at Buies Creek, N. C., in place of B. F. McLeod, resigned.

May C. Campbell to be postmaster at Norwood, N. C., in

place of G. R. Upchurch, resigned. Sarah A. Lunceford to be postmaster at Smithfield, N. C., in

place of S. A. Lunceford. Incumbent's commission expired February 3, 1923. Samuel W. Watts to be postmaster at Southport, N. C., in place of D. O. Daniel. Incumbent's commission expired March

16, 1921. William F. Outland to be postmaster at Woodland, N. C., in

place of O. L. Snipes, resigned.

NORTH DAKOTA.

Hugh C. Corrigan to be postmaster at Fargo, N. Dak., in place of J. P. Hardy. Incumbent's commission expired November 21, 1922,

William F. Legler to be postmaster at Robinson, N. Dak., in place of W. F. Legler. Office became third class January 1,

Sylvester Macking to be postmaster at Scranton, N. Dak., in place of M. O. Hagenson. Incumbent's commission expired September 5, 1922.

OHIO.

T. Howard Sapp to be postmaster at Bainbridge, Ohio, in place of H. W. W. Spargur. Incumbent's commission expired September 19, 1922.

Harry A. McConnell to be postmaster at Dorset, Ohio, in place of J. E. Wilderson. Office became third class October 1, 1922.
William S. Kindle to be postmaster at Thornville, Ohio, in place of R. J. Neel, resigned.

James W. McHenry to be postmaster at Elyria, Ohio, in

place of D. W. Seward, removed.

Hattie E. Johnston to be postmaster at Lagrange, Ohio, in place of T. V. Feagler. Office became third class October 1, 1922. Pearl H. Cheney to be postmaster at South Charleston, Ohio,

in place of J. L. Carr. Incumbent's commission expired November 21, 1922.

Clyde S. Perfect to be postmaster at Sunbury, Ohio, in place of O. F. Barcus. Incumbent's commission expired December 6,

OKLAHOMA.

John W. Comer to be postmaster at Chickasha, Okla., in place of G. W. Barefoot. Incumbent's commission expired October 24, 1922.

James G. Sprouse to be postmaster at McCurtain, Okla., in place of J. G. Sprouse. Incumbent's commission expired January 27, 1923.

William C. Wallin to be postmaster at Watts, Okla., in place of Henryetta Wilson. Office became third class October 1, 1922. Ora W. King to be postmaster at Meeker, Okla., in place of

W. C. Parnell, resigned.

George D. Graves to be postmaster at Norman, Okla., place of F. L. Swank. Incumbent's commission expired September 13, 1922.

George F. Benge to be postmaster at Tahlequah, Okla., in place of W. A. Thompson. Incumbent's commission expired January 27, 1923.

George C. Hill to be postmaster at Shidler, Okla., in place of F. T. Gale. Office became third class October 1, 1922.

Orland H. Park to be postmaster at Wright City, Okla., in place of O. E. Thompson, declined.

Claude E. Ingal's to be postmaster at Corvallis, Oreg., in place of V. P. Moses. Incumbent's commission expired September 5, 1922.

Darwin E. Yoran to be postmaster at Eugene, Oreg., in place

of E. L. Campbell, deceased.

Robert N. Torbet to be postmaster at Albany, Oreg., in place of C. H. Stewart, resigned.

PENNSYLVANIA,

Russell C. Parry to be postmaster at Walnutport, Pa., in place of J. P. Andreas, removed.

Walter V. Dingman to be postmaster at Milford, Pa., in place of J. P. Van Etten, resigned.

George C. Noblitt to be postmaster at Brockwayville, Pa., place of J. A. Cooper. Incumbent's commission expired February 3, 1922.

Liola R. Thoman to be postmaster at Hatboro, Pa., in place

of J. S. Leidy, declined.

David K. Clements to be postmaster at Sagamore, Pa., in place of G. C. Schrecongost, Incumbent's commission expired February 4, 1922.

John D. Williams to be postmaster at Shoemakersville, Pa.,

in place of H. S. Madeira, deceased.

John J. Nichols to be postmaster at Lansdowne, Pa., in place

of F. M. Longstreth, removed.

Charles P. Hipple to be postmaster at Marietta, Pa., in place of John Orth. Incumbent's commission expired February 5,

Hugh T. Williams to be postmaster at Union Dale, Pa., in place of H. A. Reynolds. Office became third class April 1,

William H. Smith to be postmaster at Valencia, Pa., in place of G. S. Dickson. Incumbent's commission expired October 24, 1922.

SOUTH CAROLINA.

Carl G. Schoenberg to be postmaster at North, S. C., in place of A. A. Glover, resigned.

Fred Mishoe to be postmaster at Greelyville, S. C., in place of Fred Mishoe. Incumbent's commission expired December 23,

Walter L. Gettys to be postmaster at Clover, S. C., in place of J. A. Barrett, resigned.

Jacob M. Bedenbaugh to be postmaster at Prosperity, S. C., in place of J. M. Bedenbaugh. Incumbent's commission expired October 28, 1922.

SOUTH DAKOTA.

Israel R. Krause to be postmaster at Java, S. Dak., in place of I. R. Krause. Incumbent's commission expired December 23, 1922.

Claud I. Force to be postmaster at Clear Lake, S. Dak., in place of C. I. Force. Incumbent's commission expired January

Ernest F. Roth to be postmaster at Columbia, S. Dak., in place of H. C. Roth, resigned.

Charles E. Smith to be postmaster at Lemmon, S. Dak., in place of H. J. Mensing, removed.

James E. McLaughlin to be postmaster at Onida, S. Dak., in place of William Spencer, resigned.

Joseph Matt to be postmaster at Vivian, S. Dak., in place of H. E. Kelly, removed.

TENNESSEE.

Joseph R. Lane to be postmaster at Church Hill, Tenn., in place of R. L. Long. Incumbent's commission expired January

Isaac A. Smith to be postmaster at Halls, Tenn., in place of H. Moore. Incumbent's commission expired February 13, 1923.

Ella M. Grubbs to be postmaster at Adams, Tenn., in place of G. Byrd, resigned.

Beecher D. Phillips to be postmaster at Algood, Tenn., in place of R. C. Boatman. Incumbent's commission expired May 10,

Daniel L. Hyder to be postmaster at Elizabethton, Tenn., in place of D. M. Brumit, resigned.

John W. Chumley to be postmaster at New Tazewell, Tenn.,

in place of J. L. Goin, resigned.

William T. Starbuck to be postmaster at Hohenwald, Tenn., in place of A. W. Ashton. Incumbent's commission expired January 27, 1923.
Rufus C. Thompson to be postmaster at Milan, Tenn., in place

of W. A. Howard, resigned.

Lucy D. Campbell to be postmaster at Brazoria, Tex., in place of E. B. Hopkins. Incumbent's commission expired January 24, 1922

Edward S. Dougherty to be postmaster at Edinburg, Tex., in place of E. S. Dougherty. Incumbent's commission expired September 5, 1922.

Harry B. Strong to be postmaster at Iredell, Tex., in place of J. P. Williamson, resigned.

James J. Dickerson to be postmaster at Paris, Tex., in place of A. G. Hubbard, resigned.

Charles A. Andrews to be postmaster at Wolfe City, Tex.,

in place of J. F. Painter, deceased.

William T. McDonald, jr., to be postmaster at Wylie, Tex., in place of W. T. McDonald, jr. Incumbent's commission expired October 24, 1922.

Harvey L. Pettit to be postmaster at Bloomburg, Tex., in place of J. A. Bentley. Office became third class October 1, 1921.

William C. Simmons to be postmaster at Murchison, Tex., in place of W. L. Adair. Office became third class January 1, 1921.

Harry H. Cooper to be postmaster at Nacogdoches, Tex., in place of A. Y. Donegan. Incumbent's commission expired

William H. Mallory to be postmaster at Port Lavaca, Tex., in place of G. R. Rubert. Incumbent's commission expired October 24, 1922.

James P. Kersey to be postmaster at Ozona, Tex., in place of W. C. Esterling, removed.

David F. Johnson to be postmaster at Brownwood, Tex., in place of W. D. McChristy. Incumbent's commission expired September 5, 1922.

UTAH.

William T. Boyle to be postmaster at Beaver, Utah, in place of Isadore Lessing. Incumbent's commission expired September 28, 1922.

T. J. Wadsworth, jr., to be postmaster at Santaquin, Utah, in place of A. R. Hudson. Office became third class October 1, 1922.

VERMONT.

Margaret I. Southgate to be postmaster at Concord, Vt., in place of M. I. Southgate. Office became third class January

Edward N. Aldrich to be postmaster at Graniteville, Vt., in place of A. M. Carey. Office became third class January 1, 1921.

Ruth S. Sheldon to be postmaster at Pawlet, Vt., in place of V. W. Weeks. Office became third class July 1, 1921.

Otis B. Dauchy to be postmaster at Townshend, Vt., in place of O. B. Dauchy. Office became third class January 1, 1923.

Preston C. Skinner to be postmaster at Orleans, Vt., in place of F. H. Pierce. Incumbent's commission expired July 21, 1920. William B. Needham to be postmaster at Bridgewater, Vt., in place of C. I. Davis. Office became third class July 1, 1922.

Jonas H. Brooks to be postmaster at St. Johnsbury, Vt., in place of A. H. Gleason. Incumbent's commission expired January 24, 1922.

VIRGINIA.

Mary I. Wight to be postmaster at Charlotte Court House, Va., in place of J. D. Shepperson. Incumbent's commission expired July 15, 1920.

Charles P. Smith, jr., to be postmaster at Martinsville, Va., in place of T. H. Self, resigned.

Edward P. Schultz to be postmaster at Onancock, Va., in

place of E. E. Miles, resigned.

WASHINGTON.

Blanche A. Sines to be postmaster at Chelan, Wash., in place of L. R. Sines, removed.

Alonzo E. Emerson to be postmaster at Ellensburg, Wash., in dace of R. A. Turner. Incumbent's commission expired October 14, 1922.

Charles A. Bowen to be postmaster at Clayton, Wash., in place of C. A. Bowen. Office became third class October 1, 1922.

Levi H. Niles to be postmaster at Ephrata, Wash., in place of P. F. Billingsley. Incumbent's commission expired January 24, 1922

Andrew J. Cosser to be postmaster at Port Angeles, Wash., in place of A. J. Cosser. Incumbent's commission expired November 21, 1922.

Arthur Bailey to be postmaster at Monroe, Wash., in place of Arthur Bailey. Incumbent's commission expired October 24, 1922

WEST VIRGINIA.

Ruth Lewis to be postmaster at Buffalo, W. Va., in place of N. J. Knapp, resigned.

Carl A. Dehner to be postmaster at Chester, W. Va., in place

of W. B. Stewart, deceased.

Cecil B. Dodd to be postmaster at Follansbee, W. Va., in place of A. T. McCort. Incumbent's commission expired March 1, 1923

Andrew Smith to be postmaster at Filbert, W. Va., in place of N. P. Johnston, resigned.

WISCONSIN.

Maurice Morrissey to be postmaster at Delavan, Wis., in place of C. M. Tallman, removed.

Hattle B. Greene to be postmaster at Darlington, Wis., in place of George Ward. Incumbent's commission expired May

Adolph C. Sveen to be postmaster at Westby, Wis., in place of Jens Davidson, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 2, 1923. ASSISTANT SECRETARY OF THE TREASURY.

McKenzie Moss to be Assistant Secretary of the Treasury. ASSISTANT SECRETARY OF WAR.

Dwight Davis to be Assistant Secretary of War.

MEMBERS OF WORLD WAR FOREIGN DEBT COMMISSION.

CARTER GLASS to be a member of the World War Foreign Debt Commission.

CHARLES R. CRISP to be a member of the World War Foreign Debt Commission.

Richard Olney to be a member of the World War Foreign Debt Commission.

MEMBER OF THE FEDERAL RESERVE BOARD.

D. R. Crissinger.

DIRECTOR OF WAR FINANCE CORPORATION.

Frank W. Mondell.

GOVERNOR OF PORTO RICO.

Horace M. Towner.

DIRECTOR OF UNITED STATES VETERANS' BUREAU.

Frank T. Hines.

COMMISSIONER OF BUREAU OF IMMIGRATION.

John D. Nagle, commissioner at the port of San Francisco, Calif.

MEMBER OF THE UNITED STATES EMPLOYEES' COMPENSATION COMMISSION.

Charles H. Verrill.

COMPTROLLER POST OFFICE DEPARTMENT.

Francis P. Sullivan to be comptroller, Bureau of Accounts. UNITED STATES DISTRICT JUDGES.

F. C. Jacobs to be district judge, district of Arizona.

John F. McGee to be district judge, district of Minnesota. William Bondy to be district judge, southern district of New

Paul Jones to be district judge, northern district of Ohio. Harry M. Hoffheimmer to be district judge, southern district of Ohio.

Xenophen Hicks to be district judge for the eastern and middle districts of Tennessee.

John J. Gore to be district judge, middle district of Ten-

UNITED STATES ATTORNEY.

Benson W. Hough to be attorney, southern district of Ohio. UNITED STATES MARSHAL.

Richard J. White to be marshal, eastern district of Wis-

PROMOTIONS IN THE COAST GUARD.

To be captain.

Andrew J. Henderson.

To be commander.

Randolph Ridgely.

To be lieutenant commanders.

George C. Alexander. Charles F. Howell. William T. Stromberg. George E. Wilcox. James A. Alger. Muller S. Hay Howard E. Rideout.

Ralph W. Dempwolf. Roger C. Weightman. Le Roy Reinburg. Lloyd T. Chalker. James L. Ahern. Stanley V. Parker.

To be lieutenant commanders (engineering).

Albert C. Norman. Christopher G. Porcher. Charles A. Wheeler, John I. Bryan, Samuel M. Rock.

Edwin W. Davis. Charles S. Root. Michael N. Usina. Robert B. Adams.

PROMOTIONS IN THE ARMY.

William Reese Scott to be chaplain with rank of major. Albert Leslie Evans to be chaplain with rank of captain. Goodwin Compton to be lieutenant colonel, Infantry James Edmund McDonald to be lieutenant colonel, Infantry. Stephen Clark Reynolds to be major, Quartermaster Corps. James Louis Guion to be captain, Ordnance Department. Stewart Elvin Relmel to be captain, Ordnance Department. Henry Lord Page King to be captain, Signal Corps.

Stanley Koch to be major, Cavalry.
Philip Raymond Ward to be colonel, Field Artillery. Lloyd Marlowe Hanna to be first lieutenant, Field Artillery. Samuel Rixey Deanes to be first lieutenant, Field Artillery. William Topping Merry to be colonel, Infantry

Thomas Worthington Hollyday to be lieutenant colonel, Field

Albert Louis Rhoades to be lieutenant colonel, Coast Artillery

Thomas Albert Harkins to be chaplain with rank of captain. Frank Pearson MacKenzie to be chaplain with rank of captain.

Joseph Lester Brooks to be captain. Quartermaster Corps. Eugene Luther Vidal to be first lieutenant, Air Service Amos Stanhope Kinzer to be first lieutenant, Medical Administrative Corps

Berban Huffine to be first lieutenant, Medical Administrative

Richard Homer McElwain to be first lieutenant, Medical Administrative Corps.

Willard Mortimer Barton to be first lieutenant, Medical Administrative Corps

PROMOTIONS IN THE NAVY.

MARINE CORPS. To be captains.

Bruce J. Millner. William P. Richards.

Willett Elmore. Francis Fisk

To be second lieutenants.

Wilson B. McCandless. Corpl, Jonathan O. Becker. Sergt. Franklin W. R. Brown. Sergt. Harold C. Roberts.

Sergt. Will H. Lee. Sergt. Will H. Lee.
Sergt. Monroe S. Swanson.
Corpl. William E. Lee.
Corpl. August L. Huhn, jr.
Gunnery Sergt. Charles R. Barrett.
Corpl. Joshua B. Langley. Sergt. John G. Walraven. Gunnery Sergt. William R. Hughes. Corpl. James K. Reid.

POSTMASTERS.

GEORGIA.

John L. Callaway, Covington.

John Stahl, Lawrenceburg. Frances Ambler, Pine Village. Dehn P. Keller, Warren.

Karl J. Baessler, Livermore. Edgar A. Greenway, Pleasantville. Silas L. McIntire, Pocahontas.

KANSAS.

John F. Mitchell, Fort Dodge. John Irving, Jetmore. Louis T. Miller, Ness City. Lewis E. Glasco, Piedmont. Herman C. Walter, Wilson.

MARYLAND.

Roscoe C. McNutt, Fallston. George W. Stevens, Sudlersville.

MASSACHUSETTS.

Arthur F. Cahoon, Harwich. Howard M. Douglas, Plymouth. MINNESOTA.

Mott M. Anderson, Hammond. Winnifred L. Batson, Odessa.

J. Orville Gochnauer, Belton. J. Orville Gochnauer, Benton.
Maria B. Cassity, Gentry.
Owen S. Randolph, Gideon.
Thomas J. Richardson, Koshkonong.
Oscar H. Remmert, Leslie.
Melvin Lutes, Lutesville.
Alpha DeBerry, Stoutland.

MONTANA.

Andrew Kolnitchar, Geraldine. Samuel P. Eagle, West Yellowstone. NEBRASKA.

Arthur H. Babcock, North Loup. Myrtle T. Anderson, Republican City.

NEW JERSEY.

Isaac E. Bowers, Groveville. John Rotherham, Jersey City.

NEW MEXICO.

Harvey Springer, Dawson. Vida B. Brittingham, Fort Sumner.

NORTH CAROLINA.

Benjamin E. Atkins, Apex. Hosea L. Early, Aulander. Robert D. Herndon, Chapel Hill. Sam J. Smith, Erlanger. Jay Shoaf, Mooresville.

NORTH DAKOTA.

Robert D. Hand, Ambrose. Mina H. Aasved, Carson. Ada M. Patterson, Jud. Martin E. Larson, Marion.

Hylos L. Vesey, Perry. George R. Irwin, Upper Sandusky.

OKLAHOMA.

John M. Sappington, Holdenville. Dixon L. Lindsey, Marlow. Paul J. Fournier, Quinlan.

George R. Steiger, Albion. Sara A. Conrath, Dixonville. William E. Mutthersbough, Driftwood. George B. Stevenson, Lock Haven.

UTAH.

Annie Palmer, Farmington.

VIRGINIA.

Virgie C. Goode, Bassetts. Blodwyn R. Jones, Cambria. Henry P. Holbrook, Castlewood. John W. Delaplane, Delaplane. Gunyon M. Harrison, Fredericksburg. John D. Williamson, Fries. Margaret I. Lacy, Halifax (late Houston). Lawrence L. Jacobs, Hanover. Charles F. Flanary, Jonesville. Henry E. Bailey, Newsoms. George R. McCall, Raven. George H. McFarland, Reedville, Archer H. Staples, Stuart. Dandridge W. Marston, Toano.

WISCONSIN.

Harry T. Ketcham, Abbotsford. Bernard A. McBride, Adams. Bernard A. McBride, Adams. Nicholas Hubing, Belgium. Albert L. Marsh, Elroy. Forrest T. Durner, Evansville. Dean J. Hotchkiss, Foxlake. Edward Schroeder, Granton. Stephen S. Summers, Milton. Stephen S. Summers, Milton.
George B. Keith, Milton Junction.
Oarl V. Dahlstedt, Port Wing.
R. Claire Dixon, Silverlake.
Julian C. Colby, Union Grove.
Oscar C. Wertheimer, Watertown.
Joseph F. Huber, West Bend.

HOUSE OF REPRESENTATIVES.

FRIDAY, March 2, 1923.

The House met at 11 o'clock a. m. and was called to order by the Speaker pro tempore, Mr. Campbell of Kansas. The Chaplain, Rev. James Shera Montgomery, D. D., offered

the following prayer:

O God, who art the eternal source of every hope and whose goodness crowns each succeeding day, to Thee our hearts be-long. Thy mercy is wider than our utmost need and extends to creation's bounds. Do Thou continue to bless us with Thy sheltering arm and let Thy compassion veil our transgressions. Bestow Thy revealing presence upon us. Help us to pursue our tasks with sweet, obedient, unmurmuring toil, and may every impulse be soothed by reflection. Be with us all the time, and as we onward go may the luster of the Cross become more precious. Amen.

The Journal of the proceedings of yesterday was read and approved.

D. K. HEMPSTEAD.

Mr. RAYBURN. Mr. Speaker, I offer the following resolution and ask for its adoption.

The Clerk read as follows:

Resolved, That D. K. Hempstead be, and he is hereby, appointed a special employee to fill the vacancy caused by the resignation of Clarence Cannon named in the resolution adopted by the House May 19, 1919.

The resolution was agreed to.

THURSTON W. TRUE.

Mr. SNELL. Mr. Speaker, I call up the conference report on the bill (S. 2984) for the relief of Thurston W. True. The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2984) for the relief of Thurston W. True, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses that the House recede from its amendment.

B. H. SNELL, JOHN C. KLECZKA, Managers on the part of the House. ARTHUR CAPPER, SELDEN P. SPENCER, Jos. T. ROBINSON. Managers on the part of the Senate.

The conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 8086. An act to prohibit the shpiment of filled milk in

interstate or foreign commerce; and

H. R. 14408. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2703) to allow the printing and publishing of illustration of foreign postage and revenue stamps from defaced plates.

The message also announced that the Senate had passed the

following resolution:

Senate Resolution 464.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. W. BOURKE COCKRAN, late a Representative from the State of New York.

Resolved, That a committee of six Senators be appointed by the Vice President to join the committee appointed by the House of Representatives to attend the funeral.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the decaysed.

the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now adjourn.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESI-DENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 13978. An act granting the consent of Congress to the Hudson River Bridge Co., at Albany, to maintain two bridges

Already constructed across the Hudson River;
H. R. 10677. An act for the relief of Quincy R. Craft;
H. R. 14317. An act granting permission to Capt. Norman Randolph, United States Army, to accept the decoration of the Spanish Order of Military Merit of Alfonso XIII;
H. R. 7267. An act granting permission to Mrs. H. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the bust of Bolivar; and

H. J. Res. 453. Joint resolution requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3874. An act granting the consent of Congress for a bridge across the Rio Grande River; to the Committee on Interstate

and Foreign Commerce.

An act granting consent of Congress to the Eagle Pass & Piedras Negras Bridge Co. for construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico; to the Committee on Interstate and Foreign

S. 4638. An act authorizing the Great Northern Railway Co. to maintain and operate, or reconstruct, maintain, and operate, its bridge across the Columbia River at Marcus, in the State of Washington; to the Committee on Interstate and Foreign Com-

S. 4631. An act granting the consent of Congress to the counties of Bowie and Cass, State of Texas, for construction of a bridge across Sulphur River at or near Paces Ferry, in said counties and State; to the Committee on Interstate and Foreign Commerce.

S. 4609. An act to authorize the President in certain cases to reduce fees for the visé of passports; to the Committee on For-

eign Affairs.

EXTENSION OF REMARKS.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Idaho asks unanimous coosent to extend his remarks in the Record, Is there objection?

Mr. STAFFORD. I assume that they are the gentleman's own remarks

Mr. SMITH of Idaho. Yes.

There was no objection.

The extension of remarks referred to is here printed in full

Mr. SMITH of Idaho. Mr. Speaker, it was the celebrated French anatomist, Georges Cuvier, who, given the fragmentary bone of a prehistoric vertebrate, built up the animal as it had once existed, and a subsequent discovery proved that his restoration was complete in every detail. It is said that our own Dr. Ales Hrdlicka, of the National Museum, given a small section of the jawbone, could completely restore the pachydermous free trader of the 90's. And if one should enter the editorial lair of the New York Journal of Commerce, he would find that all but extinct homo sapiens in the flesh, a living testimonial to Hrdlickian expertness in the correlation of parts.

It is my purpose to-day to take a few skeletal remains to be found in the loess of subsiding tariff debate, and in the statistical collections now being assembled by the Department of Commerce, and to reconstruct, so far as I may, that mastodonic but sentient creature, American industry, as I anticipate it, for 1923 and onward. I am confident that the near future will show that the creature, which was paralyzed by the Underwood tariff law of 1913, reanimated by the European blood transfusion of 1914-1918, relapsing under the strain of 1920, and given first aid by the emergency tariff law of 1921, will be fully restored and revivified in the coming year. The renascence of American industry is under way. That is a fact which brooks no denial. It needs but to be guarded from those twin witches. free trade and internationalism.

But before I push out into the main current of my thought, I shall devote a few moments to a very cursory review of the tariff period immediately preceding and that included in the span known as "The New Freedom."

The Payne law of 1909 was a grossly maligned and libeled measure. It is by the average ad valorem duty rates that we measure the stature of a tariff law. The average ad valorem rate of duty on all imports during the entire period of the Payne law was less than 20 per cent, beginning with 21, in 1910, and ending with 17.69 in 1913. The average rate of duty on dutiable goods alone was 41 per cent. In both instances these rates were below those prevailing under the old Wilson law-1894-of evil memory, and markedly lower than the Dingley law, whose average ad valorem on all goods for the 12 years of its operation was about 26 per cent, and on dutiable goods a trifle over 47 per cent. Yet, under the scientifically adjusted rates of the Republican tariff law of 1909 our export trade increased from \$1,745,000,000 in 1910 to \$2,466,000,000 in 1913, and our favorable balance of trade grew from \$188,000,000 to \$653,000,000. And still a healthy development of import trade was permitted by the law.

But slander spoke with multiple and brazen tongues, there was divided council in the party of protection, the two factions of which polled a combined vote of 7,600,000 in 1912 and the party which supported what the late Ebenezer Hill, of Connecticut, called "free trade with a handlcap" came into power by a vote of 6,300,000 on the strength of two distinct and solemn promises to the people: First and foremost, to reduce the cost of living by reducing customs duties to a revenue basis; second, to increase customs revenues by encouraging imports. Duties were reduced and imports were increased, while customs revenues fell off and the cost of living went up. It was as pretty a double-cross as was ever perpetrated on a

gullible public.

In looking over some records compiled by the Department of Labor under the previous administration, fixing 1913 as a base year for the index figure at 100, I find that of 15 food articles of everyday consumption the retail prices of but 3 were lower The reduced in 1914 than in 1912-flour, corn meal, and sugar. rate on suger went into effect March 1, 1914, but in the mean-time the sugar producers had gotten rid of their entire stock and the market was loaded up. By the last week in June sugar stood at 4.21 cents, or precisely what it was in the last week of June, 1913, under Republican law. In February, 1914, just before the sugar rate went into effect, the refiners' margin was 47.7 cents per 100 pounds, and in July, 1914, it was 92.6 cents. The New York Annalist index number showing the average wholesale price of 25 food commodities selected and arranged to represent a theoretical family's food budget, tipped the beam at nearly 150 the last of December, 1915, was 146 for the year 1914, and under 140 for 1913, nine months of which was under Republican law. I can not say why the Annalist dealt with a theoretical family budget unless it was because so many people were down and out that a real budget could not be established. And what applied to food held good for clothes.

I have the utmost confidence in the new tariff law. * * * I am absolutely confident that this law will reduce the cost of living in the United States—

Declared Mr. Underwood as President Wilson affixed his signature to the law which bore his name. What a pitiful augury!

As a revenue producer the Democratic tariff law of 1913 was never a success in its palmiest days. At one stage of its career the average ad valorem sank below 6 per cent. From 1914 to 1921 its total average was 8.8 per cent, being raised to 14 per cent in 1922 through the assistance of the emergency tariff law. In 1920 on \$5,238,000,000 worth of imports it produced but \$326,000,000 in revenues, or just what was produced by the Payne law in 1910 on \$1,557,000,000 of imports. mighty small return on bankrupted American industry. "Has he been successful?" inquired one friend of another, discussing the affairs of an absent manufacturer in 1914. "Successful? I should say he had," was the response. "He failed for

In 1918 and 1919, 72 per cent of our imports under that law came in without paying a Russian ruble into the United States Treasury. Small wonder that the people began to rear up

and demand a change of tariff policy!

I shall only mention the fact that in mid-year 1914 over 4,000,000 workingmen had been benched by the Underwood law, hence nearly 20,000,000 mouths had relinquished a well-rounded and plentiful diet of farm products for the bread of charity and the husks of defeat.

In 1917 the American Federation of Labor, in convention at Buffalo, alarmed at the prospect of a continuance of the freetrade policy after the Great War, adopted without a dissenting

vote the resolution which I here quote:

Resolved, That this convention go on record in favor of a policy of industrial preparedness and the enactment of laws by Congress that will adequately protect all wage earners of our country against loss of employment through any invasion of the products of any other nation.

I earnestly suggest that Mr. Samuel Gompers, the president of the American Federation of Labor, who works indefatigably for the success of the Democratic Party, and therefore the policy of free trade, raise his hat and paste a copy of that resolution thereunder, meanwhile recalling that the country of his nativity, after 75 years of experiment, has returned to the protective policy under a bill entitled "The safeguarding of industries act." That act carries a 33½ per cent ad valorem.

I shall not recount the titanic trade movements outward which reached \$6,000,000,000 in 1917 and 1918, over \$8,000,-000,000 in 1920, and sank to \$3,700,000,000 in 1922, further than to remark that the party which attempted to make political capital out of the conduct of the war could hardly be expected to treat with justice the farmer, miner, mill operative, and manufacturer of America. Suffice to say that when the close of the calendar year 1920 showed imports at the record figure of \$5,279,000,000 and competition almost equally divided among foodstuffs, manufactured goods, and the crude group which includes minerals, the Republican Party, at last restored to power, saw the necessity of immediate action.

As we know, one of the first pieces of remedial legislation

essayed by the Republican majority in the House was the emergency tariff law, which, vetoed by President Wilson in his final birching of protection, was signed by President Harding on May 27, 1921. It is utterly useless to deny that this law materially aided the American farmer, further prostrated by the too rapid deflation of 1920. The official figures give the lie to any such denial. In 1921 we imported nearly \$1,300,-000,000 worth of crude and manufactured foodstuff and food animals. In 1922 that figure was cut almost exactly in half. How can any man have the brass-bound effrontery to say that, given a larger share of his domestic market, the American food producer is not benefited thereby? The fact was immediately reflected in better prices to the farmer, and yet the prices of foodstuffs to the man who bought at retail showed a pronounced decline.

Hearings on the general tariff bill were begun by the Ways and Means Committee the first week in January, 1921, and continued for about six weeks. Already a large amount of data has been collected by the committee for use in revising the tariff on the basis of protection. The hearings were carefully and fairly conducted, and the index of those hearings shows that something like 1,600 organizations, firms, and individuals took advantage of the opportunity to present to the committee their arguments for or against duty rates and administrative features proposed by the framers of the bill.

On June 30 the bill was reported to the House, and after heated debate, it passed, July 21, 1921, by the record vote of 288 to 127, 14 not voting. I pause to remark that while the

silken-haired pet of the gentleman from Texas was given far better consideration in the Fordney bill than was it in the Underwood law, he took his chances of the bill going through and smacked the Angora full on the snout with the kiss of betrayal. Yet he voted for 15 per cent on goat hair in 1913, after he had adroitly separated the goats from the

sheep and voted for free wool.

The Fordney bill had encountered bitter opposition from the importing interests while it was in the House, and while 't was in the Senate drive after drive of the organized importers was sent against it. It was truthfully asserted by many seasoned tariff veterans in both Houses of Congress that never in the history of American tariff legislation had there been such a frantic determination on the part of the importers' combine to defeat, by fair means or foul, the effort of the Republican Party to return to the policy of protection. Torrents of invective, rivers of expostulation, were turned on the supporters of the measure, and oceans of propaganda flooded the length and breadth of the land, the originators thereof hoping to create a backwash which would knock the stanchest champion of protection off his feet. The amount of money spent to defeat the Fordney tariff law will never be known, but that it reached into the millions of dollars is confidently asserted.

Early in 1922 the chairman of the Ways and Means Committee made public some figures officially vouched for showing some of the prices at which the importers' combine was bringing in goods, the duties, if any, paid thereon, and the huge profits at which those goods were being sold to the American consumers. For a day or two "the silence was that orful you were 'arf afraid to speak." And then the pack broke loose in a bedlam of denial. This was only the first gun. In August a booklet was published based on a follow-up investigation which had been quietly pursued by the Treasury Department. Said

the Secretary of the Treasury, Mr. Mellon:

This data was prepared in the office of the appraiser of merchandise at the port of New York from invoices and entries on file in the customs office at that port. Each sheet submitted bears an identification letter and number corresponding to the letter and number appearing on the particular article to which the sheet relates, the articles representing identical items of merchandise, or duplicates thereof, covered by the invoice and entry from which the data was secured.

The exhibits in question were presented to the appraiser's office and inspected and identified by examiners who pass upon the particular lines of merchandise involved.

* Additional information of this kind is being prepared by the appraiser.

The exhibits referred to embrace 122 articles of foreign importation in daily use and to be found at all times on the counters of the department stores of the importers' combine. They by no means exhausted the list. They showed the country or origin and the value therein, the charges-transportation, insurance, freight, and so forth—the duty assessed, the landed cost in the United States, the retail price in the United States, the company from which purchased, and, finally and most important, the percentage of retail price to landed cost. astounding information was divulged that profits ranging from 275 to 2,300 per cent were being exacted of American purchasers of these articles who patronized the agents of this combine.

The Treasury Department established in a manner which could not be successfully controverted that the foreign cost of producing these articles was lower than American manufacturers could possibly achieve; that the duties collected by the Government under the rates of the Democratic law were extremely low; that the duty collected and the duty proposed in the then pending tariff bill should not increase the price of this merchandise to the consumer; that the duty proposed by the then pending bill would in no instance prohibit importation; and that the importer could easily pay the proposed tariff duties without increasing the selling price. Or, in other words, that the spread between the foreign purchase price and selling price by the importer was sufficient to absorb the tariff duty many times over without any increase of the selling price of any of these imported products.

That report was an eye opener for the public and an closer for the importers' combine. Thenceforth, while their hearts may have been in their work, their minds were dazed by the denouement. I shall have occasion to refer later on to the campaign methods which they are at present following.

Identified, and in some instances party in interest, with the importers' combine which had set out to wreck the protectivetariff program, was a rabble of irresponsible theorists and doctrinnaires, internationalists, cancellationists, damnationists, and the whole surrenderbund spawned by that Æsopian frog, the League of Nations, "some in rags, and some in tags, and some in velvet gowns." Many of them, to be sure, were sincere, even if bemused. Most of them had their own selfish interest to the fore. The burden of their plaints was that if we returned to protection we would thereby exclude imports, and that the nations owing us could not possibly carry out their design to pay us with goods instead of gold—they could pay us not at all; that to wall out imports would be to wall in exports; that to protect our own would be a wicked and cowardly desertion of the unfortunate of other lands; that charity began abroad and not at home; that penitential retaliations and reprisals would prod us, sniveling futilely, from one European doorstep to another in quest of trade.

But the Joseph who was stripped of his coat and sold to the Ishmalites in 1913, who fled from Potiphar's wife in 1920, had found his real friends in 1922, and the tariff bill, after heart-sickening deferment, became a law on the 21st of September, 1922. Already that law gives substantial promise of

making him a prosperous man.

This leads me to the point, Mr. Speaker, where I shall have recourse to official figures which point unerringly to the beneficent results already being attained and to continue under the new tariff law. The protectionists felt confident that some increase would be recorded in our export trade once the new law began operation, but the record for the first four months of that law has not only confounded those who made the dire predictions last year but it has actually astounded its friends. Remarkable to relate, comparing the period October, 1922, to January, 1923, inclusive, with the similar period the year before, our export trade has increased by 20 per cent, or from \$1,212,000,000 to \$1,434,000,000. That is 50 per cent greater than the record for the first four months of the Underwood law, October, 1913, to January, 1914, inclusive, which period itself showed a decrease in exports, compared with the similar period under the Payne law, 1912–13, of \$55,000,000. I insert a table to substantiate this statement, the figures expressing millions of dollars:

The Act	
Totat	exports.

Month.	1912-13	1913-14	1921-22	1922-23
October November December January	\$255 278 250 227	\$272 246 233 204	\$343 294 296 279	\$371 880 344 339
Total (4 months)	1,010	955	1, 212	1,434

What have the prophets of evil to say to that? They assured us that Europe in particular would curtail buying from us so soon as the tariff law went into effect. But they were wrong again, notwithstanding the troublous times that still persist on that continent. Let us study the exports by grand divisions, on which we have figures for the last three months of last year, and compare them with the other periods indicated, again the figures, which I insert, being expressed in millions of dollars:

Exports October-December, inclusive

Zapono o castr 2 c			EDUALS, DUST	White St
Grand division.	1912	1913	1921	1922
Europe North America South America Asta Oceania Africa	\$536 153 37 29 21 9	\$505 139 36 40 24 7	\$504 211 44 141 29 13	\$609 261 64 117 31
Total (3 months)	785	751	842	1,095

The importers of French luxuries declared that the restoration of protection would cause our market in France to dwindle; that Germany, already bowed down with the weight of her woe, would cease to be a customer; that Italy would boycott us if we protected our lemon and olive industry; that the United Kingdom, despite her safeguarding of industries act, would cut off her patronage of Uncle Sam; that Canada would take her trade elsewhere if we protected our wheat; that Cuba would sour on our goods if we protected our sugar producers; and that Australia would treat us coldly if we protected our wool. Let us see how those countries responded to those predictions during the first three months of the law; exports to them, herewith inserted, expressed in millions of dollars:

Exports October-December, inclusive.

The state of the s		preconstate,	HALP.	
Country.	1912	1913	1921	1922
France Germany Italy United Kingdom. Canada Cuba Australia and New Zealand.	\$62 126 25 223 98 20 15	\$63 129 24 202 90 20 16	\$62 72 46 214 121 27 20	\$87 81 53 254 167 88 31

These free-trade oracles declared that if we enacted a protective-tariff law the market for our minerals and crude products would shrink; that the farmer would find his products spoiling on his hands for lack of foreign consumers; that the manufacturer would lop off his labor pay roll for lack of markets for his exportable surplus. And how were these oracles confuted? Let us glance at the commodity groups of exports, inserted at this point, again expressed in millions of dollars:

Exports October-December, inclusive.

Group.	1912	1913	1921	1922
Crude materials for use in manufacturing Foodstuffs, crude, and food animals Foodstuffs, partly or wholly manufactured Manufactures for further use in manufacturing. Manufactures ready for consumption Miscellaneous Foreign merchandise, exported	\$333	\$340	\$299	\$391
	65	31	99	101
	90	88	127	139
	96	91	95	102
	189	192	292	334
	2	2	2	3
	9	8	16	16

Arranging our exports according to the new classifications adopted by the Department of Commerce, and comparing the last three months of 1922 with the similar period for 1921, I insert the following in millions of dollars:

Exports.	1921	1922
Group O: Animals and animal products except wool and hair Group 1: Vegetable food products, oll seeds, expressed oils, and	\$92	\$105
Deverages	157	168
Group 2: Other vegetable products, except fibers and wood	64	75 332
Group 3: Textiles	255	
Group 4: Wood and paper.	32	37
Group 5: Nonmetallic minerals	121	138
vehicles	75	78
Group 7: Machinery and vehicles	83	99
Group 8: Chemicals and allied products	75 83 24	26
Group 9: Miscellaneous	19	99 26 22

Here we find an increase in every group of the export trade, and in the majority of instances a very substantial one.

It is when we attempt to get a line on the imports under the new law that we encounter difficulties. The new law made a general reclassification of imports essential, and following out the instructions of the Department of Commerce the customs collectors have been delayed in rendering returns. Once the reclassifications are established I am assured that the monthly reports of imports will be handled expeditionally. As mattersnow stand the department is working on the summary of imports for the first month of the new law, which includes the period September 22 to October 31, inclusive. From the figures already made public we are somewhat astonished to find that imports for the first 40 days of the new law totaled \$345,082,000. Of these about \$60,000,000 came in during the nine days of September, leaving \$285,000,000 for October alone. This is \$97,000,000 more than came in October, 1921, and once more the lie is given to the free trade prognosticators. I insert here the imports by grand divisions, comparing October, 1921, with September 22 to October 31, 1922 (000 omitted):

Grand division.	October—	
	1921	1922
Europe. North America. South America. Asia. Oceania. Africa.	\$66,769 53,442 17,711 45,325 1,915 2,842	\$116, 524 81, 050 38, 860 99, 998 4, 625 4, 023

Here will be noted a decided increase from every grand division. Imports from the United Kingdom increased from \$19,000,000 to \$46,000,000; from France, \$10,000,000 to \$17,000,000; from Germany, \$7,600,000 to \$13,000,000; from Canada, \$29,000,000 to \$47,000,000; from Cuba, \$10,000,000 to \$17,000,000; from Japan, \$17,000,000 to \$47,000,000. Is there anyone now foolish enough to assert that the Fordney law is a prohibitive law?

I have recently been shown a list containing 69 items which entered into this import trade, of which 33 came in free and 36 were dutiable. They accounted for 86 per cent of the total imports. With the exception of sugar from the Philippines, crude petroleum, copper ore and concentrates, articles of United States manufacture returned on the free list, and fruits (except bananas), nuts, and cotton manufactures, on the dutiable list, there was a marked increase in importation of every commodity listed. The free list totaled \$222,624,000, the dutiable

\$122,458,000, whence it will be seen that 65 per cent of the imports came in free. The duty collected for the 40 days in question amounted to \$54,984,464, or at the rate of \$1,374,600 a day. Dividing the customs revenues by the total imports, we establish an average ad valorem slightly under 16 per cent on all imports, and another operation shows that the rate on dutiable imports was a trifle under 45 per cent. Certainly, in view of depreciated foreign exchanges and the consequent purchasing power of the American dollar in foreign lands, coupled with the much wider disparity to-day in labor cost of production here and abroad than it was in 1913, this rate can not be deemed excessive.

Information which I received to-day from the Department of Commerce shows that the imports for last November amounted to \$294,000,000, on which customs duties amounted to \$41,-647,032. This means an average ad valorem for that month of 14 per cent and for the first two months and nine days of the

new law of a flat 15 per cent.

However, I shall assume 16 per cent as the average ad valorem rate on all goods, to remain somewhat constant throughout the year, whence we may arrive at some approximation of our foreign trade, using that rate as the anatomical key to the future. I insert a table at this point showing the customs receipts thus far realized, the known imports for October, those estimated on the 16 per cent basis up to March 1, and the known exports:

Month.	Customs receipts.	Imports.	Exports.
Sept. 22-Oct. 30. November. December. January February.	\$54, 984, 464 41, 647, 032 37, 446, 000 46, 345, 991 55, 000, 000	\$343, 083, 000 294, 000, 000 234, 000, 000 289, 000, 000 343, 000, 000	\$371,000,000 389,000,000 344,000,000 339,000,000 1 370,000,000
Total (5 months)	235, 423, 487	1, 505, 000, 000	1, 804, 000, 900

¹ Estimated.

On this basis we should find a favorable balance of trade over five months of something like \$300,000,000. trade maintain this pace throughout the first full-year operation of the new law, we should record \$4,300,000,000 in exports and \$3,600,000,000 in imports, or a favorable balance for the first year of \$700,000,000. That is running pretty close. I am informed, however, that officials in the Department of Commerce and the Treasury look forward to a trade for the first year of \$4,500,000,000 in exports and more nearly \$3,250,000,000 in imports, whereby we could realize a favorable balance of \$1,250,000,000.

At this point I insert a quotation from the predictions of the Treasury Department which appeared in a recent issue of the Washington Post;

Customs officials some weeks ago revised their earlier estimate of \$450,000,000 in collections for the current fiscal year ending June 30 and declared that Government revenue from duties assessed at the customhouses would aggregate \$480,000,000. Some of the more optimistic predicted receipts of \$500,000,000. These latter officials are arguing that their forecast will prove good unless unforeseen changes occur in international trade, which may cut American imports readically. radically.

GREATER TRADE FORECAST.

While the troubled European situation may affect American imports adversely to some degree, most Government officials who are acquainted with foreign-trade conditions insist that those nations striving hardest to sell in the American markets are maintaining the world position they held when imports into the United States began to creep upward early last year. The Ruhr situation is not expected to have any appreciable effect on world trade, in so far as shipments to the United States are concerned. On the contrary, it was said in some quarters here that the stoppage in production in the Ruhr may have the effect of increasing American exports. If that be true, it was argued, there is likely to be increasing imports into the United States in exchange.

SEE END OF GOLD IMPORTS.

In discussing the import situation, officials here pretty generally hold that the time is rapidly approaching when imports of gold will cease, or be reduced to negligible proportions. The inbound gold shipments have been going down steadily for many months, and the tendency of gold imports to decrease and exports to increase, although the increase has been small, has been most gratifying to Government officials, who believe that an outward flow of gold from the United States would mean a healthier world condition, at least until the enormous stocks of gold held here are spread again among the nations whence they came during the war.

Taken as a whole, the trade situation, in the view of officials, is good, and indications point to a progressive improvement in the situation, barring, of course, world developments that would again impede industrial production. Secretary Mellon recently stated he regarded the domestic industrial situation as "very good," and this view is generally shared by other administration spokesmen, who say that such a condition acts as a leaven in the bread of world trade.

The forecast of the Department of Commerce as to imports, assuming a constant average ad valorem of 16 per cent, would the law, so the indications are that the estimates of the two departments are not wide apart, and we must accept them as the best available.

In view of what is transpiring, I am personally inclined to think that the Fordney law was, if anything, too low, for imports reaching this huge figure will undoubtedly mean a displacement of American goods, by the time those imports are on the market, of over \$6,000,000,000. Our population has increased less than 10 per cent since the Payne law was repealed, and during its last year we imported \$1,813,000,000

worth of goods, or, say, at the rate of \$18 per capita annually.

The present estimate will give us importations of over \$30 per capita, or nearly \$60 by way of displacement. Per capita imports will thus have increased 67 per cent while population has increased about 10 per cent. Certainly this favorable balance will be stretched to the limit to pay off so-called invisible balances, build hospitals for the pseudopsychologists from France, succor the starving but militant Russians, enrich longhaired European musicians, their rotund opera singers, their scantily attired muscle dancers, and their anemic painters, without all of which art would stop short of the cultivated sort in these days of old "King Bunk."

turn now, Mr. Speaker, to a somewhat cursory review of industrial conditions as we find them five months after the restoration of the protective-tariff policy, and I include the farmer, whose industry is such that certain strikers who recently invaded the farming belt to work while their affairs at the factories were in a position of stalemate, were mighty glad to get back in the mills on any reasonable terms because they found life on the farm too all-fired industrious.

I have said that the renascence of American industry is under way. No one who scans the reports which daily come thronging in will find it worth while attempting to disprove that statement.

Steel is frequently referred to as the barometer of the The census reports dealing only with those Nation's business. establishments which operate blast furnaces, steelworks, rolling mills, forges, and bloomeries show that under the four years of the Payne law there was a steady growth in production of this industry from 26,000,000 long tons in the calendar year 1910 to over 31,000,000 in 1913.

In 1914, notwithstanding the advantage accruing to this industry by five months of war orders, production fell off nearly 10 per cent. During the war years, from 1915 to 1918, inclusive, it averaged 41,000,000. It reached peak in 1920 with 42,000,000 long tons. In that year Germany was still out of the competition, Great Britain was harassed with labor troubles, and there was a large demand for building and ship construction materials abroad. Our exports that year totaled \$1,113,000,000. but in the same year our imports reached \$50,000,000, which in itself had a very material effect on the domestic production of the ensuing year, when it fell to less than 20,000,000 long tons. Last year, as the country settled down to a realization that protection was to be restored, steel production again began to increase

According to the most recent report, unfiled orders on the books of the United States Steel Corporation on January 31 showed an increase of 165,073 tons over the preceding month. Orders on books were 6,910,776 tons against 6,745,703 tons a year ago. It may also be compared with the 3,800,000 at the close of the first quarter following the passage of the Underwood law in 1914, and with the 6,000,000 tons the first quarter following the passage of the Payne law in 1909.

From Chicago comes the report that the steel mills in that district are practically sold out for the second quarter of the year. Youngstown, Ohio, reports a large number of furnaces blown in which had been idle since November, 1920. Duluth

steel mills, closed last winter, now employ 3,500.

Here is an industry which employs easily 500,000 men when operating at normal, at wages undreamed of abroad, and with a high capacity for the consumption of agricultural products. The iron and steel industry, as a whole, employs nearly 1,600,000 hands. The reports show that, whereas the mills have increased production to about 90 per cent of capacity, they find labor an unknown quantity. Despite an advance of wages last September the steel mills are finding it difficult to secure sufficient help. Says the Chicago report:

While steel makers in this district are confronted with a tremendous demand for steel on all sides, operations are not being increased because of a shortage of labor and the uncertainty of the fuel situation.

Similar reports come from the Pittsburgh region. Steel is protected to-day and as a barometer it records fair weather for the entire country.

The tin industry is one of the prize creations of the protec-

produce about \$520,000,000 of revenue the first full year of tive policy. McKinley put it on the map in this country and

the free traders have tried several times since to break it up. In 1919 it produced 3,200,000,000 pounds of tin and terne plate. Prior to 1890 we were entirely dependent upon Great Britain for our supply. If you will read the hearings of just 83 years ago, you will be amused at the fears expressed by the canning industry, which implored McKinley not to protect tin plate, declaring such an act would completely ruin the canning business in this country.

In 1889 we had imported 728,000,000 pounds of plate. We were taking three-quarters of the British supply. Strangely enough, one of our largest consumers of tin plate, the Standard Oil Co., was obliged recently to depend upon British plate again, and that company made a huge purchase of British tin plate to be brought over here in its own boats and made up into oil cans for shipment to the far corners of the earth. And why were they obliged to purchase abroad? They wanted to purchase at home, and they are still in the market for the commodity, but the fact is the tin plate manufacturers are completely sold up and they are unable to meet the require-ment of the Standard Oil at this time. What a testimonial that is to the prosperity of that industry!

As for the canning industry, evidently their fears failed to materialize, for in 1919 it counted 72,000 wage earners, \$290,000,000 of invested capital, and it was buying \$320,000,000 worth of materials. And, what is more important, they are getting tin plate for their cans to-day far cheaper than they were buying it when the British held the monopoly. That is what protection has done for the tin-plate makers and the tin-

Let us consider the automobile industry, which has so rapidly forged to the front that it now ranks second to the steel industry in this country. Something like 2,500,000 workers make their living from this vast business directly or indirectly. Says an authority on the subject, Mr. Hubert McDonnell:

Twelve million cars and trucks is the point of saturation for new cars for new users, which but a few years ago was freely conceded by many authorities but is now admittedly too small. How many vehicles the country can use we do not know, but it looks like 16,000,000 to 18,000,000 at least. Possibly 600,000 new users were added to the list in 1922 without much farmer buying. Possibly that many more may be gathered into the fold this year, especially as rural purchasing power is gradually improving. * * It is estimated that 1,800,000 cars and trucks will be needed this year for replacement.

The Copper and Brass Research Association after a careful survey predicts that 1923 production will reach 2,800,000 cars and trucks, which will account for 120,000,000 pounds of copper on the present basis of the copper content in the stock car. grand total of copper consumption chargeable to the automobile industry for 1923 is 135,000,000 pounds. At this point I call attention to the fact that since copper manufactures were given protection there has been an increase of business and mines formerly closed are now reopening.

The lumber industry gives employment to thousands of operatives. How is it responding to the prosperity gong? The National Lumber Manufacturers' Association recently reported that the lumber movement continued at a high level:

Production, shipments, and orders, especially the last two, show large gains over this period for last year, and the first five weeks of 1923 overtop those weeks of 1922 by about 60 per cent in orders and shipments and about 12 per cent in production.

The American cotton textile industry is one which the British manufacturers, personified by Cobden, have attempted for a century to destroy. In more recent years other nations have joined in the attempt, and they have been ably assisted by the free-trade enemy within our gates. In 1832 Senator Hayne, of South Carolina, that prince of free traders, declared:

If trade was free the goods manufactured in this country would be imported from England and paid for in our cotton, but in cutting off the imports you, of course, to the same extent diminish our exports.

But the southern cotton manufacturers have long since repudiated the Hayne idea, and they were as insistent as their New England brethren for protection to their industry in the present law.

The Fordney tariff law gave to the cotton manufacturers what the majority of us believed to be a fair measure of protection. How has the cotton industry responded to that law? I let the Census Bureau speak for me:

ACTIVE SPINDLES PASSED 35,000,000 MARK IN JANUARY FOR FIRST TIME—MONTH'S CONSUMPTION, 610,375 BALES—CENSUS BUREAU DECLARES GROWTH OF INDUSTRY IN COTTON-GROWING STATES IS RESPONSIBLE FOR INCREASE.

Washington, February 14.—Cotton manufacturing showed greater activity during January than at any time in the history of the industry. The number of cotton spindles active during January passed the 35,000,000 mark for the first time, the Census Bureau's monthly report, Issued to-day, showing the number to have been 35,240,853.

Consumption of cotton during January totaled 610,375 bales, which bas been exceeded only twice heretofore—in March, 1916, when 613,754 bales were consumed, and in May, 1917, when 613,412 bales were used.

GROWTH OF INDUSTRY.

The growth of the cotton-spinning industry in cotton-growing States is largely responsible for the increased activity. In January cotton-growing States consumed more cotton than in any month in their history, and the number of active spindles was larger than ever before. Active spindles for the whole country increased from 30,359,843 in January, 1913, to 35,240,853 in January, this year, while in the cotton-growing States the number increased from 11,740,465 to 15,966,294. Consumption of cotton in the same period increased from 533,743 bales to 610,375, the cotton-growing States' consumption increasing from 278,504 bales to 384,019.

COTTON CONSUMED.

Cotton consumed during January amounted to 610,375 bales of lint and 49,804 of linters, compared with 527,945 of lint and 49,078 of linters in December and 526,698 of lint and 13,626 of linters in January

linters in December and 526,698 of lint and 13,526 of linters in January last year.

Cotton on hand January 31 in consuming establishments was 1,986,605 bales of lint and 143,415 of linters, compared with 1,921,295 of lint and 123,104 of linters on December 31 last and 1,668,668 of lint and 172,341 of linters on January 31 last year, and in public storage and at compresses 3,481,689 bales of lint and 45,821 of linters, compared with 4,074,945 of lint and 38,103 of linters on December 31 last and 4,621,708 of lint and 132,963 of linters on January 31 last year.

Cotton spindles active during December numbered 35,240,853, compared with 34,968,440 in December and 34,441,419 in January last year.

Imports and exports not available.

Let us glance at the silk industry. Appearing before the Ways and Means Committee on February 3, 1921, the official representative of the Silk Association of America said of the Underwood law:

If any demonstration was needed of the danger of this competition (Japanese and Italian) it has been amply proved under the operation of the Underwood-Simmons bill. It has amply demonstrated that fact.

And referring to the free-trade policy in general, he de-

The fallacy of the old free-trade attitude that a country should produce only those things which most readily were produced in its economic condition was never more thoroughly demonstrated than in the case of the silk industry in the United States.

Here is an industry which can take care of 125,000 operatives if it can get them. A short time ago the Second International Silk Exposition was held in New York. It was visited by more than 200,000 people and declared to be "the most beautiful than 200,000 people and declared to be "the most beautiful exposition of art, industry, and general spectacular magnificence ever witnessed in the history of the world." Mr. Augustin, president of the Silk Travelers' Association, declared:

The activity that developed within the past year has turned into prosperity, and I believe that good times are here to stay for a long time. On all sides we have evidence of increasing demand for raw material, labor, and finished products. * * * The railroads are preparing to carry the largest quantity of freight in their history, and this will include the largest quantity of silk goods the country has ever produced because the silk looms of America will be called upon to produce a full cancelity. duce at full capacity.

In Paterson, N. J., the silk manufacturers are confronted with a shortage of labor. They can not get enough men to put out their orders. "The greatest problem faced by the silk industry of Great Britain is a lack of protection," declared the British delegate to the exposition. Thanks to the Republican Party our silk manufacturers do not have that problem to wrestle with now.

The wool mills have taken up the song. They have been somewhat handicapped by labor disputes, but the skies have brightened and the shuttles are breaking records. In the western market sales of knit goods are active. Wool stocks can not keep up with the demand. Total reported stocks of domestic raw wool in dealers' hands 10 days ago were almost 50,000,000 pounds less than in September. A New York trade paper reports-and I hope those who phophesied increased clothing costs will note-that:

Judging by the opening prices of the American Woolen Co., an organization which is the pacemaker for the market, it can scarcely be denied that there are plenty of fabrics to chose from which will enable the clothing producer to put out a substantial suit at from \$25 to \$30.

Again this paper says:

Again this paper says:

In the men's division of the woolen market, the talk during the past week or 10 days has centered on the subtle propaganda that is being pushed assiduously by certain clothing interests to create the impression that, owing to advances in the price of cloths, suits and overcoats will cost from to \$5 to \$10 more next fall. Any impartial observer who cares to study the opening prices of the mills must inevitably reach the conclusion that the latter have almost unanimously named prices that were not anywhere near the figure which had been anticipated. The propaganda of the clothing men is therefore regarded in the woolen market as being wholly uncalled for and insidious.

And so it goes, Mr. Speaker. I could spin the tale of industrial and agricultural rebirth until my hearers were weary and the enic had taken on the proportions of a tome. Reports of

the epic had taken on the proportions of a tome. Reports of revitalized industry are coming in so fast that it is well-nigh impossible to keep up with them. In fact, I have depended very largely for the information I have received upon the New York Journal of Commerce, which in the main is journalistically sound and almost without exception editorially inconsistent.

The Journal's own news sheets over a period of two weeks in which this information was carried have given the lie to almost everything its editor has said in derogation of the Fordney law.

I preface my remarks on the agricultural situation by quoting from a recent summary of the Department of Agriculture

surveying 1922, which-

showed that in the case of all but 5 of our 31 major crops output was greater than in 1921. The volume of these 31 crops was 7 per cent larger than in 1921; and as the December 1 farm prices averaged 25 per cent higher than a year ago, the total value, \$7,500,000,000, was about one-third more than in 1921.

1922 PROFITABLE IN LIVE STOCK.

The growers of live stock generally also had a profitable year. The cattle feeders of the Corn Belt bought their lean cattle in the fall of 1921 at very favorable prices and marketed their fat cattle at unusually high levels, so that for them conditions were just the reverse of those of 1921.

In the range situation 1922 showed little improvement over 1921. Prices of range cattle little more than held their own. During the period of inflation western growers speculated heavily in cattle, mostly on borrowed money. Cattle bought in the early autumn of 1920 and sold in the autumn of 1922 did not, after being kept two years, bring the upset price despite the heavy liquidation in cattle during this period. These growers were still in a precarious condition and in the autumn of 1922 forced liquidation of immature cattle and breeding stock reached unprecedented proportions.

There are indications, however, that the worst is over for this class of farmers and that the coming year should show decided improvement. Beef consumption is on a much healthier basis than a year ago, and the terrific liquidation should bring about a better balance between supply and demand.

RECOVERT IN SHEEP AND WOOL.

RECOVERY IN SHEEP AND WOOL.

The recovery in the sheep situation in 1922 over that of the preceding year was truly remarkable. The 1922 wool clip and lamb crop brought record peace-time prices. It is conservatively estimated that there was a 35 per cent falling off in the flocks. It is not strange, therefore, that prices of breeding sheep were more than doubled. This advance greatly improved the sheep grower's credit standing at the

Bear in mind in this connection that the emergency tariff law went into effect May 27, 1921, carrying protective rates on practically all farm products. According to the department, live stock in the United States—cattle, hogs, and sheep—were appraised at \$2,973,000,000 in 1922 and \$3,323,000,000 for the present year, an increase of nearly 12 per cent.

While we are considering the tariff and its effects in promoting the prosperity of the farmer I desire to quote from a recent statement of Mr. David Friday, president of the Michigan Agricultural College, who exhorts the farmer to cater to the domestic market instead of flying to evils that he knows not of

in foreign fields. Says President Friday:

in foreign fields. Says President Friday:

The best evidence available indicates that the total wages and salaries paid by Government and by industries other than agriculture amounted to \$38,000,000,000 for the year 1920. They fell in 1921 to \$30,000,000,000. They can not be less than \$33,000,000,000 for the year 1922, and will probably be larger in 1923. It is doubtful whether these payments ever were as large as \$18,000,000,000 in any pre-war year. The purchasing power of the inhabitants of our cities and towns is therefore adequate to absorb a large volume of agricultural products at prices materially higher than those of the pre-war period.

Nor do wages and salaries constitute the entire income of the people living in the cities and towns who buy and consume the products of our farms. They are less than three-quarters of that income. Rents, interests, and profits make up another \$12,000,000,000 of income of the urban dwellers. When this is added to the wages and salaries we have a total spending power in our cities and towns of \$45,000,000,000 for 1922. It prosperity continues for 1923 it will amount to even more.

The greatest foreign market that the food producers of this

The greatest foreign market that the food producers of this country ever enjoyed was in 1919, when the war-swept pantries of the European powers had to be replenished biding the time when they could make some shift for themselves. That year we exported \$2,641,000,000 worth of foodstuffs, crude and prepared, and food animals. At the rate business is booming it is wholly probable that by the middle of the current year, certainly by the end of the year, the purchasing power of those employed in industries other than agricultural will exceed by twenty times our exports of foodstuffs in the banner year 1919. Is any man so brain stricken as to believe that the farmer can be cozened into abandoning his domestic market, a prey to free trade, while he goes on the still hunt for foreign markets to take its place?

In the Saturday Evening Post for February 10 one of those "economic experts," with which the country is at present cluttered, makes this statement:

That a high protective tariff on manufactured goods is not to the interest of farmers, whose products are largely sold on the basis of prices fixed in international markets, ought to require no argument by this time. * * Yet farmer Republican votes two years ago elected the Congress which coolly enacted a tariff law carrying rates even higher than those in the Payne-Aldrich bill. Many farmer Representatives in Congress voted for the last tariff bill.

I have discussed the rates of the present law, and have shown the falsity of that statement. It is just such statements as these, made by half-baked students of the tariff who never had a callous on their hands, which characterized the campaign against the Payne tariff law.

As for the assertion of this gentleman that the farmer's prices are fixed in the international markets, is any farmer in this land ninny enough to believe that the \$15,000,000,000 worth of farm products raised in 1919 had their prices set by international markets, when exports of foodstuffs were \$2,500,-000,000? When did the tail was the dog? What does happen is, that when the domestic market is flooded with cheap foreign foods the prices which the American farmer receives at home are depressed.

Mr. Speaker, it has been the classic argument of the opponents of protection that if we could not produce a commodity in this country as cheaply as it could be produced somewhere abroad, then the domestic producer should quit and go into some other line of business, just what is not stated. I have often wondered how that would work out in actual practice, but I have never heard it intelligently discussed. Let us consider

the proposition for a moment:

Taking some of our basic industries as they existed in 1919, I find from the Statistical Abstract for 1921 that there were 447,000 wage earners in the cotton goods, lace, and small wares industries, earning \$369,000,000 in wages. The capital employed totaled nearly \$5,000,000,000, the cost of materials came to \$1,315,000,000, the value of products was \$2,200,000,000, and the value added by manufacture, \$880,000,000. can produce these goods more cheaply in Great Britain, Germany, and Japan, so we will wipe out the American cotton manufacturing industry and send the workers on their way.

In the silk-goods industry are employed 127,000 hands, earning \$108,000,000; capital employed, \$533,000,000; value of products, \$688,000,000; value added by manufacture, \$300,000,000. But they can manufacture silk goods more cheaply in Japan, China, France, and Italy than we can in the United States, so we will pitch the silk manufacturers into the silken free-trade web of these foreign producers and go out of the silk business,

leaving the operatives to find some other work.

In the woolen and worsted industries we employ about 170,000 hands, earning wages totaling about \$174,000,000; capital employed, \$856,000,000; cost of materials, \$700,000,000; value of products, \$1,118,000,000; value added by manufacture, \$418,-000,000. Wool consumption averaging nearly 600,000,000 pounds is about their average when busy. In 1919 we had about 49;-000,000 sheep, valued at \$568,000,000, and produced 314,000,000 pounds of wool. But they can raise wool more cheaply in Australia, South Africa, Argentina, and Uruguay, and they can make it up into clothing more cheaply in Great Britain, Germany, and Belgium; so we will strike out protection and decide that the American sheep and the American wool mill do not belong to our scheme of things.

To these three industries we may add the knit-goods industry, employing 173,000 wage earners, receiving \$125,000,000 in wages; capital employed, \$516,000,000; cost of materials, \$427,-000,000; value of products, \$713,000,000; and value added by manufacture, \$286,000,000. Unravel the knit-goods industry.

It is an outlander.

The printing and publishing, book and job industry employs 123,000 operatives, earning \$141,000,000, cost of materials \$211,-000,000, and value of products \$598,000,000. But they can handle that work cheaper in Europe, so we will put that in the discard and feed ourselves to surfeiting on European propaganda.

The tobacco business employs 157,000 hands, earning \$124,-It purchases \$483,000,000 worth of materials, and the value of its products is \$1,013,000,000. With respect to this industry our southern Democrat friends are singularly silent, but logically it should go with the rest and be consigned to the scrap heap, since there are other countries which can produce more cheaply; therefore tobacco is an exotic in the United States.

Our total sugar crop in 1919 was valued at \$162,000,000: tatoes, \$639,000,000; wheat, \$2,074,000,000; corn, \$3,508,000,000; farm animals, excluding sheep, \$8,300,000,000; orchard fruits, \$431,000,000; grapes, \$95,000,000; subtropical fruits, \$115,000,-000; nuts, \$30,000,000. But Cuba has the edge on us in producing sugar and subtropical fruits, Canada on wheat, Bermuda on potatoes, Argentina on corn and farm animals, Spain and the Orient on nuts and peanuts, and some other countries on orchard fruits. So what right have we to continue in such business? According to our free trade friends, to continue in such industries is to perpetuate economic heresy.

There were over 9,000,000 wage earners in the manufacturing industries in 1919, earning \$10,500,000,000 in wages, and those industries purchased \$37,000,000,000 worth of materials, the value of their products being \$62,000,000,000. This does not include the so-called "white-collared" worker, the banker,

the professional men and women, and countless others who are the professional men and women, and countiess others who are next to feel the pinch of hard times when the mills close down and the laboring man steps out. But, altogether, the incomes of these people go to make up the \$45,000,000,000 referred to by Mr. Friday, and when those incomes are cut the purchase of farm products is cut. Free trade is like a knife on the protective insulation of a cable. The moment you cut through the protection you short-circuit the entire system, and the fuse at the Treasury Department blows out in the form of a bond issue.

What would have become of us, Mr. Speaker, if the free trade party had had its way in 1897, or even in 1909? Talk about who won the war! Why, protection won the war! From July 1, 1914, to December 31, 1918, we exported over \$22,000,000,000 worth of crude materials, farm products, and manufactured goods, and the great bulk of that vast amount was consigned to Europe. They had no adequate commissary but ours, and since an army moves on its belly the Allies could not have moved-they could not have maintained their groundwithout our food supplies. They would have been powerless without our titanic mill development. We struck like the hammer of Thor and they directed the blows, as long as we were noncombatants.

The imperial war lords were thoroughly cognizant of that fact, and that was why they attempted to rule us off the Atlantic. It was common gossip and was admitted by England that she would starve in two weeks if the lanes of supply from the United States were closed. The repeal of the corn laws in 1846 had reduced her to the extremity where she could not feed her insular population in time of peace let alone war and the

colonies cut off.

Had the Democratic tariff policy prevailed over any length of time the opening of the war in Europe would have found us utterly incapable of meeting the demands of the Allies for food and munitions, and I prophesy the day will come when some future Creasy will declare that the economic strength of the United States was the dominating factor which prevented the Hun from overrunning Europe and perhaps the world. That strength was nurtured and developed by the protective-tariff policy which, with two slight interruptions, had kept its vigil over American industry ever since the Civil War. That should be our justification, Mr. Speaker. That should be our pride: That we were able to reinforce the Allies with our substance and strengthen their arms. But to argue the success of free trade by pointing to the profits taken from the hell of war creates a stench in the nostrils and a positive disgust for the political sophist who is driven to such an expedient.

Placed under the yoke of free trade for a decade and we would practically be without sheep and wool, one of the most necessary commodities for our soldiery. Dependent in large measure upon Australia for our wool, we would find ourselves in dire straits in case of war with an oriental power, which I pray will never come, but which is not beyond the range of possibility. And to carry the free-trade principle and the argument which supports it to its logical conclusion, we would revert to mere hewers of wood and drawers of water. In that way we would conserve the potential wealth of the United States for the aliens of the earth who, under the ægis of internationalism, might be invited into the New World to gorge themselves at a banquet board from which we had been debarred. I for one shall countenance no

such national sacrifice.

Mr. Speaker, if there is one thing on earth which is satisfying to the average employer it is to be able to give a job to a man who is willing to work and needs employment. Picture Uncle Sam as the boss of the greatest industrial establishment in the world, of which the Government service is the clerical force. And picture him with his wheels blocked, his furnaces blown out, his spindles silent, his plows rusting, his mines flooded, his rails warped under the blight of free trade. A man comes to him and demands work, because "in the sweat of thy face shalt thou eat bread." And Uncle Sam replies, "I am very sorry, my man, but my stockholders have placed in charge as foreman of the works the free-trade party. He has been given complete authority for four years, at least, to conduct the plant as he sees fit. He has seen fit to cut down its output-eventually to close it out-believing it is wiser to purchase our textiles, our steel manufactures, our farm products, and everything we need to make life worth while from foreign nations. I can not give you a job and will not, for he is retrenching on output.

What would that man think? If he thought at all, he would suddenly make the discovery that he was a partner of Uncle Sam; that it was a majority of just such as himself who had put the foreman on the job and himself off the job. And he would say at the first opportunity, "Here, Mr. Foreman, you get out. I want my job back, and you are keeping me out of it." And that is exactly what he said in 1920.

I wish to refer now somewhat briefly to the style of campaign that is being waged against the present tariff law with a view to returning those to power in 1925 who, like the Bourbons, "learn nothing and forget nothing," and who will revert to free trade as readily as the dog is turned to his vomit.

In the fall campaign of last year the Democrats spread the falsehood that the new tariff law would mulct the Ameri-can people of \$4,000,000,000 annually. There were no authentic figures on which to base such a statement, and none could be produced. It was simply a bald statement. A short time ago the New York World, which almost daily repudiates the caption of its editorial column, scaled this amount down to \$3,000,000,000, a revision downward of 25 per cent, without ryhme or reason for the figure given. Still more recently another of those "economic experts" who spring from the head of the Democratic donkey full panoplied with statistics which are almost solely the fruit of introspection, declared that the tariff law means an additional tax to the people of \$1,715,000,-000 annually, and that producers of protected farms gain \$125,-000,000 through protective duty rates, but they are set back \$95,000,000 by increased cost of imports, leaving but \$30,000,000 as their gain.

The purveyor of these nonsensical figures set down in "Who's Who" as a Democrat. Not one of the three sums mentioned has the slightest scintilla of fact for its foundation, and the farmer who permits his credulity to accept them is lending himself to a wicked propaganda which, if successful, will work

to his undoing.

Working hand in hand with these "economists" is the president of the National Drygoods Association, who was recently reported in a local paper as predicting that the average farmer and his family will not be much of a tariff beneficiary. Straus," says the reporter, "is in a position to obtain very accurate information on the subject. His association is probably the greatest distributing organization on earth. Its 2,000 members employ 400,000 people and purchase \$2,250,000,000 worth of merchandise yearly." I dare say they do, Mr. Speaker, and I dare say among their membership will be found most of those concerns which make up the importers' combine to which I have referred. And I make bold to say that they would be glad to purchase that entire \$2,225,000,000 worth of goods from Europe and bring it in free of duty and continue their netarious 2,300 per cent gouging of the American people. And I am confident that the Secretary of the Treasury is in a position to obtain very accurate information on the subas he did last fall, as I have shown heretofore. And I pause to ask what percentage of that great purchasing power of merchandise represents farm products?

These people have no primary desire to sell to the farmer. What they do is to shake the urban dweller down for all they can get and then pass their surpluses on to the small town stores if they can not otherwise dispose of them. They put the thumbscrews on the metropolitan press by threatening to remove their advertising, and they are now seeking the farmer's vote to help them displace American goods with their foreign dress goods and fancy toilet preparations, and the hundred and twenty-two other commodities and more, referred to by the Treasury report. I have indicated what we may expect in the way of imports. To equal the \$1,700,000,000 charge on our people the average rate on the dutiable goods would have to average about 140 per cent. To equal the charge set by the Democratic Party in the late campaign it would have to be

As indicative of the fallacy of such assertions let us cite po-tatoes as an example. Last fall the New York Herald, con-demning the proposed Senate rate of 35 cents a bushel on potatoes, stated that our daily consumption was 1,000,000 bushels. and declared:

On a million bushels of potatoes consumed a day, 35 cents runs up a neat total of \$350,000 or \$127,750,000 annually as a tariff charge to a neat total of \$350, on the American people

Since the law as passed carried a duty of 50 cents a 100 pounds, or 30 cents a bushel, according to such reasoning this should result in a charge of \$110,000,000 annually. A recent crop report of the Department of Agriculture informs us that-

An estimate of the potato stocks on hand January 1 showed a larger quantity, a larger percentage of the crop, and a larger proportion in the hands of the growers than in any of the nine years preceding. Plainly the growers have had extreme difficulty in moving the record-breaking potato crop. The great surplus is in the West. Wisconsin, Minnesota, North Dakota, Colorado, and Idaho have more potatocs on hand than in any recent season, while Michigan. South Dakota, and Nebraska also have unusually large reserves. On the other hand, Maine has less than in any one of the past five years, while New York and Pennsylvania have only about an average quantity on hand. Thus the situation favors the eastern holders. Because of the light supplies within easy shipping distance, eastern markets have shown a much stronger tendency than western. Shippers in the Rocky Moun-

tain section have been selling No. 1 sacked potatoes at 40 cents per 100 pounds f. o. b., while the Great Lakes regions quoted around 60 cents, and western New York and northern Maine 90 cents to \$1. Prices paid to growers were still less, ranging from 15 cents per bushel in the Rocky Mountain section to 45 cents in western New York.

Certainly the growers are not adding that 30 cents a bushel duty to their prices, and it is equally apparent, when the cost of handling is considered, that the shippers have not added 50 cents a hundred to theirs. The law of supply and demand has thoroughly punctured the argument of added duty, and what applies to potatoes applies to other commodities. When I pay 20 cents for one Idaho baked potato at a first-class hotel I do not blame that price to the 30-cents-a-bushel tariff. Any man who had even the eye of a potato would see the asininity of the assertion that the duty on an imported article is unconditionally added to the price of the domestic article with which It competes. The fact is that by giving the American producer a chance to compete the foreign importer will be compelled to stop gouging the public.

Mr. Speaker, no tariff law was ever framed that gave complete satisfaction to all concerned. This one is no exception. In the turmoil of compromise—and nearly all legislation is compromise—there must be some who think they did not get that to which they were justly entitled. The greatest good to the greatest number is the best for which we can hope.

The present law contains some features with which I am not in sympathy. I believe that we should have protected potash. The assertion that the farmers would have suffered thereby, and which prevailed, is identical with that made its 1890 by the canners. We have untold possibilities for producing potash if the industry can be encouraged and not rendered a victim to German monopoly. The United States Geological Survey, after a complete investigation, has just discovered that there is enough potash in the green sand marks of New Jersey to supply the needs of this Nation for 1,000 years. The survey says:

For more than a hundred years the green sands of New Jersey were dug and marketed for use as fertilizer, and in the late sixtles the quantity so used annually amounted to nearly 1,000,000 tons. With the introduction of prepared fertilizers the green sand mari industry gradually died.

* While several companies have undertaken to produce potash from New Jersey green sand, and some of the companies have marketed small quantities of potash, there are none now actually producing.

In Utah and other parts of the country there are potash possibilities. But the potash duty was thrown out in conference and we reverted to our former dependence upon Germany. The gentleman from New York [Mr. Crowther] recently said:

Of course, just the minute the tariff is taken off an article, naturally the price goes up. We had a great furor here with the agricultural bloc about potash, and they took potash off the tariff list and put it on the free list, and since then it raised 200 per cent in price at one jump and 145 at another, and to-day it is 345 per cent higher.

And it is still going. A cable report recently received by the New York office of the Alsatian Potash Society said there had been a rush on the French mines "for fear that there will be a big advance in the price as a result of the possibility of the German mines not being able to fulfill the orders which they have received." Of course, the substitution of a French they have received." Of course, the substitution of a French for a German potash monopoly is not going to help American consumers, as any American doughboy who has served in France can tell you. It is ridiculous to suppose that the American potash producers, if they had received protection, would have elevated prices 345 per cent. Even had they been disposed to do so, they would have been deterred from such action by the potentialities of German or French competition. But the German and French producers have no fear of the American industry under free trade. Soon after the tariff went into effect it was announced that a German monopoly had made arrangements with its selling agent in the United States to handle the entire German export to this country and to set the price for all the traffic would stand, but if the American producers should start up, the price was to be lowered below our production cost in order to chloroform them again. It is a game of "pussy wants a corner" with the Germans holding the corner and the Americans crowded out. And the Nation is the loser.

I think it was a cruel and inhuman act to place Pima long-staple cotton on the free list. It carried 7 cents a pound under the emergency tariff, and that was good Republicanism. The industry, thanks largely to war prohibition of imports, had expanded from 375 bales in 1912 to 92,561 bales in 1921. The report of the United States Tariff Commission declared last fall "the fine-cloth mills afford the most striking instance of the substitution of the cheaper Pima for Sakellarides during recent months. These mills, when they use Egyptian, require mainly Sakellarides, but their consumption of Egyptian cotton has de-

creased and their consumption of Pima greatly increased." During the second week in February it was reported from Boston that—

The largest cargo of Egyptian cotton ever brought to this country by a vessel flying the American flag arrived here to-day on the Shipping Board steamship Hog Island from Alexandria. It was the eighth cargo of Egyptian cotton to arrive at this port this season. The Hog Island brought 14,380 bales, valued at \$3,500,000. Not only were the vessel's holds filled to the hatch combings, but all her storerooms, the firemen's forecastle, and every inch of available space on the ship was utilized for cargo.

That represented the sacrifice of the Arizona producer to the Egyptian employer of fellaheen labor, and the probabilities are that the American Pima cotton industry will perish in its cradle in order that the progeny of old Tut-ankh-Amen may prosper. The free traders may say "amen" to that, but I will wager that it is not the language used in Arizona. I am inclined to believe that as the Luxor investigation proceeds the Egyptologists will be confirmed in their surmise that it was the late Mr. Tut who decreed the expulsion from Egypt, and that he was dealing with the importers' combine of 33 centuries ago.

I believe we were wrong in not protecting hides. That is a tariff field on which many a long-drawn-out battle has been fought, and to marshal its intricacies would be to burden the Record. But, after all, it comes down to this, that anything which lowers the price which the American cattle producer receives for his product will sooner or later be felt all along the line and not beneficially. The press already reports vast orders being placed in South American countries for hides, and the time is not far off when our hide producers will feel the pinch of unprofitable prices. A compensatory duty on leather manufactures would have satisfied the producers of leather,

and would have injured no one.

I think we would have done well to restore the Payne rate of 8 cents a hundred on imported cement. The American cement industry counts 115 plants with an invested capital of \$310,000,000, employing 36,500 men who are paid \$61,500,000 annually, or \$6.50 a day on a 300-day basis. We placed cement on the free list with the proviso that any country or dependency which placed a duty on our cement should have a like duty placed on cement coming into this country from there. But the evidence adduced was that Canada, particularly in the West, possessed much cheaper labor; free cement will encourage the establishment of mills in Mexico to compete with our mills on that border; and slace the cement factories of Europe were unscathed by war, they will have no difficulty getting into our market, shipping cement in ballast, if necessary. We have invited competition without restriction, and sooner or later we will get it.

In these days, when the international struggle for the control of petroleum sources is so pronounced, I think we might well have afforded some protection to our own producers in Pennsylvania, Texas and Louisiana, California, Oklahoma, and the Middle West. I apprehend the day will come during the life of the present law when we will regret that we free listed this product, for sooner or later the imports from Mexico, Colombia, and other quarters will be cutting the ground from under the American producers.

As for the 50 per cent sliding scale provided for in section 315 of the law, I wish it well, but I have some doubts as to its expediency:

"There is strong likelihood that we have witnessed the last general political revision of the tariff," declares John E. Edgerton, president of the National Association of Manufacturers. "Whatever differences of opinion may arise with respect to rates and schedules in the tariff act of 1922, its administrative provisions represent a great constructive advance. Within a standard established by the Congress, the Chief Executive, upon the investigation and recommendation of the Tariff Commission, may adjust rates within 50 per cent limits to equalize costs of production in our competition with foreign producers. If the validity of the legal principle is sustained, as I have no doubt it will be, and the administrative experiment is successful, as I helieve it must be, the occasion for general political revisions of the tariff is passed."

It seems to me that in adopting this provision we surrendered to expediency a very high prerogative of the House; that, acknowledging our impotence in tariff matters, we "passed the buck." This is but another manifestation of that intense centralization of power in the hands of the Chief Executive which we all deplore but to which we of late years have been all too prone to submit. However, it has been done, and we must hope for the best.

It was my thought, while collecting the data for these remarks, to ask leave to place in the Record the reports made public by the United States Employment Service of the Department of Labor and by other agencies—amazing improvement in the labor situation since the new tariff law went into effect. But the truth is it is well-nigh impossible to keep up with the pro-

The director for the Middle Atlantic district reports cession. that in New York

despite the release of thousands of workers on outside construction who have been absorbed in other lines of trade, a growing scarcity of labor continues to exist throughout several districts in the State. Weather has not interrupted operations in mills and factories, although transportation in some sections has been impeded. Locomotive works and car-building plants are increasing employment, likewise shop repairs and equipment, metal and machinery, metal furniture and wood-working plants, leather and shoe industries, silk mills, paper and printing plants, shipbuilding and repairs, and structural fabricating shops. Cotton and cotton-goods manufactures continue to make gains. Heavy demands for railroad, automobile, and building-material manufactures reflect the unprecedented activity in the iron and steel industry.

In New Jersey shortages of skilled and semiskilled workers.

In New Jersey shortages of skilled and semiskilled workers and common labor obtain in all parts of the State, while the "farmers are calling for help." Pennsylvania can not achieve more than 85 per cent capacity in basic industries for lack of labor. In New England practically all plants are operating full time, and Massachusetts faces a shortage of cotton-mill op-From the mountain district, comprising Montana, eratives. Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada, Director Record states that increased mining activities have caused the supply and demand to become fairly well balanced, with a shortage of certain classes of labor. In California, advancing winter has caused some cessation of work in the construction and lumber camps of the higher altitudes, but "lumber mills continue to operate at capacity and in some places are working double shifts." In Oregon the lumber mills are operating on unfilled orders. It is no longer a question, as it was in 1914 and again in 1921, of what to do with our workers. The question now is, Where are we to find enough of workers. The question now is, where are we to them? Wilson failed to keep them out of war. We have not

Mr. Speaker, as I recall the enervated and narcoticized in-dustries of 18 months ago and compare them with the bustle and activity of to-day I am forcibly reminded of that passage in Tennyson's "Day Dream" picturing the revival, after the "Sleeping Beauty," whom we may take to represent industry, had been kissed by the "Happy Prince," to whom we may as-

sign the rôle of protection :

of protection:
A touch, a kiss! The charm was snapt,
There rose a noise of striking clocks,
And feet that ran, and doors that clapt,
"And barking dogs, and crowing cocks;
A fuller light illumined all,
A breeze through all the garden swept,
A sudden hubbub shook the hall,
And sixty feet the fountain leapt.
The hedge broke in, the banner blew.
The butler drank, the steward scrawl'd,
The fire shot up, the martin flew,
The parrot screamed, the peacock squall'd;
The maid and page renewed their strife,
The palace banged and buzzed and clacked,
And all the long-pent stream of life
Dashed down in a cataract.
O center the last phase of my discussion.

And now to enter the last phase of my discussion, a phase to which but little attention has been paid in all the welter of tariff debate.

Mr. Speaker, for the past few years this country has had an oversupply of those who, while preaching free trade and inter-nationalism, have busied themselves in what they are pleased to call uplift for the farm dwellers and the urban workers. The amount of energy they expend in attempting to foist their ill-digested theories on a long-suffering public is appalling. The amount of real, honest, constructive labor they perform does not, all told, represent sufficient kinetic energy to place one brick upon another. I have no doubt that many of them believe they are carrying out some Heaven-assigned mission. I know that some of them are too utterly lazy to do anything but yammer for a living.

The people of this Nation have little need for the services of

the professional uplifter who is constantly attempting to make the wage earner dissatisfied. Our workingmen are far and away the best paid, best fed, best clothed, best educated, best housed, and best advertised workingmen in the world. Our farmers, though they have experienced much economic suffering, when compared with the brothers to the ox in Europe and

Orient are infinitely better environed.

That great British economist and publicist, J. Ellis Barker, some years ago-before the war-came over here to investigate the conditions of the British operatives in the textile mills of New England and the effect of protection on their livelihood. He reported that without exception every Britisher who counted thrift among his virtues was able to live better, work shorter hours, earn higher wages, and get more enjoyment out of life than he could in England. But the point which interested Barker most was that the British workman could save more money here than he earned in the English mills. And England, next to the United States, pays the highest wages.

Millions of men have come here from Europe, many of them to remain permanently, because of the high wages they could depend on in this country. The glory that was Greece's has wellnigh been restored, economically, by the money sent home by the Greek fruit dealer and the Greek restaurateur. The grandeur that was Rome's has been brought back, economically, by the earnings of South Italians who have labored in our mines and on our railroads. The whole southern part of Italy and nearly all of Sicily are dotted with comfortable little houses erected by men who went to America to "earn-a da mon," The Baltic States, Poland, France, Germany, and the Scandinavias, all have either been benefited by wages saved here and sent back or by the relief of economic pressure caused by emigration to this country. From the Hebrides to Syria, from Finland down to Crete, the influence of the American pay roll has been felt and appreciated. These races came here because of the enlarged opportunities for material welfare. They came because American wages were the wonder of the century-because the share which labor received for Its contribution to the upbuilding and development of this Nation was the largest anywhere received. And the wages we were able to pay were the direct result of the protectivetariff policy. Not America alone has protection built up, but our largess has been distributed over the face of the earth. Under free trade we could not possibly have developed as we have. Any growth which we might have attained would have been a slow, laborious, and painful process had free trade been the rule. And the level of the American wage earner would have been precisely that of the European, offering no temptation to the latter to come here and better his condition.

Of late years organized labor has taken the stand that labor is not a commodity; that no man's toil should be the subject of barter and sale, but that the laborer is worthy of his hire; that he is entitled to just compensation, the highest wage permissible with profitable operation. With that view we have no quarrel. But Gresham's law that "bad money drives out good" has its parallel in a law equally well established, namely, that the products of low wages drive out the products of high wages unless the former are restricted.

We can not, we will not, impose upon our wage earners the pittful standards of Europe and the Orient. And I say to these uplifters that if they must find an outlet for their energies, let it be in those countries where peasantry exists. Let them propagandize the workingmen and the capitalists of the Old World and work to raise the standards abroad to the level of the standards at home, not try to pull American standards down to the level of the European peasant and the oriental coolie, There is the field for their efforts. This is no place for them to foment discontent.

As for the employer class, I say to them: Get down among your men; mingle with them, learn their psychology. Factory absenteeism breeds more envy than landlord absenteeism ever did. Remember the words of Webster:

Labor in this country is independent and proud. It has not be patronage of capital, but capital solicits the aid of labor.

The employers who come into personal contact with their copartners in production are the ones who are least harassed with industrial strife.

And now, Mr. Speaker, I will conclude my remarks by declaring that, all things considered, having in mind the innumerable problems with which Congress had to wrestle, this Fordney tariff law as a protective measure, a revenue raiser, and a stimulus to industry and agriculture is a splendid piece of work. The Republican Party can go to the country with it in the presidential campaign of 1924 in perfect confidence that represents a duty well performed. It presents a defense which is impregnable to Democratic assault so long as the great majority of the people hold steadfast to the principles which they have supported for generations. The Underwood law dragged out a miserable existence of nine years, nearly five of which were years of war embargo. I bespeak for the Fordney law at least a decade, wherein the blessings of peace, protection, and prosperity may be showered upon the most wonderful nation under the sun.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was presented by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On February 26, 1923: H. R. 4619. An act for the relief of the Link-Belt Co., of Philadelphia, Pa.;

H. R. 4620. An act for the relief of Th. Brovig;

H. R. 4622. An act for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer Titania: and

H. R. 6177. An act for the relief of the owner of the fishing smack Mary S. Dolbow.

On February 27, 1923:

H. R. 9049. An act declaring the act of September 19, 1890 (26 Stat., ch. 907, sec. 7), and the act of March 3, 1899 (30 Stat., ch. 425, sec. 9), and all acts amendatory of either thereof, shall not hereafter apply to a portion of the west arm of the south fork of the South Branch of the Chicago River, and for other purposes; and

H. R. 8214. An act to compensate the owners of the American steamship *Vindal* for damages and expenses in repairing the said steamship, and to make an appropriation therefor, On February 28, 1923:

H. R. 14254. An act to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922;

H. J. Res. 418. Joint resolution authorizing the use of public parks, reservations, and other public spaces in the District of Columbia; and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by the Almas Temple, Washington, D. C., 1923 Shrine Committee (Inc.), and for other purposes;

H. R. 3836. An act for the relief of Nolan P. Benner; H. R. 10529. An act for the relief of Harry E. Fiske;

H. R. 13660. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes

H. R. 3461. An act for the relief of Eugene Fazzi; and H. J. Res. 460. Joint resolution accepting the sword of Gen.

Richard Montgomery.

On March 2, 1923:

H. R. 13793. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal

year ending June 30, 1924, and for other purposes; H. J. Res. 453. Joint resolution requesting the President to urge upon the governments of certain nations the immediate necessity of limiting the production of habit-forming narcotic drugs and the raw materials from which they are made to the amount actually required for strictly medicinal and scientific purposes

H. R. 6423. An act to detach Pecos County, in the State of Texas, from the Del Rio division of the western judicial district of Texas and attach same to the El Paso division of the

western judicial district of said State;

H. R. 7267. An act granting permission to Mrs. R. S. Abernethy, of Lincolnton, N. C., to accept the decoration of the bust of Bolivar;

H. R. 9862. An act for the relief of the Fred E. Jones Dredg-

H. R. 10003. An act to further amend and modify the war risk insurance act;

H. R. 10816. An act to fix the annual salary of the collector of

customs for the district of North Carolina;

H. R. 12751. An act to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots) in the State of Arkansas;

H, R. 13032. An act to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County Board of the American Legion, Bessemer, Mich.;

H. R. 13827. An act relating to the sinking fund for bonds and

notes of the United States;

H. R. 14317. An act granting permission to Capt. Norman Randolph, United States Army, to accept the decoration of the Spanish Order of Military Merit of Alfonso XIII;

H. J. Res. 47. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy, at Annapolis, Mr. Jose A. de la Torriente, a citizen of Cuba;

H. R. 1290. An act for the relief of Cornelius Dugan;

H. R. 2702. An act for the relief of J. W. Glidden and E. F.

H. R. 5251. An act for the relief of Ruperto Vilche;

H. R. 7010. An act for the relief of Southern Transportation

H. R. 9309. An act for the relief of the Neah Bay Dock Co., a corporation;

H. R. 6358. An act authorizing the accounting officers of the Treasury to pay to A. E. Ackerman the pay and allowances of his rank for services performed prior to the approval of his bond by the Secretary of the Navy

H. R. 6538. An act for the relief of Grey Skipwith; H. R. 8046. An act for the relief of Themis Christ; H. R. 8921. An act for the relief of Ellen McNamara;

H. R. 11340. An act to advance Maj. Ralph S. Keyser on the lineal list of officers of the United States Marine Corps so that he will take rank next after Maj. John R. Henley ;

H. R. 11738. An act for the relief of Maj. Russell B. Putnam; H. R. 13272. An act granting a license to the city of Miami Beach, Fla., to construct a drain for sewage across certain Gov-

ernment lands:

H. R. 13078. An act granting the consent of Congress to the Hudson River Bridge Co., at Albany, to maintain two bridges already constructed across the Hudson River; and H. R. 14081. An act granting the consent of Congress to the

Valley Transfer Railway Co., a corporation, to construct three bridges and approaches thereto across the junction of the Minnesota and Mississippi Rivers, at points suitable to the interests of navigation.

BELLEAU WOOD MEMORIAL ASSOCIATION.

Mr. VOLSTEAD. Mr. Speaker, I call up from the Speaker's table S. 4552, to incorporate the Belleau Wood Memorial Association, an identical bill having been reported by the Judiciary Committee of the House and now being on the cal-

The SPEAKER pro tempore. The gentleman from Minnesota calls up a bill from the Speaker's table, which the Clerk

will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That Ira E. Bennett, Tasker H. Bliss, Nathalie Boynton, Marie Moore Forrest, Elizabeth Van Rensselaer Frazer, James E. Freeman, Margaret Overman Gregory, Harry V. Haynes, John A. LeJeune, A. L. McChellan, Wendell C. Neville, Frank B. Noyes, John Barton Fayne, Augusta Reath, Alice Hay Wadsworth, John Walsh, and their associates and successors are hereby created a body corporate by the name of "Belleau Wood Memorial Association."

John Walsh, and their associates and successors are hereby created a body corporate by the name of "Belleau Wood Memorial Association."

SEC. 2. That the purposes of this corporation shall be: (a) To erect such buildings and monuments and establish such institutions as it may deem appropriate as a memorial to the men of the American Expeditionary Forces who fell at Belleau Wood and vicinity during the Werld War; (b) to acquire and maintain the whole or any portion of Belleau Wood, Department of Aisne, France, for memorial purposes; (c) to solicit and obtain members; (d) to charge and collect membership dues, and to solicit and receive contributions of money, to be devoted to carrying out such purposes; and (e) to engage generally in work for the benefit of those who suffered during the World War on the side of the allied and associated governments.

SEC. 3. That the corporation (a) shall have perpetual succession; (b) may suc and be sued; (c) may adopt a corporate seal and alter it at pleasure; (d) may adopt and alter by-laws not inconsistent with the Constitution and laws of the United States or of any State; (e) may establish and maintain offices for the conduct of its usiness; (f) may appoint officers and agents; (g) may choose a board of trustees consisting of not more than 15 persons nor less than five persons, to conduct the business and exercise the powers of the corporation; (h) may acquire, by purchase, devise, bequest, gift, or otherwise, and hold, encumber, convey, or otherwise dispose of such real and personal property as may be necessary or appropriate for its corporate purposes, and especially the whole or any portion of Belleau Wood, Department of Aisne, France, to the extent that it may be or become consistent with or permitted by, the laws of the French Republic; and (i) generally may do any and all lawful acts necessary or appropriate to carry out the purposes for which the corporation is created.

SEC. 4. That the Belleau Wood Memorial Association, a corporation heretofore in each year, trans

Mr. GARRETT of Tennessee. Will the gentleman yield for

a question? Mr. VOLSTEAD. Certainly.

Mr. GARRETT of Tennessee. Does this measure create a corporation of the District of Columbia?

Mr. VOLSTEAD. Of the United States.

Mr. GARRETT of Tennessee. I know the purpose of it, and I am in entire sympathy with it, but we have not been accustomed for long years to create any corporation without giving it a situs, and that situs has been the District of Columbia,
Mr. STAFFORD. If I may be permitted, there is existing to-day a Belleau Wood Memorial Association, incorporated

under the laws of the District of Columbia, and it is the purpose to transfer all their rights to these persons named, who are to be incorporated by Congress. They are persons, I assume, who have a local habitat and that in the District of Columbia.

Mr. GARRETT of Tennessee, Some reside in the District

and some in other States.

Mr. STAFFORD. I thought they were mostly residents of the District of Columbia. My acquaintance with them is not as broad as that of the gentleman from Tennessee, but I thought a larger number of names were mostly local people.

Mr. GARRETT of Tennessee. The matter of the place in

This is a which the individuals reside is not of importance. corporation, and it ought to have a situs. I wonder if the gentleman would object to inserting the words "of the District of Columbia "?

Mr. VOLSTEAD. That is what we are trying to avoid. By making it a national corporation the difficulty of securing title to the land in France will not be so great as if it were a Dis-

trict of Columbia corporation.

Mr. GARRETT of Tennessee. The effect of it is merely to give it a citizenship and give it a situs. If you create a national corporation you provide that it may sue and be sued, and where is it going to be sued?

Mr. VOLSTEAD. Wherever an officer can be found.

incorporators want a national incorporation to get this Belleau

Wood, some 150 acres of land.

Mr. GARRETT of Tennessee. I know the purpose of it, and I am in entire sympathy with the purpose. I am also interested in preserving the proper legal situation in regard to this as in all other corporations. The Red Cross is a corporation.

Mr. VOLSTEAD. It could be sued wherever the officers of the company could be found. There is no probability that this concern will ever be sued. The incorporators have secured the money necessary to purchase this property, and it is important to get this through at once because their option to purchase will expire in a few days.

Mr. GARRETT of Tennessee. I understand; the matter has been discussed with me. The purposes are very worthy. Let

us have no misunderstanding about that.

Mr. VOLSTEAD. If it were a commercial organization I could see readily that it might be very important to have a situs, but this is an organization that in all probability will never be sued. If it is sued there will be no difficulty in finding its officers.

Mr. GARRETT of Tennessee. They are incorporated now under the general laws of the District, not by special charter of Congress. All that they desire, and that I am willing to give, is the recognition that comes by reason of Congress pass-

ing a special charter, but the situs ought to be fixed.

Mr. VOLSTEAD. I can not see what difference it makes. If the gentleman could suggest any real reason why it should make any difference, with a corporation like this, which can not carry on commerce in any sense, it might appeal to me. I do not suppose it will ever be sued. Whenever there is any occasion to sue it the officers can be found and suit instituted.

Mr. WOOD of Indiana. This is not a commercial organiza-

tion at all?

Mr. VOLSTEAD. No; not all. It is simply to purchase

certain land and erect a few monuments in France.

Mr. GARRETT of Tennessee. I understand the purpose of it and what they are going to do, and I am in sympathy with it, but what I am talking about is the local situation of a corporation which is created. For whatever purpose it may be created, it ought to have a situs.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. SUMNERS of Texas. I am not entirely clear as to the question in the mind of the gentleman from Tennessee.

Mr. GARRETT of Tennessee. If the gentleman from Texas

will permit me, I do not suppose that this organization will ever be sued or have occasion to sue, but that is not the only question. It is bad enough to create corporations by special act of Congress

Mr. SUMNERS of Texas. That is an objection that I

have always had.

Mr. GARRETT of Tennessee. But if they are created by special act they ought to be given a local habitation as well as a name. This ought to be given a local residence, and that ought to be in the District of Columbia. Would not the gentleman be willing to insert the words "a corporation of the District of Columbia"?

Mr. VOLSTEAD. That would change the character of this

corporation. It is a District of Columbia corporation now.

There is difficulty in securing title to the land sought unless we have a national corporation. The object of this is to give this corporation a national character, so that it will be able to get the French Government to consent to have this land turned over to this corporation.

Mr. HICKS. Is not that the real object—to have a Federal charter so that the French Government will know that they are dealing with a national proposition and not a local organi-

zation?

Mr. SUMNERS of Texas. That is not the matter referred to in the inquiry of the gentleman from Tennessee. tleman from Tennessee simply said by way of inquiry that there ought to be some provision in this act which would locate this corporation at a definite place, a habitat, so that it could be sued there, and so forth. My impression is—and I am embarrassed to discuss a matter without having investigated with respect to it-that in so far as suits against the corporation are concerned, the venue would depend upon the law of the State where the cause of action might arise. This being a Federal corporation, the Federal courts would not, it would seem, acquire jurisdiction under the diversity of citizenship provision. About that, however, I have no certainty of knowledge, because I have never had occasion to investigate.

Mr. MOORE of Virginia. The other day, as I recall, we had under consideration the Federal incorporation of the Texas & Pacific Railway Co. That was a general Federal incorporation, and the original act did not undertake to fix a situs.

Mr. SUMNERS of Texas. Was that regarded as of advantage to the corporation?

Mr. MOORE of Virginia. I am only stating that this bill is

not without precedent,
Mr. GARRETT of Tennessee. Mr. Speaker, I think if the
gentleman will look at it that he will find that even the Red Cross, which was incorporated by special act of Congress, is an

incorporation of the District of Columbia.

Mr. VOLSTEAD. Oh, no; I think not. A number of charters have been granted that are not of the District of Colum-I have had occasion to examine them at different times, and the Supreme Court has practically held in the case involving the Gettysburg convention that we can create a corporation of this kind. I can not see that there is any real objection to it.

Mr. TILSON. Did we not a few days ago attempt to give a local habitat to the Texas & Pacific Railroad Co., fixing Dallas

as its situs, and yet it has a Federal incorporation?

Mr. SUMNERS of Texas. I suggest to the gentleman that as originally drawn that was complained of as being to the advantage of the corporation. I understood the inquiry of the gentleman from Tennessee to be with reference to the position of those who might desire to institute suits against this corporation.

Mr. MOORE of Virginia. The Texas & Pacific Railway Co.

has been sued a thousand times.

Mr. TILSON. That has a national charter, and at the same time without vitiating the national character of it we gave it

a local habitation.

We MILLER. What is the objection to putting in this proposed charter a statement that the office or place of business

of the corporation shall be Washington, D. C.?

Mr. VOLSTEAD. Its principal place of business is going to be in France. It has got to buy the land, erect the necessary monuments, and make necessary provisions for caring for them.

Mr. MILLER. Is not the gentleman of opinion that it is necessary in order to organize this corporation to give local situs, that it should have some office and principal place of business?

Mr. VOLSTEAD. No.
Mr. BLANTON. Would the gentleman object to offering an amendment fixing its home office in Washington, D. C.? That

would cover the point.

Mr. VOLSTEAD. Why, there is no objection except the danger of not passing it at this session. Otherwise I would be willing to amend it.

Mr. BLANTON. Fix the office at Washington, D. C., and

there would be no objection.

Mr. SUMNERS of Texas. I am not sure that if we fix the home office here the board of control would not be compelled to hold, possibly, an annual meeting in the District of Columbia, when it might be more convenient to hold meetings somewhere else. Now, I am not certain, but that would be the only possible objection. In this particular matter it does not seem to be important, because the only contemplated activity is to purchase some property in France, erect monuments, and maintain the property as a memorial. Mr. EVANS. Will the get

Will the gentleman yield?

Mr. VOLSTEAD, I will,

Mr. EVANS. What is the objection to providing in your bill that the corporation as created will have a right to conduct

business in France and in the District of Columbia?

To-morrow Mr. VOLSTEAD. There is not any except this. is Saturday, and to-morrow is the last day for anything to be done. What we will do on Sunday morning will simply be to They have try to close up some little matters here and there. got a very large number of bills on the calendar in the Senate, and I do not want to send the bill back if I can help it, and besides I can not see any reason why this should not pass in this form. The corporation can be sued in any place in the United States where its officers can be found. I ask for a vote.

The bill was ordered to be read the third time, was read the

third time, and passed.

On motion of Mr. Volstead, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. WOOD of Indiana. Mr. Speaker

The SPEAKER pro tempore. For what purpose does the gentleman from Indiana rise?

Mr. WOOD of Indiana. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objec-

tion? [After a pause.] The Chair hears none.

Mr. WOOD of Indiana. Mr. Speaker, in a few hours the Sixty-seventh Congress will be numbered with the things of What it has accomplished and what it has failed the past. to accomplish will soon be a part of the annals of our country. If its success is to be measured by the economic and business conditions prevailing throughout the United States, its place in

history will be an enviable one.

When this Congress was ushered in the country was perilously near a financial panic. Business generally was in a most deplorable state, and the number of idle men and women in the United States at that time was greater than ever before in the history of the country. Samuel Gompers, head of the American Federation of Labor, stated that on April 1, 1921, there were 5,000.000 men and women going up and down the highways and byways of the country seeking something to do. States Government bonds were selling around 83, and all other corporate securities were at a very low ebb. What a change for the better has transpired in the last 24 months!

INDUSTRY AND TRANSPORTATION.

The unprecedented peace-time activity of our American industries would indicate that we are not only supplying the needs of our own people but the needs of outside nations. Never in the history of American industry has there been such productive At first blush this may seem an exaggeration, but an analysis of the situation fully warrants it. Basic industries, such as iron and steel, textiles, leather, and automobiles, are running capacity. Running capacity to-day means from 50 per cent to 100 per cent greater output than running capacity in pre-war times, because during the war practically every basic industry increased its capacity at least 50 per cent and some

doubled their capacity.

If an industry increased its capacity 50 per cent during the war and is now running 80 per cent of its total capacity, it is producing 120 per cent more than it did in pre-war days. This producing 120 per cent more than it did in pre-war days. certainly is clear. Therefore, when statistics show that the United States Steel Corporation is operating 90 per cent of its capacity that indicates a production far in excess of anything ever attempted in pre-war times. Despite this tremendous pro-ductivity, the United States Steel Corporation's unfilled orders increased 165,000 tons during the month of January. Its unfilled orders to-day are approximately 7,000,000 tons, the largest recorded since the war period. This is in the face of the fact that its production during the month of January was 3,717,000 tons, which was the largest output of the steel industry since March, 1920. Pig-iron production for the month of January was 3.230,000 tons, the largest since October, 1920, and within a few thousand tons of its high record made in Septem-

The charge that we are losing our foreign trade is not sub-stantiated by the reports of the Department of Commerce. In quantity and valuation we are leading by far above the level of any pre-war year. The European war began August 1, 1914, one month after the close of the fiscal year. The exports of the United States for the fiscal year ending June 30, 1914, were \$2,364,579,148, while our exports for the 12 months ending December 31, 1922, were in value \$3,831,932,194. So that, from point of valuation, our exports for the calendar year ending last December exceeded the exports of the last year of world

peace by over \$1,400,000,000. We are to-day the greatest exporting nation in the world.

Reports from the textile industry show that it is working at capacity. A statement just issued by the Census Bureau shows that the number of textile spindles in this country in January was the greatest ever recorded, and that the purchase of cotton by the domestic textile industry, notwithstanding the high price, has never before been equaled. Simultaneously with this, and largely because of it, comes the news from business and commercial organizations that the South is experiencing the greatest prosperity it has enjoyed since the Civil War, which means the greatest prosperity it ever experienced.

The total motor-vehicle production for 1922 was 65 per cent greater than in 1921. It was the greatest year in the history of the automotive industry. Every State in the Union showed

an increase in the number of cars purchased and operated. The agricultural sections were the biggest buyers, the States in those sections showing gains over 1921 of from 7 per cent to 15 per cent in the number of motor vehicles registered. Data issued by the American Automobile Association is authority for the statement that the American farmer to-day owns and

operates more motor cars than are owned and operated by all the world outside the United States.

It is estimated that there are 12,800,000 automobiles and automobile trucks in the world. Of this number, 84 per cent, or 10,752,000, are owned in the United States, there being but 2,048,000 owned and operated in all the world outside of the United States.

Nineteen hundred and twenty-two was the largest building year in the history of the United States, but according to the estimates of all authorities upon building construction the year 1923 will far eclipse it. Already contracts are made for construction during the present year in the sum of \$5,116,-600,000. The Federal Reserve Board announced that reports from country-wide sources show the purchase of farm implements during the months of December and January were more than double those of the corresponding months a year ago. The reports of the War Finance Corporation demonstrate in a striking way the fact that the American farmer has weathered the worst storm of economic adversity that has been experienced by this generation. Up to January 1, 41 per cent of the amount of money originally loaned to farmers by the War Finance Corporation had been repaid, and since January 1 the repayments have exceeded in ratio those of any month of

The transportation world is in better shape than it was a year ago. The reports made by the Interstate Commerce Commission for the calendar year 1922 show that class I railroads as a whole, on an average, earned 4.14 per cent on their tentative valuation, as compared with only 3.28 per cent for the calendar year 1921. For December, 1922, an even better showing was made, as they earned at the rate of 5.15 per cent on their valuation during that month. This was accomplished in two ways: First, by a tremendous reduction in operating expense; and, second, by a tremendous increase in the amount of traffic handled. Car loadings during 1922 were the greatest in the history of American railroads. This had to be because during the year 1922 the Interstate Commerce Commission made reductions of rates in thousands of specific cases and in score or more of general classifications.

More cars were loaded with agricultural products during the year 1922 than ever before in the history of the railroads. Loading of grain and grain products alone increased approximately 7 per cent over 1921, the heaviest year previously on record. Live-stock railroad shipments, according to last reports, increased approximately 9 per cent over 1921. Forest products surpassed those of 1921 to a very marked degree. Merchandise and miscellaneous freight, including manufactured products, were considerably higher than in the previous 12 months, viz, 14 per cent above 1921, and approximately 6 per cent over 1920, hitherto the banner year. The total cars loaded with revenue freight during 1922 aggregated 43,713,519, compared with 39,-

347,158 in 1921 and 45,131,188 cars in 1920. The number of freight cars ordered for use in the United States in 1922 amounts to 180,154, the largest total since 1912, contrasting with only 23,446 and 84,207 cars in the years 1921 and 1920, respectively. Locomotives ordered for domestic service in 1922 totaled 2,600, the largest figure since 1918, as compared with only 239 in 1921 and 1,998 locomotives in 1920. Altogether it is estimated the railroads contracted for the expenditure of more than \$471,224,000 during the year for freight and passenger cars and locomotives combined. The average cost of freight cars is now said to be about \$1,700, passenger cars about \$22,000, and locomotives about \$50,000.

It should be borne in mind that this tremendous revival in industry took place during a calendar year that was marked by serious strikes affecting basic industries—the coal strike, the railroad strike, and the textile strike. Had not these industrial disturbances occurred to retard the rapid return of prosperity in industry, our conditions to-day would be better than they are, splendid though they may be.

EMPLOYMENT AND WAGES.

However, it needs no statistics to prove the return of industrial activity and prosperity. That is proved most conclusively by the lack of idle men. Unemployment to-day, except among that chronic class of shirkers who do not wish to work, is un-known in America. Where two years ago the classified ad columns of newspapers were filled with advertisements of men seeking employment, to-day they are filled with advertisements of employers seeking men and offering wages nothing short of fabulous. Newspapers within the city of Washington within the past 30 days have carried advertisements for men in building trades offering \$16.50 a day. A report just issued on February 21 by the United States Department of Labor is authority for the statement that the number of men employed in the automobile industry increased 42 per cent last year and the amount of wages paid out by that industry increased 135 per cent. The number of men employed in the iron and steel industry increased 40 per cent last year, and the amount of wages paid increased 108 per cent. The number of men employed in the leather industry increased over 11 per cent, and the amount of wages paid increased 16 per cent.

The number of people employed in the manufacture of woolen textiles increased nearly 9 per cent and the amount of wages paid increased over 16 per cent. It is known of all men that the coal strike was settled by the operators agreeing to sign a scale that maintained the scale established during the war times and the textile strike was settled by the mill owners agreeing to forego a reduction of wages from the war-time level. Samuel Gompers, president of the American Federation of Labor, is quoted in the public press as stating that on the whole wages are only 5 per cent less than they were at their peak in 1920. Our Democratic friends are fond of asking us to compare conditions now with those of peaceful days under the beneficent reign of Woodrow Wilson. A comprehensive survey of the industrial field, embracing 23 basic industries, employing over 600,000 workers, shows that the average weekly wage paid in these industries in December, 1922, was 101 per cent higher than the wages paid in the same industries in July, 1914. It shows, furthermore, that employment in identical plants at the beginning of this year was 27 per cent greater than in July, 1914.

PINANCE.

The report of the Comptroller of the Currency, issued only a few days ago, shows the aggregate resources of the national banks of this country on December 29, 1922, to have been \$2,031,215,000 greater than on December 31, 1921. The resources of the national banks in each of the 12 Federal reserve districts show a consistent and substantial increase during the year. The total deposits of the banks showed an increase of \$2,345,379,000 for the year. On the other hand, the banks showed a reduction during the year in their obligations of \$446,727,000.

Postal savings showed an increase for the calendar year of

\$569,408,000.

The savings banks and the savings departments of national banks and trust companies showed an increase during the calendar year of \$1,500,000,000 in deposits and an increase of 2,300,000 in the number of depositors.

The total amount of life-insurance purchases for 1922 was in excess of \$9,000,000,000, which represented an increase of \$600, 000,000, or 7 per cent, over the amount purchased in 1921

United States Government bonds have been maintained practically at par throughout the year, for the first time since they were issued. Their desirability as a permanent investment and their value as a marketable security have been increased and stabilized by the arrival at a settlement of the terms upon which Great Britain is to pay her debt, which constitutes 35 per cent of the total amount of foreign loans made by this Government during the World War. Had this settlement not been concluded, it was inevitable that new bonds equal in amount to the loan made to Great Britain would have to be issued, which would have undoubtedly depreciated the value of all United States securities.

BUSINESS CONDITIONS.

The retail business of the country experienced a return to prosperous basis during the calendar year. Reports by such organizations as the large mail-order houses, which serve a

wide and varied trade, show a tremendous increase in sales during the year 1922 as compared with 1921. Ward & Co., of Chicago, one of the largest of such concerns in the United States, showed their gross sales in 1922 to have been 21.6 per cent greater than in 1921. Without exception the holiday business transacted by retail merchants throughout the country last December-was the greatest since 1919. Commercial agencies report during the month of January the number of business failures were 600 less than in January, 1922, while the aggregate liabilities of these failures dropped from \$73,000,-000 to \$49,000,000, a decrease of 20 per cent in the number of failures and of 45 per cent in the amount of aggregate liabilities. And yet our Democratic friends insisted that a Republican administration and a Republican tariff would ruin the country.

All commercial agencies regard the post office receipts as being one of the most accurate indexes of business conditions. Post office receipts ever since last September have consistently shown a tremendous increase, month by month, over the corresponding months of previous years. For the month of January, just reported, the postal receipts of 50 typical cities which are selected by the Post Office Department showed an increase of 18.99 per cent over January, 1922. No cities showed a decrease. Twelve cities showed an increase greater than 20 per cent. It is the highest increase for the month of January since 1913. It clearly indicates that as a result of putting more business in government we are also putting more business on its feet and putting more prosperity in all business.

AGRICULTURAL CONDITIONS.

The farmer is getting on his feet. This is evidenced by the fact that he is paying off his debts—debts held by private banking institutions, debts held by national banks, and debts held by such governmental agencies as the War Finance Corporation. It is proved by the fact that he is coming into the market for agricultural implements. It is proved by the fact that he was the largest single purchaser of automobiles last vear

According to the Department of Commerce, the average price

of all kinds of farm products, including live stock and grain, was 17 per cent higher in 1922 than in 1921.

According to the United States Department of Agriculture's crop report of January 27, 1923, the prices of all kinds of live stock averaged higher in 1922 than in 1921. Lambs averaged \$3.54 per hundred pounds more in 1922 than the average for 1921. Despite the fact the receipts of hogs were over 3,000,000 head, or over 7 per cent more in 1922 than in 1921, the average price of hogs for 1922 was 71 cents per hundred pounds higher than in 1921. The receipts of cattle at public stockyards during 1922 were 3,430,000 head greater than in 1921, an increase of over 17 per cent. It was the largest receipt of cattle since 1919 and has been exceeded only once in eight years. Despite this tremendous supply of cattle, the net advance for cattle for the year amounted to \$1.51 per hundred pounds.

The foregoing detail of facts establishes beyond all possible dispute that our country to-day is in a splendid business and financial condition. The future is full of promise for still greater business activity.

The American people have faith in the policies of the Re-publican Party, and the best evidence of that faith is to be found in the contrast between conditions existing now and conditions existing at the time this administration began.

It is assuring to the public to know that these policies will be continued through the next Congress and so long as the Republican Party is in power, and with a continuance of the Republican Party in power the business prosperity of our country will continue to advance.

EMBASSY BUILDING, PARIS, FRANCE.

Mr. FAIRCHILD. Mr. Speaker-

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. FAIRCHILD. To call from the Speaker's table the bill S. 4594, an identical bill having been previously reported by the Committee on Foreign Affairs and now on the calendar, and move to suspend the rules-

The SPEAKER pro tempore. The Chair does not recognize the gentleman to suspend the rules at this time.

Mr. FAIRCHILD. I call up the bill then. The SPEAKER pro tempore. The gentleman from New York calls up the bill S. 4594 and asks unanimous consent for its present consideration. Is there objection?

Mr. BLANTON. Let us know what it is. The SPEAKER pro tempore, The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 4594) to authorize the Secretary of State to acquire in Paris a site, with an erected building thereon, at a cost not to exceed \$300,000 for the use of the diplomatic and consular establishments of the United States.

Mr. BLANTON. Mr. Speaker, I object.

FILLED MILK BILL.

Mr. HAUGEN. Mr. Speaker, I call from the Speaker's table the bill H. R. 8086 with Senate amendments and ask to agree to the Senate amendments.

The SPEAKER pro tempore. The gentleman from Iowa calls up the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8086) to prohibit the shipment of filled milk in inter-state or foreign commerce.

The Senate amendments were read.

Mr. STAFFORD. Will the gentleman from Iowa explain

the Senate amendments?

Mr. HAUGEN. The Senate amendment strikes from section 1 the words "and such is an adulterated and deleterious article of food and when marketed as such constitutes a fraud upon the public" and inserts in section 2 practically the same language as this stricken out of section 1. It also adds to section 1 this language:

This definition shall not include any distinctive prepared food compound not readily taken for milk or cream or for evaporated or condensed or powdered milk, or cream; provided that such compound (1) is prepared and designed for feeding infants and young children and customarily used on the order of physicians; (2) it is packed in individual cans containing not more than 16½ ounces and bearing a label in bold type that the contents is to be used only for said purpose; (3) is shipped in interstate and foreign commerce exclusively to physicians, to wholesale and retail druggists, orphan asylums, child welfare associations, hospitals, and similar institutions and generally disposed of by them.

The amendments are satisfactory in every respect so far as

Mr. Speaker, I regret that the bill (H. R. 13810) for the improvement of the Mississippi River and control of its floods should come up for passage under the suspension of the rules which bars amendments to it. I had thought, as most of the Members had, that it would be brought in by a special rule which would have permitted amendments to it.

I had intended to offer an amendment to the bill proposing to extend the jurisdiction of the Mississippi River Commission, as concerns the construction of levees, to St. Paul, Minn., which

is proposed in my bill, H. R. 8908.

I am advised that under present legislation the Mississippi River Commission had, up to January, 1921, completed south of Rock Island 2 districts and had 20 others under construction. The largest district has 218 miles of levees, which re-

claims 3,500 square miles of farming land.

My bill provides that Federal aid be extended so as to include all of that area of the Mississippi River that lies between the city of Rock Island, Ill., and the city of St. Paul, Minn. The Federal Government has made a complete and detailed survey of the islands and the river above Rock Island. The main stream of the river averages about 1,000 feet in width, while the distance from mainland to mainland averages, over the same area, about 2 miles. This area between the mainlands consists mostly of islands interwoven by a network of sloughs and ponds that are constantly draining and diverting from the main channels water that ought to be confined to this channel in order to be of benefit to navigation during low stages of water. It goes without saying that these islands and sloughs are of no benefit to navigation, that they are a constant source of worry and annoyance, and if left to themselves may entirely impede navigation. These islands have been estimated to be between 700 and 1,500 square miles in area. Under present conditions not one acre can be depended upon to produce a crop because of flood water, which destroys everything in the nature of a crop. In Crawford County one area that is ready for organization into a reclamation district and awaiting the passage of this bill contains 12,000 acres of the most fertile soil in the world and is capable of raising cereals and tobacco. It is claimed that it can be made to produce from \$300 to over \$700 worth of tobacco per acre each year. It is claimed that every acre can be made abundantly productive by the simple process of shutting off flood waters therefrom-by removing the shifting sands from the river bed and depositing it around the island tracts, thus shutting off flood waters therefrom.

The Federal Government has passed laws for the reclamation of arid lands and, as I have stated, all islands and for the deepening of the channel south of Rock Island, with most ex-

cellent results.

In its plans of deepening the channels by dikes it has taken into partnership the owners of the lands benefited by the opera-

tion, each contributing toward the construction. in every case south of Rock Island the owners of islands contributed toward the building of dikes in liberal sums, besides the landowners paid for the clearing of the lands for tilling where necessary and for the pumping plants. It is now suggested in my bill that the same plan be continued in the improvements of the river above Rock Island. It has proven itself a tremendous success from the standpoint of deepening the channel and making it permanent and at the same time reclaiming large tracts of otherwise waste agricultural land.

Much interest has been manifested in agriculture. We now more than ever realize that upon the tiller of the soil depends the stability and greatness of our Nation-in fact the progress, prosperity, and happiness of our people. In view of the prevailing high transportation rates and the importance of agriculture, naturally we are interested in water transportation and increasing our food supplies. If so, the proposed legislation having for its object the improvement of one of the greatest, if not the greatest, of our navigable streams, to thus furnish transportation at a greatly reduced rate to the producers of the great Northwest and the other to increase production, naturally seems worthy of friendly consideration at this time.

The question was taken, and the amendments were agreed to. Mr. BOX. Mr. Speaker, I ask leave to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full

as follows:

Mr. BOX. Mr. Speaker, H. J. Res. 171, reported by the gentleman from Illinois [Mr. SHAW] for the House Committee on Immigration and Naturalization, is remarkable in several respects. It is remarkable in having been reported by the gentleman from Illinois [Mr. Shaw], who is not the chairman of the committee, and opposed by Hon. Albert Johnson, the chairman of the committee. The gentleman from Illinois [Mr. Shaw] makes the report recommending the passage of the measure. Four other members of the committee appear to be supporting it. The committee is composed of fifteen members, but five members can be, and sometimes are, a majority of a quorum of the committee. Be that as it may, the gentleman from Illinois [Mr. Shaw], reports this resolution for the committee, urging its passage, and seven other members of the committee, including the chairman, joined in the minority views opposing it, which I had the honor to present. In order to advise the House and the readers of the CONGRESSIONAL RECORD of some of my own objections to this resolution, I shall restate them here in almost exactly the same language in which they were stated in that portion of the minority views prepared by me.

This resolution is designed to hide the wrong its proponents want it to do. The only purpose hidden in its indefinite phraseology is to import 30,000 to 40,000 Chinese coolies to the United States Territory of Hawali (hearings, pp. 238, 395, 396, 440) to work as peons and serfs in the fields and mills of the sugar manufacturing corporations and in the abject service of some other associated interests of the Territory. These interests dominate the islands industrially and politically and have so dominated them since before their annexation. Not one person in ten among the inhabitants of the islands is Caucasian. Americans or other white men will not go there and the few who have gone there to work have usually gotten away as quickly as possible. (Hearings, pp. 222-223 (top),

416, 432-433, 546.)

Climatic and industrial conditions in Hawaii are such that the sugar planters and manufacturers and other smaller, kindred interests have no hope of inducing any but miserable coolies, who can be held in semibondage, to endure them. Even the blacks from America or Africa can not or will not

endure the life there. (Hearings, pp. 225, 539.)
The sugar interests of Hawaii are centralized in about 45 strong corporations (hearings, pp. 296-297), whose industrial and political power has been the directing force in Hawaii for many years, and whose interests have prompted most of its important policies and now promote this proposition. prevalence of the financial interests of that dominating group must be recognized by all who deal with Hawaiian problems. Several important developments have attended or resulted from the activities and powers of this group. These and related in-terests have been enormously benefited rather than injured by the relations of the Hawaiian Islands with us and their coming under our laws.

Agriculture and trade: The production of sugar was greatly increased during this reign owing to the importation of laborers from abroad and to the hope of reciprocity with the United States.

(Alexander's History of the Hawaiian People, p. 297.)

Progress of the country to 1890: The development of the resources of the islands under the stimulus of reciprocity with the United States surpassed all expectation. The production of the principal staples of the country—sugar and rice—increased to eight times what it was before the treaty. (Alexander, pp. 311-312.)

The acreage of sugar cane in 1909 was 186,230 and the number of farms growing sugar cane in 1909 was 186,230 and the number of farms growing sugar cane was 1,028, compared with 184 in 1899. The production of cane in 1909 was 4,240,000 tons, compared with 2,239,000 tons in 1899. The value of the sugar crop was \$26,306,000, compared with \$18,63,000 in 1899. The production and value of sugar since 1909 has been, then, as follows: 1910, 518,127 shore tons; 1911, 566,821 short tons: 1912, 595,258 short tons; 1913, 543,220 short tons; and this was valued at about \$37,000,000. The yield of cane sugar per acre is the greatest in the world. About half the acreage planted to cane is irrigated. The development of the sugar industry on a large scale dates from 1875, when the reciprocity treaty, passed in that year, established practically free trade between the islands and the United States. (Int. Ency., vol. 11, p. 2.)

Exclusive of sugar, the value of the manufactures increased from \$4,099,000 in 1899 to \$11,454,000 in 1999, or 179.4 per cent. Nearly all the sugar manufactured is exported to the United States. (Int. Ency., vol. 11, p. 4.)

The cane-sugar production in Hawaii for seven years, beginning in 1913 and ending in 1920, has ranged from 1,056,023,998 pounds to 1,280,863,812 pounds. The production of Louisiana during the same period has ranged from 241,998,400 pounds to 621,799,360 pounds. During the same period the production of beet sugar in continental United States has ranged from 1,385,-112,000 pounds to 1,748,440,000 pounds.

It will be seen that Hawaii produces from two to four times as much cane sugar as Louisiana and from two-thirds to threefourths as much sugar as the beet growers of the United

States.

The financial and commercial interests of this and kindred groups were active in promoting the annexation of these islands to the United States. Alexander's History of the Hawaiian People, published by order of the board of education of the Hawaiian Islands, furnishes much valuable and interesting information on this subject. On page 277 of this work Alexander says:

Alexander says:

Proposed annexation: The history of this reign would be incomplete without a reference to the agitation in favor of annexation to the United States that went on during the years 1853 and 1854. (Although mostly confined to the foreign residents, it was so great as to lead in 1854 to a general belief of the certainty of the event.)

Petitions in favor of it were presented to the King in August, 1856, and in January, 1854. There were at that time strong commercial interests in its favor, and the prospect of it stimulated speculation and led to new enterprises. The missionaries, however, of both denominations were generally opposed to the project, believing that its effects would be disastrous to the native race. But it was favored by the King, as a refuge from impending dangers. He was tired of demands made upon him by foreign powers, and of threats by filibusters from abroad and by conspirators at home to overturn the government.

On page 317 Alexander further says:

On page 317 Alexander further says:

Proposed treaty of annexation: On the 19th of January, 1893, the steamer Claudine was dispatched to San Francisco with five commissioners, fully empowered to negotiate a treaty of union with the United States. They arrived in Washington February 3 and were favorably received by President Harrison. A treaty of annexation was then drawn up by the Secretary of State and the Hawaiian commissioners, which was signed on the 14th. It was laid before the Senate for its concurrence on the 17th, but was not acted on before the end of the session. One of the first acts of President Cleveland after his inauguration was to withdraw the treaty from the consideration of the United States Senate on the 9th of March.

The establishment of the Republic: As all hope of early annexation was now abandoned by the provisional government, steps were immediately taken to establish a republican form of government. A constitutional convention was called to meet May 30, 1894, for the purpose of framing a constitution for the Republic of Hawaii. The convention finished its labors on the 3d of July, and on the following day the Republic of Hawaii was proclaimed, with Sanford B. Dole as its first President. The new constitution was in the main modeled after that of the United States. (Alexander, pp. 818-319.)

The well-known activity of the sugar and other interests for

The well-known activity of the sugar and other interests to carry Chinese coolle, Japanese, and other Asiatic coolie labor to Hawali and the conditions which such policy was creating in the islands, its variance with the fixed policy of the United States, and the menace which the continuance of it would be to continental United States after annexation, probably caused the insertion of the following, which appears in the annexation resolution:

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

Hawaii promptly accepted the provision of that resolution and became a Territory of the United States under it.

The necessity for such a stipulation as a fundamental condition of the union brought about so largely by the commercial and sugar-producing interests of Hawaii, representing the dominating power there, though American people were then, as they are now, comparatively few in numbers, is made plain by a review of the history of the importation of oriental coolie labor to Hawaii in order to get cheap labor for the sugar

fields and factories. These and related interests have always demanded the importation of great numbers of laborers from Asia and other countries.

Asia and other countries.

Immigration.—A bureau of immigration was formed, and in April, 1865. Doctor Hildebrand was sent on a mission to China. India, and the Malay Archipelago to make arrangements for the importation of laborers, to procure valuable plants and birds, and to collect information, especially in regard to leprosy. In July he sent 500 laborers from China under contract with the Government, who were followed by many others. (Alexander, p. 290.)

In 1884 the consent of the Japanese Government was obtained for the emigration of its subjects to these islands under certain conditions. The first company of 956 Japanese sent under this agreement arrived in the City of Tokio February 9, 1885. In six years over 10,000 immigrated to these islands, of whom 1,260 returned to Japan. During 1878 and the next six years about 2,000 Polynesians, malnly from the Gilbert Islands, were introduced into this country. These laborers, as a general rule, did not give satisfaction, and nearly all of them have since been returned to their homes. (Alexander, p. 304.)

After 1876 the Chinese came in great numbers until their immigration was checked in 1886. (Alexander, p. 304.)

As early as 1850 Chinese coolies were imported to work for a

As early as 1850 Chinese coolies were imported to work for a period of five years at \$3 per month in addition to food, clothing, and passage money, the latter being about \$50 per man. Boys were brought to work for \$2 per month for five years, with passage money of \$50 per man and support. "It was estimated by those who employed them that their wages and support would amount to a trifle under \$7 per month." (Hearings, p. 433.)

The proponents of this measure urge that it is necessary as a precaution against the Japanese menace. The very interests which now clamor for the introduction of more Chinese coolies as a defense against the Japanese induced the Japanese to go to Hawaii, as is shown by the above quotation from page 304 of Alexander's History of the Hawaiian People. Many times have these interests resorted to Japan as the source of a cheap labor supply. (Hearings, pp. 536-537.)

From 1885 to 1899 great numbers of Japanese were being carried to Hawaii, their immigration being aided by appropriations from the public treasury of Hawaii. (Hearings, p. 542.)

As late as 1908 the Governor of Hawali wrote to the United States Secretary of the Interior, under date of January 24, 1908, expressing apprehension that the measure then pending mightmaterially limit Japanese immigration; in which case, if the immigration bill does not pass, we shall be cut off at both ends, a result that may prove very disastrous. * * We do not wish to lose the Japanese until we can get Europeans or Americans. (Letter Secretary Hughes, hearings, p. 929.)

The people of Hawaii, like the people of California, have heretofore been alarmed by the menace of Chinese immigration.

ALARM OF KING KAMEHAMEHA IV.

King Kamehameha IV, who was probably much nearer the end of the rule of his people and much nearer the extinction of his race than he then realized, nevertheless foresaw, though with some vagueness, the dire ending of his line and his people. In his speech to the legislature of 1855 he said:

In his speech to the legislature of 1855 he said:

It is to be regretted that the Chinese coolie immigrants to whom has been given a trial of sufficient length for testing their fitness to supply our want of labor and population, have not realized the hopes of those who have incurred the expense of their introduction. They are not so kind and tractable as it was anticipated they would be, and they seem to have no affinities, attractions, or tendency to blend with this or any other race. In view of this failure it becomes a question of some moment whether a class of persons more nearly assimilated with the Hawaiian race could not be introduced to settle on our soil.

A report compiled from the official archives by the libraries.

A report compiled from the official archives by the librarian of the Territory of Hawaii follows the statement of King Kamehameha, with the following:

The wishes of the Government and the employers were not identical in this respect. The Government wanted settlers who would infuse new blood in a declining race; the employers, workers alone, who would be an immediate source of profit. (Hearings, p. 534.)

After 1876 the Chinese came in such great numbers that their immigration had to be checked in 1886. (Alexander, p. 304.) (See also testimony of Mr. Chilton, hearings, p. 764.)

WOULD CURE ONE SORE WITH ANOTHER.

After engaging for some 60 years in the business of bringing tens of thousands of Japanese coolie laborers to Hawaii, and having spent large sums of Territorial moneys thereon, these importers of labor, whose policy conflicted with that of the old King, who was trying to save his race, become much alarmed over the result of their own work in importing labor, and as a method of righting the great wrong and guarding against the menace caused thereby, now propose to bring tens of thousands of Chinese coolies. Our own country, Canada, Australia, and many other countries recognize the peril involved in the measures which this resolution proposes. Our country so clearly recognized it that a special stipulation against it was inserted in the act of union which has been quoted above. However, it is now desired that we forget or violate that provision.

One result produced by this fatal policy and other cooperating causes has been the destruction of the Hawaiian race, which has proceeded far toward its consummation. Small-pox was carried from China to Hawaii in 1881 by tramp stcamers. The use of intoxicants, social diseases, the new life carried to Hawaii from Europe and America, and the continued importation of coolies and kindred laborers from many countries, chiefly Asiatic, has proceeded far in the destruction of the once gentle, happy, and harmless Hawaiian race.

of the once gentle, happy, and harmless Hawalian race.

The first census of the kingdom was taken in 1832 and gave 130,313 as the total population of the islands at that time. Another census was taken in 1836 and gave only 108,000 as the total. By all counts the decrease of the native population at that period was alarming, (Alexander, p. 214.)

No census of the kingdom was taken between 1836 and 1850, but it is certain that the decrease in population was rapid. (Alexander p. 260.)

In 1910 the strictly Hawalian population numbered 26,041. In 1920 it was 23,723. (Hearing, p. 219.)

These conditions indicate that the practical extinction of the race is only a matter of time. (Int. Ency., vol. 11, p. 6.)

Of a population of 255,912 in 1920 only 19,708 were Caucasians.

Of a population of 255,912 in 1920 only 19,708 were Caucasians, of whom only 15,323 were American-born Americans, which is only about 6 per cent of the population. The importation of Asiatic laborers has given the islands a Chinese population of 23,507, considerably more than the Caucasian population, and a Japanese population numbering 109,274, nearly six

times the Caucasian population.

Chinese intermarry and intermix with other coolie and mongrel races freely in Hawaii. Doubtless many of their women will accompany them. In any event, these thirty to forty thousand Chinese coolies will have many thousands of children born to them in Hawaii under the flag and under the Constitution of the United States. Every one of these children will be entitled to remain in Hawaii and to come to the United States. No surer method of introducing great numbers of Chinese coolie laborers into the continental United States can be found than that contemplated by this resolution.

We have enough Chinese now in the United States who have proved that they were born here to make our statistics show that every Chinese woman in the country has been the mother of at least 1,000 children—every one of them. (Hon. Albert Johnson, chairman, hearings, p. 242.)

If Chinese cunning, serving the intense Chinese desire to get into the United States, will enable it to make such proofs as that mentioned by Chairman Johnson, when the supposed births have taken place in America, can anybody set a limit to the number of Chinese who 25 years hence will be able to prove that they were born in Hawaii if we bring Chinese there in blocks of thirty to forty thousand now? The menace which this feature of this measure would present would require its

These coolies are to be held in a state of servitude in violation of the spirit if not the letter of the Constitution of the United States. Hon. John L. Cable, a member of this committee, prepared a statement of the legal difficulties involved in this resolution which he presented to the committee. For lack of space, only a small portion of that statement is copied herein, but the attention of Members is respectfully called to the whole statement, as shown on pages 788 to 790 of the hearings.

I quote from Mr. Cable's statement:

Peonage laws: Peonage is a crime in the United States and has been

Promage laws: Peonage is a crime in the United States and has been defined thus:

"Peonage Is a status or condition of compulsory service based upon the indebtedness of the peon to the master. The basic fact is indebtedness." (Clyatt v. United States, 197 U. S. 207.)

"Peonage Is a crime in the United States." Section 269, the Criminal Code (25 Stat. 1142), provides:

"Whoever holds, arrests, or returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

In section 3944, United States Compiled Statutes, 1918, the law provides that peonage is abolished.

"The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in the Territory of New Mexico, or in any other Territory or State of the United States; and all acts, laws, and resolutions, orders, regulations of the Territory of New Mexico, or any other Territory are State which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service of labor of any persons as peons in liquidation of any debt or obligation, or otherwise, be, and the same is hereby, declared null and void."

and void."

It will be noted that the crime of peonage is complete when a person holds any person to a condition of peonage; that is, according to the above definition, in a condition of compulsory service based on

indebtedness.

indebtedness.

Under the resolution, as drawn, a Chinese not being able to pay his passage would be indebted to some one when he took work in the islands of Hawaii. He would be compelled to continue work of an agricultural nature, because if he left the plantation and went into the city he could be arrested and deported. Debt, therefore, holds him to work.

So far as those 10 provisions are concerned, in my opinion, this resolution would suspend them so far as Hawaii is concerned. Of course, Cengress would have the lawful right to de that, but so far as constitutional provisions being violated is concerned, the resolution could not do that. (Hearings, pp. 789-790.)

The passage of the resolution would enable the sugar interests of Hawaii, who were active in procuring the annexation of that Territory to the United States in order to get their sugar admitted duty free, to have a very unfair advantage over American sugar producers. Neither the cane growers of Louisiana and the South nor the sugar-beet growers and manufactured to the sugar beet facturers of the West could compete with the producers of Hawaii, whose climate and soll give them a great advantage to begin with. If they are furnished a limitless supply of coolie labor, what will become of American producers, whose labor must live like human beings?

The resolution violates a cardinal stipulation of the act of union between Hawaii and the United States. That union was unquestionably in large measure produced by the very interests which clamor for the adoption of this resolution. American statesmen foresaw the danger of such measures as this and stipulated against it in the clause quoted above. Hawaiian sugar producers and commercial interests had already greatly profited by favorable trade treaties with the United States. They have grown more wealthy and powerful since the act of union. They agreed to the stipulation mentioned. They should not now ask for it to be broken

The passage of this resolution might be construed by Japan as authorizing her to send more of her own laborers to Hawaii. In his letter to Chairman Johnson about this bill, Secretary Hughes significantly quotes from the correspondence between the United States and Japan, which, in part at least, embodies "the gentlemen's agreement." This correspondence seems to authorize either Government, Japan or the United States, "if it should be at any time represented that additional Japanese laborers can find profitable employment there," to take such action "that the immigration to follow be limited to the requirements as may be thus ascertained." Japan's letter, which followed, recites that the step removing prohibition against immigration to Hawaii "should only be taken after ascertaining through an American official source the labor conditions prevailing in the islands and the need thereof.'

The two paragraphs of Secretary Hughes's letter, from which these excerpts are taken, the first quoting from the American letter and the second from the Japanese letter, forming a part of the basis of the gentlemen's agreement, read as

follows:

It is noted with pleasure that the present intention of your excellency's Government is to prohibit altogether emigration to Hawaii. As to the future, if it should be at any time represented that additional Japanese laborers can find profitable employment there, it is suggested that the Japanese Government will cooperate with the Government of the United States in ascertaining the true conditions and that the emigration to follow be limited to the requirements as may be thus ascertained, similar inquiry and action to be taken from time to time thereafter at the instance of either Government.

raken from time to time thereafter at the instance of either Government.

The Japanese minister for foreign affairs replied that he was "gratified to find in the ambassador's statement, with reference to the course to be adopted in the event of future renewal of Japanese emigration to Hawaii, substantial accord with the opinion entertained by the Imperial Government, which is that if at any time hereafter it should appear desirable to depart from the present policy of prohibitition, that step should only be taken after ascertaining through an American official source the labor conditions prevailing in the islands and the need thereof." (Hearings, p. 929.)

To pass this resolution means: To violate the act of union between Hawaii and the United

States and abandon the material safeguard which it carries. To make Hawaii still more oriental and less American in

character. It is too oriental now.

It would menace the United States by creating a bountiful source of Chinese immigration into continental United States and the opportunity for much fraud besides.

It would introduce into the United States a form of peonage and servitude which should not be tolerated anywhere under

the flag.

If Hawaiian sugar growers and manufacturers are entitled to a liberal supply of the cheapest and most degraded labor on earth, with what face will supporters of this resolution deny a like supply of cheap labor to the great numbers of Americans who want it?

It is unfair to American beet and cane producers to enable a few favored competitors in Hawaii to enjoy such an advan-

tage over them.

The passage of this resolution or any action taken under it by the President, the Department of Labor, either or all, would seem to be such an official ascertainment of a labor shortage in Hawaii as would justify Japan in sending her laborers there under the terms of the correspondence above quoted. Therefore, those who propose this measure not only propose to admit Chinese coolies, but they probably open the way for the admission of Japanese laborers.

For these and many kindred reasons this resolution should never have been reported by the committee and should not be passed by the House.

EMPLOYMENT FOR FEDERAL PRISONERS.

Mr. VOLSTEAD. Mr. Speaker, I call up from the Speaker's table the House Concurrent Resolution 53 and move to agree to the Senate amendment.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read as follows:

Concurrent Resolution 53, to create a joint committee of the Senate and House of Representatives to determine what employment can be provided for Federal prisoners, and for other purposes.

The Senate amendment was read.

The question was taken, and the amendment was agreed to.

TO EXTEND THE FLOOD CONTROL ACT OF 1917.

Mr. RODENBERG. Mr. Speaker, I move to suspend the rules and pass the following bill which I send to the Clerk's

The SPEAKER pro tempore. The gentleman from Illinois moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13810) to continue the improvement of the Mississippi River and for the control of its floods.

River and for the control of its floods.

Be it enacted, etc., That for controlling the floods of the Mississippi River and continuing its improvement from the Head of the Passes to the mouth of the Ohio River, in accordance with the provisions of section 1 of "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917, the Secretary of War is hereby empowered, authorized, and directed to carry on continuously, by hired labor or otherwise, the plans of the Mississippi River Commission heretofore or hereafter adopted, to be paid for as appropriations may from time to time be made by law; and a sum not to exceed \$10,000,000 annually is hereby authorized to be appropriated for that purpose, for a period of six years beginning July 1, 1924. Any funds which may hereafter be appropriated under authority of this act, and which may be allotted to works of flood control, may be expended upon any part of the Mississippi River between the Head of the Passes and Rock Island, Ill., and upon the tributaries and outlets of said river in so far as they may be affected by the flood waters of said river.

The SPEAKER pro tempore. Is a second demandar.

The SPEAKER pro tempore. Is a second demanded?

Mr. STAFFORD. I demand a second. Mr. RODENBERG. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. Rodenberg] is recognized for 20 minutes, and the gentleman from Wisconsin [Mr. STAFFORD] is recognized for 20 minutes.

Mr. RODENBERG. Mr. Speaker, I desire to make a brief statement in regard to this hill. The purpose of the bill is indicated by the title. It is to extend the life of the flood control act, passed in 1917. Under the terms of the flood control act an initial appropriation of \$45,000,000 was voted by Congress for the twofold purpose of controlling the flood waters of the Mississippi and the continued improvement of the river. this sum a little over \$39,000,000 has been expended, and the balance is appropriated in the Army appropriation bill that has passed Congress.

This work has been done under the direct supervision of the Mississippi River Commission, which is composed of seven members, three of whom are Army engineers, two civillan engineers, one a member of the Coast and Geodetic Survey, and one a prominent citizen. I believe it is conceded that the commission as at present constituted is the ablest and most efficient

that we have ever had. It is, of course, a matter of great importance that this bill should be passed during this session, in order to prevent the possibility of a situation arising where the commission might find

itself without funds to carry on this great national work. The author of the flood control act [Mr. HUMPHREYS of Mississippi] is a member of the committee that reported this bill. He has made a more exhaustive study of the question of flood control than any other man in this body, and no one is so well qualified to give expert advice as he. He lives in the section of the country that is vitally affected by this legislation, and he knows in every detail the work that has been done and that must be done; and in order to conserve the time of the House, I will ask the distinguished gentleman from Mississippi to explain the details of the bill.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I think before I begin to discuss this bill I ought to make some public apology to the majority léader for the nuisance I have made of myself for the past four weeks in endeavoring to get this bill up for consideration. I feel very deeply obligated to him for his patience and for the manifestation by him of that quality of leadership which finally put him in command here in the House of Representatives. [Applause.]

And another thing before I say anything about the bill: word about the distinguished gentleman from Illinois [Mr. RODENBERG], the chairman of this Committee on Flood Control. He and I entered the House of Representatives together 20 years ago. It is a source of very great pleasure to me to have served with him during those years. That service has been rather more intimate than is usual between Members of the

We served on the Committee on Rivers and Harbors together. and then we have been on this committee ever since its creation. It has been a source of very great personal regret to me, and I know it is to the House, that in a very few days he will retire from this House. [Applause.] But when he goes he will carry with him, I know, the very best wishes of all the Members who have served with him. [Applause.]

In a few minutes when the glad tidings are carried over the wires down to the people of the Mississippi Valley that the Rodenberg bill has passed the House I am authorized, I know. to speak for all the people behind the levees, and I do speak their voice when I say that when they hear these glad tidings they will join me in saying, "Billy, God bless you." [Ap-plause.] I really think that that is the only explanation that this bill needs. [Laughter.]

The first paragraph of the bill simply continues the authorization as it now exists under the law for making appropriations for the Mississippi River both for navigation and for flood control.

The second paragraph changes the existing law in this: Originally the Mississippi River Commission had jurisdiction of the Mississippi River from the mouth of the Ohio to the Head of the Passes for all purposes, navigation and flood control. Subsequently it was provided by Congress that money allotted for purposes of levee construction might be spent up as high as Cape Girardeau, and subsequently up to Rock Island. This paragraph provides that now the money allotted for flood control, whether for levees or otherwise, can be expended above the mouth of the Ohio as well as below the mouth.

Mr. RHODES. How far above?

Mr. HUMPHREYS of Mississippi. Up to Rock Island, Ill. Then Congress decided that the jurisdiction of the Mississippi River Commission should be extended to the tributaries of the river below the mouth of the Ohio in so far as they were affected by the flood waters of the river. This bill proposes to extend the jurisdiction of the commission to the tributaries north of the Ohio. It is agreed all around that it was a slip of the pen whereby the Senate put in the amendment when it extended the jurisdiction of the river to the tributaries, in so far as they were affected by the flood waters of the river, that somewhere they put in the words "below the mouth of the Ohio." That was explained before the House when the conference report was considered. It was intended to apply above as well as below. So this bill simply corrects that original error.

Now, Mr. Speaker, if there are any questions to be asked, I will be glad to answer.

Mr. STAFFORD rose.

Mr. HUMPHREYS of Mississippl. Are you going to oppose this bill?

Mr. STAFFORD. Yes. Mr. HUMPHREYS of Mississippi. Then I will reserve the rest of my time.

The SPEAKER pro tempore. The gentleman from Mississippi reserves the balance of his time.
Wisconsin [Mr. Stafford] is recognized. The gentleman from

Mr. STAFFORD. Mr. Speaker, the Mississippi River Commission has not only control over floods, over revetments and levees, but it has absolute control over the appropriation for navigation of the Mississippi River from the mouth of the Ohio down to the Passes of the Mississippi. The total authorization made for that work was \$45,000,000. The balance of the \$45,000,000 was appropriated in the War Department appropriation bill for the ensuing year, amounting to \$5,990,000. That virtually completes the work of the flood control so far as the Mississippi River is concerned from Cairo to the world. Mississippi River is concerned from Cairo to the mouth!

Last year—and here is the point to which I wish to direct the attention of the House—in the river and harbor authorization act the jurisdiction of the Mississippi River Commission was extended from the mouth of the Ohio to Cairo and its tributaries, so far as the purpose of levy protection and banks protection is concerned. I think it is a wrong principleand if I am in error I wish to be corrected by the gentleman who is the author of the flood-control legislation-to take out of the jurisdiction of the Chief of Engineers the authority over the improvement of the Mississippi River from Cairo to Rock

Mr. HUMPHREYS of Mississippi. That is not done by this bill.

Mr. STAFFORD. Let me ask the gentleman this question: Under the present law the commission has full authority over the expenditure of the funds for making the Mississippi River Now you navigable from the mouth of the Ohio to the Passes. seek to give that same authority to the Mississippi River Com-

mission from the mouth of the Ohlo up to Rock Island.

Mr. HUMPHREYS of Mississippi. The gentleman is mis-

Mr. STAFFORD. The language that the gentleman incorporates is not guarded like the authorization that was carried in the river and harbor organization act. Let me call attention to what that authority was. That authority conferring jurisdiction on the Mississippi River Commission was extended only so far as levee protection and bank protection was concerned.

Mr. HUMPHREYS of Mississippi. What is the language of this bill?

Mr. STAFFORD. It extends the jurisdiction above the outlet of the Ohio to Rock Island.

In the War Department appropriation act a lump sum for the Mississippi River Commission is voted without any limitation as to its use. You attempt to give them complete control without the jurisdiction of the Corps of Engineers as to the improvement of navigation of the Mississippi from the mouth of the Ohio up to Rock Island. You do not say that the authority will be conferred only so far as levy protection and bank protection is concerned, but you give them full control.

I know something about levee protection-perhaps I would not if I had not been placed on the War Department subcommittee two years ago, but I have given it some consideration. Under that act we required the local municipalities, so far as levee protection is concerned, to contribute one part to the Government's two parts. Why did we not require the 50-50 contribution? As Gen. Harry Taylor, Assistant Chief of Engineers, stated before the subcommittee, it was due to the fact that the local communities from Cairo down had previously spent so much money that it virtually amounted to 50-50 contributions. So there was placed in the law the provision that the local community from Cairo down should contribute one part to the Government's two parts. As to that part of the river from Cairo to Rock Island, the local communities have not to any great extent expended funds for the protection of As far as they are concerned, they should be required to contribute 50-50.

I am opposed to this idea of extending the jurisdiction of levce protection to the tributaries of the Mississippi. It is necessary so far as the Mississippi is concerned, but when you give them authority over the tributaries of the river you assume State activities. Why, in Wisconsin to-day we have before the legislature a proposal to appropriate many thousands of dollars for that purpose. Wisconsin is not seeking any contribution from the National Government. Why should we prefer certain local communities on purely State streams from the burden of providing for their own flood protection? These are the two main objections I have to the bill in its present form. First, by the phraseology you are conferring on the Mississippi River Commission the same authority that it has south of Cairo north of Cairo as far as Rock Island.

Mr. HUMPHREYS of Mississippi. The hearings disclose what we are satisfied would be the fact that when we passed the flood control bill that the local interests have contributed more than 50-50 under the flood control act.

Mr. STAFFORD. I do not dispute that position south of Cairo, but I do not north of Cairo.

Mr. HUMPHREYS of Mississippi, I said that since the passage of the flood control bill in 1917.

Mr. STAFFORD. Mr. Speaker, I yield to the gentleman from

Mississippi two minutes of my time. Mr. HUMPHREYS of Mississippi. The bill requires two-

thirds of the money put into levee construction to be paid by the Federal Government, and the local interests shall provide the right of way, pay all damages, and take care of the main-

Experience shows that that is more than 50 per cent. This bill does not extend any jurisdiction except above the mouth of the Ohio. Below the jurisdiction is already extended up the tributaries, but a very short distance, it is true, "in so far as they are affected by the flood waters of the river." In this last flood that meant 2,000,000 acres which were overflowed by

back water. The other major objection is that we give the commission jurisdiction over navigation above the mouth of the Ohio when the bill expressly limits jurisdiction above the Ohio to "purposes of flood control." The commission has jurisdiction for both purposes-navigation and flood control-south of the Ohio River and has had ever since its creation in 1879. North of the Ohio River moneys allotted for the purposes of flood control only can be spent, but not for navigation. The gentlemen can not fairly read that into the bill.

Mr. STAFFORD. Mr. Speaker, in the voting of money for the Mississippi River Commission for purposes under the act of 1917, we vote the money not only for flood control but for navigation purposes. It is one lump-sum appropriation that is granted the commission to expend, and you can not construe this second section without construing it that you are going to take away from the Chief of Engineers authority over the improvement of the Mississippi, so far as navigation is concerned, between the mouth of the Ohio and Rock Island.

Let us get back to the question as to whether we should vote \$10,000,000 for six years, as this bill proposes. The hearings before the Flood Control Committee disclose that \$24,000,000 is the maximum amount that will be used to improve not only the Mississippi River, which is virtually completed, as far as protection of the bank is concerned, but all of the tributaries south of Cairo. You are proposing to vote \$60,000,000 authorization, it is true, when even the hearings do not justify any such amount. All the hearings show is that they merely wish to have \$3,000,000 each year for revetment and levee work. Why this policy of voting more money-\$60,000,000-when only \$24,000,000 can be utilized for levee protection revetment work?

Mr. MONDELL. But this is simply an authorization. Mr. STAFFORD. Oh, I have heard that old song many times before

Mr. MONDELL. The gentleman is a true economist, and in the main I agree with him.

Mr. STAFFORD. I doubt that "in the main." The gentleman sometimes does.

Mr. MONDELL, I do not want the gentleman to make a speech here that will be quoted in the future in justification of larger appropriations for this purpose than ought to be made, and if the gentleman is not careful he will lay the foun-

dation for extravagant appropriations.

Mr. STAFFORD. Oh, no one will ever charge me in any Congress with having laid any foundations for an extravagant To continue, when I was fighting the proposal of \$1,000,000 for a fine embassy building at the exposition grounds at Rio de Janeiro, and called attention to the fact that \$500,000 was adequate because of the rate of exchange of 1 to 3 in favor of our country, the gentleman from Wyoming [Mr. MONDELL] said, "You know this is merely an authorization," but the very next day or two the Committee on Appropriations came in with an appropriation for \$1,000,000, and we find to-day that they have a surplus of \$140,000 that they do not know what to do with. If we had made it \$500,000, as I proposed, we would have had a pretty nice building there, and would not have made more money available than for an embassy in London or

Mr. HUSTED. The building at Rio cost only \$300,000.

Mr. STAFFORD. But the rate of exchange was 1 to 3 in favor of our country. When the matter was under consideration in the House I called attention to the fact that the rate of exchange, so far as Brazil was concerned, was 1 to 3. When you visit Rio you will see this very fine, palatial residence, which has been provided for embassy purposes under the guise of an exposition building to celebrate the centennial of Brazil at an exposition that lasted only nine weeks.

Mr. BLANTON. I understand there is a very fine banquet hall in the building.

Mr. STAFFORD. Oh, of course, we would have to have a banquet hall to have it complete. Perhaps the gentleman from Texas would not approve of it, but in these South American and European countries there must be some place provided to pass out the viands and the liquid refreshments. I know the gentleman from Texas disapproves of that very much, but coming from liberal Milwaukee and still living in the past, I approve of it. Mr. Speaker, this is altogether too great an authorization, and in all seriousness my objection is that we are going to take away authority from the Chief of Engineers over the improvement of the Mississippi and delegate it to the Mississippi River Commission. All that it is estimated will be the cost for the maintenance of the Mississippi north of Cairo is \$500,000 a year. Why are you going to allow these men to go ahead and develop that without any control whatever?

Mr. CHALMERS. Is the Chief of Engineers a member of

this commission?

Mr. STAFFORD. No. The Chief of Engineers states that all they do, so far as supervising the work of this commission is concerned, is to merely pass on the plans. They have no control whatsoever over their work. Gentlemen, you are launching into an extravagant program. There is no reason whatsoever for our voting this authorization at this time. They have more money at present than they can use. million nine hundred and ninety thousand dollars is what was voted this year, and that is money that is available not only this year but until it is used. You are going wild in the closing days of the Congress in the authorization of proposi-tions which should not be allowed. You should leave this to a succeeding Congress for more thorough consideration. I reserve the remainder of my time.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I congratulate the gentleman from Wisconsin [Mr. Stafford] upon the accuracy and precision with which he misstated the facts. [Laughter and applause.] The commission south of the Ohio has jurisdiction for both purposes. The money, of course, we appropriate in a lump sum, so the bill provides that when the commission charged with authority of allotting so much for navigation, allotting so much for flood control, when it makes its allotment for flood control that money may be spent north of the Ohio River, and only below the mouth of the Ohio can it be expended for naviga-

Mr. STAFFORD. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I have only two minutes.
Mr. STAFFORD. I will yield the gentleman one minute.
How much time have I? I have already yielded the gentleman two minutes.

Mr. HUMPHREYS of Mississippi. Well-

Mr. STAFFORD. Much more than I shall occupy, How much time have I remaining?

The SPEAKER pro tempore. The gentleman has three min-

utes remaining.

Mr. STAFFORD. I yield him a minute. Does the gentleman dispute the fact that the hearings before his committee show that all that will be necessary for the completion of flood

control south of Cairo will be \$24,000,000?

Mr. HUMPHREYS of Mississippi. Yes; \$24,000,000 will be required for the tributaries if they ever decided to embark on that. That is all there is to that. This bill has nothing to do with that; that was a law passed long ago and this bill has no reference to it. It has nothing to do with this bill. It will take \$24,000,000 to finish the levees on the main river and that will be done before the tributaries are ever going to be treated. The tributaries are absolutely an academic question, but it is already the law. The only provision in this bill is that north of the Ohio the law shall be the same as it is south of the Ohio, and everybody agreed that is what we thought we did last summer, but we found by some mischance we put in the words, so far as flood control is concerned, " south to the mouth of the Ohio River," and it was agreed to upon the floor. The gentleman from Illinois [Mr. GRAHAM] offered a protest against the conference report on the appropriation bill and it was Mr. HAUGEN. Will the gentleman yield?
Mr. HUMPHREYS of Mississippi. I will.

Mr. HAUGEN. Does the gentleman object to extending it to

St. Paul or Minneapolis?

Mr. HUMPHREYS of Mississippi. I do not know. We have not had hearings on that subject. I do not know what is up there to be protected and I do not know what it would cost.

Mr. HAUGEN. I take it that the improvements of the river are just as important north.

Mr. HUMPHREYS of Mississippi. We never have had any hearings on it. How is the time?

The SPEAKER pro tempore. The gentleman from Illinois [Mr. RODENBERG] has 10 minutes.

Mr. RODENBERG. I yield that time to the gentleman from

Mississippi to dispose of as he sees fit.

Mr. HUMPHREYS of Mississippi. I yield three minutes to

the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, there has been published recently in some newspapers correspondence and criticism on what is usually designated as congressional junkets. I want to set myself down, by virtue of my experience on the Missis-sippi River, as absolutely in favor of so-called junkets, providing they result in information of such great value as I acquired during a short visit to Tennessee, Mississippi, Arkansas, and Louisiana at the height of the flood last spring. If I had my way I would provide in the Constitution that when a man is elected to Congress, in the interval from the 4th of March until the 1st of December, when he would take his seat in Washington, he should be obliged to visit other sections of the

country than his own section in order that he might become familiar with the necessities of the Nation or the United States of America as a whole. [Applause.] Then we would not have the narrow, restricted view of our country that so many Members of the House have. I believe that out of the 18 States that do not empty their waste waters into the Mississippi or its tributaries that the New England States, consisting of 6, furnishes one-third of the number. Not one drop of waste water from Massachusetts or New England drains into the Missis-sippi River, but Louisiana, Mississippi, and Arkansas do take care of waste waters from 30 States of this Union. They have no control over the source of this river, and if you had witnessed, as I did, and had seen the splendid endeavor and wonderful work which the people down there have accomplished by their own efforts you would gladly grant them this aid. It was a stupendous battle against the gigantic forces of the devastating river demon, and I am convinced that the amount asked for in this bill is not only just but that we should give them even more if needed. They can not prevent these floods or do anything more than control the river when it is at the height of its flood. This is a national proposition, not a proposition which affects the Mississippi Valley alone, not a proposition which affects solely these States devastated by the floods, but it concerns the Nation in its economic aspects

When one sees thousands of acres and mile after mile of fertile, productive land and great tracts of timberland under water, houses and cabins swept away, live stock and poultry by the thousands drowned, the lives and property of hundreds of our people menaced, threatened, and destroyed annually; when one takes land trips by water and water trips by land, running 23 miles on a railroad train almost out of sight of land on tracks from 8 to 18 inches under the flood waters, and sees great river steamers tied up in the midst of the tops of trees, the trunks of which extended 20 to 25 feet under water, then, Mr. Speaker, one realizes something of the necessity of Govern-

ment action and aid.

The Government has spent millions of dollars for irrigation and reclamation. It is perfectly proper that it should spend

something for protection.

These people have spent \$125,000,000 and over which they have raised through their own efforts. They are now asking for a comprehensive program which will eliminate the danger and economic losses shared in part by all of the people of the Such industry, effort, and sacrifices as displayed by those residing in the territory affected by these floods are appreciated by the people of Massachusetts. It might well serve as an example to the citizens who are asking help without effort to help themselves. I think I speak for Massachusetts when I pledge her sympathy and assistance. I trust the bill may pass unanimously.

The SPEAKER pro tempore. The time of the gentleman has

Mr. UNDERHILL. I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. Husted].

The SPEAKER pro tempore. The gentleman from New York

recognized for two minutes.

Mr. HUSTED. Mr. Speaker, this bill provides for a continuation of the existing authorization for the improvement of the Mississippi River. I happened to be a member of the Committee on Flood Control which reported the existing authorization. I supported it because I believed it to be a good business proposition from the Government standpoint to have this work done continuously instead of being done piecemeal, as had been the former plan. I realized that the Government was committed to this proposition; that it had been committed to it for 75 years; that we were going to spend the money anyhow, and as long as we were going to spend the money, I thought it should be spent in a businesslike way. I was for that authorization, and I am for this authorization more than I was for the original authorization, because every prediction made by the gentleman from Mississippi [Mr. Humphreys] and by the people directly interested in this legislation has been completely fulfilled. They told me that if the money was provided and these levees were constructed and revetted in accordance with the Government standards, they would endure, and they have endured. Not one or one section of one has ever given way. [Applause.]
Mr. HUMPHREYS of Mississippi. Mr. Speaker, how much

time remains?

The SPEAKER pro tempore. The gentleman from Mississippi has five minutes.

Mr. HUMPHREYS of Mississippi. I yield to the gentleman from Arkansas [Mr. Driver].

The SPEAKER pro tempore. The gentleman from Arkansas

is recognized for three minutes.

Mr. DRIVER. Mr. Speaker and gentlemen of the House, in the time allotted to me to discuss the levee proposition involved in this bill I feel that I can only indorse the statements made by those who have advocated the bill. No longer can there, be any question as to the efficiency of the plan of the Mississippi River Commission, for it is a matter well known to all that not one inch of levee built according to the grade and section established by the Mississippi River Commission has ever been breached by the flood waters of the Mississippi River. I think that that proves the value of the plan of the commission, the agency created to deal with the problems of the Mississippi River.

Now, it seems that the gentlemen opposing this bill are disposed to question the value of the work in the upper reaches. In that territory there are 2,000,000 acres of land in Missouri, Illinois, and Iowa recently brought within the limits of levee districts. There the people have expended thousands of dollars in building up levees in front of their lands—22 in number. There are 9 on the east side and 13 on the west side of the river. These people are just as much entitled to assistance in their efforts to control these flood waters as the other citizens of this great valley of ours. They are no more responsible for the enormous flow of surface waters from the tributaries of the Mississippi than the people of Louisiana, Arkansas, and Mississippi are responsible for the fact that this great drainage channel, carrying the surface waters of 41 per cent of this entire Nation of ours, must be controlled in order that these alluvial valley lands shall be protected. We are doing a wonderful work down there, and the people in the upper regions will do the same work if you afford them the same encouragement.

Mr. Speaker, the levee problem of the Mississippi River, like Topsy, "just growed up" and addressed itself to the first inhabitant. The permanent settlement of the Mississippi Valley had its beginning with the location of the city of New Orleans in the year 1717, where the engineer in locating its site provided for the construction of a levee to protect the city from inundation. At that time the territory to the north, stretching over 2,000 miles of the Mississippi and its 10,000 miles of tributaries, was an unbroken forest and prairie, retaining the surface water in the humus, lakes, and pools, with the possibility of floods only in years of unusual rainfall combined with melting snows. The extension of settlement followed a course north from the base at New Orleans and in time spread to the south from the upper valleys. It is a matter of common knowledge that all rivers flow through a ridge plane, the plane being the creation of flood waters forced out of banks, leaving the heavier deposits of sediment at the place where the current is first retarded, and which drops the surface of the country to the interior by an easy slope. It was on these high banks that the first settlements were made in the Mississippi Valley. The pioneers of the upper reaches likewise located on the banks of the streams in order to obtain the benefit of transportation. As accessions were made to the ranks of the dwellers in the lower valley development extended to the lower planes, and as others joined the people of the north developments were pushed back from the banks into the interior, resulting in the felling of the forests, the lessening of the humus, and the drainage of the lakes and pools, and thus was commenced the precipitation of the flood waters upon the Mississippi Valley, and with the raising of the flood heights the water found its way through the natural depressions and bayous upon the farm lands of the lower planes, necessitating the construction of barriers across the outlets; and with the increase in the progress on the upper rivers further increases in the flood waters were made below, requiring the construction of a continuous levee line.

The levee work at this period of time was an individual task, each landowner constructing and maintaining the levee along his river front. As the recurring floods passed down the Mississippi, finding outlets through the depressions, the river bed commenced to fill, creating bars and on which timber found lodgment, presenting a serious problem to navigation. The jurisdiction then, as now, was confided to the War Department, which yielded to the complaints and selected two engineers, Bernard and Totten, in the year 1822, who made a thorough investigation of the conditions of the river with respect to navigation, and as a means for its improvement and control recommended the construction of dikes through which the current could be diminished above, and thus economize the expanse of water and constrain the current to act with greater velocity. They also reported "that while the

waters of the river are over its banks, the operation of the current being in proportion to its elevation and consequent increase of velocity, the changes produced in the bed of the river were great, sudden, and numerous." Notwithstanding this report, no official action was had, no provision made for levee construction, and no authority given to revet the banks. The local landowners continued to add to the small levees in an individual way, and the river continued to pour over the low banks and through the depressions, and navigation continued in a critical condition. Bear in mind that no complaint had been or was made by the landowners, but the appeal came from those engaged in the operation of boats and barges, and evidently the appeal continued, for we find that in the year 1845 the matter was so persistently urged upon Congress that James Gadsen and James Guthrie, as a subcommittee, made further investigations and indorsed the theory for the improvement of navigation. Again the matter slumbered and the navigation of the river continued more difficult. The Secretary of War was finally prevailed upon to make further investigations, and for the purpose he appointed two eminent engineers, Colonel Humphreys and Captain Abbott, who spent several years in one of the most thorough and comprehensive studies of the river, and in an extensive report, made in the year 1861, dealt with every possible phase of the control of the river for navigation. The reservoir system was considered and rejected as in the highest degree chimerical, the cut-off system was considered and rejected, because the system would raise the surface of the river at the foot of the cut quite as much as the depression at the head, and the report adhered to and approved the theory announced by Bernard and Totten to confine the water to the channel by artificial embankments and thereby regulate the discharge.

Upon the filing of the report special committees were created by Congress for the consideration of the subject. While the investigation by Humphreys and Abbott was in progress much impetus was given to the levee construction through the act of Congress of date September 28, 1850, donating the swamp and overflowed lands along the rivers for levee and drainage purposes to the respective States in which they were located. This resulted in community action through the organization of districts, and in many instances with the power to levy taxes, and the levee system rapidly approached a continuous line from Memphis, Tenn., on the east side, and Helena, Ark., on the west to the Gulf, and along the front from Helena north on the west side much levee was constructed. But the dwellers in the upper reaches utilized the donated lands for drainage purposes exclusively and added to the drained area all of the adjoining lands, and thereby added an enormous amount of surface waters to the accustomed flow upon the lower valley, requiring increases in height and base, creating heavier burdens upon the levee builders. Before the committees of Congress could organize and proceed with an investigation war commenced, with everything subordinated to its demands, entailing absolute neglect of the levees during the time, and in fact for several years thereafter, during which time three heavy overflows occurred, causing a loss of many miles of levees through penetration, and caving banks were responsible for the loss of an equal amount. Navigation was also seriously impaired in consequence, and again conditions were presented to the Congress, resulting in the appointment of the Warren Commission, following disastrous floods in the year 1874, and on January 18, 1875—printed as House Executive Document No. 127, second session, Forty-third Congress—filed a report indorsing and approving the reports of the engineers theretofore made, and recommending the construction of dikes or levees, the organization of levee districts for the purpose of obtaining concert of action, and the carrying out of a definite action on the part of the Congress for an agency with authority to deal with the problem in an expert way, and resulted in the creation of the Mississippi River Commission in the year 1879.

In the course of the many years, while the various investigations were under way, much agitation was aroused over the proper method of providing navigation and caring for the flood waters. Many theories were advanced by engineers and laymen, and which, when boiled down, consisted of three distinct plans. First, the reservoir system, through which it was proposed to impound the flood waters by diverting the excess into specially constructed places and thereby regulate the amount of flow; second, the construction of levees, with provision for spillways at intervals, through which the excess waters could pass and spread over the valley; third, the construction of a continuous system of levees and the stabilization of the banks by revetment, and thereby confine the waters within the channel, and by increasing the velocity carry the sediment in sus-

pension and avoid the deposit which creates the barriers and shoals. By reason of the various contentions urged upon Congress, and because, as it was contended by those in dispute, that the Army engineers theretofore assigned to the investigation had reached the same conclusion in each instance that other engineers from the same environment would be influenced to accept the plan as recommended by their predecessors, demand was made for a mixed commission, and in providing the qualifications the act of creation required that at least three of the members should be selected from civil life, two of whom should be engineers, one member selected from the Coast and Geodetic Survey, and three Army engineers, who were directed to make an independent investigation of the problem, "for the purpose of taking into consideration and maturing such plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River, improve and give safety and ease to the navigation thereof, prevent destructive floods, and promote and facilitate commerce, trade, and the Postal Service." Here is contained a positive declaration of a policy to protect against the recurring floods of the river, but notwithstanding such declaration the commission evidently approached the subject of levees as they would bear on the question of channel improvements. In the first report of the commission, filed on the 17th day of February, 1880, it was said:

They are regarded as a desired, though not a necessary, adjunct in the general system of improvement submitted, and there is no doubt that the levees exert a direct action in deepening the channel and en-larging the bed of the river during those periods of flood by preventing the dispersion of the flood waters over the adjacent lowlands.

In a restricted sense, as an auxiliary to the plan of channel improvement only, the construction and maintenance of a levee system is not demanded; but in a larger sense, as embraces not only beneficial effects upon the channel but as a protection against destructive floods, a levee system is essential; and such system controls, promotes, and facilitates commerce, trade, and the Postal Service.

In the report of the commission filed in 1881 is this statement: Levees judiciously erected under the system indicated by the commission would produce the maximum effect in channel improvement at a minimum of cost.

The agitation continued after the organization of the commission and before an opportunity was afforded to place in operation its plan of improvement-in fact, while the commission was engaged in experiments at two places in the work of restricting the channel-and on the 7th day of August, 1882, a select committee was appointed, consisting of eight Members of the House, with Hon. J. C. Burrows as chairman, to make an investigation of the work on the Mississippi; and after visiting and making observations on the river, examining the work of the commission, and taking testimony, a report was made to the House on the 24th day of February, 1883, to the effect that the efficacy of the plan determined upon by the Mississippi River Commission for the channel improvement of the river was not sufficiently advanced to establish a policy, and recommended that the works then engaged in at Plum Point and Lake Providence reaches be brought to a state of completion. Thus the proposition depended on the success of the experiments at the two places mentioned, known to those familiar with the lower valley to be two of the widest places in the river and where the greatest difficulty occurred to navigation. This work proved to be eminently successful, and thereupon the Mississippi River Commission adopted the policy of confining the waters to the channel through a system of levees and the revetment of the banks for the purpose of stabilization and the control of the currents and, in addition thereto, for the protection of the levees from caving banks.

The commission rejected the reservoir system as being impractical and involving an expenditure beyond the hope of realization. As an evidence of the stupendous character of a reservoir sufficient to contain waters which would lessen the flood to the capacity of the channel, it is estimated that it would require a space of 7,000 square miles to the depth of 15 feet, or an excavation of an amount of earth with which 7,000 miles of levee, 150 feet high, could be constructed. The question of impounding waters at the source—and which, in this instance, means the upper Mississippi, Missouri, and the Ohiowas not feasible, because it is the judgment of the engineers capable of speaking on the subject that all of the waters be-yond St. Joseph, on the Missouri, above St. Paul, on the Mississippi, and beyond Pittsburgh, on the Ohio, if poured into the Mississippi at Cairo, the mouth of the Ohio, at extreme flood stage, it would make a difference of but little more than a foot in the flood heights. The suggestion of diverting the flood waters through a separate channel was rejected for the same reason—the element of expense involved. The Mississippi

River south of Cairo discharges 1,000,000 second-feet, if within its natural boundaries; at extreme flood heights it carries 2,000,000 second-feet. Therefore a parallel channel to accommodate the flood waters would require a bed of the same depth and width as the present river, and its construction would be so staggering that no sane person would be heard to suggest such a plan. The outlet theory runs counter to every plan suggested by those who have made a particular study of the problem, including the Mississippi River Commission from the time of its organization. The improvement of the channel depends entirely upon the control of the waters within such channel. No dispute can be made of the fact that the moment the current is arrested the heavy sediment with which the water is charged immediately finds lodgment on the surface of the bed, and when the water is permitted to escape through an opening following the recession of the flood at that particular place elevations are found in the bed of the river, bars and drift accumulate, and navigation is interfered with. This is not only true but if the outlets were permitted the same arrest of the current could cause the outlets to receive the deposits of sediment, and the expense of maintaining an open way would prove prohibitive and the limited time in which the open ways could be utilized would not compensate for their construction. Therefore, even if the waters of the channel could be separated without damage to navigation, the control of such water would require the construction of a system of levees on each side, entailing against that a burden of expense which denies the possibility of such plan.

On the heels of the organization of the commission appeared in rapid succession adverse conditions which amounted to a catastrophe. Three unusually heavy floods, following in succession in the years 1882, 1883, and 1884, each of which created many breaches in the newly constructed levees, caused the erosion of many miles of bank, and tumbled into the river many miles of the levees. In each instance when the waters left the channel and turned through the crevasses bars were formed, which were added to through the subsequent breaches of the dikes until navigation was practically made impossible, and it was at this period that the commerce of the river lessened and the boats and barges commenced to disappear. It was at this period that the larger vessels, operating between Cincinnati, St. Louis, and New Orleans, were forced to cease operation and remain at the bank, in most instances an absolute loss to the owners, and the light-draft vessels, constructed to take the place of the larger boats, were able to operate for such limited periods of time that schedules were broken until no longer dependable, and the business on the river was diverted to the smaller vessels operating in local trade. The river commission, with a limited appropriation, was unable to cope with the situation, and for emergency purposes devised a system of dredge boats and made the best possible efforts under the handicap to provide emergency relief for transportation. For the first time in all of the strenuous years of their existence the dwellers of the valley became discouraged, many abandoning their homes. Millions of acres of land were forfeited to the State for the nonpayment of the small tax exactions levied against the same; especially was this true of the large acreages owned by the nonresidents and the undeveloped acreage of the local landowner. But the old citizen who cleared his farm lands along the bank of the stream, realizing the potential value of his property, would not be discouraged and held on, hoping for relief to the end. He knew that as a local proposition he was unable to combat the flood waters from 31 States, comprising 41 per cent of the area of the United States. He knew that, according to the theory of those familiar with the physics and hydraulics of the river, the full measure of his burden had not fallen upon him, but he was inspired with confidence that ultimately an appreciation of the importance of the problems confronting him would be reached by the people of the Nation and assistance would ultimately come. He held his ground. With the assurance of a sympathetic interest by the agency created to deal with his interests levee organizations were rapidly formed under the laws of the States and prepared to tackle the levee problem in a more concerted manner and in a bigger way, and within a few years after the operations of the river commission commenced the valley from Cairo to the lower reaches was completely organized and levee construction was prosecuted as never before. Depending upon the continued cooperation of the commission and attracted by the publicity given to the situation, and especially to the fertility of the soil of the valley, home seekers poured into the country by the thousands from all States of the Union. They entered the forfeited lands under the homestead laws or acquired the same by purchase

and settled there, adding their weight and influence to the work at hand, carved out homes, and established permanent abodes.

As an evidence of the activities of the local districts and the spirit of the people of the valley, their readiness to use every possible effort in supporting the commission, I point to the report of the Chief of Engineers, compiled in pursuance to section 11 of the rivers and harbors act approved March 4, 1915, wherein the Chief of Engineers, acting through the commission, was directed to investigate and report on the expenditures made by the several districts. The report of the Chief of Engineers was filed on the 1st day of February, 1916, House Document No. 654, which discloses that up to the 31st day of December, 1914, the total appropriations by the Government to the Mississippi River were \$77,369,017, of which the sum of \$32,342,556 was contributed to levee construction and \$45,026,461 for channel improvements and revenuent work. In the same time the local people had expended the sum of \$107,297,286.

The advent of the home seekers and the construction of continuous lines of levee presented new problems to the people there. They acquired and occupied the undeveloped lands on the lower planes, and with barriers across the depressions and bayous through which the surface waters were accustomed to drain disposition of such waters became emergent and drainage systems were made necessary. This required the disposal of the surface waters through the back areas away from the river front and entailed a very heavy expense, averaging from \$15 to \$20 per acre. In addition, permanent roadways became necessary in order that the people might reach the business centers and transportation points, necessitating the organiza-tion of road districts at an additional expense of from \$20 to \$25 per acre. In the meanwhile it was necessary to continue more vigorously the prosecution of the levee work, the taxes for which were greatly increased until at this time the lands in the levee districts of the lower Mississippi Valley are staggering under an annual exaction of from \$4 to \$5 per acre for governmental and improvement purposes, which is a fair and reasonable rental value of the most highly improved lands of the country. The expense of maintaining the levees fastens upon the lands a continuing burden, and, of course, will ultimately exceed all other charges. Much has been said of the value of these fertile lands. Values, of course, vary according to the improved state of the lands and their accessibility to transportation and business centers.

The process of bringing these lands into cultivation is a very expensive one, entailing a reasonable cost of \$25 per acre for clearing and the construction of the necessary houses, and because of the unusual expense incurred in developing farm lands and the necessity of paying the unusual expense imposed by the levee, drainage, and road districts most of the lands are burdened with heavy liens, in the language of a prominent Member of Congress, "having all modern improvements, including two or three mortgages." Much of the highly developed land has a value of \$150 per acre, much more of it has a reasonable value of \$100 per acre, but by far the greater part of the improved area is valued at \$50. However, the organization of the various improvement districts and the impetus to the rapid development of these valley lands dates largely from the year 1912, when the dilemma of the valley landowner received recognition by the three national conventions held that year, all indorsing the flood problem as a national prob-lem and pledging their respective support thereto. The real value of these indorsements is contained in the legislative act of this body to the year 1917, known as the flood control bill, which divorced the Mississippi River problems from the rivers and harbors work and gave it an individual status. It in no manner changed the status of the levee from the dual relation in which it stood from the very beginning of channel improve-ment work in the Mississippi River. It remained both neces-sary to navigation and of primary importance as a reclamation The War Department and the Mississippi River Commission adopted the levee system and utilized it in holding the flood waters in the channel for the purpose of improving such channel, while the local interests constructed levees for the protection of their lands against inundation by the flood waters. Naturally there should have been some reasonable apportionment of the contributions. The system theretofore had depended upon the efforts of the local people who located, constructed, and maintained the systems, while the Army engineers and afterwards the Mississippi River Commission constructed independently portions of the levee at emergency points and made contributions to the people or agencies in the most important reaches, Thereafter the Flood Control Committee entered upon an investigation of the matter and framed a bill

which provided that the Government and the local districts should share equally in the burden.

Under the provisions of the bill it was arranged and made one of the conditions to an apportionment of the money for levee purposes that the levees should be constructed to the commission's grade and section and located in accordance with the recommendation of the commission's engineers; that of the moneys allotted to levee construction the local agencies should pay to the commission one-half of the amount so apportioned, and in addition thereto that the local agencies should procure and pay for all right of way and crop damage and maintain the levees. The act authorized the appropriation of \$45,000,000, with provision that not exceeding \$10,000,000 should be appropriated for any one year, the intention being to authorize the appropriations covering a five-year period, the maximum being the ability of the commission to economically proceed with the work. It was intended that \$30,000,000 of the amount authorized should be apportioned to the levee work, with the view of completing the same and caring for bank revetment during said period of time. Following on the heels of the enactment of the flood control bill, on March 1, 1917, came the declaration of war, with its consequent disorganization, interruption of work, shortage of engineers and material, unusually high prices, and all of the difficulties incident to such conditions, which caused the appropriations to be stretched over a period of seven years instead of five, curtailing the activities of the commission and resulting in the loss of many miles of levee, due to the inability of the commission to prosecute the revetment work with dispatch and requiring the greater amount of the appropriations to be used for other than levee construction. Instead of applying \$30,000,000 to levee construction, the sum of \$17,705,856 has been expended, which amount includes an apportionment of \$2,283,000 out of the rivers and harbors appropriation for the year 1916, and with but \$2,386,000 to be applied to such work out of the appropriation carried in the bill recently passed by this body and now before the Senate for consideration. aggregates \$20,091,856.

Since the enactment of the flood control bill the jurisdiction of the Mississippi River for flood control purposes has been extended to Rock Island, Ill., embracing in the projects dealt with levees in Illinois, Missouri, and Iowa, to which has been apportioned and there will be applied out of the amount provided in the bill of this year several hundred thousand dollars in aid thereof. While the local interests under the flood-control measure, in view of the large contributions made in the past, were required to contribute one-third of the moneys to be spent in the construction of levees and the necessary amount for rights of way and maintenance, they were anxious to complete the system and guarantee protection, and notwithstanding the enormous burdens imposed through drainage and road improvements they have continued to issue bonds, collect taxes, and spend the money arising therefrom in the earnest endeavor to complete the work once and for all. Many of the districts have exhausted their power to finance themselves further and must rely upon taxation alone to meet the future demands for contributions.

I have compiled statistics as nearly as possible from all of the levee districts within the jurisdiction of the Mississippi River Commission extending from Rock Island to the Passes. If these local people had remained content to accept the conditions imposed by the flood control bill, contributing one-third of the money entering into the construction of levees, their contributions to date would have amounted to \$8,852,928, with \$1,198,000 to be contributed against the appropriation available July 1, 1923, but instead these districts have actually expended since the 31st day of December, 1914, when the amounts were ascertained and reported by the Secretary of War to Congress, the sum of \$47,396,027, as follows:

Arkansas, with 6 districts	\$10, 321, 758
Mississippi, with 3 districts	15, 365, 166
Louisiana, with 9 districts	11, 589, 609
Missouri, with 10 out of 19 districts	6, 354, 247
Tennessee, with 1 district	66, 808
Illinois, with 13 out of 32 districts	2, 826, 890
Iowa, with 2 out of 7 districts	871, 549

The amounts expended in the States of Arkansas, Mississippi, Louisiana, and Tennessee were exclusively for levee purposes, practically all of the amount expended in the State of Missouri was for levee purposes, but north of Cape Girardeau, Mo., in Iowa, and in the northern part of Illinois the amount expended was by levee and drainage districts, and some portion of the amounts reported was for drainage purposes, but my familiarity with the situation in Illinois, from Chester south to Cairo, and the information I have with respect to conditions elsewhere in that State and in Iowa, is such that I am pre-

pared to say that 75 per cent of the expenditures in Iowa were for levee purposes. Of the amount mentioned, less than \$4,000,000 was spent north of Cairo within the recent extension of jurisdiction, and which, boiled down, means that not less than \$43,500,000 was spent between Cairo and the Passes, which embraces 1,525 miles of levee. This amount added to the \$20,091,856, the full amount appropriated and to be appropriated under the flood control bill, aggregates \$67,402,548, and amounts to 70 per cent of all amounts expended on the levees during said period of time by the local people.

Further, from the beginning of channel work on the Mississippi River to the present time the sum of \$139,329,698 was appropriated for all purposes from Cairo to the Passes, of which \$32,342,556 was expended for levees to December 31, 1914, and added to the amount appropriated to levees under the flood control act, \$20,091,856, aggregates \$52,444,412, while in the same length of time the local interests expended up to December 31, 1914, \$107,297,286, and from that date to the present time \$43,500,000, aggregating \$150,797,286, which does not include about \$4,000,000 expended by the levee and drainage districts north of Cairo. The bonded indebtedness of the various levee districts amounts to the sum of \$29,856,287, with certificates of indebtedness in addition thereto outstanding amounting to \$2,227,138, and aggregating \$32,083,425.

It is disclosed in the hearings on the present bill that the levees are 80.5 per cent complete, according to the commission's specifications of grade and section, and it is estimated that it will cost to complete the same \$24,900,000, or \$16,600,000 by the Government, according to the fixed apportionment, and \$8,300,000 by the levee districts, in addition to the right of way and maintenance. The purpose of the Flood Control Committee in fixing the contribution of the local interests at one-half of the amount to be contributed by the Government was that the expenditure would be on the basis of 50-50, and taking into consideration the fact that navigation received the full benefit from the expenditure and that the local interests received a like benefit, and in view of the requirement on the part of the local interests that they should purchase and pay for the right of way and maintain all levees, the distribution would be In addition to the completion of the levees south a fair one. of Cairo, 63 miles of levee on the Illinois side have accepted the provisions of the act and will share in the next appropriation to the extent of \$949,000, aggregating \$25,854,000. In addition to bringing the levees to the commission standard of grade and section, the local districts in most instances have adopted, with the approval of the commission, the banquette system, a banquette being additional base on the land side of the levee, with a 4 to 1 slope; that is, it goes out 4 feet for every foot it drops. This banquette reenforces the levee and particularly protects against boils or seepage through the levee, and its addition is responsible for the large amount of money expended by the local districts in the past six years. The levee has a 3-foot slope on each side—that is, 3 feet of base for every foot of slope-and with an 8-foot top, according to the commission grade and section.

The amount of land embraced in the levee districts between Cairo and the Gulf is 29,790 square miles, with an acreage of 19,065,600, of which it is estimated that 27,146 square miles can be fully protected by the construction and maintenance of levees, which is an area of 17,373,440 acres, of which 3,000,-000 is improved land. Seventy-eight districts are organized along the river from Rock Island south, of which 15 are major districts—that is, districts comprising a large acreage—and 63 small districts-that is, districts with a limited acreage. Of sman districts—that is, districts with a limited acreage. Of the major districts, 6 are located in Louisiana, 4 in Arkansas, 2 each in Mississippi and Missouri, and 1 in Tennessee, with 3 minor districts in Louisiana, 1 in Kentucky, 32 in Illinois, and 7 in Iowa. In the extended jurisdiction there are 15 basins on the west bank, containing 349,440 acres, and 9 basins on the east side, containing 453,120 acres, all highly developed. The expense of building levees will amount to \$100,000 per mile south of Cairo and an average of \$25,000 north, while the cost of revetment will amount to \$150,000 per mile. Revetment work does not require all of the river banks to be revetted. but only such places along the banks as have a tendency to cave, threatening not only the contour of the banks, and thereby affecting the channel, but also for the protection of the levees located in most instances near the bank. On account of the rapidity with which the alluvial banks disappear, especially following flood waters, at which time the soil becomes saturated, and as the water drops eddles form, gradually cutting the sand at the foundation and undermining the shore line,

years in which it has been used, and at no time has there been a loss of revetment work when funds were available to cover the danger point. Much was said in the discussion of the flood control bill, when the same was considered in the House, about the ultimate cost of revetment, those opposing the bill quoting from the estimate made by Major West, a member of the commission at the time, and applying the estimate made to the entire length of the river. Of course, the explanation was made at the time and has only been proven since that, compared with the entire length of the river, the amount of revetment work required is not appreciable. Caving banks are only found in concave bends, and if proper and immediate attention is given to the point where the current assails it, it can be remedied in a short distance and with little funds. This is proven true beyond question, that of the entire amount expended for revetment work, more than 75 per cent was used where, if funds were available, the work could be accomplished for 25 per cent of the amount necessary at the beginning of the danger. Through the want of the necessary funds to do this work, many miles of levees, built at an enormous expense, were destroyed, and this waste and extravagance is continued to-day for the same reason.

I dare say that out of the \$60,000,000 expended since De-

I dare say that out of the \$60,000,000 expended since December 31, 1914, one-tenth, or \$6,000,000, has been destroyed through the failure to revet. To those who hesitate to accept the levee theory, I will state that from the beginning of the work by the Mississippi River Commission, under its fixed standard of grade and section, not one inch has been lost through crevasses, not one particle has been washed away by the floods; every inch destroyed went into the channel of the Mississippi River.

One of the most valuable development projects inaugurated in the history of our country, one of the most valuable investments made by this Government, was in the great reclamation work through which the unproductive sand lands of the West have been made fertile and are now producing hundreds of millions of dollars' worth of agricultural products every year and furnish homes for 31,462 families. The area reclaimed is, comparatively speaking, a small one, and for that reason the expense appears very considerable. According to the last report 1921-22, House Document No. 410, it is disclosed that 4,300,900 acres is possible of reclamation, of which amount 1,675,000 acres have been furnished with a complete water supply, and about 1,100,000 additional acres have been furnished a supplemental supply. Under the provisions of the Warren Act the latter areas include any private or district projects not usually designated as Government projects. All this at a cost of \$135,000,000, and \$13,000,000 of which amount has been According to this figure, the 2,775,000 acres is at a cost of \$48.60 per acre, and, deducting the amount paid in, leaves a present investment of \$43.90 per acre. The annual interest on the fund remaining would amount to \$5,185,000 per annum at 41 per cent.

The amount invested in levee construction by the Government and local interests is \$11.85 per acre, divided as follows: Government, \$3.11; local, \$8.74.

The landowners of the Mississippi Valley are not engineers by profession; they are farmers. Cities of importance are located upon the valley lands, where merchants, lawyers, physicians, and other business and professional activities are engaged in; they are not engineers. They have their fortunes there, the accumulations of a lifetime of endeavor, all dependent for security upon the successful prosecution of a feasible and effective control of the flood waters. They are not interested in any fine-spun theories. It is practical results they look to, and are contributing to the very maximum of their ability to obtain a solution of their difficulties. These people, with their property and their families—their all—at stake, are willing to rely upon the advice of the expert commission now engaged in this vital task. They believe that the results have fully demonstrated the correctness of the conclusions of these experts, and through the prosecution to completion of the plan determined by the commission success will be assured.

The enormous potential values involved in this vast alluvial region are such that as an investment nothing comparable exists, but the future depends upon the continued cooperation of the experts constituting the Mississippi River Commission and the favorable consideration of the Congress. [Applause.]

Mr. STAFFORD. Mr. Speaker, how much time have I?
The SPEAKER pro tempore. The gentleman has two min-

the sand at the foundation and undermining the shore line, it is very necessary that the revetment work be prosecuted with diligence just at the time the danger appears. This revetment is permanent, with but little lost throughout the lone of the defects of the bill. But so far as I have heard,

no one has shown the necessity of authorizing an expenditure of \$60,000,000. Originally it was provided that \$45,000,000 could be used for this work south of Cairo. That work to-day is virtually completed, and now they are coming in here for \$60,000,000 additional, without showing what it is for. It is nothing more than laying the foundation for a wholesale raid on the Treasury for local improvement in a large way.

Further, it takes away from Congress and from the juris-diction of the Chief of Engineers the authority for continuing the supervision as to navigation over the Mississippi River

from Cairo up to Rock Island.

You will see as the years go by that the position that I have taken is confirmed by the events. Gentlemen on the other side have not explained in any way the need of this large authorization. They ought to, in all fairness, if their contention is right. They should ask unanimous consent to amend with respect to levee protection and bank protection.

Mr. HUMPHREYS of Mississippi. The Chief of Engineers

suggested this language.

Mr. WILSON. Mr. Speaker and gentlemen, relative to the objections raised by the gentleman from Wisconsin [Mr. Staf-FORD] against this bill on account of the fact that it extends the jurisdiction of the Mississippi River Commission from Cairo up to Rock Island, Ill., for the purposes of "flood control," I will say that this language was placed in the bill at the instance of the Chief of Engineers and the Mississippi River Commission, and it in no way changes the law as it now stands in respect to navigation. There is no danger of a conflict and no reason why the gentleman from Wisconsin should be so frightened about the matter. This clause meets the approval of the very authorities who are to execute the law.

Also, relative to his objection about extending the jurisdiction of the Mississippi River Commission and making provision for the tributaries, you will note that the language says only so far as these tributaries are affected by the flood waters of the Mississippi River. The law is not changed in so far as the work in respect to navigation on the tributaries is concerned.

In my judgment, one of the most important features of the bill is that it makes provision for controlling the flood waters of the Mississippi River as it affects the various tributary streams. The water that fills those tributaries and inundates the adjacent lands is the very same water and presents the same problems as on the main river itself. There are in the States of Iowa, Missouri, Arkansas, Mississippi, and Louisiana some six million acres of the finest land in the world affected by back waters from the Mississippi River. And there is the same obligation on the part of the Government to protect this territory and to come to the relief of the people living there as in the sections immediately adjacent to the Mississippi,

We have been contending here for the past six years for the extension of the jurisdiction of the Mississippi River Commission to these tributary streams. The principal rivers affected on the lower stretches are the St. Francis, the White, and the Arkansas Rivers, in Arkansas; the Yazoo River, in Mississippi; the Red, the Black, and the Ouachita Rivers, in Louisiana.

Some objection has also been raised on account of the use of the word "outlets" in addition to tributaries. The word 'outlets" was inserted in the bill in order to give jurisdiction and bring relief to the section affected by the Atchafalaya Since the enactment of the original flood control law the Atchafalaya has been termed and recognized as an outlet We have not only extended the jurisdicof the Mississippl. tion of the commission to these tributaries and outlets but the present bill goes further and provides definitely that "any funds which may hereafter be appropriated under the authority of this act, and which may be allotted to works of flood control, may be expended upon any part of the Mississippi River between the Head of the Passes and Rock Island, Ill., and upon the tributaries and outlets of said river in so far as they may be affected by the flood waters of said River." In other words, the appropriations made by authority of this bill, when enacted into law, will be available for use upon the tributaries and outlets for protection against the floods of the Mississippi River in the same manner as upon that river itself, and under like conditions.

WHAT THE BILL PROVIDES.

The present bill, in effect, makes available for the improvement of the Mississippi River for the purposes of navigation and flood control \$60,000,000, to be expended in a period of six years. This is in addition to \$6,000,000 already appropriated for 1923. The work of channel improvement, bank revetment, and all other activities relating to navigation will be solely at the expense of the Federal Government. construction and other works of flood control, the Government will contribute two-thirds and the local interests one-third.

It is estimated that the total expenditures by the Government and the local interests will be at the rate of \$12,000,000 per year. It is the opinion of the Mississippi River Commission and the Chief of Engineers that this amount is as much as can be economically and profitably expended in any one

THE LEVER SYSTEM.

There has recently been much discussion in respect to the value of the levee system as an adequate means of protection from the floods of the Mississippi River. After a careful study of every phase of the problem and every suggestion offered by the general discussion, it appears to be conceded that adequate levees up to commission grade and section are the only practi-cal means for this purpose above Red River. Even advocates of outlets and spillways are in practical agreement upon this point. From Red River south there is a diversity of opinion among laymen and engineers as to whether additional means supplemental to levees should not be adopted.

No stronger argument can be offered in support of the effectiveness and value of levees than the following extract from statement of Maj. Frank M. Kerr, chief State engineer for Louisiana, before the Committee on Flood Control at the recent hearings in Washington. Referring to the great flood of

1882, Major Kerr said:

1882, Major Kerr said:

When the waters from this flood had subsided it was found that the lines of levees in the valley had been breached in no less than 750 places, 300 of which were in the lines of levees of Louisiana alone, and said breaches aggregating over 60 miles in width and submerging over 75 per cent of the cultivatable alluvial lands of the State.

The losses were incalculable and despair filled the minds of all of us; but just then new hope was inspired in the form of the first authorization by the Government to render financial aid and under Government control. This came through the recommendations of the Mississippi River Commission, which body had been created three years earlier to study and cope with the problem.

He then refers to the enertment of the flood control law in

He then refers to the enactment of the flood control law in 1917 and the progress made since that date by the joint effort of the commission, the various States and levee boards con-

cerned, and says:

Every year thereafter the levee system under the joint care of the Government and the riparian States grew better and better. Every high water was carried to the sea between the levees with greater success and less toll, down to and including that of 1922, when in spite of its volume and duration no actual breaches occurred in the valley until reaching Louisiana, where four in number, in some seventeen hundred miles of levees in the State, unfortunately developed. These four breaches, however, aggregated less than 1.5 miles in width, overflowing directly less than 1 per cent of the cultivatable alluvial lands of the State, as compared with 75 per cent in 1882.

It may be said in connection with this statement from the chief engineer of the State of Louisiana that only two of the breaches in the levee system referred to were of much consequence, namely, the one in Concordia Parish, opposite Natchez, Miss., and the other at Poydras, just below New Orleans. The levees where these breaches occurred are admitted to have been defective and far below the standard fixed by the com-No break has occurred at any time or anywhere in

levees up to the required Government standard.

The complaint is often made that as levee construction continues and the waters of the river held within a uniform channel, flood heights have increased in an unusual if not to a dangerous degree, and frequently we are referred to conditions as they existed in the lower stretches of the valley 50 or 75 years ago, when there were practically no levees worthy of the name and when flood heights were much lower. it is suggested that without levees at present the same conditions would exist as in the former period. But these statements are made without full knowledge of the facts. It is true that the more adequate levee system is to some extent responsible for gradually increasing flood heights. But there are other important factors adding to this increase which make it imperative to construct levees on the lower river. The drainage and reclamation of the vast areas on the upper reaches of the Mississippi River and its tributaries precipitate the flow of water into lower sections of the stream in volumes that were unknown 50 years ago. And even in the States of Missouri, Arkansas, Mississippi, and Louisiana, where levees have been built on the front, vast drainage projects have been inaugurated for the reclamation of great basins which have heretofore been reservoirs; and since this process will continue, flood levels will be increased upon the lower sections of the river, whether levees are constructed or not.

SPILLWAYS.

While admitting that from Red River north a levee system is the only practical method, that it can be made successful, and that we can conduct safely between the levees a flood of any magnitude heretofore known down to that point, it is contended with much force and upon an interesting array of facts by men whose opinions are entitled to much credit that

safety below Red River can only be secured by the adoption of some additional means—some works of flood control supplemental to and coordinate with the levee system. For this purpose outlets or regulated spillways are proposed. The Committee on Flood Control was much impressed by the arguments presented by the people of Louisiana in relation to this phase of the subject. These arguments were presented not only by laymen but by very able engineers who have been intimately associated with the problems involved, and this phase of the subject was not overlooked by the Committee on Flood Control. I quote from the report:

I quote from the report:

As the country above has been developed and drainage districts created which precipitate the surplus water into the river the flood level in the lower reaches of the river has continuously and progressively been elevated. Due to this fact many people of Louisiana, particularly of New Orleans, have advocated other methods of controlling the floods in addition to those heretofore employed by the commission. The necessity of regulated spillways below Red River, both above and below the city of New Orleans, was urged upon the committee with great earnestness and force. The committee is not composed of engineers, and must, of necessity, leave the determination of all purely technical questions of engineering to the engineering authority established by the Government and charged with the responsibility and authority to make the work of flood control effective, which, in this instance, is the Mississippi River Commission and the Chief of Engineers.

The flood control at gives the Mississippi River Commission full power to control the floods by any method which they may adopt with the approval of the Chief of Engineers. Under this authority they may, if they deem proper, provide spillways, outlets, or any other method. It would be unwise to the last degree for Congress to undertake to direct the engineers in such matters or to go farther than the present law.

In respect to matters of this kind it is not within the province

In respect to matters of this kind it is not within the province of Congress to adopt the method by which the result shall be achieved, or to direct that any particular project be adopted or carried out in a way or by a method specified in the legisla-tive act. Where the Federal Government undertakes a work and establishes its agency for that purpose the money appropriated therefor is spent exclusively and only upon the plans and recommendations of that agency to achieve the end desired.

After this bill was reported by the Committee on Flood Control the question of authority for the adoption of spillways was submitted to the Chief of Engineers and the Mississippi River Commission, and these authorities have gone on record as follows. I quote from a letter of Gen. Lansing H. Beach, Chief of Engineers, addressed to me:

1. I have the honor to reply to your letter of the 9th instant relative to the authority of the Mississippi River Commission of maturing plans for flood control.

2. Section 1 of the flood control act, approved March 1, 1917 (of which this is a reenactment), empowers and directs the Secretary of War to carry on continuously the work of flood control and river improvement in accordance with "the plans of the Mississippi River Commission heretofore or hereafter adopted," but limits the expenditure therefor, etc.

And now I quote from a letter of Col. Charles L. Potter, president of the Mississippi River Commission:

I have your letter of January 9 asking my opinion as to whether the commission has at present full authority to consider "spillways and other works of flood control" in its handling the flood problem on the lower river. There is not the slightest doubt of our full authority to consider such measures and to use them if we think advisable. No further legislation along those lines is at all necessary.

So there is no language that could be framed to give more complete authority for the adoption and construction of spill-ways and outlets than now exists. I feel safe, from actual knowledge of the situation, in saying that the minds of the Chief of Engineers and the Mississippi River Commission are not closed against arguments in favor of spillways. ing before the Committee on Flood Control indicated very clearly that they have not approved this method, and had they done so heretofore the money to execute such plans has not been provided. Assurances have been given that permission would be granted to the people of New Orleans and Louisiana to construct the proposed spillway at Poydras, just below New Orleans. If this should be done the results therefrom would probably be the most convincing argument that could be made.

OUR PROBLEM BETTER UNDERSTOOD.

Mr. Speaker, this bill proposes to make available the largest sum ever authorized for this all-important work, and in my judgment its passage by Congress is made possible at this time by the fact that the problems of the Mississippi Valley have come to be known and appreciated by the people of the Nation. Senators and Representatives from every section of the country | way, and pass it as soon as possible.

have had the opportunity to see and know the difficulties involved, the vast interests at stake, and the determined and heroic efforts of our people. These Senators and Representatives have taken the message home to their fellows, who have received it in that spirit of fairness and justice characteristic of the American people of all sections.

For this and other opportunities for the American public to have possession of the information necessary to form a fair and proper judgment I wish to acknowledge our indebtedness not only to the States and various levee organizations concerned for their splendid activities, but also to the patriotic and unselfish associations of public-spirited citizens such as the Mississippi River Flood Control Association, of Memphis, Tenn., and the Safe River Committee of the city of New Orleans.

When it was realized that the flood control act of 1917 would expire with the work far from complete and with new problems pressing for solution, these associations rendered valuable assistance in connection with public conventions at various points, in disseminating information, and in contributing to the general discussion that resulted in a united and definite line of procedure which is now about to culminate in the passage of legislation so much needed.

The passage of the present bill does not complete our work for flood control. We have now pending bills affecting other sections of the country and providing for surveys and reports preliminary to legislation of a protective character. We also have pending before the Committee on Flood Control a bill known as the Dupré bill, providing means for a general study of the whole problem of stream flow and flood prevention in a comprehensive way, and which I hope shall have the earnest consideration of the next Congress.

NAVIGATION.

I refer to navigation because the dreams of those who have for a number of years been advocating a revival of navigation on the Mississippi River are being realized. The present service, under the direction and control of the War Department, has surpassed the fondest expectations of its advocates. It is en-tirely sufficient on this phase of the discussion for me to refer you to the testimony of Col. Q. T. Ashburn, who is in charge of the Federal Barge Line service on the Mississippi River, before the Committee on Flood Control. I quote:

the Committee on Flood Control. I quote:

Whether or not we have been able to make good, I think, is illustrated by the appropriations which have been made. The appropriation for the first year was \$10,000,000; the next year, \$4,000,000; last year, \$1,250,000; and you will note that out of a million and a quarter dollars, \$600,000 is coming back into the Treasury. Last year there was appropriated \$330,000. Less than \$100,000 has been used in the operation of the barge lines, which shows whether they have been effective or not. The appropriation for this year is for the Washington office only, which is \$30,000.

Now, with regard to the barge line, to show whether or not it is of any value to the country, I want to give the figures as to the tomage carried in 1921. The river tonnage carried in 1921 was 237,268 tons. In 1922 it was 655,789 tons, an increase of 176 per cent. The tomage that was carried in the fiscal year 1922 was: Southbound, 414,790 tons; northbound, 240,999 tons. The revenue southbound was \$1,397,530; morthbound, \$1,139,958; making a total revenue for the year of \$2,537,489.

northbound, \$1,139,958; making a total revenue for the year of \$2,537,489.

Now, when this line was first put in everybody said that there would be no upbound freight. It was a long, hard pull to get any upbound freight. You gentiemen are well aware of the fact that traffic trade travels well-established routes and will not leave one route to go to another route till it is given sufficient dependable service. * * * Now, we got in a condition where we could give most efficient dependable service and we were in a position to handle the traffic, and during the six months of this year the upstream traffic. The upstream traffic, a larger portion of it, would never have come that way at all unless there had been cheap water rates.

Colonel Ashburn further testified that it was not possible to handle the cargoes offered on account of insufficient equipment. Also, that if proper equipment were provided, the present bargeline service could be profitably extended to the navigable tributaries of the Mississippi River.

Whether viewed from a standpoint of flood control or navigation, the expenditure of the money provided in this bill is amply

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois to suspend the rules and pass

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed. Mr. HAUGEN and Mr. LAZARO were given leave to extend their remarks in the RECORD.

The extension of remarks referred to is here printed in full as follows

Mr. LAZARO. Mr. Speaker, I am heartily in favor of the flood control bill, and I hope that the membership of this House will consider this legislation in a nonsectional and nonpartisan

It is the policy of the Government to appropriate money to protect crops from insects and diseases, also cattle and forests, so that the people may have food, clothing, and shelter. With the movement from the farms to the cities we are already threatened with limited production. Certainly legislation of this sort, which would protect millions of acres of our most fertile land from recurring floods, is in the interest of all our people. Take for instance the cotton crop. Every pound of it is needed to clothe our people, and yet every time we have a flood, millions of acres of the most fertile cotton land in the world is flooded and the crop lost. We also have the moral responsibility of the Federal Government to assist in the safeguarding of life from these floods.

In planning work of the magnitude required to control the Mississippi River and its tributaries during flood stages we must look ahead. The money which this bill authorizes will not be available until July, 1924. However, if this bill should fail to become a law before adjournment, March 4, it would be nothing short of a disaster for the lower Mississippi Valley. On the other hand, if the bill becomes a law this session, the levee boards can go ahead with their plans, and also the Mississippi

River Commission.

I am glad, indeed, to see a change in sentiment in Congress on this vital question. Some who were not in favor of such appropriation years ago because it did not directly affect them now understand that it is a big American problem which must be met and solved if the entire country is to develop and prosper.

We had no such desperate and critical flood problems years ago. Such floods as came then would spread out more gradually or were controlled by levees that the local people could afford to maintain at their own expense; but to-day, my friends, these floods come so suddenly upon us, because of the destruction of forests and better drainage above, that they are absolutely

beyond our control.

The United States has spent considerable money on reclamation. Reclamation is the conversion of waste land, such as deserts, swamps, and cut-over lands, by human labor and artificial means, into productive areas. We have done splendid work in that line and we should encourage it. At the same time we must bear in mind that the main purpose of efforts to control the Mississippi River and its tributaries is the preservation of vast productive areas, great cities and farms already existing, against the ever-increasing floods poured down upon them in ever-swelling volume as a result of the improvement of agricultural lands above. This is not reclamation; it is national conservation of immense established values. Certainly we can not permit these vast values, fruitful acres, and large cities to be given over to destruction. The conversion of waste places to human use, the development of new values, the conservation of existing values constitute one of the highest and truest functions of government.

Let us rise above partisanship and sections and pass this bill to-day, with the hope that the Senate will do likewise and that the President will sign it before March 4.

ENTRY OF ANIMALS FREE OF DUTY.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Joint Resolution 422, disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to take from the Speaker's table House Joint Resolution 422, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. CRISP. Let the title be reported.

The Clerk read as follows:

House Joint Resolution 422, permitting the entry free of duty of certain domestic animals which have crossed the boundary line into foreign country.

The SPEAKER pro tempore. Is there objection?
Mr. GARRETT of Tennessee. Is this an emergency freetrade proposition? [Laughter.]
The SPEAKER pro tempore. The Chair hears no objection,

and appoints the following conferees:
Mr. Green of Iowa, Mr. Longworth, Mr. Hawley, Mr. Col-LIER, and Mr. OLDFIELD.

THE LATE REPRESENTATIVE WILLIAM BOURKE COCKRAN.

Mr. BURTON. Mr. Speaker, under the direction of the Committee on Foreign Affairs, I ask unanimous consent to present for reading and insertion in the RECORD of a resolution adopted this morning by that committee upon the death of the Hon. WILLIAM BOURKE COCKRAN.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to present a resolution adopted by the Com-

mittee on Foreign Affairs on the death of the Hon. WILLIAM BOURKE COCKBAN. Is there objection?

There was no objection.

Mr. BURTON read the following:

MEMORIAL RESOLUTION UPON THE DEATH OF HON. WILLIAM BOURKE COCKRAN, ADOPTED BY THE COMMITTEE ON FOREIGN AFFAIRS OF THE HOUSE OF REPRESENTATIVES MARCH 2, 1923.

The members of the Committee on Foreign Affairs have heard with the deepest sorrow of the sudden death of Hon. WILLIAM BOURKE COCKBAN.

His association with the committee has left a lasting impression because of his remarkable knowledge of general history and his keen discernment of international policies and relations; coupled with an exalted sense of public duty and untiring industry, worthy of the highest standards of legislative activity and of statesmanship.

His geniality and helpfulness were so constantly manifested that each member of the committee mourns his death as a

personal loss.

For 40 years he maintained an unsurpassed position among orators of the English-speaking tongue. His eloquence and readiness in debate on manifold occasions, both in the Old World and the New, have given him a distinctive place among the public speakers of our time.

The eminence of his public service has made his name an inspiration and a permanent heritage for the country which he

loved so well.

With a profound appreciation of their own loss, and that of his constituency and the Nation, the members of the committee, by formal resolution, unanimously adopt this memorial and convey to the bereaved wife of Mr. Cockban their most heartfelt sympathy.

Mr. Speaker, I ask unanimous consent that this be printed in the Record in 8-point type. It is probable that there will not be time for memorial exercises during this session for our departed colleague, but if a new precedent is needed I shall ask during the next Congress that we may be afforded an

opportunity for memorial services.

The SPEAKER pro tempore. Is there objection to the re-

quest of the gentleman from Ohio?

There was no objection.

AN ADDITIONAL COLLECTION DISTRICT FOR INTERNAL REVENUE.

Mr. MILLS. Mr. Speaker, I move to suspend the rules and pass the Senate bill 2051, an act to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 65. The Clerk reported the bill, as follows:

Be it enacted, etc., That section 3142 of the Revised Statutes is amended by adding at the end thereof a new paragraph to read as follows:

"On and after July 1, 1921, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 65."

The SPEAKER pro tempore. Is a second demanded?

Mr. COLLIER. Mr. Speaker, I demand a second.
Mr. MILLS. I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York

is recognized for 20 minutes.

Mr. MILLS. Mr. Speaker and gentlemen of the House, this is a bill that can be explained very briefly and be very readily understood. It provides for the increase of the number of internal revenue collection districts from 64 to 65, and I may say, so that the House may have a complete understanding of what is proposed, that if this measure is enacted the Treasury Department proposes to locate the new district in the State of New York and possibly within the limits of the city of New York. Why is this needed? Gentlemen are familiar with the fact that in the course of the development of our tax system during the last 10 years the number of taxpayers has risen from 600,000 to 9,000,000 and that the number of returns handled by this collection district in 1920 was no less than 15,-000,000. The situation in the county of New York is particularly We handled there in 1921 no less than 404,000 individual income-tax returns, and in addition some thousands of special returns, as well as sales-tax returns. Now, it is of the greatest possible value to the Treasury Department that these returns should be expeditiously handled. One of the difficulties, in my judgment, which has arisen in the administration of the income tax and has given rise to a delay amounting to five or six years in auditing returns is the fact that we have attempted too much centralization and have not decentralized. From the standpoint of the taxpayer it is essential for his convenience that these offices be located not only from a convenient standpoint geographically but so that he can be able to deal with the head of the bureau. Subordinates do not satisfy when it comes to a question of paying a large tax. ordinates do not satisfy when there is an intricate question of law. You know and I know, when we have a question of that kind, we want to go to the top, to the man at the head of the bureau of the district.

In our particular district in New York City you can not go to the head of the bureau when there are 404,000 taxpayers. But the head of the bureau

Mr. GARRETT of Tennessee. there can make no final ruling.

Mr. MILLS. I appreciate that, but the gentleman knows that in many, many cases a personal interview will clarify the matter in so far as the taxpayer is concerned, and may in

the future do away with any amount of litigation.

In addition, we have a very peculiar geographical situa-on. To the north of the county of New York we have the counties of Bronx and Westchester, one of which is located within the confines of the city of New York. They are not a part of the second district, although the county of Westchester, for instance, is made up almost wholly of towns and cities, suburban in character, whose inhabitants do business in the city of New York and live within 20 to 25 miles of the city of New York.

Mr. BLANTON. Mr. Speaker, admitting the gentleman's statement that there is a necessity, is there any reason why it should be determined in advance of the passage of this legislation that no white man shall be appointed to this office?

Mr. MILLS. It has not been so determined. Mr. BLANTON. I have understood that.

Mr. MILLS. The gentleman is misinformed. These people in the counties of Westchester and Bronx have to travel 150 miles to Albany to the collector's office there. Can you imagine a greater absurdity than a resident of the city of New York living within the city limits being obliged to travel 150 miles to interview the collector? Can you imagine a greater absurdity than the men who live in one of the cities of Westchester, close to New York, every day in business in New York, being obliged to go to Albany, 150 miles away, on tax questions? It will be suggested, of course, that the Treasury Department has authority, and why does it not combine Westchester and Bronx with the second district? It can not do so because the second district is already overwhelmed with work, and if you added these two other counties, you would have a district which would exceed in magnitude any other district in the United States, and which would be unwieldy from the administrative standpoint. If you adopt this proposition and the Treasury Department should decide to take in the Bronx and Westchester Counties, the resulting district would be as follows: The second district would have a population of 1,142,000, with approximately 204,000 income-tax payers, and the third would have a population of 2,218,000, with 270,000 income-tax returns.

Should the department decide not to include the Bronx and Westchester, but simply from the standpoint of administration to divide the county of New York, you would have the following result: The second district would have 204,919 individual tax returns with a population of 1,142,000 and the third would have returns of 204,000 with a population of 1,142,000. You gentlemen will realize from the situation in your own districts that these are pretty large districts. In fact, in the number of returns filed each district would still be in excess of the number

filed in all but seven of existing districts.

What are the arguments against this proposition which will be urged by my friends on the other side? They will say to you that we are creating a new job. I frankly admit that of course we are creating a new job, the job of collector of internal revenue in this new district.

However, there is nothing wrong in the creation of a new job, if the job is needed, even though from a political standpoint it may be objectionable that the job is going to some one of the opposite faith.

Mr. SIEGEL. Mr. Speaker, will the gentleman yield? Mr. MILLS. Yes.

Mr. SIEGEL. Bronx County has had the greatest growth in population of any county or place in the country since the creation of these districts. It grew from a population of 400,000 to 800,000 in less than six years, according to the census of 1920, and since 1920 the Bronx has grown to the extent of another 120,000 population, with all of the big factories moving up there, and the large income-tax payers moving up into that county. There is urgent necessity for an additional revenue district in order to get the money in and collect all that is due to the Government. They are not doing it now and they can not

Mr. MILLS. Again, it will be urged that this means largely increased expenditures. It does not mean largely increased You would have to have a new office, but toexpenditures. day you have a branch office. You may have additional floor space in another building, and you are paying for that same floor space down town to-day. There would not be a single additional clerk or place created by this position, because it takes the same number of clerks to handle 404,000 income-tax returns, whether they be in an office located at Wall Street, or in an office located at Washington Heights.

Mr. ROSSDALE. And floor space in the Bronx at \$2 a square foot and in Manhattan, where the office is now located, it is

\$6 and \$7 a square foot.

Mr. MILLS. So that the argument which will be unquestionably urged that we are advocating a measure that means large additional expenditure can not for one minute be sustained. If anything, it should mean decreased expenditures, and the only possible increase in expenditure is the salary of the new collector. Therefore, gentlemen, I urge in all sincerity that you pass this measure as one which the Treasury advocates, as one necessary, from an administrative standpoint, and which we Representatives of the city of New York advocate as a measure necessary for the convenience of the taxpayer.

I reserve the remainder of my time.

Mr. COLLIER. Mr. Speaker and gentlemen of the House, the minority thinks that the creation of this office is absolutely and entirely unnecessary. The Members of this House will recall that some time ago during the last session of Congress a bill bearing the same recommendations from the Treasury Department that this bill bears was reported by the Committee on Ways and Means over the objection of the minority, and that There was this difference between that it came to this floor. bill and this bill: That bill created more internal-revenue collectors than this bill does, and the Members of the House will recall that after as hot a day's debate as I have ever seen that bill was never brought up again, but was quietly put to sleep. This is just a continuation of that old fight. There is no need for the creation of this office. It is simply to give some one a job. The gentleman from New York [Mr. Mills] has told you that it means only the addition of one man's salary.

Why, the gentleman from New York will know, and I have been informed, that the creation of these new positions will force the Government to either rent or by other means purchase acquire a building which will cost over \$30,000. policy of the department has been to concentrate these matters. Under the existing law the Secretary of the Treasury can now so consolidate these districts that by deputy commissioners the

work can be done.

Mr. BEGG. Will the gentleman permit a question?

Mr. COLLIER. In just a second. I picked up a New York paper yesterday and I saw in that paper a list; I did not count them, but there were hundreds of places in the city of New York where the income-tax payer can now go, and there is absolutely no necessity for this office except to give some one a

job. I yield to the gentleman. job. I yield to the gentleman.

Mr. BEGG. I think the gentleman is anxious to do justice at all times. That is the credit I give him. Now, there are 64 internal revenue collectors in the United States. There are 5 in the State of New York, and if this bill passes it will make In other words, there will be 6 internal-revenue collectors at this time, if this bill becomes a law, to do one-fourth of the business of the United States, because the State of New York collects and pays one-fourth of the total income. Does not the gentleman think, in all fairness, the request is a reasonable one when they only ask for one more collector to do one-fourth of the work of the United States?

Mr. COLLIER. There is no doubt the gentleman from New York is reasonable in his demand, because we might have expected even a greater demand. I want to say this to the gentleman from Ohio: Now we have not got the same amount of work which we had. We do not collect the excess-profits tax. There was a time when we did more work than now, and that is why I do not think it is necessary to increase the number of

collectors.

Mr. ROSSDALE. If the gentleman will permit, in the city of New York in the county of the Bronx there are possibly 900,000 people that have to go to Albany to pay their taxes, despite the fact they are a part of the city of New York.

Mr. COLLIER. That is true; but the Secretary of the Treas-

ury can remedy that if he wants to, when there are two or three

hundred districts and substations

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. COLLIER. I will.

Mr. GREEN of Iowa. The other bill provided 10 additional collectors. I did not think they needed the 10. I do agree it does seem this additional one is necessary.

Mr. SIEGEL. Will the gentleman yield?

Mr. COLLIER. I do. Mr. SIEGEL. I desire to correct what the gentleman said about seeing in the New York newspapers notices in reference to these places where individual revenue agents are present. They are simply banks and similar places where men can go to fill out income-tax blanks. You can not get other informa-tion or correct returns. It is very unfair that taxpayers in New York should have to travel 150 miles to Albany to get any other kind of information.

Mr. COLLIER. The gentlemen could go to the Secretary of the Treasury and present the facts, because under the existing law these internal-revenue collection districts can be rearranged.

Mr. SIEGEL. Some time ago, about three years ago, on the floor of this House I called attention to the additional amount of money which could be brought in by taxes then uncollected. For instance, we had 100 men sent out, and each of those men drew \$4 a day allowance. If you create this additional collector you will be bringing in millions of dollars into the Treasury, and the amount that you will expend will be practically nil. This is a question of getting into the Government Treasury millions, whereas the item of expense now involved in the bill under consideration is \$7,000 or \$10,000.

Mr. COLLIER. I yield five minutes to the gentleman from

Mr. PERLMAN. Will the gentleman yield?
Mr. COLLIER. I will.
Mr. PERLMAN. The gentleman just stated in reference to a building costing \$30,000-

Mr. COLLIER. I estimated that as costing that more or less. Mr. PERLMAN. Will the gentleman yield?

Mr. COLLIER. If I had the time.
Mr. PERLMAN. On Monday last I had a talk with one of the deputy commissioners of internal revenue and he told me it is absolutely necessary to transfer a large staff of men to New York to do the work that is necessary there now, and that will entail an additional expense for office space. If you have to find that space for the men in the locality where the present district office is located it will require a great deal more money for rent than anywhere else in the city of New York, and that cost will be at least three times the amount of salary to be paid to the collector of the additional internal-revenue district provided for by this bill.

Mr. COLLIER. I yield five minutes to the gentleman from

Arkansas [Mr. OLDFIELD], Mr. OLDFIELD, Mr. Speaker, I do not think the establishment of this new district is necessary. As the gentleman from Mississippi has said we fought this out here once before. This bill passed the Senate in 1922, in June of Another thing: last year, and they waited here until the closing days of this session to bring it up. Now that is not fair to the country. We ought to have considered this bill; we ought to have had an

opportunity to consider this bill on its merits,

Mr. Mills always makes a splendid argument. He is a very able fellow and a charming gentleman personally, but he is wrong about this proposition. The Secretary of the Trensury has ample authority, and nobody would deny that, to rearrange and have substations and put all of New York City in one district, if he desired, and just save that trip of 150 miles up to Albany. The Secretary of the Treasury has all the authority he needs. Why come in here in the last moments of this Congress and ask us to create a new district? I do not know how many people would have to be put in that office. You would have an internal-revenue collector and everything that goes with an internal-revenue collector's office. I do not know how many thousands of dollars it would cost every year. We ought not to do it, gentlemen, because, as I say, the Secretary of the Treasury has ample authority under the law now to correct this situation, and these gentlemen know it. There is no question about it.

Now I do not want to take up the time here, because other gentlemen desire to say a few words upon this bill. But, gentleman, you ought not to encourage this practice of coming in here in this way at the end of the session with legislation that is not necessary. It was taken up 10 months ago, and you got licked after a day's discussion. Of course, that bill provided for 10 new districts, and this provides for only 1.

Mr. ROSSDALE. Does the gentleman favor an increased collection of taxes? Does the gentleman know that the Government is now two years behind in checking up?
Mr. PERLMAN. Five years behind.
Mr. ROSSDALE. Yes. We pay the money.

Mr. OLDFIELD. We are collecting less taxes from New York and everywhere else in the country now than last year or in the previous year. In other words, internal revenue collections are coming down.

Mr. GREENE of Vermont. The gentleman is experienced in accounting to a sufficient degree to know that the volume of

money collected is no criterion of the cost of collection.

Mr. OLDFIELD. That is true. They can collect taxes in the great congested districts much more cheaply than in the scattered territory.

Mr. TILSON. Mr. Chairman, will the gentleman yield? Mr. OLDFIELD. Yes.

Mr. TILSON. The gentleman realizes that if we were to transfer all the business of Bronx County and Westchester County to the downtown district of New York they would have to double the force which they now have, and that would entail an enormous expense.

Mr. OLDFIELD. If you create a new district, a new internal revenue collector, you must have additional space. But

you can locate it anywhere.

Mr. ROSSDALE. The rents are one-fourth in the Bronx what they are in New York City proper. It would be cheaper to move the entire establishment to the Bronx.

Mr. OLDFIELD. The Secretary of the Treasury can change the situation and location absolutely. He can put it all in one district. He can put it all in Albany if he wants to. He ought to do this, just as he has the right to do it under the law, and not come in here in the closing days of Congress and ask for a new internal revenue collector and all that goes with it.

Does the gentleman realize that the population of New York is growing tremendously, and that the object in view is to get more individual collections? Does he realize that it can not be done unless we get another collector and another district, so that provision can be had for these additional men.

Mr. OLDFIELD. In the other bill you did not expect more than one additional internal revenue collector in that entire

Mr. SIEGEL. Two, I will say to my friend.
Mr. MILLS. Mr. Speaker, I yield five minutes of my time
to the gentleman from New York [Mr. Husted.]
The SPEAKER pro tempore. The gentleman from New

The SPEAKER pro tempore, T York is recognized for five minutes.

Mr. HUSTED. Mr. Speaker, as the gentleman from New York [Mr. Mills] remarked, there is not much to be said on this bill, and what little there is to be said he has said extremely

I happen to live in the county of Westchester, and I know what the situation is. Westchester County is within the metropolitan district. We do business in the city of New York. We are only a few miles out. But we are in the fourteenth district for internal revenue and income tax purposes. If we want to talk to a collector we have to go 100 miles or 125 miles away to do it, when we live on the border of New York City and very frequently go there.

Westchester County is not in New York City, yet many of the largest income-tax payers in the United States live in Westchester County; their returns are the most voluminous and the most complicated, and on them a great amount of money is

paid into the Federal Treasury.

Now, the situation in the Bronx is even worse than it is in Westchester County. The Bronx is in New York City. county of the Bronx is a part of New York City. I think it is the most rapidly growing section in the United States. people who live in the Bronx, in the city of New York, have to go up to Albany to see the collector there about income-tax mat-

The gentleman from Arkansas [Mr. Oldfield] says that the Secretary of the Treasury has ample authority now to add the county of Bronx to the second New York district. Of course, he has.

Mr. Speaker, will the gentleman yield? Mr. SEARS.

Mr. HUSTED. I can not yield now.

And he has ample authority to add the county of Westchester to the second New York district. Why does he not do it? He does not do it for good, sound, administrative reasons. The second district, which is the county of New York, is already the second largest collection district in the United States. have more work now than they can properly attend to, and that is the reason why the Secretary of the Treasury not only does not add the county of Westchester, but can not properly add the county of the Bronx, although it is actually a part of the city of New York.

We should have a new collection district for the convenience of our taxpayers, and when it comes down to the question of

0

expense I firmly believe that what the gentleman from New York [Mr. Siegel] has said is absolutely true, that through better administration so much more money will come into the Federal Treasury that the little amount involved in paying the salary of one additional income-tax collector will amount to nothing in comparison. I believe that this is a good business proposition for the Treasury of the United States and that the only possible objection that anybody could raise against it is that it is being done by the Republican Party and that the man who will get this small position will be a Republican. Well, that is too small a consideration to influence anybody in a matter of this kind. I want this thing, from my point of view, not because a Republican is going to be appointed, but for the convenience of the taxpayers in the county in which I live.

I want it for them and for their interests so that they go to the collector in the new district within a reasonable distance from where they live and talk these important matters over with him. I do not want them to have to go to Albany, 125 miles away from home, to take up these matters. It is a good business proposition. If you pass this bill, which adds one additional district, which increases the number from 64 to 65, you will greatly convenience our income-tax payers and at the same time, as I believe, help the Federal Treasury by providing for better administration of the income tax law in one of the most congested and rapidly growing sections of the

United States.

Mr. COLLIER. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. Swine].
Mr. SWING. Mr. Speaker, this additional district may be needed. The Secretary of the Treasury says it is and I am not sufficiently informed to say that it is not. But I do criticize the policy of the Secretary in urging an increase in the number of internal-revenue districts while at the same time recommending a reduction in the number of customs districts. A little while ago Mr. Mellon wrote the Committee on Ways and Means advocating an increase of 10 internal-revenue districts, saying that it would give more efficient service to the taxpayers and net more revenue to the Government, notwithstanding that in the same letter he admitted that the amount of money being collected by the internal-revenue bureau had greatly decreased as compared with preceding years. To-day, not-withstanding the tremendous increase in business resulting from the new tariff law, he is supporting a policy of decreasing the number of customs districts on the ground that fewer districts will render better service to the public and at the same time save the Government money. No one can point out any fundamental differences between these two classes of administrative districts. Both are fiscal machinery for collecting money from the public. Consistency would be a virtue, for it is a poor rule which does not work both ways.

On February 1, last, the San Diego customs district was abolished on the request of Mr. Mellon, notwithstanding that official records show that the collections of the district for 1922 had increased over 100 per cent over those of 1921, while the collections for the first six months of the fiscal year 1923 were over 400 per cent over the collections for the preceding six months. The harbor master's report for the San Diego harbor shows that its trade for 1922 had increased over that of 1921, 50 per cent on domestic trade, 250 per cent on intercoastal trade, and 425 per cent on foreign trade. But, notwithstanding these marvelous increases in business transacted by this district, it must fall before the policy of the Treasury Depart-The policy of this same department, however, requires additional revenue districts, even though the work is on the decrease and the collections are less than they have been for a

number of years.

You gentlemen may be able to reconcile these two policies; I can not. If it adds efficiency to increase revenue districts, notwithstanding a falling off in business transacted by them, how does it improve the service of customs districts to decrease their number notwithstanding a very heavy increase in work to be performed by them? Let those explain who can.

Mr. HUDDLESTON. Mr. Speaker, I make the point that no

quorum is present.

The SPEAKER pro tempore (Mr. SNELL). The gentleman from Alabama makes the point of order that no quorum is present. The Chair will count. [After counting.] One hundred and sixty-five Members present, not a quorum.

Mr. HICKS. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon Ansorge Anthony

Arentz Atkeson Bird

Bland, Ind. Bewers

Britten Brooks, Ill.

Brown, Tenn. Browne, Wis. Burke Maloney Michaelson Hoch Huck Stoll Sullivan Sullivan
Taylor, Ark.
Taylor, Colo.
Taylor, Tenn.
Ten Eyck
Thomas
Thorpe
Treadway
Upshaw
Walters
Ward, N. Y.
Ward, N. C.
Watson
Wheeler
White, Me.
Williams, Tex.
Wood, Ind.
Woods, Va.
Yates Huck Ireland Montague Moore, III. Jacoway Johnson, Miss. Mudd Johnson, S. Dak. Newton, Mo. Jones, Pa. Olpp Overstreet Kearns Falge Fark, Ga. Kelbey, Mich. Parks, Ark. Kennedy Rind Riodan Riordan Rogers Montague Moore, Ill. Morin Mudd Tenn Byrns, Tenn. Chandler, Okla. Changle, Clague Clark, Fla. Classon Clouse Clouse
Codd
Connolly, Pa.
Crage
Crowther
Cullen
Curry
Davis, Minn.
Denison Kleczka Knight Lanham Denison Drane Edmends Ellis Linthieum Schall Freeman Garner Glynn Little Luhring McArthur Scott. Mich. Shelton Sisson McClintic McFadden Slemp Smith, Mich. Gould Hardy, Tex.

The SPEAKER pro tempore. On this call 317 Members have

answered to their names, a quorum.

Mr. HICKS. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. COLLIER. Mr. Speaker, I yield two minutes to the

gentleman from Nebraska [Mr. Andrews].

Mr. ANDREWS of Nebraska. Mr. Speaker, this bill proposes an increase of public expenses in the closing days of the session when there appears to be no time for anything except the passing of bridge bills and increasing public expenses by creating new offices. I do not believe the passage of this bill would enlarge the facilities of the taxpayers by the creation of this new internal-revenue district. Let them use the agencles already at hand and employ the necessary deputies and

field force to meet the situation.

Moreover, Mr. Speaker, there is another element in the history of these questions that creates suspicion in my mind. Years ago when the Congress passed a law abolishing the fee system for United States attorneys and marshals, it was thought that it covered the whole country. Imagine the sur-prise that developed when we found that the New York gentlemen of that day, not of this day, had incorporated in the bill a clever provision that enabled the district attorney in the city of New York to earn from twelve to fifteen thousand dollars a month. That clever trick raises a suspicion now. Take another example: The Hon. Frank A. Vanderlip, of New York City, who has recently been telling the United States how to grow rich by donating \$11,000,000,000 to foreign nations, negotiated the sale of the old customhouse in New York City to the National City Bank. The bank drew its check for the purchase price, less \$50,000. That check was immediately turned in her the purchase price. immediately turned in by the representative of the National Treasury at the next window to the receiving teller and placed on deposit and was used by the bank without interest or at a very low rate. The arrangement whereby the deed was withheld from record and \$50,000 deferred on the purchase price enabled the bank to escape local and State taxation for several years. Now we are called upon in the closing days of the session to increase the overhead expenses of the internal revenue office in the city of New York. They tell us the collector of internal revenue is the man to whom the people would go to make their tax returns. As a rule the collectors of internal revenue do not understand the law well enough to help anyone make out their tax returns. They are not placed in office for that purpose. They are placed there as executives to handle the trained force of the office that is educated to the interpretation and application of the law to a given state of facts as the taxpayer submits it.

Moreover, why should this House in the closing hours of this Congress follow the chairman of the Committee on Rules and the majority leader in piling up additional expenses for political advantages for somebody in New York City? I am

opposed to this bill.

The SPEAKER pro tempore. The time of the gentleman from Nebraska has expired.

Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as fellows

Mr. ANDREWS of Nebraska. Mr. Speaker, the eighteenth amendment to our Federal Constitution has an important bearing upon the civic and moral welfare of our country. It greatly improves civic affairs by removing the open saloon, which has corrupted American politics to a remarkable degree. It has contributed already a large measure of benefit to the moral welfare of our people by closing the open doors to numerous vices and corruptions that always flowed through the channels of intemperance.

Some of the opponents of that amendment assert that the eighteenth amendment has been a failure because bootleggers and other violators of the law peddle poisonous whisky, which creates drunkenness and sometimes death. The eighteenth amendment does not compel anybody to drink had whisky. It warns them against its use. They seem determined to indulge in drunkenness and even death itself in a vain effort to convince the people of this country and the world that the eighteenth amendment is a failure. If they had observed the requirements of that amendment, drunkenness could have been avoided and lives could have been saved.

may be remarked in passing that the law forbidding stealing does not compel the thief to steal your horse or your money. Such thefts are committed in direct violation of the law, just as drunkenness and the peddling of bad whisky by bootleggers

are practiced in direct violation of the law.

There are two agencies that produce all the opposition to the eighteenth amendment and the laws enacted under it. They are appetite and greed for money. These two forces in human nature challenge the peaceful order of society and the constitutions and statutes of the States and Federal Govern-The assertion that prohibition has driven many men to strong drink is ridiculous. Prohibition would save them from that misfortune. Prohibition will save for the drinker his money and his sobriety. Yes; it will save for him his self-respect, his respect for his family, his fellow men, and his God. He by his own choice and largely through the influence of speeches made on the floor of this House in opposition to prohibition marches straightway to misfortune. keeper or bootlegger has ever done or is now doing more harm for the young people of America than the twin brothers that clasp hands on the floor of this House from Boston and Baltimore in opposition to the enforcement of the eighteenth amendment and the laws enacted under it.

We have listened patiently to the intemperate words of the twins from Boston and Baltimore-Messrs. TINKHAM and HILL. They have said and done everything in their power to embarrass and prevent the enforcement of the eighteenth amend-

ment and the laws enacted under it.

would be somewhat unparliamentary to enter into a minute description of things they have done and said in their methods of opposition. Let me call your attention to the widespread debauchery that would prevail in the affairs of this country if some incidents in their recent campaigns should be made the general practice of the Nation. Think of the humiliation that any thoughtful person must realize in his sane moments when he recalls the fact that in a congressional constituency the issue in the campaign turned upon the question as to which candidate was wetter than the other. Think of candidates standing upon beer kegs costreet corners and declaring that they are wetter than anybody else and expect to secure the votes of their fellow citizens for that reason. How can any man with self-respect rest comfortably in his seat in this House having been elected under circumstances of that kind? Such an example as this only illustrates the horrible condition to which the opponents of the eighteenth amendment, the twins from Boston and Baltimore, invite us.

Yes; and there is another gentleman from Boston, Mr. Galli-VAN, who has recently joined the twins, thus forming the triple alliance, whose sole mission seems to be the restoration and reenthronement of King Gambrinus in the kingdom of booze. Think of their exalted ideas of national integrity, honor, and sobriety! Under such leadership what would our Nation be-The people would degenerate to the plane of slavery under the rule of King Gambrinus in his realm of booze.

Back of this triple alliance stands the national association against the prohibition amendment, with headquarters at 511 Eleventh Street NW., Washington, D. C. They announce the first plank in their platform as follows: "Beer and light wines now, but no saloons ever." Think of that ridiculous statement. Meditate upon the deception that it implies. If they had beer and wines free and unlimited, they would demand the return of the saloons in some form as places of necessary distribu-tion. Do you suppose they would stand meekly aside and look upon an unlimited quantity of beer and wine without demanding an opportunity to use it? The distribution would necessitate the opening of places in the form of saloons.

That organization claims that it will have the active support and votes of a large number of new Members in the next Con-

gress on the ground that it helped to elect them. It indorsed them openly before the congressional elections in 1922, and now claims their support for the favors thus extended them. It claims the active support and the votes of three Members from Nebraska whom they indorsed prior to the congressional election in 1922, namely, the Hon. John H. Morehead, the Hon. Edgar Howard, and the Hon. A. C. Shallenberger. The people of Nebraska will watch with care to see whether those men deliver their votes to the wets in the next Congress or not. It is assumed that the national association opposed to the prohibition amendment-eighteenth-had pledges upon that point before the public indorsements were made. The people of Nebraska recognize the fact that the confidence of that association was wisely placed when it made the indorsements.

In that campaign thousands and hundreds of thousands of the temperance people of the country took it for granted that their cause was invincible. In short, they were asleep at the

In the next campaign they must be diligent from first to last in order that they may put the enemies of temperance to rout in every section of the country. The challenge is on, and every temperance man or woman that sleeps on the job will betray a

sacred trust and a grave public duty.

This fight for beer and wine for public distribution began when President Wilson submitted his message to the extra session of the Sixty-sixth Congress in 1919. In that message he urged the repeal of war-time prohibition, and emphasized that proposition anew on the 28th of October, 1919, when he vetoed the Volstead bill. If his health and strength had been preserved he would surely have been the leader of the Democracy in the presidential campaign of 1920. When ill-health forced him out of the race the wet forces were thrown into confusion and floundered about until they finally selected Governor Cox, of Ohio, as their presidential standard bearer in

The wets on the floor of this House have already suggested the name of Governor Smith, of New York, on a beer and wine platform as the Democratic nominee for the Presidency in 1924. What will Mr. Bryan and his followers do in the next national Democratic campaign? Will they be able to resist the tide now flowing through the channels of the Democratic Party demanding the repeal of the eighteenth amendment and

the laws enacted under it?

The issue has been joined. Shall the eighteenth amendment live and be enforced, or shall it be repealed by the Democratic forces of the country and beer and wine restored to the public through the return of the saloons in some form? What will be the answer? Will the churches and the temperance organizations of the United States close their eyes to the nature of the contest? Will any one of them sit idly by while the enemy is alert and doing everything in his power to return the saloons to American life for the debauchery of American citizens and American politics?

The clock of time has struck the hour for renewed battle. Let the temperance forces of America arise and march to vic-tory, as they can and will if due diligence and patriotic service

are properly exercised.

Mr. COLLIER. Mr. Speaker, I yield the remainder of my time to the gentleman from Tennessee [Mr. Garrett].

Mr. GARRETT of Tennessee. Mr. Speaker, of course, if the premises of the gentlemen from New York, Mr. MILLS, Mr. HUSTED, and others, were correct, to wit, that this position is needed, it would not be a sufficient answer to say that it is merely the creation of a new job; but the truth is that there is no more reason that I can see for creating a new collector of internal revenue in New York City than there is for creating a new postmaster somewhere in the city of New York. I have here a copy of the New York Times of February 28. not the time to read all there is, but it gives in detail the arrangements that have been made in that great city, the greatest in the world, for branch offices at which people can obtain blanks and obtain assistance in making out their returns. Of course, that can be extended indefinitely without the creation of a new collector. What is needed to expedite the business there is not a new collector but the requisite number of assistants, and they can be furnished and are being furnished if the report contained in this paper is correct. Therefore it does come back to the proposition, and it is legitimate to say it here, that this is primarily a proposition merely intended to create a new position for the benefit of some individual and not for the benefit of the public service. reason, Mr. Speaker, I am opposed to it and shall resist its passage to the extent of my ability. [Applause.]
Mr. MILLS. Mr. Speaker, I yield three minutes to the gen-

tleman from Ohio [Mr. Beeg].

Mr. BEGG. Mr. Speaker, any move that will bring convenience to the great mass of the citizenship of the country ought to have the united support of both sides of the House. There should not be any partisan feeling about a question of service to the Government; and it does not come with very great force to have been on the Democratic side say that the only reason for it is to create a new job, when the facts of the case are that one-fourth of the total revenue of the United States is taken care of by one-eleventh of the internal revenue collectors; and if any readjustment of the revenue collectors were to be made it would be at the deprivation of the service that is being given to some of these gentlemen in their sections of the country, and they certainly would not advocate that. Just what are the facts? As has been stated here, more than 200,000 men are made to go 150 miles to get service. The gentleman from Tennessee [Mr. Garrett] said, of course, that you could put subordinates out there, just as many of them as you wish. If you do that, the cost will be just as great as if you put a principal out there and fewer subordinates; and on the other hand, even if you were to do that, the average taxpayer does not like to deal with a subordinate official. As small a taxpayer as I am, I like to go and see the internal revenue collector over contested points, so that when I make my return and pay my money I know that I am not overpaying the

Mr. GARRETT of Tennessee. Did the gentleman ever get a final answer out of any internal revenue collector?

Mr. BEGG. Oh, indeed I have; and to-day I am taking up all of my contested-tax cases with the internal revenue collector, first, to get his recommendation, and it has its weight and big influence in straightening out things even here in

One objection is made that it has been determined beforehand who is going to be appointed. It seems to me that the sporting blood in every one of you gentlemen on the Democratic side would say that it is none of your business who they appoint in New York under a Republican administration. Suppose the tables were turned, and that you had control of the House, and you needed an internal revenue collector in New Orleans or in Charleston or in any other place, would you believe that we were trying to serve our Government, and would you believe that we were good sportsmen politically, if we said that we would not vote for the bill simply because you determined the matter of appointment beforehand? The men in control of politics in New York have a right to select the internal revenue collector, and the only question that ought to have any bearing with us is whether or not they need the office. I want to say one word now to the gentlemen on the Republican side.

The Democrats have tried to make a partisan question out of this matter of whether or not they need an internal revenue collector in New York. I appeal to the united support of the men on the Republican side to stand by our administration right in the closing hours of this Congress. The gentleman from California [Mr. Swing] objects to the passage of this resolution upon the ground that they closed a customs office in That is a very poor argument.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. HUDDLESTON. Mr. Speaker, I make the point of order that a quorum of the House is not present.

The SPEAKER pro tempore. The gentleman from Alabama makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninetyseven Members present, not a quorum.

Mr. HICKS. Mr. Speaker, I move a call of the House.

The motion was agreed to. The Clerk called the roll, and the following Members failed to answer to their names:

Davis, Minn, Denison Drane Echols Ellis Favrot Kahn Keller Kelley, Mich. Kennedy Kincheloe Kindred Montague Moore, Ill. Moores, Ind. Mudd Nelson, Me. Newton, Mo. Olpp Overstreet Almon Ansorge Benham Bland, Ind. Brennan King Kitchin Kleczka Kline, N. Y. Knight Lanham Briggs Britten Olpp Overstreet Paige Park, Ga. Parks, Ark. Patterson, Mo. Rainey, Ala. Riordan Rodenberg Freeman Frothingham Brooks, Ill. Brown, Tenn. Browne, Wis. Chandler, Okla. Garner Gifford Gorman Gould Chandler, Okic Clague Clark, Fla. Classon Codd Collins Connolly, Pa. Copley Crago Crowther Cullen Larson, Minn. Lazaro Linthieum Hardy, Colo, Hardy, Tex. Hardy, 1ex. Hays Henry Jacoway Johnson, Miss. Johnson, S. Dak. Lubring
McClintic
McDuffie
McFadden
McPherson Rogers Rose Rosenbloom Ryan Schall Scott, Mich. Jones, Pa. Jones, Tex. Maloney Michaelson Shelton

Sisson Slemp Smith, Mich. Stedman Stiness Stoll Sullivan

Summers, Wash. Swing
Taylor, Ark.
Taylor, Colo.
Thomas
Thorpe
Tillman

Upshaw Ward, N. Y. Ward, N. C. Wheeler White, Me. Williams, Tex.

Wood, Ind. Woods, Va. Woodyard Wright Zihlman

The SPEAKER pro tempore. Three hundred and twelve Members have answered to their names.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the

Mr. MILLS. Mr. Speaker, I yield back the remainder of my time and demand a vote on the bill.

The SPEAKER pro tempore. The gentleman from New York yields back the remainder of his time, and the question is on the motion of the gentleman from New York to suspend the rules and pass the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table—

Mr. BLANTON. I make the point of order that after the yeas and nays are ordered, the roll call can not be interrupted.

Mr. MADDEN. I want to send to conference the deficiency

Mr. BLANTON. I insist on the point of order.
Mr. MADDEN. Time is precious now.
Mr. BLANTON. There are some things which the gentleman ought to explain before that bill goes to conference.

Mr. MADDEN. I will explain when I come back.
Mr. BLANTON. It will not go to conference until the gentleman can give assurances that we shall be permitted to vote on certain propositions.

The SPEAKER pro tempore. The Clerk had not started to call the roll.

Mr. BLANTON. I make the point of order that when the yeas and nays are demanded and the Chair says there is a sufficient number, the roll call must be had then. But if the gentleman from Illinois will answer some questions I may not press the point of order.

The SPEAKER pro tempore. If there is objection to the

request of the gentleman from Illinois.

Mr. MADDEN. I ask unanimous consent to take from the Speaker's table the bill H. R. 14408, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. Is there objection?
Mr. BLANTON. Mr. Speaker, reserving the right to object,
I would like to ask the gentleman a question or two.

Mr. MADDEN. I will be glad to answer.
Mr. BLANTON. In regard to the \$400,000 additional that is placed in this bill for the so-called Fact Finding Coal Commission, of course that will have to come back for the approval of the House, as it is legislation.

Mr. MADDEN. I will be glad to bring it back.

Mr. BLANTON. I wanted to get the gentleman's attitude

on that question.

Mr. MADDEN. I do not think I ought to be asked to do that, but I will bring that back and I will give the House a chance to vote on it.

Mr. BLANTON. A chance to vote will not be worth anything with the whole administration's leader and its forces behind

Mr. MADDEN. But then the bill has to be disposed of in

some way or other.

Mr. BLANTON. There is another matter. There is \$117,000 in the bill that is designed to remodel one of the conservatories down here in the Botanical Gardens. There is a distinct proposition of great importance involved in the matter. There is a vital question involving the removal of the Botanical Gardens from its present site, and the removal question will largely depend upon what is done with this appropriation for that conservatory. If the Senate amendment is adopted, then probably the Botanical Gardens will be removed; hence will the gentleman give us his attitude on that question?

Mr. MADDEN. I can say personally that I am against the Senate amendment, although I will not bind anybody else.
Mr. BLANTON. The gentleman will bring that item back to us?

Mr. MADDEN. I can not say that. Mr. BLANTON. That is legislation. Mr. MADDEN. No; I do not think so.

Mr. BLANTON. The gentleman having decided it is not legislation, contrary to the view of others, will he assure us that he will give us a chance to vote on that proposition?

Mr. MADDEN. I can not give any assurance except what I have said.

Mr. BLANTON. Then I object, Mr. Speaker.
Mr. MADDEN. Of course, if the gentleman does not want this bill to pass, I am satisfied.

Mr. BLANTON. I would rather have the bill killed than to agree to its new provisions, one of which removes the Botanical

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York to suspend the rules and pass the bill.

The question was taken; and there were—yeas 211, nays 94, answered "present" 2, not voting 119, as follows:

YEAS-211.

Anderson	Faust	Kraus	Rhodes
Andrew, Mass.	Fenn	Kreider	Riordan
Anthony	Fess	Lampert	Roach
Appleby	Fish	Langley	Robertson
Arentz	Fitzgerald	Lawrence	Robsion
Atkeson	Focht	Layton	Rogers
Bacharach	Fordney	Leatherwood	Rossdale
Barbour	Foster	Lee, N. Y.	Sanders, Ind.
Beek	Frear	Lehlbach	Sanders, N. Y
Beedy	French	Lineberger	Shaw
Begg	Frothingham	Little	
Bixler	Fuller	London	Shreve
Bland, Ind.	Funk		Siegel
Boies	Gahn	Longworth	Sinclair
		Luce	Sinnott
Bond	Gensman	McCormick	Smith, Idaho
Bowers	Gernerd	McKenzie	Snell
Britten	Gifford	McLaughlin, Mich	Snyder
Brooks, Pa.	Glynn	McLaughlin, Nebr	.Speaks
Burdick	Goodykoontz	McLaughlin, Pa.	Sproul
Burton	Graham, III.	McPherson	Stafford
Butler	Graham, Pa.	MacGregor	Stephens
Cable	Green, Iowa	MacGregor MacLafferty	Strong, Kans.
Campbell, Kans.	Greene, Mass.		Strong, Pa.
Campbell, Pa.	Griest	Magee	Sweet
Cannon	Hadley	Mapes	Taylor, N. J.
Carew	Hardy, Celo.	Merritt	Temple
Chalmers	Hawley	Michener	Thompson
Chandler, N. Y.	Hersey	Miller	Tilson
Chindblom	Hickey	Mills	Timberlake
Christopherson	Higher	Mondell	Tincher
Clague	Hill	Moore, Ohio	Tinkham
Clarke, N. Y.	Himes		
Clouse	Hoch	Morin	Towner
Cole, Iowa	Hogan	Mott	Underhill
Colton	Fluck	Murphy	Vaile
Cooper, Ohio	Hukriede		Vestal
Cooper, Wis.	Hull	Nolan	Voigt
Couper, W18,		Norton	Volk
Coughlin Cramton	Humphrey, Nebr.	Ogden	Volstead
Станитон	Humphreys, Miss.	Parker, N. J.	Walters
Curry	Husted	Parker, N. Y.	Ward, N. Y.
Dale	Hutchinson	Patterson, N. J.	Wason
Dallinger	Ireland	Perkins	Webster
Darrow	Jefferis, Nebr.	Perlman	White, Kans.
Dempsey	Johnson, Wash.	Petersen	Williams, Ill.
Dickinson	Kearns	Pringey	Williamson
Dowell	Kendall	Purnell	Wilson
Dunn	Ketcham	Radcliffe	Winslow
Dupré	Kiess	Ramseyer	Wurzbach
Dyer	Kirkpatrick	Ransley	Wyant
Edmonds	Kissel		Yates
Elliott	Kline, Pa.	Reece	Young
Evans	Knutson	Reed N V	Zihlman
Fairchild	Kopp	Reed, N. Y. Reed, W. Va.	MINIMUM.
ALC: NO SALES			
	NAV	8_04	

Abernethy
Andrews, Nebr.
Aswell
Bankhead
Barkley
Bell
Black
Bland, Va.
Blanton
Bowling
Box
Brand
Briggs
Buchanan
Bulwinkle
Burke
Byrnes, S. C.
Bryns, Tenn.
Carter
Collier
Collins
Connally, Tex.
Crisp
Davis, Tenn.

NA	15-94.	
Deal Dominick Doughton Dorwry Favrot Fields Fisher Fulmer Gallivan Garrett, Tenn. Garrett, Tex. Gilbert Goldsborough Hammer Hcrrick Hooker Huddleston Hudspeth James Jeffers, Ala. Johnson, Ky. Jones, Tex. Kelly, Pa. Kunz	Lankford Larsen, Ga. Lea, Calif. Lee, Ga. Logan Lowrey Lyon McSwain Martin Mead Moore, Va. Nelson, J. M. O'Brien O'Connor Oldfield Oliver Pou Quin Rainey, III. Raker Rankin Ricketts Rouse Sabath	Sanders, Tex Sandlin Sears Sisson Smithwick Steagall Stedman Stevenson Sumners, Tex Swank Tague Taylor, Ark. Ten Eyck Tillman Tucker Turner Tyson Vinson Wingo Wise Woodruff Wright

AND RESIDENCE OF THE PARTY OF T		SCHOOL PAR
ANSWERED	44	PRESENT "-2
Driver		McArthur

		AND SOME DATES.
	NOT VO	TING-119.
Ackerman Almon	Brooks, Ill.	Classon
Ansorge	Brown, Tenn. Browne, Wis.	Codd Cole, Ohio
Benham	Burtness	Connolly, P
Bird Blakeney	Cantrill Chandler, Okla.	Copley Crago
Brennan	Clark, Fia.	Crowther

Cullen		
	Min	n.
Deniso	a	And
Drane	Com	
Dunba: Echols	Total !	
17114-		

	Fairfield Free Free Free Freeman Garner Gorman Gould Greene, Vt. Griffin Hardy, Tex. Haugen Hawes Hayden Hays Henry Jacoway Johnson, Miss. Johnson, S. Dak. Jones, Pa. Kahn Keller Keller, Mich. Kennedy Kincheloe	Kindred King Kitchin Kieczka Kilne, N. Y. Knight Lanham Larson, Minn. Lazaro Linthicum Luhring McClintic McDuffle McFaddea Maloney Mansfield Michaelson Montague Moore, Ill. Morgan Mudd Nclson, Me. Nelson, A. P.	Newton, Minn. Newton, Mo. Olpp Overstreet Paige Park, Ga. Parks, Ark. Patterson, Mo. Paul Porter Rainey, Ala. Rayburn Riddick Rodenberg Rose Rosenbloom Rucker Ryan Schall Scott, Mich. Scott, Tenu. Shelton Slemp	Smith, Mich. Steenerson Stiness Stoil Sullivan Summers, Wash Swing Taylor, Colo. Taylor, Tenn. Thomas Thorpe Treadway Upshaw Ward, N. C. Watson Weaver Wheeler White, Me. Williams, Tex. Wood, Ind. Woods, Va. Woodyard
--	--	--	--	---

So, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. Keller with Mr. Almon. Mr. McFadden with Mr. Taylor of Colorado.

Mr. Paige with Mr. Griffin.

Mr. Treadway with Mr. Williams of Texas. Mr. White of Maine with Mr. Jacoway.

Mr. Kiess with Mr. Linthicum.

Mr. Scott of Michigan with Mr. Sullivan.

Mr. Greene of Vermont with Mr. Woods of Virginia. Mr. Michaelson with Mr. Cantrill.

Mr. Patterson of Missouri with Mr. Thomas.

Mr. Wood of Indiana with Mr. Kindred. Mr. King with Mr. Mansfield.

Mr. Connolly of Pennsylvania with Mr. Rayburn.

Mr. Newton of Missouri with Mr. Stoll.

Mr. Porter with Mr. Upshaw

Mr. Brown of Wisconsin with Mr. Cullen. Mr. Rosenbloom with Mr. Hawes

Mr. Moore of Illinois with Mr. Park of Georgia.

Mr. Shelton with Mr. Montague.

Mr. Steiness with Mr. Kincheloe. Mr. Summers of Washington with Mr. Hardy of Texas.

Mr. Swing with Mr. Drane.

Mr. Morgan with Mr. Ward of North Carolina.
Mr. Kline of New York with Mr. Clark of Florida.
Mr. Smith of Michigan with Mr. Weaver.

Mr. Mudd with Mr. Overstreet. Mr. Ackerman with Mr. Garner. Mr. Cole of Ohio with Mr. Hayden.

Mr. Free with Mr. Kitchin. Mr. Kahn with Mr. McClintic.

Mr. Jones of Pennsylvania with Mr. Parks of Arkansas.

Mr. Denison with Mr. Rucker.
Mr. Freeman with Mr. Johnson of Mississippi.
Mr. Crowther with Mr. Lazaro.
Mr. Johnson of South Dakota with Mr. Rainey of Alabama.

Mr. Davis of Minnesota with Mr. McDuffie.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13774) to amend the revenue act of 1921 in respect to exchanges of property.

The message also announced that the Senate had passed with amendment the bill (H. R. 14144) to limit and fix the time within which suits may be brought or rights asserted in court arising out of the provisions of subdivision 3 of section 302 of the soldiers and sailors' civil relief act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed with amendment the bill (H. R. 13430) to amend section 370 of the Revised Statutes of the United States, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 14077) to extend the benefits of section 14 of the pay readjustment act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrent officers, and for other purposes, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

H. R. 7851. An act to amend an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes," approved September 1, 1916, so as to provide for the terms of the district court to be held at Spartanburg, S. C.

H. R. 11477. An act granting the consent of Congress to the Freeburn Toll Bridge Co. to construct a bridge across the Tug

Fork of Big Sandy River, in Pike County, Ky. H. J. Res. 256. Joint resolution proposing payment to certain

employees of the United States.

H. R. 14324. An act to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the " approved March 3, 1911, as heretofore amended. Judiciary.

H. R. 14309. An act to amend section 206 of the transportation act of 1920.

H. R. 14135. An act to amend an act approved September 8, 1916, providing for holding sessions of the United States district court in the district of Maine, and for other purposes.

H. R. 14082. An act to authorize the Valley Transfer Railway Co., a corporation, to construct and operate a line of railway in and upon the Fort Snelling Military Reservation, in the State of Minnesota.

H. R. 13998. An act making section 1535c of the Code of Law for the District of Columbia applicable to the municipal court of the District of Columbia, and for other purposes.

H. R. 13205. An act for the relief of the American Trust Co. H. R. 13024. An act for the relief of August Nelson.

H. R. 13004. An act authorizing the Secretary of War to lease to the Kansas Electric Power Co., its successors and assigns, a certain tract of land in the military reservation at Fort Leaven-

H. R. 13612. An act authorizing the issuance of patent to the

legal representatives of Miles J. Davis, deceased.

H. R. 14087. An act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4528. An act for the relief of the Kansas City, Mexico &

Orient Railroad of Texas, Oklahoma, and Kansas.

THIRD DEFICIENCY BILL, 1923.

Mr. MADDEN. Mr. Speaker, I offer the following resolution. The SPEAKER pro tempore. The gentleman from Illinois offers a resolution, which the Clerk will report.

The Clerk read as follows:

Mr. Madden moves to suspend the rules and pass the following: "Resolved, That the bill H. R. 14408, with the amendments of the Senate thereto, be taken from the Speaker's table, that the Senate amendments thereto be disagreed to, that a conference be requested with the Senate on the disagreeing votes of the two Houses thereon, and that the Speaker pro tempore, without intervening motion, appoint the managers on the part of the House."

Mr. BLANTON. Mr. Speaker, I demand a second. The SPEAKER pro tempore. The gentleman from Texas de-

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.
Mr. MADDEN. Mr. Speaker, I reserve my time.

The SPEAKER pro tempore. The gentleman from Texas is

recognized for 20 minutes.

Mr. BLANTON. Mr. Speaker, it is a very peculiar situation when the chairman of the great Committee on Appropriations moves to suspend the rules and send to conference the eighth deficiency bill passed during the present Sixty-seventh Congress, involving \$154,000,000 when it left the House-I think that was the sum. Since it left us there have been added to it hundreds of thousands of dollars more on items, many of which are legislative and on some of which at least this House has placed its condemnation. That is done; yet we can get no assurance whatever from the distinguished chairman in the closing hours of this Congress that we will be given another right to pass upon those questions.

We are the Representatives of the people, we Members of the House. We come directly from the people every two years. We are more directly responsible to the people in our districts than are our brethren at the other end of the Capitol. It is my colleagues here whom the people of this country hold

chiefly responsible for the expenditure of public money. want to ask you whether you are going to act blindly in this matter and send this bill to conference without some assurance that we will have the right finally to pass upon these new items in this measure?

Let me call your attention to one of the small items involved in this bill. You may say it involves only \$117,000 for the building of a new conservatory in the Botanic Garden. If it involved only that I would not say a word. But there is a bigger question behind it than that. Through this amendment placed upon this bill some people in this District are seeking to remove the Botanic Garden from its present position and send it out to the outskirts of this city where land will be unloaded on the Government at an enormous price, yet not worth one-tenth of what they are asking for it; and you will destroy one of the beautiful features of Washington, because there are many tourists who come to Washington who have not the time to go out on the outskirts of the city to visit a Botanic Garden

In its present position they do have an opportunity to visit it, and they take advantage of it to go there and see the beautiful park, the flowers, and the plants and get valuable information from Superintendent Hess. That is the principle involved in this one minor amendment. Just as sure as this Congress adopts that Senate amendment, just so sure as the sun shines, that Botanical Garden is going to be moved. We are going to lose it. I am not in favor of it.

Now, you have given already to the fact-finding coal commission \$200,000. You did that last October. You did it through the distinguished gentleman from Massachusetts [Mr. Winsnow], a man for whom I have the greatest admiration. I believe, from my knowledge gained of him here since we have been in Congress together, that that legislation did not appeal to him personally, but he had to favor it under whip and spur, just like you have to do things when the administration demands Thus only last October you gave this coal commission \$200,000 of the people's money. What benefit have the people derived from it? Oh, the gentleman from Massachusetts [Mr. Rogers], when I objected to this coming up the other day, said it had been of great benefit in forcing the operators to adopt the wage scale, and that was for the benefit of the people.

I just got a telegram from a man in West Virginia whom I never saw and do not know. I asked some of his State delegation about him, and they say he is a substantial citizen of that I want to read the telegram to you, because he says what has been in my mind, and I think in the minds of the American people. The people of the country during this terrible winter, especially in New England and the Northwest, have been without adequate fuel. The poor people of Washington are paying \$16.75 for their coal when they ought to get it for \$10 a ton. Let me show you what the American people are thinking about this. Here is the telegram:

BECKLEY, W. VA., March 2, 1923,

Congressman BLANTON, Washington, D. C.:

Washington, D. C.:

Have noticed your debate with Congressman Rocers over further moneys to United States Coal Commission and Congressman Rogers's statement "that this commission has already proven its worth by providing a wage settlement for another year in the bituminous industry." We wonder if it has ever occurred to Congressman Rogers that by the interference of this coal commission last January there was fastened upon the American coal consumers a further extension for 12 months' time of the highest wage ever paid the bituminous coal miner; and inasmuch as 70 per cent of the cost of producing coal is in wages there is bound to be reflected on the American people a continuation of the present high price of coal. The United States Coal Commission has already placed a burden amounting to millions of dollars upon our people by their action in advising that the now very high wage scale be continued for another 12 months. Why should our Government provide additional funds to carry on this farce?

Geo. Wolfe.

Now, my colleagues, some of you remind me of the position which the gentleman from Massachusetts [Mr. Underhill] took a few hours ago. He said he was in favor of passing a law that on the 4th of March next all the new Congressmen and others should begin traveling over the United States on the people's money to learn things. He said that it would make them broader; he said that it would give them broader vision, make them broader men so that they would not vote for their localities against the interest of the whole people.

Then I picked up yesterday's RECORD and noticed that when the rural credit bill came up which affects every farmer in the United States, out of a delegation of 16 men in Massachusetts, there were but 2 who voted for that general measure. Two votes only for it from Massachusetts, Mr. Underhill's name votes only for it from Massachusetts. Mr. UnderHILL's name was with the bunch who voted against that general measure. He said he had traveled down the Mississippi Valley, intimating that it was at Government expense, and that he had been broadened by it. [Laughter.] I want to say to my friends that since

1906 I have made seven visits to the city of Boston, but not at public expense and for every time not a dollar came from the

I believe in traveling and so do the Texas people, but the Texas people believe that when they travel they ought to pay their own expenses. The Texas people believe that instead of giving \$600,000 to the coal fact-finding commission they would rather have some definite step taken that will see to it that next winter they will not be compelled to pay \$16.75 That is what the Texas people are interested in.

You say you do not want to stop this work. You say you want the facts. I will tell you what you want to do-possibly the Democrats have been partly responsible for the necessity In the last election we had no business to make so many lame ducks in this Congress. We are partly to blame, because it seems to be the policy of the present administration to give a fat job to every man who is retiring. So that you see we Democrats are possibly partly to blame.

Mr. Speaker, how much time have I consumed?

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. BLANTON. Mr. Speaker, I yield four minutes to the gentleman from West Virginia [Mr. GOODYKOONTZ].
Mr. GOODYKOONTZ. Mr. Speaker and Members of the

House, when the bill creating the fact-finding commission was before the House, the Representatives in Congress from my State, while not believing that any good would ever come out of the proposition, felt that since a great many people believed in commissions and that in order to remedy a bad situation all that was necessary was to appoint a commission—since the people were taking that view of the matter the solid delegation in the House from West Virginia, a great coal-producing State, voted as a unit for the bill. The bill provided an authorization of \$200,000 to carry on the work. Now they tell us that the fund has been exhausted, and they are demanding \$400,000 more, and by a bill for an enabling act, which will come before

no doubt they will seek to perpetuate the body indefinitely The commission is costing the coal industry millions of dollars. A coal operator in my State has informed me that the coal commission had demanded of his company copies of a record so great in volume that the company had to send off to a neighboring city to get a photographer to figure on the cost of making the necessary photographic copies of the record.

the House this afternoon, they propose to extend the life of the

commission. So that the object now is to extend the life of the

commission until long after the next Congress meets and then

The estimate that the photographer made was that the cost of making the copies would amount to \$28,000. The commission demands that the operator go back for years and years and copy the pay rolls, go through old books of accounts, and bring over here a complete exhibit. Why is that being done? Because there is a man on this commission who once had something to do with the Federal Trade Commission, which latter concern does nothing but gather and pile up useless data. One of the things the coal commission proposes to do is to inquire into the titles of coal mines—as to "the ownership and title of the mines." I presume they will want to employ a battery of a thousand or more lawyers to search out all of the titles of the mine holders in the country. Are we going to stand for that sort of thing, we men of the majority who are pledged to economy and to the observance of the mandate of the law of the Budget? Are we going to provide permanent jobs for these people so that they may install themselves in nice comfortable places where they can employ themselves leisurely? When the vernal breezes begin to blow and the ice goes off the Great Lakes in the North, when coal shall be selling cheap, then the members of the commission will come forward and proclaim what a wonderful work they had accomplished, when as a matter of fact all that they have accomplished thus far is the fastening onto the people of the country for another year coal at prices as high as any that have heretofore prevailed in this country

Mr. BLANTON. Mr. Speaker, the last sentence of the telegram I was reading when my colleague became facetious shows that this citizen wanted to know why all of this expense should be foisted on the American taxpayer when there was no benefit to be derived from it.

Mr. COOPER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Ohio. Does the gentleman know why this coal operator does not want an investigation of the whole coal business?

Mr. BLANTON. I do not know that, but I do know this: The gentleman says that he is a coal operator. He knows more

about it than I do. If he is a coal operator, I know this, that the coal operators and the coal miners have been playing this game together for 25 years, and they have been grinding the consumers between the upper and the nether millstones until they can hardly pay their taxes.

Mr. MADDEN. And now the gentleman wants to stop an investigation of that situation.

Mr. BLANTON. Oh, if I had not been in this House for six years and watched investigations, if I had not read the reports that the distinguished special committee on investigation made in the Bergdoll case, I might take some stock in these things, but in that particular case we found out how much money it cost the Government, and then, besides, I have watched for the distinguished gentleman from Illinois [Mr. Madden] and the rest of his leaders, the gentleman from Wyoming [Mr. Mon-DELL] and the gentleman from Kansas [Mr. CAMPBELL] and the balance of you to call up that report, and I know that they have all left that report sleep solemnly in a pigeonhole for months and months, although that select committee asked the Congress to take some action against the men who were responsible for Bergdoll's release, but not a single thing has ever been done about that report. I have watched them until I have become discouraged. I have never seen a fact-finding commission yet in the six years that I have been here that has ever brought a penny of benefit to the tax-paying people of the country, and that is why I am against your \$600,000 fact-finding coal commission. It brings no relief.

This special select committee to investigate Bergdoll cost the Government \$6,441.85. The special select committee presided over by the gentleman from Massachusetts [Mr. with its trip to the Pacific coast cost the Government \$43,969.04. The special select committee presided over by the gentleman from Illinois [Mr. Graham] cost the Government \$157,109.91. The Special Select Agricultural Committee in its travels over the United States cost the Government \$10,913.21 for the House portion alone. And when I get time I will show how useless

they have been.

Just as that fellow said from West Virginia, the operators under the rule of this commission have had to pay the highest wage scale known in the history of this country for the next 12 months, and the people, the poor people of this Nation, have to bear the burden and the consequences. If they get coal at all they have to pay prices that a poor man can not pay, and if they had the money right now they could not get the coal. I am a Member of Congress, and I have good credit, but I have not got a hundred pounds of coal in my cellar to-day, and if a blizzard should come to-morrow I would have a hard time possibly getting coal unless I could borrow it from my neighbors. This coal commission has not done one cent of good. I am against spending \$600,000 of the people's money in keeping Federal patronage officeholders in fat jobs for the next two

Mr. MADDEN. This commission is not going to exist for

Mr. BLANTON. I am but following the footsteps once set by my distinguished colleague from Illinois [Mr. Madden], because what I know about economy I learned from him four years ago. However, he has forgotten it all in the last four years while I have not, and still remembering the lesson that I learned from him I endeavor to practice it. Since the gentleman has been elevated to the chairmanship of this great committee he has been placed, unfortunately for the people of the country, where he can not carry on the fights for economy that he used to carry on. I follow like one of his shadows in the House and I am trying to do what he can not do; I am trying to do what he used to do, but which, by reason of present environ-ment, he is kept from doing now. Somebody must do it, some Republicans and some Democrats, if we are to save this Government from bankruptcy. I hope you will not send this bill to conference until we have had an assurance from the gentleman from Illinois [Mr. MADDEN] that he is going to give us a chance to vote for every single item in the bill of any consequence which the House has not passed on heretofore.

The SPEAKER pro tempore. The time of the gentleman

from Texas has expired.

Mr. MADDEN. Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The question is on agreeing to the resolution offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. Blanton) there were—ayes 197, noes 6.
So (two-thirds having voted in favor thereof) the rules were

suspended and the resolution was agreed to.

The SPEAKER pro tempore appointed the following con-

Mr. MADDEN, Mr. ANTHONY, and Mr. BYRNS of Tennessee.

COAL FACT-FINDING COMMISSION.

Mr. WINSLOW. Mr. Speaker, I move to suspend the rules and pass the bill S. 4160, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. WINSLOW. Mr. Speaker, I move to suspend the rules and pass the bill S. 4160, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the first paragraph of the pact of Congress entition and a to to establish a commession relative to increase and the commerce in coal, and for other purposes," approved September 22, 1922, is amended to read as follows:

"That for the purpose of securing information in connection with problems arising out of and connected with the coal industry, there is hereby established a governmental agency to be known and designated as the United States Coal Commission, to be composed of not more than severn members appointed by the Frederick Coal and state of courts of the United States shall be eligible for appointment as members of commission, and the appointment, qualification, and service of a judge as member shall in no wise affect or impair his tenure as fudge. No trives shall be eligible to serve on said commission, and service of a judge as member shall in no wise affect or impair his tenure as fudge. No trives shall be eligible to serve on said commission. Said commission shall elect a chairman by majority rote of its members and shall maintain central offices in the District of Columbla, but may, whenever it deems if necessary, meet at such other place as it may determine the service of the commission of the commission of the commission will be shall receive a sainty of \$7.500 a year, except that if a judge of any court of the United States serves as a stary as judge, and shall receive no salary as a member of the commission, but any such judge here are such as a such as a stary as judge, and in the service of the commission, shall be allowed for make while necessarily away from his place of official residence as judge and in the service of the commission, shall be allowed for make while necessarily away from his place of official residence as judge and in the service of the commission, shall be indived in the commission

SEC. 4. That the last paragraph of such act of September 22, 1922, is amended to read as follows:

"There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$600,000, or so much thereof as may be necessary, to be available until expended, for carrying out the provisions of this act."

The SPEAKER pro tempore. Is a second demanded?

Mr. BANKHEAD. Mr. Speaker, I demand a second. Mr. WINSLOW. Mr. Speaker, I ask unanimous consent that second be considered as ordered.

The SPEAKER pro tempore. Is there objection? There was no objection.

The SPEAKER pro tempore. The gentleman from Massa-chusetts is entitled to 20 minutes, and the gentleman from Alabama to 20 minutes.

Mr. WINSLOW. Mr. Speaker, I yield seven minutes to the gentleman from California [Mr. LEA], a member of the com-

Mr. LEA of California, Mr. Speaker, it seems to me that the experiences of millions of coal consumers in the United States during the past 12 months should assure this bill an earnest and friendly consideration by the House. Before attempting to explain the proposed amendments embodied in this bill, I desire to say, contrary to what has been asserted here, there is no provision extending the life of the commission appointed last fall.

The first amendment proposed is in section 1 which makes judges of the Federal courts of the United States eligible for appointment to membership on the commission. The existing law prohibits the appointment of any judge to such a position as this where his salary exceeds \$2,000 a year unless the appointment is specifically authorized by law. So this section specifically authorizes the appointment of a Federal judge. Judge Alschuler, appointed to the Federal court under President Wilson, was appointed a member of this commission. Then the legal objection was raised which prohibited his serving. The adoption of this amendment would permit the continuation of Judge Alschuler as a member of this commission.

In the second place this bill provides for a questionnaire to be sent out to persons having information concerning matters under investigation requiring them to return to the coal commission under oath answers in writing in response to any questions so submitted. There are in the United States 8,000 coal mines. It is utterly impossible to take a deposition from each of those coal-mining concerns. Therefore, this questionnaire is considered important in order to make the information secured by the commission comprehensive, complete, and reliable.

Section 3 provides for two things fundamentally. The first part of the section makes it a crime to refuse to furnish testimony required by the commission, whether by oral or written testimony. The latter part of section 3 makes it a criminal offense to give false testimony in reference to the questions submitted by the coal commission. These provisions are not essentially new or novel. Provisions much the same in sub-stance are found in the Federal Trade Commission act, the Tariff Commission act, and in the interstate commerce act.

The last paragraph in the original bill on page 5 simply makes the Federal courts available for the commission in order to invoke their aid to compel the production of testimony and enforce obedience to the subpænus of the coal commission.

The final proposal in this bill is section 4, which amends the last paragraph of the existing law by providing that the commission shall be authorized to expend \$600,000 for the purpose of carrying on the investigation instead of the sum of \$200,000 originally authorized. That is the most important of these proposed amendments. I want to call to the serious attention of the House a few things in this connection. In the first place we have already crossed the bridge as to whether or not there shall be an investigation. The investigation has been authorized and it is now being conducted. In the second place, I can say without reservation that the President appointed a commission of well-known men of the highest character and intelligence. No one that I know of in the slightest degree familiar with the reputation of those splendid members of the coal commission doubts their ability or their sincerity of purpose, men regard the additional funds vital to the success of the investigation.

The coal industry of this country involves an investment of over \$2,000,000,000. In includes 8,000 mines. We have coal enough in this country to supply the necessary wants of the consumer for 3,000 or 4,000 years to come. Nevertheless, for months people in homes have suffered for lack of sufficient coal to keep them warm. Although prices are extortionate they are still unable to get the coal required for ordinary domestic and commercial purposes.

The SPEAKER. The time of the gentleman has expired. Mr. LEA of California. May I have two minutes additional? Mr. WINSLOW. I yield the gentleman two additional min-

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LEA of California. I will.

Mr. JOHNSON of Washington. I have not been able to get a copy of the bill, and I would like to have the gentleman inform me if this measure carries a provision to the effect that questionnaires can be sent out to operators and others and, if they do not give evidence, they can be sent to prison?

Mr. LEA of California. It does. Mr. JOHNSON of Washington. Is not that carrying it a little too far?

Mr. LEA of California. It is a drastic provision but not more so than similar provisions in the Federal Trade Commission and interstate commerce acts.

Mr. LONDON. Will the gentleman yield? Mr. LEA of California. I will. Mr. LONDON. I understand that an injunction has been obtained by some of these dealers or coal operators restraining this commission from proceeding under the act of September 22. Am I mistaken about that?

Mr. WINSLOW. Not so far as I know.

Mr. LEA of California. I have no knowledge of such a proceeding. As a matter of fact, the commission is busily engaged at the present time in securing the information authorized.

Mr. LONDON. The object of this amendment is to fortify

the commission-

Mr. LEA of California. The object is to make this investigation effective. In substance we propose to confer upon it powers such as the Federal Trade Commission now exercises in order to make this investigation effective.

Mr. LONDON. It is not to meet any objection raised by the

court?

Mr. LEA of California. No.
Mr. BANKHEAD. If the gentleman will permit, how long has it been since the Federal Trade Commission went into an

extended examination of this whole question?

Mr. LEA of California. The Federal Trade Commission investigated within recent years. But as to the question of whether we shall investigate, Congress has already crossed that bridge. That question is now behind us, and having authorized the investigation we ought to stand behind it by giving the commission the powers and funds necessary to make its work thorough and useful.

The duties imposed upon the commission are very great. is to deal with questions involving countless details and of monumental importance. The commission is charged with the duty of presenting the facts and recommending a solution for one of the greatest unsolved problems of our country-the problem of supply and prices of coal. The amount asked is comparatively small. Six hundred thousand dollars is a small sum compared to nearly 500,000,000 tons of coal annually consumed in the homes, factories, and in transportation in this country.

Mr. BLANTON. Mr. Speaker, I renew the request I made

a moment ago to extend my remarks.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows

Mr. BLANTON. Mr. Speaker, I have secured this permission from the House to extend my remarks in order to discuss the report filed by the special select committee on the escape of the notorious draft dodger, Grover Cleveland Bergdoll.

On April 18, 1921, the House of Representatives adopted House Resolution No. 12, creating this select committee, granting it clerical and legal help, authorizing it to administer oaths, summon and compel the attendance of witnesses, and the production of documents, and instructing said committee to report its findings to the House "at the earliest possible date," and to make to the House "such recommendations as it shall deem pertinent and advisable."

Four months thereafter, to wit, on August 18, 1921, said committee filed with the House and had printed their report, signed by a majority of said committee, Ben Johnson, O. R. LUHRING, and H. D. FLOOD, same being Report No. 354, first session, Sixty-seventh Congress, which report, with the recommendations of the committee therein, was referred to the House

Calendar on August 18, 1921.

This is March 2, 1923. Nineteen months and twelve days have gone by since said committee made its recommendations, and at no time has the majority steering committee ever made any attempt to have the report called up or any action taken on

said recommendations.

This special committee spent \$6,441.85 of the people's money out of the Treasury in making this investigation, and after appropriating and spending this large sum, the majority party, having absolute control of all legislative matters, seems to have lost all interest in the matter and buried the report in a pigeonhole.

This is such an important case that I want to call attention to the salient facts as reported found by the committee.

Bergdoll is now under 30 years of age and was subject to He evaded same and became a slacker and fugitive for more than 18 months, and from different points in the United States frequently sent taunting and defiant letters to the highest authorities of our Government.

After the armistice Grover C. Bergdoll returned to his home in Philadelphia and for several weeks hid out in four or five residences in and near Philadelphia. On the morning of January 7, 1920, officers surrounded all of these residences. When they went to the Bergdoll residence his mother refused them admittance, although they told her they had a search warrant. Finally, after wasting much time, an officer shot into the door lock with his pistol, and upon opening the door Mrs. Bergdoll with an automatic pistol confronted the officers. When about to leave, after searching the house without success, an officer raised the top of a window seat and found Grover C. Bergdoll concealed there.

Bergdoll was handcuffed to one officer, the key to the handcuffs being carried by another officer, and thus he was sent to the Government military disciplinary prison on Governors Island, in charge of Maj. John E. Hunt. In due time Bergdoll was tried, convicted, and sentenced to five years' imprisonment for violating the draft laws.

Under usual circumstances he would have been sent immediately to Fort Leavenworth, Kans., to serve his term there in the Federal penitentiary. But he was not sent. Under one pretext and another it was deferred.

On May 20, 1920, he was permitted to leave the prison at Governors Island, dressed in Army uniform, accompanied by a guard of two sergeants, for the alleged purpose of going into the mountains of western Maryland to secure something more than \$100,000 in gold which he claimed to have buried there. When he reached Philadelphia on that pretended mission he made his escape, drove through the country in an automobile, accompanied by one Ike Stecker, to the Canadian line, and then went to Winnipeg, Canada, and by false representations secured passports upon which they went to London, thence to Paris, and then into Germany.

Concerning the details of this remarkable transaction, let me

quote from the committee report, as follows:

quote from the committee report, as follows:

Shortly after Bergdoll's incarceration at Governors Island it was urged that he was of unsound mind; and, therefore, should be released. However, he was declared to be of sound mind.

Next, habeas corpus proceedings were instituted for the purpose of securing his release. The writ of habeas corpus failed to bring his release. Having been convicted, and both the insanity plea and the habeas corpus proceedings having failed, some other means of securing his escape had to be resorted to.

Until that time D. C. Gibboney, of Philadelphia, was chief counsel for Bergdoll. It is generally conceded that Gibboney was not much of a lawyer, but more of a practical manager for better lawyers. It is in evidence, and undisputed, that Gibboney, representing Bergdoll, sought to employ Judge John W. Westcott, a very eminent New Jersey lawyer. Westcott denies vigorously that he ever accepted the employment; while Gen. Samuel Tilden Ansell and his partner, Edward S. Balley, testified emphatically to the contrary.

It is admitted that Judge Westcott wrote a letter to the Secretary of War, stating that he (Westcott) was "enormously" interested in Bergdoll's court-martial trial and would be glad to have the Secretary of War give his personal attention to the case. The Secretary of War courteously replied, but said that the case had not come to his personal attention, and would not unless it reached him through the regular course of business.

It is also admitted that upon a certain occasion Gibboney gave Judge Westcott a \$1,000 bill in payment of "a" fee. Judge Westcott denied that it was in payment of any fee on account of any employments.

Mrs. Bergdoll testified that at one time she paid Gibboney \$10,000

denied that it was in payment of any fee on account of any employment by Bergdoll, stating that it was in payment of other employments.

Mrs. Bergdoll testified that at one time she paid Gibboney \$10,000 in currency. While she would not state that she ever gave Gibboney a \$1,000 bill, she did state that she kept large sums of money in her house, and that upon different occasions she had had many \$1,000 bills. Putting those circumstances together it is possible that the \$1,000 bill which Judge Westcott received was paid to Gibboney by Mrs. Bergdoll and then by Gibboney to Judge Westcott, but not necessarily on account of Bergdoll.

After Bergdoll had finally escaped and had fied the country, the grand jury was about to meet in Philadelphia for the purpose of returning indictments against all those engaged in the conspiracy through which Bergdoll escaped. Either just prior to the meeting of the grand jury or during their sittings. Judge Westcott wrote a letter to the Attorney General of the United States, confidently expressing the opinion that Gibboney was as innocent of any part in the conspiracy as an unborn child.

That letter was forwarded by the Attorney General to the district attorney at Philadelphia. Gibboney was not indicted.

The law firm of Ansell & Balley was employed in April, 1920, by Gibboney to represent Bergdoll in an effort to have the court-martial conviction reversed or set aside.

As already stated, both Ansell and Balley testified that Westcott was cocounsel, but only in "an advisory capacity," or as "advisor of Mr. Gibboney." General Ansell fell out with Judge Westcott over this question and quit speaking to him because of differences in their statements concerning it. But their falling out has nothing to do with the real issue in the case. Westcott contended for none of Ansell's fee. He merely declined to claim any of the honors (?) accompanying the victory won, not through the courts but through the gold-hunting expedition.

For the purposes of this investigation it is not deemed importa

one or the other of those capacities. Neither is it considered important whether General Ansell knew in which of these two capacities Judge Westcott was acting, as General Ansell could have made and did make the same use of Judge Westcott regardless of the capacity in which he was acting.

It is interesting to know that General Ansell until a short time before his employment in the Bergdoll case had been an officer in the Regular Army of the United States for about 25 years, and that during the war he was the next officer in authority to General Crowder, the Judge Advocate General. However, during the war General Crowder was more directly concerned and employed in preparing and executing the draft law, thus virtually leaving General Ansell as the Judge Advocate General.

At the time above indicated General Ansell resigned from the Army and associated himself with the law firm of Ansell & Bailey, making a specialty of military law.

Somebody conceived the idea of concentrating Gibboney's cunning and energy, Westcott's influence with the then administration, and Ansell's standing with the Army officials into one general scheme of defense or escape. Each of these three agencies—purposely or unwittingly—was effectively and concertedly at work at the same time on either one or both of these two propositions.

It was known to Gibboney, Westcott, and Ansell that during the preceding October and November Mrs. Emma C. Bergdoll, the mother of the draft dodger, had in full compliance with law exchanged \$105,000 in currency for that amount in gold at the Treasury of the United States, which gold she claims to have buried. It must be that the mind of one or more of the attorneys just mentioned turned to Mrs. Bergdoll's alleged buried gold and upon that story built the one to which reference is made in a letter sent by General Ansell to Adjutant General Harris, dated Tuesday, May 11, 1920. That story was not used by any of the Bergdoll attorneys, nor did it have any semblance of plausibility until General Ansell was employed

" MAY 11, 1920.

not sent. In her testimony before the committee she read those notes and reduced them to typewritten copy, reading as follows:

"MAY DRAR GENERAL HARRIS: I wish to confirm, in this informal way, the statement I made to you a few moments ago orally in support of the request that I am making of you and the Secretary of War. I am counsel for Grover Cleveland Bergdoll, a so-called draft deserter, now in imprisonment at Fort Jay pending the review of his case by the War Department. Bergdoll is represented in Philadelphia by Mr. D. C. Gibboney, a gentleman of the highest standing in that city and a lawyer of unquestioned probity. Judge Wescott, formerly attorney general of New Jersey, and who doubtless is well and favorably known to Mr. Baker, is a consulting counsel in the case and adviser of Mr. Gibboney.

"Last Friday Mr. Gibboney, accompanied by Judge Wescott, came to my office and conferred with me about a situation concerning young Bergdoll's property, which was so strange that the truth of it, under normal circumstances, would hardly justify belief. In view of the fact that Mr. Gibboney believes Bergdoll's statement to be true, and in view of the numerous circumstances tending to support I, I myself believed it to be credible and such as to justify counsel in making of the department this present requests to justify counsel in making of the department this present requests to justify counsel in making of the department this present requests to support I, I myself believed it to be credible and such as to justify counsel in making of the department this present requests to face the property from his father. He has not heretofore developed that sense of responsibility required for the care and proper use of a large sum of money. I understand that the courtol and influence of his mother have not tended to the development of an adequate sense of responsibility in such matters. I am advised also that there have been family difficulties which seem to have produced a desire in this young man to get a physical control

ere not authorized by other counsel in the case whose names were sed; in some instances, were not warranted by the facts. The letter actually sent reads as follows:

were not authorized by other counsel in the case whose names were used; in some instances, were not warranted by the facts.

The letter actually sent reads as follows:

ANSELL & BAILEY, ATTORNEYS AT LAW,

Suite 710-712 Riggs Building, Washington, D. C., May II, 1920.

MY DEAR GENERAL HARRIS: Please permit me, in compliance with your helpful suggestion of a moment ago, to place before you, in behalf of Grover Cleveland Bergdoll, together with a brief statement of the reasons therefor.

This man, in virtue of his conviction and sentence as a so-called "draft deserter" is now imprisoned at Fort Jay, pending the review of his trial by the War Department. I am his attorney. His home counsel in Philadelphia is Mr. D. C. Gibboney, of unexcelled repute as a man and a lawyer. Of counsel, also, in a consulting capacity, is Judge Westcott, of New Jersey, whom doubtless the Secretary well knows. These gentlemen visited me last Friday and related to me a situation which we believe to be true and which impels us to submit this request.

This young man was reared fatherless under family conditions, which, even when partially revealed, throw considerable light upon conduct of his that, to say the least, is strange if not unintelligible. From his father he inherited wealth. Apprehending the family desire to control his share, he at times has openly submitted and at others has become secretive of his wealth. This latter perhaps is the most influential of the many complex motives for his actions in the instance I now speak of. In any event, it is now known that he did secrete one large sum of money which was recovered a year or so ago. He now declares that he also hid a second large sum, the remainder of his fortune (\$150.000) in a lonely spot on a mountainside, distant about a day's journey from this city; that he placed the gold coin in a metallic container and took it himself, unaccompanied, and hid it in a spot which he alone can identify. Circumstances indicate the truth of his statement.

He is now wrought up with fear and

The purpose of these changes is obvious when the two papers are compared and the end to be accomplished considered.

In the first sentence of the letter which was not sent, and which afterwards was pruned and put into more seductive form, he made the request of both General Harris "and" the Secretary of War; while the letter which was actually sent used this language:

"It seems reasonable and right to me, and also to you, and I hope—and doubt not—that it will seem so to the Secretary."

If the letter had been sent as first written, it would have been necessary that the request go to the Secretary of War. The second letter—the one that was sent—merely expressed the hope that the request might seem reasonable to the Secretary, but omitted the specific request that the matter be referred to the Secretary.

Another sentence in the letter which was not sent reads as follows:

"Judge Westcott, formerly attorney general of New Jersey, and who doubtless is well and favorably known to Mr. Baker, is a consulting counsel in the case and advisor of Mr. Gibboney."

That sentence was changed to read as follows in the letter that was sent.

who doubtless is well and tavorably known to all, basel, is a consulting counsel in the case and advisor of Mr. Gibboney."

That sentence was changed to read as follows in the letter that was sent:

"His home counsel in Philadelphia is Mr. D. C. Gibboney, of unexcelled repute as a man and a lawyer. Of counsel also, in a consulting capacity, is Judge Westcott, of New Jersey, whom doubtless the Secretary well knows.'

General Ansell is a man of extraordinary native ability, wonderfully improved by training and education. No man better knows the exact use of words and their effect than does he. The conclusion is irresistible that General Ansell was then using with emphasis the name of Judge Westcott to bring influence to bear upon the Secretary of War, should the communication ever reach him; and, just as certainly, to bring to bear additional influence with General Harris.

Also, in the letter first dictated, he said that Judge Westcott was "advisor of Mr. Gibboney." That expression or assertion is left out of the letter which was sent. Is it possible that General Ansell, even at that time, was giving more or less thought, with the view of later dividing responsibility, to the attitude of nonemployment which Judge Westcott assumed? Westcott admitted that he "advised" with Gibboney, but denied that he was employed by Bergdoll, and there is no contradictory proof.

In the letter which was not sent General Ansell used this language: "Last Friday Mr. Gibboney, accompanied by Judge Westcott, came to my office and conferred with me about a situation concerning young Bergdoll's property, which was so strange that the truth of it, under normal circumstances, would hardly justify belief."

Upon consideration by General Ansell that language must have appeared too strong. No doubt he was apprehensive that that language might raise with General Harris a question as to the plausibility of the whole story. In that language General Ansell stated, in substance, that Gibboney and Westcott had conferred with him about a situation

When General Ansell dictated the statement that "would hardly justify belief," that statement being the result of a conference with Gibboney and Westcott, one must wonder whether or not those two gentlemen, or either of them, consented to the change from lack of belief to one so certain that they were "impelled" by it to ask for Bergdoll's release. It is a self-evident fact—the others not being in Washington—that Ansell made the change without consulting the others. He attributed to each of them a "belief" which, perhaps, neither entertained. In the first draft it is not stated that either believed the story, but in the second all are represented as believers in it.

believed the story, but in the second all are represented as believed in it.

It is interesting to note the reasons assigned by General Ansell for the burial of the gold. In the letter not sent, he uses this language:

"This young man has unquestionably inherited a very considerable property from his father. He has not heretofore developed that sense of responsibility required for the care and proper use of a large sum of money. I understand that the control and influence of his mother have not tended to the development of an adequate sense of responsibility in such matters. I am advised also that there have been family difficulties which seem to have produced a desire in this young man to get a physical control over his property, ungoverned by the other members of the family."

In the letter actually sent to General Harris, General Ansell gave the following as an explanation of the unusual conduct of Grover Bergdoll:

family difficulties which seem to have produced a desire in this young man to got a physical control over his property, ungoverned by the other members of the family."

In the letter actually sent to General Harris, General Ansell gave the following as an explanation of the unusual conduct of Grover Bergoli.

In the letter actually sent to General Harris, General Ansell gave the following as an explanation of the unusual conduct of Grover Bergoli.

Which, even when partially revealed, throw considerable light upon conduct of his that, to say the least, is strange if not unintelligible. From his father he inherited wealth. Apprehending the family desire to control his share, he at times has openly submitted and at others has functioned to the control his share, he at times has openly submitted and at others has functial of the many complex motives of his action in the instance I now speak of."

In the letter not sent General Ansell speaks of certain vague "family difficulties," which "seem" to have caused Bergololl to desire a physical culties, which even the asture mind of Ansell could not overcome, in giving adequate and sufficient explanation of the motives which prompted Bergololl to bury the gold. Some excuse for this conduct had to be given, and the labored efforts of Ansell bave only tended to make "The letter which was not sent used the language: "There can be no danger of escape." That was changed in the letter which was sent to: "This prisoner has no desire to escape." That change makes the statement stronger to General Harris, and also lays the foundation for denial of the control of the c

It has been admitted by General Ansell and by everybody else who trestribed upon that point that at least one of Bergdoll's attorneys was General Ansell himself did not state that he told General Harris that he himself would not accompany the expedition. He merely expedition and the himself was not to go, but convenience to the convenience of the conven

to more than \$100,000, while, if we believe the mother, she had actually buried the two different sums aggregating approximately the same amount of which Bergdoll himself was speaking.

The conclusion is not an unreasonable one that if Mrs. Bergdoll did bury the gold gotten from the Treasury, and did make two different burials of it, then young Bergdoll must have known of the whole transaction. Otherwise he only imagined or dreamed of a condition that exactly coincided with the undisclosed but actual doings of his mother.

burials of it, then young Bergdoll must have known of the whole transaction. Otherwise he only imagined or dreamed of a condition that exactly coincided with the undisclosed but actual doings of his mother.

On the 19th of April, 1920, General Ansell prepared a contract firing the fee which the firm of Ansell & Bailey was to receive as attorneys for Bergdoll. That tentative contract was submitted by General Ansell to Mr. Gibboney for his approval, but Mr. Gibboney declined to approve it. Thereafter, on the 23d day of April, Mr. Gibboney himself, representing Bergdoll with carte blanche authority, submitted a counter tentative contract to General Ansell.

Under the terms of the first tentative contract Ansell & Bailey, according to the construction put upon it by Mr. Bailey, could have received \$55,000.

General Ansell stated in his testimony that the tentative contract submitted by Gibboney to him was never executed, notwithstanding the fact that he also stated that the terms of that tentative contract submitted by Gibboney to him. Now, the question arises: If Gibboney prepared and submitted a paper whereby \$55,000 was to be paid, and that paper was fully acceptable to Ansell, why was it not executed? Gibboney, when submitting the countercontract, was personally present with Ansell. All that was necessary was for both of them to sign it. Something, we know not what, only by surmise, must have become them to abandom the executant date from all the committee has been able to the contract nor any other abserver mentioned or pressed by either of the proposed parties to it. General Ansell had gone to the trouble to prepare a contract for employment, and Gibboney had done the same about a counter one; yet, when the accounter one; yet, when the accounter one; yet, when the committee really knows, General Ansell was employed by Gibboney to represent Bergdoll only in the then pending fligation between the United States and Bergdoll. General Ansell represent that he refused to have anything to do with the case until he h

General Anself himself, to go upon the expedition, was Gibboney, and he even failed to accompany the expedition from New York to Philadelphia.

When Bergdoll arrived at the railroad station in North Philadelphia from Governors Island, Gibboney was there to meet him with a letter of identification from Colonel Hunt. However, Gibboney rode only a few blocks in the automobile with Bergdoll and his guards, when he abandoned the party never to join it again.

Mrs. Bergdoll testified that on the next mornling after she received each of the sums of gold, she had her chaufteur to drive her away from her residence to a point where she said she buried it. The Bergdolls owned a farm about 11 miles out of Philadelphia. Mrs. Bergdoll stated that she took the gold in her automobile and took along a shovel with which to bury it. She stated that when she had reached the spot of burial she sent her chaufteur away from the automobile to gather apples, and that while he was gathering apples she buried the gold. If that be true, the gold was buried on the Bergdoll farm, and it was not contemplated that the expedition procured by General Ansell was to go beyond Philadelphia. Can it be possible that an ascertainment of the fact that the gold which Mrs. Bergdoll had gotten from the Treasury had been buried on the Bergdoll farm, not far from Philadelphia, caused all of counsel to repudiate the pledge that counsel was to accompany the expedition?

The fact has been established that when Bergdoll and his guard arrived at North Philadelphia, under direction of Mr. Gibboney, who held Colonel Hunt's letter of identification, they went to the Bergdoll residence accompanied by "Judge" Romig and Ike Stecker. Stecker is the man who fied with Bergdoll, and who now is in Germany with him. The further fact has been just as well established that on that every afternoon these same parties drove out to the Bergdoll farm and roamed about over it, instead of going on to Hagerstown, Md., as represented to General Harris by General Ansell would be done.

his is the character of one who must lead. His ability, his experience, have equipped him to lead even the most intelligent of associates. He could be a second to the concive the plan, he presented it and pursued it to its accomplish. The presented it and pursued it to its accomplish of General Anselt of General Harris. Even if General Anselt did not conceive the plan, he presented it and prusued it to its accomplish to General Anselt of General Harris. Even if General Anselt did not conceive the plan, he presented it and prusued it to its accomplish it. In fact, Gibboney, Rong, and the Bergold I amity, compring among the conceived it. In fact, Gibboney, Rong, and the Bergold was the conceived it. In fact, Gibboney, Rong, and the Bergold was conceived it. In fact, Gibboney, Rong, and the Bergold was conceived it. In fact, Gibboney, Rong, and the Bergold was conceived it. When Bergold was arrested on January 7, 1920, as already said, he was taken, in handerliffs, directly to Governors Island, N. Y., and put the conceived was accomplished was a factor of the confined there Colonel Hunt was several times apprised of the dangerous character of Bergold and of the probability of his attempting to escape. The police authorities at Philadelphia with the property of the confined there of the probability of his attempting to escape. The police authorities at Philadelphia with the property of t

own testimony before his court-martial trial on account of the Bergon-escape.

Throughout that whole court-martial trial he contended that Berg-doll should have been treated like the least offending prisoner, not-withstanding the information which had been conveyed to him relative to Bergdoll's dangerous character, and his probable attempts at escape. His contention to that effect was based entirely upon the report of the ps-y-c-h-i-a-t-r-i-s-t-s, the actual and patent facts to the contrary not-withstanding. Besides, Colonel Hunt was conducting the prison on an "uplift" policy. He introduced witnesses to prove, in effect, that it was better to trust Bergdoll to the extent that he did well-known harmless prisoners, than to keep him confined or under close surveillance, as he had been instructed to do.

He resented every suggestion made to him relative to keeping a close watch over Bergdoll. His determination to pursue his own

narrow way about things; his ignoring directions and defying instructions from the higher authorities at Washington are not short of being criminal; and Bergdoll's escape is truceable directly to that reiminality as one of the several important happenings contributing to that deplorable end.

The several important happenings contributing to that deplorable end.

The several important happenings contributing to that deplorable end.

The several move that the about the contribution of the insufficient guard by claiming that he alone had the right to determine how much of a guard should accompany the prisoner, and that nobody else had any right even to make suggestions as to the several move that the defendence of the several move that a several defendence of the several move that another had just returned from taking some prisoners out to and that, in consequence, he sent the prisoner out accompanied by any several contribution of the several move that the several move that the defendence of the several move that the several move th

As said, while O'Hare was reading the two letters Hunt was writing a letter in longhand to Gibboney. That letter was shown by Hunt to O'Hare, that O'Hare might be able upon reaching North Philadelphia to identify Gibboney, by whom the letter was to be shown to O'Hare when he reached Philadelphia to report to Gibboney. That letter reads as follows:

GOVERNORS ISLAND, N. Y., May 17, 1920.

Sin: This letter is to serve the purpose of your identification in the matter which was arranged in my quarters on Governors Island.

Very respectfully,

When O'Hare with his prisoner arrived at the North Philadelphia station, Gibboney went to O'Hare and presented the letter which had been written by Hunt, and which O'Hare had seen before it was mailed to Gibboney. O'Hare states positively, and the above letter and every

ester dreumstance bears him out that when the expedition reached Nort Arising and the control as to where the party should as a O'Hars collowing the one of the control as to where the party should as a O'Hars collowing the one of identification within the order of the control that the party should be a control that the control that a contr

this "Judge" Romig has been a constant visitor at the Bergdoll residence and their confidential adviser. It was he who accompanied Mrs. Bergdoll and drove her automobile from Philadelphia to Washington upon the two occasions when Mrs. Bergdoll got \$105,000 in gold from the Federal Treasury.

Up to this point it is seen that General Ansell procured the release of Bergdoll from Colonel Hunt; and Colonel Hunt placed Bergdoll in the hands of Sergeants O'Hare and York; and they, by Hunt's orders, delivered him to Gibboney, and Gibboney turned him over to Romig, the foster father, who accompanied him to the Bergdoll residence from which he escaped. All that was not accident; it was design.

General Ansell in his letter to General Harris extolled the virtues of Gibboney. Yet, when he came to testify, he disclosed that his information as to Gibboney was acquired after the escape and not before. So his statements were made as facts when he lacked the necessary information upon which to base an opinion as to Gibboney's real character. If General Ansell had said as much to General Harris about Gibboney as he virtually admitted to the committee, no doubt General Harris would have refused, under those circumstances, what he granted under the other unqualified representations.

Almost immediately after the receipt of the letter sent by General Ansell to General Harris on May 11, Hunt, at Governors Island, was advised over the telephone by Colonel Penn that Bergdoll was to be released. On Sunday, May 16, "Judge" Romig went over to Governors Island. He saw Bergdoll upon that occasion. As to who else he saw and what was said the committee is not advised. However, "Judge" Romig sestified that upon that occasion Bergdoll spoke to him of the contemplated expedition to recover the buried gold. According to "Judge" Romig so on as Bergdoll mentioned "gold" to him; and he reprimanded Bergdoll for having even mentioned "gold." Judge" Romig had accompanied Mrs. Bergdoll from Philadelphia to Washington in her automobile; and in the progr

So all five counts were proven, three of them by Hunt's admissions, and yet the court found him "not guilty" on each and every one of

So all five counts were proven, three of them by Hunt's admissions, and yet the court found him "not guilty" on each and every one of them.

There can be no question that Sergeant O'Hare was imposed upon by Colonel Hunt. However, there can be no excuse made for the opportunity of escape which O'Hare gave Bergdoll. O'Hare was guilty of unpardonable negligence during the night spent in the Bergdoll residence in that he permitted Sergeant York to go upstairs and sleep with a bottle of gin while he remained downstairs and sleep in the same room (in another bed) with Bergdoll. Unless Bergdoll had had a safer and just as certain plan of escape, he either would have taken O'Hare's pistol from him while O'Hare was asleep or he would have covered him with one of his seven shotguns, compelled him to hold up his hands and remain silent, and then go away in the automobile, possibly taking O'Hare with him and throwing him out in the road at such point as might best suit his purposes.

There can be no defense whatever made for Sergeant York. On their arrival at Philadelphia he got out of the automobile and went into a saloon. During that night and the next day at the Bergdoll residence on several occasions he drank gin, not only by himself but with the prisoner. He, too, is just as blamable as is O'Hare for letting Bergdoll get out of sight. He even did not sleep in the same room with the prisoner. Besides, when the telephone bells were ringing—no doubt as a signal to Bergdoll that everything was ready—York says he went to another floor of the house to get a drink of water when there was water on the floor which he was leaving.

Lieut, Col. C. C. Cresson, as said, was the judge advocate detalled to prosecute Colonel Hunt in the court-martial trial.

Even before any testimony was introduced, Colonel Cresson made the following statement to the court:

"The Government disclaims, and personally and on behalf of the prosecution, any idea of there being anything crooked or any collusion on the part of Colonel Hunt in this matter,

"Q. You got out to Bergdoll's house about what time? Do you remember?—A. It him it was between 11 and 12, the first time."

"Q. In the mine it was between 11 and 12, the first time."

"Q. In the mine it was between 11 and 12, the first time."

"Q. In the mine it was between 11 and 12, the first time."

"Q. Hand you stayed there until how long.—how long did you stay there?—A. Oh, must have stayed there—we had dinner there and stayed there until about 2 o'clock.

"Q. What did you do this afternoon?—A. Then took a ride around again in the afternoon.

"Q. Now, skip over to the next day. When was the last time you saw Bergdoll, as you remember it? on time to wonder why the prosecution wanted to "skip over" the escapade of that night when Bergdoll was taken to the show by the guard and Sergeant York went into the saloon. Could it be that the prosecution was "whitewashing" Colonel Hunt's guards by concealing those incidents because the "suitableness" of the guard was one of the issues confronting Colonel Hunt?

On page 90 of the court-martial proceedings it is shown that while O'Hare still was on the witness stand the prosecution itself voluntially the stay of the guard was one to testify before the congressional investigating committee, he stated that prior to the Bergdoll affair he did not know him; and that it was impossible for Colonel Cresson did not know him; and that it was impossible for Colonel Cresson did not know him; and that it was impossible for Colonel Cresson did not know him; and that it was impossible for Colonel Cresson did not know him; and that it was impossible for Colonel Cresson did not know him; and that it was impossible for Colonel Cresson did not know him; and that the was impossible for Colonel Cresson did not know him; and that the was incomediated to the court-martial proceedings commenced July 21 thereafter. During the two martial proceedings commenced July 21 thereafter. During the two martial proceedings commenced July 21 thereafter.

Passenger of the court-martial trial, Hunt was pro

Now, let me quote the conclusions finally reached by this special select committee and the recommendations they made to the House of Representatives in their report. The committee

while there are many who participated in the conspiracy leading to Bergdoll's escape and the acquittal of those who brought it about, there are three who are infinitely more culpable than the rest. Those three are General Ansell, Colonel Hunt, and Col. C. C. Cresson. But thus far no punishment has been imposed upon anybody that could not be discharged by the Bergdoll millions and counted a mere trifle.

General Ansell is now out of the Army. He is beyond the jurisdiction of court-martial proceedings, but provision should be made against his future practice before any of the departments, before any court-martial, or in the courts of the District of Columbia or the Natlon, above whose safety and integrity he has placed gold.

Colonel Hunt, within the next two months after he had participated so criminally in the escape of Bergdoll, was promoted from major to colonel and immediately retired on the pay of \$3,600 a year. It becomes a serious question who is to pay this lifelong reward for his perfidy. Those whose backs already are burdened with the most onerous tax ever imposed must contribute; and, in addition, more than 4,000,000 of our soldier boys must, throughout Colonel Hunt's remaining years, contribute to this munificent retirement fund in recognition only of his instrumentality in this national tragedy. An outraged Nation has the right to demand that Colonel Hunt's annuity be discontinued.

The conduct of Mr. Earl B. Wood should not go unnoticed.

Nation has the right to demand that Colonel Hunt's annuity be discontinued.

The conduct of Mr. Earl B. Wood should not go unnoticed.
On April 30, 1920, John J. O'Connor, a special agent of the Government in the secret service, who had been sent to Philadelphia to look after the Bergdoil case, addressed a letter to Frank Burk, Assistant Director and Chief of Investigation, Washington, D. C.

That letter reads as follows:
"DEAR SIR: On the evening of April 27, Lieut, George C. McDonald, who has been and is cooperating with me in the Bergdoil cases, obtained information through one Jacob Strohm, an uncle by marriage of the Bergdoil boys, that Grover C. Bergdoil is to gain his release within a period of two weeks.

"The information, in substance, is that a Colonel Ansell, a Washington attorney who has been retained by the Bergdoll family to attack the verdict of the court-martial, has guaranteed to bring about the release of Grover C. Bergdoll for a consideration of \$10,000. In an effort to gain his freedom, counsel for Bergdoll is expected to apply for the release on bond of Grover C. Bergdoll pending the decision of the court in reapplication for a writ of habeas corpus, which will give Bergdoll sufficient time to depart from the United States.

"If this can be brought about, it will be a repetition of an application which was made before Judge Hand in the southern district of New York, and at the time of the application counsel requested that the prisoner be turned over to the custody of the United States marshal pending decision. Judge Hand refused the request and ordered Bergdoll returned to the custody of the military authorities.

"If there is some way to prevent Bergdoll's being released pending the decision of the court before which the application will be made, we will have prevented Grover Bergdoll's escape, together with protecting Colonel Ansell, whom I believe to be misled, from having to explain the treacherles of his client and of his confederates.

"Yery respectfully,

"John J. O'Connor, Special Agent."

"JOHN J. O'CONNOR, Special Agent."

"Yery respectfully,

"John J. O'Connor, Special Agent."

When that letter reached the department it went to Mr. Wood, he having charge of all correspondence relating to the Bergdoll case.

When Mr. Wood received the letter, he should have immediately brought it to the attention of the War Department, which then had charge of Bergdoll, for the purpose of having double precautions thrown around him.

It seems that every happening—whether of act or omission—resulted to Bergdoll's benefit, and not one to his real detriment.

All this could not have been accident. Somebody, carrying convincing persuasives in great bundles, must have preceded every doing in the case, to see that nothing was left to chance.

"Mr. Johnson. Do you take full responsibility for the failure to bring the contents of that letter to the attention of anybody else?

"Mr. Wood. No, sir.

"Mr. Johnson. Do you take full responsibility for the failure to bring the contents of that letter to the attention of anybody else?

"Mr. Wood. Yes, sir; I take the responsibility for not having brought it to the attention of anybody else?

"Mr. Hohnson. Do you take full responsibility for the way that letter was handled.

"Mr. Johnson. Do you take full responsibility for the way that letter was handled.

"Mr. Wood. I do.

"Mr. Wood is most extraordinary make-up should continue in the public service his dismissal is most earnestly recommended. More, it is recommended that he be forever disqualified from holding any appointive position whatever with the Government of the United States.

It has been said that there is perhaps no crime an exact definition of which is more difficult to give than the offense of c

the payment and receipt of the consideration. It becomes a matter of inference from one fact to the existence of another. That is this case.

It must be conceded that the motives which prompted Mrs. Bergdoll, the mother, and "Judge" Romig, the foster father, to take part in the conspiracy were not the motives that actuated either Gibboney, Ansell, Balley, or Hunt. These latter had no affection for Grover Bergdoll, nor can it be said that his plight aroused their humanitarian impulses. What then incited their activities? There was, of course, the Bergdoll fortune ever present.

There are many, many offenses which are, indeed, most difficult of actual proof. There are a few impossible of proof except by circumstances and by reasoning from cause to effect.

The eye of man is far more easily deceived than is his mature reasoning and calm judgment. Money may pass from hand to hand in an instant, and at some obscure place and not be seen. While the passing of it may be proven beyond doubt, the consideration for which it did pass may be disputed. On the other hand, the full performance of the service to be rendered may be fully established, still the passing of the money in payment for the service may be proven only by appeal from the eye to the mental consideration of a chain of established facts. Again, that is this case.

Bergdoll family and their immediate, personal associates, such as Romig. Stecker, Gibboney, and Mrs. Bergdoll. It is hoped that this report bares to the Congress the others who are more guilty than even the Bergdoll family. Shall they go unwhipped of justice?

The mother, the brother, the foster father—only those who gave shelter and comfort out of love for the black sheep of the family—have been convicted. Shall those who, for money, conceived, connived at, and executed the escape continue to practice in our Nation's courts, to wear the uniform of an officer of our Amy, or to collect an annuity from a wronged people?

WHAT WILL THE HOUSE DO WITH 1T?

WHAT WILL THE HOUSE DO WITH IT?

Is the House of Representatives going to bury this report without action? If so, why? Why should not the guilty be punished? Is anybody connected with the Government now shielding the guilty? The House of Representatives has spent \$6,441.85 of the public money to make this investigation and obtain the facts in this report. In what way is it going to benefit the people and the Nation?

And what is to be done with General Ansell? Why was he employed as counsel by another select committee of the House, at a \$15,000 fee, about the time the Bergdoll committee had him under investigation? Is the Government going to continue to employ him and pay him big fees? Concerning this problem, the Republican Party must make answer to the country.

Mr. JEFFERIS of Nebraska. Mr. Speaker, I ask unanimous consent to extent my remarks in the Record.

The SPEAKER pro tempore. Is there objection? There was no objection.

MUSCLE SHOALS.

Mr. JEFFERIS of Nebraska. Mr. Speaker, the Muscle Shoals projects were constructed during the war. Nitrate plant No. 1, costing \$13,000,000; nitrate plant No. 2, costing the Mullery Down on which were covered at about \$66,500,000; the Wilson Dam, on which was expended \$17,000,000; in all, about \$106,500,000 were expended from an appropriation of \$200,000,000 under section 124 of the national defense act of 1916 and appropriations during the war for armaments of fortifications. The Government has authorized about \$24,500,000 since the war to complete the Wilson Dam, including electrical power houses and generating equipment for 120,000 horsepower and certain navigation facilities. It is expected this work will be completed in 1925 or 1926.

For the fixation of nitrogen there was constructed two plants. a modified Haber process for nitrate plant No. 1 and the cyanamide process for plant No. 2. To these plants there are four important adjuncts—the Gorgas power plant, on the Warrior River 90 miles south of Muscle Shoals, costing \$3,850,000; the transmission lines to Muscle Shoals, costing \$960,000; the Waco Quarry, near Russellville, Ala., 26 miles south of Muscle

Shoals, costing \$1,300,000.

The synthetic-ammonia plant at nitrate plant No. 1 is a failure. Its capacity is rated at 22,000 tons of nitrates per annum. It is located on a 1,900-acre lot of land. In addition to a number of large, substantial buildings suitable for manufacturing purposes, it contains 112 permanent dwelling houses, complete with furnaces, electric lighting and bathroom facilities, bachelor quarters with modern improvements containing accommodations for 35 people, 80 temporary houses for construction purposes, about 9 miles of macadam road, 8 miles of sewers, 4½ miles of standard-gauge railroad, a water plant, and other necessary auxiliaries. These latter properties \$3,500,000.

The three plants at nitrate plant No. 1-for oxidation of ammonia into nitric acid, for the concentration of nitric acid, and for conversion of ammonia and nitric acid into ammonia nitrate—can be successfully operated. Only the synthetic ammonia plant process is a failure, according to the report of Major Burns, of the nitrate division of the Ordnance Department, who says, in his testimony before the Senate Agricultural Committee, that since the armistice a modified construction of a similar plant has been in successful operation on a commercial scale at Syracuse, N. Y. Major Burns further says that the Ordnance Department has made quite an extended study of plans for reconstruction of the synthetic ammonia process plant at nitrate plant No. 1 and that in the light of subsequent experience in this country it can be operated successfully. The Ordnance Department estimates the cost to reconstruct the plant to produce its rated capacity of 22,000 tons of nitrates per annum, including a necessary sulphate of ammonia plant for fertilizer production, would be \$4,750,000.

Nitrate plant No. 2 consists of a calcium-carbide plant, including necessary facilities for burning limestone and preparing coke, and a plant for the extraction of nitrogen from air by the liquid-air process, a plant for the welding together of calcium carbide and nitrogen to form cyanamide, a plant for the conversion of cyanamide into ammonia, a plant for the conversion of half of the ammonia so formed into nitric acid, and a sion of half of the ammonia so formed into nitric acid, and a plant for the combination of nitric acid and ammonia for the formation of ammonium nitrate. The plant has a capacity of 475 tons of calcium carbide per day, 600 tons of cyanamide per day, 150 tons of ammonia per day, the equivalent of 260 tons of 100 per cent nitric acid per day, and 300 tons of ammonium nitrate per day, or 110,000 tons of ammonium nitrate per year. The capacity of this plant is five times the capacity of United States nitrate plant No. 1.

This plant cost about \$66,500,000. It is located on a site of

This plant cost about \$66,500,000. It is located on a site of 2,300 acres and contains a 90,000-horsepower steam plant; 186 permanent houses with electric lights, sewers, and water supply; a hotel with 100 rooms with modern improvements, thoroughly furnished; 366 temporary houses; 24 miles of improved roads, 37 miles of standard gauge railway; 20 miles of sewers; 16 miles of domestic and fire water supply; a 60,000,000-gallon reservoir with filtering and pumping plants; and a 50-ton ice plant. These latter auxiliary facilities represent a cost to the Government of approximately \$25,000,000. In addition, it is estimated that there is material on hand worth about \$5,000,000.

The evidence before the committee is that it costs about \$125,000 per year to finance the caretaking of plants Nos. 1,

2, and the Waco Quarry. The Government is realizing from a lease of the Gorgas steam plant, the transmission line, and

the Sheffield steam plant approximately \$250,000 per annum.

Power generated at the steam plant at Sheffield has been used for two years to meet the needs of the power market, through interconnected transmission lines, in the States of Georgia and North and South Carolina. At one time during the coal emergency and the drought last year more than 45 cotton mills in these States, and a number of municipalities, were relieved of the necessity of either closing down their plants or materially curtailing their output by reason of power from this source generated with coal transported 100 miles or more from the Alabama coal fields.

OBJECTS OF ORIGINAL LEGISLATION AUTHORIZING THE CONSTRUCTION OF A NITRATE PLANT AND A POWER DAM.

The original purpose stated in section 124 of the national defense act of 1916, under which these plants were first authorized, and the law now in effect, was to provide nitrates for explosives and fertilizers in peace time. The legislation vested in the President very large and discretionary powers in the conduct and management of the plants.

Recently Congress has determined, pursuant to the policy expressed in the national defense act of 1916, to complete the construction of Wilson Dam, including power houses and equipment sufficient to generate 120,000 horsepower, for which approximately \$25,000,000 new money has been appropriated or authorized. When complete the power equipment will be sufficient to develop all the available continuous prime power at the site and will have in reserve for any emergency the 90,000-horsepower steam plant which insures sufficient power for the continuous operation of the plants in the use of the processes originally planned. In times of military necessity plant No. 2 is capable of fixing sufficient nitrogen to supply 12 divisions organized and equipped for combat in accordance with the condi-tions existing at the close of the World War, or an army of approximately 500,000 men.

In order to equip nitrate plant No. 2 for the production of fertilizer it is estimated by the Ordnance Bureau that \$3,500,000 additional would be required. However, all the testimony of experts before the House and Senate committees and the statements of many scientists who have studied the question is that the cyanamide process is obsolete and that under the most favorable conditions fertilizer can not be manufactured on a commercial scale at prices to compete with other sources of supply. The recent statement of Dr. Charles L. Parsons, a leading authority in this country, supports this conclusion.

THE FORD OFFER. The original offer of Mr. Ford to take over the Muscle Shoals projects has undergone a number of changes, some at the in-stance of the Secretary of War and others at the request of the House Committee on Military Affairs and the Senate Agricultural Committee. In its essentials he offers to take title in fee to the Waco Quarry, consisting of 450 acres of limestone deposits, and a branch railroad 1½ miles long, costing about \$1,400,-000; nitrate plant No. 1, located on 1,900 acres of land, with its 125 permanent building structures and plants; a complete industrial community with sewerage, electricity, streets, walks, etc.; the assignment of whatever contractual rights the Government has and its property interests in the Gorgas properties; the 90-mile transmission line to Sheffield; the completion of Wilson Dam and the construction of Dam No. 3, including the installation of power houses and electrical equipment necessary to generate 850,000 horse power, with a 100-year lease thereon. He also offers to take title to plant No. 2, located on 2,300 acres of land, including all its accessories heretofore enumerated and including the steam plant, the largest in the world, which alone cost \$12,000,000. The cost to the Government of the properties, building, equipment, etc., title to which his offer contemplates will pass to his company, approximates \$90,000,000.

It is estimated by Army engineers that it will cost more than \$55,000,000 to complete Wilson Dam and construct Dam No. 3.

In consideration of the transfer of all this property to the Ford Co., and the additional expenditure of more than \$55,-000,000 to complete Dam No. 2 and construct Dam No. 3, on which no work whatever has been done on any of the 14,000 acres of necessary overflow lands acquired, the Ford Co. agrees to pay 4 per cent annually as rental on the cost of finishing Dam No. 2 and building Dam No. 3, excluding, however, the \$17,000,000 heretofore invested in Dam No. 2. The lease is to run a period of 100 years. The full 4 per cent rental, however, will not begin until six years after the acceptance of the con-

tenance, and operation thereof shall be under the direction, care, and responsibility of the United States during the 100-year period," but without obligation for any excess cost of repairs, maintenance, or operation of the gates and locks. No obligations whatever is assumed by the company in event any portion or all of either of said dams, the gates, or locks should break down, give way, or blow out. He also agrees to pay semi-annually \$23,373 to a so-called sinking or amortization fund, which it shall become the duty of the Government to compound over a period of about 100 years estimated in that time to create a fund of \$48,000,000 with which the Government may recoup the cost of constructing and equipping the two power dams.

In event the Government does not conclude at the end of 100 years itself to operate the power plants, but to lease or dispose of the same, the Ford Co. is to have the preferred right to renew the lease for the power plants upon such terms as Congress may then prescribe.

The Ford Co., for the benefit of the Government, undertakes to do three things:

to do three things:

1. To maintain nitrate plant No. 2 in its present state of readiness, or its equivalent, for immediate operation in the manufacture of materials necessary in time of war for the production of explosives.

2. That when the national defense shall require "all or any part of the operating facilities at nitrate plant No. 2 for the production of materials necessary in the manufacture of explosives or other war materials" the United States may take over and operate the same.

3. As the principal consideration of his offer, the company expressly agrees continuously for 100 years, except as prevented by reconstruction of the plant or by war, strikes, accidents, fires, or other causes beyond its control, to manufacture nitrogen and other commercial fertilizers. The annual production of such fertilizers shall contain a nitrogen content of at least 40,000 tons of fixed nitrogen.

Scotter, 15 undertakes to hind the Ford corporation to supply

Section 15 undertakes to bind the Ford corporation to supply the farmer fertilizer at "fair prices and without excessive prof-It provides that the "maximum net profits shall not exceed 8 per cent of the fair actual annual cost of production thereof." For this purpose it attempts to create a board, the majority of whose members shall be nominated by certain farmers' organizations, whose duty it will be to "determine what has been the cost of manufacture and sale of fertilizer products and the price which has been charged therefor, and, if necessary, for the purpose of limiting the annual profit to 8 per cent, as aforesaid, shall regulate the prices at which said fertilizer may be sold by the company.'

These are the essential features, obligations, and considerations of the proposed contract between the Government and the Ford corporation.

The direct benefit to the Ford Co. can not be estimated or stated in terms of dollars. Aside from large parcels of real estate, valuable buildings, manufacturing plants thoroughly and completely equipped to begin immediately the operation of a manufacturing industrial center of great magnitude, located in the midst of unlimited raw materials, with railway and water transportation at hand, representing a cost to the American people of \$90,000,000 and acquired for the nominal sum of \$5,000,-000, payable in five installments, he and his successors in interest will enjoy for 100 years the exclusive, unrestricted, and unregulated use of one of the great water-power resources on the continent, developed and equipped with public funds, on which he will in fact pay less than 3 per cent rental with a preferred right to renewal in event the Government does not at the end of 100 years elect itself to operate the power plants.

It must be remembered that the Government ceases upon acceptance of the Ford offer for \$5,000,000 to own or exercise any property right at or in connection with the nitrate plants, notwithstanding it has a standing offer of \$3,000,000 cash for its interest alone in the Gorgas plant and the transmission line.

The exclusive and unregulated power franchise alone is worth millions of dollars in the open market. Mr. Ford's immense industrial organization during the 100-year period would enjoy a tremendous advantage over other industrial power users, due to the important factor of a very cheap source of power. This water power will continue to increase in value as coal deposits are depleted and the cost of mining advances. The immense secondary power will increasingly become prime power as the flow of the river is regulated by the construction of additional power dams above and the construction of storage reservoirs on its upper tributaries by other parties to meet the growing demand and increased market value of hydropower.

OBLIGATION TO PROVIDE NITRATES IN TIME OF WAR INADEQUATE AND DOES NOT SECURE ANY ADVANTAGE THE GOVERNMENT OTHERWISE DOES

Emphasis is placed by the Ford adherents upon the continuing obligations to maintain plant No. 2 in stand-by for the pro-The company also agrees to contribute \$55,000 annually for repairs, maintenance, and operation of the dams, gates, and locks, "it being understood that all necessary repairs, mainit must be noted, limits the duty of his company to respond to the requirements of the United States in an emergency to "all or any part of the operating facilities at nitrate plant No. 2." Section 14 of the fertilizer clause does not in terms require him to operate plant No. 2 for the production of nitrogen for munitions of war. He is required at the most to maintain

it in stand-by condition.

The language permits him to operate an equivalent plant or such other plant or plants adjacent or near thereto as he may construct. Subdivision (b) of the same section requires him to maintain nitrate plant No. 2 in its present state of readiness or its equivalent for the production of explosives or materials necessary in time of war. If the cyanamid plant is obsolete, as insisted by many experts, or should become so, and a more simple, direct, and economical process should be employed, or should Mr. Ford rely for nitrogen upon by-product production, as he may do, under the contract, the obligation to turn over to the Government in an emergency the "operating facilities" at plant No. 2 within a very few years may become of very minor importance and of no value in view of the fact that his obligation limits the right of the Government to take over in case of national emergency only the operating facilities at plant No. 2.

The Government in time of war unquestionably has the right to take over any and all properties, plants, or processes either at Muscle Shoals or elsewhere, whether in the hands of Mr. Ford or a number of concerns, in which case its obligation for compensation extends only to a reasonable remuneration to the owners for the use and occupancy thereof. Mr. Ford, in event such an emergency arises, requires the Government not only to protect his company from losses occasioned by such use, but it must return the property in as good condition as when received and also reasonably compensate the company

for the use thereof.

He is not required to operate plant No. 2 or maintain plant No. 2, or any plant whatever, in an up-to-date condition or abreast with the advance of science in the fixation of nitrogen from the air, either for fertilizer or explosives. His obligation extends only to its maintenance in stand-by condition or its equivalent. So far as the obligation of the Ford contract extends, regardless of the lavish expenditures of the United States at Muscle Shoals in an effort to provide an independent and a new source of nitrates both for war and for fertilizer, it will during these 100 years be in no better situation than at present. Its investment of millions of dollars under the authority of Congress will be delivered into the hands of one individual or company without condition or reservation of any value or consequence that will advance the art of fixation of nitrogen from the air either for its use or benefit or that of the American people. There is no obligation to modernize the plant, 10, 20, or 50 years hence. Whatever research or ex-penditures Mr. Ford undertakes to employ, according to sub-division (a) of section 14, is limited to the production of commercial fertilizers by two methods, the electric furnace and in-dustrial chemistry. By such means even now a large portion of our nitrate supply is obtained. Therefore, Mr. Ford as-sumes no burden to the American people to explore new and untried methods for securing nitrates. The delivery to one individual, on such conditions, of immense war resources of great value constructed under authority of law, the principal object of which was to provide nitrates for explosives by air fixation processes as a means of securing independence of foreign importations, can not be justified on any basis of sound public policy.

THE PECULIAR HISTORY OF THE PERTILIZER PROVISIONS AND THEIR INADEQUACY.

Mr. Ford does not contract either directly or indirectly or by inference to reduce the price of fertilizer, nor does he, contrary to the general idea, agree to extract nitrogen from the air, either for explosives or fertilizers. In terms his company is not required to introduce into the fertilizer output of this country nitrogen from the air in any appreciable quantity. The company may without violence to its agreement, for all that appears in its proposed contract, supply the major portion of the 40,000 tons of fixed nitrogen either from importations or from by-product production purchased in the open market or from its own plants, and thus defeat the very purpose which it is in the popular mind that at Muscle Shoals, as a result of the Ford offer, a new and additional supply of air nitrogen will be provided for fertilizer purposes. The only obligation is "to manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, at nitrate plant No. 2, or its equivalent, or at such other plant or plants adjacent or near thereto as it may construct." This is said without reference to quantity, so far as the obligation to manu-

facture nitrogen and other commercial fertilizers extends. The peculiar language of section 14, as regards the quantity of nitrogen, is that "the annual production of these fertilizers shall have a nitrogen content of at least 40,000 tons of fixed nitrogen."

It must be borne in mind that, regardless of the enormous increase in fertilizer consumption for the next 100 years, the minimum requirements of the Ford offer is that the annual production of fertilizers by his company at or adjacent to Muscle Shoals, not from the air, shall have a nitrogen content of 40,000 tons. Doctor Whitney, of the Department of Agriculture, testified before the congressional committee touching the Ford offer that the normal increase in fertilizer consumption in the United States is about 7½ per cent per annum, and that whereas annual consumption now is from seven to eight million tons, except for the war and recent high prices it would be from ten to twelve million tons. The Ford contract assumes no obligation to keep pace with the enormous increased demand by a corresponding increase in production at Muscle Shoals. He is not required to apply to this minimum production any specific amount of the power acquired at Dams 2 or 3. If through by-product production from his various plants he will construct in that community he is able to secure a minimum of 40,000 tons of nitrogen for fertilizer, his company has performed its obligation and is perfectly free to appropriate to its private, exclusive, and unregulated use all the water power to be developed at Muscle Shoals at Government expense.

Any improvement in the art of nitrogen fixation, whether by the use of hydropower or otherwise, Mr. Ford is under no obligation to employ, except as the result of his own research, limited to electrical-furnace methods or industrial chemistry. In the meantime the Government has for 100 years denied itself or any citizen other than Mr. Ford the opportunity so employ the power or the facilities it has constructed for the production of nitrates for explosives or fertilizer, whether by present methods, their improvement, or new methods brought forward by anyone other than Mr. Ford through the electrical furnace or

by industrial chemistry.

 NEITHER ACCEPTANCE OF FORD OFFER NOR GOVERNMENT OWNERSHIP AND OPERATION AT MUSCLE SHOALS NECESSARY,

The gentleman from Illinois [Mr. Madden] bases his entire argument on the assumption that in adopting a policy relating to Muscle Shoals the Government must either engage in the development and operation of a fertilizer business itself or accept the offer of Henry Ford for the property upon the identical terms proposed by Mr. Ford without change or alteration. This is an extraordinary proposition. Even if the Government were planning to accept the services of Mr. Ford for the purposes of carrying out the general plan of the national defense act, as stated by Mr. Madden, there should be and is ample justification for the closest scrutiny of the terms, and unless Mr. Ford is to be allowed to dictate to Congress and the country in the most arbitrary manner every line of the proposed contract should be carefully scrutinized and the public interest safeguarded by suitable amendments.

It is true that certain proponents of the Ford offer have insisted from the first that the offer was not subject to amendment, but it has already been many times amended, and it is now admitted by them that the amendments were beneficial. No public official assuming to deal with the matter impartially has heretofore taken the position now occupied by Mr. MADDEN of presenting the Ford offer on the one hand and Government operation on the other as the only possible alternatives.

The bill embodied in the majority report of the Military Affairs Committee of the House of Representatives, though providing for a contract with Mr. Ford, requires substantial amend-

ment of the Ford offer.

The gentleman from Illinois [Mr. Madden] passes over without the slightest attention the policy recommendation set forth in the minority report of the Military Affairs Committee, concurred in by a majority of the Republican members of the Military Affairs Committee, which is as follows:

The Secretary of War should be authorized and directed to ask for further propositions for Muscle Shouls. Neither nitrate plants No. 1 nor No. 2 should be sold. They cost the taxpayers of this country too much money. They ought to be leased, together with the hydroelectric power created by dam No. 2, but this lease ought to be made under the Federal water power act. The Government would then have absolute authority and control over the lessees and their products. In this way no one man or set of men could have the entire benefit of this great project at that place. Then the Government could regulate the production of fertilizer on the part of the lessee or any other manufactured articles that the lessee would see fit to make.

This sane suggestion contains no proposal for Government operation of the plants in peace times, but avoids the grant of a vast monopoly on unconscionable terms to Mr. Ford.

In the report made at the instance of Mr. Bernard M. Baruch by L. L. Summers, an engineer, the courses open to the Government are summarized as follows:

First. That the Government retain the property as it now stands as reserve for war purposes, expending each year only sufficient money

a reserve for war purposes, expending each year.

for the upkeep.

Second. The Government to complete the dams, thereby endeavoring to make it possible to operate the plant commercially in competition with private industry.

Third. The Government to wreck the plant and salvage the material, abandoning, therefore, any possibility of cheap hydraulic power at this time or the improvement of navigation of the Tennessee River.

Fourth. The sale of the property to a group interested in the different industries capable of being developed at this plant.

Fifth. The Henry Ford proposition.

Admitting that the second and third propositions are inadmissible, the summary amply illustrates the absurdity of the position of Mr. Madden in assuming that the Government must choose between the Ford offer-which Mr. Summers describes as "ridiculous as to price"-and objectionable Government operation

Mr. Madden has consequently made a fundamental error in the very inception of his discussion of Muscle Shoals by assuming that the question can be determined by balancing the advantages of the Ford offer against Government ownership and operation of fertilizer works. He has therefore made a totally incorrect analysis of the Muscle Shoals situation, which has resulted in a mere argument in favor of the Ford offer rather than a deliberate and impartial decision with all the factors of the problem taken into account,

2. FORD OFFER VIOLATES PRINCIPLES OF FEDERAL WATER POWER ACT.

In 1920, after many years of deliberation, Congress passed the Federal water power act, dealing with the use of waterpower sites in navigable streams and on the public domain by private parties under Federal and State regulation. The act embodies the policy of the Government and should be strictly adhered to. The report of the Committee on Agriculture and Forestry of the United States Senate (S. Rept. 831, 67th Cong., 2d sess., p. 19) contains the following:

adhered to. The report of the Committee on Agriculture and Forestry of the United States Senate (S. Rept. 831, 67th Cong., 2d sess., p. 19) contains the following:

Mr. Ford's offer is that Dams No. 2 and No. 3, when completed, together with all of the abutting property, shall be leased to this corporation for a period of 100 years. This provision of itself ought to be sufficient reason for the unqualified rejection of the offer. The question of the development of water power on our navigable streams has received a great deal of attention at the hands of Congress. For a great many years the question was debated not only in Congress but all over the country. The discussion finally culminated in the passage of the existing water-power act, which fixed the leasing term at 50 years.

Congress owes something to the senerations that shall follow. It has no more that belong to future generations. We have no moral right to mortizage unborn generations by giving special rights and privileges to corporations to make millions of dollars out of property that belongs to all of the people. The power that can be developed from our navigable streams belongs to the public. No man or corporation ought to be given an unlimited right to the use of power developed on navigable streams. No one can foresee what the conditions will be in 40, 60, or 100 years. The indications are that water power will be in 40, 60, or 100 years. The indications are that water power will be in 40, 60, or 100 years. The indications are that water power will be continue to increase in value and that if the water power of our streams is given away to corporations without regulation and for unlimited regions of the future to the detriment and the oppression of millions of our fellow citizens yet unborn. To compel by law now unborn generations to surrender their rights to the power that God Almighty has placed in our streams and to give that power ways to corporations, especially when they can not be regulated or controlled in any way. Will meet the condemna

Christian to charge a higher rate for lighting the homes of the city than it would permit an infidel to charge? One of the outstanding features of every just government is that its laws should apply to all of the citizens alike, and it is seldom that citizens who are homest and who have lived a life of uprightness ask the State to permit the capitalization of their reputation by having laws passed that will give them special privileges over the ordinary citizen. There is no attempt made in Mr. Ford's offer to claim that this corporation which he will organize, and which will be the beneficiary of this great gift, will be any better than any other corporation. He is not claiming the many things that are claimed in his behalf by many of those who are spreading the wonderful propaganda over the country demanding that Congress shall accept his offer.

If there were no other reason for rejecting this offer, it ought to be rejected for this one provision alone, and if it is accepted with this provision in it, then Congress ought to lay down the bars and permit any organization organized by any other person to have the same privilege and the same right of a lease for 100 years of complete and unregulated control of power developed from our navigable streams. It is important also to note that this 100-year lease under Mr. Ford's proposition does not begin to run until the construction of Dam No. 2 is completed and until equipment for at least 100.000 horsepower are constructed and installed and ready for service, so that the 100-year period, as a matter of fact, is in reality more than 100 years.

100 years.

In the view submitted by the minority members of the Military Affairs Committee of the House (H. Rept. 1084, 67th

Cong., 2d sess., p. 8) the minority members said:

Cong., 2d sess., p. 8) the minority members said:

We desire to direct the attention of the House to the fact that only a short while ago the Congress of the United States passed a water power act that provided, among other things, that no lessee, after the passage of said act, could be given a water-power privilege in any of the waters of the United States for a lease period covering more than 50 years. The Federal water power act further provides that all lessees of water power shall be surrounded by certain governmental restrictions as set forth in said act. It even goes so far as to restrict the profits the lessee can make on whatever his produce may be. It will be noticed that if Mr. Ford's offer is accepted, he will be given a lease covering a period of 100 years, commencing from the day of the finishing of the work of said dams and said power houses and the installing of the machinery therein. He is restricted only in two things, namely, if he can make fertilizers at a profit he will not charge a benefit for himself to exceed 8 per cent per annum on the cost of production. It must, however, be remembered that this company is not to engage in the manufacture of fertilizer except as a side issue. The other restriction is that he shall keep nitrate plant No, 2 in a stand-by condition, ready to be turned over to the Government in case of war.

stand-by condition, ready to be turned over to the Government in case of war.

According to the statements of his own representatives, the manufacturing of fertilizer will be a small part of his activities there provided this gigantic plant is turned over to him. These representatives say that he will engage in the general manufacturing business, and all through their testimony, let it be remembered, they say that he will only make fertilizer provided he finds it to be profitable to his concern. He will manufacture, perhaps, automobiles, surely parts for automobiles, plows, harrows, and other farm implements.

VIOLATION NATIONAL POLICY FEDERAL WATER POWER ACT.

Owing to numerous attacks upon the Federal water power act a committee was recently organized, known as the National Committee for Defense of the Federal Water Power Act. Among the members of this committee are: Ex-Secretaries of the Interior Walter L. Fisher and James R. Garfield, ex-Secretaries of War Henry L. Stimpson, Lindley M. Garrison, and Newton D. Baker, and David F. Houston. Among the other members are Gov. Gifford Pinchot, of Pennsylvania; Gov. Henry J. Allen, of Kansas; Mr. Herbert Knox Smith, former Commissioner of Corporations; Gov. John M. Parker, of Louislana; Mr. Philip P. Wells, ex-counsel for the Interior Department; Mr. Henry P. Graves, ex-Chief Forester of the United States. The committee contains nearly all of the former Government officials who administered the laws of the United States in respect to the use of water-power sites in navigable streams and on the public domain prior to the passage of the Federal water power act. In a public statement by the counsel of the committee, Mr. Philip F. Wells, the committee said concerning the Ford offer:

If this proposal were accepted by Congress every corporation which has or desires a water-power privilege would demand a lease on Mr. Ford's terms; and how could they be denied? The acceptance of his offer would be a deadly blow to the application of the principles of conservation to the use of water power.

The water power act of 1920 embodies those principles, and thereby protects the public interest in securing full development without having to pay monopoly profits. It does this by requiring:

"1. That every water-power lease shall be limited to a maximum of 50 years."

of 50 years.

"2. That the lessee shall pay the Government a small rental for the power privilege when he builds his own dam and other works, and a larger and fair rental when he uses works constructed by the

and a larger and fair rental when he uses works constructed by the Government.

"3. That the lessee must submit to regulation by State authority, or if there is no State authority by the Federal Power Commission, of the services he renders and the prices he charges for light and power.

"4. That any excess profits over a fair, liberal return on the actual investment shall be made over to the public in the form of a reduced price for the lessee's works at the end of his 50-year term.

"5. That States and cities have first call on power sites."

None of these requirements would be imposed under the Ford offer, acceptance of which by Congress would therefore be practically tantamount to a repudiation of the Federal water power act.

In a formal statement dealing with the Ford offer one of the

In a formal statement dealing with the Ford offer one of the members of the committee, Mr. Herbert Knox Smith, said:

Its real vice is that it smashes straight through the vital principles of the Federal water power act for the protection of the public.

1. It is a grant for 100 years.

2. It provides for no rental payments whatsoever for the use of the site, and only an absurdly small rental for the use of the works built with Government money.

3. There is no provision whatsoever to prevent the making of excessive profits on the Ford Co.'s actual investment, nor to require any transfer of such excess to the public.

4. There is no regulation whatsoever of the distribution or use of the power.

There is no provision that it shall be used for public service in

any way.

6. The Ford Co. is not required in any way to contribute to the cost of storage reservoirs hereafter built upstream. Such reservoirs would enormously increase the value of the Ford Co.'s site, and the Government is now making a survey for such storage develop-

and the Government is now making a survey as successions.

Now, \$85,000,000, more or less, lost once, while it sounds large to most of us, is not vital in a nation's life. But to break down the great principles that protect our eternal water powers, to which more and more we shall have to turn for the power that drives our industries; to rob indefinite future generations of the protection which we now have on water power and have lost on our other resources; and to do this when our chief other source of power, the coal mines, is becoming more and more of a critical problem—a problem that at this moment is at least brought home to the citizen by his empty coal bin—this is nothing short of national insanity.

These vital considerations were not even alluded to by Mr. MADDEN in his analysis of the Muscle Shoals situation.

3. FORD GUARANTIES NOT SUFFICIENT.

Mr. Madden summarizes the Ford offer in the following terms. He says:

Mr. Ford then agrees—
First. To operate nitrate plant No. 2 in the manufacture of nitrates at its full present capacity, namely, 40,000 tons of fixed nitrogen per annum, for a period of 100 years.

Second. To maintain nitrate plant No. 2 at all times in efficient, modernized operating condition for the use of the Government in time

modernized operating condition for the use of the Government in time of war.

Third. To provide fertilizer to the full capacity of nitrate plant No. 2, with profit, if any, limited to 8 per cent above the fair actual cost of production.

Fourth. To supply such quantity of fertilizers, mixed or unmixed. An agreement to furnish mixed fertilizer composed of nitrogen, phosphoric acid, and potash will necessitate the erection by Mr. Ford at his own expense of a phosphoric-acid plant at Muscle Shoals, estimated to cost \$15,000,000, which the Government would have to do if we should decide to operate ourselves.

Fifth. To research fertilizer production and to employ such improved methods as may be found successful.

Sixth. That the capital of \$10,000,000 of the company to be formed shall be liable for the fulfillment of the contract, backed up—please note this—by Mr. Ford's entire personal estate and that of his heirs and assigns.

And Mr. MADDEN adds:

I do not think any of you entertain any question but that the purposes for which the undertaking was authorized will be entirely fulfilled under this offer, and I think you will all agree that the guaranties are wholly adequate. So assuming, I will now address myself to the consideration proposed by Mr. Ford.

The summary itself is incorrect on the face of the record. For instance, there is not a single word in the contract submitted which requires Mr. Ford to manufacture phosphoric acid, much less to spend \$15,000,000 or any other sum in the construction of a phosphoric-acid plant.

Mr. Madden is wholly in error in this statement.

Nor is Mr. Madden's assumption that the so-called guaranties are admittedly adequate borne out by the facts.

In the view of the minority members of the House Military Affairs Committee heretofore quoted, the minority members

If this company that is to be formed to take over Muscle Shouls is indeed in earnest about making fertilizers, why is it that Mr. Ford's representatives have always refused to accept a clause in the contract written by the members of the Military Afairs Committee that would make it binding upon him to make fertilizers in all circumstances whatever else he might do with the Muscle Shouls plant? Such a clause was three times prepared by the committee, and it was three times rejected, and the proposal of Mr. Ford that is now before the House was written by his lawyers and contains no clause whatever that would compel his company throughout the 100-year period to manufacture fertilizer unconditionally.

These responsible Members of the House at least did not. subscribe to the assumption of Mr. Madden that the guaranties are sufficient.

The entire history of the negotiations with Mr. Ford is replete with efforts to secure a binding agreement as to fertilizer, and the record shows that these efforts were skillfully

and successfully avoided by Mr. Ford.

The first communication of Mr. Ford on this subject was addressed to Gen. Lansing H. Beach, Chief of Engineers of the United States Army, under date of July 8, 1921. In this letter Mr. Ford offered to organize a company which should agree as follows:

12. If the United States agrees to sell, and the company purchases these several properties, nitrate plants, quarry, steam-power plants, transmission lines, etc., and at prices and on terms mutually satisfactory, the company will operate nitrate plant No. 2 to approximate present capacity in the production of nitrogen and other fertilizer compounds, with the following special objectives:

(a) To determine by research on a commercial scale whether, by means of electric-furnace methods and industrial chemistry, there may be produced fertilizer compounds of higher grade and at cheaper prices

than the fertilizer-using farmers have in the past been able to procure, and to determine whether, in a broad way, the application of electricity and industrial chemistry may do for the agricultural industry of the country what they have economically accomplished for other industries.

(b) To maintain nitrate plant No. 2 in a state of readiness to be promptly operated in the manufacture of materials necessary in time of war for the production of explosives.

Secretary Weeks did not consider the above as constituting a binding agreement on the part of Mr. Ford to make fertilizer. His reasons are fully set forth in his testimony before the House Committee on Military Affairs (hearings before the Committee on Military Affairs, House of Representatives, 67th Cong., 2d sess., vol. 1, pp. 28, 29). In the course of this testimony Mr. Weeks reported the following conversation with Mr. Ford .

Mr. Werks. I said to him (Mr. Ford), "Will you guarantee o continue to manufacture fertilizer during the life of the contract?"

He replied that he would not.

I said in effect: "You might stop the manufacture of fertilizer in five years or in any time to the great disappointment of the people down there."

He said: "Of course, I am going to stop if I can not manufacture it profitably."

To meet the objections of the Secretary and to induce him to transmit the proposal to Congress Mr. Ford submitted a modified proposal under date of January 25, 1922, inclosing certain modifications in which the language of the fertilizer paragraph became as follows:

The company agrees to operate nitrate plant No. 2 at the approximate present annual capacity of its machinery and equipment in the production of nitrogen and other fertilizer compounds (said capacity being equal to approximately 110,000 tons of ammonium nitrate per annum) throughout the lease period, except as it may be prevented by strikes, accidents, fires, or other causes beyond its control, and further

agrees:

(a) To determine by research whether by means of electric-furnace methods and industrial chemistry there may be produced on a commercial scale fertilizer compounds of higher grade and at lower prices than fertilizer-using farmers have in the past been able to obtain, and to determine whether in a broad way the application of electricity and industrial chemistry may accomplish for the agricultural industry of the country what they have economically accomplished for other industries.

(b) To maintain the description of the country what they have economically accomplished for other industries.

(b) To maintain nitrate plant No. 2 in its present state of readiness or its equivalent for immediate operation in the manufacture of materials necessary in time of war for the production of explosives.

In addition, to meet the further objections of the Secretary of War—as shown by the testimony referred to—Mr. Ford added a new provision to subdivision 19 of his proposal, as follows:

* * Upon acceptance of the promises, undertakings, and obliga-tions shall be binding upon the United States and jointly and sev-erally upon the undersigned, his heirs, representatives, and assigns, and the company * * *

The trouble with that is that it still only binds Mr. Ford All the other agreements are agreements of the company, limited, of course, by its assets. As the company will pay out \$5,000,000 immediately to the Government only half of the \$10,000,000 remains at most to guarantee fertilizer production.

Subsequently, during the hearings given by the House Military Affairs Committee, Mr. Ford authorized his representatives further to modify the so-called fertilizer guaranty in the following language (new matter italicized):

the following language (new matter italicized):

The company agrees to operate nitrate plant No. 2 using the most economical source of power at the approximate present annual capacity of its machinery and equipment in the production of nitrogen and other commercial fertilizers (said capacity being equal to approximately 110,000 tons of ammonium nitrate per annum) throughout the lease period, except as it may be prevented by strikes, accidents, fires, or other causes beyond its control, and further agrees:

(a) To determine by research whether by means of electric-furnace methods and industrial chemistry there may be produced on a commercial scale fertilizer compounds of higher grade and at lower prices than fertilizer-using farmers have in the past been able to obtain, and to determine whether in a broad way the application of electricity and industrial chemistry may accomplish for the agricultural industry of the country what they have economically accomplished for other industries, and if so found and determined, to reasonably employ such improved methods.

(b) To maintain nitrate plant No, 2 in its present state of readiness or its equivalent for immediate operation in the manufacture of materials necessary in time of war for the production of explosives.

The modifications did not however, appear to the committee

The modifications did not, however, appear to the committee to guarantee the manufacture of fertilizer nor fulfill the promises frequently made to the committee by Mr. Ford's representatives in their verbal communications.

For example, on February 13 (hearings before the Committee on Military Affairs, House of Representatives, 67th Cong., 2d sess., vol. 1, p. 253), Mr. Mayo, chief engineer for Mr. Ford. testifying before the committee, stated:

Mr. Ford intends to make a complete fertilizer.
Mr. MORIN. He intends to produce a complete fertilizer?
Mr. MATO. Yes, sir.
Mr. MORIN. Would it be sold in this form to the farmer?
Mr. MAYO. Yes, sir.

It is well known that a complete fertilizer suitable to be sold to the farmer, which is the promise contained in the above quotation from Mr. Ford's representative, contains suitable proportions not only of nitrogen but also of phosphoric acid and potash.

That Mr. Ford's representatives so understood and were leading the committee to believe that Mr. Ford would manufacture a complete fertilizer in due proportions and that to do so he would be obliged to manufacture fertilizer in large quantities is shown in the further testimony of Mr. Mayo, page 308, as follows:

Mr. James. How many tons does he bind himself under his contract?
Mr. Mayo. That all depends on the mixture and whether you carry
a filler or not.
Mr. James. About how many—the least number of tons?
Mr. Mayo. In my judgment, it would run from a minimum of possplit 200,000 tons up to a maximum of about 2,000,000 tons, depending upon the class of fertilizer, whether it carried a filler or not,
and the proportion it did carry, if any.

Similar assurances were also given by Mr. J. W. Worthington, who appeared before the committee with authority to speak

for Mr. Ford. (Hearings, pp. 266, 267, and 279.)
Relying upon these promises, the committee sought to secure from Mr. Ford a similar statement over his own signature. Accordingly the committee drew up and submitted to all the bidders whose proposals had been referred to the committee a set of standard requirements, containing, as to fertilizer, the following:

Inasmuch as the manufacture of commercial fertilizers for our soils and the sale and distribution of the same to the farmers and other users thereof constitute one of the principal considerations of this offer moving to the Government of the United States and its people, the company expressly agrees that it will continuously through the lease period, except when prevented by war, accidents, fires, unavoidable strikes, or acts of Providence, manufacture annually at nitrate plant No. 2, or at such other plant or plants adjacent or near thereto as it may construct, 40,000 tons of fixed nitrogen, and will manufacture the same into complete fertilizer and fertilizer materials, and for that purpose it will manufacture or otherwise procure the remaining necessary additional fertilizer ingredients in sufficient quantities proportional to the said 40,000 tons of fixed nitrogen and mix and blend such fertilizer ingredients, with or without binder and filler, in such proportions as to make properly balanced commercial fertilizer. If during the lease period said nitrate plant No. 2 is destroyed or damaged from any cause, the company agrees to restore such plant within a reasonable time to its former capacity for all purposes. * *

In reply, Mr. Ford, under date of May 31, 1922, addressed a

In reply, Mr. Ford, under date of May 31, 1922, addressed a letter to Hon. Julius Kahn, chairman of the committee, in which he ignored the fertilizer guaranty requirements of the committee, and said, after a discussion of a matter immaterial to this issue:

I am sending a final proposal containing all the amendments suggested by the committee to which I can consistently agree.

The final proposal transmitted with this letter contained as to the fertilizer guaranty no acceptance of the requirements of the committee in respect to the inclusion of phosphoric acid and potash in the commercial fertilizer suitable for the use of farmers. In fact, Mr. Ford reverted to the language heretofore offered to the committee and rejected by it as insufficient, evasive, and not binding him to carry out the verbal promises made to the committee by his representatives quoted above. In short, Mr. Ford totally ignored the requirement that he should produce and utilize in connection with the nitrogen manufactured by him sufficient quantities of phosphoric acid and potash.

This reply was, of course, unsatisfactory to the committee. and this fact was made known to the representatives of Mr. Ford. Subsequently upon that day Mr. Ford's representatives met with members of the committee, desiring to reach a common ground of agreement, and the so-called fertilizer guaranty was again modified and finally reduced to the following language, and the next day accepted by the committee by an extremely close vote:

tremely close vote:

SEC. 12. Since the manufacture, sale, and distribution of commercial fertilizers to farmers and other users thereof constitute one of the principal considerations of this offer, the company expressly agrees that continuously throughout the lease period, except as it may be prevented by reconstruction of the plant itself, or by war, strikes, accidents, fires, or other causes beyond its control, it will manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, according to demand, at nitrate plant No. 2 or its equivalent, or at such other plant or plants adjacent or near thereto as it may construct, using the most economical source of power available. The annual production of these fertilizers shall have a nitrogen content of at least 40,000 tons of fixed nitrogen, which is the present annual capacity of nitrate plant No. 2. If during the lease period said nitrate plant No. 2 is destroyed or damaged from any cause, the company agrees to restore such plant, within a reasonable time, to its former capacity and further agrees:

(a) To determine by research whether by means of electric-furnace methods and industrial chemistry there may be produced on a commercial scale fertilizer compounds of higher grade at lower prices than farmers and other users of commercial fertilizers have in the past been able to obtain and to determine whether in a broad way the application of electricity and industrial chemistry may accomplish for the agricultural industry of the country what they have economically accomplished for other industries; and if so found and determined, to reasonably employ such improved methods.

(b) To maintain nitrate plant No. 2 in its present state of readiness or its equivalent for immediate operation in the manufacture of mate-rials necessary in time of war for the production of explosives.

This is the version set forth in the McKenzie bill (H. R. 11903), which includes the revised proposed Ford contract.

In the version set forth in the McKenzie bill the personal underwriting clause in section 19 is eliminated.

It is the contention of this memorandum that the above history of the so-called "fertilizer guaranty" clauses of the Ford proposal not only exhibits a complete failure to submit an agreement which when accepted by the United States would bind Mr. Ford or even the company organized by him to make fertilizers suitable for the farmer's use at Muscle Shoals; but also exhibits an adroit and skillful avoidance by Mr. Ford of all effort to draw him into such a binding agreement, notwithstanding the repeated intimations and even assertions of his representatives and agents that he would render in fertilizer production a suitable return to the country for favors sought of untold value in

perpetual largess from the Government.

This examination of the various steps in the negotiations with Mr. Ford shows that Mr. Ford's proposal in its present form contains no obligation to make fertilizer suitable for the farmers' use, including phosphoric acid and potash, as such a fer-

the form of Government property bestowed upon him in fee at a nominal price and the use for 100 years of one of the country's

greatest natural resources without compensation or restriction and with a renewal privilege making such use practically a

tilizer requires. This is self-evident from perusal of the so-called "final offer" as set forth in the McKenzie bill. Mr. Ford originally chose this method.

The McKenzie bill entirely omits the personal-liability clause above referred to, though that clause itself, as shown, is fatally defective.

The idea of some personal liability was first introduced in the second proposal transmitted to Secretary Weeks, wording was (subdivision 19):

Upon acceptance, the promises, undertakings, and obligations shall binding upon the United States and jointly and severally upon the undersigned, his heirs, representatives, and assigns, and the

Secretary Weeks referred to this (hearings, p. 28) as only a partial remedy. He construed the language as providing that proceedings could be brought against Mr. Ford, but added:

Now, just what those preceedings would amount to in case he stopped manufacturing fertilizer, except a mafter of damages against him or against the company, I am not very clear. • • • That is something that the committee may well take under consideration, but I did suggest that it seemed to me that there should be a forfeit in case of a failure to carry out that part of the agreement, because in my conversation with Mr. Ford I said to him: "Will you garantee to continue to manufacture fertilizer during the life of this contract?" He replied that he would not. I said: "Will you agree to invest a certain definite amount of money in the manufacture of this fertilizer?" and he said he would not. Now, of course, he does, in effect: "You might stop the manufacture of fertilizer in five years or in any other time to the great disappointment of the people down there," and he said: "Of course, I am going to stop if I can not manufacture it profitably."

Now, that being the case, and that idea being apparently in his head, it seems to me there should be some kind of forfeiture in case he fails to carry out this part of the agreement relating to the manufacture of fertilizer.

Mr. Ford is getting on in years. He is not going to be here manufacture of fertilizer, and no one knows what form his estate will be left in; and I think there should be a suitable guaranty that that part of this agreement is to be carried out in good faith by his successors without the necessity of bringing suit for damages.

The claim does not even appear in the McKenzie bill. In the

The claim does not even appear in the McKenzie bill. In the version there set forth Mr. Ford agrees to form a company and provide it with \$10,000,000. Half of this will immediately be paid to the United States in exchange for property transferred in fee. Five million dollars will remain as the sole guaranty of the performance of the company's obligation. The company may fail utterly without affecting Mr. Ford's fortunes. He is exempt from liability. His estate is exempt. His heirs are What risks there are he takes to the extent of \$10,exempt. 000,000. His liability is specifically limited by the familiar instrumentality of a corporation provided by our laws for the purpose of avoiding extension of personal liability.

However, in spite of Mr. Madden's assumption, the obliga-tion upon Mr. Ford's company to make fertilizer is expressed

in terms raising grave doubt as to their binding character.

As shown in the foregoing, Mr. Ford's personal liability in the Muscle Shoals proposal, if any is involved, is specifically limited by the device of causing the agreement to be made by a subsidiary corporation of limited capital. Moreover, the language of the "final offer" respecting fertilizer is such as to at least throw grave doubt upon its binding character.

It should be noted in the first place that the sole obligation of the company is contained in the fertilizer section. Ford's company does not even purport to promise anything else. Vast power resources are turned over to the company practically forever without compensation, but Mr. Ford makes no undertaking to use these enormous power resources for any public purpose whatever. Nor does his company. The power resources are to be exploited unrestrictedly for the private use of Mr. Ford and his company. The public has no reservation of use; Mr. Ford has no restriction of profit. He does not have to furnish power for public service. He does not have to share his profits with the public. In short, all the rest of the contract is for Mr. Ford.

Consequently, the liabilities undertaken, if any there are, must be found in the engagements of the company-not Mr. Ford-with respect to fertilizer.

As above quoted, this section of the proposal contains the fol-

lowing significant words:

* * The company expressly agrees that continuously throughout the lease period, except as it may be prevented by reconstruction of the plant itself, or by war, strikes, accidents, fires, or other causes beyond its control, it will manufacture,

This is the language to which a magnifying glass should be applied. This is the only obligation in the contract, and it is to be carried out "unless prevented by (1) reconstruction of the plant, (2) war, strikes, accidents, fires, or (3) other causes beyond the company's control."

It could probably be contended that the words "or other causes beyond the company's control" would furnish the company an excuse for discontinuing fertilizer manufacture in case market conditions rendered further manufacture unremunerative. There is a clause in the proposal which will be discussed hereafter which indicates that the idea in this business is that Mr. Ford shall have a profit of 8 per cent. Reading the proposal as a whole, a falling market "beyond the control" of the company might easily be considered as relieving it of its obligation, especially as Mr. Ford clearly stated in the process of negotiation that he intended to quit if fertilizer making proved unprofitable. The rule of law is familiar and admits of this interpretation. (United States v. Mescall, 215 U. S. 26.)

But for the purposes of this argument it is sufficient to point out that the words of limitation introduce a grave doubt as to the binding character of the obligation. Why are those words there at all? They were not in the original offer, when Mr. Ford agreed only to experiment awhile with the fertilizer plant. They were introduced when he was compelled to "offer" run the plant "continuously during the lease period." Since then, though several times stricken out by the committee, they have reappeared when Mr. Ford was heard from. These words must be assigned a meaning. They could not be passed overignored—in any proper construction of the language under scrutiny; far less can they be regarded as negligible, in the face of the history of this clause, its frequent modification, Mr. Ford's persistence in retaining them against objection.

There is another obscure phrase in this same critical section. The company must make fertilizer unless prevented "by the re-construction of the plant." What do these words mean—under the microscope? Do they mean that by causing the plant to be reconstructed for use in some other production the obligation to make fertilizer can be avoided? Possibly this is an extreme construction; but what do they mean and why are doubtful words permitted in so crucial a section?

When it is considered that in this section alone is to be found whatever the company gives of real value for the almost priceless favors bestowed on Mr. Ford, the importance of every word in this section is emphasized. On examination, the present language is found to be vague, uncertain, evasive, and at least possibly destructive of that entire portion of the structure in

which the public alone is interested. Even if contract is performed, effect upon fertilizer prices is uncertain and there is no suggestion of agreement to lower fertilizer prices. The proposed contract will be searched in vain for any section, clause, or phrase which guarantees or even promises a reduction in the price of fertilizer to the farmer. As in the case of the so-called "fertilizer guaranty" the verbal representations of Mr. Ford's representatives and Ford "offer" propagandists have suggested, implied, intimated, and even promised that "the farmer's fertilizer bill will be cut in half," and so forth. The quoted phrase in particular Ford "offer" has been press-agented throughout the country.

But the only subdivision of the proposed contract dealing with this subject at all is subdivision 15, as follows:

SEC. 15. In order that farmers and other users of fertilizers may be supplied with fertilizers at fair prices and without excessive profits, the company agrees that the maximum net profit which it shall make in the manufacture and sale of fertilizer products shall not exceed 8 per cent of the fair actual annual cost of production thereof. In order that this provision may be carried out, the com-

pany agrees to the creation of a board of not more than nine voting members, chosen as follows: The three leading representative farm organizations, national in fact, namely, the American Farm Bureau Federation, the National Grange, the Farmers' Educational and Cooperative Union of America, or their successor or successors to be determined in case of controversy by the Secretary of Agriculture, shall each designate not more than seven candidates for said board in the first instance and thereafter, for succession in office, not more than three candidates. The President shall nominate for membership on this board not more than seven candidates, selected to give representation to each of the abovementioned organizations, said nominations to be made subject to confirmation by the Senate, and there shall be two voting members of said board selected by the company: Provided. That not more than one shall be mominated by the President from the same State; that if the selected by the company: Provided. That not more than one shall be anominated by the President from the same State; that if either or any of said farm organizations or its or their chardidates until the Senate shall have confirmed seven. Provided the president of the seventh o

This subdivision promises nothing in the way of fertilizer price reduction. But it is interesting; what it does promise is a profit of 8 per cent to Mr. Ford. The board which is created has no power to deal with the price Mr. Ford asks for his fertilizer product unless Mr. Ford is selling it at a cost netting him more than 8 per cent on the cost of production. Not an annual 8 per cent on his investment; 8 per cent on the cost of production. This might be any per cent—8, 10, 12, 15, or 20 per cent annually on his investment.

But the board created by the proposed act can not function at all as to prices unless Mr. Ford has his 8 per cent on the cost of production. Even then it could only make a reduction to the point of Mr. Ford's 8 per cent profit on the cost of production, which, as stated, might be any per cent annually on his investment.

(Note.—The use of the word "annual" in the 8 per cent clause quoted above is meaningless, as the same working capital or investment might be several times "turned over" during the annual period.)

A practical guaranty of 8 per cent profit to Mr. Ford of no fertilizer manufacture is the real meaning of his proposal. The fact that the so-called price-fixing subdivision of this proposed contract really contains nothing definite except the promise of 8 per cent profit for Mr. Ford was apparently not accidental. In his testimony before the Senate Committee on Agriculture on May 1, 1922, Mr. Ford's personal representative, Mr. Mayo, being pressed by Ford supporters on the committee to say something definite on the price of fertilizer to farmers, bluntly retorted:

Mr. Mayo. The public is entitled to the fertilizer as cheaply as we can make it out of the best process that we can make it, plus 8 per cent profit.

If Mr. Ford's offer is to be the basis of a Government policy at Muscle Shoals, the so-called fertilizer guaranty (subdivision 14) should be rewritten in the terms proposed by the House committee and summarily rejected by Mr. Ford, which contains the following:

Inasmuch as the manufacture of commercial fertilizers for our soils and the sale and distribution of the same to the farmers and other users thereof constitute one of the principal considerations of this

offer moving to the Government of the United States and its people, the company expressly agrees that it will continuously through the lease period, except when prevented by war, accidents, fires, unavoidable strikes, or acts of Providence, manufacture annually at nitrate plant No. 2, or at such other plant or plants adjacent or near thereto as it may construct, 40,000 tons of fixed nitrogen, and will manufacture the same into complete fertilizer and fertilizer materials, and for that purpose it will manufacture or otherwise procure the remaining necessary additional fertilizer ingredients in sufficient quantities proportional to the said 40,000 tons of fixed nitrogen and mix and blend such fertilizer ingredients, with or without binder or filler, in such proportion as to make properly balanced commercial fertilizer. If during the lease period said nitrate plant No. 2 is destroyed or damaged from any cause, the company agrees to restore such plant within a reasonable time to its former capacity for all purposes.

Subdivision 15 should also be rewritten in conformity with the above and should read as follows (new matter in italics):

Subdivision 15 should also be rewritten in conformity with the above and should read as follows (new matter in Italies):

SEC. 15. In order that farmers and other users of fertilizers may be supplied with fertilizers at lover prices than those precalling at the time of the making of this contract, the company agrees to the creation of a board of not more than nine voting members, chosen as follows: The three leading representative farm organizations, national in fact, namely, the American Farm Bureau Federation, the National Grange, the Farmers' Educational and Cooperative Union of America, or their successor or successors (said successor or successors to be determined in case of controversy by the Secretary of Agriculture), shall each designate not more than seven candidates for said board in the first and the secretary of the

EXCLUSIVE PERMANENT OWNERSHIP AND OPERATION NOT NECESSARY TO REFECT THE PUBLIC OBJECTIVES TO BE SECURED AT MUSCLE SHOALS.

The original authority of section 124 of the national defense act of June, 1920, contemplated "the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power," as in the judgment of the President is best and cheapest. The President was directed to use the products of such plants as might be constructed for military and naval purposes to the extent necessary and to see and to surplus under such regulations as may be prescribed. This is surplus under such to the Muscle Shoals project. This is Government operation. The law specifically prohibits their operation in conjunction with any industry or enterprise carried on by private capital.

It is apparent to anyone who has taken the time to make even superficial investigation that methods, means, or proce for atmospheric fixation of nitrogen have not been simplified or standardized so that nitrogen may be extracted from the air for use either as explosives or as a component part of fertilizer in commercial quantities, although scientists and experts are

agreed that the studies and investigations going on throughout the world will in a few years make it possible for capital to engage in the business on a basis that will justify the production of nitrates as a permanent and independent industry.

The Congress has determined to complete the power development at Wilson Dam at an additional cost of about \$25,000,000, which, added to the \$17,000,000 already expended, will bring the total cost for power development to \$42,000,000. The total Government investment at Muscle Shoals will then be about \$132,000,000.

The entire project will then have every facility and will in every respect offer the greatest opportunity for the Government to lend its assistance not only through the efforts of its own agencies but at nominal cost, and in a practicable and comprehensive manner it will be in position to afford any citizen, company, or association the opportunity to demonstrate the practicability of methods and processes brought forward from time to time by scientists and experts. In either event the Government itself, to the extent the public good and the best interest of the Government requires, may employ such methods or, if such a course appears best, it may from time to time and for limited periods lease such of its plants or facilities and provide the necessary power for the production of nitrates, both for explosives and fertilizer or other useful products, under proper restrictions and reservations as may be necessary to protect and preserve the interests of the Government and the regulation and control of the price of the products to the ultimate consumer

Rather than transfer title to its immense facilities at Muscle Shoals and lease its entire hydropower for 100 years to one corporation under conditions, viewed in the most favorable light, of doubtful propriety or wisdom, is it not the better policy for the Government not only to provide adequate facilities for its own investigations but for any citizen who may come forward with an offer or plan which has promise of merit looking to the operation of a portion or all of these facilities on a basis that will insure the greatest good to the greatest number?

There is every reason to expect that American business, American ingenuity, and American capital would sooner or later, encouraged and assisted by the Government, work out some means or process of nitrogen fixation that will revolutionize the entire nitrate industry.

Under such a policy the Government could dispose of its surplus material and property and lease the surplus power for distribution to municipalities and the industrial development in the States adjoining, with necessary reservations to recall any or all the hydropower that from time to time may be necessary for the production of nitrates for explosives and for fertilizer. Through this very sensible and businesslike course the Government would properly receive an adequate and continuous return upon its investment in hydropower production without special favor or discrimination and under public regulation.
All the evidence justifies the assumption that the power market demand would immediately absorb the entire output at Wilson

TO ACCEPT THE FORD OFFER WOULD REQUIRE THE GOVERNMENT TO REPUBLIATE ITS CONTRACT.

The Ford offer as amended obligates the Government to assign and transfer to the company all rights, title, interest, powers, and benefit belonging to or that may accrue to it by reason of its contract with the Alabama Power Co., under which the Gorgas plant and the Sheffield transmission line was constructed. Briefly, the facts are that at the time and under the stress of war the Government found itself in immediate need of large blocks of power, which could not be obtained other than from the Alabama Power Co., a public-service corporation in Alabama engaged in the generation and transmission of power to industries and municipalities throughout a major por-tion of the territory of that State. Under the conditions the company was not able to respond to the request of the Government for power and continue to provide energy to municipalities and numerous industries in the State engaged in the production of essential war material. This situation was quite apparent to the officers of the Government. Notwithstanding this fact, it was imperative that it secure for construction purposes and have recourse to a large quantity of power with which to prosecute with expedition the construction of its plants at Muscle Shoals and their operation pending the construction of its own steam plant and a water-power dam. This the officers of the Government realized would require time. They appealed to the Alabama Power Co, for assistance.

The company was unable, as was every public-utility concern during the war, to secure funds or even material, in the absence of priority orders, for the enlargement of its power resources.

Whereupon officers of the War Department agreed to advance funds with which power facilities could be provided. It so happened that at Gorgas on the Warrior River, 90 miles south of Muscle Shoals, the Alabama Power Co. had constructed an auxiliary steam plant at a location where two important factors existed—water in abundance and large coal deposits. It had planned and laid the foundation for three power units as an auxiliary to its hydroelectric system. One unit had been completed and in operation. The Government contracted to furnish funds with which to construct at once an additional and a larger unit than the company had planned to meet its future requirements, and also to provide the funds with which to construct a transmission line to Sheffield. The contract recognized that the lands upon which these facilities were to be constructed would belong to the company and that the facilities for generating and transmitting power, constructed with Government funds, should remain the property of the Government as security for its investment therein pending the time when the Government would provide its own power requirements and relinquish to the company the facilities constructed on their lands. The contract recognized the equities of the situation and the injustice that would be done the company if it were to retain and operate these generating and transmission facilities as a going concern or dispose of them to anyone else than the company. It therefore contracted that on certain contingencies, anticipated that would happen after the close of the war within a certain period, to sell its facilities to the company at a fair value as a going concern, the price to be agreed upon between the parties or determined by arbitration.

The company engaged to buy these properties upon the demand of the Government, and in turn the Government engaged that it would require any other purchaser than the company, if it became necessary to sell to some one else, to remove the properties from the lands of the company. The company in good faith performed its part of the contract and stands ready to pay the Government what its officers regard as a fair value The law officers of the Government have for the properties. submitted opinions that the War Department exceeded its authority when it attempted to bind the Government to an option contract to sell to the company or to provide a method for de-

termining the purchase price.

It is conceded by the officers of the War Department that the Gorgas properties and the transmission line can not be considered in any sense a necessary or essential part of the Muscle Shoals projects, but are temporary facilities provided to meet urgent war demands. If it be true that the Government had no authority in law to enter into the so-called option contract, the fact remains that its solemn contractual obligation is to remove the properties from the lands of the company and not to promote interference with their business operations by turning over to an outsider plants and facilities which they were called upon as a war duty to create for the temporary benefit of the Government. It was perfectly legitimate for the company to seek such assurances, and the contract provides them. Many contracts during the war of similar character were executed and carried out in good faith by both parties.

The solemn obligation of the Government is to deal with this company itself and not to transfer its rights or interests growing out of the contract to an outsider under circumstances and conditions where immediately a conflict of interest may arise that was not in the minds of the original parties to the : ment. The Government can not morally or legally, in a te.... cal sense, transfer to an outsider, in no sense a party to the original agreement, whatever rights, powers, or interests the Government may have growing out of its contract to deal with

its citizens, whether a corporation or an individual.

The so-called majority report of the Military Affairs Committee on the Muscle Shoals question properly characterizes such action on the part of the sovereign an unjustifiable method of dealing with the citizen, and would establish a precedent debatable if not unwise. The Secretary of War, discussing this subject, very properly asserts that the Government has a moral obligation, even though it may not be required in a strictly legal sense to do so, to recognize in good faith all contract agreements with its citizens.

Mr. JOHNSON of Washington, Mr. Speaker, I ask unani-

mous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JAMES. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The extensions of remarks referred to are here printed in full

Mr. JOHNSON of Washington. Mr. Speaker, I desire to present a brief statement concerning the work of the House Committee on Immigration and Naturalization during the Sixtyseventh Congress, and to outline a program for that committee in the Sixty-eighth Congress.

First, let me say that no committee of the House has sat more days, examined more witnesses, received and considered more petitions, documents, written statements and letters. my opinion there is a greater and more widespread demand for the immigration hearings than the hearings of any other committee. I think there is more public interest in immigration than in any other subject. From the leaders of debating teams in the most remote rural schools to the best-known instructors in the most prominent universities come requests for information. From the latest candidates for citizenship to the largest employers of labor come letters asking for copies of hearings, bills, and reports. Petitions come, on one side from the patriotic orders, and on the other side-for freer immigrationfrom the so-called hyphenated alliances and societies, and even from known anarchistic and revolutionary organizations. Letters pour in from the nationals of all the countries of the world, asking this, that, and everything imaginable, while aliens who have reached the United States appear daily at the door of the committee room appealing for the admission of some relative or friend.

Ever is the committee reminded that the problems of immigration carry with them all the problems of the human heart. Every day is some phase of "The Divine Comedy" or "Trag-

edy" revealed.

But, Mr. Speaker, every day it is made apparent to every member of the committee that the greatest question before the people of the United States is immigration. More, it is not only the greatest but the most vital. All the future of the United States hangs on the problems before this committee. Forty other intermediate problems, each serious—agriculture, manufacture, education, food supply, relations with other nations, wages, the care of dependents and defectives, our standard of living, our language, our birth rate, our customs, our theaters, and so on-all are affected by what the Congress of the United States does with regard to immigration. And remember that each committee of Congress is in itself a little congress which tables some bills, modifies and renders inocuous other bills, and reports through its chairman still other bills, advocating with all the strength permissible within parlia-mentary limitations the passage of those bills and their enactment into law. To secure enactment the House, the Senate, and the Chief Executive must be substantially in accord—which accounts for the failure each Congress of so many bills which to some of us seem so desirable.

Mr. Speaker, I desire to compliment the members of the Committee on Immigration and Naturalization for their patience, their constant attendance at long committee sessions, and for their assistance with the chairman's program, in spite of the great differences of opinion which are bound to exist when 15 men are gathered together, not only from all parts of America but from different parts of the world, to outline our legislative policy. If I may, I shall print the names of the members of this committee in this Congress. They are:

ALBERT JOHNSON, Washington, chairman; Isaac Siegel. New York; J. Will Taylor, Tennessee; John C. Kleczka, Wisconsin; William N. Vaile, Colorado; Hays B. White, Kansas; Guy L. Shaw, Illinois; Robert S. Maloney, Massachusetts; Arthur M. Free, California; John L. Cable, Ohio; Adolph J. Sabath, Illinois; John E. Raker, California; Riley J. Wilson, Louisiana; John C. Box, Texas; L. B. Rainey, Alabama; and P. F. Snyder, clerk.

Five members retire at the close of this Congress. They

ISAAC SIEGEL, New York; JOHN C. KLECZKA, Wisconsin; GUY L. SHAW, Illinois; ROBERT S. MALONEY, Massachusetts; and L. B. RAINEY, Alabama.

They have been hard-working members, and the rest of us wish them well. All are men of force, and all have had de-termined views in the committee, one on this question, and one on that question. In fact, this is the one committee that does not divide on political lines. Its divisions are tight restriction versus liberal immigration; on the privilege to be given to citizens, on immigration to the Territories and insular possessions, on the question of asylum in the United States, the question of labor, and so forth.

Therefore, Mr. Speaker, is it not remarkable that during this Congress, after acting decisively one way or another on 90 bills and resolutions, as shown by the calendar, this com-

mittee should have reported favorably to the House the following bills, as shown by the following extract from the index to the House Calendar of this date, March 3, 1923:

IMMIGRATION.

ALIENS.

Deportation of certain undesirables: H. R. 11118; Mr. Johnson of Washington. Reported from Immigration and Naturalization April 3, 1922, Report No. 867. Union Calendar. Passed House April 5, 1922. In Senate referred to Immigration.

LIMITING ENTRY OF ALIENS INTO THE UNITED STATES.

1922. In Senate referred to immigration.

LIMITING ENTRY OF ALIENS INTO THE UNITED STATES.

H. R. 4075: Mr. Johnson of Washington. Reported from Immigration and Naturalization April 19, 1921. Report No. 4. Union Calendar. Passed House April 22, 1921. In Senate referred to Immigration. Reported in Senate, amended (S. Rept. 17), April 30, 1921. Passed Senate, amended, May 3, 1921. House disagreed and the bill sent to conference May 5, 1921. Agreed to in both House and Senate May 13, 1921. Approved May 19, 1921. Public law No. 5.

For the consideration of H. R. 4075. H. Res. 56; Mr. Johnson of Washington. Reported from Rules April 20, 1921. Report No. 9. Adopted April 20, 1921.

H. J. Res. 153; Mr. Johnson of Washington. Reported from Immigration and Naturalization June 13, 1921, Report No. 169. House Calendar. Passed House June 20, 1921. In Senate referred to Immigration Reported in Senate June 27, 1921. Passed Senate August 15, 1921. Approved August 22, 1921. Public Resolution No. 16.

Extending operation of act of May 19, 1921. H. J. Res. 268; Mr. Johnson of Washington. Reported from Immigration and Naturalization February 17, 1922. Report No. 710. Union Calendar. Passed House February 20, 1922. In Senate referred to Immigration Reported in Senate, amended, April 5, 1922. Passed Senate, amended, April 15, 1922. Senate agreed May 3, 1922. Approved May 11, 1922. Public Resolution No. 55.

Remain in United States in excess of quotas, permitting certain to. H. J. Res. 279; Mr. Johnson of Washington. Reported from Immigration and Naturalization March 7, 1922, Report No. 776. Union Calendar. Passed House March 16, 1922. In Senate referred to Immigration and Naturalization Reported November 21, 1921. Senate agreed to House March 16, 1922. In Senate referred to Immigration and Naturalization Reported November 21, 1921. Senate agreed to House amended, November 21, 1921. Senate agreed to House manched, November 21, 1921. Senate agreed to House amended, November 21, 1921. Senate agreed to House amended November 28, 1921.

CITIZENSHIP.

Women, naturalization and citizenship of married. H. R. 12022; Mr. CABLE. Reported from Immigration and Naturalization June 18, 1922, Report No. 1110. House Calendar. Passed House June 20, 1922. In Senate referred to Immigration. Reported in Senate September 1, 1922. Passed Senate September 9, 1922. Approved September 22, 1922. Public law No. 346.
Fischer, Emil S., granting citizenship: H. J. Res. 34; Mr. SIECEL Reported from Immigration and Naturalization April 14, 1921, Report No. 3. Private Calendar. Committee of the Whole House discharged and rereferred to Immigration and Naturalization June 24, 1921.
S. J. Res. 38. Passed Senate May 2, 1921. Rejected in House May 3, 1921. Motion to reconsider entered in House May 4, 1921. Committed to Immigration and Naturalization June 24, 1921.

After much strenuous labor the committee favorably reported to the House on February 15 its constructive immigration bill as a substitute for S. 4092, which had passed the Senate by manimous consent February 5, 1923. The Senate act provided for the admission into the United States of not more than 25,000 orphaned or homeless Armenian children under 16 years of age and, in addition thereto, the admission, to join relatives in the United States, either citizens or declarants, of husbands, wives, parents, grandparents, unmarried or widowed daughters, granddaughters, sisters, sons, grandsons, and brothers under 18 years of age of the Armenian race who have fled from Turkish territory since 1914; admission to be on the application of the residents, subject to the conditions of the immigrations laws except the quota act.

The House committee's bill, as a substitute for S. 4092, a comprehensive, constructive, permanent bill, more orderly than any heretofore presented; carrying out scientifically the principle embodied in the existing temporary quota law; providing for the admission from each country now sending immigrants a minimum of 400 annually plus 2 per cent of the nationals here according to the census of 1890; exempting therefrom the near relatives of foreign-born citizens and aliens who have declared their intention to become citizens, thus relieving the hardship of dividing alien families; starting registration in accordance with President Harding's recommendation by requiring future immigrants to bring a certificate containing full information about their health, civic record, political activities, and character; permitting aliens here to return to their native lands for temporary visits; ending the present outrageous evasion of the immigration laws by which dangerous, loathsome, and contagious diseased aliens gain admission as seamen under the La Follette law, by simply requiring alien seamen to pass the same immediate inspection and medical examination that

immigrant aliens have to pass; excluding all aliens ineligible to citizenship unless entering for business, pleasure, or other temporary purpose; and otherwise perfecting and humanizing the existing immigration laws in order that America may be adequately protected from defective, dependent, and objectionable or surplus aliens as our other laws protect us from defective seeds, diseased plants, inferior live stock, and even surplus foreign goods made by pauper labor.

Two weeks were spent on the alien-seamen provisions. Demands were made for additional provisions which, in my opin-

ion, were beyond the jurisdiction of this committee.

Within a fortnight after this substitute for the Senate bill was reported the legislative situation was about as follows:

The calendars of both House and Senate were congested. filibuster was in progress in one branch and similar obstructionist tactics were threatened in the other. The fear was expressed by leaders that, inasmuch as all immigration matters are highly contentious, much debate and additional opportunity for filibuster would be presented if the substitute bill should be brought up for consideration. Finally the chairman secured a promise of a rule, although he was informed that more rules were at that time authorized than could be considered during the brief time remaining before adjournment. Ascertaining this to be a fact, and after mature consideration, and in order to try to get through some of the immediate and urgently needed provisions of the substitute bill the chairman introduced a short bill providing for admission of the near family relatives of American citizens-fathers, mothers, husbands, wives, and minor children-without regard to quotas, and reducing, by way of compensation, the quotas from 3 per cent to 2 per cent, based on the census of 1910, as at present provided in the act of May 19, 1921.

In my opinion restrictive laws that do not give to American citizens the privilege of sending for the alien members of their own immediate families will not stand. Unfortunately, through the Associated Press and other news agencies, the Members of Congress were misinformed when time was of the essence as to the provisions of the short bill. To pass it under suspension of rules required a two-thirds vote. There was not time in the closing, crowded hours of a long, busy Congress to explain it either by speech or letter. So it failed, like many other With it went the hope of the refugees of the world for the relief it offered in response to appeals for admission of thousands upon thousands from Armenia, Greece, and elsewhere.

The appeals of employers for more common labor from foreign lands fell when the committee voted out its substitute bill. To admit laborers in quantities means that we are to continue to have with us the problem of how many and what classes, to say nothing of the other serious problems of excessive immigration, unemployment, and undermined standards and conditions.

So, Mr. Speaker, in spite of tremendous appeals, this committee stood against two great forces. But, Mr. Speaker, the committee has its big, constructive bill ready to report in De-cember at the very beginning of the Sixty-eighth Congress. We ask for support for it now. It will be pressed. The quota law is not perfect but it has restricted immigration, and the big bill will cure most, if not all, of its defects and imperfec-The quota law has reduced the influx more than 2,000,000 in less than two years. We admit it has created personal hardships, but the bill we have prepared will reduce these to a minimum. Under the proposed bill feasible foreign inspection and examination of immigrants will commence. Few of those who can not be admitted will ever start from their foreign homes.

In conclusion, Mr. Speaker, I believe I voice the sentiment of the country when I say that the great problem in the United States is not what we will do with the immigrant, but what the immigrant will do with us. The real problem is to check the influx so that we can assimilate and Americanize the over 14,000,000 foreign born and 20,000,000 children of foreign born now in our midst. We must not let in a flood that threatens further to swamp our forces of Americanization and foreignize us.

Mr. JAMES. Mr. Speaker, during the present session we have heard a great deal, both in Congress and out, about "propaganda." From the statements which have been made it seems evident that there are Members of Congress who consider that it is "propaganda" when they receive requests from their constituents to vote for or against legislation in which these constituents are interested; it is "propaganda" when literature or letters are mailed to Congressmen by the American Federa-tion of Labor, the American Farm Bureau Federation, National Grange, or other organizations which make it their business

to look after the best interests of the people. But when literature and letters are received by these same Congressmen from Wall Street or from the Fertilizer Trust, the Alabama Power Co. or the Nitrate Trust, or other business interests, then such literature and letters are not propaganda but "enlightening information." A distinguished leader of the House says that information." there has been a "chorus of misstatements and of false propaganda with regard to the Ford offer," and I agree with him, In an effort to find an objection to the Ford offer which would ruin that proposal in the eyes of the country there have been no end of misrepresentations made during the past session of this Congress. Henry Ford has been held up before the country as a robber or as an insincere schemer, holding out a meaningless fertilizer bait to catch the farmers while under cover he was planning to get away with a water power of such great value that the figures pass all comprehension.

The very extravagance of the statements of the opposition is sufficient to condemn them in the eyes of intelligent people, and the very bitterness of the fight itself, the determination of these special interests to deny Mr. Ford the right to undertake to work out a great national problem at Muscle Shoals, is conclusive evidence to me that they themselves do not doubt that Mr. Ford will do what he has agreed to do and a great

The distinguished Republican leader says that if the proposition had been made by "anyone but Mr. Ford it would have been smothered by ridicule." My opinion is that if the same My opinion is that if the same offer had been made by the Alabama Power Co., the Fertilizer Trust, or, in fact, "anyone but Mr. Ford," the lame ducks looking for jobs to take the place of the jobs which have been taken away from them by dissatisfied constituents-would have seen to it that the House would have been given an opportunity last June to vote on the proposition.

As it was, these lame ducks refused to give their fellow legislators an opportunity to vote on a measure which they

knew would pass Congress by a large majority.

I have examined the arguments of these opponents both in and out of Congress, and in order that the public may appreciate how empty their objections are, I am reviewing these principal objections and at the same time stating the real facts as I have found them.

FORD OFFER NOT A BONANZA.

The opponents have made the most extravagant claims as to the value of what Mr. Ford would receive under his offer. They have said "there is nothing in the history of the world with which this can be compared. Civilization is without a precedent. It is the greatest gift ever bestowed upon mortal man since salvation was made free to the human race."

The truth is that these same properties have been offered under more favorable terms than the Ford offer to the very interests who now oppose the acceptance of the Ford proposal, and these interests would not have them on any terms.

If it were true that Mr. Ford gets \$100,000,000 worth of value for \$5,000,000, there would have been a rush to secure the Muscle Shoals property, and the opponents of the Ford offer well know it. If it were possible to get 20 for 1 on a private investment at Muscle Shoals, it is absurd to think that Mr. Ford would have been the only one to make a businesslike offer.

The truth is that whoever works out the problems at Muscle Shoals must assume so large a risk of private investment and must undertake such a large responsibility to the country that among the many who might have made a responsible offer for Muscle Shoals Mr. Ford was the only one with sufficient cour-

What he gets has been repeatedly stated. It consists of two nitrate plants; one is a small experimental plant that was not a success and which uses the dangerous Haber process, which no one in this country has undertaken to develop on a large scale, although there is no patent situation that prevents it. The patents on the Haber process are available to anyone. As for the other nitrate plant, which uses the cyanamide process, the experts all agree that this process is obsolete and must be The testimony shows, however, that processes do exist for taking nitrogen from the air whereby it may reasonably be expected that the cost of fertilizer to the farmer may be reduced 50 per cent. This can be accomplished only at great expense. Mr. W. B. Mayo, chief engineer of the Ford Motor Co., testified that Mr. Ford expects to spend at least \$50,000,000 in working out these problems.

THE GOVERNMENT GETS A MOST REASONABLE RETURN UNDER THE FORD OFFER.

The opponents claim that "the Ford offer is absurd in its proposed transfer of great properties and great opportunities without reasonable return."

The truth is that, under the Ford offer, the Government and the people get much more than could have been expected, and so much more than any other responsible bidder was willing to offer that the Ford proposal has no competitors.

After a short preliminary period of preparation to utilize the power, Mr. Ford pays the Government 4 per cent on the entire cost of completing Dam No. 2 and completely building Dam No. 3, including full equipment and all reservoir lands, overflow rights, and so forth. This includes not only the portion of the structures devoted to power production, but the navigation locks as well.

The Government also receives annuities from Mr. Ford, which, according to the testimony of the Secretary of War, are suffi-cient, if invested at only 4½ per cent, to return to the Govern-ment more than \$70,000,000 during the lease period, and if they were invested in farm-loan bonds at 5 per cent the return would exceed \$100,000,000.

The Government is assured of the maintenance in a modernized and up-to-date condition of a great nitrate plant capable of furnishing nitrogen for explosives sufficient for one-third of the greatest military force that the United States was able to organize during the World War.

The Government gets large taxable values and is protected against excess profits by the present income tax law. If Mr. Ford makes the unconscionable profits which have been claimed, then under the present law the Government will get the most of it.

The greatest benefit of the Ford offer, however, is the establishment of a fertilizer plant having a large capacity for nitrate production. Expressed as Chilean nitrate of soda, the amount of nitrate which Mr. Ford agrees to produce annually is 250,000 tons, sufficient nitrogen for 2.000,000 tons of 2-8-2 commercial fertilizer and equal to the full amount of nitrates imported annually by American agriculture in recent years. The Ford offer provides that this great tonnage of nitrate fertilizer mixed with other plant foods according to demand—and as is common knowledge, the only other commercial plant foods are phosphoric acid and potash—shall be delivered directly to the farmer at a profit not to exceed 8 per cent on the fair actual annual cost of production.

But there are other great benefits. The Ford offer establishes a precedent in one respect. When it is accepted there will be one great water power in this country so financed that the original investment-corresponding to the bonds issued in an ordinary power project-is being amortized and eliminated, and with its elimination there is removed the interest on the investment, which constitutes 75 to 80 per cent of the cost of any American water power at the generating station.

This is a benefit to the people of the United States more fundamental than cheap fertilizer, for by adopting this method and bringing the cost of electrical power in this country to the low level that prevails in Canada and Norway cheap fertilizers and other products can be made available all over the country.

Under the Ford offer the navigation of the Tennessee River will finally be placed upon a commercial basis, and a territory nearly the size of England, rich in a great variety of useful resources, for the first time will have water transportation to the great markets of the Mississippi Valley and beyond. To do this requires the construction of Dam No. 3, and the construction of this dam is an important part of the Ford proposal.

Commercial considerations, as shown below, will compel Mr. Ford to construct large reservoirs in the tributary streams of the Tennessee River to stabilize his flow and make useful more than 500,000 horsepower of generating equipment which otherwise must stand practically idle. These reservoirs will reduce the floods which frequently cause great loss in the upper Ten-nessee Valley, and at these dams there can be developed at least 100,000 horsepower of merchantable power for distribution in a

section where it is greatly needed.

Under the Ford offer thousands of men would be employed at good wages, and a commercial impetus would be given to a com-mercially backward section of the country which would benefit not only that section itself but every other section which serves

this region commercially.

HENRY FORD HAS POSITIVELY AGREED TO MAKE FERTILIZER AT MUSCLE SHOALS UNDER A REASONABLE COMMERCIAL GUARANTY WHICH IS NOT CONDITIONAL ON HIS MAKING A PROFIT,

Some opponents claim that advocates of the Ford offer-

gain support because they promise the farmer the much-needed fertillzer. * * * Our position is that this is a hollow promise, made to enlist the support of the farmers and not absolutely binding on any fact contained in the contract or existing outside of the contract.

Other opponents, admitting that Mr. Ford will make fer-tilizer at Muscle Shoals, contend that Mr. Ford "does not agree

to make a pound of fertilizer at Muscle Shoals unless he can make it at a profit of 8 per cent to himself."

The truth is to be found in the Ford offer itself. Paragraph 15 of Mr. Ford's signed offer says in plain English:

15 of Mr. Ford's signed offer says in plain English:

15. Since the manufacture, sale, and distribution of commercial fertilizers to farmers and other users thereof constitutes one of the principal considerations of this offer, the company expressly agrees that continuously throughout the lease period, except as it may be prevented by reconstruction of the plant itself or by war, strikes, accidents, fires, or other causes beyond its control, it will manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, according to demand, at nitrate plant No. 2 or its equivalent, or at such other plant or plants adjacent or near thereto as it may construct, using the most economical source of power available. The annual production of these fertilizers shall have a nitrogen content of at least 40,000 tons of fixed nitrogen, which is the present annual capacity of nitrate plant No. 2.

ENOUGH NITROGEN TO MAKE 2,000,000 TONS OF 2-8-2 MIXED FERTILIZER TONS OF 2-8-2 MIXED FERTILIZER ENOUGH NITROGEN TO MAKE 2,000,000 TO ANNUALLY.

I contend, Mr. Chairman, that this constitutes a definite binding agreement to produce at least 40,000 tons of fixed nitrogen annually, which is enough nitrogen to make 2,000,000 tons of 2-8-2 mixed fertilizer. Furthermore, it is not conditional upon Mr. Ford's ability to make 8 per cent profit or any other profit whatever.

I might say in passing that in 1921 there were only 5,000,000 tons of fertilizer consumed in the United States, so that Mr. Ford's obligation represented 40 per cent of the country's entire tonnage for that year.

WHAT THE ACTING JUDGE ADVOCATE GENERAL OF THE ARMY SAYS ABOUT IT.

It has been maintained, it is true, that the expression "except as it may be prevented by the reconstruction of the plant itself or by war, strikes, accidents, fires, or other causes beyond its control" offers a loophole, because the market price itself may be a cause beyond the control of Mr. Ford or his company, and that the inability to compete in the fertilizer market might be sufficient cause to warrant him in stopping the manufacture of fertilizer. Fortunately the highest legal authority in the Army has already passed on this point. On February 10, 1922, Col. John A. Hull, Acting Judge Advocate General, testified before our committee as follows:

Mr. Parker. Then it is a serious matter of doubt whether he would have to go on and have to dispose of the goods at a loss if the market price was below what he could make it for?

Colonel HULL. He would have to do it, unless relieved either by Congress or a court of equity.

Mr. Parker. But it says, "other causes beyond his control," and the price of the goods on the market would be beyond his control?

Colonel HULL. As I said, in my judgment the courts would not hold that price would be "other causes beyond his control."

Mr. Parker. You think not?

Colonel HULL. No, sir.

The Acting Judge Advocate General also gave us the following testimony that day:

Ing testimony that day:

Mr. Hull. If we accept this contract with Mr. Ford, does that leave us free of any contract or liability with any other company?

Colonel Hull. I should say so.

Mr. Hull. You had something to do, as I understand it, with the drafting of this contract?

Colonel Hull. It was drafted in the office.

Mr. Hull. Then I presume you know something about the liability of Mr. Ford under that contract?

Colonel Hull. Yes, sir; it has been studied.

Mr. Hull. Would he be bound to produce fertilizer under that contract if it was found possible?

Colonel Hull. As now drafted?

Mr. Hull. As now drafted he would have to produce at least—
Colonel Hull. (interposing). To the maximum capacity of plant No. 2.

Mr. Hull. There would not be any question about that?

Colonel Hull. There is not any, in my mind.

The CHAIRMAN. Under what section?

Colonel Hull. Section 14.

Mr. Hull. Suppose he could not produce it; that it was found physically impossible to produce the fertilizer compound in paying quantities; what would be the result so far as the contract with the Government goes?

Colonel Hull. If the Government insists, a court of equity would

ernment goes?

Colonel HULL. If the Government insists, a court of equity would grant relief, and not compel the performance of the impossible.

Mr. HULL. What section of the second contract with Mr. Ford that?

covers that?

Colonel HULL. Section 14.

Mr. HULL. If it was found impossible to produce this fertilizer, I presume of course he would be enabled to take the hydroelectric power that was supposed to go into the production of the fertilizer and use it or sell it as he saw fit?

Colonel HULL. Yes; but of course he would be obligated to maintain his laboratory and experiments and try to produce.

Mr. HULL, He would have to keep experimenting and trying to produce fertilizer?

Colonel HULL. Yes, sir.

Other concents have also claimed that: "Reading the pres-

Other opponents have also claimed that: "Reading the proposal as a whole, a falling market 'beyond the control' of the company might easily be considered as relieving it of its obliand cite the case of United States v. Mescall (215 U. S. 26). In this citation Mr. Justice Brewer, delivering the opinion of the court, stated that in interpreting the meaning of a general expression (such as "other causes beyond their control") the rule for interpretation "is never applied to defeat the real purpose of the statute as that purpose may be gathered from the whole instrument." And the legal practice which is folthe whole instrument." And the legal practice which is fol-lowed when general and specific words, which are capable of similar meaning, are associated together, is that they "take color from each other so that the general words are restricted to a sense analogous to the less general." (15 Cyc. 247, note 6.) It is evident that the opinion of Colonel Hull is supported by the highest legal authorities.

CHEAP PERTILIZERS UNDER THE FORD OFFER ARE A REASONABLE EXPEC-

The opponents claim that the demand for the acceptance of the Ford offer "is predicated almost wholly on the entirely groundless assertation that if the Ford offer is accepted Mr. Ford will furnish the farmers of the country with cheap fer-tilizer." "It is amazing," they say, "how persistent these mis-statements are reiterated, notwithstanding the fact that a reading of the Ford offer makes it very clear that Mr. Ford makes no pledge or promise of cheap fertilizer."

The truth is that the record may be examined from end to

end, but nowhere will be found a statement from those advocating the Ford offer to the effect that Mr. Ford has promised or guaranteed to reduce the cost of fertilizer. It is entirely true that the Ford offer does not contain a guarantee to cut the price of fertilizer in half, no prudent business man would recklessly guarantee such a thing, but the manufacture of cheap fertilizer under the naturally favorable conditions that exist at Muscle Shoals is a far less difficult undertaking than was the develop-

ment of the Ford automobile.

The supporters of the Ford offer have maintained constantly from the beginning that it is a reasonable expectation that Mr. Ford can and will reduce the cost of fertilizers to the consumer if his offer for Muscle Shoals is accepted. When the advan-tages of Muscle Shoals are available such an accomplishment is merely a matter of a competent organization backed with sufficient capital.

MR, FORD CAN PRODUCE HALF-PRICE PERTILIZER BY AIR-FIXATION METHODS AT MUSCLE SHOALS.

The opponents claim that even if Mr. Ford has agreed to make fertilizer at Muscle Shoals he will not be able to do so, for, they say, "the fact is that neither Mr. Ford nor anybody else could make any fertilizer or fertilizer materials through the use of the Muscle Shoals nitrate plant in time of peace, even with cheap water power, except at a cost of production substantially greater than the present wholesale market price."

The truth is that Mr. Ford has not agreed to use present

processes or present equipment at Muscle Shoals and is not tied down to the use of the present nitrate plant, for in paragraph 15, quoted above, Mr. Ford says that his company will produce 40,000 tons of fixed nitrogen annually "at nitrate plant No. 2, or its equivalent, or at such plant or plants as it may construct, using the most economical source of power available."

Throughout the hearings during the past six years there runs the definite statement that air-fixation processes do exist whereby fertilizers may be furnished to the farmer for about one-half of what he would otherwise pay for them. That was the statement of Mr. F. S. Washburn, president of the Amer-ican Cyanamid Co., before the House Committee on Agriculture, on February 9, 1916, when he said:

My anticipation is that the establishment of the nitrogen industry as it can be established, with what I believe and what I believe would appeal to those who study the subject is the proper and legitimate Government cooperation, will give the farmer his fertilizer for one-half of what he would otherwise pay for it.

And in the same year Dr. L. H. Baekeland, one of the foremost independent American chemists, member of the United States Naval Consulting Board, member of President Wilson's nitrate supply committee, testified before the Senate Committee on Agriculture and Forestry, March 24, 1916:

The statement is made by the present Government monopoly in Germany that after the war is over and after what they know now about the synthetic manufacture of nitrogenous fertilizer from the air, after all the experience they have acquired during this war while making nitric acid, that they will be in such condition that they intend to furnish the farmers of Germany nitrogen fertilizer at about one-half the price it is costing the consumer here in the United States. If Germany can do that, gentlemen, there is not the slightest doubt in my mind that we can do the same here or that we can do better.

WHAT GERMANY HAS DONE.

How have these predictions been fulfilled? Germany is the great outstanding example of a country which, driven by the necessities of relentless warfare, was compelled to install and adopt these improved processes; and Doctor Parsons, testifying before our committee on March 10, 1922, said:

Ammonium sulphate is selling in Germany to-day, on our exchange, r approximately one-half the price it is selling in the market here.

And the Koppers Co. of Pittsburgh, in arguing for a duty on sulphate of ammonia to protect them, as they claim, against these war-built air fixation nitrate plants of Germany, state on page 8:

The cost of operating these plants is relatively low, so that even to-day sulphate of ammonia is being sold in Germany at half the price in the United States, based on the present rate of exchange.

The facts are that the Ford offer is backed not only by the assets of his company, having a paid-in capital of not less than \$10,000,000, but it binds Mr. Ford personally as well as his heirs and assigns.

The opponents claim that "Mr. Ford makes no proposition by which he is bound in any particular as an individual.

The truth is plainly stated in paragraph 20 of the Ford offer, as follows:

The above proposals are submitted for acceptance as a whole and not in part. Upon acceptance, the promises, undertakings, and obligations shall be binding upon the United States and jointly and severally upon the undersigned, his heirs, representatives and assigns, and the company, its successors and assigns.

The position of the opponents is that the only promise of Henry Ford is his agreement to organize the company, while the company itself assumes all other obligations. But the Acting Judge Advocate General, Colonel Hull, testified regarding these provisions that-

A careful study of the language convinces me that Mr. Ford is bound as well as his company, and is not discharged the minute the company is organized and undertakes these matters. * * * Mr. Ford obligates his estate and the company when organized.

(House hearings, pp. 190 and 196.)

THERE IS MORE REGULATION OF MR. FORD AND HIS COMPANY AT MUSCLE SHOALS THAN OF ANY LICENSEE UNDER THE FEDERAL WATER POWER ACT.

The opponents claim that at Muscle Shoals Mr. Ford and his company are "as unrestrained and as unlimited and as unregulated as any pirate that ever sailed the seas."

The truth is exactly the contrary. When a corporation secures rights for power development under the Federal water power act it purchases the necessary lands and secures a title to them which it can sell or transfer as it pleases.

At Muscle Shoals, on the other hand, Mr. Ford would get deeds to Government property, but, as is stated in paragraph 13 of the Ford offer, "each of said deeds shall refer to or contain the provisions of this offer, and said deeds shall be so drawn as to make such provisions covenants running with the land."

For 100 years neither Mr. Ford nor his company can give a clear title to the property they purchase, for the sale is conditional, and if Mr. Ford falls to live up to his contract the Government can cancel his deeds at once and take its property back. In such a case the Government would not only get back its real estate but all the improvements, including all new buildings, together with their principal items of equipment. The courts have held that buildings and their principal equipment become a part of the realty and revert to the original owner when the deeds are canceled.

As a further penalty for failure to live up to the terms of his offer it is provided in paragraph 19 that certain definite legal steps can be taken for the canceling of his lease of both dams.

What Mr. Ford gets is not a speculation in real estate that he can quickly sell at a large profit, as the opponents have claimed. On the contrary, he shoulders a heavy burden, which he can not lighten by selling off parts of the land he buys, for

the sale is expressly a conditional one.

Whenever Mr. Ford distributes power he must do so under the laws of the State in which he does business. The laws of the State of Alabama define persons or corporations engaged in the public distribution of power as public utilities; and require public utilities to come under the regulation of the Alabama Public Service Commission as to rates, service, and security issues.

Under the Federal water power act no licensee using his water power in his own private business is definitely limited as to the profits which he shall make on the products manufactured by means of the water power. This must necessarily be so, for the Federal Power Commission would have no right to attempt to specify the profits made on any manufactured article; but Mr. Ford voluntarily limits his profits to a maximum of 8 per cent on the "fair actual annual cost of production" in the manufacture of fertilizer; and, as has been shown in the testimony of Government experts, the manufacture of fertilizer undoubtedly will be the most important part of Mr. Ford's operations, requiring nearly if not all of the merchantable power developed at both dams. No private manufacturer licensed under the Federal water power act is limited in his profit on his principal product as is Mr. Ford at Muscle Shoals.

As for the secondary or unreliable power available at various intervals during certain seasons of the year, this power has been

properly declared by the four great southeastern power companies to have little or no commercial value for public-utility If Mr. Ford makes it useful by building storage dams for the regulation of the stream flow of the Tennessee River, then he is securing this additional useful power at his own expense, and should not be made subject to further regulation.

MR. FORD'S PAYMENTS FOR MAINTENANCE OF DAMS ARE SUFFICIENT.

Opponents claim, regarding Mr. Ford's annual payment of \$55,000 for maintaining the Muscle Shoals dams, that "it is well known among engineers that \$55,000 for this purpose is hardly a drop in the bucket."

The truth is that a great concrete dam, such as that at Muscle Shoals, is one of the most permanent forms of construction that can be built.

The Chief of Engineers has reported regarding this fund: The payments specified for the operation and maintenance of the dams are considered adequate to meet all ordinary operation and maintenance costs. (House hearings, p. 19.)

The experience of the United States Engineer Corps with spillway dams is stated by Gen. H. Taylor, Assistant Chief of Engineers, in a recent letter, as follows:

Engineers, in a recent letter, as follows:

The following is a partial list of the concrete dams which have been constructed by this department:

Dam No. 2. Allegheny River, completed in 1908.

Dam No. 5. Coosa River, completed in 1914.

Dams Nos. B and C, Cumberland River, completed in 1912.

Dam No. 21. Cumberland River, completed in 1911.

Dam No. 6, Green River, Ky., completed in 1905.

Dam on Hudson River, Troy, N. Y., completed in 1916.

Dams Nos. 11, 12, 13, and 14, Kentucky River, constructed at various dates from 1906 to 1916.

Twin City lock and dam, St. Paul, Minn., completed in 1917, Dams Nos. 2, 3, 4, 10, 11, 12, 13, 14, and 15, Monongahela River, completed at various dates between 1903 and 1906.

Dam at Lake Washington Locks, Seattle, Wash., completed in 1916.

Dam at Lake Washington Locks, Seattle, Wash., completed in 1916.

Dams Nos. 1, 14, 15, 16, 17, and 18, Warrior River, completed at various dates between 1909 and 1915.

In addition, 10 dams on the Muskingum River, and an equal number on the Kentucky River, have concrete crests placed on top of the original crib dams.

According to my best recollection, no expenditures have ever been necessary in the maintenance of the dam structure proper of these dams, many of which, as you will observe, have been in service for 15 years and over.

For the Chief of Engineers.

Very respectfully.

Very respectfully,

H. TAXLOR, Brigadier General, Assistant Chief of Engineers.

It is also true that no licensee of a Government dam, built under the Federal water power act, is compelle! to bear the cost of the maintenance and operation of the dam and locks. NOT REASONABLE TO TRY TO COMPEL MR. FORD TO REPLACE DAMS IF ACCIDENTALLY DESTROYED.

Opponents complain because Mr. Ford asks the Government to maintain the dams during the lease period, although Mr.

Ford provides a fund of \$55,000 a year for doing so.

Mr. Ford is merely a lessee of Government property. The title to the dams always remains in the Government. If the Government should operate the dams themselves, or lease them under the Federal water power act, the cost of the dams would not be returned to the Government in either case, if the dams should be destroyed.

MR. FORD ALREADY A LICENSEE UNDER THE FEDERAL WATER POWER ACT.

None of the objections mentioned above would be overcome if Mr. Ford should agree to take a license for the Muscle Shoals dams under the Federal water power act. He is already a licensee under that act at the Troy, N. Y., dam on the Hudson River, and preliminaries have been arranged for his license at the Twin City dam, on the Mississippi River, near St. Paul,

The opponents have claimed that the water power act "throws safeguards around our national resources throughout all time to come.'

I maintain, Mr. Speaker, that the public welfare is safeguarded in the Ford offer to a greater extent than under the Federal water power act. At St. Paul Mr. Ford leases a Government dam for about 4 per cent of the Government's investment. He does not provide any contribution toward the operation or maintenance of the dam nor its locks, the Government does it all; he assumes no obligation to replace the dam in case it is destroyed by flood, earthquake, or a national enemy, or any other cause; he provides no amortization fund to return the cost of the dam and locks to the Government; he has announced his intention of utilizing all of the power generated, and there is no specified limitation upon the profits which he shall made in the use of this power; he pays a fair rental for the use of the Government's property, but nothing for the use of the water.

In only one particular are the contentions of those who obstructed water-power development for years in this country observed in the Ford lease of the Government dam at St. Paul; that one particular is the length of the lease period. The Ford lease at St. Paul is for 50 years.

THE HUNDRED-YEAR LEASE PERIOD.

Throughout the lengthy hearings in both the House and the Senate opponents of the Ford offer have repeatedly argued that the life of the lease should be limited to 50 years, because, it is claimed, it might be possible for the Government to make a new lease more advantageous to the public at the end of that period.

In reply, Mr. Speaker, I want to say that the supporters of the Ford offer have found nothing in the history of the past 50 years which would justify Congress in rejecting this offer on the ground that either at the present time or in the course of

50 years they will secure a more advantageous one.

Public interest is best served by legislation that enables the greatest amount of water power to be developed at the least cost to the ultimate consumer. It does not matter whether this power is distributed directly by a public-service corporation or whether it enters into the manufacturing cost of any article con-sumed by the public. The interests of the public are best served when the power, or the products of the power, are distributed to the public at the least possible cost.

Since the length of the lease period does not affect the rate charged for the power nor the price of the goods produced by the use of the power, it has no effect in protecting the interests of the public. It is true that it gives an opportunity to charge a greater rental for the use of the power at the end of the lease period, but such arbitrary charges are merely an unjustified addition to the cost of the power, and these charges, with repeated percentages of profit, accumulating as they pass through various hands, are finally added to the consumers' bill.

This is true no matter whether the consumer buys power or any article whatever made by the use of the power. It is merely an indirect form of taxation and of no benefit to anyone except as a means of securing Federal revenue from a certain group or class of consumers. If Federal revenue is what is desired, then let us tax all water powers alike, whether the streams on which they are located are navigable or not. That, to my mind, would be the fair way to do it. Arbitrary charges for the use of the water for power purposes at one point on a stream, and no charges whatever for the use of the same water at another point simply because a boat can pass one point and can not pass the other point, is an utterly absurd, unfair discrimination against the development of power on our navigable streams. It has no sound basis either in law or equity.

Those who support the Ford offer believe that a maximum

profit of 8 per cent on the principal article of manufacture is as much as should be asked of a lessee of any Government dam.

This consideration, together with the maintenance in mod-ernized up-to-date condition of a nitrate plant ready for use by the Government in time of war and the guaranteed annual for producing the equivalent of 250,000 tons of Chilean nitrate, taken with other valuable considerations of the Ford offer, constitute a proposal obviously more in the interest of the public than anything which the opposition has been able to offer, in spite of their clamor. The advocates of the Ford proposal do not believe that it is reasonable to expect that any responsible party will do better than has been offered by Mr. Ford.

Consequently, since the Ford offer is vastly more than a mere water-power proposition, its advocates see no reason why it should come under the Federal power act. If 50 years is a fair lease period in which to work out the comparatively small problems of the average water-power development, then 100 years is none too long a time for working out the great undertakings in nitrogen fixation, fertilizer manufacture, and power development that constitute the legal, moral, and commercial

responsibility of Mr. Ford under his offer.

MR. FORD, AS PURCHASER OF THE NITRATE PLANTS, IS ENTITLED TO THE GORGAS STEAM PLANT.

The opponents claim that it has "never been clearly explained" why Mr. Ford should ask that the Government's plained" why Mr. Ford should ask that the Government's Gorgas steam plant and transmission line be included in the Muscle Shoals property.

The truth is that this plant has always been recognized as a necessary part of the nitrate properties; it was so regarded in 1920, and was included in the properties scheduled for Government operation under the Wadsworth-Kahn bill.

When the question of the Alabama Power Co.'s so-called

option to purchase the Gorgas steam plant was before the House Committee on Military Affairs, the committee asked for the opinion of the Judge Advocate General as to the legal obligation of the Government to sell this plant to the Alabama Power Co.

Col. John A. Hull, the Acting Judge Advocate General, stated .

The option to purchase, purporting to be given by the contract, is unauthorized and void. Consequently the only action necessary is to condemn the land constituting the right of way and plant sites, authority for which is granted by the statutes above cited. (House hearings, p. 134.)

In order to further satisfy the committee an opinion of the Attorney General was requested, and Mr. Daugherty stated his opinion in the following language:

opinion in the following language:

The inquiry made of the Attorney General may, in substance, be stated as follows:

Is that part (article 23) of the contract with the Alabama Power Co. binding on the Government, which gives that company at any time after December 1, 1926, or such earlier period after the United States shall finally cease to take power, the right to demand that the value of the Warrior extension and the Warrior substation shall be determined by three arbitrators, and shall obligate the Government to sell to that company at the figure thus to be determined? * * * My answer is no.

company at the ngure thus to be determined? —— My answer is no.

No one can carefully analyze the long and rather complex contract made with this company without being impressed with the harsh and even drastic provisions which it imposes on the Government. When its intricate provisions are closely scrutinized and their full significance fully realized it becomes at once apparent that the company lost no opportunity of turning to its own advantage every possible change of circumstances.

NO MORAL OBLIGATION TO ALABAMA POWER CO. INVOLVED.

Finding no support for their contention that there was a legal obligation on the part of the Government to sell its power plant at Gorgas to the Alabama Power Co., opponents of the Ford offer have insisted that there was a moral obligation on the part of the Government to sell this property to the Alabama Power Co.

The truth is that there was no obligation of any kind, for it was specifically provided in the contract with the Alabama Power Co. that that company's use of the Gorgas steam plant was subject to the prior claim of any successor of the United States to whom the Government might "sell or lease its sald nitrate plants at Sheffield and at Muscle Shoals, or either or any part of said plants," And article 23 of the contract with the Alabama Power Co., recognizing the necessity for the Gorgas plant in any commercial operation of the Muscle Shoals project, protected the Government's Interest in that property as against the interest of the Alabama Power Co. by providing that if-

* * the United States shall sell or lease its said nitrate plants at Sheffield and at Muscle Shoals, or either or any part of said plants, the United States may assign and transfer to the purchaser or lessee thereof (in this contract referred to as the successor of the United States) the right to demand and receive electric energy under this contract to the extent of the capacity of the Warrior extension at the time. * * * *

THE REAL MORAL OBLIGATION.

It is evident that if there was a moral obligation involved on the part of the Government it was the moral obligation topreserve the usefulness of the nitrate plants for the manufacture of fertilizer in time of peace in accordance with the expressed purpose which Congress had in mind in authorizing their construction under section 124 of the national defense act.

This was the moral obligation of the Government to the taxpayers, and section 23 of the contract with the Alabama Power Co. emphasizes the Government's right to protect its own property by making this power available, first, to the lessee or purchaser of the nitrate plants, and, second, to the Alabama Power Co., if not required for the operation of either of the nitrate plants. It is easy, therefore, to understand the position of the members of the minority of the Senate Committee on Agriculture when they reported concerning the Gorgas plant-

Agriculture when they reported concerning the Gorgas plant—With reference to the contention about the Gorgas steam plant, we feel that we can make little comment. Mr. Ford has advised our committee that "if my revised offer for Gorgas is rejected, then I must understand that the acceptance of my offer for Muscle Shoals as a whole, and not in part, is refused."

Therefore, believing, as we do, that the United States has every right in the world to accept Mr. Ford's offer for Gorgas, and since Mr. Ford's offer will stand rejected unless his proposal for Gorgas is accepted, we have no difficulty in deciding what ought to be done. We are not unmindful of the interests of the Alabama Power Co., but, as a matter of duty, we are more mindful of the interests of the Government at Muscle Shoals. The Alabama Power Co. desires Gorgas as an auxiliary to Muscle Shoals water-power development. This phase of the case seems very clear to us. case seems very clear to us.

Since the contract with the Alabama Power Co. provided that the purchaser or lessee of the nitrate plants should have the prior right for an indefinite period to receive the full amount of power that can be developed at the Government's Gorgas plant, the sale of this plant to Mr. Ford merely provides him indefinitely with the full amount of power which can be developed at the Gorgas plant—a provision agreed to in the contract. In choosing between the interests of the Alabama Power Co. and those of the farmer at Muscle Shoals, Members of Congress have had in mind that under the Ford offer this power was to be used to operate the nitrate plant to its full capacity every year in the manufacture of fertilizer, in accordance with the purpose of Congress. Members of Congress have felt that the use of this power plant in this way would aid in bringing about a great national benefit, while its use as a part of the system of the Alabama Power Co. would serve merely a local and comparatively insignificant purpose.

In view of the fact that the Alabama Power Co. was obligated under its contract to furnish power to the full extent of the capacity of the Government's Gorgas plant to any lessee or purchaser of the nitrate plants, it is no argument for the opponents to say, as they do, that it will cripple the service of the Alabama Power Co. to 58,500 consumers if this power

is diverted to Muscle Shoals.

They knew that they were obligated to furnish this power to the nitrate plants and they had no business to depend upon it to serve these 58,500 consumers. It is typical of the methods of the Alabama Power Co. that, although they had only conditional use of the power at the Gorgas plant for their own purposes, nevertheless they went out, according to the statements of their own advocates, and sold this power to some 58,500 consumers, and then when about to be called upon to make good and permit this power to be used indefinitely for the nitrate plants, they come forward with the complaint that to do so would cripple their service. Under their contract the Alabama Power Co. is a custodian of the Gorgas steam plant and its power supply. Having been admittedly unfaithful to the terms of their trust and finding themselves in distress as a result, they seek to place the blame on Mr. Ford, when they would be equally at fault no matter what outside party became the successor to the United States at Muscle Shoals.

The necessity for cheap power from the Gorgas steam plant located at the mouth of a coal mine for use in supplementing the power of the Tennessee River at times of low water has been repeatedly explained in the hearings and the fact that this is a small unit, only half the size of a single unit which comprises the steam-power plant at nitrate plant No. 2, is an additional reason why this Government-owned war-built steam-power plant at Gorgas is properly considered a necessary part

of the Muscle Shoals project.

FERTILIZER THE PRINCIPAL PRODUCT UNDER THE FORD OFFER.

The opponents have repeatedly claimed that Mr. Ford "is going to get, at practically Government expense, 900,000 horse-

power to use as he may see fit."

The truth is that no such amount of power exists at Muscle Shoals. Col. W. J. Barden, United States district engineer in charge of the Muscle Shoals work, placed in the record a clear statement of the amount of power at both dams, and stated (Senate hearings, p. 34) that the total amount of primary or dependable power at both dams, supplemented by both the steam plants, amounts to only 241,300 horsepower.

It is true that Mr. Ford asks for a total installation of 850,000 horsepower, but every horsepower above 241,300 is operated by irregular flow that can not be depended upon, and, according to expert testimony, even when this flow is available for 10 months in the year it has little or no commercial value. The power at both dams at Muscle Shoals, including the use of both steam plants, as stated by Colonel Barden, amounts to 241,300 primary, dependable power for 12 months, and an additional 75,200 horsepower of irregular power from 10 to 12 months, and an additional 232,500 horsepower of irregular power from 6 to 10 months, and an additional 188,500 horsepower of irregular power from 4 to 6 months. The first of these figures represents useful power. The remainder represent power which must be stabilized and supplemented before it can be used commercially, and it is no more possible to add the foregoing quantities together than it is to add apples and oranges—they are not the same thing at all.

On the other hand, the leading nitrate expert of the Ordnance Department, Maj. J. H. Burns, former chief of the Nitrate Division, has given figures which show that to produce 40,000 tons of fixed nitrogen at nitrate plant No. 2 and to supply sufficient phosphoric acid so that it may be furnished in a mixed fertilizer in accordance with demand, as is required under the terms of the Ford offer, it would be necessary to use 100,000 continuous horsepower, or its equivalent, to fix the nitrogen, and 145,000 continuous horsepower, or its equivalent, to produce the phosphoric acid. Mr. Ford therefore must use the equivalent of 245,000 continuous horsepower to carry out his fertilizer obligations alone. Therefore, instead of being "seven parts water power to one part fertilizer" the fertilizer becomes Mr. Ford's principal product.

MR. FORD MUST BUILD STORAGE RESERVOIRS AT HIS OWN EXPENSE.

The opponents claim "he agrees to pay nothing for the great reservoirs that the Government built to hold the water that is backed away from Dam No. 3."

The truth is that there is no reservoir capacity back of the proposed Dam No. 3, as has been testified by Colonel Barden.

(Senate hearings, p. 35.)

Storage dams, however, must be built to increase the primary power and stabilize the secondary power. This can be done by regulating the flow of the river to a reasonable extent and by developing power at storage dams and transmitting the power. The sites of these dams are on the upper tributaries of the Tennessee River, and their cost has been estimated at not less than \$20,000,000. Mr. Ford has agreed to pay interest on over 500,000 horsepower of equipment, which must stand practically idle with no dependable water supply for its operation until these dams are built. He therefore pays a large cash penalty every year until he builds these storage dams.

NO DISPOSITION ON THE PART OF MR. FORD TO BE ARBITRARY IN MAKING HIS OFFER.

Opponents claim that-

Congress is arrogantly told that it must accept this offer just as Mr. Ford has written it without the changing of a sentence. * * * We must sign on the dotted line.

The truth is that no less than 27 changes in the wording of Mr. Ford's offer have been made since it was first submitted on July 8, 1921. Mr. Ford made changes at the request of the Secretary of War; he made changes at the request of the chairman and other members of the House Committee on Military Affairs and also at the suggestion of the chairman of the Senate Committee on Agriculture, while other changes were made at the suggestion of the farm organizations, and it was only when it became evident that opponents were merely asking for changes for the purpose of delaying and defeating the Ford offer, and only when Mr. Ford had gone as far as he considered prudent in the matter of concessions, that he finally declined to make further changes in his offer.

BENEFITS OF MUSCLE SHOALS CAN BE MORE WIDELY DISTRIBUTED AS CHEAP FERTILIZER THAN AS CHEAP POWER.

Opponents claim that "power that originates from property owned by the people of the country ought to receive as wide a distribution as possible." Therefore the Muscle Shoals power should be broadcasted, they say, instead of being used locally to build up a great electrochemical fertilizer industry.

The truth is that the comparative value between available public utility power and cheap fertilizer is the difference between an electric light and a loaf of bread. By far the majority of the people of the United States do without electric light, but they must have the loaf of bread; and those who support the Ford offer contend that this power, so well adapted to electrochemical purposes, will find its greatest usefulness not by lighting the homes and driving the small motors in a limited area in Alabama, Mississippi, and Tennessee but by its use in electrochemistry to show this country how fertilizer can be produced by modern methods not only at Muscle Shoals but at many other points and delivered to the farmer at a fraction of the present cost, and how such useful metals as aluminum may be próduced and sold at much lower prices than are now demanded by the aluminum monopoly.

No industries in time of war are more important than those based upon electrochemistry and electrometallurgy; and to build up a great center of these industries at Muscle Shoals, utilizing the cheap secondary power of the Tennessee River, stabilized and rendered useful, is to create a great national asset the value of which in time of war may well be beyond

calculation.

MR. FORD AT MUSCLE SHOALS WOULD NOT BE EXEMPT FROM TAXATION.

The opponents claim that "Mr. Ford would be tax exempt on these dams, because the dams belong to the Government."

The truth is that Mr. Ford would pay taxes just as any other

The truth is that Mr. Ford would pay taxes just as any other citizen does. It is true that the dams are Government property and therefore are not subject to taxation. The lease of the dams, however, is not Government property and can be taxed, and any business that Mr. Ford or his company builds up in the State of Alabama is subject to taxation under the laws of that State.

It may certainly be expected that the taxing authorities will not overlook the fact that by the simple expedient of taxing Mr. Ford's lease and taxing his business he and his company can be taxed the same as any other individual or company in the State.

the State.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. Bankhead] is recognized for 20 minutes.

Mr. BANKHEAD. Mr. Speaker, the rules should not be spended and this bill should not be passed. Those of us who suspended and this bill should not be passed. are opposed to this bill have not had the privilege of securing We do not know exactly what the provisions are, copies of it. and I do not understand why it is that without notice this matter was brought up. The original bill upon this proposition was approved on September 22, 1922, and carried an appropriation of \$200,000, or, rather, an authorization of an appropriation of that amount.

I was opposed to the passage of the original bill. opposed to the passage of the bill establishing the office of Fuel Administrator, a bill which passed coincidentally with the passage of this bill; and I was opposed to both of them because from my careful observation for a period of six years since I have been a Member of this House these so-called commissions never resulted in any practical good to the taxpayers of this country or those whose interests are supposed to be subserved by these commissions. I believed then that the original authorization of \$200,000, so far as practical results were concerned, would be an absolute waste of that much of the people's money.

There were appointed under the authority of that bill some high-class men as these fact-finding commissioners-Vice President Marshall, John Hays Hammond, a distinguished mining engineer, and some other gentlemen whose names I do not now recall. But, gentlemen, I want to say to you that these men, if they desired it, could have secured from other branches of this Government, without the expenditure of \$10,000, every material fact necessary for the consideration of this problem.

Now they come before the Committee on Appropriations, as you will observe if you will read the hearings, and say that they need \$400,000 more to add to the original appropriation of \$200,000. For what purpose? Why, as Mr. Hammond says in the hearings, and as the other gentleman who testified, Mr. Smith, says, they want this money for the purpose of paying high salaries to college professors and others to make studies as to the cost of production and studies as to whether they should recommend to the Congress of the United States the nationalization of the coal mines of the country and make other recommendations which they propose to make to the Congress of the United States, some of which under the Constitution of the United States the Congress could not enact, even if those recommendations were thought to be desirable to accept. Federal Trade Commission, as the gentleman from California [Mr. Lea] only a few minutes ago admitted, only a short time ago, under the ample authority conferred upon it, made a very searching investigation of all the material inquiries that these gentlemen on this fact-finding commission are now collecting under the provisions of this bill; recent information upon basic facts involved in the industry. And, gentlemen, this fact-finding commission is now seeking, by the amendment to the original bill, to have us clothe them with very unusual and very extraordinary power, and they are going to entail upon that industry and the country an entirely unnecessary expense. [Applause.] They have called upon the coal operators of the country to produce all of the pay rolls, and that shows you the extent to which they are going; the paper pay rolls of all the individual mines of the country, showing the amount they have paid to every coal digger over a period of 10 years. Some of the operators down in Kentucky and out in Ohio, in answer to that summons, had to charter two or three box cars to take those pay rolls and send them here to this commission.

Gentlemen, those gentlemen could take a few typical mining districts in this country-for example, in West Virginia, or Ohio, or Pennsylvania, or Alabama-and only a few investigators in a very short time, if they were diligent and intelligent in their inquiry, could obtain every essential piece of information necessary to enable them to make recommendations upon this proposition. It is an absolute wanton waste of the people's moneythe proposition of coming here and asking for \$400,000 more, making a total appropriation of \$600,000, in order to get information which, as I say, is already practically available to those gentlemen here in these other Government bureaus, such as the Bureau of Mines, the Federal Trade Commission, the Interstate Commerce Commission, the Geological Survey, and other bureaus, if they would only seek it. But they want to make an inde-pendent investigation, with a lot of highly paid men on their pay roll, and they want to increase the number to nearly 200 above

the number which the hearings show they now have.

Members of the House, if I believed that the expenditure of this money would result in any substantial benefits to the coal diggers of this country, whose interests I have always attempted to represent here on the floor of this House; if I believed it would result in any practical good to the consumers of coal in this country; if I believed it would solve the transportation

problem, or the problem of distribution which is involved in this great industry, I would be glad to vote for this increased appropriation, although it is rather extravagant in sum. But from my observation of these commissions in the past I believe that no practical good will result, but only irritation, and in the end it will accomplish no good to the people of this country. I think this proposition ought to be defeated by this House. [Applause.]
Mr. Speaker, I reserve the balance of my time. How much

time have I used?

The SPEAKER pro tempore. The gentleman has used seven

Mr. WINSLOW. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. Graham].
Mr. GRAHAM of Illinois. Mr. Speaker

Mr. LONDON. Will the gentleman yield for a question before

Mr. GRAHAM of Illinois. Yes. Mr. LONDON. To what extent has this bill been made neces-

sary by the experience of the commission?

Mr. GRAHAM of Illinois. That is a very pertinent inquiry. Former Vice President Marshall, a member of the commission, was one of the principal witnesses that appeared before our committee in the hearings. Mr. Marshall went into the thing very extensively. I do not think there is anybody on either side of the House who would think that Mr. Marshall was wanting to get money for junketing trips or spending it unnecessarily. I know that I do not believe so, and I do not believe you do. He said in the most unequivocal way that they have to have an increase of funds or they could not function and do the things that they desire to do. He told us what they were trying to do. They are trying to make an exhaustive study of the whole subject so, as the result of it, they can come to Congress and tell us the facts on which we can legislate, having in his mind, as do the most of us, that some fundamental changes may be made by the American people in handling the fuel situation-even, perhaps, to the point some time of the Government taking over some or all of the mines in the country. I do not think that is one of the things toward which the commission is necessarily traveling, but I want to call the attention of the House to the fact that that is one problem involved.

The suggestions made by the gentleman from Alabama will not cover the proposition; to have here and there a sporadic report of some coal mine and a partial analysis of the situation will not do us any good. This commission by operation of law must finish its work next September, and to do so must have a force that will enable them to do that. The men engaged in this work want to get at all of the facts, and to do it largely as a result of their desire to do their duty to the country in the

fullest way

I am in favor of this proposition. Originally I favored the House bill. I asked the chairman for a few minutes of this discussion that I might allude briefy to one proposition that has troubled me somewhat. I have resolved the doubt that I have in favor of the Senate bill, and I am going to support it because I believe the most important thing for the country to have now are the facts, and I believe this commission will get them, and in order to get them we ought to give them what funds they need.

I want to call your attention to the provision permitting the judges of the court to sit on the commission. I am not in harmony with that provision although I shall vote for the bill. It is on the theory that I shall subvert my doubts to the general Here is the trouble about having a judge on the commission: In the present unsettled condition among the miners of the country I do not believe it is wholesome to put a member of the judiciary on a commission, especially a commission of this kind which is to deal with the relations of labor and capital and which puts a man from the bench on a commission where he must deal with industrial problems, and as a result of which he will be accused by one side or the other as taking a partisan I believe that that sort of thing weakens the judiposition. ciary and has a tendency to break down the courts, and is not a good thing for the country. While I shall vote for this, and while I know Judge Alschuler to be a worthy man and highly qualified for the work, in view of the fact that he has been engaged on the work continuously, knows about it, and up to a few days ago has been employed in that work, I shall not make any serious objection to it. But I want to say to the House that I am opposed to the policy, and in the future reserve to myself the right to oppose any further proposition of that kind while I am in the House as against public policy. I think there ought to be no hesitation about approving this bill in its present

nrm. [Applause.] Mr. BANKHEAD. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I certainly agree with the remarks of my colleague from Illinois with reference to the appointment of judges on this commission. I think it is calculated to injure the judiciary. I think its result will be unwholesome. We want to keep the judiciary on the bench deciding matters of law and transacting judicial Why there should be a necessity for appointing judges is an inexplicable proposition to me.

But, my colleagues, it seems to me that there is a stronger objection than that of selecting a judge, which this bill would enable the President to do. Here is one of the most drastic measures that it has been my privilege to read as a proposed piece of legislation in this House during my term of service. When you read the phraseology of this proposed legislation, it must be apparent to every thoughtful man that such a bill as this ought not to be called up at the heel of a session and put upon its passage when there is no opportunity for deliberation and full and mature consideration of it. [Applause.]

In general I am opposed to the appointment and multiplication of commissions. This country is cursed with too many commissions that are made and selected and have accom-plished no good to the country or for the cause which they are appointed to serve. It seems to be a very popular thing to-day to appoint a commission. Is there any difficulty confronting us? Go and have an act of Congress passed. Is there any measure about which men are differing? Go and have an amendment to the Constitution passed, and if we do not stop this course of procedure the Constitution will soon be so amended that the dear old document will be unknowable in the future. It will be a patchwork of legislation instead of a fundamental charter. Then, if there is any trade or economic difficulty, the thing to do seems to be to appoint a commission that will rove around and oppress the citizens of the United States for a period of time, file a report, which will be pigeonholed and forgotten and never heard of in the future. you gentlemen to reflect upon this sort of provision that we are asked to enact into law, namely, that this commission or any employee or any agent may prepare a catechism to be submitted to any one or more of citizens of this country which they shall be required to answer under oath or go to fail. Such a questionnaire ought at least to have the approval of the commission, and every irresponsible employee or agent ought not to be permitted to address these questions to the people of the different communities and compel citizens to answer them on oath. I am unalterably and conscientiously opposed to this wasteful, extravagant, and oppressive measure, and it ought to receive the condemnation of this House.

Mr. BANKHEAD. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. Tucker].

Mr. TUCKER. Mr. Speaker, I have never seen this bill until this moment, but, like my colleague from Alabama [Mr. BANK-HEAD], I had the honor to oppose the original proposition last I do not claim to be a prophet nor the son of a prophet, but I had occasion to say at that time that if that commission were organized, as it was to make a sweeping investigation of this whole question and to make a report on the 1st of January, we would find, if there was no change in the condition between employer and employee in the coal business, that when January came they would report to us not telling us how we could get coal to keep from freezing but would come to us and tell us why we did not have it. I have that report now in my hand.

Mr. JOHNSON of Washington. Did the gentleman ever hear of a commission of this kind ever getting through?

Mr. TUCKER. Never in the world. Here is a report of that commission that was to make a "sweeping" investigation, and they report here that they have bought the brooms to make the sweep, but they have not yet made the sweep; that they have secured 56 technical and 96 nontechnical employees—

Mr. WYANT. Mr. Speaker, will the gentleman yield?

Mr. TUCKER. Yes.

Mr. WYANT. Do I understand the gentleman to say that that is the report which costs the Government \$200,000?

Mr. TUCKER. Yes, indeed; that is all.

Mr. DAVIS of Tennessee. I call attention to the fact that as Congress adjourns in a day or so and will not be in session until December, if they go ahead and investigate and make another report, Congress could not act upon it either to help this winter or next winter.

Mr. TUCKER. No; but Congress will be called upon next winter to pay the bill. Mr. Speaker, as my friend from Pennsylvania [Mr. Graham] said, the time has come when commissions, bureaus, autocrats, and autocracy must be driven from our councils or this country is to be bankrupt. Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. TUCKER. Yes.

Mr. HILL. Did the gentleman vote yesterday for the farm credits bill?

Mr. TUCKER. I did not. How did the gentleman vote?

Mr. HILL. I did not vote for it.

Mr. TUCKER. Mr. Speaker, when this bill originally was before the House I remember it was pointed out in the discussion, and if not in the discussion it was a point made in the hearings, that the salvation and the cure of this great question was for Congress to undertake to fix the price of coal at the mines.

Mr. WYANT. Mr. Speaker, will the gentleman again yield?

Mr. TUCKER. Yes.

Mr. WYANT. In speaking of the price of coal at the mine, I wish to state for the gentleman's information that bituminous coal can not be sold at the mine to-day for more than \$2 a ton. and I understand the same coal is being sold for \$15 and \$16

a ton in the city of Washington.

Mr. TUCKER. I am obliged to the gentleman. The fundamental question at the bottom of this whole matter is a question between capital and labor. Why do you not attempt to meet it? Ah, you say you are going to try to fix the price of coal at the mines. Where do you get the power? In the remarks I submitted last summer I had the honor to declare that Congress had no such power, and since that time the Supreme Court of the District of Columbia has so decided; that if such power resided anywhere under the decisions of the court from Munn v. Illinois down to the present time, the States may fix the price of coal at the mines. Why do not they tackle the question that is at the bottom of this trouble? Instead of that, as my friends here say, \$10,000 would pay the expense of the investigation to get all of the information that is desired. There is a houseful of testimony here that has been made by commissions in the last 20 years, and there is not a fact which the fact-finding commission is asked to go after that has not been found before. There are carloads of volumes of it. do you want with facts? You have got them. You are shirking the real fact, you are shirking that great fact that is at the basis of this whole question, and that is the question between the employer and the employee. Until we are willing to meet that, we can not accomplish anything by spending money to give commissions the power to go on and on forever.

The SPEAKER pro tempore. The time of the gentleman

from Virginia has expired.

Mr. BANKHEAD. Mr. Speaker, I yield the remainder of

my time to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Speaker, when this bill was originally before the House I ventured to predict that we were in possession of practically all of the material facts in reference to the coal industry, the operation of mines, and the distribution of the product. About the same time a statement was made in the Senate by a very prominent Member that we knew practically all of the facts. I venture to believe that when the report of January 1, which we have already received from this commission, is followed by a report next July or some time later, it will parallel in character the report that has already come in. There is not one single fact covered by the report of January 1 of which my friend from Illinois [Mr. GRAHAM] or my friend from Massachusetts [Mr. WINSLOW], the chairman of the Committee on Interstate and Foreign Commerce, or any other intelligent man, was ignorant. There is likely to be the same result when further reports are made. If a force of something like 175 employees, and that I understand is the force that has been built up by the commission, was not able to get anything of value up to the 1st of January, is it to be thought that the expenditures of \$400,000 additional will in a very short period, and an increased force, assist in furnishing data to this Congress which will be found in any way useful?

Now, it is just as true as it can be, as my colleague from Virginia said a minute ago, that you have had investigation after investigation and report after report with reference to the coal industry until the subject is practically exhausted, the late Vice President of the United States and the distinguished engineer, Mr. John Hays Hammond, to the contrary notwithstanding. I happened, for instance, to be connected before I came to this I happened, for instance, to be connected by the Inter-House with most extensive investigations made by the Inter-Compared Commission on this very subject. There were state Commerce Commission on this very subject.

elaborate hearings, arguments, and reports. There was no phase of the entire situation overlooked.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOORE of Virginia. When voluminous reports are brought in here a few months hence is there anyone within the

sound of my voice who thinks they will get much consideration or prove of real value? I submit that question to the gentle-

men of the House. [Applause.]
Mr. WINSLOW. Mr. Speaker, early last autumn this Congress brought out a bill and passed it by a big vote, and we hoped thereby, through the creation of a coal commission, to find out, if possible, the matter with the coal industry in all its phases. What did we tell that commission to do?

It shall be the duty of the commission to study the problems and questions relative to the coal industry, with a view to and for the purpose of aiding, assisting, and advising Congress in matters of legislation which will insure a supply of this commodity to the industries and to the people generally throughout the country and maintain an uninterrupted flow of commerce among the States, or any legislation which Congress may, after said investigation, deem wise, and which, under the Constitution, Congress has the power to enact.

And what else?

And what else?

To this end said commission shall ascertain and report to the President and Congress: As to the ownership and titles of the mines; prices of coal; the organizations and persons connected with the coal industry; cost of production; profits realized by the operators or owners of said mines during the last 10 years; profits of other persons or corporations having to do with production, distribution, or sale of coal; labor costs; wages paid; wage contracts; irregular production; waste of coal and suggestions as to the remedy for the same; the conditions generally under which coal is produced; distribution; the causes which from time to time induce strikes, thereby depriving interstate carriers of their fuel supply and otherwise interrupting the flow of interstate commerce; and all facts, circumstances, or conditions which would be deemed helpful in determining and establishing a wise and efficient policy by the Government relative to said industry.

Again we directed them thus:

Again we directed them thus:

Again we directed them thus:

Said commission shall, under the provisions of this act, make a separate investigation and report for the anthracite industry, which investigation and report shall cover all of the matters specified in the last preceding paragraph, and shall cover also every other phase of the anthracite industry, including the production, transportation, and distribution of anthracite, and the organized or other relationships, if any, among the mine operators or the mine workers, or among any persons engaged in the production, transportation, or distribution of

Why, it would take the ordinary man two months to find out what that paragraph meant, let alone bringing any results. The approval of this act was in 1922, and they had only October and November to organize and get in motion. They could not be expected to make a report on the 15th of January for a much longer period than up to the 1st of December. What should we expect in a great undertaking like that started here and put upon the shoulders of mortals only about two months before? The thing could not be done. Why camouflage it? It is simply useless. Now, as to the amount of money involved, when the Secretary of Commerce brought this matter to me. as chairman of the Committee on Interstate and Foreign Commerce, we agreed the amount of money which should be reported in the bill for the use of the commission be \$750,000. We felt that perhaps it would look pretty large. However, in the report of the Interstate Commerce Committee we cut it down to \$500,000, and believed that amount of money would be used, and we brought the same as a recommendation in a provision of the bill in here; and in order to please people and facilitate its passage we agreed on \$300,000— Mr. BANKHEAD. Will the gentleman yield for a question? Mr. WINSLOW. If it is quick and sharp.

Mr. BANKHEAD. Is it the gentleman's opinion ultimately

that they will spend \$750,000 and-

Mr. WINSLOW, I would not be surprised if they did. I say, we cut it to \$300,000. Then we went into conference, and the Senators wanted it \$100,000, on the assumption that If the money was not enough the commission would probably come back to Congress for more. So we compromised on \$200,000, and there it stood. No rhyme nor reason about it. It stood there at \$200.000.

First of all they came to the Director of the Budget and made him believe, as they made our committee believe and as they made the President believe, that the commissioners need an extra sum of money which would be in total \$100,000 more than the \$500,000 our committee asked the Congress to appropriate in the first instance. Time is fleeting. I want to answer questions. But here is the situation, my friends: The Congress of the United States in good faith, at a time most acute with respect of the coal situation, told the people of this country that Congress would undertake some way to find out what was at the bottom of what the people regarded as a devilish, monstrous business—the coal business. Our way was through the medium of this bill as it was originally passed. Now, shall we stop in the middle of the river or go on through and keep faith with our suffering citizens? [Applause.]

The SPEAKER pro tempore. The question is on the motion of the gentleman from Massachusetts [Mr. Winslow] to suspend the rules and pass the bill.

Mr. BLANTON. Mr. Speaker, I demand a division.

The SPEAKER pro tempore. A division is demanded. The House divided; and there were—ayes 98, noes 32.

Mr. BLANTON. Mr. Speaker, I object to the vote because there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. Evidently there is no quorum present.

Mr. WINSLOW. Mr. Speaker, I move a call of the House. A call of the House was ordered.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll. Those in favor of suspending the rules and passing the bill will when their names are called answer "yea"; those opposed will answer "nay."

The question was taken; and there were-yeas 212, nays 76,

not voting 138, as follows:

YEAS-212.

Ackerman	Fess	Kreider	Reed, N. Y.
Anderson	Fields	Lampert	Rhodes
Andrew, Mass.	Fish	Larson, Minn,	Ricketts
Andrews, Nebr.	Fisher	Lawrence	Roach
Appleby	Fitzgerald	Lazaro	Kobertson
Arentz	Fordney	Lea, Calif.	Rogers
Atkeson	Foster	Leatherwood	Rossdale
Bacharach	Free	Lee, Ga.	Sanders, Ind.
Barbour	French	Lee, N. Y.	Sanders, N. Y.
Barkley	Frothingham	Little	Sandlin
Beck	Fuller	Logan	Shaw
Beedy	Fulmer	Longworth	Shreve
Begg	Gahn	Luce	Siegel
Benham	Gallivan	McArthur	Sinchair
Black	Gernerd	McKenzie	Simpott
Blakeney	Gifford	McLaughlin, Mich	
Bland, Ind.	Gilbert	McLaughlin, Nebr	
Boies	Glynn	McLaughlin, Pa.	
	Goldsborough	McPherson	Sproul
Bond Burke	Graham, Ill.	MacLafferty	Stafford
		Madden	Steenerson
Burton	Greene, Mass.	Magee	Stephens
Butler	Griest		
Byrns, Tenn.	Hardy, Colo.	Mapes Mead	Strong, Kans. Summers, Wash
Cable Kann			Swank
Campbell, Kans.	Haugen	Merritt Michener	Sweet
Campbell, Pa.	Hawley		
Carew	Hayden	Miller Mills	Swing
Chalmers	Henry		Tague N. Y
Chindblom	Herrick	Moore, Ohlo	Taylor, N. J.
Christopherson	Hersey	Moores, Ind.	Ten Eyck
Clague	Hickey	Mott	Thompson
Clarke, N. Y.	Hicks	Murphy	Tilson
Cole, Iowa	Hill	Nelson, Me.	Tincher
Cole, Ohio	Hoch	Nelson, J. M.	Tinkham
Collins	Hogan	Newton, Minn.	Underhill
Colton	Huck	Newton, Mo.	Upshaw
Couper, Ohio	Huddleston	Norton	Vaile
Cooper, Wis.	Hull	O'Brien	Vestal
Coughlin	Humphrey, Nebr.	O'Connor	Vinson
Curry	Husted	Ogden	Voigt
Dallinger	Hutchinson	Parker, N. Y.	Volk
Dempsey	Ireland	Paul	Volstead
Dickinson	James	Perkins	Wason
Doughton	Kearns	Petersen	Watson
Dowell	Kelly, Pa.	Porter	White, Kans.
Dunn	Ketcham	Pringey	Williams, Ill.
Dupré	Kiess	Purnell	Williamson
Dyer	Kirkpatrick	Quin	Wilson
Elliott	Kissel	Raker	Winslow
Evans	Kline, Pa.	Ramseyer	Woodruff
Fairchild	Knutson	Rankin	Wurzbach
Favrot	Kopp	Ransley	Yates
Fenn	Kraus	Rayburn	Young
THE PARTY OF THE P		S-76.	CONTRACT OF THE PROPERTY OF TH
Contract of the Contract of th			LIVE EURINE
Abarnathy	Darrow	Johnson Wash	Reher

Bankhead Bell Bixler Bland, Va. Blanton Bowers
Bowling
Box
Briggs
Brooks, Pa. Buchanan Bulwinkle Carter Collier Connally, Tex.

Deal

Drewry Driver Dunbar

Echols

Classon

Cramton Crowther Cullen Dale Davis, Minn. Denison

Clouse Codd Connolly, Pa. Copley Crago

Drane

Almon Anthony Bird Brand Brand Brennan Britten Brooks, III. Brown, Tenn. Browne, Wis. Burdick Burtness Burtness Cannon Cantrill Chandler, N. Y.

Darrow Davis, Tenn. Jones, T Kendall Dominick Kincheloe Larsen, Ga. London Echols
Edmonds
Garrett, Tenu.
Garrett, Tex.
Graham, Pa.
Hammer
Hardy, Tex.
Hooker
Hudspeth
Humphreys, Miss.
Jeffers, Ala.
Johnson, Ky. London
Lowrey
Lyon
McDuffle
McSwain
Mansfield
Moore, Va.
Oldfield Oliver Parker, N. J. Pou Radgliffe Johnson, Ky. NOT VOTING-138. Chandler, Okla. Clark, Fla.

Ellis Fairfield Faust Focht Frear Freeman Funk Garner Gensman Goodykoontz Gorman Gould Greene, Vt. Griffin Hadley

Reed, W. Va. Riordan Robsion Rouse Rucker Sanders, Tex. Sisson Steagali Stevenson Strong, Pa. Sumners, Tex. Tillman Tucker Turner Tyson Weaver Wright Wyant

Hawes Hays Himes Hukriede Hukriede Jacoway Jefferis, Nebr. Johnson, Miss. Johnson, S. Dak. Jones, Pa. Kathn Keller, Mich. Kennedy Kindred King

Thomas Thorpe Timberlake Moore, Ill. Kitchin Ryan Sabath Schall Scott, Mich. Scott, Tenn. Kleczka Kline, N. Y. Knight Morgan
Morin
Mudd
Nelson, A. P.
Nolan
Olpp
Overstreet
Paige
Park, Ga.
Parkes, Ark,
Patterson, Mo.
Patterson, N. J.
Perlman
Rainey, Ala, Timberlake
Towner
Treadway
Walters
Ward, N. Y.
Ward, N. C.
Webster
Wheeler
White, Me.
Willams, Tex. Kunz Lanham Sears Shelton Slemp Smith, Mich. Layton Lehlbach Lineberger Linthicum Linthicum
Luhring
McClintic
McCormick
McFadden
MacGnegor
Maloney
Martin
Michaelson
Mondell
Montague Snell Snyder Stedman Stiness Wingo Wise Wood, Ind. Woods, Va. Woodyard Zihlman Rainey, Ala. Rainey, Ill. Stoll Sullivan Taylor, Ark. Taylor, Colo. Taylor, Tenn, Temple Reece Riddick Rodenberg Rose

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The following additional pairs were announced:

Mr. Faust and Mr. Browne of Wisconsin (for) with Mr. Goodykoontz (against).

Additional pairs: Mr. Snyder with Mr. Brand.

Mr. Patterson of New Jersey with Mr. Lanham. Mr. Lineberger with Mr. Wise.

Mr. Cramton with Mr. Stedman. Mr. Anthony with Mr. Martin. Mr. Crowther with Mr. Cullen. Mr. Denison with Mr. Garner.

Mr. Denison with Mr. Garner.
Mr. Frear with Mr. Kitchin,
Mr. Morin with Mr. Rainey of Illinois.
Mr. Snell with Mr. Wingo.
Mr. Temple with Mr. Sabath.
Mr. MacGregor with Mr. Linthicum.
Mr. Timberlake with Mr. Sears. Mr. Lehlbach with Mr. Drane.

Mr. Connolly of Pennsylvania with Mr. Taylor of Arkansas.

Mr. Davis of Minnesota with Mr. Stoll.

The result of the vote was announced as above recorded.

The doors were opened.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had insisted upon its amendments to the joint resolution (H. J. Res. 422) permitting the entry free of duty of certain domestic animals which have crossed the boundary line into foreign countries, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCumber, Mr. Smoot, and Mr. Jones of New Mexico as the conferees on the part of the Senate.

The message also announced that, pursuant to the provisions of Senate Resolution 464, the Vice President had appointed Mr. Walsh of Montana, Mr. Robinson, Mr. Walsworth, Mr. WATSON, Mr. CALDEB, and Mr. WALSH of Massachusetts as the committee on the part of the Senate to attend the funeral of the Hon. W. Bourke Cockban, late a Representative from the State of New York.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14408) making approopon its amendments to the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the iscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. Overman as the conferees on the part of the Senate.

AMENDING AND MODIFYING THE WAR INSURANCE ACT.

Mr. SWEET. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 14401) to amend and modify the war insurance act as amended.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 29 of the war risk insurance act as amended by act approved August 9, 1921, is hereby amended to read

amended by act approved August 9, 1921, is nereby amended to read as follows:

"Sec. 29. The discharge or dismissal of any person from the military or naval forces on the ground that he is guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct, of which he has been found guilty by a court-martial, or that he is an enemy alien, conscientious objector, or a deserter, shall terminate any insurance granted on the life of such person under the provisions of article 4 and shall bar all rights to any compensation under article 3 or any insurance under article 4: Provided, That, as to converted insurance, the cash surrender value thereof, if any, on the date of such discharge or dismissal shall be paid the insured, if living, and if dead to the designated beneficiary: Provided further. That an enemy alien who volunteered or who was drafted into the Army, Navy, or Marine Corps of the United States during the World War, and who was not discharged from the service on his own application or solicita-

tion by reason of his being an enemy alien, and whose service was honest and faithful, shall be entitled to the benefits of the war risk insurance act and all amendments thereto: Provided further, That in case any person has been dishonorably discharged from the military or naval forces as a result of a court-martial trial, and it is thereafter established to the satisfaction of the director that at the time of the commission of the offense resulting in such court-martial trial and discharge that such person was insane, such person shall be entitled to the compensation and insurance benefits of the war risk insurance act: Provided further, That this section as amended shall be deemed to be in effect as of April 6, 1917, and the director is hereby authorized and directed to make provision by bureau regulation for payment of any insurance claim or adjustment in insurance premium account of any insurance contract which would not now be affected by this section as amended."

SEC. 2. That section 300 of the war risk insurance act, as amended by the act approved August 9, 1921, is hereby amended to read as follows:

insurance calam or adjustment in insurance premium account of any insurance calam or adjustment in insurance premium account of any insurance calam or adjustment in insurance premium account of any insurance calam or adjusted by the act approved August 9, 1921, is hereby amended to read as Soc. 2. That section 300 of the war risk insurance act, as amended by the act approved August 9, 1921, is hereby amended to read as follows:

Soc. 2. That section 300 of the war risk insurance act, as amended by the act approved August 9, 1921, is hereby amended to read as follows:

1917, or for an aggravation of a disability existing prior to examination, acceptance, and enrollment for service, when such aggravation acceptance, and enrollment for service, when such aggravation are acceptance, and enrollment for service, when such aggravation of the Army Nurse Corps (female) or of the Army Nurse Corps (female) or or or the Army Properties of the Army Nurse Corps (female) or or the Navy Nurse Corps (female) or or the Navy Nurse Corps (female) or or the Navy Nurse Corps (female) or or of the Navy Nurse Corps (female) or or the Navy Nurse Corps (female) or in the discretion of the director, separately to his or her dependents, compensation as hereinsfere provided, but no compensation shall be paid if the injury, discretion of the director, separately to his or her dependents, compensation as hereinsfered to the purposes of this section every such officer, enlisted man, or other member employed in the active service under the War Department or Navy Department on or before November 11, 1918, who on or after August 1918, 1921, is discharged or resigns shall be conclusively held and taken by the provided of the compensation of a civic service to the extent to provide of a provided provided to the compensation of a civic service to the extent to provide of the provided of the provided provided to the compensation from the active military or many difference of disability or more in accordance with the provident provided and active the

the amount which would have been payable to them if they had been the sole original beneficiaries.

"(6) As between the widow and the children not in her custody, and as between children, the amount of compensation shall be apportioned as may be prescribed by regulation.

"(7) The term 'widow' as used in this section shall not include one who shall have married the deceased later than 10 years after the time of injury, and shall include widower whenever his condition is such that if the deceased person were living he would have been dependent upon her for support.

such that if the deceased person were living he would have been dependent upon her for support.

"(8) That section 301 of the war risk insurance act, as amended, shall be deemed to be in effect as of April 6, 1917: Provided, hoverer, That before compensation thereunder shall be paid there shall first be deducted from said sum so to be paid the amount of any payments such person may have received by way of gratuities or payments under pension laws in force and existence between April 6, 1917, and October 6, 1917."

sion laws in force and existence between April 6, 1917, and October 6, 1917."

Sec. 4. That subdivision (6) of section 302 of the war risk insurance act is hereby amended to read as follows:

"(6) In addition to the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental medicinal, surgical, and hospital services and with such supplies, including wheel chairs, artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary, which wheeled chairs, artificial limbs, trusses, and similar appliances may be procured by the United States Veterans' Bureau in such manner, either by purchase or manufacture, as the director may determine to be advantageous and reasonably necessary: Provided, That nothing in this act shall be construed to affect the necessary military control over any member of the Military or Naval Establishments before he shall have been discharged from the military or naval service: Provided, That all hospital facilities under the control and jurisdiction of the United States Veterans' Bureau shall be available for veterans of the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, suffering from neuropsychiatric or tubercular all ments and diseases, including transportation as granted to those receiving compensation and hospitalization under the war risk insurance act."

Sec. 5. That section 306 of the war risk insurance act, as amended the act approved August 9, 1921, is hereby amended to read as

ecting compensation and bospitalization under the war risk insurance act.

SEC. 5. That section 306 of the war risk insurance act, as amended by the act approved August 9, 1921, is hereby amended to read as follows:

"SEC. 306. That no compensation shall be payable for death or disability which does not occur prior to or within one year after the activation of the compensation of one year after the passage of this amendatory act to the effect that the injured person at the time of discharge or resignation was suffering from injury likely to result in death or disability, such certificate, except in case of frand, shall be incontextable evidence that the injury for amendation of the provisions of Article III of the war risk insurance act, as amended, for death or disability whenever occurring, proximately resulting from such injury: Provided, That such certificate shall issue only where there is an official record of the injury during service or at the time of separation from active service, or where before March I, 1924, satisfactory evidence is furnished the bureau to establish that the injury was suffered or agravated during with the provisions of said Article III for death or disability whenever occurring, proximately resulting from such injury."

SEC. 308. That no compensation shall be payable for death inflicted as a lawful punishment for crime or military offense exceptions of service from which such disability whenever occurring, proximately resulting from such injury."

SEC. 308. That no compensation shall be payable for death inflicted as a lawful punishment for crime or military offense exceptions of the war risk insurance act is hereby amended to read as follows:

"Sec. 308. That no compensation shall be payable for death inflicted as a lawful punishment for crime or military offense exceptions of the war risk insurance act is hereby amended t

cther than total permanent disability, and where said soldier has since died from said wounds or disease or has become permanently and totally disabled by reason thereof, then and in that event the United States Veterans' Bureau is hereby authorized and directed to pay to said soldier or his beneficiarles the amount of insurance attempted to be reinstard less the premiums and interest thereon at 5 per cent per annum compounded annually in installments as provided by law's additional property of the United States Veterans' Bureau for all payments of insurance installments hereafter made, without verification of the deductions on the pay roll of such premium as may have accrued prior to January 1, 1921, while the insured was in the service.

SEC. S. That section 409 of the war risk insurance act is hereby amended to read as follows:

"SEC. 409. The United States Veterans' Bureau for the payment of more management of the accordance with regulations whereby the payment of premiums on a caccredance with regulations whereby the payment of premiums on a caccredance with regulations whereby the payment of premium and the cases of the following persons, to wit: (a) Those who are confined in a hospital under said bureau for a compensable disability during the period while they are so confined; (b) those who are rated as temporarily totally disabled by reason of an injury or disease entiting them to compensation during the period of such total disability during the period or which they have been or hereafter may be so rated, the waiver in such cases to be made without application and for whom no legal guardian had been or has been appointed; allowed or may allow their insurance to lapse while such rating is effective where necessary: Provided, That such relief from payment of premiums on yearly renewable term insurance on the due date thereof shall be for full calendar months beginning with the month in the refer to the payment of which when due is waived as above provided shall be a management of which when due is waived

"SEC. 412. That all premiums paid on account of insurance converted under the provisions of Article IV of the war risk insurance act shall be deposited and covered into the Treasury to the credit of the United States Government life-insurance fund and shall be available for the payment of losses, dividends, refunds, and other benefits provided for under such insurance. Payments from this fund shall be made upon and in accordance with awards by the director.

"The United States Veterans' Bureau is hereby authorized to set aside out of the fund so collected such reserve funds as may be required, under accepted actuarial principles, to meet all liabilities under such insurance; and the Secretary of the Treasury is hereby authorized to invest and reinvest the said United States Government life-insurance fund, or any part thereof, in interest-bearing obligations of the United States or bonds of the Federal farm-loan banks and to sell said obligations of the United States or the bonds of the Federal farm-loan banks for the purposes of such fund."

The SPEAKER pro tempore. Is a second demanded?

Mr. BARKLEY. I demand a second. Mr. SWEET. Mr. Speaker, I ask unanimous consent that a econd be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 20 minutes.

Mr. SWEET. Mr. Speaker and gentlemen of the House, this bill has been well considered. Some complaint may be made of its length, but I wish to say to the gentlemen of the House that, following a well-established custom in our committee, we usually set forth the section in full, even if there is a slight amendment to it, and that is what has added to the length of the bill in appearance. The truth is that many of the sections set forth in the bill are the present law with the exception of a slight modification.

Section 1 of the bill changes the law so that persons guilty of mutiny, treason, spying, or any offense involving moral turpitude or willful and persistent misconduct will not be deprived of insurance and compensation benefits unless they have been found guilty by a court-martial. We have modified the law in that respect so that it does not deprive all of those who may have bad-conduct discharges, but simply those who have been found guilty by a court-martial. This section is made retroactive, and under the rules and regulations of the Veterans' Bureau insurance may be reinstated. There are about 8,000 who have been deprived of insurance at the present time by reasen of the above causes. This will apply to about 2,000 cases, and, provided they pay all back premiums, their insurance can be reinstated. It is estimated that about 300 cases of compensation will be affected by this provision.

Section 2 of the bill amends section 300 of the war risk insurance act, so that a person who is suffering from a neuropsychiatric or tubercular disease developing within three years after separation from the service shall be considered to have acquired such disease while in the service. The present law

limits the period to two years.

The word "pulmonary" is also stricken from the present law. The bill includes all persons suffering from neuropsychiatric or tubercular diseases, provided they have been examined by a medical officer of the bureau or a legally qualified physician and found to be suffering from a disability due to these diseases of more than 10 per cent degree within three years after sepa ration from the active military or naval service of the United

The tuberculosis cases that would fall within the provisions of this section as amended would probably total about five to ten thousand and would cost the Government about \$400,000 monthly, and a total of fifteen millions to cover a period of This is exclusive of expenses of medical treatthree years. ment and hospitalization, and the estimate is that this latter cost would equal the cost of compensation.

The mental cases, it is estimated in the first year, will cost in compensation about three millions, and the total cost, exclusive of the first year will be about fifteen millions, which will extend over a period of 11 years. This estimate does not include the cost of medical treatment and hospitalization, and this will

probably be greater than the cost of compensation.

The total cost of the new provisions of this bill extending over a period of from two to three years for compensation would approximately be between thirty and forty millions, and when the cost of medical treatment and hospitalization is added to the above the total cost of the new provisions in this section will be substantially increased.

Mr. BARKLEY. Will the gentleman yield?

Mr. SWEET. I will.

Mr. BARKLEY. In order to make that clear in the act, the service man that is examined by the physician and found to be suffering with more than 10 per cent disability of tuberculosis

is presumed to have contracted it in the military service.

Mr. SWEET. The gentleman is correct, and the word "pulmonary" is stricken out. It is not confined to the lungs.

Mr. BARKLEY. But if he has tuberculosis of any sort.

Yes. Mr. SWEET.

Mr. JEFFERS of Alabama. Under the present law the time is two years, and this changes it to three years.

Mr. SWEET. It does.

Mr. JEFFERS of Alabama. Are the requirements about proof the same as they have been?

Mr. SWEET. The only change is the extension of one year. Mr. JEFFERS of Alabama. The bureau now, in addition to the two years, demands a certain leeway of a month or twothat is, they give him two years and some months.

Mr. SWEET. In tubercular cases, Mr. JEFFERS of Alabama. Will Will the bureau still be able to conduct it in the same way?

Mr. SWEET. Provided the man has been examined by a medical officer of the bureau or a legally qualified physician outside of the bureau within the three years

Mr. JEFFERS of Alabama. Can they add their regulations to the three years, as they have added to the two years?

Mr. SWEET. If they have been examined by a medical officer of the bureau, or a legally qualified physician, and found to be suffering from a disability due to these diseases of more than 10 per cent within the three years after separation from the service.

Mr. JEFFERS of Alabama. Just as they have done within

Mr. SWEET. I think so, provided he has been examined by a medical officer of the bureau or a legally qualified physician within the three years.

Mr. MILLER. Did I understand the gentleman correctly when he said that section 2 would affect between ten and fifteen thousand men?

Mr. SWEET. Yes. Mr. MILLER. Then there are that number of men who are neuropsychiatric and tubercular cases, developed since they left the service?

Mr. SWEET.

Mr. BLANTON. Where a man can show that when he entered the service he was physically sound and can show within three years after he was discharged that he has active tuberculosis, then he comes within the provisions of this bill?

Mr. SWEET. He does.

Mr. COLE of Iowa. Would he have to be examined within three years?

Mr. SWEET. 'He must have been examined by a physician within three years under this provision.

Mr. COLE of Iowa. He can not be examined now. Mr. SWEET. If it is beyond the three years after his separation from the service; no.

Mr. SANDERS of Indiana. As a matter of fact, he is presumed to have left the service and to have been sound in body and mind when he entered the service.

Mr. SWEET. Yes; that is true. Mr. NEWTON of Minnesota. The examination by the physician in the bureau or outside of the bureau within the threeyear period must of course show either a nervous ailment or an active tubercular ailment within the definition of the statute.

Mr. SWEET. Yes; within the three years; that is true. The tubercular cases that fall within the provisions of this section probably total from five to ten thousand and will cost the Government about \$400,000 monthly, or a total of \$15,000,000 or over covering a period of three years.

Mr. BRIGGS. Is it not the intent and purpose of the committee recommending this legislation that this law shall be

construed liberally?

Mr. SWEET. Yes; it should be construed fairly.
Mr. BRIGGS. I mean with a liberal intent in favor of the soldier instead of strictly against him? Is not that the purpose? Mr. SWEET. That is the intent of the gentleman on the

Mr. BRIGGS. Does the gentleman not think that is the intent of the committee?

Mr. SWEET. Yes.
Mr. BRIGGS. And the intent of the Congress?
Mr. SWEET. I think it is. The mental cases estimated in the first year will cost in compensation about \$3,000,000; and the total cost, exclusive of the first year, will be about \$15,000,000, which will extend over a period of 11 years. This estimate does not include the cost of medical treatment and hospitalization, and this would probably be greater than the cost of compensation.

Mr. HUDSPETH. I want to ask why the committee fixed the time at three years for tubercular cases—those who contracted tuberculosis? Might they not contract tuberculosis caused by the

Mr SWEET. The medical testimony shows quite conclusively that if a man has not shown any signs of tuberculosis within three years after separation from the service, in all probability it is not connected with the service, I am not saying that there are no cases of that kind, but the three years will cover the greater part of all those cases.

Mr. HUDSPETH. Would the gentleman object to an amend-

ment extending the time to four years, so that there would not

be any question about that?

Mr. SWEET. I am satisfied that full justice in this matter will be done by leaving it as it is in the bill. Of course, this bill is not subject to amendment in the manner in which we

are considering it at this time,
Mr. SANDERS of Indiana. As a matter of fact the threeyear period is just a period of presumption. A person may have tuberculosis after that time and trace it to the service, if there was something in the service that would lead a physician to form that opinion. There is nothing to prevent that. This three years is a matter of presumption.

Mr. HUDSPETH. But he would not come within the pro-

visions of this bill, would he?

Mr. SANDERS of Indiana. Yes.
Mr. HUDSPETH. After three years, if he could trace it back to the service he would come within the provisions of the

Mr. SANDERS of Indiana. Oh, yes. The three years' time is just a presumption period.

Mr. SWEET. I may say in answer to the gentleman from Texas that if a man can show by satisfactory evidence that his disease of tuberculosis is connected with the service, even if it be five years, he is entitled to the benefits of the act.

Section 3 provides that where a veteran of any war dies after discharge or resignation from the service and does not leave sufficient assets to meet the expense of burial and transportation of his body the United States Veterans' Bureau shall pay for a flag to drape the cusket (and after burial to be given to the next of kin of the deceased) a sum not exceeding \$5, and also for burial expenses a sum not exceeding \$100. If death occurs while such person was receiving governmental medical, surgical, and hospital treatment or vocational training, the bureau shall pay in addition to burial expenses actual and necessary cost of transportation of the body, including the preparation of the body, to a place of burial within the continental limits of the United States. This provision is applicable to the veterans of all wars

Mr. SWING. Will the gentleman yield?

Mr. SWEET. I will.

Mr. SWING. They have a rule now, handed down by the comptroller, that if a service man dies in his home and not in the service of the Government they will not pay his burial There are cases where the local Veterans' Bureau representative has directed an undertaker to bury the body, and when the bills were sent in to the Government, the ex-service man not having anything, the Veterans' Bureau turned it down.

I may say to the gentleman whatever law we have on that subject is found in appropriation acts; it is not

fundamental law.

Mr. SWING. It is not the law, but the King Totem, the high comptroller, who makes this practically the law in addition to the Congress

Mr. STAFFORD. Will the gentleman yield?

Mr. SWEET. I will.

Mr. STAFFORD. Has any estimate been made of the total cost on the Treasury of the United States for the liberalization proposed by the gentleman.

Mr. SWEET. Somewhere between \$30,000,000 and \$40,-

000,000.

Mr. STAFFORD. For all time?

Mr. SWEET. To cover a reasonable period. It is simply an

Mr. STAFFORD. The gentleman just stated there would be expended \$15,000,000 by the Government on the liberalization of those developing tuberculosis in three years on the presumption it was of Army origin.

Mr. SWEET. Yes; three years.
Mr. STAFFORD. That will amount to the life of the World War veteran?

Mr. SWEET. That has not been figured out.

Mr. STAFFORD. With the average life of the World War

Mr. STAFFORD. With the average life of the world war veteran it may reach pretty high.

Mr. SWEET. Of course, with tubercular patients the payments do not run very long in most instances. How much time have I consumed up to the present time?

The SPEAKER pro tempore. Fifteen minutes.

Mr. BRIGGS. Will the gentleman yield for one other question?

Mr. SWEET. I will.

Mr. BRIGGS. The purpose of the committee in eliminating the word "pulmonary" was to broaden the term "tubercu-

Mr. SWEET. Yes.
Mr. BRIGGS. The object in keeping in the term "neuro-psychiatric" instead of specifying nervous complaints was to make that term more comprehensive and cover the problems that might arise.

Mr. SWEET. Yes; that is true.

There are now living 180,631 Civil War veterans, 234,000 Spanish-American War veterans, and 4,382,225 World War veterans, and it is estimated that 30 per cent of the above number will in all probability come under the provisions of this section. In all probability during the year 1924 about 22,000 persons will take advantage of this provision, and it is estimated the cost to the Government will be a little over \$2,000,000. The estimated cost by years of providing burial expenses in the amount of \$105 for each United States veteran of any war who dies after separation from the service and does not leave sufficient funds to meet these expenses, based on the number surviving January 1, 1923, as stated above, and assuming that deaths occur in accordance with the American experience table of mortality, and that 30 per cent of those dying will come within the provisions set forth in this bill, it would ulti-

mately cost the Government of the United States \$151,000,000, extending over a period of 64 years. I attach an estimate prepared by H. P. Brown, actuary of the Veterans' Bureau, on February 20, 1923, as follows:

Estimated cost, by years, of providing burial expenses in the amount of \$105 for each United States veteran of any war who dies after separation from the service and does not leave sufficient funds to meet these expenses, based on the following number surviving January, 1923:

Civil War (actual figures)
Spauish-American War (estimated)
World War (estimated) 180, 631 234, 000 4, 382, 225

[Assuming that deaths occur in accordance with the American experience table of mortality and that 30 per cent of those dying each year come within the provisions stated above.]

Year.	Number dying dur- ing year.	\$105×number dying during year.	\$105×30 per cent of number dying.
1923	66 614	\$6, 994, 470	\$2,098,341
1924	65, 274	6, 853, 770	2, 656, 131
1925	63,726	6,691,230	2, 656, 131 2, 607, 369 1, 950, 701
1926 1927	61, 927	6,691,230 6,502,335 6,305,985	1,950,701
1928	66, 614 65, 274 63, 726 61, 927 60, 057 58, 270 56, 487 54, 834	6 118 350	1, 950, 701 1, 891, 705 1, 835, 505 1, 779, 341 1, 727, 271 1, 671, 957 1, 619, 009 1, 575, 977 - 1, 547, 312 1, 533, 704
1929*	56, 487	0, 931, 130	1,779,341
1930 1931	54, 834 53, 078	5, 151, 510	1,727,271
1931 1932	51, 399	5, 573, 190 5, 396, 895	1 619 009
1933	50,031	5, 253, 255	1,575,977
1934	49, 121	5, 157, 705	1,547,312
1935 1936	48,689 48,763	5,112,345 5,120,115	1,533,704
1937	49,373	5, 184, 165	1,555,250
1938	50, 531	5, 305, 755	1,591,727
1939	51,939 53,583	5, 453, 595 5, 626, 215	1,636,079
1940 1941	55, 483	5,825,715	1,687,865 1,747,715
1942	57, 534	6,041,070	1,812,321
1943	59,790	6,277,950	1,883,385
1944	62,211	6,532,155 6,799,590	1,959,647 2,039,877
1945 1946	64,758	7,091,070	2,127,321
1947	70,399	7 391 895	2,127,321 2,217,569
1948	73, 457	7,712,935	2,313,896
1949	76,668 80,060		2,415,042 2,521,890
1951		8,406,300 8,779,260	2,633,778
1952	87,318	9,168,390	1 - 2.750.517
1953 1954	91, 219	9,168,390 9,577,995 9,994,425	2,873,399
1955.	87, 318 91, 219 95, 185 99, 186 103, 227 107, 348 111, 411 115, 364 119, 144	10, 414, 530	2,998,328 3,124,359
1956	103, 227	10, 838, 835	0, 201, 901
1957	107, 348	10, 838, 835 11, 271, 540	3, 381, 462
1958. 1959.	111, 411	11,098,155	3, 509, 447 3, 633, 966
1960	119, 144	11, 698, 155 12, 113, 220 12, 510, 120 12, 867, 225	3 753 036
1961		12, 867, 225	3, 860, 168
1962	125, 531 127, 905	13, 180, 755 13, 430, 025	3, 860, 168 3, 954, 227 4, 029, 008
1963 1964	129, 463	13, 593, 615	4,078,085
1965	130, 037	113,653,885	14, 096, 166
1966	129, 566	13, 604, 430	4, 081, 329
1967 1968	128, 133 125, 755	13, 453, 965 13, 204, 275	4, 036, 190 3, 961, 283
1969	122, 534	12, 866, 070	3, 859, 821
1970	118, 508	12, 443, 340	3, 733, 002
1971	113, 587 108, 163	11, 926, 635	3, 577, 991
1972 1973	101, 587	11, 357, 115 10, 666, 635	3, 199, 991
1974	93, 937	9, 863, 385	2, 959, 016
1975	85, 244	8, 950, 620	2, 685, 180
1976 1977	76,038 66,830	7,983,990	2, 395, 197 2, 105, 147
1978	57, 623	6, 050, 415	1, 815, 12
1979	45, 201	7, 017, 150 6, 050, 415 5, 067, 405 4, 040, 820	1,020, 222
1980. 1981	38, 484	4,040,820	1, 212, 24
1981 1982	28, 708 19, 915	2,091,075	904, 303 627, 323
1983	12,725	1, 336, 125	400, 838
1984	1,001	744, 135	223, 241 94, 500
1985	3,000 931	97, 753	29, 327
1987	155	3,014,340 2,091,075 1,336,125 744,135 315,000 97,755 16,278	4,88
Total	4, 796, 856	503, 669, 880	151, 100, 983
Total	1, 130, 330	000,000,000	101, 100, 983

1 Maximum annual cost

Section 4 provides that transportation be furnished to veterans of the Spanish-American War, the Philippine insurrection, and the Boxer rebellion, who are receiving hospitalization facilities at the present time through the United States Veterans' Bureau. At the present time under a ruling of the Comptroller General these veterans, although entitled to hospitaliza-tion, are not entitled to transportation to and from the hospitals.

The expense of this section can not amount to a very substantial sum, for the number of Spanish-American War veterans who are receiving hospitalization under the provisions of the amendment to the second Langley bill are at the present time less than 100. The exact figures given at the hearing were 37. Mr. Robinson, who represented the Spanish-American War veterans, stated before the committee as follows:

We only have right now 37 Spanish War veterans with T. B. or N. P. in hospitals, but we would have a lot more if they had the transportation to get there.

Section 5 extends the time for obtaining a certificate of disability from the Director of the Veterans' Bureau to March 1, 1924, in compensation cases, and provides that such certificate shall issue where there is an official record of injury during service or at the time of separation from the service, or where satisfactory evidence is furnished the bureau to establish the injury. This section allows the limitation to remain the same; that is, that compensation will not be payable for death or disability that does not occur within one year from the date of separation from the service, unless a certificate was obtained. This section as amended does, however, extend the time for

obtaining a certificate to March 1, 1924.

The immediate cost to the Government of the changes made in the present law in this respect would not amount to any substantial sum. This section does not propose the incorporation of any limitations upon compensation that does not already exist. The bureau has had occasion to deny a few applications for certificates of injury but the number is not great, probably not 200. This can not be accepted as having any great significance, however, because it has been advertised as widely as possible that certificates must have been requested before August 9, 1922. Therefore it is believed that persons who might originally have been entitled to a certificate are not now making applications, as they are fully aware that it will The proposed amendment allowing the limitations to remain the same—that is, that compensation will not be payable for death or disability that does not occur within one year from the date of separation from the service, unless a certificate was obtained-does, however, extend the time for obtaining a certificate to March 1, 1924. A certificate issued except for fraud is to be considered as incontestable evidence that the injury covered by the certificate was incurred in or aggravated by service. It is believed that a certificate should be incontestable except for fraud and definitely protect the

claimant in the future.

The amendment is designed to take care of veterans who have a definite service record that the injury was suffered or sustained while in the service. Such veteran should be entitled to the right of obtaining a certificate of injury if he so desires. An example would probably make this more clear: A soldier received a gunshot wound of the leg, resulting in osteomyelitis, which completely recovered to all appearances before discharge from the service. At the time of discharge the physical condition is good and there is no evidence of disability except a scar at the site of the injury. It is a well-known fact, however, that in many instances of this kind the osteomyelitis will again become active through no discoverable cause, sometimes several years subsequent to the time when an apparent cure had been accomplished. Such claimant would be entitled to a certificate of injury, but through motives of one sort or another, either his desire to not claim any benefits from the Government, or he feels that he is entirely well, or does not know of his rights to a certificate, he fails to obtain such certificate within the limitation of time. He has no disability within a year from the date of discharge, yet six or eight years later the osteomyelitis again become disabiling and he passes through a long period of invalidism that possibly terminates fatally, as conditions of this sort are of doubtful prognosis, some resulting in cure, some in incomplete recovery, with complications, or possibly death. The amendment would protect these cases and would not cover any cases where there was no official record of service injury.

Section 6 provides that no compensation shall be payable for death inflicted as a lawful punishment for crime or a military offense, except one inflicted by the enemy. A dismissal or discharge by sentence of court-martial from the service shall bar and terminate all right to any compensation under the provisions of this article for the period of service from which discharge is given. This section of the war risk insurance act is amended to conform with the changes made in section 29 of the war risk insurance act, as set forth in section 1 of this bill. It will be remembered that section 1 of the bill changes the law so that persons guilty of treason, mutiny, spying, or any offense involving moral turpitude or willful and persistent misconduct will not be deprived of insurance and compensation benefits unless they have been found guilty by a court-martial

benefits unless they have been found guilty by a court-martial.

Section 7 of the bill amends section 408 of the war risk insurance act. The bureau has had much difficulty in arriving at a proper construction of the third proviso of section 408 of the act approved August 9, 1921. It would seem that that proviso

was intended to be double-barreled and to apply both to the case where the insured died leaving uncollected compensation sufficient to pay his premiums and the case of where a man attempted to reinstate his insurance and was denied reinstatement by reason of physical condition. The trouble the bureau has had with this proviso is that the concluding words are to the effect that "said policy shall not be considered as lapsed." An extreme construction of this proviso in so far as it relates to reinstatement would be that where the insured having a policy for \$10,000 applied for reinstatement of \$1,000 and was denied reinstatement the result of this denial would be that his whole policy of \$10,000 would not lapse; and, further, that this would be the case even though at the time the soldier applied for insurance he was then totally and permanently disabled. In fact, the confusion arising from the peculiar wording of this proviso has resulted in the legal division of the Veterans' Bureau looking to the comptroller's opinions where reinstatements were involved rather than to the proviso.

In order to clear up all doubt we have separated this proviso into two parts, the first part of which in effect provides that insurance shall not lapse where the bureau has sufficient uncollected compensation to pay the premiums, this irrespective of whether application for reinstatement was made or not. second portion of the proviso submitted covers the question of reinstatements and in effect provides that where the soldier has applied for reinstatement and such reinstatement has been denied because of health conditions, and where at the time of such application the soldier was suffering from a disease of service origin but was not permanently and totally disabled, then the bureau is authorized to pay the soldier or his beneficiaries the amount of insurance attempted to be reinstated less the premiums, and so forth. This provise applied only in cases where the soldier had died and has no application where the soldier has become totally and permanently disabled. The result of this has been that the bureau has found many cases where a soldier prior to August 9, 1921, had applied for rein-statement and at the time of such application was not permanently and totally disabled and had his application denied because of health conditions and subsequently became permanently and totally disabled. The result in such a case was that the man could not get the benefits of the third proviso of section 408, nor could be reinstate under the first portion of section 408, because he was permanently and totally disabled. Since Government insurance matures both upon permanent and total disability and death, the committee believes that the third proviso should be so worded as to give the soldler the benefit of the insurance under either state of the case. This inconsistency crept into the law through an amendment adopted on the floor of the House when the act of August 9, 1921, was being considered.

Section 8 amends section 409 of the present law, whereby the payment of premiums on yearly renewable term insurance and United States Government life insurance (converted insurance) on the due date thereof may be waived and the insurance may be deemed not to lapse in the cases of those who while mentally incompetent and for whom no legal guardian had been or has been appointed allowed or may allow their insurance to lapse while such rating is effective during the period for which they have been or hereafter may be so rated, the waiver in such case to be made without application and retroactive where neces-The law now provides that the payment of premiums may be waived and the insurance may be deemed not to lapse in the cases of those who are confined in a hospital under said bureau for a compensable disability during the period while they are so confined. Also those who are rated as temporarily totally disabled by reason of an injury or disease entitling them to compensation during the period of such total disability and while they are so rated. The amendment to this section relates solely to those who are mentally incompetent and for whom no legal guardian has been appointed. If this section becomes a law, their insurance will not lapse during the period of such incompetency. The last proviso has been added to this section to take care of reimbursement of the United States Government life-insurance fund from the military and naval insurance appropriation in cases where premiums on converted insurance are waived and the insurance is never thereafter continued to maturity.

Section 9 of the bill amends section 411 of the present law so

Section 9 of the bill amends section 411 of the present law so that a policy of insurance shall be incontestable after it has been in force six months, instead of providing that the policy shall be incontestable six months after date of issuance or reinstatement. Section 411 now provides that, subject to section 29, a policy of insurance heretofore or hereafter issued in accordance with article 4 of the war risk insurance act shall be incontestable after six months from date of issuance or date of

reinstatement, except for fraud or nonpayment of premiums. The bureau has found upon investigation that a large number of cases construing a similar proviso in insurance policies have held that the maturity of the policy did not stop the running of the statute, and that the statute could be stopped from running only by action brought in court to cancel the policy. other words, if an insured paid one month's premium and no more and died or became permanently disabled within that month the Government would be bound to pay the policy (if the bureau followed these opinions) unless the Government, within six months from the date of issuance of the policy or reinstatement had begun a suit to cancel the policy. The amendment, instead of providing that the policy shall be incontestable six months after date, provides that it shall be in-contestable after the policy "has been in force six months." All the cases hold that where the provision in the policy is that it must be in force six months that the maturity of the policy stops the running of the statute and the insurer can contest. Recognizing the fact that where the only method of contest is by suit in court the statute would become absolutely useless to the bureau. The amendment provides that a letter mailed to the insured at his last known place of residence informing him of the invalidity of his policy shall be deemed a contest within the meaning of the section.

Section 10 provides that the Secretary of the Treasury is authorized to invest and reinvest the United States Government life-insurance fund or any part thereof in interest-bearing obligations of the United States or bonds of the Federal farm-loan banks, and to sell said obligations of the United States or the bonds of the Federal farm-loan banks for the purposes of such fund. This section of the bill simply amends section 412 of the war risk insurance act by adding the words "or bonds of the Federal farm-loan banks."

I yield three minutes to the gentleman from Minnesota [Mr.

Mr. NEWTON of Minnesota. The bill now before us makes certain changes in the war risk insurance act, the general effect of which is to clarify and also to liberalize certain terms and

provisions in the existing laws.

The original law provided compensation to the disabled soldier, providing the disability was of service origin. This feature has been retained, with two exceptions. In the second Sweet bill any soldier or ex-soldier of the late war developing active pulmonary tuberculosis or a neuropsychiatric disease within two years following his discharge was conclusively presumed to have contracted the disease by reason of his service. Development of either of these diseases within the two-year period obviated the necessity of proof, providing that the disability was at least 10 per cent. If either of the diseases developed at any time thereafter, compensation is allowable whenever the proof shows service origin.

In the present bill the presumption is enlarged so as to include not only pulmonary tuberculosis but all tuberculosis that is active in character. The presumption is changed from two to three years, providing that within a period of three years the service man is found by either a physician of the bureau or a competent physician outside of the bureau to have either active tuberculosis or neuropsychiatric trouble constituting at least a 10 per cent disability. The point is that in order to obtain the benefit of this three-year presumption a physician, either within or without the bureau, must within the three-year period find this 10 per cent disability to exist. If the service man does not consult a physician until after three years, no matter what his condition then may be, he can not have the benefit of this presumption. He must then rely upon

the proof which traces his disability to service origin.

There are a number of other changes both as to compensation and insurance which the Committee on Interstate and Foreign Commerce feel should be made in order to better carry out the purposes of the act, but I think it can be said that this change striking out the word "pulmonary" and extending the period from two to three years are the principal changes.

Mr. MADDEN. Will the gentleman yield for a minute for me to present a conference report?

Mr. NEWTON of Minnesota. I yield to the gentleman.
Mr. MADDEN. Mr. Speaker, I present a conference report
on the bill H. R. 14408, for printing under the rule.
The SPEAKER pro tempore. The Clerk will report the bill

The Clerk read as follows:

A bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

Mr. BLANTON. Mr. Chairman, I make a point of order against the report, but I will reserve it until I can ask a ques-Will the gentleman state to the House what has been done about the \$400,000?

Mr. DOWELL. Mr. Speaker, I make the point of order—
Mr. MADDEN. The report speaks for itself.
Mr. BLANTON. I make the point of order that the conferees have exceeded their authority in bringing back before the House a report that embraces an item of legislation involving \$400,000.

Mr. DOWELL. I make the point of order that the gentle-

man can not-

Mr. BLANTON. I want to state my point of order first, to wit, what is known as the fact finding coal commission legislation, and that is a matter-

The SPEAKER pro tempore. The Chair is ready to rule. there is a point of order this is no time to make it. The Chair directs the report to be printed under the rule.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as

That the Senate recede from its amendments numbered 13, 28, 27, 29, 34, 35, 39, 42, 44, 46, 47, 48, 50, 52, 53, 55, 59, 60, 61,

68, and 73.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 25, 26, 28, 30, 31, 33, 37, 41, 43, 49, 56, 57, 58, 62, 63, 65, 67, 69, 70, 71, 74, 75, 77, 78, 79, 80, 81, 82, 83, and 84; and agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Omit the matter stricken out and inserted by said amendment, and on page 5 of the bill, in line 4, strike out the title "Botanic Garden" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$7,500"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$25,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, strike out the word "rebuilding" and insert in lieu thereof the words "repairing, reconstructing"; and the Senate agreed to the

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment, after the word "River," insert the words "on public lands"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment, before the sum "\$4,380.67," insert "fiscal year 1918"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: Strike out the last five lines of the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the number proposed insert "4"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 22, 24, 36, 40, 54, 66, 72, and 76.

F. E. WARREN, CHARLES CURTIS, LEE S. OVERMAN, Managers on the part of the Senate. MARTIN B. MADDEN, D. R. ANTHONY, Jr., JOSEPH W. BYRNS. Managers on the part of the House.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On Nos. 1 to 15, inclusive, relating to the Senate: Appropriates \$500 for additional compensation to the reading clerk, fiscal year 1924; increases the compensation of the Assistant Doorkeeper and Acting Assistant Doorkeeper to \$4,200 per annum each and appropriates \$1,600 in consequence thereof; increases the compensation of the two floor assistants to \$3,600 per annum each and appropriates \$2,933.34 in consequence thereof; appropriates \$2,500 for services performed pursuant to Senate Resolution 130, Sixty-seventh Congress, first session; appropriates to pay to two persons \$1,000 each for expert personal services in connection with the investigation of the fiscal relations of the District of Columbia and the United States; appropriates \$1,200 to pay for extra and expert services rendered the Committee on Pensions during the third and fourth sessions of the Sixty-seventh Congress; appropriates \$900 to pay for services rendered various committees of the Senate; appropriates \$50,000 for miscellaneous items; appropriates \$5,000 for stationery; appropriates \$7,000 on account of Senate kitchens and restaurants, all the foregoing as proposed by the Senate; strikes out the authorization proposed by the Senate to pay additional compensation at the rate of \$240 per annum to all employees of the Senate kitchens and restaurants; appropriates \$200, as proposed by the Senate, for additional compensation to messenger at card door; increases the pay of a laborer to \$1,100 per annum, effective July 1, 1923, and appropriates \$200 in consequence of such increase, as proposed by the Senate.

On Nos. 16 to 19, inclusive, relative to the House of Representatives: Appropriates \$7,500 to pay the widow of the late W. Bourke Cockran, as proposed by the Senate; appropriates \$3,312.51, as proposed by the Senate, instead of \$3,305.56, as proposed by the House, on account of the employment of the person named in the resolution approved February 13, 1923; and appropriates \$397.50, as proposed by the Senate, instead of \$396.67, as proposed by the House, on account of the compensation of the chief janitor.

On No. 20: Appropriates \$20,000, as proposed by the Senate,

on account of the Senate Office Building.

On No. 21: Strikes out the appropriations proposed by both the House and Senate on account of the main conservatory of the Botanic Garden.

On No. 23: Strikes out the authorization proposed by the Senate with respect to taxes on the estate of Charles L. Freer,

On Nos. 25 and 26, relating to the recorder of deeds, District of Columbia: Authorizes the lease of additional space and the purchase of additional book typewriters, as proposed by the

On Nos. 27 to 35, inclusive, relating to the District of Columbia: Appropriates \$25,000, as proposed by the House, instead of \$50,000, as proposed by the Senate, on account of repairs to suburban roads; repeals the appropriation of \$16,800 for repaing Fifteenth Street NW., H to I Streets, as proposed by the Senate; strikes out the appropriation of \$2,730, proposed by the Senate, for Americanization work; appropriates \$15,000, as proposed by the Senate, for replacing textbooks and school proposed by the Senate, for replacing textbooks and school supplies destroyed or damaged by fire; authorizes the use of \$90,000 of the policemen and firemen's relief fund, as proposed by the Senate, instead of \$50,000, as proposed by the House; appropriates \$7,500 for repairs and improvements to the Courthouse and Court of Appeals Building, instead of \$15,300, as proposed by the Senate; appropriates \$1,000 for con-

tingent expenses of the municipal court, as proposed by the Senate; strikes out the appropriation of \$9,000, proposed by the Senate, for board and care of children under the Board of Children's Guardians; and strikes out the appropriations proposed by the Senate aggregating \$25,869.50 on account of medical charities.

On Nos. 37 to 39, inclusive, relating to the Department of Agriculture: Appropriates \$375,000 for fighting and preventing forest fires, as proposed by the Senate, instead of \$340,000, as proposed by the House; appropriates \$25,000 for controlling and preventing the spread of the Japanese beetle, instead of \$15,000, as proposed by the House, and \$40,000, as proposed by the Senate; and makes the appropriation available for the fiscal year 1923 only, as proposed by the House, instead of for 1923 and 1924, as proposed by the Senate.

On No. 41: Makes the appropriation of \$40,000 for the fiscal year 1923 on account of a fish-rescue station on the Mississippi River available during the fiscal year 1924, as proposed by the

On No. 42: Strikes out the authorization proposed by the Senate with respect to allowing credits for payments of loss by exchange on salary and per diem checks issued to employees of

the Department of Commerce.

On Nos. 43 to 48, inclusive, relating to the Bureau of Indian Affairs: Appropriates \$17,471.25, as proposed by the Senate, for payment to the Allied Contractors (Inc.), of Omaha, Nebr.; strikes out the authorization proposed by the Senate for payment of \$350 to R. P. Rueth, of Chamita, N. Mex.; appropriates \$10,000, as proposed by the Senate, on account of the shop building at Fort Totten (N. Dak.) Indian School; and strikes out the authorizations proposed by the Senate allowing credits for payments made to Frank L. Van Tassel, of Yankton, S.

On Nos. 49 to 51, inclusive, relating to the National Park Service: Strikes out the appropriation of \$50,000 proposed by the Senate on account of the Rocky Mountain National Park, and appropriates \$133,000, as proposed by the Senate, on ac-

count of the Zion National Park.

On No. 52: Strikes out the appropriation of \$1,000 proposed by the Senate for books for the law library of the Department of Justice.

On No. 53: Appropriates \$4,500, as proposed by the House, instead of \$6,000, as proposed by the Senate, on account of a marble bust and oil portrait of the late Chief Justice Edward Douglass White.

On No. 55: Strikes out the appropriation of \$495.69 proposed by the Senate on account of damage claims under the Bureau

of Immigration.

On Nos. 56 to 60, inclusive, relating to the Navy Department: Appropriates \$52,531.45 in the aggregate for the settlement of claims, as proposed by the Senate, instead of \$21,341.13, as proposed by the House; and strikes out the prohibitions proposed by the Senate against acquiring articles which can be made, manufactured, or produced in navy yards.

On No. 61: Strikes out the appropriation of \$1,000 proposed by the Senate for reimbursing postal employees for fines levied for carrying arms while in the performance of duty.

On Nos. 62 to 64, inclusive, relating to the Postal Service: Appropriates \$1,500,000, as proposed by the Senate, instead of \$1,250,000, as proposed by the House, for temporary and auxiliary clerk hire; appropriates \$300,000, as proposed by the Senate, for pay of letter carriers; and appropriates \$4,380.67, as proposed by the Senate, for the settlement of an audited claim.

On No. 65: Reappropriates and makes the appropriation of \$20,000, fiscal year 1914, on account of the adornment of the Peace Palace at The Hague, available during the fiscal years 1923 and 1924.

On No. 67: Fixes the amount which may be used of the appropriation on account of the International Exposition at Rio de Janeiro, Brazil, for the purchase of additional land at \$35,000, as proposed by the Senate, instead of \$30,000, as proposed by the House.

On No. 68: Strikes out the appropriation of \$13,511.13, proposed by the Senate, to satisfy a claim on account of losses sustained by a French citizen in connection with the search

for the body of John Paul Jones.

On Nos. 69 to 71, inclusive, relating to the Treasury Department: Appropriates \$15,000, as proposed by the Senate, for contingent expenses, public moneys; appropriates \$50,000, as proposed by the Senate, for additional vault facilities in the Denver (Colo.)) mint building; and makes the appropriation for the fiscal year 1923 on account of the West Roxbury (Mass.) Public Health Service Hospital No. 44, available for mechanical equipment, as proposed by the Senate.

On No. 73: Strikes out the appropriation of \$4,803, proposed by the Senate, for payment of claims growing out of river and harbor activities under the War Department.

On No. 74: Makes the appropriations in the War Department appropriation acts for the fiscal years 1923 and 1924 for the rental of buildings and parts of buildings for military purposes in the District of Columbia available for the rental of the

Lemon Building, as proposed by the Senate.
On No. 75: Appropriates \$30,000, as proposed by the Senate, to pay awards for land condemned for use by the War Depart-

ment at nitrate plant No. 2, Muscle Shoals, Ala.

On No. 77: Strikes out, as proposed by the Senate, the limita-tion proposed by the House in connection with the appropriation for the construction or improvement of roadways on the Fort Riley (Kans.) Military Reservation.

Riley (Kans.) Military Reservation.

On Nos. 78 to 80, inclusive, relating to judgments, United States courts: Appropriates \$402,274.12, as proposed by the Senate, instead of \$401,836.62, as proposed by the House.

On Nos. 81 to 84, inclusive, relating to judgments, Court of Claims: Appropriates \$259,748.59, as proposed by the Senate, instead of \$72,811.41, as proposed by the House.

On No. 85: Appropriates \$104,178.75 on account of audited claims, as proposed by the Senate, and strikes out the authorization proposed by the Senate that employees of the Govern-

ization proposed by the Senate that employees of the Government who were excused from work on November 11, 1921, shall be allowed pay for that day.

On No. 86: Makes section 3 of the bill section 4 thereof, instead of section 5 thereof, as proposed by the Senate.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 22: Relating to the appropriation for traveling and other expenses of the President.

On No. 24: Appropriating \$400,000 on account of the United States Coal Commission.

On No. 36: Clothing the superintendent of the Washington Asylum and Jail with authority to execute the judgments of

the law pronounced in capital cases, etc.
On No. 40: Appropriating \$40,000 for the control of the boll

On No. 54: Appropriating \$300,000 on account of expenses of

additional district courts.

On No. 66: Appropriating \$7,500 on account of the Seventeenth International Congress Against Alcoholism.
On No. 72: Relating to the relief of John R. Kissinger, late

of Company D, One hundred and fifty-seventh Indiana Velunteer Infantry, and also late of the Hospital Corps, United States Army.

On No. 76: Appropriating \$25,000 on account of expenses incident to holding an international shooting competition in the

United States.

MARTIN B. MADDEN, D. R. ANTHONY, Jr., JOSEPH W. BYRNS. Managers on the part of the House.

Mr. NEWTON of Minnesota. Now then, Mr. Speaker, I want to take this occasion to call to the attention of the membership of this House about a recent development in the Veterans' Bureau which I think will be of particular interest to Members of

Every Member of this House necessarily has a great deal to do with the Veterans' Bureau, both in the districts and especially with the Washington office. The correspondence pertaining to claims for compensation, hospitalization, and training takes up a great deal of our own time and the time of our secretaries. Two or three years ago the Veterans' Bureau, then called the War Risk Insurance Bureau, organized a section for the purpose of handling congressional mail and claims presented through the various Members of Congress, including both House and Senate. The organizing of this congressional section proved to be very helpful and some very excellent hardworking young men have from time to time been in that section and have done very good work.

This congressional section has been located in the Veterans' Bureau building, a mile and a half from the Capitol. Many of us have had to take up the most difficult of our claims in person with the staff in charge of that congressional section. A trip down there necessarily consumes considerable time.

The other day I was informed that we were not getting as good service from the Veterans' Bureau as we had been getting. and I made inquiry as to just what had become of one of the men who had been doing such good work here in the congressional section. Much to my surprise, I was advised that about

two and a half months ago this man had been placed in charge of an office of the Veterans' Bureau which was located in the Senate Office Building. I expressed surprise at this, and especially at not having heard of it before. I could not understand why special service of this kind should be provided for the Members of one branch of Congress. I could not understand why one branch should be favored over and above that of the other, and so expressed myself. I was then informed that this was placed there for the purpose of serving not only Members of the Senate but Members of the House as well. I questioned this, because up to that time I had never heard of any such special service located in either the Senate Office, the House Office, or the Capitol Building. I was assured that Members of both House and Senate had been notified and that I must in some way or other have been unintentionally overlooked.

With the idea that possibly I had been overlooked, I then presented the matter to the Committee on Interstate and Foreign Commerce at our next meeting. I found, as I expected to find, that not one member of that committee which has jurisdiction over all the legislation affecting the Veterans' Bureau had ever been advised by anyone of the existence of this special service which had been located some time before in the Senate

Office Building.

Thereupon I advised the office of the acting director of the bureau just exactly what I, as one Member of this House, thought of the action of the Veterans' Bureau in discriminating and showing partiality in service between the Members of the

House and the Members of the Senate. [Applause.]

Mr. Speaker, the Members of this House handle many, many more claims than do the Members of the Senate. We are equally Members of Congress and as such are entitled to the same consideration as the Members of the Senate. If the Veterans' Bureau deemed it to be advantageous either to themselves or to Members of Congress to provide a special office for special service, that service should be available to each and every Member of Congress regardless of whether he is at this or the other end of the Capitol.

Before acting upon any suggestion of this kind from one branch of this Congress they should have consulted the other branch. If such a service is maintained, it should be located not in the Senate Office Building or in the House Office Building but in this Capitol Building itself, so as to be equally available to the Members and their secretaries of both branches of

Congress

The locating of this office and this service as it has been shows an utter lack of regard or of respect for the House of Representatives and its membership. As one Member of this House, I want to voice my protest upon this action of the Veterans' Bureau and to express the hope that the new director will take immediate steps to see that this action is rescinded and that the discrimination and partiality cease. If it is not done this House should, and I am sure will, find a way to end it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NEWTON of Minnesota. Can I have another minute? Mr. BARKLEY. I will yield the gentleman another minute, and ask him a question. [Laughter.]

Mr. RANKIN. Mr. Speaker, will the gentleman yield? Mr. NEWTON of Minnesota. Yes.

Mr. RANKIN. I wanted to ask the gentleman who was responsible for establishing that branch office over there?

Mr. NEWTON of Minnesota. I am unable to answer, because when I made the inquiry the director was on the high seas. I do not know who was responsible other than that we hold the director responsible for the affairs of the bureau.

Mr. RANKIN. Is that the time he went abroad to resign? [Laughter.]

Mr. NEWTON of Minnesota. Yes.
The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BARKLEY. I yield to the gentleman another minute. It strikes me that that action on the part of the bureau is a com-pliment to the House in that it seems to presume that we understand the law, and they did not put a commission in our office to look into it.

office to look line it.

Mr. NEWTON of Minnesota. The gentleman, of course, is stating the facts. But it is only another instance of the ignoring of the right of this great body here and of its Members by certain bureaus of the executive branch of our Government.

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes. Mr. SANDERS of Indiana. Perhaps the reason for that grows out of the fact that every particle of legislation that has been passed with reference to the Veterans' Bureau originated in the House of Representatives and was framed by our committee and was passed and sent over there. Not a single one of them was initiated by the Senate.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD on this

bill.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. CARTER. Mr. Speaker, I make the same request. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. CARTER. Under leave given me to print, I submit the following data, which have been prepared and checked up by a careful statistician:

THE WHEAT FARMER AND THE TARIFF.

1.122

1.048 1.012

May 1, 1921, While emergency tariff bill was under discussion, average farm price.

June 1, 1921, (After President Harding had signed the bill which was effective until the Fordney-McCumber bill was approved in 1922)

July 1, 1921, (After President Harding had signed the bill which was effective until the Fordney-McCumber bill was approved in 1922)

Aug. 1, 1921, (After President Harding had signed the bill which was effective until the Fordney-McCumber bill was approved in 1922)

Sept. 1, 1921, (After President Harding had signed the bill which was effective until the Fordney-McCumber bill was approved in 1922)

Nov. 1, 1921, (After President Harding had signed the bill which was effective until the Fordney-McCumber bill was approved in 1922)

Dec. 1, 1921, (After President Harding had signed the bill which was effective until the Fordney-McCumber bill was approved in 1922)

Dec. 1, 1921, (After President Harding had signed the bill which was effective until the Fordney-McCumber bill was approved in 1922)

Throughout the year of 1922, during all of which time eith .942

no tariff."

Now comes Senator Gooding (Republican), of Idaho, in the Congressional Record, page 4220. February 22, 1923, trying to fool the farmer again in the face of the figures given out by the Department of Agriculture under Secretary Wallace, as shown in the above table. He says: "Some branches of agriculture have been materially benefited through a protective tariff. The emergency tariff bill was a godsend to them; it was a life-saver. The permanent tariff bill has also been a mighty factor in helping some branches of agriculture. Even the wheat grower has been materially benefited, for he has received anywhere from 20 to 30 cents a bushel more for his wheat since the emergency tariff bill was passed than the Canadian farmer has received."

THE FARMER AND PREIGHT RATES

To-day the farmer is paying vastly more than his share on the up-keep and operation of our railroads. Under the horizontal increases of 65 per cent the farmer is paying 1.500 per cent higher freight rates on the market value of his products than is paid on manufactured articles. There is very little difference in the freight rates in all the Western States or the country generally on farm products:

Eighty thousand pound carload of wheat from Idaho to Chicago, the freight rate in 1914, \$400, in 1921, \$596; 24,000 pound carload of hay from Idaho to Chicago, the freight rate in 1914, \$132.50, in 1921, \$240; 24,000 pound carload of fruit from Idaho to New York, the freight rate in 1914, \$300, in 1921, \$500; 26,000 pound carload of cattle from Idaho to Chicago, the freight rate in 1914, \$203.80, in 1921, \$295.10; 24,000 pound carload of sacked wool from Idaho to Boston, the freight rate in 1914, \$475.20, in 1921, \$831.60; 32,000 pound carload of baled wool from Idaho to Boston, the freight rate in 1914, \$475.20, in 1921, \$831.60; 32,000 pound carload of baled wool from Idaho to Boston, the freight rate in 1914, \$475.20, in 1921, \$831.60; 32,000 pound carload of baled wool from Idaho to Boston, the freight rate in 1914, \$475.20, in 1921, \$800.

For instance, the farmers of the West and the country in general pay a freight rate to Chicago of 97 per cent of the market price on potatoes; 52 per cent of the market price on beans. They pay 53 per cent of the market price on hay to Kansas City and a freight rate of 9.3 per cent of the market price on wool to Boston.

For comparison it is found on manufactured goods that men's shoes pay a freight rate of 2½ per cent of the wholesale price from Chicago to the West; and on women's shoes 2 per cent. Men's suitings pay 1½ per cent, and on cotton goods pay a freight rate of 4 per cent of the wholesale price from Chicago to the West; and on women's shoes 2 per cent. Men's suitings pay 1½ per cent, and on cotton goods pay a freight rate of 4 per cent of the wholesale price from Chicago to the West; and on women's shoes 2 per cent. Men's suitings pay 1½ per cent, and on cotton goods pay a freight rate of 4 per cent of the wholesale price from Chicago to the West; and on women's shoes 2 per cent. Men's suitings pay 1½ per cent, and on cotton goods pay a freight rate of 4 per cent of the wholesale price from Chicago to the West; and on women's shoes 2 per cent. Men's suitings p

THE PARMER AND WHAT HE PAYS UNDER THE FORDNEY-M'CUMBER TARIFF

"To lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprise and build up private fortunes is none the less robbery because it is done under the forms of law and is called taxation."—Supreme Court of the United States, Marshall Case.

The following articles are a few of which there are no importations and upon which the farmers are forced to pay tribute to special interests:

Articles.	Production.	Im- ports.	Duty.	Reve- nue.	Cost of protection.
	**** ***		Per ct.		210 117 710
Cement	\$208, 422, 920 10, 877, 001	None.	30 20	None.	\$40, 445, 748 1, 812, 833
Wooden goods		None.	25	None.	4, 358, 652
		None.	334	None.	4, 794, 069
Belting and hose Knit goods (wool)	285, 255, 689	None.	90	None.	135, 121, 110
Knit goods (silk).	142, 627, 844	None.	60	None.	53, 485, 441
Blacking	25, 284, 072	None.	25	None.	4, 512, 34
Engines-steam, gas, and water	464, 774, 735	None.	20	None.	70, 917, 688
Hardware	154, 524, 888	None.	50	None.	47, 614, 668
Pumps	85, 401, 940	None.	25	None.	16, 304, 98
Stoves	211, 509, 992	None.	50	None.	66, 300, 092
Tinware	233, 964, 000	None.	20	None.	38, 242, 714
Shirts	205, 327, 133	None.	45	None.	63, 253, 903
Files	17, 616, 563	None.	50	None.	4, 144, 924

A representative of the Tile Trust taking an order for Spain, August 1, 1922, was asked: "How can you sell abroad?" "We can undersell the world." "Then why do you want protection?" "To maintain domestic prices." Here is the milk in the coconut in this Fordney-McCumber (robber) tariff law, in which the consumer, labor cost, or revenue was considered in hundreds of these items in this nefarious law. A case in point. A Chicago merchant imported 200 screws, pins, and other fittings for automatic revolvers. When landed in New York the invoice price was \$3.79. Under a clause in the Fordney-McCumber (Republican) profiteers' tariff law he received from the revenue department a bill for \$241.99 tax, which was several hundred per cent above the invoice price, making a total of \$245.78 he had to pay for \$3.79 worth of goods.

Bradstreet's price index of January 1, 1923, on commodities, including nearly everything the farmer has to buy, shows an increase of 20.4 per cent over January 1, 1922, and 29 per cent over January 1, 1921.

"The Payne-Aldrich bill was crooked, yet if it had not hurt the American people there would have been no such political revolution as followed. There is traver little difference between the Percent Marie.

cluding nearly everything the farmer has to buy, shows an increase of 20.4 per cent over January 1, 1922, and 29 per cent over January 1, 1921.

"The Payne-Aldrich bill was crooked, yet if it had not hurt the American people there would have been no such political revolution as followed. There is very little difference between the Payne-Aldrich bill and the duties as reported in this (Fordney) bill." Senator Lendor (Republican), in Senate, July 26, 1922.

"Upon an article like this (cotton gloves) used in every house in the land, we ought not to tax the American people more than 75 per cent." Senator Lendoot, June 30, 1922. On July 13, 1922, Senator Lendoot said, "Instead of such rates as this being something to the credit of the Republican Party they will tend to damn the Republican Party if they are put into the bill."

"So far as a high or low schedule may be concerned, the farmer probably has much more to lose by high tariffs on the things which he buys than he could ever hope to gain by any tariff on his own commodities. Our economists have all reported convincingly on that point. There may possibly be some exceptions to it." President J. R. Howard, American Farm Bureau Federation, 1922.

"This bill in its entirety is a more radical and more extreme measure so far as protection is concerned, than even the Payne-Aldrich law. I had hoped Mr. President that protection would not run mad as it has done. I never in all my life saw such a swarm of men as were around the Finance Committee while they had this bill before them, and most of them got their work in well." Senator Knutz Nelson (Republican), Congressional Record, August 11, 1922.

"No one single interest should be protected at the expense or to the detriment of other and greater interests. Protection ceases to be protection when it is carried to the extent of pampering an industry into slothfulness and beyond the whip and spur of competition." Col. Geo. Tichenor, at one time president Board of General Appraisers. (Mr. Tichenor framed the McKinley and Din

WAGES AND THE TARIFF.

The Republican Party has been committed since 1908 to the principle of the "difference in the cost of production here and abroad," with a fair addition for contingencies as the measure of a protective duty. The Republican Congress piedges itself to this, and then utterly defaults under pressure of the overprotected interests.

It enslaves the country to the moneyed interests and weakens the foundations of the Government.

What labor gets from each dollar of protection and the corresponding tariff rates.

Product.	Wage per dollar of product	Underwood tariff on each dollar imported.	Fordney tariff on each dollar imported.
Cotton goods. Silk goods. Woolens Hosiery Glassware Glucose Aluminum Cutlery Stamped ware. Gloves, leather Buttons Chinaware. Paints and varnishes. Cast-iron pipe. Wire. Glass bottles Oilcloth and linoleum	Cents. 162 183 183 172 304 6 6 172 32 173 33 41 7 14.8 184 80 114	Cents. 34 424 32 37 35 15 205 394 132 36 555 114 10 15 39 322	Cents. 51 57 68 67 333 50 45 1.82 40 50 99 69 28 20 28 60 35

The Fordney duties are more than three times the total wage cost, and wages constitute the only considerable difference between foreign and domestic cost of production.

DEATHS AND FAILURES.

The hearings before the Agricultural Committee of the Senate disclose the sad fact that in 1922 there were 30 suicides on the farms in Minnesota, 87 in North Dakota, 32 in South Dakota, and 15 in Montana, making 168 suicides that have taken place on the farms in those four States in the last 12 months.

The increase in business failures last year were surprising and the worst in the history of the country as recorded by Dun & Co., as follows: 1920, 8,881; 1921, 19,652; 1922, 23,995.

The prevalence of mortality in 1922 is among the smaller business firms and not among the larger ones as in 1921.

Mr. BARKLEY. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. Huddleston].

The SPEAKER pro tempore. The gentleman from Alabama

is recognized for five minutes.

Mr. HUDDLESTON. Mr. Speaker, the brief time allotted to me for the discussion of this measure does not permit of a full explanation of its provisions. I am forced to content myself with a very brief explanation of some of the changes made in the existing law.

SOLDIER MUST HAVE BEEN DISCHARGED BY COURT-MARTIAL,

The present law deprives a soldier of compensation and insurance benefits who was dismissed or discharged from the Army for misconduct. By the amendment it is made necessary that the dismissal or discharge must have been after trial by courtmartial in order to prevent an ex-soldier from receiving compensation for disabilities connected with his service or the benefits of the insurance which he paid for with his own money.

THREE YEARS FOR MENTAL DISEASES AND TUBERCULOSIS.

Perhaps the most important amendment proposed is the amendment to section 300 of the act. At present veterans developing mental diseases or tuberculosis within two years after discharge are held to have contracted same while in service and are granted compensation for such disabilities. The amendment extends the period to three years, within which, if such diseases are found to exist, same are held to be service connected and compensable.

SOLDIER PRESUMED TO HAVE BEEN SOUND WHEN ENLISTED.

Another important amendment to section 300 is the insertion of the word "conclusively" in the second sentence of said section. This sentence as it appears in the existing law is the substance of an amendment which I offered on the floor of the House and secured to be adopted as a part of the act of June 25, 1918. I had observed that soldiers developing disabilities while in service were frequently charged by the Army surgeons with having had the disability at the time they enlisted, although upon examination at that time no such disability had been found. It is the practice of the Pen-sion Office that where, even months after the soldier enlisted, an Army surgeon states on his record that he had the disability when he enlisted, although upon a searching examination at that time same was not disclosed, such statement is conclusive and defeats the soldier's right to pension. Such a practice was so unjust that I felt that it should not be applied to World War soldiers. In short, it was my feeling that if upon an examination by Army surgeons at the time he enlists the soldier is found to be sound in every respect it was unfair for the Government to refuse compensation for disabilities subsequently discovered merely because some Army doctor might say that he had no such disabilities at the time he enlisted. With this purpose in mind I introduced the amendment which provided that a soldier should be held as having been in sound condition when he enlisted except as to such infirmities as were then made of record by the examining officers.

My amendment seemed to make the law very plain. ever, the Veterans' Bureau in many cases has refused compensation to soldiers who were found sound by the examining surgeon at the time of enlistment, basing such refusal upon the ground that the soldier had a disability existing at such time which the surgeon did not discover. In order to place the law beyond such interpretation the word "conclusively" is now inserted before the word "held" as same appears in my previous amendment. It is hoped that by the use of this language the bureau will be prevented from going back of the finding of the examining surgeons who pronounce a man sound at the time he is enlisted.

BURIAL OF INDIGENT VETERANS OF ALL WARS.

Section 301 (g) (2), as amended by the pending bill, authorizes the bureau to pay \$100 as the burial expenses of a veteran who may die without sufficient assets to pay for his burial. The most important aspect of this amendment is that it covers veterans of all wars, including Civil War, Spanish War, Philippine insurrection, and so forth. In other words, by this amendment for the first time is it recognized that there should be no discrimination among soldiers, all of whom have served honorably in various wars. True, this principle is now made applicable only to burial benefits, but I believe that it will eventually be extended to all other forms of soldier relief.

HOSPITALIZATION FOR SPANISH WAR VETERANS,

Section 302 (6) of the existing law extends to Spanish War soldiers suffering from tuberculosis and mental diseases the right to hospitalization in Veterans' Bureau hospitals. However, Spanish War soldiers have been discriminated against in that while they are treated at the hospitals the same as World War soldiers they are required to pay their own transportation to and from the hospitals, while such transportation is furnished free to World War soldiers. The amendment made by the pending bill will extend to Spanish War veterans desiring to enter bureau hospitals for treatment for said diseases the same free transportation which is now granted to World War veterans.

INSURANCE NOT LAPSED WHEN COMPENSATION DUE.

By section 408 of the present law, where an ex-soldier fails to pay premiums on his insurance at a time when there is due him for compensation for service-connected disabilities an amount in excess of the amount of his insurance premiums, and such ex-soldier subsequently dies from said disability "without collecting or making claim for said compensation," then his insurance shall be held not to have lapsed and benefits thereunder shall be payable to his beneficiaries. By this bill the law is amended by striking out the words "or making claim for," so that where a veteran has claimed the compensation which was due him, but has not been able to collect it from the bureau, his insurance is not lapsed. This amendment was adopted in the committee upon my motion. There are numerous cases in which veterans have been entitled to compensation and have claimed it, but the bureau has failed to allow their claims or has delayed payment until the veteran has died from his disability. Surely the mere fact of having "claimed" the compensation ought not to cause the lapse of the soldier's insurance.

The time at my disposal is too short for me to discuss the amendments further. I have mentioned merely the most im-There are numerous other amendments, all of which portant.

have my hearty approval.

It is my position that the war risk act should be amended in numerous respects not proposed by the pending bill. However, due to the parliamentary situation, no amendments are now permitted to be offered. This measure is being considered under a motion to suspend the rules, which makes it impossible for any amendment to be offered. Such a procedure can not be justified, except upon the ground that the present Congress is so near its end that there is not sufficient time for the regular and proper consideration of the bill.

EQUAL COMPENSATION BENEFITS FOR VETERANS OF ALL WARS.

Had the bill been offered under the usual procedure of the House permitting amendments, it had been my purpose to offer an amendment extending to Spanish War and Civil War veterans all compensation benefits now accorded to World War veterans. Upon numerous occasions I have protested upon this floor against the discrimination practiced against my former comrades of the Spanish War. I hold that it is fundamental that soldiers of equal merit and service who have served their country honorably in time of war should not be discriminated among merely because they served in different wars.

A soldier who served in the Civil War and was wounded in battle should receive the same compensation, pension, or whatever the relief may be called, as a soldier sustaining the same disability in the World War. The same principle is, of course, applicable to veterans of the Spanish War. It can justly make no difference whether a soldier lost his leg at Gettysburg, Santiago, or in the Argonne, and any system of soldier relief which makes such discrimination is fundamentally wrong and unjust. BASE RELIEF FOR SOLDIERS UPON JUSTICE. NOT POLITICAL INFLUENCE.

Under existing laws a totally disabled Civil War soldier receives a pension of \$72 per month, a totally disabled Spanish War soldier gets only \$30 per month, whereas a totally disabled World War soldier receives \$80 a month, with an addition for his dependents. Again, the widow of a Civil War soldier is pensioned at \$30, the Spanish War widow receives \$20, while the widow of the World War soldier receives \$25 monthly. How is it possible to justify such discrimination? Soldiers of all wars should be rewarded on the same basis, and their de-pendents should receive equality in treatment. The fact that those serving in the World War are more numerous and hence have greater political influence is no answer, although it is no doubt the real reason for the discrimination.

Upon several occasions upon this floor I have presented this same argument in behalf of equality of treatment of all soldiers. favor liberality toward all those who have sustained disabilities in their service of the country, but such liberality must be equal to all and without regard to the voting strength of the

various groups.

I wish to serve notice on the House now that upon every occasion hereafter upon which legislation is presented in the House in such way as will make such an amendment permissible, I intend to offer an amendment which will extend to the veterans of all wars the same compensation and other benefits as are granted to World War soldiers. I shall expect support for such an amendment from all those who love justice and equality. Particularly, I shall expect the support of any former World War soldiers who may be in the House of Representa-tives. I feel that in appealing to them in behalf of justice for Civil War and Spanish War soldiers I will meet with a sympathetic response

The SPEAKER pro tempore. The time of the gentleman

from Alabama has expired.

Mr. BARKLEY. Mr. Speaker, I yield to the gentleman from Georgia [Mr. Larsen].

The SPEAKER pro tempore. The gentleman from Georgia

is recognized.

Mr. LARSEN of Georgia. Mr. Speaker, I believe the proposed legislation will prove advantageous and shall support it, but I am also deeply concerned as to the economical expenditure of appropriations made for the support of the Veterans' Bureau.

The papers of yesterday told us that Col. C. R. Forbes is no longer Director of the Veterans' Bureau and gave an account of many shiftings and changes of employees as well as recom-mendations made by the retiring director during the last few

hours of his disgraceful administration.

Some of the changes recently made seem to indicate a purpose to provide as well as possible for those who have been his willing henchmen. Others indicate a desire to remove from the scene of questionable activities those who are supposed to possess and may be willing to disclose considerable information regarding the waste, extravagance, and mismanagement which characterized the Forbes reign.

Among the retiring director's recommendations is one proposing to increase the salary of certain bureau physicians to \$20,000 per annum. Of course, we might have expected him to recommend or do something to divert public attention from the proposed bureau investigation which he pretends to court but

has been so careful not to recommend.

If instead of wrecking his mind for some unnecessary, nonsensical recommendation for future operation of this discredited bureau he had endeavored to explain to Congress and to the public some of the apparently unwise if not shady and corrupt transactions of recent months with which his name is so closely linked, he would have commanded more respectful public attention.

If current rumors and press reports are to be regarded in the slightest degree, there are certainly many things which Mr. Forbes might explain. The public would be glad to have his statement concerning a contract for more than a million dollars which was awarded the Hurley-Mason Construction Co., of Tacoma, Wash., and of which he is reputed to have been a former vice president. He might tell the public whether this contract was let upon competitive bids, who the parties were that sub-mitted bids, and the amount of each bid. If he claims competitive bids were submitted, he might explain why the lowest bids were not accepted and why the particular company of which he was vice president should be awarded the contract without at least submitting as low a bid as anyone else.

His explanation of contract awarded to the W. N. Sutherland Building & Construction Co. for construction of a hospital at Tupper Lake, N. Y., would be of interest. If it were necessary to award the first contract of \$42,000 to this party on competitive bids, he might also explain why he did not deem it necessary to require competitive bids for the additional \$52,000 contract

awarded this company.

The ex-director might do well to explain the contract that was awarded to J. W. Thompson, of St. Louis and Chicago, for construction of the North Hampton Hospital. Why should Mr. Thompson be awarded this contract at \$163,000 if the Northeastern Construction Co. submitted a competitive bid offering to do the work for \$27,000 less? If he should contend that the Northeastern Construction Co. is not reliable, he might explain how it is this same company is now doing construction work for the Government at Norfolk, Va.

If the War Department, disposing of surplus war material,

received an average of 57 per cent for textiles sold, the public would certainly be glad to know why it was necessary for the Veterans' Bureau to sell such articles to the Thompson Kelly Co. for 204 per cent. In this connection he might also explain why he did not sell such goods as were sold to the Thompson Kelly Co. to other parties who offered 50 per cent more for them.

If 201 per cent, the price at which the bureau sold surplus war material to the Thompson Kelly Co., was a reasonably fair price for same, the ex-director might explain how it is that such staple articles as bed sheets, etc., were actually delivered over to this company for 17 per cent of the original cost or less. He might also explain how it is that practically all of said goods sold the Thompson Kelly Co. have been resold by said company—by auction or otherwise—at from three to five times the price paid the bureau for them. But, why should we sell articles necessary for operation of hospitals in the Veterans' Bureau when we are forced to rebuy such articles at approximately five times the price?

Mr. Forbes might also explain the mystery and reason which prevents officials of the Veterans' Bureau from advising Members of Congress or the public concerning original proposi-tion made by Thompson Kelly Co. to the Veterans' Bureau regarding sale of property about November 15 of last year; the letter which he wrote to C. R. O'Leary authorizing disposition of surplus war material; the letter O. K'd by O. E. Keogel, assistant counsel, authorizing the sale of such goods on or about November 15 last; the contract made by Thompson Kelly Co. with the Veterans' Bureau for purchase of surplus war material; the invoices covering shipments made to Thompson Kelly Co. by the Veterans' Bureau; the price paid by said company for goods, etc.; the letter of explanation written to the President of the United States regarding many items sold to Thompson Kelly Co. with claim of damage to said goods-its offer to return or resell said goods to the Government-and especially the letter of said Thompson Kelly Co. dated on or about February 11, 1923, withdrawing proposition to return or resell said goods; appraisal of goods made for the President with recommendation of the Veterans' Bureau showing cost of goods, sale price of goods in open market, and price at which similar articles were sold by the Army. Certainly Mr. Forbes knows that if these transactions with

the Thompson Kelly Co. are honest and legitimate there should be no objection to giving individual Members of Congress information regarding them. If an investigation of the Veterans' Bureau be not objectionable, why do autocratic bureau officials hesitate to reveal or seek to cover up and conceal facts and information to which the public and its representatives are

entitled?

Mr. Speaker, regardless of the desire of Mr. Forbes and bureau officials, why should Congress-the representative of the people-longer hesitate to order such an investigation as will fully advise the public as to true conditions regarding the bureau? Personally, I have made no charges against the bureau or individuals connected with it, but for almost 12 months have persistently insisted that the Congress should investigate and advise the public as to the truth or falsity of reports as to waste, extravagance, and mismanagement alleged to pervade almost every department of this great organization

which was intended to ameliorate and relieve, so far as possible, the distressed conditions of our World War veterans. We are spending more than \$425,000,000 annually—approximately \$1,200,000 per day-of taxes collected from the public for this worthy cause, and the taxpayers are entitled to know that these funds are being economically and honestly administered.

A Senate committee has recommended a joint investigation of the Veterans' Bureau, and the membership of the House, I am sure, desires to participate in whatever investigation may be ordered. The Rules Committee of the House are to blame if we do not participate, and I trust that favorable action may not be longer delayed.

The SPEAKER pro tempore. The time of the gentleman

from Georgia has expired.

Mr. LARSEN of Georgia. The time was not limited, Mr. Speaker. The gentleman from Kentucky [Mr. Barkley] simply yielded to me.

The SPEAKER pro tempore. The Chair is advised to the

contrary. The time of the gentleman has expired.

Mr. LARSEN of Georgia. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. BARKLEY. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. Connally].

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the committee, I want to express my hearty agreement with the attitude of the gentleman from Alabama with reference to discrimination in the matter of benefit compensation and other privileges as between veterans of the Spanish-American War and the World War. However, I desire to call the attention of the committee to another matter in connection with veterans' legislation. The Senate has recently had a subcommittee at work on the question as to whether or not the Veterans' Bureau and its branches should be investigated during the recess of Congress. The Senate is making provision to conduct the investigation alone unless the House expresses its desire to have an opportunity to take part in that investigation. The Senate desires a joint committee for that purpose, and I want to urge upon those in authority here, especially the Speaker pro tempore, that they permit the consideration of a joint resolution in order that the House may have a part in the proposed investigation, because the House is more vitally concerned than even the Senate by reason of the greater number of cases which pass through our hands. I trust those in authority will grant the appeal of the Senate when it asks the House to take part in the joint investigation. [Applause.]
Mr. BARKLEY. Mr. Speaker, how much time have I re-

The SPEAKER pro tempore. The gentleman from Kentucky has 10 minutes remaining.

Mr. BARKLEY. Mr. Speaker, I yield to the gentleman from

Mississippi [Mr. RANKIN] three minutes.

Mr. RANKIN. Mr. Speaker, I shall vote for this bill, for the reason that I want to see every man who was disabled in the service of his country during the World War amply taken care of; but at the same time I want to express my profound disappointment that after two years under the present system, after all the iniquities of decentralization of the Veterans' Bureau. the bill does not provide for recentralization of that great institution. If it had done so, it would have saved the Government enough money to pay every dollar of the additional cost which this bill calls for.

I agree with the gentleman from Texas [Mr. Connally] that we need a thorough investigation of the Veterans' Bureau. I sincerely trust, as he said, that the temporary Speaker of the House, the chairman of the Rules Committee, and other members of the committee will bring in a rule giving us the oppor-tunity to pass such a resolution, in order that the House of Representatives may take part in a thorough investigation of the Veterans' Bureau, which, in my opinion, is squandering not millions but hundreds of millions of dollars annually.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. RANKIN. Yes.
Mr. SANDERS of Indiana. What power has this Congress to provide for investigation by another Congress that does not organize until next December?

Mr. RANKIN. It is not necessary to appoint newly elected men on the committee; we can select men who are holding over. Besides, we will have no trouble in getting the next Congress to ratify any authority we may attempt to give them, and at any rate the next Congress will be able to use such facts as the committee may be able to develop. You gentlemen who are going home to stay nine months will come back agreeing with me that we ought to recentralize the bureau and stop so much unnecessary waste of public money. In fact, a vast majority of you agree with me now.

Mr. SWEET. Will the gentleman yield?

Mr. RANKIN. Yes.

Mr. SWEET. The other day I heard the gentleman on the floor make the assertion that there were two or three hundred million dollars squandered annually. That was his judg-

Mr. RANKIN. My honest opinion is that if it is not squandered it is extravagantly expended.

Mr. SWEET. And they should not receive the compensation

and the insurance benefits.

Mr. RANKIN. I did not say that, and if the gentleman heard me, he knows I did not say it. I said I was in favor of taking care of every disabled ex-service man, but I am not in favor of taking care of every politician from the Great Lakes to the Gulf who wants to get on the pay roll of the Veterans' Bureau, not as disabled ex-service men but as porkbarrel appointees who want to get on, or hold on, at large salaries, which must come out of the pockets of the American

About 5,000,000 of these taxpayers are ex-service men who fought the country's battles in time of war and are now paying its taxes in times of peace, and they are not going to appreciate the wholesale waste and extravagance now being perpetrated by the Veterans' Bureau under the pretense of helping

the ex-service men.

As every man present knows, I fought the decentralization of the Veterans' Bureau in the beginning, and I pointed out to you on the floor here that it would simply increase the red tape, remove relief at least one step further from the disabled soldier, promote delay, and vastly increase the expense without bringing about any of the advantages claimed for it by the friends of decentralization.

What is the result? You have scattered the records of this institution all over the United States, increased salaries, multiplied the number of employees, leased large office buildings at unreasonable costs, and piled up the expense of this one bureau until it is costing the American people more than \$500,000,000 a year, or more than the entire Government was costing 15 years ago, and yet the ex-service man is being no better cared

for than he was in the beginning-if as well.

How long do you expect the American taxpayers to stand for this extravagant policy? How long do you think the exservice men are going to stand for all this waste under the pretense of bringing relief to the boys who suffered disabilities as a result of their services during the war? I am told that in New Orleans they moved the branch office of the bureau out of the customhouse, where the rent was free, because the Government owned the building, and moved into the Hibernia Bank Building, where they are said to be paying \$47,854 a year rent. I am told that in Boston they are paying \$154,500 a year office rent, and approximately the same amount in New York, and possibly other places. If these are facts, they are outrages perpetrated against the taxpayers of America, if not with the consent of the American Congress, at least without a protest on the part of a vast majority of this august body.

If they are not facts, then you ought to give us a joint investigation of this bureau in order to clear these matters up. Whenever it is investigated thoroughly there will be uncovered, in my judgment, such an appalling amount of waste and extravagance that it will not only shock the American people but it will even astound the genial gentleman from Iowa [Mr.

[Applause.] SWEET].

Mr. BARKLEY. Mr. Speaker and gentlemen of the committee, I am in favor of this legislation because it in the main will be beneficial to the veterans who are seeking compensa-I am very sorry it does not contain one or two other provisions which it strikes me ought to have been enacted some time ago. One is the provision entitling all veterans who are entitled to vocational training at all to train under section 2 of the war risk insurance act. It is very difficult, I know, to draw the line between those entitled to train under section 2 and those who are entitled to train under section 3. My judgment is that every veteran who is entitled to train at all ought to be entitled to train under section 2. Many of them can not take section 3 training for lack of funds.

However, the bill does not contain that provision, and we need not take any more time talking about it, except to express the hope that in the near future the committee will give serious consideration to the amendment of the law so as to give all veterans entitled to training at all training under section 2 rather than sections 2 and 3.

Mr. LONDON. Will the gentleman yield? Mr. BARKLEY. Yes.

Mr. LONDON. Does the gentleman think the proviso in section 411 is fair to the veterans where it says provided that a letter malled by the United States Veterans' Bureau to the insured at his last-known address informing him of the validity of his insurance shall be deemed a contest within the meaning of this section?

That is a provision that is dealing with young men who

frequently change their place of residence.

The provision is not as favorable as we might desire, and if there was an opportunity to strike it out I should be glad to strike it out; but we know that under the rules we have to vote for or against this bill as it is.

Mr. LONDON. Is there a chance of the bill becoming a law? Mr. BARKLEY. There is a chance of it; yes.

Mr. LONDON. And the Senate will probably have as little

time to consider it as the House?

Mr. BARKLEY. Probably so; but the gentleman knows that it does not take the Senate very long to consider anything, if it considers it at all.

Mr. SWEET. May I say that this is simply to terminate a

Mr. LONDON. Oh, it is to initiate a contest.
Mr. SWEET. Yes; but to terminate the matter. It is not detrimental to the service men.

Mr. JEFFERS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. JEFFERS of Alabama. The point the gentleman makes is that in the consideration of this bill under suspension of the rules we can not offer an amendment, but must say yes or no,

Mr. BARKLEY. Yes; it is. The bill must be adopted as it is, or we can not adopt it at all. As for the purported investigation of the bureau, Members of Congress received all sorts of complaints against the bureau, and when the act was passed creating the Veterans' Bureau and decentralizing it, it was generally believed that complaints that would come to Congress would be very materially diminished. Those complaints have not been diminished, and I know from my own experience that during the last two years the Veterans' Bureau has either materially reduced the compensation of many veterans who have theretofore been drawing compensation or has entirely eliminated their compensation, without ever going through the courtesy of giving them notice that the compensation has been reduced or discontinued, or giving them any explanation as to why the compensation was either reduced or discontinued.

Mr. HUDSPETH. Does this bill remedy that condition?

Mr. BARKLEY. No, it does not. I think as a matter of justice and common decency, whenever the Veterans' Bureau discontinuous or reduced. discontinues or reduces a veteran's compensation, the bureau owes it to the veteran to send him at the same time an explanation as to why the compensation is reduced or discontinued.

Mr. LARSEN of Georgia. Would it not be better to send it

in advance?

Mr. BARKLEY. Yes, whenever they decide to discontinue or reduce a veteran's compensation, they ought to give him an advance notice of it rather than compel him to go through endless correspondence to find out why his compensation was reduced or discontinued.

With reference to the investigation that we hear so much about on the part of the Senate. I want to say that every law which has been enacted for the benefit of the World War veterans originated in the House of Representatives, in the Committee on Interstate and Foreign Commerce. The Members of this House know more about the history and origin of the war risk insurance act as it affects the World War veterans than the Senate of the United States can know or ever will know, because the thing originated here and all of the detail work of its preparation and enactment occurred upon the floor

If it is to be investigated-and I think it should be-if all of these various charges are to be sifted, and we are to find out whether there has been extravagance or incompetency on the part of the Veterans' Bureau in dealing with these veterans, I, as a Member of the House and as a member of the Committee on Interstate and Foreign Commerce, desire to register my insistence that the House of Representatives shall have a share in that investigation. If the Senate shall pass that resolution, I hope the Speaker will, not only as the Speaker pro tempore but as the chairman of the Committee on Rules, see to it that we have an opportunity to amend it so that the House shall have representation on that committee. We are interested here in knowing whether the ex-service men are being properly treated by the Veterans' Bureau. We are interested in knowing whether there is incompetence, delays, and useless waste here in Washington in the bureau to the damage of the veterans for whom it was created. Congress has tried to provide the law necessary for the relief of the soldiers of the World War. That the law has been badly administered in many respects is well known. There has been a recent change in the person of the director of the bureau. change should have been made long ago. I hope the new director will be able to appreciate the viewpoint of the veteran as well as that of the Government. The Veterans' Bureau was created for the benefit of the veterans, and I hope there will be more promptness, more justice, more sympathetic consideration of the veteran's situation. [Applause.]

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa to suspend the rules and pass the

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

Mr. TEMPLE. Mr. Speaker, I move to suspend the rules and pass Senate Joint Resolution 282, to amend the resolution of December 29, 1920, entitled "Joint resolution to create a joint committee on reorganization of the administrative branch of the Government," which I send to the desk and ask to have read.

The SPEAKER pro tempore. The gentleman from Pennsylvania moves to suspend the rules and pass the Senate joint

resolution which the Clerk will report.

The Clerk read as follows: Joint resolution (S. J. Res. 282) to amend the resolution of December 29, 1920, entitled "Joint resolution to create a joint committee on the reorganization of the administrative branch of the Government."

Resolved, etc., That section 3 of the resolution of December 20, 1920, entitled "Joint resolution to create a joint committee on the reorganization of the administrative branch of the Government," is amended by striking out the words "the second Monday in December, 1922," and inserting in lieu thereof "July 1, 1924."

The SPEAKER pro tempore. Is a second demanded?

Mr. GARRETT of Tennessee, Mr. Speaker, I demand a

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection? There was no objection.

W. W. M'GRATH.

Mr. EDMONDS. Mr. Speaker, I present a conference report for printing under the rules, on the bill H. R. 2722

Mr. BLANTON. Mr. Speaker, I make the point of order that where a motion to suspend the rules has been made—
The SPEAKER pro tempore. The gentleman from Texas is

out of order. Mr. BLANTON. But, Mr. Speaker, I want to make a point of order that after a motion to suspend the rules has been

made The SPEAKER pro tempore. The Chair overrules the point order. The gentleman from Pennsylvania presents a conference report on a bill of which the Clerk will report the title.

The Clerk read as follows: H. R. 2722. An act for the relief of W. W. McGrath.

The SPEAKER pro tempore. Ordered printed under the

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2722) for the relief of W. W. McGrath, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments.

G. W. EDMONDS, JAMES P. GLYNN, Managers on the part of the House. ARTHUR CAPPER. F. R. GOODING, Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2722) for the relief of W. W. McGrath submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report

The amount is increased from \$180.50 to \$459.50.

G. W. EDMONDS, JAMES P. GLYNN Managers on the part of the House.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. Temple] is entitled to 20 minutes and the gentleman

from Tennessee [Mr. Garriert] 20 minutes.
Mr. BLANTON. Mr. Speaker, before we go into that I make

the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is not.

Mr. MONDELL. Mr. Speaker, I move a call of the House. The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed

to answer to their names:

Faust Fenn Freeman Garner Goodykoontz Gorman Almon Lee, Ga. Linthicum Scott, Mich. Shelton Ansorge Linthicum
Longworth
Luhring
McClintic
McFadden
Maloney
Michaelson
Montague
Moore, Ill.
Mudd
Olyn Bird Sinclair Slemp Bird Bland, Ind. Brand Slemp Smith, Mich. Sproul Stedman Steenerson Stiness Stoll Brennan Brooks, Ill. Brown, Tenn. Browne, Wis. Gould Hardy, Colo. Hardy, Tex. Hays Burton Byrnes, S. C. Cannon Cantrill Sullivan Taylor, Ark. Ten Eyek Henry Hukrlede Mudd Olpp Overstreet Paige Park, Ga. Parks, Ark. Patterson, Mo. Patterson, N. J. Pringey Rainey, Ala. Reber Hukrlede Jacoway Johnson, Miss, Jones, Pa. Kahn Keller Kelley, Mich, Kennedy Kindred King Kitchin Kleczka Kline, N. Y. Knight Lanham Larson, Minn. Carew Clark, Fla. Classon Clouse Thomas
Thorpe
Treadway
Voigt
Walters
Ward. N. C.
Wheeler
White, Me.
Williams, Tex.
Wingo
Wise
Wood, Ind.
Woodruff
Wright Thomas Codd Codd Cole, Ohio Connolly, Pa. Copley Crowther Cullen Davis, Minn. Denison Reber Riddick Rodenberg Rose Rosenbloom Rucker Drane Larson, Minn. Lawrence Ryan Sanders, N. Y. Schall Dunbar Ellis Zihlman Fairfield Layton

The SPEAKER pro tempore. Three hundred and ten Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the

Mr. TEMPLE. Mr. Speaker, the question before the House is the adoption of Senate Joint Resolution 282, which, of course, has passed the Senate. In December, 1920, by joint resolution of the two Houses, a committee was created for the reorganization of the administrative branch of the Government. It provided that the committee should make its final report on the second Monday in December, 1922. When that date came the committee was not prepared to make its report, and it is not out that date—the second Monday in December, 1922—and inprepared now. The pending resolution provides simply to strike sert in lieu thereof another date—July 1, 1924. That gives t committee more time in which to prepare its final report. reserve the remainder of my time.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. TEMPLE. Yes; I will yield for a question.

Mr. BANKHEAD. I want to ask the gentleman if, as a matter of fact, this joint committee has had any real session or has done any amount of work, or has it not been done exclusively by Mr. Brown, its chairman?

Mr. TEMPLE. I am very glad to make a statement in regard to that. On May 5, 1921, a resolution was drafted by which the two Houses authorized the President to appoint a representative of the Executive to cooperate with this committee. Shortly after that the President appointed Mr. Walter F. Brown, of Toledo, Ohio, and he was made chairman by the committee. The committee then outlined very broadly certain principles upon which the executive departments, we thought, ought to be reorganized, and instructed the chairman, who was the President's personal representative, to consult the Presi-dent and the members of the Cabinet and the executive

branches of the Government generally and find out for how

much of the program we could get executive backing. The committee believed that it would hardly be worth while to make a report recommending legislation against which members of the Cabinet and bureau chiefs might be lobbying. In order to find out how much of a plan we could get through without adverse lobbying from persons connected with the executive branch of the Government, we asked that an executive plan be prepared. That plan was reported to the committee on reorganization and the committee is ready to begin its work

Mr. BANKHEAD. Well, up to the present time under that statement the joint committee, beyond the activities of the chairman, have done no actual and constructive work on this

proposition. That is true, is it not?

Mr. TEMPLE. I think that is hardly a fair inference from the statement I made. The chairman of the committee has performed the duty we instructed him to perform. The gentleman who makes this inquiry may think it has taken him a long time to do it, but it has been done and the committee is ready to begin its consideration of this proposed plan. Mr. Speaker, I reserve the remainder of my time.

May I yield to the gentleman from Nebraska for a request? Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Senate Joint Resolution 253.

The SPEAKER pro tempore (Mr. Gernerd). Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. ANDREWS of Nebraska. Mr. Speaker and Members of the House, I invite attention to Senate Joint Resolution 253. which passed the Senate on the 13th of February and was referred on the 14th of that month to the House Committee on Election of President, Vice President, and Representatives in Congress. It was returned to the House by that committee on February 22, 1923, with certain amendments, as explained in House Report No. 1690. The resolution as amended reads as

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

" ARTICLE

"ARTICLE —.

"SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin. This section shall take effect on the 15th day of December following the ratification of this article.

"SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall be on the 4th day of January, unless they shall by law appoint a different day.

"SEC. 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President chosen for the same term shall act as President until the House of Representatives chooses a President; and the Congress may by law provide for the case where the Vice President has not been chosen before the time fixed for the beginning of his term, declaring what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President, or until the Senate chooses a Vice President."

If seems advisable to state as concisely as possible the

It seems advisable to state as concisely as possible the changes that would follow the adoption of this proposed amendment to the Federal Constitution.

The first and most important change would be the shortening of the period of 13 months which now intervenes between the election of a new Congress in November and its first regular session in December of the following year. Under existing provisions of the Constitution and statutes, the terms of Members begin and end on the 4th of March of the odd years. The proposed amendment would make the 4th day of January the date of the beginning and ending of the terms of Senators and Representatives and also the date for the convening of the new Congress in the absence of statutory provision to the contrary. This change would reduce that period of 13 months to 2 months. Thus, the Members elected to each Congress would have a period of two months only between the date of their election and the date on which they would begin active service. This change would also practically eliminate the necessities for special sessions of Congress.

Each regular session beginning on the 4th of January would have the period of an entire year before it for the transaction of the business of the country, pressing for consideration and action. To accomplish these results it is necessary to change the dates for the beginning and ending of the terms of President and Vice President, Senators and Representatives also.

As the length of their terms is fixed by the Constitution for four, six, and two years, respectively, with the 4th day of March as the date for beginning and ending of such constitutional terms, a constitutional amendment is necessary to change to January 4 for Senators and Representatives and January 24 for President and Vice President in order to inagurate the This change will affect the length of terms of Presinew plan. This change will affect the length of terms of President and Vice President and Representatives once and will affect three different groups of Senators.

If this proposed amendment should be submitted to the States at this session of Congress it is possible for it to become effective in 1925. It is probable, however, that it would not become effective before 1927 for Senators and Representatives and 1929 for President and Vice President. When the change is made it will be necessary to shorten the terms of certain retiring or incoming officials. The Members who may be serving in the closing Congress and will not be Members of the next Congress would have their terms shortened by two months under the terms of this resolution. Some have urged that the terms of incoming officials be shortened and that the terms of the outgoing officials should be extended to the full constitutional limit for which they were originally elected.

This resolution as passed by the Senate is based upon the latter principle, while the House committee recommends the adoption of the former. Your committee advocates the former principle, because it does not seem proper that outgoing Representatives, for instance, should be given an opportunity to organize the House in which they would serve only 60 days. An additional reason appears in connection with the election of a President. It would be possible that outgoing Members having been elected two years before the presidential campaign might wield the balance of power in the election of a President in the House if such an election were thrown into the House. Aside from these reasons, your committee might have found its way clear to concur in the view of the Senate upon this point.

It also seemed advisable to fix a definite date, December 15 following the ratification of the article, on which the proposed amendment would take effect. The fixing of these definite dates would remove many uncertainties and give exact recognition to the constitutional provisions fixing the terms of President, Vice President, Senators, and Representatives for exact periods of

The House amendment makes only a slight change in section 3 of the Senate resolution by indicating the 4th day of January as the definite date on which the Congress should assemble instead of saying the first Monday in January. Section 3 of the House resolution contains some additional matter which, in the judgment of your committee, might become very important in the event of failure on the part of the House to elect a President before the 24th of January, and also the failure of the Senate to elect a Vice President at the same time.

I need not quote section 3 in full, as you have it in the printed

form that can be secured from the document room.

A request was made for a special rule under which this resolution could be considered at this session, and the cooperation of the majority leader was solicited in securing that rule. The chairman of the Committee on Rules refused to consider the granting of a rule. Mr. Campbell of Kansas was Speaker pro when the resolution was reached on the Unanimous-Consent Calendar and refused to recognize me to move a sus-

pension of the rules for the passage of the resolution.

We were within reach of victory in this important reform. It means economy in a large measure and a direct and favorable response to the sentiment of the country. Agricultural organizations have requested it. Organized labor has requested it. Industrial interests in many lines have requested it, and the judgment of a vast majority of the thinking people of the United States stand in sympathy with the movement. The American Bar Association urges its adoption. The language of the House amendment eliminates ambiguity and has stood the test of all the criticism that has been turned upon it. Then why should the leadership of this House refuse considerasion of this proposition?

HOUSE REPORT NO. 1690.

Part 2 of House Report No. 1690, Sixty-seventh Congress, fourth session, was filed by Mr. BULWINKLE, of North Carolina, who assumed in his own name to represent minority views in relation to this resolution 253 and the report 1690 made thereon by the committee.

In reply to his criticism, let the fundamental fact be stated at the outset. A majority of the members of that committee were present at that meeting. The question of no quorum was

resolution. Under the rules and practice of the House that committee meeting was regular and those who assert the contrary either do not know or deliberately disregard the rules and practice of the House. It would be helpful to him to acquaint himself with the rules of the House on the subject of a quorum.

On last Tuesday evening this House with a membership of 435 passed a deficiency bill with less than 50 Members present. That bill carried \$154,000,000. It also passed a narcotic bill affecting our international relations. It also passed a revenue bill affecting our international relations. The majority and minority leaders were both on the floor of the House and participated in those transactions, and yet an uninformed Member presumes to record criticism against a committee that was transacting, in a regular manner, the business assigned to it by

We were advised in the beginning of our consideration of that resolution that the gentleman from North Carolina [Mr. BULWINKLE] claimed to be following the leadership of Washington and Jefferson. We discovered, however, toward the close that he had abandoned Washington and Jefferson and was following the leadership of the gentleman from Oklahoma

The central fact is this: The gentleman from North Carolina has sought to delay this resolution from the beginning by means of quibbles and unimportant suggestions. He was also designated as a member of a subcommittee to prepare a draft of amendments to the Senate resolution. So far as I am advised he never attended a single meeting and appeared only at such times as he could create embarrassments and de-

lay the work of the committee.

When the gentleman speaks about giving serious deliberation

bould remember that he has deto questions of this sort he should remember that he has deliberately refused as a member of the committee to give any

deliberate consideration to this proposition.

The alleged minority views state that some questions may have escaped consideration. Nothing would have ever been considered on this or any other important question if your committee had been left to rely upon the gentleman from North

The criticism relative to the election of President and Vice President by the House and Senate, respectively, loses its force entirely in the light of the provisions of section 3 of the com-

The Tilden-Hayes contest would have no bearing whatever upon the orderly procedure of the Congress or the executive branch of the Government under the terms of the resolution

reported by the committee.

The earnest hope that there will never be an interregnum in the executive branch of the Government does not remove the fact that such a contingency might arise. If the gentleman had studied the question far enough and learned his lesson well enough he would have recognized that fact and avoided the error he has made.

His conjectures in regard to the returns of election boards are purely imaginary and fantastic. The gentleman's suggestion with reference to "due and serious deliberation" is merely an argument for delay and the defeat of the proposed reform. The gentleman from North Carolina [Mr. BULWINKLE], under the leadership of the gentleman from Oklahoma [Mr. Her-RICK), has deliberately sought to defeat even consideration of this proposition in committee and now comes with erroneous statements before the House in a printed document under the title "Minority views," and thus seeks to deny to the people of the country who are demanding this reform even a chance to secure an expression of the opinion of this House. If that is his view of representative government, he is welcome to it and can keep all of it for himself.

This statement is due the members of the committee who have worked diligently to discharge the duties assigned to them by

It is very unfortunate that the majority leader, Mr. Mondell, and the chairman of the Committee on Rules, Mr. CAMPBELL, should disappoint the country and oppose this reform. They have united with the gentleman from North Carolina, Mr. Bul-WINKLE, under the leadership of the gentleman from Oklahoma, Mr. Herrick, to defeat the passage of this resolution. ular demand for this reform should have warned the majority leader and the chairman of the Committee on Rules against such a political mistake as they have made in this case. They seemed to have been impressed with the idea that it was more important to pass bridge bills and create new offices in New not made by anyone. It was mentioned only informally. York City than it would be to deal with this nation-wide propo-Neither was there a dissenting vote cast against reporting the

of governmental affairs. As we stand on the verge of victory we meet our disappointment and defeat at the hands of Mr. MONDELL and Mr. CAMPBELL-especially Mr. CAMPBELL.

Up to this hour neither of these gentlemen has pointed out a single objection to the wording of the resolution. That resolution has been examined by some of the best constitutional lawyers in the House and Senate and on the outside. Everyone to whom it has been submitted has approved it as a valid proposition. We have plead for its passage, not for personal reasons, but because it would lead to an important, enduring reform in Government business. When the leadership of the House denies the country the opportunity of a vote in the House upon this and similar questions we can understand why there were so many political casualties in the campaign of 1922.

Let those who believe in this reform take renewed courage and wage the battle in the next Congress and in the next if necessary, until this principle is adopted. This statement of facts is warranted by the importance of the measure involved and the loyalty and devotion of its friends. Let those who believe in the principles of this resolution renew their activities in the fight and wage the warfare until victory crowns their efforts.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 14438.

The SPEAKER pro tempore. Is there objection? [After a

pause.] The Chair hears none.

Mr. FOSTER. Mr. Speaker, Robert Morris is the one outstanding patriot of the Revolutionary War whose memory has been shamefully neglected by the United States Government and its citizens generally. Without the services so unselfishly rendered by this great "financier of the American Revolution" it may be seriously questioned whether our War of Independence would not have utterly failed.

Mr. Morris, a Welshman, was born in 1734 and died at the age of 73 years. He came to America at the age of 6. When 20 years old he organized the firm of Willing & Morris at Philadelphia, which lasted for 39 years and was recognized as

the largest importing house in the Colonies.

During the first year of the Revolutionary War General Washington wrote Mr. Morris that he did not have enough money to keep the Army together. Morris, on his personal credit, borrowed the money, sent it to General Washington, and the victory at Princeton followed. Thereafter he was the confidential adviser of General Washington on financing the Army.

He was the financial backbone of the Revolution. He furnished more than \$3,000,000 upon his own credit and from his private sources, without which all physical force would have been in vain. "Without Robert Morris, the sword of Washington would have rusted in its sheath."

Carlo Botta, a European, in his history of the American

Revolution, says:

Certainly the Americans owed and still owe as much acknowledge-ment to the financial operations of Robert Morris as to the negotiations of Benjamin Franklin or even the arms of George Washington.

Upon his retirement from public life he speculated largely in unimproved lands. Through the dishonesty of others he was financially ruined, and closed his life in utter poverty. Government that he had carried on his own shoulders through adversity to prosperity allowed him to remain, from the 16th of February, 1798, until the 26th of August, 1801-a period of 3 years 6 months and 10 days-an inmate of a debtor's prison without raising a hand to help him, thus adding another link to the chain which proves that "republics are ungrateful.

He had an acute mind. He was a charming conversationalist and an excellent public speaker, with manners gracious and simple. He was never heard to complain of his misfortune, Charles Henry Hart closes an article on Robert Morris with this paragraph: "None of the many worthles of the Revolution stood higher in the esteem or approached nearer to the heart of Washington than Robert Morris," The pater patriae's adopted son, George Washington Parke Custis, says: "If I am asked, 'And did not Washington unbend and admit to familiarity and social friendship some one person to whom age and long and interesting associations gave peculiar privilege, the privilege of ' I answer that favored individual was Robert Morthe heart? In the fall of 1798, when Washington repaired to Philadelphia to superintend the organization of his last army, called together on the apprehension of war with France, "He paid his first visit to the prison house of Robert Morris. The old man wrung the hand of the chief in silence, while his tearful Well may we repeat eye gave the welcome to such a home."

What has the gray-haired prisoner done? Has murder stained his hands with gore? Not so; his crime's a fouler one, God made the old man poor,

Robert Morris was of Welsh extraction. No better blood has entered the industrial, political, and religious life of America. The Americans of Welsh ancestry have given us our finest quality of industry, music, home life, and patriotism. No better type exists in America to-day than that evidenced by our present Secretary of Labor, Hon. James J. Davis. He sprang from poverty and by honesty and perseverance has reached his present position of prominence. His life furnishes a fine example to place before our youth of this and succeeding generations.

Last evening at Pittsburgh Secretary Davis delivered an address before "The American Gorsedd," an association of those born in Wales and their descendants. It is such a deserved tribute to the sons and daughters of Wales that I take pleasure in

its reproduction here:

"To-day is the feast day of the patron saint of Wales. Wherever Welshmen are gathered together on this day as it recurs year after year they pay their measure of tribute to St. David, that first great exponent of those characteristics which have made the Welsh a great nation. Down through the ages the Welsh have carried high the torch of civil and religious liberty kindled by St. David in the dim past, marching in the forefront of civilization and progress. Long before the advent of the patron saint of Wales on this earth his native land became a refuge for those who were persecuted for conscience's sake, for no smoke from the burning victims of bigotry, or groans from bloody gibbets, ever rose in the pure air of Wales, for the truth was sacred to them, as exemplified in the druidic adage, 'Y Gwir yn Erbyn y Byd,' the truth against the world. No sublimer instance of courage in the face of death is recorded than that of John Rogers, a true Welshman, who was burned at the stake in Smithfield, England, when he exclaimed: 'I die for the truth; the truth of God.'

It was the Welsh who in the beginning of the thirteenth century made protest against the oppression of government under King John. It was our people who were largely responsible in getting from him at the Battle of Runnymede, in the year 1215, the great liberating document of the world, the Magna Charta, the forerunner of constitutional government, the bene-

fits of which we acclaim.

"At a later period in England's history the Welsh led the people in a struggle for freedom and religion against their king. When Oliver Cromwell, whose real name was Williams, but when Onver Cromwen, whose real name was willams, but who followed the name of his mother's family for the purpose of acquiring her property, overthrew the dissolute Charles Stuart the Welsh were with him. John Jones, Thomas Harrison, Hugh Peters, and John Hunes were among the members of Parliament who voted the death of the dethroned King. They paid for their votes with their lives. President William Henry Harrison was a lineal descendant of the regicide Thomas Harrison, and Benjamin K. Butler, of New York, one-time Attorney General, was a direct descendant of John Jones. These Welshmen who followed Cromwell had the unwayering devotion to truth, that sublime courage, which has always been the characteristic of Cambria.

"St. David displayed similar courage when he proclaimed the truth of God in the age of darkness and superstition, when he condemned the wickedness of kings and false teachings and unjust administrators of the land. In this respect he was probably the greatest reformer, patriot, and philan-thropist Wales has ever produced. He blazed the way through the pathless thickets of ignorance and superstition and made possible what we behold to-day—a Bible-reading, law-abiding, and liberty-loving people wherever a Welsh community is

found.

"The spirit of St. David was transplanted to America in its earliest period, and inspired Roger Williams, who was born in Wales, to establish the first democracy in this country at Providence 140 years before the Declaration of Independence. The religious freedom we enjoy to-day in this country is due in a great measure to this vallant Cymro and humble Christian, who was compelled to leave Great Britain because he had the moral courage to preach the truth. The benevolent spirit of St. David is further illustrated in the life, acts, and deeds of another illustrious son of Cambrian origin, William Penn. No two men have contributed more in paving the way for American freedom than these two men, whose patriotism was kindled at the altars of the early Britons.

"From the day Captain Jones landed the Pilgrim Fathers who came over on the Mayflower, four of whom were true Cambrians, the Welsh have been dominant factors in the development of America. As Senator John Sharp Williams stated in the Senate of the United States, 'No nation, in proportion to its population, has contributed more to the civil, religious, and industrial development of America than the Welsh.'

And this statement is based on facts, as attested in the part the Welsh people played in those days that tried men's souls—the revolutionary days. The man who wrote the Declaration of Independence—Thomas Jefferson—but reiterated the quintessence of what St. David preached in the sixth century when he declared that 'rebellion to tyrants is obedience to God.' His ancestors, who breathed the religious freedom of Wales in the very shadow of the mighty Snowden, the highest mountain in Great Britain, transplanted the seed to Virginia. Like the cedar of Lebanon of old, its roots scattered and twined themselves around the everlasting Rock of Ages, which weathered all storms, and proclaimed 'Liberty throughout the land unto all the inhabitants thereof.'

"While the author of this immortal document was a man who boasted of his Cymric ancestry, it is a matter of record, as verified in documents in Independence Hall, that he was but one of 18 men of Welsh blood who signed the Declaration of Independence, and I challenge any nation to produce so proud a record. The ground on which Independence Hall is located was formerly owned by a Welshman. Time will not permit me to enumerate all, but we must mention John Hancock, who presided at the convention when the Declaration of Independence was proclaimed; Samuel and John Adams, Francis Lewis, Stephen Hopkins, and William Williams, Lewis Morris, and John Penn, the three delegates from New York State, and that valiant patriot from Pennsylvania, Robert Morris, who placed his fortune on the alter of freedom that the fires of liberty

might not be quenched.

"Two of those who affixed their signatures to that document which blazoned to the world a standard of government based upon the consent of the governed, were natives of Wales. They

were Francis Lewis and Button Gwinnett.

"Washington publicly and repeatedly proclaimed his grati-tude to Robert Morris, the financier of the Revolution. Upon the shoulders of that sturdy, thrifty Welshman rested the whole burden of supplying funds for the Revolutionary Army in the darkest days of its struggle. While Washington was huddling his wearied, war-racked little force in the snow-bound huts of Valley Forge it was Robert Morris who, with his private fortune, rescued the patriots from despair and destruction. While the bare and bleeding feet of the Continentals stained the winter snows as they crept, famished and in tatters, about that miserable encampment, it was Robert Morris who tramped the streets of Philadelphia pledging his personal credit and borrowing the credit of his friends to bolster up the falling fortunes the embryonic American Republic. While men of more timid mold withheld their hands from the cause of the Revolution, which they believed was tottering to its fall, Robert Morris, single-handed, supplied the food, clothing, and munitions which kept Washington's little army in the field. After independence had been won, won because of the aid which Morris lent, estimated to be \$3,000,000, the financier of the Revolution, ruined by the advances he had made, spent three years in a debtor's prison in Philadelphia. Broken in health and spirit, the creditor of a forgetful Republic died in abject poverty. is more than 100 years since Morris died, but the State of Pennsylvania has recently provided for a monument to commemorate his vital services to the young Republic. It is time the gratitude of the Nation to this Welsh martyr on the altar of American independence was fittingly evidenced. It is time that the whole United States atoned for more than a century of ingratitude to Robert Morris. It is time that there was erected in the Capital of the Nation a fitting memorial to the financier of the Revolution, whose unselfish devotion made American independence possible.

"In the Revolutionary Army Wales is worthily represented by 14 generals and 7 colonels, the most worthy of whom was 'Mad Anthony' Wayne, who captured Stoney Point by storm and filled the country with joy and admiration. He lies buried at St. Davids Church, within 17 miles of Independence Hall, but I question whether a worthy monument marks the sacred spot where he sleeps. Dr. John Morgan, the founder of the Philadelphia Medical School, was surgeon in chief of the American Army, and among the chaplains who looked after the spiritual welfare of the soldiers were three Welsh divines.

"Daniel Morgan, another Welshman, led that brigade of Virginia riflemen upon whom Washington placed great responsibilities. It was his cooperation with Greene in the campaign in the South which made possible the final triumph of the

Revolutionary arms at Yorktown.

"How many Welshmen were in the rank and file of the Army of Washington is conjectural. But we can rest assured that the land that fostered freedom for ages contributed its quota. Its sons were found where the fighting was hottest, and to their

everlasting credit it may be said that history does not record that one of them ever proved a traitor.

"From Captain Jones, of the Mayflower, to David Wark Griffith, the greatest motion-picture producer in the world to-day, the Welsh have played a great part in the development and growth of America. They were among the first to cross the Allegheny Mountains, and the first white child born west of the Allegheny Mountains was a little Welsh girl named Jones, who first saw the light of day in a log cabin on the banks of the Ohio River.

"Descendants of our good old patriarch have also occupied the presidential chair at Washington, including Jefferson, Adams, Monroe, Harrison, Lincoln, and Garfield. Despite that Washington, "the Father of his Country," occupied a singularly warm spot in the heart of America, it is a debatable question whether the warmth of the admiration exceeds that shown toward the great emancipator, Abraham Lincoln, who was Welsh on his mother's side. Our veneration for this great and illustrious exponent of liberty and freedom is like good wine, it improves with age. He was a much-maligned man in his day, and his enemies were numberless. Like, the Rock of Gibraltar, he stood surrounded when conscience dictated that man, despite his color, was created in the image of his Creator, and as such was privileged to enjoy that heavenly birthright, freedom. Search where you will, the world does not reveal his equal as an exponent of true civic and religious liberty. Though killed by an assassin's bullet, the spirit of this man among men, like that of old St. David, still lives and is an incentive to you and me to emulate his example and to cultivate that spirit of fairness and freedom that best reflects the God-given heritage to mankind.

"On the other side of that great conflict through which Lincoln safely steered the Nation there stood another Welshman. As a simple captain he halted the advance of the Mexican lancers at the Battle of Buena Vista and turned the tide of a battle that was decisive in our war with Mexico. Later he became a great Secretary of War. Still later he sacrificed his career to his convictions, and as President of the Confederate States he led the South in its struggle for a mistaken principle. He was Jefferson Davis, truly Welsh in his devotion to

his cause.

"Turning from the fields of war to the fields of peace, we find the Welsh in America laying the foundation for the American system of education, the greatest in the world to-day. Hear the roll of honor: John Harvard, who founded Harvard College; Elihu Yale, who founded Yale University, and who to-day sleeps in a churchyard in North Wales; the Rev. Morgan Edwards and Dr. Samuel Jones, who established Brown University; and Colonel Williams, whose name lives on in Williams College. The great Phillips Academy at Andover, Mass., was founded by John and Samuel Phillips in 1878, and two years later John Phillips founded the Phillips-Exeter Academy. Every one of these great institutions lives to-day, a great monument to the services of the early leaders of the Welsh in America.

"Should we be permitted to deal with the present statesmen and diplomats of the present day we might refer to one who is playing a conspicuous part in the present administration—Charles Evans Hughes, the ex-president of the St. David's Society of New York and the son of a Welsh clergyman, whom some of you perhaps have heard in the Welsh churches of Pennsylvania and who preached in my native city, Tredegar. He is also imbued with that spirit of fairness and freedom that characterizes him as a man of keen and sound judgment, and with him at the helm our ship of state is in safe hands. Time will not permit me to mention the many Congressmen and Senators, members of State legislatures, and county and municipal governments who trace their ancestry to the little country of Wales.

"Before closing let us refer to one more son of 'gallant little Wales,' who is to-day perhaps the foremost defender of the faith of his fathers, whose unyielding courage in the darkest days of the late bloody war saved the freedom and civilization of the world. Emerging from a remote little village in north Wales, reared, like Abraham Lincoln, amid poverty and privation, when half an egg on Sunday was a feast to him, schooled in his youthful days by the village shoemaker, and acquainted with the grief that was the lot of those who were at the mercy of the merciless and arrogant land master, he climbed by sheer force to a position that dethroned despots and made kings tremble with fear. Though he has wielded a mightier scepter than that of a king, he, like the great emancipator that he patterns after, finds his greatest solace among the common peopler om which he was molded. Like Lincoln of old, when perplexed with problems of world-wide importance, he found his

greatest relaxation not among the glittering throngs that congregate in palaces but in an obscure little Welsh church, among the countrymen of those who kept the religious fires burning for ages, where his sonorous voice blended with the common people in singing those glorious Welsh hymns that proclaim to the world that freedom of conscience and liberty of speech that is the heritage of free-born people. As long as Wales continues to rear sons of the caliber of this modern son of St. David freedom will never perish, for he has embodied, as no other has, the attributes that contribute toward the making of a life that is worth living. Perhaps some day historians will appraise him at his true worth, and when they do he will be adjudged the most spectacular figure of this age. In a world strewn with wreck, when thrones crumbled and empires quaked, this countryman of ours, this gallant son of Wales, David Lloyd-George, pointed the way to that port where only safe refuge is found.

"The pages of America's history are blazoned with the honors that have been won in America by the sons of Cambria. The virtues which they brought from the hills and vales of Wales have contributed no small share in the development of American character and American progress. Accustomed to wrest with mighty labor a livelihood from nature in her stubbornest mood, they have brought to this country the dogged determination developed in centuries of earnest toil. in America nature has put forth her most powerful obstacles to the development of our resources, there you will find the Welsh. Wherever progress must come through hand-tohand conflict with the primeval forces of earth, you will find the sons of Cambria foremost in this conflict. Deep in the gloomiest pits, they tear from nature's heart the coal that keeps America's millions of factories writing in smoke clouds across the sky the tale of industrial prosperity. labor they wrest from the confining rock the mineral wealth which past convulsions have imprisoned far beneath the soil. In roaring furnace and mill they wrestle with the familiar demons of iron and steel, and by sheer force of skill and muscle bend them to their will. Into the iron and steel that form the very bones of America's prosperity, frames of tall buildings that reach for heaven's height, rails that carry the thundering commerce of a continent, steel ships which go down to the seven seas, is wrought the very heart and soul and body of the Welsh in America. No man can fail to recognize the mark of the solid Welsh virtues in the growth of this Nation.

"But their material service, although great, has not been their greatest service. No nation on earth has contributed more to the development of the spirit, the soul of America. The Welsh brought from their iroa-bound hills to this country a religious fervor, a love of home, a love of music, an honest thrift, a heartfelt devotion to liberty under the law which has wrought itself into the very heart of the Nation.

"They more than any other group have caught the spirit of American institutions, the ideals of political, social, and economic liberty for which the forefathers of this country fought and died. The Welsh come to America to become true Americans. To-day they lead all nationalities in this country in the proportion of aliens who become citizens. Nearly 75 per cent of the aliens in America who were born in Wales are to-day naturalized citizens. This is a record no other nationality can boast. It is an index of the Welsh love for the equality of opportunity—the rights of the individual—which are vital in American institutions.

"We are to-day confronted with a serious problem in our alien population. We have 14,000,000 foreigners in America, 7,000,000 of whom are living among us without assuming the duties and responsibilities of American citizenship. We propose to enroll these aliens, to take an annual census of them, in order to provide for them the opportunity to learn what American means and what the privileges and duties of American citizenship are. We propose to Americanize the alien before he alienizes America. We propose to make him a citizen if he proves worthy of citizenship, and to send him whence he came if he proves unworthy. We propose to make easy the way to citizenship which has been traveled by 75 per cent of the Welsh-born inhabitants of this country.

Welsh-born inhabitants of this country.

"Never was America more in need of the sturdy, homely Welsh virtues than it is to-day. Evils arise around us and about us which will overwhelm and destroy us unless they are met by the stalwart heart of America in the spirit of honesty and honor.

"A blatant and cynical immorality is raising its head among us and it must be conquered by that grave respect for the sanctity of the home, the inviolability of the marriage tie, which is inborn in the Welsh character. We must drive homor of all America that the honor of the individual is the honor of the family, and the honor of the family is the honor of the

State. We must sanctify our family life, for no nation can long endure which is based upon a foundation of broken families.

"From all the world there arises a miasma of foul political, economic, and social doctrine which breeds a fever of revolt against all law and order, a plague of hate and destruction. New and strange gospels based on selfish desires and personal greed are preached by new and strange apostles of discord. We live in a world of strife, and strange forces are moving nations toward chaos.

"In this new conflict America must hold fast to those eternal principles of right and justice laid down in our fundamental laws. American citizenship must have behind it, then, virtues of honest patriotism, love of liberty, and respect for law. We must stand firm on the principles enunciated at the birth of the Republic, the protection of life and property, the right of contract, and the right of free labor. We must pledge ourselves that representative government shall endure. We must summon to our aid those homely virtues that were summed up by the ancient Druids and by St. David in the motto of the Gorsed: 'Y Gwir yn erbyn y byd.'—'The truth against the world.'"

Mr. GARRETT of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Speaker and gentlemen, I sent to the library for a book of fables by a famous fabulist. I read it many years ago, and I am not sure that I remember the particular fable I have in mind. The fable is something like this: A mule, a goat, an ape, and a bear decided to organize a musical concert. The mule was the leader of the orchestra. After they had proceeded for some time they all reached the conclusion that the music was bad even for their unmusical ears and a motion was made that the orchestra be reorganized and that instead of the mule acting as leader the bear should assume charge of the situation. The bear assumed charge of the orchestra. They again held forth to the distress of all who heard them. The suggestion was then made that instead of sitting in a circle they should form a straight line. Many another change was made, but there was neither melody nor rhythm nor harmony. A passing nightingale was called in for advice. The advice was brief and to the point. "Friends, no matter what your sitting arrangements may be, you are not fit as musicians."

You have created a commission to reorganize the various branches of the administration, with the object of eliminating overlapping and duplication of authority and doing away with waste. With the principal offices at the mercy of the spoils system, with the most important positions being distributed not on the basis of merit but as rewards for political lieutenants, how can waste, inefficiency, and duplication be successfully avoided? The commission has not accomplished anything. It has been in existence more than two years without bringing any definite results. There is nothing to be gained by continuing this committee. There is no reason in the world why the time of the House should be wasted, with so many important matters pending, such as the teachers' pay bill, in which the gentleman from Texas [Mr. Blanton] is interested and a number of other good people are interested, the reclassification bill, the With the large number of nitrate bill, and similar measures. serious and important measures pending and not enacted, what is the use of wasting time with a committee that can not, in spite of the high character of the gentlemen composing it, possibly accomplish anything of value? I hate to say anything disagreeable in the expiring moments of a Congress, but I could not think of anything more apropos than that fable when I read the resolution.

Mr. BLANTON. Unless we pass this resolution there might be a little money left in the Treasury that otherwise might not be spent. [Laughter.]

Mr. LONDON. They have not done anything, and they do not expect to do anything. This Congress has been busy with bills with big titles and little meaning. Take, for instance, the maternity bill. In that bill there is nothing in the world that would help a mother any more than there would be in a bill relating to trade with China; yet they call it a maternity bill. [Laughter.]

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. LONDON. Yes.

Mr. COOPER of Wisconsin. Does the gentleman know how many meetings this commission has had, as a commission, to do business in the first year?

Mr. LONDON. I assume that the meetings were along the line of the orchestra that I have just described. [Laughter.]

Mr. COOPER of Wisconsin. I have heard it said authorita-

tively that they had only one meeting in a year.

Mr. LONDON. Well, they will have another in 1924, and in 1924 they will present another resolution at the last moment, extending the time to 1927. [Laughter and applause.]

The SPEAKER pro tempore. The time of the gentleman from

New York has expired.

Mr. GARRETT of Tennessee rose.

The SPEAKER pro tempore (Mr. CAMPBELL of Kansas). The

gentleman from Tennessee is recognized.

Mr. GARRETT of Tennessee. Mr. Speaker, when the movement began to have an investigation by a congressional committee of questions relating to a reorganization of the executive departments, which movement was initiated by the gentleman from Virginia [Mr. Moore] and later joined in by the gentleman from Nebraska [Mr. Reavis], I was in entire sympathy with it, and as a member of the Committee on Rules and a member of the House gave it my sympathetic and earnest support.

That resolution was passed in December, 1920, shortly before the adjournment of the Sixty-sixth Congress. On March 4, 1921, a new administration came into power, and one of the first acts of the President of the United States was to request-I am not sure but that he put it in the form of a demandthat he should be permitted to appoint a gentleman of his own selection as a member of this committee, with a view to his

becoming the chairman of the committee.

When that occurred, I am frank to say, I began to lose interest in the movement. The President of the United States ought never to have made such a request. [Applause.] The Congress of the United States ought never to have abased itself by acceding to such a request. [Applause.] There has been no other instance that I know of in which the Executive has requested or in which there has been granted to him the power to appoint the chairman of a congressional committee.

I do not know how efficient Mr. Brown is. He may be one of the most efficient men in the United States, so far as I know; but I do know this, that however ingenious my friend from Pennsylvania [Mr. Temple] may be in his replies to the gentleman from Alabama [Mr. Bankhead] that congressional committee has never functioned a day since the Chief Executive laid his hand on it and put Mr. Brown in charge as chairman.

If this committee needs expert aid, there would be no objection to giving it the means to employ that expert aid. If they should desire to employ Mr. Brown, regarding him as an expert, that would be satisfactory. But when you permit the President to come into the legislative branch and appoint the chairman of a committee created by the legislative branch and then pay that man his salary, as it is being paid, out of the contingent funds of the House and Senate, you are treading

upon extremely dangerous ground.

Why should the President have any more right to appoint the chairman of this committee created by the Congress, created by the legislative branches themselves, than he would have to appoint the chairman of the Committee on Ways and Means or the chairman of Appropriations? Unless Mr. Brown has ability higher than the ability which the Members of the Senate themselves have the President added nothing to the ability of the committee by appointing him as a member of it. No better commission from this House has been appointed in my time than was appointed on this commission, including as it does the gentleman from Pennsylvania [Mr. Temple], studious, thoughtful, earnest; the gentleman from Virginia [Mr. Moore], recognized everywhere as one of the ablest lawyers in the United States; and the distinguished and able gentleman from Washington [Mr. Webster]. Certainly Mr. Brown, however able he may be, added nothing to their ability.

If gentlemen are willing to put this resolution in a form whereby it can be a committee of Congress and controlled by the Congress, having a membership all of whom are responsible to the Congress, there will be no objection to it, I think, on the Democratic side of the House. [Applause.] But so long as you choose to make its work a farce by permitting the President to appoint its chairman I shall continue to resist it. bad precedent was fixed. There is an opportunity now to correct that error. The independence of the Congress, the different functions of the legislative and the executive branches of the

Government, should be preserved. [Applause.]

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Pennsylvania [Mr. TEMPLE] to suspend the rules and pass the resolution.

Mr. Speaker, I yield five minutes to the

Mr. TEMPLE. Mr. Speaker, I yie gentleman from Virginia [Mr. MOORE].

The SPEAKER pro tempore. The gentleman from Virginia is recognized for five minutes.

Mr. MOORE of Virginia. Mr. Speaker, I would say nothing about this matter except that I happen to be a member of the joint committee. There is force in much of what has been stated by my distinguished friend from Tennessee [Mr. GARRETT]. I was persuaded at the outset more than two years ago, and am still of opinion, that a good deal, perhaps a great deal, can be accomplished in the way of rendering the operations of the Government more efficient and less expensive by the reorganization of its departments and bureaus, and I think that is an opinion quite generally entertained. It seems to me it would be unfortunate not to carry on the effort that has been started in that direction. If this committee is not to be continued—and certainly I for one have no desire to engage in the very laborious work that will be incident to its continu-

Mr. GARRETT of Tennessee. Will the gentleman yield? Mr. MOORE of Virginia. I will.

Mr. GARRETT of Tennessee. Is not the chairman of the

committee relieving the gentleman of all the laborious work?

Mr. MOORE of Virginia. In a moment I will come to that,
If this committee is not to be continued, I think some similar
committee ought to be created. There is need to give more vigor
to governmental activities and that is only possible by eliminating duplication and by regrouping where regrouping is desirable. My one dominating suggestion is that because there may be some discouragement, due to the fact that results have not yet been reached, the effort to secure a better condition should not be abandoned.

I said a moment ago that I concurred in much that had been said by the gentleman from Tennessee. I would like to say, although this is personal, that I did not seek a place on the com-

Mr. Clark, who was the leader of the House at the time the committee was formed, mentioned the matter to me and desired to know whether if appointed I would serve, and I answered in the affirmative, and that was the extent of my relation to the

matter of my selection.

All supposed as soon as the committee was created that it would at once take up the work and carry it on actively. There was a powerful public sentiment favoring that course, and I think the backing and support of that sentiment would have been of great value to the committee if it had immediately gone forward. It is undoubtedly true, as my friend from Tennessee has said, that except for the intervention of the Executive there would have been no delay, and I think it very probable that a report or reports of the committee would have been made to Congress before this time, and that would doubtless have happened except for the action of the committee itself in selecting Mr. Brown as its chairman.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. GARRETT of Tennessee. I will yield the balance of my time to the gentleman from Virginia.

The SPEAKER pro tempore. The gentleman is recognized for seven minutes.

Mr. MOORE of Virginia. It is lifting no veil of secrecy that ought to cover the history of the committee to say that the Senator who represents the minority and the Member of the House who represents the minority thought it was an illadvised step to select an outsider, not a Member of either House of Congress, the chairman of the committee. Of course, when he was made chairman the committee was largely in his control and subject to such policy as he might advise.

He became chairman in the spring of 1921. In June, 1921, there was a meeting, the only meeting during that year. letter was then presented from the President stating he would be glad to submit his suggestions to the committee and the committee replied that it would be glad to receive the suggestions of the President. Time passed-much time has passed since then-and only recently the chairman, who has been working apart from and independently of the committee, has submitted a plan, or rather it is submitted by the President. It has reached the committee within the last two weeks and covered, I believe, in a document printed under the order of the Senate. That is what has happened and the committee is now ready to take up the work which it should have engaged in actively heretofore. Whether the plan submitted is wise or unwise I can not say. I do not undertake to prejudge it.

It may be wise in some respects and not wise in other respects. It has got to be considered in general and in detail by the committee, if the committee is continued in existence. The plan is in the hands of the committee and the committee later on, if it is continued-I do not know how soon, but as soon as practicable-will take up the plan, hold hearings, so as to furnish an opportunity to all who desire to be heard, and reach conclusions after canvassing the whole subject to the extent of its ability.

I can not answer and I do not think those of the majority can answer the criticisms made by the distinguished gentleman from Tennessee. But aside from those criticisms I would be unfortunate to take any step now which would advertise to the country and which would mean that we are going to make no further effort to bring about a more efficient and less expensive organization of the Government services. [Ap-

Therefore, while I greatly regret to be compelled to differ with my valued friend, the leader of the minority, and perhaps with most of the gentlemen who sit about him, I believe we can better afford to make some sacrifice in the way of retaining an outsider in his connection with the committee and paying the comparatively small amount which that will involve, than to take the alternative course and abandon the entire project.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentle-

man yield?

Mr. MOORE of Virginia, Yes, Mr. COOPER of Wisconsin. I notice the last line of the resolution provides that the term of service of the committee shall be extended to July 1, 1924, a year from next July. Already it has been in existence approximately two years.

Mr. MOORE of Virginia. Yes.

Mr. COOPER of Wisconsin. That would make three years and a half. Does the gentleman think there is any necessity now that a plan has been submitted to provide that it shall be considered for a year and a half? Mr. MOORE of Virginia. There must be hearings, and Con-

gress is about to adjourn.

Mr. COOPER of Wiscousin. The Congress is about to adjourn and every member of the committee has been reelected to serve in the next Congress.

The SPEAKER pro tempore. The time of the gentleman

from Virginia has expired.

Mr. TEMPLE, Mr. Speaker, I yield the gentleman one

minute more

Mr. COOPER of Wisconsin. Why can not that committee get together before next December when the Congress comes into session again? Why can not the work be done during the summer'

Mr. MOORE of Virginia. I would be willing to do that, but perhaps there are members of the committee who would be unwilling. Some of them are from sections remote from Washington and might find it most inconvenient to be here in the vacation of Congress.

I want to say this in conclusion: The position which I am taking, as I understand, is the position taken by all of the

members-the two Republicans and one Democrat-who represent the Senate on the committee, for only the other day the Senate by a unanimous vote passed this resolution which is

under consideration here now. [Applause.]

Mr. TEMPLE. Mr. Speaker, I yield five minutes to the

gentleman from Ohio [Mr. Fess].

Mr. FESS. Mr. Speaker, the statement of the gentleman from Virginia [Mr. Moore] that public sentiment is strongly backing a reorganization of the executive departments is a statement of fact that anyone who has followed the matter will recognize at once. For years preceding the effort here there has been great concern about eliminating duplications in the executive departments. Much has been said about it and written about it. So far as the criticism about an outsider being associated with the joint committee is concerned, I really think that that criticism can easily be answered by a mere statement that the organization to be affected is the executive departments and not the legislative, and since it is the executive department that is to be reorganized, it seems to me proper-and that was the opinion of the House-to have some one identified with the Executive in close association in advice, so that the committee could have that angle as well as the legislative angle. I offer that as a reply to the strictures on putting some one on the committee not identified with the Congress

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. FESS. I yield to the gentleman,

Mr. GARRETT of Tennessee. Does the gentleman think that he ought to have been elected chairman of the committee?

FESS. If it were the judgment of the committee that he should be made the chairman, and the committee did make him the chairman, I think it would be entirely proper for him to be the chairman.

Mr. GARRETT of Tennessee. Does the gentleman think, in

view of the fact that the gentleman who happens to be chair- Britten

man of this committee failed to be elected Senator in Ohio, that it is the duty of Congress to furnish him with a salary?

Mr. FESS. I think that is hardly a fair reference to any of the gentlemen to whom the gentleman refers. Certainly no one would state that the gentleman who is the chairman is seeking a mere office. His tireless energy in readjusting these departments is a service which is vastly important. Therefore it strikes me that it is hardly fair to refer to the gentleman in that way. I think the gentleman from Virginia [Mr. Moore] has put the whole thing in a nutshell. Here is a tremendous work, vastly important. Whether it took undue time to bring it to this stage or not, I do not know.

I know it is a tremendous work, and it has just now reached the stage where we are ready for hearings in order to complete it, and it would strike me that it is a very unfortunate position to take that with the work brought up to the moment when we can do something to eliminate duplication and save waste in behalf of efficiency we should now throw it all overboard and say that it is all behind us, that it is worth nothing, and therefore we will abandon the work. It can not be done in six months. It is impossible to do this short of the time requested in the resolution, and if it is worth anything, as I feel certain it is worth a vast amount to the country, then let us go on with the work and at least refuse to confess that the Government does not need a reorganization in the executive departments; and while we are doing it, let us accept the counsel of the head of the branch of the Government that is to be reorganized, because no one is more concerned in an efficient reorganization than is the President. For that reason, why not have a representative of the executive department on the committee?

Mr. TEMPLE. Mr. Speaker, I yield the remainder of my time to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER pro tempore. The gentleman from Wyoming

is recognized for two minutes.

Mr. MONDELL. Mr. Speaker, I shall consume those two minutes merely to remind the gentleman from Tennessee [Mr. GARRETT] that the present President of the United States never issues orders, except as he may issue them as Commander in Chief of the Army and the Navy. The gentleman from Tennessee must have been thinking of another administration when things were somewhat different.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentle-

man yield?

Mr. MONDELL, Yes.

Mr. GARRETT of Tennessee. President Wilson never sought

to appoint our committees or our chairmen.

MONDELL. As was entirely proper, the President of the United States suggested that as this is a matter in which the executive departments are very greatly interested, one might I think almost say primarily interested, it is of the utmost importance that there be some one representing the Executive view; but the chairman of a committee does not run a committee like this. He is merely the moderator, and the men that the House and the Senate have placed on this committee will, of course, determine and decide what is to be done.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and

pass the Senate joint resolution. The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds having voted-

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for a

The House again divided; and there were—ayes 114, noes 27. Mr. GARRETT of Tennessee. Mr. Speaker, I object to the

vote because there is no quorum present. The SPEAKER pro tempore. The gentleman objects to the vote because there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll

The question was taken; and there were-yeas 167, nays 75, not voting 184, as follows:

YEAS-167.

Brooks, Pa. Cooper, Ohio Ackerman Favrot Anderson Andrew, Mass. Andrews, Nebr. Appleby Bacharach Barbour Burdick Burtness Crago Cramton Fish Butler Campbell, Kans, Campbell, Pa. Cantrill Dallinger Darrow Dempsey Dowell Fitzgerald Focht Fordney Foster Free French Frothingham Fuller Gensman Begg Bixler Blakeney Bland, Va. Chalmers Dunn Chindblom Christopherson Clarke, N. Y. Echols Edmonds Elliott Clouse Cole, Iowa Colton Bond Fairchild Faust Gernerd Glynn

Graham, Ill. Green, Iowa Greene, Mass. Greene, Vt. Griest Hadley Hardy, Colo. Haugen Hawley Hersey Hickey Hicks Hickey Hicks Hill Hoch Hogan Huck Huck Humphrey, Nebr. Humphrey, Nebi Husted Ireland James Johnson, Wash. Kelly, Pa. Retcham Kiess Kissel Klaczka Kline, Pa. Knutson Abernethy Aswell Bankhead Barkley

Bell Black Blanton Bowling

Briggs
Buchanan
Bulwinkle
Byrnes, S. C.
Byrns, Tenn,
Carew

Connally, Tex. Crisp

Carew

Collins

Kopp Kraus Kreider Lazaro Lea, Calif. Lee, N. Y. Lehlbach Lineberger Little Lorar Logan Lowrey Luce McKenzie McPherson MacGregor MacLafferty MacLafferty
Magee
Mapes
Michener
Miller
Mondell
Moore, Ohlo
Moore, Va.
Moores, Ind. Morin Murphy Nelson, Me. Newton, Minn. NAYS-75.

Davis, Tenn.

Deal Dominick Doughton

Drewry Driver Dupré Fisher

Fulmer

Griffin

Garrett, Tenn. Gilbert Goldsborough

Stephens Strong, Kans, Strong, Pa. Newton, Mo. Norton Parker, N. J. Parker, N. Y. Paul Perkins Strong, Pa.
Sweet
Taylor, N. J.
Temple
Thompson
Tilson
Timberlake
Tincher
Timkham
Underhill
Vaile
Vestal
Voigt
Volk
Volk Periman Petersen Porter Radcliffe Reber Reed, N. Y. Reed, W. Va. Ricketts Roach Robertson Robsion Volstead Walters Ward, N. Y. Rogers Rossdale Sanders, Ind. Scott, Tenn. Wason Webster White, Kans. Williams, Ill. Williamson Scott, Tenn, Shaw Siegel Sinnott Smith, Idabo Speaks Sproul Stafford Wyant Young Rucker

Jones, Tex. Kincheloe Sabath Kunz Lankferd Larsen, Ga. Lendon Smithwick Stevenson Sumners, Tex.

Summers, Tex Swank Tague Taylor, Colo. Ten Eyck Tillman Tucker Turner Tyson Tyson Upshaw Vinson Wright

Hammer Hooker Huddleston Hudspeth Jeffers, Ala. Johnson, Ky. NOT VOTING-184.

McSwain

Mead O'Brien Oldfield Oliver

Riordan Rouse

Quin Rainey, Ill. Raker Rankin

Almon Ansorge Anthony Arentz Atkeson Freeman Funk Gahn Gallivan Beck Beedy Benham Garner Garrett, Tex. Gifford Goodykoontz Bird Bland, Ind. Boies Brand Gorman Gould Gould Graham, Pa, Hardy, Tex, Hawes Hayden Hays Henry Herrick Brennan Brooks, III. Brown, Tenn. Browne, Wis. Burke Burton Cable Hull Montague Moore, III.
Humphreys, Miss. Morgan
Hutchinson Mott
Jacoway Mudd
Jefferis, Nebr. Nelson, A. P.
Johnson, Miss. Nelson, J. M.
Jones, Pa. Nolan
O'Connor
Kearne Cannon Carter Chandler, N. Y. Chandler, Okla. Clague Clark, Fla. Clark, Fia. Classon Codd Cole, Ohio Connelly, Pa. Cooper, Wis. Kearns Keller Kelley, Mich. Kendall Cooper, W Copley Coughlin Crowther Cullen Kennedy Kindred Kindred
King
Kirkpatrick
Kitchin
Kitchin
Kline, N. Y.
Knight
Lampert
Langley
Lanham
Larson, Minn.
Lawrence
Layton Curry Dale Davis, Minn. Denison Dickinson

Leatherwood Lee, Ga. Linthicum Longworth Luhring Luhring Sanders, N.
McArthur Sanders, Ter
McClintic Schall
McCormick Scott, Mich.
McFadden
McLaughlin, Mich. Shelton
McLaughlin, Nebr. Shreve
McLaughlin, Nebr. Shreve
McLaughlin, Pa. Sinclair
Madden
Maloney Slemn Maloney Mansfield Martin Merritt Michaelson Nolan O'Connor Ogden Olpp Overstreet Paige Park, Ga. Park, Ga.
Parks, Ark.
Patterson, Mo.
Patterson, N. J.
Pou
Pringey
Purnell
Rainey, Ala.
Ramseyer
Ransley
Rayburn
Reece
Rhodes
Riddick

Rodenberg Rose Rosenbloom Ryan Sanders, N. Y. Sanders, Tex. Sisson Siemp Smith, Mich. Snell Snyder Steagall Stedman Steenerson Stiness Stell Stoll Sullivan Summers, Wash. Swing Taylor, Ark. Taylor, Tenn. Thomas Thorpe Towner Treadway Ward, N. C. Watson Weaver Wheeler White, Me. Williams, Tex. Wilson Wingo Wood, Ind. Woodruff Woods, Va. Woodyard Wurzbach

Zihlman

So, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

The Clerk announced the additional pairs:

Until further notice:

Drane Dunbar

Dyer Ellis Fairfield

Mr. Longworth with Mr. Lee of Georgia.

Mr. Paige with Mr. Sears.
Mr. Woodruff with Mr. Carter.
Mr. Kendall with Mr. Weaver.
Mr. Fenn with Mr. Garrett of Texas.

Layton

Mr. Burton with Mr. Pou. Mr. Lampert with Mr. Sisson.

Mr. McLaughlin of Michigan with Mr. Fields.

Mr. Graham of Pennsylvania with Mr. Hayden.

Mr. Merritt with Mr. Steagall. Mr. Shreve with Mr. Woods of Virginia.

Mr. Madden with Mr. O'Connor. Mr. Langley with Mr. Drane.

Mr. Dickinson with Mr. Hardy of Texas.

Mr. Beedy with Mr. Gallivan.

Mr. Boies with Mr. Humphreys of Mississippi,

Mr. Rhodes with Mr. Wilson.

Mr. Cole of Ohio with Mr. Mansfield. Mr. Browne of Wisconsin with Mr. Stedman.

Mr. Ransley with Mr. Sanders of Texas.

Mr. Purnell with Mr. Linthicum.

The SPEAKER pro tempore. A quorum is present; the Doorkeeper will open the doors.

CONFERENCE REPORT-CREDITS AND REFUNDS.

Mr. GREEN of Iowa. Mr. Speaker, I desire to present a conference report for printing under the rule.

The SPEAKER pro tempore. The gentleman from Iowa presents a conference report on a bill, which the Clerk will report by title

The Clerk read as follows:

A bill (H. R. 13775) to amend the revenue act of 1921 with respect credits and refunds.

The SPEAKER pro tempore. Ordered printed under the rule. TRIBUTE TO HON. W. BOURKE COCKRAN.

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the life and work of the late Hon. W. BOURKE COCKRAN.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full

as follows:

Mr. SIEGEL. Mr. Speaker, in the fall of 1894 I had the pleasure of meeting the man who was later to become New York's and, in fact, America's leading orator of the present generation, Hon. W. BOURKE COCKRAN. I was a school boy then, and when a couple of weeks later my then school teacher, now associate superintendent of schools of New York City, Dr. William J. O'Shea, asked our class to write an essay on the three men best known in public life, I included the late Speakers Crisp, Reed, and our lamented friend W. BOURKE COCKRAN. Many times later, and particularly the time when I was first nominated for Member of the House of Representatives in 1914, he encouraged me in the ambition which he knew I had, to become a Member of the House before I was 35 years of age. Few men were gifted as he was. His fluency of language, depth of thinking, his wide knowledge of the history of the world and of its literature, stamped him as the exceptional man in America, because this country of ours was his adopted land. He feared no man. He showed his grit and courage by opposing the nomination for President of Grover Cleveland. He again displayed it when he refused to support Hon. William Jennings Bryan in 1896, and rallied to the cause of sound money. A year ago last Lincoln's Birthday, at my request, he delivered an address on the life, character, and accomplishments of Abraham Lincoln at the Institutional Synagogue Auditorium, of which I have the honor to be president. He held spellbound for over an hour and twenty minutes an audience of over 1,000 people. His hold on the people in New York City was seen that evening, when they came, regardless of a terrible snowstorm, which was accompanied by a terrific gale.

Many addresses have been delivered on Lincoln, but no man portrayed his character to the full extent which W. Bourke Cockean could and did. Volumes of praise will undoubtedly be sounded in the next few months by all those who knew him, and columns of comment on his most extraordinary career will be printed. He was a real American in all that the word implies. He never forgot that he had come to this country from Ireland when young in years and received all that America could give him in honor and fame, because he recognized his full obligations to this Republic of ours. He fought for the immigrant with all the strength at his command. He recognized that if the spirit of intolerance was permitted to grow here that it would bring division amongst loyal American citizens. He foresaw, as we have all recognized, that the only solution for many of the ills which nations are suffering is work and work only. Busy hands and busy minds keep individuals as well as nations out of trouble. He knew that he had won his success through the hardest kind of energetic work. He also bore in mind that it was the only way for any individ-ual to attain his goal. We New Yorkers, where he lived and grew greater year by year, will miss him. His passing away

leaves a void in our city which for many years it will be impossible to fill. The Nation has lost a faithful public servant, a lawyer of eminence, and a statesman of real courage.

Mr. Speaker, practically all the newspapers of the United States have paid him glowing tributes. I feel, however, that the account of his leaving us, together with the editorial comment of the New York Times, the Washington Star, and Washington Post, just about express the deep affection and love with which he was held, not only by those of his own political faith, but by men and women of all faiths and factions. These articles are worthy of preservation for future posterity, and I therefore quote them in full.

[From the New York Times, March 2, 1923.]

W. BOURRE COCKRAN DIES AFTER ORATION—STRICKEN AT 69TH BIRTH-DAY CELEBRATION FOLLOWING SPEECH IN HOUSE—LAST WISH UN-FULFILLED—BLEW OUT 69 CANDLES ON CAKE, THEN EXPRESSED HOPE HE WOULD LIVE MANY YEARS.

(Special to the New York Times.)

HE WOULD LIVE MANY YEARS.

(Special to the New York Times.)

WASHINGTON, March 1.—Representative W. Bourke Cockran, of New York, one of the most eloquent orators in the House of Representatives in recent years, died this morning after a stroke of apoplexy.

Mr. Cockran was stricken shortly after 1 o'clock this morning after celebrating his 69th birthday at a dinner attended by a number of friends. The celebration was a double one, as it was the natal anniversary of Salisbury Field, his house guest.

Mr. Cockran was in excellent health and spirits during the dinner, but he seemed to be rather nervous. He appeared at the dinner after making an earnest speech of 45 minutes in the House against the rural credits bill. His speech was delivered about 6.45, and when he ended Mr. Cockran told one of his colleagues that he had the greatest difficulty in making it because of lack of preparation and the complexity of the subject. His physicians believe that this effort contributed to his death, as he had been warned against exercising his old-time vigor in his speeches. This he disregarded and was never more vehement than in his attack against the banking evils set up in the bill.

Two birthday cakes were placed on the dinner table last night, one for Mr. Cockran, the other for Mr. Field. Mr. Cockran succeeded in blowing out all the candles and "had his wish." As the flames flickered and his guests cheered Mr. Cockran turned to his guest at his right and said:

"I may tell you my wish. It is that I may live many years with my dear wife."

Two hours later Mr. Cockran was stricken as he was preparing for bed. Physicians were summoned, and while he was conscious for a few minutes, he died peacefully at 7.10 this morning.

Longworths among Callers.

LONGWORTHS AMONG CALLERS.

LONGWORTHS AMONG CALLERS.

As most of the guests were leaving last night Mr. and Mrs. Nicholas Longworth dropped in on the Cockrans to leave their birthday wishes, as has been their practice for many years, as the romance which united Alice Roosevelt and Nicholas Longworth and Mr. Cockran and Miss Ide had its inception on the famous trip to the Philippines, when Secretary of War Taft in 1905 took a party abroad. Both Mr. Cockran and Mr. Longworth, as Members of Congress, accompanied the party. At Manila Mr. Cockran met Miss Annie Ide, daughter of Henry Clay Ide, whose father was Governor General of the Philippines. A year later the wedding of both Members of Congress occurred and both families have been intimate ever since. Mr. Longworth said that Mr. Cockran last night was in a happy spirit and he told many stories of the past days of their courtships period in the Philippines.

A statement issued by Mr. Cockran's secretary said:

"Mr. Cockran had been feeling very well and working very hard. He made a speech in the House, and in the evening, it being his birthday, a few friends came in informally to dinner. He seemed in the best of health and spirits. He had been talking with Mrs. Cockran for about half an hour after the guests had gone, when, about 1 a. m., he suddenly said he had a terrible headache and soon after that became unconscious. Doctor Hardin immediately was summoned and the last rites of the Catholie Church were administered. Mrs. Cockran was at his bedside until he died."

A SHOCK TO THE HOUSE.

A SHOCK TO THE HOUSE.

Mr. Cockran's death came as a particular shock to the House, as his speech last night had made a strong impression on his colleagues. Mr. Cockran had planned to spend the rest of his life in Congress. He had made plans for taking the lead to revise the rules, and the Democrats were depending upon him in the next House to be one of their strongest advocates of reforms.

The House adjourned out of respect for his memory and appointed a committee to attend his funeral, which will be held at 10.30 Monday morning at St. Jean Baptiste Church, Lexington Avenue and Seventy-sixth Street, New York. The committee consists of Representatives Riordan, Mott, London, Carew, Siegel, Sullavan, Kline, Griffin, Ten Eyck, Fish, Mead, and Fairchild, of New York; Oliver, Alabama; Connally and Jones, Texas; and Sabaph, Illinois.

Representative Finis J. Garrett, Democratic leader, upon being informed of the death of Mr. Cockran, said:

"I am shocked almost beyond expression, Mr. Cockran has been not only a nationally known but an internationally known character for more than 30 years. He was one of the foremost orators of all the centuries. His political philosophy was broad and comprehensive, and his wonderful vocabulary and capability of expression enabled him to put his arguments in original and fascinating ways."

In his last speech, which he had not corrected, as was his invariable custom, Mr. Cockran inveighed against the rural credits bill and pleaded with his Democratic colleagues to vote against it. Among other things, he said in his speech, which probably brought on his attack:

"I am perfectly certain that my good friends around here are far from realizing the true character of this proposal. I know perfectly well that these Democrats would recoil from the idea of tolerating or encouraging a system by which one set of people are despolled for the benefit of others. They have been very quick to denounce the ship subsidy bill, and I agree with them. This is exactly the same character as the tariff. The

character when it interferes with banking. Every attempt to enrich men by law means the despolling of some for the benefit of others.

"God knows whether the world will succeed in freeing itself from the calamiftes that are multiplying around it and the dangers that are constantly increasing in its pathway; but if it is to escape it can be by one way only—and that is by the employment of every pair of human hands with active industry on the soil or some product of the soil. You can not induce the employment of human hands in industry unless you guarantee to every man the peaceful and secure enjoyment of all that he produces. When the day dawns that any number of citizens are taught to believe that there is a more rapid road to prosperity, to wealth, to the possession of capital, than the employment of industry and the exercise of self-denial, and that a more rapid way is through the Treasury, by the complacence of or the connivance of politicians, then the knell of this country's prosperity is sounded."

PUBLIC CAREER OF 40 YEARS.

One of the last of American political orators, as he was one of the greatest, W. Bourke Cockan had a public career of nearly 40 years. Known as the "silver-tongued orator" of Tammany, he broke at least twice with that organization, once to support William McKinley, Republican, for President in 1896, and once to work for the election of Theodore Roosevelt, Progressive, to the Presidency in

election of Theodore Roosevelt, Progressive, to the Presidency in 1912.

The speech which many consider to mark the peak of his oratorical efforts—the sound money speech for McKinley in Madison Square Garden in 1896—was made while he was outside the Democratic organization, to which he gave his allegiance during most of his life, Among his other famous speeches that opposing the renomination of Grover Cleveland at the Democratic National Convention in 1892, a masterpiece of irony but unproductive of any results in the convention, was perhaps the best known.

Mr. Cockran's brilliant speeches were numerous. Besides the two already mentioned those which were best known included his speech against Cleveland at the Democratic National Convention of 1884, when Cleveland was nominated for President and later elected, his "Gold Democrat" speech in Chicago in 1899 in a debate with William J. Bryan over standards of currency, his anti-Croker speech in the New York City Club on May 24, 1901, his pro-Irish speech before a committee of the United States Senate on August 29, 1913, his peace treaty plebiscite speech before the Cleveland Democracy in New York City of February 1, 1920, and his speech nominating Gov. Alfred E. Smith for Vice President at the Democratic National Convention at San Francisco in July of the same year.

HIS FIGHT AGAINST CLEVELAND.

HIS FIGHT AGAINST CLEVELAND.

Mr. Cockran was a delegate to the Democratic National Convention in 1884, and, like Kelly and the other Tammany delegates, was opposed to the nomination of Grover Cleveland for President. The convention was largely for Cleveland, and one Tammany speaker after another, with the exception of Kelly, who received a hearing, was howled down. When Cockran rose to speak he met a similar reception. He persisted and was able to make himself heard above the uproar. Interruptions became fewer and finally ceased. A round of applause when he had finished was evidence of his ability to speak in hostile surroundings.

In the turbulent scenes of the convention of 1892 Mr. Cockran also took a conspicuous part, and, although the Cleveland delegates were in the majority, Mr. Cockran's eloquence obtained from them a respectful hearing when he spoke against the nomination of Cleveland.

the majority, Air. Cockran's eloquence obtained from them a respectful hearing when he spoke against the nomination of Cleveland.

CAME TO AMERICA WHEN a BOY,

Mr. Cockran was born in County Sligo, Ireland, February 28, 1854. His parents, who were in moderately prosperous circumstances, intended him for the church, but the career of a priest was not to his liking, and he came to the United States when 17 years old to seek his fortune.

Mr. Cockran's first employment was as a clerk in the department store of A. T. Stewart. This, too, was distasteful to him and he became a tutor in a private school in Rutgers Street. Later he went to Tuckahoe as principal of a public school.

While teaching school, Mr. Cockran studied law. He was poor and could not then afford to buy the books he needed. During this period he made the acquaintance of Judge Abram R. Tappen, who took a fancy to the young Irishman and gave him access to his law library. Thus encouraged, Mr. Cockran worked the harder, teaching in the daytime and giving his nights to the study of law.

In 1876 he gave up teaching, was admitted to the bar and practiced for two years in Mount Vernon. He then moved to New York City and opened a modest law office on an upper floor of 178 Broadway.

For months Mr. Cockran was hardly able to earn more than enough to supply him with food and lodging. He had an easy audacity and a good nature that won him friends, among whom was Charles Strauss, who had a law office in the same building. Mr. Strauss had a client who had a friend accused of receiving stolen goods, and turned over the case to Mr. Cockran with the remark that if he could win it he would soon have a practice of \$20,000 a year. Mr. Cockran did not win the case, as the evidence was too strongly against the accused, but he handled it ably, and went for a time into Mr. Strauss's office.

HE ENTERS POLITICS. HE ENTERS POLITICS.

After that Mr. Cockran's rise in his profession was rapid and he began to take an interest in politics. His eloquence was winning him friends among the politicians; the leaders of the Irving Hall Democracy, a faction opposed to Tammany, took him up and he attracted aftention as spokesman of that organization at the Democratic State Convention at Albany in 1881. In the following year he was appointed counsel to the sheriff of New York County, a lucrative

Democracy, tracted attention as spokesman of that organization fracted attention at Albany in 1881. In the following year he was appointed counsel to the sheriff of New York County, a lucrative position.

John Kelly, then leader of Tammany, had watched Cockran's progress with interest and in 1883 invited him to join the Wigwam. Kelly had a high opinion of Cockran's ability and predicted a great future for him.

Mr. Cockran's status as one of the leading orators of Tammany was fixed by his first Chicago speech. He was again appointed counsel to the sheriff during the incumbency of Hugh J. Grant. When Grant became mayor a little later he wanted to appoint Mr. Cockran corporation counsel but the latter refused that; later he declined the nomination for judge of the court of common pleas. Although active in politics, Mr. Cockran after his start was never an office seeker.

In 1886 Mr. Cockran after his start was never an office seeker.

In 1886 Mr. Cockran was first elected to Congress, consenting to take the nomination largely because of the desire of the Tammany leaders to have a spokesman on the floor of the House of Representatives. Mr. Cockran was again elected to Congress in 1890 and 1892.

Decause of his refusal to support Bryan, he left the party and it was not until he supported the latter on the issue of "imperialism" in the 1900 campaign that he was restored to party regularity. He was elected to Congress in 1904 to succeed George B. McClellan, who resigned to become mayor of New York City, and served until the end of 1909, having in the meantime broken with Charles F. Murphy, who had become leader of Tammany Hall.

There followed another period during which Mr. Cockran was out of the Democratic Party. Mr. Cockran, a personal friend of the late Theodore Roosevelt, joined the Progressive Party in 1912, campaigned effectively for Roosevelt, and ran unsuccessfully for Congress in the Named Smith for YICE PRESIDENT.

NAMED SMITH FOR VICE PRESIDENT.

Mr. Cockran, after a period of comparative political inactivity returned to the Democratic Party in time to nominate Governor Smith for Vice President at the Democratic Convention of 1920. He was nominated for Representative later that year in the sixteenth congressional district to succeed Thomas F. Smith, secretary of Tammany, who declined renomination. He was elected by about 5,000 plurality and was reelected last fall.

During his last period of service in Congress Mr. Cockran had been outspoken in his condemnation of the prohibition amendment and the Voistead law, which he characterized as "fanaticism gone mad." Heled an unsuccessful attempt to write a wet plank into the Democratic platform at the San Francisco convention.

Mr. Cockran was a devout Roman Catholic and one of the most prominent laymen of that church in this country. The late Pope Leo XIII considered Mr. Cockran a friend and granted him repeated audiences. He held degrees from St. Francis Xavier's College, Georgetown University, Manhattan College, and St. John's College, Brooklyn.

Cockran was an outspoken opponent of divorce, which he characterized as "one of the worst blots upon our civilization." "If we are to choose between divorce and polygamy, give us polygamy," he said at one time.

Mr. Cockran throughout his public career had been the friend of organized labor, but always held that employer and employee could not prosper separately and at the expense of each other. He opposed compulsory arbitration, declaring it inconsistent with a condition of free labor.

Some of Mr. Cockran's most ardent admirers were accustomed to style him the "greatest orator of the age." Whether this is true or not, he was undeniably effective. With a big head set upon perad

compulsory arbitration, declaring it inconsistent with a condition of free labor.

Some of Mr. Cockran's most ardent admirers were accustomed to style him the "greatest orator of the age." Whether this is true or not, he was undeniably effective. With a big head set upon broad, sturdy shoulders and of powerful physique, he had a commanding presence. His voice was clear and resonant and possessed just a tingle of Irish brogue. Burke was his favorite orator. After-dinner speaking he looked down upon as "vapid."

DEFENDED TOM MOONEY.

DEFENDED TOM MOONEY.

Although Mr. Cockran was best known as an orator, he was a lawyer of ability and distinction. In his early career he was counsel for the late Jacob Sharp, and more recently he defended Tom Mooney in the San Francisco bomb case.

Although thoroughly American, Mr. Cockran never forgot the land of his nativity and was always an advocate of Irish liberty. Many persons believed that it was largely through his efforts that the late King Edward signed the Irish land act, a great benefit to the people of Ireland, before his death 20 years ago.

Mr. Cockran was married three times. His first wife was the sister of the Reverend Father Jackson, who was pastor of St. Ann's Church in East Twelfth Street. His second wife was Miss Rhoda E. Mack, daughter of the late John Mack, a retired merchant.

His third wife, who survives him, was Miss Anne I. Ide, daughter of Gen. Henry C. Ide, former Governor General of the Philippines, Mr. Cockran was married to Miss Ide in November, 1906. Since their marriage, except for the time spent in Washington, Mr. and Mrs. Cockran have lived mostly at their home at Sands Point, L. I.

Teibutes of Party Leaders—Acting Mayor Hulbert, Governor

TRIBUTES OF PARTY LEADERS-ACTING MAYOR HULBERT, GOVERNOR SMITH, AND OTHERS COMMENT.

SMITH, AND OTHERS COMMENT.

John R. Voorhis, Grand Sachem of the Tammany Society, ordered the flag on Tammany Hall to be placed at half-mast as soon as he heard of the death of Representative W. BOURKE COCKRAN. Mr. Voorhis, who is also president of the board of elections, said that no special election would be necessary to elect a successor, because the next session of Congress probably would not begin until after the regular election next November.

"I have known BOURKE COCKRAN for years." Mr. Voorhis and the state of the service of the se

tion would be necessary to elect a successor, because the next session of Congress probably would not begin until after the regular election next November.

"I have known Bourke Cockran for years," Mr. Voorhis said. "His great oratorial ability made him an invaluable asset in the cause of democracy. Bourke Cockran was Grand Sachem of the Society of Tammany from 1905 to 1908. There will be a meeting of the regular organization on Monday, and no doubt resolutions will be passed expressing the sorrow of the organization for one of its most distinguished members."

Other expressions on Mr. Cockran's death follow:

Acting Mayor Hulbert: "It was a great shock to the people of this city to learn to-day of the sudden death of Congressman W. Bourke Cockran, who for 40 years has been a prominent figure in the life of this city and for the greater part of that time in the Senate and Nation. He is known throughout the country for his distinguished forensic ability, and the splendor of his diction, the richness and variety of his imagery, and the boundless store of knowledge which he displayed was equaled by few Americans. Mr. Cockran, in response to the appeals of his party to reenter public life in order that the country might avail of his great ability in the reconstruction period following the World War, was elected to Congress from the sixteenth district and died at the close of his present term."

Judge Aired J. Talley, of the court of general sessions: "Bourke Cockran was the foremost orator of our times. I know of no other man who had such control of the magic in musle of the spoken word and his power never waned. He was never more eloquent than two weeks ago, when I heard him at the Catholic Club on Lincoln. He was a splendid gentleman of the highest probity and loftiest ideals. His death is indeed a loss to the country."

Justice Daniel F. Cohalan, of the supreme court: "In the passing of Bourke Cockran there has been lost a man of rare personality, admirable qualities, and breadth of culture."

United States Sena

had a fine vocabulary and the grandest command of the English language of any man who lived. He was charitable. His charity knew no limit."

District Attorney Charles J. Dood, of Brooklyn: "The sterling character of Congressman Cockran is best seen in his work. He gave the most valuable years of his life to the service of his country."

GOVERNOR SMITH MOURNS COCKRAN. (Special to The New York Times.)

(Special to The New York Times.)

Albany, March 1.—Governor Smith was greatly shocked when news reached him to-day of the death of W. Bourre Cockban, whom he had known for many years, and who on two occasions had eulogized the governor as sponsor for his nomination.

The first occasion was the Democratic National Convention in San Francisco in 1920, when he placed Mr. Smith in nomination for Vice President; and the second the Democratic State convention in Syracuse last year, when he seconded his nomination for governor.

"His passing from this life removes one of America's great men," said the governor. "The history of his life reads like a romance built upon early struggle and latter-day success. He was a forceful and vigorous character, and by sheer ability he fought his way from the humble schoolroom in which he taught on the lower east side of Manhattan to a position of prominence in the greatest Nation in the world; "His death is a distinct loss to the country, and one beyond measure to his personal friends, a distinction I enjoyed during his lifetime, because those fortunate enough to count him as such knew the warmth of his friendship and the strength of his loyalty and devotion."

The governor said he would attend Mr. Cockbany's funeral.

GOVERNOR SILZER'S TRIBUTE.

TRENTON, N. J., March 1.—Governor Silzer to-night, commenting on the death of Representative Cocknan, said:

"He was an American in the truest and best sense. He had great faith in the people and they in him. Both were right. I join with the people of the United States in mourning our loss, and in extending the deepest sympathy to Mrs. Cockran."

BOURKE COCKRAN.

[From the New York Times, March 2, 1923.]

[From the New York Times, March 2, 1923.]

The splendor of Bourke Cockran's gifts as an orator obscured, at times, at least among his adversaries, the real and solid talent and achievements that underlay his genius; and in politics a certain opportunism or facility of transition sometimes caused a suspicion or prejudice that he looked at public questions as briefs to be argued. Moreover, in some jaundiced eyes, his long connection with Tammany Hall, to which he emigrated from Irving Hall, was a subject of distrust. This was part of the penalty of his brilliance. He was a scholar and a student. He made himself thoroughly familiar with the money question, for example, and his speeches against the free coinage of silver were informed, logical, and clear. So, when any constitutional subject came up in Congress, he displayed a deep and accurate knowledge of it.

He was an acute lawyer, who came to reputation and fortune early; but it is as an orator, equally admired in popular and legislative assemblies, that he made the most vivid impression upon his contemporaries. He had the physical as well as the mental credentials required of that type of artist. Who that ever saw it can forget that tall, impressive figure, burly in his later years, the deep-set eyes with those curious curved, almost oriental eyelids, the powerful nose, the forchead crisscrossed with thought, the mobile face with something Spanish, Celtiberian as well as Celtie, something a little strange, anyway; wit flashing from the eyes to the lips; above all, the marvelous voice charged with mockery, with passion, always with music?

Perfectly self-possessed, if anything a little easier, more suave, more quiet, more dangereusly honeyed as he grew older: a conqueror of interruptions, a bland, swift, dangerous thruster with repartee, all his graces and forces mobilized; apparently always speaking extemporaneously, and, if not, hiding the labor of preparation with perfect art, he charmed even the most hostility in the audience was useful or necessary in brin

incredible enconium of an orator—that people had rather hear him than eat.

Mr. COCKRAN's model was Edmund Burke. It would be cruel, of course, to compare him or anybody else to that great Irish philosophical thinker and orator, but it is something to choose the right model; and, physically, Mr. COCKRAN had endowments that Burke lacked. What is the secret of that communicable ardor between speaker and audience? Regarded mystically, or regarded in some direct or collateral relation to the modern germ theory, it is strange and wonderful. Something of this secret BOURKE COCKRAN possessed. The art of mystery seems to be dwindling in Ireland as well as here. Mr. COCKRAN was a considerable artist. It was artistically fit that he should speak and speak well in the House on his last night in it.

BOURKE COCKBAN.

[From the Washington Star.]

[From the Washington Star.]

Death of Bourke Cockean—he was always best known by his abbreviated name, and few would recognize him if styled William B. Cockean—revives memories of the days when he was in his best form as a political orator, days when he made the walls of convention halls ring with his eloquence, when his flowing mane would toss above the sea of heads like the crest of Neptune's horse above the waves, and his wonderful voice would ring even over the clamor of his delighted hearers. He had the gift of the silver tongue, the persuasive phrase, the felicitous harmony of tone and sentence that make the orator.

It seems a long time since Richard Croker used to go to the big political gatherings with his two spokesmen. BOURKE COCKEAN and John Fellows, antitheses in appearance, but brethren in the art of political expression. Croker was no speechmaker. He picked his men for that purpose, and in Fellows and Cockean had a remarkable pair. Each man had his specialty—Fellows in satire and Cockean in emotional eloquence. Between them they could hold any convention spellbound

for hours if need be, and on the stump in campaigns they were marvels

for hours if need be, and on the stump in campaigns they were marvels at votemaking.

But BOURKE COCKRAN'S abilities were not measured alone by his gift of speech. He was a legislator of ability. He had keen mind, a sharp intellect, with ability to analyze a subject thoroughly. When he spoke it was with information. He never went unprepared into the arena, and in a debate he was a formidable antagonist.

It has been said that BOURKE COCKRAN should have gone up the line to the Senate from the House, in which he sat on several returns for a good many years. But it is questionable whether he would have shown as brightly in the Senate as he did in the House. He needed the larger audience for his best effects. He liked close contacts with men. Though himself a man of dignity, he rather shrank from the more austere atmosphere of senatorial procedure.

His silver voice is stilled. It was heard only a few hours ago in the House in a ringing speech that showed no impairment of powers of reasoning or of expression, and those who knew and loved BOURKE COCKRAN as a frieud are glad to know that he went out with no slackening of his capacity, and that his last scene in life was a birthday party in celebration of his 69th year. He will be mourned as a good friend, and long remembered as one who left his mark on the records of American affairs.

RECALLS COCKRAN BATTLING STORM TO BEAT CLEVELAND. [From the Washington Post.]

(From the Washington Post.)

CHICAGO, March I.—Chicagoans who learned with sorrow of the death of Representative W. BOURES COCKRAN, in Washington, to day showered praise on the "silver-tongued orator." Many of Mr. Cockran's famous speeches were delivered in Chicago, and he had many friends here.

"I heard his greatest speech when he opposed the nomination of Cleveland," declared Federal Judge Alschuler. "It was a dramatic occasion which I have never forgotten. Cockran held the attention of the great audience at the convention when no other living man, in my opinion, could have done it. It was 2 o'clock in the morning. A terrible storm was raging. The rain was coming through the holes in the roof of the temporary structure in which the convention was being held. The crowd was against him and wanted to vote. The lightning flashed and the thunder crashed, yet Cockran made a speech which held the crowd spellbound. I shall never forget it."

Mr. MOORES of Indiana. Mr. Speaker, I desire to extend my

Mr. MOORES of Indiana. Mr. Speaker, I desire to extend my remarks in the RECORD by printing a selection from Macaulay, referred to by the Hon. W. BOURKE COCKBAN, for which he secured the consent of the House to be printed in the RECORD.

The SPEAKER pro tempore. Without objection, that consent

is granted.

There was no objection The remarks are as follows:

SPEECH OF HON. W. BOURKE COCKRAY, OF NEW YORK, MADE IN THE HOUSE OF REPRESENTATIVES, WEDNESDAY, FEBRUARY 28, 1923.

Mr. COCKRAN. Mr. Chairman and gentlemen of the committee, I took the liberty of propounding some questions to the chairman of the Committee on Banking and Currency during his address, and on his answers I shall predicate what I have to say I asked him distinctly, and he answered with equal candor, if the purpose of this measure is to afford the farmers a chance to get more money on credit than they could obtain through the ordinary processes of commerce. Now, since every-one with money, including the banking business, is quite as anxious to loan as any borrower is to obtain, the only fair and sensible deduction from those statements is that the farmer, through this measure—I will not say the farmer, I mean the statesmen who are cultivating the farmer, I do not speak of the farmer who is cultivating the earth, but of those gentlemen who are cultivating the farmer-propose that he shall be able to obtain more money on his property than the property is worth.

SEVERAL MEMBERS, Oh, no.
Mr. COCKRAN. There can be no other meaning. repeat he will have no difficulty whatever in getting all the money that his credit is worth. Now, if this additional sum which it is proposed to give the farmer could be obtained like manna rained from heaven and could be picked up in some place where it would not be contributed by somebody else, I would join in acclaim to that proposal. Now, you propose to give the farmer, as much as I would like to see him get it, money without adequate security, and that money provided for in this bill must be supplied by some one. Naturally you inquire who is to be the victim, who is to make good this benevolence. It is going to be you and me. Nobody else. So I ask the careful attention of this committee to the character of the proposal, to consider and weigh the facts and see if there be any justification whatever for the attempt to take money from one set of citizens-in other words take it out of the Treasury-for the benefit of a particular class. Now, to begin with, I think it important, if the committee will bear with me, to give a brief history of banking and its functions. I want to remind you that it is, in English-speaking countries, a very recent institution, about 230 years old.

Macaulay, in his History of England, points out that in the reign of Charles II there was not a bank in England, and yet there was a growing industry, and that industry needed the very facilities which banking now affords. He points out that at that time there had been in operation for more than three or four hundred years the great Bank of Venice, and that bank had

operated through all the mutations and confusions that marked the collapse of the old feudal system. As Macaulay says, it was receiving deposits and loaning money while there was a Christian emperor still in Constantinople. It was loaning money before Columbus directed his ships across the western ocean, and it was still loaning money when an Ottoman emperor prosided at the seat of the Cæsars, and while the discoveries ve Columbus had resulted in the erection of numerous communities beyond the seas.

And more than that, the Bank of Amsterdam, which was a more recent institution, had existed for 150 years, had gone through a period of confusion on the Continent that was never matched until these recent experiences through which the world is passing to-day. He points out that at the terrible time during the French invasion of Holland, when, as we all know, the dikes were broken down and the country was flooded as a measure of defense, and the white flags were flying from the residence of the stadtholder, there was one place where all was orderpeace, progress, and wholesome activity-and that was in the Bank of Amsterdam.

Now, these were so many private institutions; and he points out that the Government never interfered in banking when the interference has not worked disaster. The Bank of England practically gave banking facilities to the English market

And let me right here explain just what banking is, and when gentlemen realize it and fully appreciate it I think they will be able to form a fair judgment on the character of this proposal.

Banking is the means by which persons engaged in trade, in manufacture, or exchange of commodities can prosecute their business with less inactive capital than they would other-

wise be compelled to employ.

Let me illustrate. If I am making tables or selling them I must, if I wish to remain in business, be ready at any moment to meet any demand that is made upon me, and I must meet it in the recognized currency of the country. If there were no banking facilities I would probably need to keep one half of my capital idle. But by the operations of banking I can deposit per cent of my capital in the bank, and a man engaged in selling tables, we will say, would deposit 10 per cent of his capital in the bank, and the man making shoes would deposit 10 per cent of his capital, and so on through all the multifarious branches of commerce and production. Men, by depositing small amounts of their capital, say 10 per cent, are able by their mutual accommodations to carry on business. If I need money to manufacture my tables I go to work and borrow, and when my tables are completed and sold I repay that loan, and that repayment not only discharges my indebtedness to the bank, but it supplies funds for the shoemaker or the furniture dealer, in case they desire to borrow.

Now, the very business of banking is to keep trade of every kind and character active, and if the farmer can produce credit, if he can produce property, and is engaged in an occupation that will guarantee with reasonable certainty that he will be able to meet his debt, the bank is as anxious to lend the money as he is to obtain it, by the very nature of the commercial conditions.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. COCKRAN. No; I regret I have not the time. Chairman, I ask leave to extend in my remarks on this question the sketch that Macaulay gave of the success of the Bank of England.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. COCKRAN. It was found that this was an enormously profitable business, this business of banking. But there is nothing new in folly. The cry went forth over the country, "Let us have a land bank! Let us have a bank for the conduct of all land transactions." And Macaulay says they undertook to represent to the people that the miracles of Egypt would not be more marvelous than the results of loaning money on land. But the very essence of banking is the facilitation and the interchange and production of commodities produced from the land, and there is a totally different field of employment for capital in dealing with the land itself. Long loans belong to a totally different field of transactions.

The land bank was started in England. It was to do everything that is claimed for the land bank here, and it resulted in collapse almost before it got under way. But the English land bank did not propose to take several hundred million dollars out of the Public Treasury, as does this measure, and therefore you will have this bank working as long as that money lasts. But following the suggestion of the gentleman from Ohio [Mr. Burton], let us assume that under the operation of this law large loans are made upon cattle and growing crops; I think

they can loan up to 75 per cent of their value, and I have seen those values shrink over 50 per cent. What will be the security for those loans? How in the nature of things can these opera-

tions be prosecuted under the name of banking?

They are a permanent investment, a totally different branch of financial activity; they want to be encouraged, but when that is done they are conducted under the name and guise of banks to which they do not belong. Let us follow out the suggestion of the gentleman from Ohio [Mr. Burron] for a second. Let us assume that the money is loaned to a great extent upon what is called farm products, say 75 per cent of the value, or on a great herd of cattle in Arizona or New Mexico or Texas. and then assume the appearance of a blizzard. Where will the money to meet that loan come from? Where can it be found? What happens then? Do you come back and ask for more money? Why should not you? You have discovered a way to open the Treasury; you have discovered a way to levy on your neighbors and fellow citizens, because nothing can be taken out of the Treasury by appropriation until it is put in by taxation. Having obtained \$60,000,000 in this manner, what is to prevent your coming back for \$120,000,000?

You will come on the floor and ask if we are going to be the base, hard-hearted wretches who will actually emphasize and make more bitter the visitations of Providence, when all we have to do to protect the country is to shell out two or three hundred millions more. How long do you think that will last? The gentleman from New Jersey [Mr. Parker] has made a powerful suggestion, one fraught with great significance in this discussion. Aside from the fact that you are already projecting into the financial system of the country a vast mass of tax-exempt securities, you are creating this condition: That just so soon as there shall be any collapse in the credit underlying the loans made under the operation of this law the Government can not fall back on its exemption from liability. Oh, it is reserved in this act, you say; but technically and nominally it has the right to declare itself free of liability. But can it? The Government is tied up in the mere declaration of liability in the statute. It is held to it by the very nature of the transaction. The Government itself is the bank, camouflage it as you may under the disguise of subscribing to the stock of a concern where it owns all the stock itself. It might as well come out and do this thing from the Treasury Department and have the credit, instead of skulking behind the dis-guise that takes away not only the title of its responsibility but at the same time conceals from the people the character of

Mr. Chairman, I am perfectly certain that my good friends around me here are far from realizing the true character of this proposal. I know perfectly well that these Democrats would recoil from the idea of tolerating or encouraging a system by which one set of people are despoiled for the benefit of others. They have been very quick to denounce the ship subsidy bill, and I agree with them. This is exactly the same character as the tariff. There is no way by which the Government can interfere in private business except to oppress. can not have a favorite appointed here without having a victim, because the Government has nothing of its own that it can Whatever it offers the farmer it must take from the rest of us. There is no magic source from which these enormous contributions can flow.

Mr. McSWAIN. I would like to know who are the victims of

the Federal farm-loan associations.

Mr. COCKRAN. If there be default in these loans, as I believe there will be, we will all be their victims, including the farmers who borrow, because they get no good from having a bankrupt concern on their hands. Do you want to undertake to relieve them from the necessity for and exercise of caution in the enterprise they undertake? You tell them that in some way or other they are entitled to take from the Government to meet the ordinary necessities for productive energy and enterprise, and if there be not such an idea in this measure, then there is no sense in it at all. I appeal to gentlemen on both sides of the House to realize that Government never interferes in private business without disaster, and that disaster is always brought about most rapidly and is of the most extensive character when it interferes with banking. There is nothing on this earth that is not produced by the labor of human hands, nothing that man could hope to possess or enjoy that is not the product of labor exercised on the bosom of the earth or on some product of the earth. Every attempt to enrich man by law means the despoiling of some for the benefit of others. If this be a natural operation of commerce, you need no law, you need no interference of Government. The eagerness of men to supply their capital will supply all that it is safe to lend the farmer. They would never lend him 75 per cent of the value of his flocks and herds, because they know that would be risky, if not

making certain disaster to the loan and to the enterprise, but they will lend him all that it is safe to lend him, and that means all that it is safe for him to borrow

The operations of commerce are regulated by laws as fixed as those that control the course of the seasons, and the amount a man may safely borrow is measured by two things. First, by his possessions, what he owns, what he has earned and saved, and second, by his character. When the amount of a loan can be determined by the pull-foregive me for using such a term, but it has a significance well understood-which an ambitious citizen can exercise upon the officers of a public institution, when the course of loans and business is controlled by the favoritism which a pull invites, then there is prepared for you disaster, the extent of which is difficult to measure. We are struggling away back now from a terrible condition. God knows whether the world will succeed in freeing itself from the calamities that are multiplying around it and the dangers that are constantly increasing in its pathway; but if it is to escape, it can be by one way only, and that is by the employment of every pair of human hands in active industry on the soil or some product of the soil. You can not induce the employment of human hands in industry unless you guarantee to every man the peaceful and secure enjoyment of all that he produces. When the day dawns that any number of citizens are taught to believe that there is a more rapid road to prosperity, to wealth, to the possession of capital, than the employment of industry and the exercise of self-denial, and that a more rapid way is through the Treasury by the complaisance or the connivance of politicians, then the knell of this country's prosperity is sounded.

My friends, I have not the slightest idea that having once tasted this blood, those whose appetites are keen can be diverted from the satisfaction of it. But I do implore you in the name of all that we hold sacred, in the name of all that we have achieved, in our hope of prosperity and safety for the future, to pause before you launch the Government to the extent of \$600,000,000 into the domain of private industry, where it has never entered without producing extensive and sometimes irrep-

arable injury

Mr. WINGO. Mr. Chairman, will the gentleman tell us

whether he approves of the Federal reserve act?

Mr. COCKRAN. I will state that in many respects I do not. There are many features of it that I think are highly dangerous, and the worst one is that which tends to encourage a man of the high and lofty instincts and mental capabilities of the gentleman from Arkansas not only to support, but to father this proposal of socialism.

The CHAIRMAN, The time of the gentleman from New

York has expired.

| Quotation from Macaulay's History of England, vol. 4, pp. 402-504.]

"No sooner had banking become a separate and important trade than men began to discuss with earnestness the question whether it would be expedient to erect a national bank. The general opinion seems to have been decidedly in favor of a national bank; nor can we wonder at this, for few were then aware that trade is in general carried on to much more advantage by individuals than by great societies, and banking really is one of those few trades which can be carried on to as much advantage by a great society as by an individual. Two public banks had long been renowned throughout Europe, the Bank of St. George at Genoa, and the Bank of Amsterdam. The immense wealth which was in the keeping of those establishments, the confidence which they inspired, the prosperity which they had created, their stability, tried by panics, by wars, by revolutions, and found proof against all, were favorite topics. The Bank of St. George had nearly completed its third It had begun to receive deposits and to make loans before Columbus had crossed the Atlantic, before Gama had turned the Cape, when a Christian Emperor was reigning at Constantinople, when a Mahomedan Sultan was reigning at Granada, when Florence was a Republic, when Holland obeyed a hereditary prince. All these things had been changed. continents and new oceans had been discovered. The Turk was at Constantinople; the Castilian was at Granada; Florence had its hereditary prince; Holland was a Republic; but the Bank of St. George was still receiving deposits and making loans. That Bank of Amsterdam was little more than 80 years old, but its solvency had stood severe tests. Even in the terrible crisis of 1672-when the whole delta of the Rhine was overrun by the French armies, when the white flags were seen from the top of the Stadthouse-there was one place where, admidst general consternation and confusion, tranquillity and order were still to be found, and that place was the bank.

"Why should not the Bank of London be as great and as durable as the Banks of Genoa and of Amsterdam? Before the end of the reign of Charles the Second several plans were proposed, examined, attacked, and defended. Some pamphleteers maintained that a national bank ought to be under the direction of the King. Others thought that the management ought to be intrusted to the lord mayor, aldermen, and common council of the capital. After the revolution the subject was discussed with an animation before unknown. For, under the influence of liberty, the breed of political projectors multiplied exceedingly. A crowd of plans, some of which resemble the fancies of a child or the dreams of a man in a fever, were pressed on the Government. Preeminently conspicuous among the political mountebanks, whose busy faces were seen every day in the lobby of the House of Commons, where John Briscoe and Hugh Chamberlayne, two projectors worthy to have been members of that academy which Gulliver found at Lagado. These men affirmed that the one cure for every distemper of the State was a land bank. A land bank would work for England miracles such as had never been wrought for Israel, miracles exceeding the heaps of qualis and the daily shower would be full to overflowing. There would be no poor, would be no poor. The income of every landowner There would be no taxes; and yet the exchequer would be doubled. The profits of every merchant would be increased. In short, the island would, to use Briscoe's words, be the paradise of the world. The only losers would be the moneyed men, those worst enemies of the nation, who had done more injury to the gentry and yeomanry than an invading army from France would have had the heart to do.

These blessed effects the land bank was to produce simply by issuing enormous quantities of notes on landed security. The doctrine of the projectors was that every person who had real property ought to have, besides that property, paper money to the full value of that property. Thus, if his estate was worth £2,000, he ought to have his estate and £2,000 in paper Both Briscoe and Chamberlayne treated with the greatest contempt the notion that there could be an overissue of paper as long as there was for every £10 note a piece of land

in the country worth £10.

Nobody, they said, would accuse a goldsmith of overissuing as long as his vaults contained guineas and crowns to the full value of all the notes which bore his signature. goldsmith had in his vaults guineas and crowns to the full value of all his paper. And was not a square mile of rich land in Taunton Dean at least as well entitled to be called wealth as a bag of gold or silver? The projectors could not deny that many people had a prejudice in favor of the precious metals, and that, therefore, if the land bank were bound to cash its notes it would very soon stop payment. This difficulty they got over by proposing that the notes should be inconvertible and that

everybody should be forced to take them.

The speculations of Chamberlayne on the subject of the currency may possibly find admirers even in our own time. But to his other errors he added an error which began and ended with him. He was fool enough to take it for granted in all his reasonings that the value of an estate varied directly as the duration. He maintained that if the annual income derived from a manor were a thousand pounds, a grant of that manor for 20 years must be worth £20,000 and a grant for a hundred years worth a hundred thousand pounds. If, therefore, the lord of such a manor would pledge it for a hundred years to the land bank, the land bank might on that security instantly issue notes for a hundred thousand pounds. On this subject Chamberlayne was proof to ridicule, to argument, even to arithmetical demonstration. He was reminded that the fee simple of land would not sell for more than 20 years' purchase. To say, therefore, that a term of a hundred years was worth five times as much as a term of 20 years was to say that a term of a hundred years was worth five times the fee simple; in other words, that a hundred was five times infinity. who reasoned thus were refuted by being told that they were usurers, and it should seem that a large number of country gentlemen thought the refutation complete.

"In December, 1693, Chamberlayne laid his plan, in all its naked absurdity, before the Commons, and petitioned to be beard. He confidently undertook to raise £8,000 on every freehold estate of £150 a year which should be brought, as he expressed it, into his land bank, and this without dispossessing the freeholder. All the squires in the House must have known that the fee simple of such an estate would hardly fetch £3,000 in the market. That less than the fee simple of such an estate could, by any device, be made to produce £8,000 would, it might have been thought, have seemed incredible to the most illiterate fox hunter that could be found on the benches. Distress, however, and animosity had made the landed gentlemen credu-lous. They insisted on referring Chamberlayne's plan to a committee, and the committee reported that the plan was

practicable and would tend to the benefit of the nation. But by this time the united force of demonstration and derision had begun to produce an effect even on the most ignorant rustics in the House. The report lay unnoticed on the table, and the country was saved from a calamity compared with which the defeat of Landen and the loss of the Smyrna fleet would have been blessings.

"All the projectors of this busy time, however, were not so absurd as Chamberlayne. One among them, William Paterson, was an ingenuous, though not always a judicious speculator. Of his early life little is known except that he was a native of Scotland and that he had been in the West Indies. In what character he had visited the West Indies was a matter about which his contemporaries differed. His friends said that he had been a missionary; his enemies that he had been a buccaneer. He seems to have been gifted by nature with fertile invention and ardent temperament and great powers of persuasion, and to have acquired somewhere in the

course of his vagrant life a perfect knowledge of accounts. "This man submitted to the Government, in 1691, a plan of a national bank; and his plan was favorably received both by statesmen and by merchants. But years passed away and nothing was done till in the spring of 1694, it became absolutely necessary to find some new mode of defraying the charges of the war. Then at length the scheme devised by the poor and obscure Scottish adventurer was taken up in earnest by Montague. With Montague was closely allied Michael Godfrey, the brother of that Sir Edmondsbury Godfrey, whose sad and mysterious death had 15 years before produced a terrible outbreak of popular feeling. Michael was one of the ablest, most upright, and most opulent of the merchant princes of London. He was, as might have been suspected from his near connection with the martyr of the Protestant faith, a zealous Whig. Some of his writings are still extant, and prove him to have had a strong and clear mind.

"By these two distinguished men Paterson's scheme was Montague undertook to manage the House of Commons, Godfrey to manage the city. An approving vote was obtained from the committee of ways and means and a bill, the title of which gave occasion to many sarcasms, was laid on the table. It was indeed not easy to guess that a bill, which purported only to impose a new duty on tonnage for the benefit of such persons as should advance money toward carrying on the war, was really a bill creating the greatest commercial insti-

tution that the world had ever seen.

"The plan was that twelve hundred thousand pounds should be borrowed by the Government on what was then considered as the moderate interest of 8 per cent. In order to induce capitalists to advance the money promptly on terms so favorable to the public the subscribers were to be incorporated by the name of the governor and company of the Bank of England. The corporation was to have no exclusive privilege, and was to be retricted from trading in anything but bills of exchange, bullion,

and forfeited pledges.

"As soon as the plan became generally known a paper war broke out as furious as that between the swearers and the nonswearers, or as that between the Old East India Co. and the New East India Co. The projectors who had failed to gain the ear of the Government fell like madmen on their more fortunate brother. All the goldsmiths and pawnbrokers set up a howl of rage. Some discontented Tories predicted ruin to the monarchy. It was remarkable, they said, that banks and kings had never existed together. Banks were republican institutions. There were flourishing banks at Venice, at Genoa, at Amsterdam, and at Hamburg. But who had ever heard of a Bank of France or a Bank of Spain? Some discontented Whigs, on the other hand, predicted ruin to our liberties. Here, they said, is an instrument of tyranny more formidable than the high commission, than the star chamber, than even the 50,000 soldiers of Oliver. The whole wealth of the nation will be in the hands of the tonnage bank-such was the nickname then in use-and the tonnage bank will be in the hands of the sovereign. The power of the purse, the one great security for all the rights of Englishmen, will be transferred from the House of Commons to the governor and directors of the new com-This last consideration was really of some weight and was allowed to be so by the authors of the bill. A clause was therefore most properly inserted which inhibited the bank from advancing money to the Crown without authority from Parliament. Every infraction of this salutary rule was to be punished by forfeiture of three times the sum advanced; and it was provided that the King should not have power to remit any part of the penalty.
"The plan, thus amended, received the sanction of the Com-

mons more easily than might have been expected from the vio-

lence of the adverse clamor. In truth, the Parliament was under duress. Money must be had, and could in no other way be had so easily. What took place when the House had resolved itself into a committee can not be discovered; but, while the

Speaker was in the chair, no division took place.

Speaker was in the chair, no division took place.

"The bill, however, was not safe when it reached the Upper House. Some Lords suspected that the plan of a national bank had been devised for the purpose of exalting the moneyed interest at the expense of the landed interest. Others thought that this plan, whether good or bad, ought not to have been submitted to them in such a form. Whether it would be safe to call into existence a body which might one day rule the whole commercial world, and how such a body should be constituted, were questions which ought not to be should be constituted, were questions which ought not to be decided by one branch of the legislature. The Peers ought to be at perfect liberty to examine all the details of the proposed scheme, to suggest amendments, to ask for conferences. It was therefore most unfair that the law establishing the bank should be sent up as part of a law granting supplies to the Crown. The Jacobites entertained some hope that the session would end with a quarrel between the Houses, that the tonnage bill would be lost, and that William would enter on the campaign without money. It was already May, according to the new style. The London season was over, and many noble families had left Covent Garden and Soho Square for their woods and hayfields. But summonses were sent out. There was a violent rush back to town. The benches which had lately been deserted were crowded. The sittings began at an hour unusually early, and were prolonged to an hour unusually late. On the day on which the bill was committed the contest lasted without intermission from 9 in the morning until 6 in the evening. Godolphin was in the chair. Nottingham and Rochester proposed to strike out all the clauses which related to the bank. Something was said about the danger of setting up a gigantic corporation which might soon give law to the King and the three estates of the realm. But the Peers seemed to be most moved by the appeal which was made to them as landlords.

"The whole scheme, it was asserted, was intended to enrich usurers at the expense of the nobility and gentry. Persons who had laid by money would rather put it into the bank than lend it on mortgage at moderate interest. Caermarthen said little or nothing in defense of what was in truth the work of his rivals and enemies. He owned that there were grave objections to the mode in which the Commons had provided for the public service of the year. But would their lordships amend a money bill? Would they engage in a contest of which the end must be that they must either yield or incur the grave responsibility of leaving the channel without a fleet during the summer? This argument prevailed; and on a division the amendment was rejected by 43 votes to 31. A few hours later the bill received the royal assent, and the Parliament was prorogued.

"In the city the success of Montague's plan was complete. It was then at least as difficult to raise a million at 8 per cent as it would now be to raise thirty millions at 4 per cent. It had been supposed that contributions would drop in very slowly, and a considerable time had therefore been allowed by the act. This indulgence was not needed. So popular was the new investment that on the day on which the books were opened £300,000 were subscribed; three hundred thousand more were subscribed during the next 48 hours; and in 10 days, to the delight of all the friends of the Government, it was announced that the list was full. The whole sum which the corporation was bound to lend to the State was paid into the exchequer before the first installment was due. Somers gladly put the great seal to a charter framed in conformity with the terms prescribed by Parliament, and the Bank of England commenced its operations in the house of the Company of Grocers. There during many years directors, secretaries, and clerks might be seen laboring in different parts of one spacious hall. The per-sons employed by the bank were originally only 54. They are The sum paid yearly in salaries amounted at first It now exceeds £210,000. We may, therefore, to only £4,350. fairly infer that the incomes of commercial clerks are, on an average, about three times as large in the reign of Victoria as they were in the reign of William III.

"It soon appeared that Montague had by skillfully availing himself of the financial difficulties of the country rendered an inestimable service to his party. During several generations the Bank of England was emphatically a Whig body. It was Whig not accidentally but necessarily. It must have instantly stopped payment if it had ceased to receive the interest on the sum which it had advanced to the Government, and of that interest James would not have paid one farthing. Seventeen

years after the passing of the tonnage bill Addison, in one of his most ingenious and graceful little allegories, described the situation of the great company through which the immense wealth of London was constantly circulating. He saw public credit on her throne in Grocers' Hall, the great charter over her head, the act of settlement full in her view. Her touch turned everything to gold. Behind her seat bags filled with coin were piled up to the ceiling. On her right and on her left the floor was hidden by pyramids of guineas. On a sudden the door flies open. The pretender rushes in, a sponge in one hand, in the other a sword, which he shakes at the act of settlement. The beautiful queen sinks down fainting. The spell by which she has turned all things around her into treasure is broken. The moneybags shrink like pricked bladders. piles of gold pieces are turned into bundles of rags or faggots of wooden tallies. The truth which this parable was meant to convey was constantly present to the minds of the rulers of the bank. So closely was their interest bound up with the interest of the Government that the greater the public danger the more ready were they to come to the rescue. In old times when the treasury was empty, when the taxes came in slowly, and when the pay of the soldiers and sailors was in arrear, it had been necessary for the Chancellor of the Exchequer to go hat in hand up and down Cheapside and Cornhill attended by the lord mayor and by the aldermen and to make up a sum by borrowing a hundred pounds from this hosier and £200 from that ironmonger. Those times were over. The Government, instead of laboriously scooping up supplies from numerous petty sources, could now draw whatever it required from an immense reservoir which all those petty sources kept constantly replenished. It is hardly too much to say that during many years the weight of the bank, which was constantly in the scale of the Whigs, almost counterbalanced the weight of the church, which was as constantly in the scale of the Tories.

"A few minutes after the bill which established the Bank of England had received the royal assent the Parliament was prorogued by the King with a speech in which he warmly thanked the Commons for their liberality. Montague was immediately rewarded for his services with the place of Chancelior of the Exchequer."

[This was Mr. Cockran's last speech. He began at 5.55 p. m. and spoke for about 30 minutes with great vigor and earnestness to a most attentive House. Although he seemed to be in perfect health, he was stricken that night and died early the next day, without having revised his remarks, which are printed as they were delivered.]

EXTENSION OF REMARKS.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection? Mr. STAFFORD. Reserving the right to object—Mr. LONDON. It is on the subject on which I just spoke. The SPEAKER pro tempore. The Chair hears no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923 and prior fiscal years, to provide for supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes.

AUTHORIZING SALE OF REAL PROPERTY NO LONGER REQUIRED FOR MILITARY PURPOSES.

Mr. McKENZIE. Mr. Speaker, I move to suspend the rules and pass the bill S. 4216 with the amendment from the Committee on Military Affairs.

The SPEAKER pro tempore (Mr. Anderson). The gentleman from Illinois moves to suspend the rules and pass the bill. which the Clerk will report.

The Clerk read as follows:

An act (S. 4216) authorizing the sale of real property no longer required for military purposes.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell or cause to be sold, either in whole or in two or more parts as he may deem best for the interests of the United States, the several tracts or parcels of real property hereinafter designated, or any interest therein or appurtenant thereto, which said tracts or parcels are no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale.

Maine: Fort Baldwin, Sabine Head, Popham Beach; Fort Edgecomb, Edgecomb; Fort Knox, opposite town of Bucksport on the Penobscot River; Fort Machias, Machiasport, about 25 miles west of the Canadian border: Fort McClary, Portsmouth Harbor, opposite Fort Constitution, on Piscataqua River; Fort Popham, Phippsburg, Hunnewells Point, west bank of Kennebec River; St. Georges (Robinsons Point), St. George, eastern side of St. Georges River, Knox County; Sugar Loaf Islands, known as North and South Sugar Loaf Islands, at the entrance to the Kennebec River, near Bath.

New Hampshire: Portsmouth, reservation at, locally known as Sagamore Reservation; Portsmouth gun house.

Massachusetts: Gloucester gun house, Back Street; Salisbury Beach, near mouth of Merrimac River, Salisbury; Fort Standish (old), Saquish Neck, northern entrance to Plymouth Harbor, 4 miles by water from Plymouth.

Rhode Island: Fort Mansfield, Napatree Point, near Watch Hill, Washington County.

Connecticut: Lighthouse Point, East Haven, about 5 miles from New Haven.

New York: Plumb Island Reservation (often called Plumb Beach), near the eastern border of Sheepshead Bay, being part of the east end of Plumb Island, in the town of Gravesend, Kings County; Fort Tyler, Gardiners Point (Gardiners Island), near Sag Harbor, Long Island Sound, Suffolk County.

THIRD CORPS AREA.

Maryland: Fort Armistead, Hawkins Point, Anne Arundel County; Fort Carroll, Sollers Point Flats, in the Patapsco River, about 4 miles from Baltimore; Fort Foote, Roziers Bluff, Prince Georges County, 8 miles below Washington on the left bank of Potomac River. Virginia: Ferry Point, on Elizabeth River, Norfolk County; Fort Nelson, on the Elizabeth River near Mosquito Point, in Norfolk County; Pumping Station reserve, Fort Monroe (Phoebus), about 1 mile from the fort; Fort Powhatan (often called Fort at Hoods), Hoods, south bank of the James River between Wards Creek and Flower de Hundred Creek, in Prince George County; Willoughby Spit Reservation, Willoughby Bay, Norfolk County; Fort Humphreys (approximately 2,000 acres only), on right bank of Potomac River, about 20 miles south of Washington.

FOURTH CORPS AREA.

North Carolina: Beacon Island, Ockrakoke Inlet, an entrance to Pamileo Sound, near the mouth of the Neuse River, Carteret County; Fort Macon, Old Topsail Inlet, 2 miles from Beaufort and Morehead City, Carteret County.

South Carolina: Fort Fremont, St. Helena Island, near Fort Royal, Beaufort County; Fort Winyaw, Blythes Point, at the mouth of Sampit Creek or Georgetown River, Georgetown Harbor, in Georgetown district. Georgia: Americus Air Intermediate Depot and Souther Field. 4 miles north of Americus; Fort Jackson, old (formerly Fort Oglethorpe), Savannah, on west bank of Savannah River, about 1 mile below city; Point Peter, near St. Marys, mouth of St. Marys, River, Camden County, Florida: Chapman Field, near Benson, 14 miles south of Miami; Fort Clinch, on the north end of Amelia Island in Nassau County, 3 miles from Fernandina and 50 miles north of St. Augustine, 500 acres only; balance, 194.5 acres, will be returned to the Department of the Interior; St. Johns Bluff, near Mayport, Duval County.

Loulsiana, Fort Livingston, west end of Grand Terre Island, in the parish of Jefferson, at the entrance of Grand Pass to Barataria Bay, 90 miles south of New Orleans; Fort St. Philip, east bank of the Mississippi River, parish of Plaquemines, nearly opposite Fort Jackson, about 70 miles below New Orleans.

FIFTH CORPS AREA.

Kentucky: Camp Knox surplus areas, Stithton. SEVENTH CORPS AREA.

Minnesota: St. Paul Army Building, Second and Roberts Streets, EIGHTH CORPS AREA.

Texas: Love Field septic tank site, Hawes, 5 miles north of Dallas. NINTH CORPS AREA.

Washington: Lagoon Point, opposite Marrowstone Island, on the east side of Admiralty Inlet, in Island County; Nodule Point, on west side of Admiralty Inlet, in Island County; Nodule Point, on west side of Admiralty Inlet, in Island County; Nodule Point, on west side of Admiralty Inlet, Jefferson County; Port Madison (Agate Passage), on Agate Passage to Port Orchard, Kitsap County.

Utah: Ogden Observatory, Ogden.

SEC. 3. In the disposal of the aforesaid properties the Secretary of War shall in each and every case cause the same to be appraised, either as a whole or in two or more parts, by an appraiser or appraisers to be chosen by him for each tract, and in the making of such appraisal due regard shall be given to the value of any improvements thereon and to the historic interest of any part of said land.

SEC. 4. After such appraisal shall have been made and approved by the Secretary of War, notification of the fact of such appraisal shall be given by the Secretary of War to the governor of the State in which each such tract of land is located, and such State or the county or municipality in which such land is located shall in the order named have the option at any time within six months after the approval of such appraisal to acquire the same, or any part thereof which shall have been separately appraised, upon payment within said period of six months of the appraisal value: Provided, houcever, That the conveyance of said tract of land to such State, county, or municipality shall be upon the condition and limitation that said property shall be limited to use for public-park purposes and upon cessation of such use shall revert to the United States without notice, demand, or action brought.

SEC. 5. Six months after the date of approval of said appraisal, if the option given in section 4 hereof shall not have been completely exercised, the Secretary of War shall sell or cause to be sold each of said properties at public sale, at not less than the appraised value, after advertisement in such manner as may be d

War.

SEC. 7. The expense of appraisal, survey, advertising, and sale shall in each case be paid from the proceeds of the sale, whether made in accordance with section 4 or section 5 of this act, and the net proceeds thereof shall be deposited in the Treasury of the United States to the credit of "Miscellaneous receipts."

SEC. 8. The authority granted by this act shall not repeal any prior legislative authority granted to the Secretary of War to sell or otherwise dispose of lands or property of the United States.

The SPEAKER pro tempore. Is a second demanded? Mr. BLANTON. Mr. Speaker, I demand a second. Mr. McKENZIE. Mr. Speaker, I ask unanimous consent that

second be considered as ordered.

There was no objection.

Mr. McKENZIE. Mr. Speaker and gentlemen of the House, I shall not take the time of the House to make a speech on this bill other than to say that some two years ago the Committee on Military Affairs of the House of Representatives undertook to have an inventory made of all the real estate under the jurisdiction of the War Department. The work was conducted for months, and finally we got a splendid inventory. After having the inventory made we began to endeavor to have the War Department dispose of all the real estate property no longer necessary for military purposes, and this omnibus bill represents the first installment for sale of property for which the War Department no longer has use. There is one peculiar thing about this bill. It is intended to turn money into the Treasury rather than to take money out of the Treasury, and it provides further that it can not be sold for less than the appraised value, the States and municipalities having the right to buy at the appraised value if they take it within six months.

Mr. BLANTON. Will the gentleman yield?
Mr. McKENZIE. I will.
Mr. BLANTON. What is the appraised value? What is the

meaning of that term?

Mr. McKENZIE. Well, the gentleman has been a judge on the bench, he is a good lawyer, and it is unnecessary for me to explain to him what the appraised value of a piece of property is.

Mr. BLANTON. Is that all the distinction the gentleman can make as to appraised value?

Mr. McKENZIE. I think that is sufficient.

Mr. BLANTON. I think the gentleman should reflect on

that a little bit.

Mr. McKENZIE. I think I know what the gentleman has in mind, and I can simply say to him that as amended it is provided that the Secretary of War shall have this property appraised, and I think it is fair to assume that the appraisement will be an honest and fair appraisement.

Mr. MOORE of Virginia. May I interrupt the gentleman? Mr. McKENZIE. Yes. Mr. MOORE of Virginia. I wish to ask the gentleman a question simply for the purpose of emphasizing for the consideration hereafter perhaps by the War Department a feature of this matter which I think is important. The bill is framed so as to give the War Department full discretion to sell any tract of land it describes. There is no limitation put upon the War Department in that regard. If the department deals with a tract there, say, of 2,000 acres, it can divide it into two parcels or into a hundred parcels and sell it. I suppose the committee did that to give the local people who may wish to purchase an opportunity?

Mr. McKENZIE. Following the usual custom in selling real estate by order of court if they can sell to better advantage by selling in parcels they can do it that way instead of selling it as

whole.

Mr. STAFFORD. Can the gentleman give us an estimate of the amount of property that the War Department proposes to retain as compared with the amount that is no longer needed for War Department or governmental purposes and which they propose to sell?

Mr. McKENZIE. I will say to the gentleman that any estimate I might attempt to give would be a prejudiced one, because I feel that there are thousands and thousands of acres that are still under the control both of the War Department and the Navy Department that ought to be sold, and therefore I can not give the gentleman any definite information as to that.

Mr. STAFFORD. What rule did the committee follow in determining that question? I know it has been agitated for years and years that some of the old, abandoned forts in Ne-braska, for example, ought to be sold, as they are no longer needed.

Mr. GREENE of Vermont. These are just those very things, Mr. GRISP. Mr. Speaker, will the gentleman yield? Mr. McKENZIE. Yes.

Mr. CRISP. I am very much in favor of this bill, as the gentleman knows. I have no desire to consume any time in the discussion of it. The gentleman has made a motion to suspend the rules and pass the bill. Does his motion embrace any amendments to the bill, or is the bill to be passed just as it was passed by the Senate?

Mr. McKENZIE. My motion was to suspend the rules and pass the bill with the amendment attached thereto, as recommended by the Committee on Military Affairs.

mended by the Committee on Military Affairs.

Mr. STAFFORD. Does this bill include any of the old abandoned forts out in Nebraska?

Mr. McKENZIE. No.

Mr. STAFFORD. Has the committee considered the sale of any of those old frontier forts which the Military Establishment still has possession of?

Mr. McKENZIE. We certainly have, and we hope to bring in

further bills for that purpose.

Mr. STAFFORD. This is a forerunner of authorizations to sell useless property now held by the War Department?

McKENZIE. Yes. That is the policy of the Committee

on Military Affairs.

Mr. BLANTON. Mr. Speaker, this proceeding illustrates the futility of the House trying to pass sane legislation under suspension of the rules in the closing hours of a Congress. may be a wise measure. But under the rules it can not be changed even to the extent of the dotting of an "i" or the crossing of a "t," although there may be great need for making

a change in some of these provisions,

We here, in the closing hours of Congress, with just a few Members present, are considering a bill that embraces seven pages of printed matter, providing that in 18 different States 49 pieces of Government property which in the years gone by the people's money has bought and paid for, shall be sold and disposed of. How? The gentleman from Illinois [Mr. McKenzie] says upon its appraised value. I asked him a pertinent I asked him what "appraised value" meant in this question. bill, and he said I knew. I do know what it usually means, But the things that it means to my mind are not provided for in this bill. The usual definition of appraised value is not in this bill.

The bill provides that the Secretary of War shall have somebody appraise the value of the property. It does not direct him to appraise it at its fair market value. It leaves it to some little second lieutenant under the direction of the Secretary of War to go there and say what he thinks it ought to be sold for, irrespective of its fair market value, irrespective of what it ought to be sold for, and what it should bring in the markets of the United States. That is my main objection to the bill.

Is not that a good objection? I submit that question to the

business men of this House, as there are a few of them here.

I know there is an attempt to add to our number. I just learned this afternoon some information. Under the law of the State I come from, and of the Nation, Texas is entitled to only 18 Congressmen. Yet the great Governor of the State of Texas has just certified to the Clerk of this House and sent a commission here under the seal of my State that a nineteenth Congressman had been duly elected from Texas. I want the Congressional Record to show that he has been elected to an office that does not exist. There is no such position under the existing law as "Congressman at Large" from the State of Texas, and the gentleman who is seeking to have his name placed on the roll is going to be disappointed, because the Clerk of the House and the Sergeant at Arms will pay no attention to his commission, even though it has been executed by the governor of the State.

But, even if we do not increase our number, it behooves us who are on the job, who have proper commissions from our

States, to watch these matters.

I want to submit to you gentlemen this proposition: Do you think we should in the closing hours of this Congress pass an omnibus bill of this kind, to dispose of 49 valuable pieces of Government property in 18 different States, and let the Secretary of War direct some little subofficer under his command to go there and tell him what it should bring without some direc-

tion as to how it shall be appraised?

We can not change this bill one letter or by one mark of Under the motion made by my friend from Illinois [Mr. McKenzie] to suspend the rules and pass this bill, we have got to accept it word for word as it is written, punctuation and all. If there should be, as has been the case in many instances, a misspelling of a word, we could not correct that misspelling. If there should be improper punctuation, we could not change it or correct it. If there should be a mistake in the bill, we could not rectify it under this motion to suspend We have to sit here like a cage full of mocking birds the rules. and swallow it with our mouths open, because under the rules of the House we have got to vote it up or down,

There is a majority of 169 Republicans, I am sorry to say, There is a majority of 16st Republicans, I am sorry to say, in this House and the leader can put anything over on the American people he wants to by hollering administration and getting the whip and the assistant whip to get the boys in line and make them vote as he wills. Is it right or is it fair to the American people? I do not blame our distinguished colleague from Michigan, Governor Kelley, for wanting to

quit us. He has seen so much of this going on here that he has become disgusted. I wish sometimes I was going with the governor next Sunday.

Mr. CLARKE of New York. The gentleman has got nothing

on me.

Mr. TILSON. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. TILSON. I move to strike out the word "old."

Mr. BLANTON. I am going to attend to that when I come to revise my remarks. I meant old in the sense that he has been here a long time and is onto our ways. [Laughter.] The wise fox is an old fox, and the gentleman from Michigan is

Mr. LOWREY. Would not the gentleman accept the word "bald" instead of "old"?

Mr. BLANTON. No; I will not let that go in. I am going to protect him up to the last minute, because we all like him and

are sorry he is going to leave.

But, gentlemen, is it right to take these important matters up at such a time as this? Why do not you recess until to-morrow. Everybody is tired out; we have been working night I understand the Speaker pro tempore is going to recognize Members to suspend the rules and pass numerous just such measures as this is-not for the benefit of the people of the United States. I wish some of you men could find out just what these 49 pieces of property have cost the Government in the aggregate. You would find out possibly that they have cost millions of dollars; that they were hard to acquire; that it took expensive condemnation proceedings to get possession of some of them for the Government. Now we are disposing of them in an omnibus bill in the closing hours of Congress with 20 minutes' debate.

You are going to answer for it and so am I, but I am registering my feeble protest against it now. I am hoping that the steering committee of this House will get together in a few minutes and decide for the people of the United States that we ought to adjourn to-night and get a fresh start to-morrow. We will sit up all night to-morrow if it is necessary. I am thankful for one thing—that the President of the United States has promised to relieve the American people of the weight it is carrying in having Congress in session with a vacation of nine months beginning next Sunday. Thank the Lord, when we are not in session we can not pass any bad legislation.

We will then let the new majority whip, Brother CLARKE, go home and find out what his people are demanding and what they want, so that when he comes back and such measures as this come up for passage, instead of whipping them into line the wrong way, he can whip them into line the right way. He will then be a valuable whip to you and a valuable adjunct to his State and Nation. Gentlemen, that is all I want to say, as I have been trying merely to kill 20 minutes. [Laughter.]

The SPEAKER pro tempore. The question is on the motion

of the gentleman from Illinois to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

AMENDING THE CHINA ACT.

Mr. VOLSTEAD. Mr. Speaker, I move to suspend the rules and pass House Joint Resolution 455, to amend the China trade act, with an amendment recommended by the Committee on the Judiciary

The Clerk read the bill, as follows:

Joint resolution (H. J. Res. 455) to amend the China trade act.

Resolved, etc., That subdivision (b) of section 9 and subdivisions (a) and (b) of section 21 of the China trade act be, and are hereby, amended by striking out the words "resident in China" wherever they occur in said subdivisions.

The SPEAKER pro tempore. Is a second demanded?

Mr. BLANTON. I demand a second, unless some one else

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent that second may be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Minne-

sota is recognized for 20 minutes.

Mr. VOLSTEAD. Mr. Speaker, we passed the China trade act last fall, and since then the Secretary of Commerce has been trying to encourage the creation of corporations under it for the purpose of aiding our trade in China. In that act we sought to relieve to some extent such corporations from the corporation taxes but not of any other tax. It is impossible for our people who seek to engage in that trade to operate successfully in the Chinese business unless they can be put upon an equality with the Europeans who are now engaged in trade there. It is not sought in this act to relieve from the tax the individual; that tax is left exactly the same as if he was incorporated under some other act.

Nor is it to relieve any corporation that may own any of the stock of a corporation formed under this act; it would get no exemption whatever. It is only the individual that owns stock and only income that is relieved at all is from profits derived from business in China itself.

Mr. BLANTON. But the gentleman's bill does do this. It relieves an individual who owns stock from paying the excess

profits tax.

Mr. VOLSTEAD. No; it does not do that. He pays both the normal and excess-profits tax, and to prevent anyone from accumulating a fund in China that might be exempt, we in effect provide that the dividend must be paid every year.

Mr. BLACK. Mr. Speaker, will the gentleman yield? Mr. VOLSTEAD. Yes. Mr. BLACK. If this bill does not relieve the corporation

from the corporation income tax-

Mr. VOLSTEAD. Oh, no; it relieves the corporation income tax on profits derived wholly from sources in China as to Americans and Chinese and not anyone else.

Mr. BLACK. That is the only tax that this bill is designed

to relieve the taxpayer of—that is, the corporation income tax?
Mr. VOLSTEAD. Yes; that is all; and not all of that, but

only as to income derived from sources in China.

Mr. BLACK. That is what I meant to convey by my question. We will suppose that a citizen owns a certain number of shares of stock in a Chinese corporation, and he gets, for example, \$1,000 in dividends. Is he relieved from adding that to

his income tax?

Mr. VOLSTEAD. Oh, no; he has got to pay the tax on that just the same. The idea is simply this; You can incorporate now, for instance, under the English law or the Japanese law, and, of course, we would get no corporation tax whatever out of such corporation. We simply intend to furnish a means to the American people to carry on their business just the same as though they were incorporated under some foreign law. If you do not grant this exemption, you will not get the tax anyway, because our people will simply incorporate under some foreign law. It does seem to me it would be a decided advantage to us in trying to build up trade in that country to grant this relief. We have tried to make this limitation just as small as we dared to make it, so as to put our people on anything like an equality with foreign corporations. I reserve the remainder of my time.

Mr. BLANTON. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. Stafforo].

Mr. STAFFORD. Mr. Speaker, this is a bill that seeks to amend the Dyer China Trade Act, which in its main purpose sought to relieve American citizens doing business in China from the effect of the surtaxes and the excess-profits tax.

Mr. VOLSTEAD. Oh, no; it does not relieve them of this.

Mr. STAFFORD. Oh, yes.

Mr. VOLSTEAD. Oh, no; it does not.

Mr. STAFFORD. What is the purpose of the Dyer Act except to relieve them of the surtaxes, so that they could engage in this China trade in competition with nationals of other countries who are exempted from the effect of their local income taxes?

Mr. VOLSTEAD. The gentleman is entirely mistaken. There is no such thing in the bill at all. It simply relieves the

tax upon the corporation.

Mr. STAFFORD. Am I right in the position that I take that this is an amendment to the Dyer China Trade Act?

Mr. VOLSTEAD. Yes. Mr. STAFFORD. Am I right in the position that the Dyer China Trade Act sought to relieve American citizens doing business in China from the payment of the taxes imposed on American citizens doing business in the United States?

Mr. VOLSTEAD. No; the gentleman is not right about that, Mr. STAFFORD. I will leave that to the judgment of the House, because it was bitterly contested here whether we should include in the policy of relieving American citizens from taxation because they were engaged in business in China, where those nationals came in competition with the nationals of other countries, which other countries exempted them from the effect of the tax laws of their own countries.

Mr. VOLSTEAD. The gentleman's statement is entirely too

general. It does not relieve the tax on the individual at all.

Mr. STAFFORD. What does the Dyer Act do?

Mr. VOLSTEAD. The Dyer Act simply relieves the tax on the corporations from sources in China as to Chinese and Americans resident in China, and this seeks to strike out the word "resident."

Mr. PARKER of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. PARKER of New Jersey. Does not the gentleman remember, as I do, that the trouble was that if we taxed a corporation in China they could not get Chinese people and others to join in the corporation, and they were to be relieved? The

purpose was to relieve the American citizen.

Mr. VOLSTEAD. The Secretary of the Treasury and the

Mr. VOLSTEAD. The Secretary of the Treasity and the Secretary of Commerce both say that this will not lose the Government one penny of tax, and they ought to know.

Mr. STAFFORD. Mr. Speaker, what is the Dyer China Trade Act? What was the condition that it sought to relieve? Great Britain, France, perhaps other countries—but I know those two countries—relieved their nationals who did business in China from the payment of the taxes on profits derived from business arising from trade in China. We saw that condition and wanted to meet that, so as to enable American citizens and capital to go there on an equal plane. We could not expect American capital to compete with foreign capital if the American capital was going to pay a heavier tax.

The SPEAKER pro tempore. The time of the gentleman from

Wisconsin has expired.

Mr. BLANTON. Mr. Speaker, I yield five minutes more to

the gentleman.

Mr. BANKHEAD. Mr. Speaker, this seems to be a very interesting discussion, and I think we ought to have a quorum

The SPEAKER pro tempore. The gentleman from Alabama

makes the point of no quorum.

Mr. BANKHEAD. Mr. Speaker, under certain representations which have been made to me privately, I withdraw the point.

Mr. FORDNEY. Mr. Speaker, will the gentleman yield? Mr. STAFFORD. Yes. Mr. FORDNEY. The gentleman is in error when he says

that the bill that we passed before, which is now a law, placed our citizens on a level with the citizens of other countries in China.

It does not do that. The citizens of other countries that live, say in England, doing business over there, are treated entirely different from what our people are. Our citizens must be citizens of China in order to receive the benefits of existing law, but an Englishman can live where he pleases and he is exempt.

Mr. STAFFORD. Will the gentleman, who is an expert on tax matters, inform the House what was the purpose of the Dyer China Trade Act?

Mr. FORDNEY. The purpose is to enable citizens of the United States to do business in China on the same principles and the same terms as people of Great Britain do.

Mr. STAFFORD. As to taxation?
Mr. FORDNEY. Yes. Now, the law does not treat them the same.

Mr. STAFFORD. What this bill seeks to do, gentlemen, is that under the Dyer Act it would extend the protection to American citizens and relieve them from the burdens of American taxation if they were engaged in business in China if they are residents of China. This bill seeks to throw the protecting arm of exemption over American citizens who engage in trade in China regardless of whether they are residents there or not, providing their profits arise out of business in China. the principle of this bill. I again repeat, under existing law the only protection of exemption under the original Dyer China Trade Act applies merely to American citizens who are doing business in China and are residents therein. posed to exempt them from the income-tax measure of our country if they are engaged in business there, regardless of whether they are residents there or not.

Mr. MOORE of Virginia. In other words, the corporation and

individual, also, become Americans?

Mr. STAFFORD. It is for the purpose of allowing an American corporation, although the stockholders may not be residents of China, to still have the protecting arm of exemption from taxation and be on an equality with those of other Governments. I am in favor of the measure, so, Mr. Chairman, I did not object to this bill yesterday when it was called up under unanimous consent. [Applause.]
Mr. ROSSDALE. Mr. Speaker, I make the point of order

there is no quorum present. Mr. Speaker, I withdraw the

point.

Mr. BLANTON. Mr. Speaker, if to-morrow and next day were not the last two days of the congressional experience of our distinguished friend from Michigan [Mr. FORDNEY] he would hardly permit this bill to come before the House under

a report from the Committee on the Judiciary, because he used to be very jealous of his rights. This bill affects taxation. It seeks to relieve certain Americans living in this country from paying certain taxes.

Mr. FORDNEY. Will the gentleman yield?
Mr. BLANTON. I will yield.
Mr. FORDNEY. Brother, let me say to you when the original bill first came up it carried two features, one the taxing feature and the other legislation. There was a question—
Mr. BUANTON. The gentlemen let it go by under protest.

Mr. BLANTON. The gentleman let it go by under protest. Mr. FORDNEY. No. Our committee decided to refer the Mr. FORDNEY. whole matter to the Committee on the Judiciary that carried the provisions because they could not be separated.

Mr. BLANTON. The distinguished gentleman then over-looked a very valuable bet. When the China trading act first came before the House some of us then objected to it because we tried to show then that it would let certain Americans escape taxation, and the answer came from our distinguished friends in charge of the bill that it only exempted certain men in China, residents of China, and they then stated that we could not reach them anyway to collect the taxes. That was their excuse—that we could not collect it anyway—and it was just as well to exempt them, because we were not losing anything. But now the Committee on the Judiciary, that has nothing to do with the taxation of the country, comes in with an amendment-

Mr. VOLSTEAD. Will the gentleman yield? Mr. BLANTON. In a moment—amending this act, and they seek now to extend the exemption to individuals of this country, and I want to say that is true, and I want to read it from the report. How many of you have seen this bill? None of you.

Mr. JOHNSON of Washington, Yes; we have. Mr. BLANTON. Not until about five minutes ago. How many of you have got a copy?

Mr. JOHNSON of Washington. Will the gentleman yield? Mr. BLANTON. Oh, the chairman of the Committee on Print-

ing sees everything and knows everything. He is like Pathé.
Mr. JOHNSON of Washington. No; he does not. But may I suggest that we Members on the Pacific coast, that has a little trade with Japan and foreign countries, trying to increase our foreign trade, are hoping we will not lose what we have got. I have read the bill carefully.

Mr. BLANTON. I can not yield further. Mr. JOHNSON of Washington. Thank you. Mr. BLANTON. But I am going to show you by the report that the bill will exempt certain Americans from certain taxes, but when I asked the distinguished chairman of the Judiciary

Committee if that was not the case he differed with him.

Mr. VOLSTEAD. If the gentleman will pardon me, it does not exempt the individual from any tax levied against the individual on the individual at all.

Mr. BLANTON. But it exempts American citizens engaged in trade in China from the payment of tax imposed on their business such as other Americans pay on their business, and I am going to show you by their report.

Mr. JOHNSON of Washington. That is because Hongkong is a world market.

Mr. BLANTON. I hope the gentleman will not interrupt me further. If the Chair will tell me whether I have the floor, or somebody else, I would be glad. I am going to read the report. If we can not depend upon the report and count on what the English language means, how can we consider the bill properly? I tried to get a copy of this bill from the Clerk, but I could not get one. It was not available. Yet the bill is taken up here under suspension of the rule, where it can not be amended, and with 20 minutes of debate. I had to get a copy of the report from the Clerk's desk. This report says:

The amendment sought by this resolution eliminates the requirement contained in section 9 of the act that a majority of the directors and of the officers holding the office of president, treasurer, or secretary must be residents of China, and provides that such majorities must be citizens of the United States. The present law requires that citizens of China and of the United States, to secure the limited exemption from taxes allowed under it, must be residents of China. The resolution eliminates this requirement and allows such exemption to citizens of China and of the United States.

Let me read a little further. I read:

If it is to get the exemption, it must distribute that saving among citizens of the United States and China.

Let me read a little further still:

It does allow exemption on income derived from sources wholly within China to the two classes, American citizens and citizens of China, but it allows no exemption of that tax if the stock is held by a corporation. It is only the individual who can secure any exemption.

Mr. VOLSTEAD. You are not reading that aright.
Mr. BLANTON. Let us see. "It is only the individual that
can secure any exemption." In what way have I not read it right?

Mr. VOLSTEAD. Read the whole of it.
Mr. BLANTON. That is a sentence by itself, and the gen-Mr. BLANTON. That is a sentence by itself, and the gen-tleman wrote it. He can not deny his own words. It is the handwriting on the wall, and the handwriting some day is going to appear here, Mr. Speaker, on the wall before you, "Mene, mene, tekel upharsin," and you are then going to have to answer the condemnation,

Here is what the distinguished Secretary of Commerce is

supposed to have said:

I read from the report: Under the China trade act total exemption is granted, but in order for an individual stockholder to get any share of the special dividend, which is provided in the act and which represents the amount of the corporation income-tax exemption, he must be a bona fide resident of China. This has been found to be a drawback, as the amount of American capital represented by ownership residence in China is comparatively small.

Then they proceed to extend the exemption from such taxation to American citizens.

Mr. RICKETTS. Mr. Speaker, will the gentleman yield for question?

Mr. BLANTON. Yes; I wish the gentleman's party had as sound judgment on all matters as the gentleman from Ohio him-

self has. I follow him on very many questions.

Mr. RICKETTS. Who signed that report?

Mr. BLANTON. It purports in the report to be signed by Mr. BLANTON. It purports in the report to be signed by the Secretary of Commerce; but when you get down to the signature, the signature is missing. What became of the signature? I want to ask that question of the chairman of the Committee on the Judiciary. That is just an unsigned letter which has come to him from the Secretary of Commerce, but it has not got the words "Herbert Hoover" down there. It is blank where the signature should be inserted. That is exactly the kind of authority our friends have here for most of their legislation-blank authority and blanket bills under blank authority.

As one humble Democrat I am going to meet you Republicans on the hustings next year, and I am going to ask you to answer these questions before the voters of the country. I am going to ask you to render an account respecting this legislation to the people of the United States. You can not do it by continuing to exempt certain persons from taxation. The American people do not mind paying taxes when taxes are equitably distributed among all alike. But when you exempt some in favor of others, in rank discrimination, the people of this country do not like it.

That is what you are doing by this bill. That is what you intended to do by the ship subsidy bill. That is what you have done and attempted to do by other bills. That is what you did by your sugar bills that you passed. That is what you have done by this action and by that action. You take the burdens from the shoulders of the rich and place them upon the shoulders of the poor people who are unable to bear them.

I want to say that the American people are waking up on this question. They are posted. When you go home and go down the main street of your town your constituents are going to surround you, and they are going to ask you questions that you can not answer. They are going to ask you questions that are going to embarrass every one of you. They are going to ask you questions that will make you wish you were back in Washington where you could write evasive letters in reply to their interrogatories. But they are not going to take evasions. They are going to pin you down and have you answer "yes' or "no," and make you explain your action here in Washington. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I just want to take a little time to explain this matter. Here is the situation: This does not exempt any individual from tax upon any dividend that he may get. Both the normal tax and the surtax are to be levied just as though this measure did not pass. But, so far as the corporation tax is concerned to the extent that its income is derived from sources in China, an exemption is allowed. These corporations can only be organized for business in China; this permits exemption to the individual person.

Mr. RICKETTS. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. RICKETTS. Were not these-provisions carried in the original Dyer bill?

Mr. VOLSTEAD. The Dyer bill was a good deal more liberal. Mr. RICKETTS. Were not these provisions eliminated by a vote of the House?

Mr. VOLSTEAD. They were stricken out in the Senate.

Mr. RICKETTS. Did not the House vote on them and elim-

Mr. VOLSTEAD. No. The House passed it, and it was struck out in the Senate, and came back to the House from conference with the present exemption. Here is the situation: Suppose you do not pass this bill. How are you going to get this tax? You will not get this tax at all, because no one is willing to incorporate under the law as it stands.

Only two small concerns have been incorporated. What our people will do is to incorporate under some foreign law. We

can not get any tax from a foreign corporation. Mr. RICKETTS. The purpose is to have the American people incorporated under an American law?

Mr. VOLSTEAD. Yes; if they incorporate under the British law, it is controlled by English officers, because under the English law the majority of the officers must be English. They do everything they can to encourage English exports. The object is to furnish the American people in China with an in-strumentality by which they can compete with foreign people in that country. The Secretary of the Treasury says that it is his opinion that instead of losing taxes by this exemption we will gain in taxes, and it seems to me that we ought to take the judgment of the Secretary of the Treasury on that point. The Secretary of Commerce is very anxious that something of this kind shall be passed, so that we can secure some of that business. China is a vast, undeveloped country with immense resources just awakening, and it seems to me that we ought to be willing to give our people a chance to compete on equal terms with the foreigner. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has 12 minutes

remaining

Mr. VOLSTEAD. Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Speaker, when the Dyer bill was first introduced it carried two features of legislation-one affecting the revenues of the Government and the other the enactment of a law. It was found that the two provisions of that bill could not be separated, and because there was some discussion back and forth as to which of the two committees the bill should go to the Committee on Ways and Means decided to permit the whole matter to be considered by the Committee on the Judi-ciary, and that committee did handle the bill. That is exactly the situation with reference to the bill before us to-night.

Mr. VOLSTEAD. The Committee on the Judiciary then submitted to the Ways and Means Committee the tax provision feature for its recommendation, and did so in this instance.

Mr. FORDNEY. That is correct. The information that came to the Committee on Ways and Means this time before the mat-

ter was agreed to be referred to the Committee on the Judiciary is that the existing law does not permit American citizens to be placed upon an equal footing in China with people of other countries, and especially with people of Great Britain, and Great Britain to-day is capturing the trade in China on imported goods. Our beloved friends on the Democratic side, especially the gentleman from Texas [Mr. Blanton], do not be-lieve in a protective tariff for the reason that they believe that it will lessen our exports.

Mr. BRITTEN. Is it not a fact that unless legislation of this kind is enacted most of the American corporations in China

now will go under British registry?

Mr. FORDNEY. Absolutely. They will have to do it, but my friend from Texas [Mr. Blanton] does not want a protective tariff for the reason that in his opinion it will inter-

fere with our exports. That is right, is it not?

The gentleman has said so many times here. his action right now will prevent Americans from exporting American goods and selling them in China, but the Republicans want to place American citizens on a plane with the English in disposing of American goods in China.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. FORDNEY.

Mr. BLANTON. Is that the reason the distinguished gentleman reduced the surtaxes on all of the multimillionaires of the United States?

Mr. FORDNEY. Oh, nonsense.

Mr. BLANTON. That is a hard question.
Mr. FORDNEY. No; it is not. You talk about going out on
the platform next year and making it unpleasant for Republicans. Great Scott, man, that is exactly what you would like here. Why are you warning us against mistakes? That That is not what you are after. You are using an argument here that you think will befog the minds of men in this House who want to do the right thing for American citizens. That is what we are here to legislate for. You do not look beyond your nose, my friend, with your free-trade ideas.

Mr. BLANTON. But I am not a free trader.
Mr. FORDNEY. Broaden out a little bit—get a few protective ideas into your head—and then you can deal honestly, justly, and equitably with your citizens, but you can not do it with your limited ideas. The very thing that you want now is exactly what you have been fighting against ever since you have been a Member of this House. Open your eyes and see beyond the limits of your own particular district, which you have the honor to represent, and it is a very great honor for any man to represent a great constituency. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Minnesota to suspend the rules and pass

House Joint Resolution 455, as amended.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 122, noes 22.

Mr. RANKIN. Mr. Speaker, I object to the vote upon the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Mississippi makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were-yeas 160, nays 73, not voting 193, as follows:

Ackerman Anderson Andrew, Mass. Andrews, Nebr. Appleby Aswell Atkeson Barbour Begg Bixler Boies Bond Bowers Britten Burton Butler Campbell, Kans. Campbell, Pa. arter halmers Christopherson Clarke, N. Y. Clouse Cole, Iowa Colton Cooper, Ohio Crisp Curry Dallinger Darrow Dempsey Dupré Dyer Echols Edmonds Elliott Fairchild Faust

Abernethy Bankhead Bell Bland, Va. Blanton Bewling Box Briggs Buchanan Bulwinkle Byrnes, S. C. Byrns, Tenn. Carew Collier Collins Connally, Tex. Cooper, Wis. Davis, Tenn. Deal

Almon Ansorge Arentz Bacharach Barkley Beck Beedy Benham Bird Black Blakeney Bland, Ind. Brand Brennan Brooks, Ill.

YEAS-Favrot
Fitzgerald
Focht
Fordney
Foster
Free
Frothingham
Fuller
Gensman
Gifford
Glynn
Graham, Ill.
Green, Iowa
Greene, Vt.
Griest Kline, Pa. Knutson Knutson Kraus Kreider Lazaro Lea, Calif. Leatherwood Lee, N. Y. Lehlbach Lineberger Lineberger
Luce
McLaughlin, Mich,
McPherson
MaeGregor
MacLafferty
Madden
Magee
Mapes
Michener
Miller
Mills
Mondell
Moore, Ohio
Moorgan
Murphy
Newton, Minn. Griest Hardy, Colo. Haugen Hawley Hayden Hersey Hickey Hicks Hill Hogan Huck Hukriede Hukriede Hull Humphrey, Nebr. Humphreys, Miss. Husted Ireland Newton, Minn. Newton, Mo. Norton Ogden Parker, N. J. Ireland
James
Jefferis, Nebr.
Johnson, Wash.
Kearns
Kelley, Mich.
Kelly, Pa.
Kendall
Ketcham
Sissel Parker, N. Paul Perkins Perlman Petersen Pringey Radcliffe Raker Ramseyer Ketcha Kissel Rayburn

NAYS—73. Lee, Ga. Logan Lowrey Dominick Doughten Drewry Driver Driver
Fields
Fulmer
Garrett, Tenn.
Goldsborough
Griffin
Hammer
Hooker
Jeffers, Ala.
Johnson, Ky.
Jones, Tex.
Kincheloe
Kunz Lyon McDuffie McDume McSwain Mead Moore, Va. Nelsen, J. M. O'Connor Oliver Quin Rankin Ricketts Riordan Rouse Sabath Sandlin Lampert Lankford Larsen, Ga Kunz Sinclair

NOT VOTING-193.

Brooks, Pa.
Brown, Tenn.
Browne, Wis.
Burdick Burke Burtness
Cable
Cannon
Cantrill
Chandler, N. Y.
Chandler, Okla. Clague Clark, Fla. Classon Codd Cole, Ohio

Connolly, Pa. Copley Coughlin Crago Cramton Crowther Cullen Dale Davis, Minn. Denison Dickinson Dowell Drane Dunbar

Dunn

Ellis

Walters
Wason
Watson
Webster
White, Kans.
Williams, Ill.
Williamson
Winslow
Zihlman Smithwick Steagall Sumners, Tex. Taylor, Colo. Ten Eyck Tillman Tucker Turner Tyson Upshaw Vinson Voigt Weaver Wilson Wingo

Reed, N. Y. Reed, W. Va. Rhodes

Sanders, Ind. Scott, Tenn. Shaw

Siegel Sinnott Smith, Idaho

Snell Speaks Stafford Stephens Strong, Pa.

Strong, Pa.
Sweet
Swing
Taylor, N. J.
Temple
Tilson
Timberlake
Tincher
Underhill
Vaile

Vestal Volk Volstead Walters

Roach Robertson Rogers Rossdale

Shreve

Fairfield Fenn Fess Fish Fisher Frear Freeman French Funk Gahn Gallivan Garner Garrett, Tex. Gernerd Gilbert Goodykoontz

5993

Larson, Minn. Lawrence Layton Linthicum Little Park, Ga. Parker, N. Y. Parks, Ark. Patterson, Mo. Patterson, N. J. Gorman Gould Graham, Pa. Greene, Mass. Stevenson Stiness Stoll Strong, Kans. Sullivan Summers, Wash. Linthicum Patterso
London Porter
Longworth Pou Purnell
McArthur Rainey,
McClormick Ransley
McKenzie McLaughlin, Nebr. Riddick
McLaughlin, Nebr. Riddick
McLaughlin, Pa. Robsion
Maloney Rodenbe
Martin Rosenblo
Merritt Rucker
Michaelson Montague Sanders,
Moore, Ill. Sanders,
Morln Schall
Mudd Sears
Nelson, Me. Shelton Hadley Hardy, Tex. Patterson, N Porter Pou Purnell Rainey, Ala. Rainey, Ill. Ransley Reber Tague Taylor, Ark. Taylor, Tenn. Hays Henry Herrick Himes Thomas Thompson Thorpe Tinkham Himes
Hoch
Huddleston
Hudspeth
Hutchinson
Jacoway
Johnson, Miss.
Johnson, S. Dak.
Jones, Pa.
Kahn
Kaller Tinkham
Towner
Towner
Treadway
Ward, N. Y.
Ward, N. C.
Wheeler
White, Me,
Williams, Tex.
Wise
Wood, Ind,
Woodyard
Woodyard
Wright
Wurzbach
Wyant
Yates
Young Riddick Robslon Rodenberg Rose Rosenbloom Rucker Rucker Ryan Sanders, N. Y. Sanders, Tex. Keller Kennedy Kiess Kindred Scott, Mich. Sears King Kirkpatrick Kitchin Mudd Nelson, Me. Nelson, A. P. Nolan O'Brien Oldfield Shelton Sisson Slemp Smith, Mich. Kleczka Kline, N. Y. Knight Kopp Langley Lanham Snyder Sproul Stedman Steenerson Olpp Overstreet Paige

So, two-thirds having voted in favor thereof, the joint resolution was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Graham of Pennsylvania with Mr. Woods of Virginia.

Mr. Thompson with Mr. Sisson. Mr. Woodruff with Mr. Tague. Mr. French with Mr. Wright.

Mr. Beck with Mr. London. Mr. Dowell with Mr. Ward of North Carolina. Mr. Cramton with Mr. Rucker.

Mr. Longworth with Mr. Barkley, Mr. Merritt with Mr. Gilbert. Mr. Kless with Mr. Black Mr. Wyant with Mr. Huddleston,

Mr. Porter with Mr. Pou. Mr. Coughlin with Mr. Wise.

Mr. Little with Mr. Stevenson. Mr. Fish with Mr. O'Brien. Mr. Bacharach with Mr. Cantrill.

Mr. Young with Mr. Oldfield.

Mr. Wurzbach with Mr. Fisher.

Mr. Greene of Massachusetts with Mr. Hudspeth.

The result of the vote was announced as above recorded. The SPEAKER pro tempore. A quorum is present. The

Doorkeeper will open the doors.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the legislation just passed.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows

Mr. DYER. Mr. Speaker, this resolution should be adopted, as it will improve the China trade act, 1922, in one important particular.

I recently made a trip to China to give study to the China trade act, 1922, in so far as it met the demands for legislation of this character. I find that there are a number of amendments that must be agreed to by the Congress before the law can be workable to the best interests of citizens of the United States. The associated American Chambers of Commerce of China had a committee working upon amendments needed. They submitted a report to me through Mr. Carl L. Seitz, its chairman. The following are their recommendations:

Report of the special committee appointed by the American Chamber of Commerce of Shanghai, China, to consider amendments necessary in the China trade act of 1922 to adapt same to the conditions obtaining in trade in China.

This clause is to be amended as follows:

"The location of its principal office. The corporation shall maintain in the District of Columbia an accredited agent with power to accept service."

EXPLANATION.

It is to be assumed that the purpose of the China trade act is primarily to enable companies to be formed to operate in China under United States Federal laws. This means that the principal offices for the control of the companies' working must exist in China.

It is believed that the purpose of the original working of this clause in the China trade act of 1922 was to have a registered representative within the District of Columbia who would represent the company with such power that the company could be sued there. The clause as amended, therefore, covers this requirement.

SEC. 4(b) 6. (The articles of incorporation shall state)—

"The names and addresses of individuals, a majority of whom are ettizens of the United States and at least one of whom is a resident of the District of Columbia, to be designated by the incorporators, who shall serve as temporary directors:"

This clause is to be amended as follows:

"The names and addresses of individuals, a majority of whom are citizens of the United States, who shall serve as temporary directors:"

EXPLANATION.

EXPLANATION.

EXPLANATION.

The provision of having a resident of the District of Columbia as a director appears unnecessary from a common-sense standpoint and only makes matters more difficult for purposes of incorporation. The act has not clearly put it whether said director in the District of Columbia is to be maintained there always or whether he is only to be considered as a temporary director for purposes of incorporation and thereafter may be dropped from the board of directors, in which case the nomination would be a farce.

As it is desired to have the incorporation laws for operation under the China trade act as simple and clean-cut as possible, it is thought desirable to delete this provision as to a resident director in the District of Columbia as being unessential in the operation of companies under the act.

SEC. 4 (b) 7. (The articles of incorporation shall state)—

"The fact that an amount equal to 25 per cent of the amount of the authorized capital stock has been in good faith subscribed and paid in cash..."

This clause is to be amended as follows:

cash "";
This clause is to be amended as follows:
"The fact that an amount equal to 25 per cent of the amount of the authorized capital stock has been in good faith subscribed and will be paid in cash within 90 days after issue of certificate of incorporation " "";

EXPLANATION.

The requirement under the act that 25 per cent of the capital stock must be paid in cash upon application for incorporation works an unnecessary hardship on incorporators, for the reason that it is expected it may be several months at times before incorporation papers will be granted by the Secretary of Commerce. In the case of a company with a large proposed capital to go into industrial development, it might be difficult to get incorporators to put up a large cash payment before incorporation, when it might not be certain that the Secretary would grant incorporation papers.

Since the working of the China trade act providing for the Secretary would grant incorporation papers.

Since the working of the China trade act providing for the Secretary to be represented by a registrar maintained in China, who will investigate the proposals for any corporation to be formed, and it is assumed that he will accompany any applications referred to Washington with his statements to the Secretary as to opinion of the proposed undertaking and its plan of incorporation it would seem that it can be safely left to the registrar to satisfy himself that if incorporation certificate is granted the capital will be pald in cash within 90 days after issue of certificate for the amount of 25 per cent of the authorized capital stock.

SEC. 5 (c). (The Secretary shall * * issue a certificate of incorporation * * if * * *)—

"He finds that such corporation will aid in developing markets in China for goods produced in the United States."

This clause is to be amended as follows:

"He finds that such corporation will aid in developing trade between China and the United States."

EXPLANATION.

It is obvious that companies may be formed under the China trade act for the development of industrial activities shinning etc. in China for the development of industrial activities shinning etc.

EXPLANATION.

It is obvious that companies may be formed under the China trade act for the development of industrial activities, shipping, etc., in China which will serve only indirectly as a medium for development of markets in China for goods produced in the United States. The Secretary may take a liberal view at pleasure as to the intent of this clause in issuing certificates of incorporation, but it would seem desirable to have it definitely corrected to what should be the phrasing.

It is held that any development in China of trade under the China trade act incorporation laws will undoubtedly help to promote, directly or indirectly, markets in China for goods produced in the United States of America, and that therefore there can be no objection to plainly stating that so long as trade generally is promoted between the United States and China the justification for incorporation under the act exists.

United States and China to, so act exists.

Section 6 (b) reads (a China trade act corporation):

"may have a corporate seal and alter it at pleasure."

This clause is to be amended as follows:

"Shall have a corporate seal registered with the Secretary and may alter it with the approval of the Secretary."

EXPLANATION.

Report of the special committee appointed by the American Chamber of Commerce of Shanghai, China, to consider amendments necessary in the China trade act of 1922 to adapt same to the conditions obtaining in trade in China.

SEC. 4. (a). Strike out the word "five" and substitute in place thereof "three," so that said clause will read: "Three or more individuals (hereinafter in this act referred to as 'incorporators')"

EXPLANATION.

In order to enable companies to be incorporated which practically constitute private partnerships, it is desirable to permit three individuals to incorporate a China trade act company. This would mean that it would be necessary, in order to have a majority of citizens of the United States, that two of the incorporators would have to be Americans and the third might be a Chinese or alien.

SEC. 4 (b) 2. (The articles of incorporation shall state:)

"The location of its principal office, which shall be in the District of Columbia."

EXPLANATION.

In China the seal of a corporation is regarded as highly important in documents connected with contracts, titles, mortgages, etc. The Chinese and set seal of chops of very much more importance than is customary in business in America. It is therefore obviously necessary for a corporation to possess a corporate seal.

It is highly undesirable, and might leave an opening for fraud at times, if a corporation could change its seal at pleasure, and a provision to have the seal of a China trade act corporation registered with the Secretary, and only to be altered with the approval of the Secretary, is characteristic private partnerships, it is desirable to permit three individuals to incorporate a China trade act corporation may then verify name at the office of the Thickes of the Chinese or alien.

SEC. 4 (b) 2. (The articles of incorporation shall state:)

"The location of its principal office, which shall be in the District of China trade act corporation shall be issued at par value only."

This clause is to be amended to read as follows:

"Each share of the original or any subsequent issue of stock of a
China trade act corporation shall be issued at not less than par value." EXPLANATION.

It is obvious that corporations under the China trade act may desire to issue stock at above par value, and it would not seem reasonable to have provisions under such act to prevent them from doing so.

Sec. 9 (b). (The by-laws may provide):

"The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors, but the number of such directors shall not be less than three, and a majority of the directors and a majority of the officers holding the office of president, treasurer, or secretary, or a corresponding office, shall be citizens of the United States resident in China:"

This clause is to be amended as follows:

"The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors; but the number of such directors shall not be less than three. The president and a majority of the directors, as also the treasurer or any corresponding officer, shall at their place of residence be persons subject to the laws of the United States."

EXPLANATION.

EXPLANATION.

It is highly desirable that the president and treasurer or equivalent officers of any China corporation under the China trade act shall at their place of residence be persons subject to the laws of the United States in order that companies shall be at all times subject to the control of the United States Court for China, or the Supreme Court of the District of Columbia, or the Federal district court of any district in which the corporation may have its principal office. This might not be the case if the president or treasurer or the equivalent officers were Chinese resident in China and sought to evade such control, thereby creating complications which might adversely affect American business generally.

It is also just as desirable that a majority of the directors of a China trade act corporation shall at their place of residence be persons subject to the laws of the United States.

SEC. 10. (a) "Within six months after the issuance of the certificate of incorporation of a China trade act corporation there shall be held a stockholders' meeting either at the principal office or a branch office of the corporation. Such meeting shall be called by a majority of the directors named in the articles of incorporation and each stockholder shall be given at least 90 days' notice of the meeting, either in person or by mail. The holders of two-thirds of the voting shares shall constitute a quorum at such meeting authorized to transact business. At this meeting or an adjourned meeting ihereof a code of by-laws for the corporation shall be adopted by a majority of the voting shares represented at the meeting."

This clause is to be amended to read as follows:

"Within six months after the issuance of the certificate of incorporation of a China trade act corporation there shall be held a stockholders' meeting at the principal office of the corporation. Such meeting shall be called by a majority of the directors mimed in the articles of incorporation, and each stockholder shall be given at least 90 days' notice

EXPLANATION.

ENPLANATION.

It would be highly undesirable to have any stockholders' meeting held at a branch office, as it might result in acts which would possibly injure interests of stockholders and be prejudicial to American business as represented by China trade act corporations.

The provision that two-thirds of the voting shares shall be represented at the first stockholders' meeting to be held under this clause is sound, but it should provide also that if the stockholders themselves can not be present they may be represented by authorized representatives. This is necessary because it is quite conceivable that a company may be formed with one-half of the stock owned in the United States and the other one-half in China, in which case a corporation could not hold a stockholders' meeting with the holders of two-thirds of the voting shares present, and, therefore, provision must be made that they can have authorized representatives at such meeting.

SEC, 12 (a). "For the purposes of this act the fiscal year of a China trade act corporation shall correspond to the calendar year. The corporation shall make and file with the registrar, in such manner and form and at such time as shall be by regulation prescribed, a report of its business for each such fiscal year and of its financial condition at the close of the year. The corporation shall furnish a true copy of the report to each of its stockholders,"

This clause is to be amended by adding after the last word, "stockholders," the words: "duly audited by approved auditors as prescribed by the Secretary."

EXPLANATION.

EXPLANATION.

In the China trade act no provision is made for proper audit of accounts of companies operated thereunder, and it is hardly to be expected that the registrar will have at his disposal machinery whereby he can verify the correctness of accounts published by China trade act companies or statements with him concerning accounts of such companies.

If, however, duly accredited auditors, appropriate the content of the content of

panies.

If, however, duly accredited auditors, approved by the Secretary or by the registrar, verify to the correctness of the accounts of the companies, the registrar may in the ordinary course of working be justified in accepting same as bonn fide.

This provision will also serve to deter unscrupulous corporation officials from issuing financial statements which do not represent a true condition of affairs.

Sections 21 to 27, dealing with matters coming under the revenue act of 1921, are so complicated in their provisions as to be practically unworkable from a business standpoint in handling the affairs of any corporation working under the China trade act in China. As expert knowledge of the revenue act of 1921 is necessary in order to formulate amendments, it is simply proposed to put it to Mr. L. C. Dyen to have the clauses amended by experts in Washington, so as to make China trade act companies free of income taxation on profits earned in China.

to have the clauses amended by experts in Washington, so as to make China trade act companies free of income taxation on profits earned in China.

The original provisions in bill H. R. 16043, which were incorporated into bill H. R. 4810, and which passed the House of Representatives on two separate occasions by a considerable majority, contained satisfactory provisions regarding freedom from income taxation. A copy of said provisions is hereto appended.

It is desirable to have these provisions which were passed on the basis of the revenue act of 1918 amended to fit the revenue bill of 1921, but otherwise to endeavor to carry through said provisions as per bill H. R. 4810, section 23.

Features in the phrasing of section 23, H. R. 4810, which need explanation are:

First. The requirement that the corporation shall declare dividends yearly to an amount equal to one-third of net income.

EXPLANATION.

This provision is to prevent injustice being practiced on minority stockholders, who may be Chinese, in that, for instance, a group of business men in the United States might join with Chinese to develop business in China. When such business proves successful, the American stockholders have the majority, control the voting on the basis of "one share one vote," might decide to freeze the minority stockholders out by withholding declaration of dividends, leaving the profits to accumulate in China free of taxation.

This would also be unfair to the interests of the United States Government in that the Treasury would be deprived of the income tax which it should be able to collect from the income paid in the form of dividends to citizens of the United States or to corporations in the United States of America which might hold stock in a China trade act corporations.

In the ordinary working of trade in China it can be considered that corporations wusuly set aside one-third of their profits in good years to meet possible losses during bad periods of trade. About one-third of profits earned, especially in industrial enterprises, are reinvested in improving their plant and equipment, thus leaving approximately one-third of the profits to be paid in cash in dividends to stockholders. It is noted that the minimum requirement is one-third to be paid in dividends out of profits earned and that it is open to companies to declare larger dividends out of profits.

Second. It is provided that less than 5 per cent of gross income of China trade act companies be derived from sources within the United States.

EXPLANATION.

The theory of operation of corporations under the China trade act is that they shall do business in China, and whilst they may have connections or offices or agents in America for the purchase of goods from the United States of America, or other services, the scope of such representation within the United States of America, the hard a China trade act corporation will not be enabled to camonflage as operating in China whilst actually earning its profits in operations in the United States of America, thereby evading payment of income taxation by having the benefit of incorporation under the China trade act. This was the reason for the 5 per cent limitation noted and which was simply taken as an arbitrary permissible percentage of profits earnable in the United States of America on business done.

Third. Under the bill H. R. 4810 there is a very definite provision made that the corporation shall render a correct return to the registrar of its payments of dividends, stating the name and address of each stockholder and number of shares owned by him and the amount of dividends paid to him.

EXPLANATION.

EXPLANATION.

The intention of this provision is that whilst the corporation is freed from paying income tax, it shall be open to the income-tax department of the United States Treasury to obtain from the registrar facts pertaining to dividends paid to stockholders who may be subject to income taxation. Therefore it will lie with the Treasurer to collect income tax due under the revenue act, so far as dividends to American stockholders are concerned.

income tax due under the revenue act, so far as dividends to American stockholders are concerned.

[Extract from bill H. R. 4810, concerning income-tax provisions of the China trade act.]

Sec. 23 (a). That section 231 of the revenue act of 1918 is amended by striking out the period at the end thereof, inserting in lien thereof a semicolon, and adding a new subdivision to read as follows:

"(15) A corporation organized under the China trade act, 1921, but only if and with respect to any taxable year for which (a) it files a return at the time and place provided in section 241, made in the manner provided in section 239, and containing such information as the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury may by regulation prescribe; (b) it declares dividends during the taxable year in an amount equal to one-third of its net income, the payment of which not later than 60 days after the close of such taxable year is assured in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may require; (c) it derives less than 5 per cent of its gross income from sources within the United States; and (d) the Secretary of Commerce certifies to the Commissioner of Internal Revenue that during the taxable year the corporation in all respects has complied with the provisions of the China trade act, 1921, and regulations made thereunder. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all regulations made thereonder. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all regulations mecessary for the determination of such exemption and of the liability of shareholders or members to taxation in respect to dividends paid by such corporation."

(b) Section 1 of the revenue act of 1918 is amended by adding at the end thereof a new paragraph to read as follows:

"A corporation organized under the China trade act, 1921, shall not be deemed to be a

follows:

"SEC. 254. That every corporation subject to the tax imposed by this title, every personal-service corporation, and every corporation organized under the China trade act, 1921, shall when required by the commissioner render a correct return, duly verified under oath, of its payments of dividends, stating the name and address of each stockholder, the number of shares owned by him, and the amount of dividends paid to him."

[NOTE.—The sentence in italic, reading "not less than 60 days after the close of such taxable year," is to be deleted, in view of the fact

that under the China trade act the business year must end on December 31. In China most business actually is figured to be closed out around Chinese New Year, which is somewhere between the end of January and the middle of February, as a rule. It takes about a month thereafter to wind up accounts of any company operating in China, and usually the annual meeting to pass accounts and declare dividends is held in April/May for the financial year supposedly ending the previous 31st of December.]

Memorandum of suggestions to the Secretary for admendments to the regulations to be observed by the Department of Commerce officials and registrar in China governing corporations in operation under the China trade act, 1922.

the China trade act, 1922.

Whilst various minor alterations will necessarily have to follow in the set of rules which have been drawn up in consequence of amendments which the Hon. L. C. Dyra may succeed in carrying through in the China trade act, it is especially recommended that the Secretary or registrar shall exercise authority in the matter of appointment of auditors for the auditing of accounts of China trade act corporations. In this respect it is suggested that clause 12 (a) of the regulations under item 10 shall be amended by making same read: "Duly audited annual report of companies operating under this act." * * Section 12 (b) to be called 12 (c), and in place thereof section 12 (b), item 11, to read: "The authorization for any auditor to certify accounts of companies filing returns as required under section 12 (a), item 10, shall be approved by the Secretary at Washington, D. C., or by the registrar in China, and such authorization may at any time be revoked."

EXPLANATION.

It is open, therefore, for any qualified auditor or firm of auditors to submit record of their qualifications to the Secretary at Washington or the registrar in China to empower them to audit and certify accounts of China trade act companies.

It is naturally to be expected that such authority will not be unreasonably withheld by the Secretary or the registrar, and that such authority would not be revoked without just cause.

I also had valuable help and suggestions touching my work in China from Mr. Frank Rhea, who is the registrar of the China trade act. He submitted some suggestions, which are as follows:

PROPOSED AMENDMENTS OF THE CHINA TRADE ACT, 1922.

(By Frank Rhea, registrar.)

(By Frank Rhea, registrar.)

While there has been a considerable number of criticisms of the China trade act, after a careful study of the act the writer feels that the law as a piece of initial legislation is really very much better than is generally appreciated, and that the act is along proper lines fundamentally. Further, it is felt that amendments to the act as it now stands should be largely along constructive lines which will keep in mind the two following principal objects:

First. For the purpose of putting American interests engaging in business in China on an equality with other nationals from the standpoint of individual and corporation taxation.

Second. For the purpose of making the act more workable for all classes of corporations engaging in business in China, and thus extending its usefulness and simplifying its enforcement as compared with some of the provisions which, from this standpoint, will entail a handicap on American interests doing business in China.

AMENDMENT NO. 1.

AMENDMENT NO. 1.

SEC. 4 (a). "Three" (instead of "five") or more individuals (hereinafter in this act referred to as "incorporators"). * *

This amendment is desirable to enable smaller concerns to incorporate without taking in unnecessary incorporators who would in many instances be, in effect, dummies. Such an amendment will require only one class of China trade act corporations.

The British corporations are divided into two general classes, one class coming under the Hongkong companies ordinances, which class of companies comes under the control of the British colony of Hongkong. The other class is known as British China companies, and while provision is made for them under the Hongkong companies ordinances they are registered in Shanghal and come under the jurisdiction of the British officials and courts at Shanghal.

In the working of the China trade act we are more interested in the British Orders of Council and the regulations controlling British China companies than we are the working of the Hongkong Ordinance's compandes. British China companies can be divided into three general classes when compared with corporations which are authorized under the China trade act. These are as follows:

1. The larger concerns are known as "public companies," which require seven or more participants and such British China companies may make a public offering of their shares and issue a prospectus therefor.

2. The smaller concerns are known as "private companies," which require 2 but not more than 20 narticipants and such British.

fcr.

2. The smaller concerns are known as "private companies," which require 2 but not more than 20 participants, and such British China companies are not allowed to make public offerings of their shares or to issue a prospectus therefor.

3. Another class of British China companies can be termed "non-profit companies." An example illustrating this class is the incorporating of clubs and other similar institutions to give the members and owners the protection of incorporation.

It is felt, if the China trade act is amended as above, it will take care of to the best advantage various classes of American concerns undertaking to do business in China.

AMENDMENT NO. 2

SEC. 4. (b) * * *. The articles of incorporation shall state—
"(2) The location of its principal office. The corporation shall maintain in the District of Columbia an accredited agent with power to accept legal service."

pt legal service."
Instead of ("which shall be in the District of Columbia").

REASONS FOR AMENDMENT

There may also be China trade act corporations which may find it more advantageous to maintain their principal office in New York, San Francisco, Scattle, or some other place coming under the jurisdiction of American courts. Therefore to make the China trade act the greatest benefit to concerns engaging in business within China such a handicap as requiring such companies to have their principal office in China or the District of Columbia should not be imposed.

AMENDMENT NO. 3

SEC. 4. (b). * The articles of incorporation shall state—
[Note.—The part in brackets and in Italic to be cut out.]
"The names and addresses of individuals, a majority of whom are citizens of the United States [and at least one of whom is a resident of the District of Columbia, to be designated by the incorporators], who shall serve as temporary directors.

REASONS FOR AMENDMENT.

The present reading of the act does not make clear whether this is a temporary requirement for the purpose of incorporation or whether such a director in Washington is to be permanent. In either event no advantage to anyone is attained by a China trade act corporation having its principal office and a resident director in the District of Columbia which can not be attended to by any accredited agent in the District of Columbia which ean not be attended to by any accredited agent in the District of Columbia, but the maintaining of its principal office and a resident director in the District of Columbia would unduly handicap China trade act corporations engaging in business within China in competition with other nationals which are not so restricted by being required to maintain such unnecessary officers and directors.

AMENDMENT NO. 4.

SEC. 4. (b) * * The articles of incorporation shall state—
"(7) The fact that an amount equal to 25 per cent of the amount
of the authorized capital stock has been in good faith subscribed and
will be paid in cash within 90 days after issue of certificate of incorporation * * *."

REASONS FOR AMENDMENT.

In the development of China trade act corporations it no doubt will be a handicap at times to call for the full payment of the initial capital before completion of incorporation and the issue of a certificate of incorporation. This in instances would make difficult the raising of the initial cash capital. It would mean at times the tieing up of capital for periods before such capital would be needed in the development of the project. This would result in a handicap to American interests competing with other nationals in China. There seems no good reason why regulations could not be promulgated so such an arrangement for the complete payment of the initial capital when permissible could not be fully safeguarded.

In connection with the above suggestion, an alternative arrangement, which in some instances would have considerable advantage to the incorporators, would be the issuing of a preliminary certificate of incorporation, and after the incorporators had compiled with prescribed regulations the final Issue of certificate of incorporation by the secretary would be made conditional on the full payment of the initial capital. This would be particularly advantageous in cases of companies which were reincorporating, necessitating the liquidation of the original corporation, which in some instances may take a considerable period:

AMENDMENT NO. 5.

AMENDMENT NO. 5.

SEC. 5. (c) "The Secretary shall . issue a certificate of incorporation . if . he finds that such corporation
will aid in developing trade between China and the United States."

will aid in developing trade between China and the United States."
Instead of—
"he finds that such corporation will aid in developing (markets in China for goods produced in) the United States."
Again referring to the entitlement of the act as "An act to authorize the creation of corporations for the purpose of engaging in business within China" is certainly a much broader aspect than "the development of markets in China for goods produced in the United States."
Some of the other nationals are doing a very considerable variety of business in China, and American interests should be accorded the same opportunity under an equality of opportunity.

AMENDMENT NO. 6.

SEC. 6. (b) Shall have a corporate seal registered with the Secretary and may only alter it with the approval of the Secretary.

Instead of—

"May have a corporate seal and alter it at pleasure."

REASONS FOR AMENDMENT.

A corporation's seal is a matter of importance in properly viseing a corporation's documents. This is particularly the case in transacting business in China. "Chops," as seals are usually called in China, have more importance attached to them than in the United States. It is therefore desirable that a China trade act corporation's seal should not be changed except when the corporation shows valid reasons for such change, and such changes should then be made in accordance with reasonable regulations which can be complied with without any handicap on the corporation's operations.

The regulations for Hongkong ordinance companies and British China companies have the following regulations regarding the use of a company's seal:

"The seal of a company shall not be affixed to any instrument except by the authority of a resolution of the board of directors, and in the presence of at least two directors and of the secretary or such other person as the directors may appoint for the purpose; and those two directors and secretary or other person as aforesaid shall sign every instrument to which the seal of the company is so affixed in their presence."

AMENDMENT NO. 7.

AMENDMENT NO. 7.

SEC. 7. Each share of the original or any subsequent issue of stock of a China trade act corporation shall be issued at not less than par value * *.

REASONS FOR AMENDMENT.

The reason for this amendment is that it is thought to be a proper restriction that a company shall not issue its stock at less than par value, but there appears to be no good reason why a China trade act corporation should not be allowed to sell its stock at a premium if it is able to do so. This may especially apply to concerns already established in China who, it is presumed, will not be allowed to include intangible values such as "good will" or "going concern" in their property-value statements. This, however, brings up the question as to China trade act corporations issuing prospectuses as to sale of their shares. There is no doubt that the issuing of a prospectus of a China trade act corporation for the sale of its shares should conform to reasonable regulations prescribed by the Secretary, as is the case with prospectuses issued by British China companies in connection with the inviting of the public to subscribe for the purchase of their shares. Shares when sold at a premium should, of course, be accounted for in the corporation's balance sheet according to conven-

tional accounting regulations, such as, for example, as prescribed by the Interstate Commerce Commission in their railway accounting regulations.

SEC. 9. (a) The by-laws shall (instead of may) provide:
(b) "The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors; but the number of such directors shall not be less than three, and a majority shall be citizens of the United States. The president and the treasurer or equivalent officer or officers shall be citizens of the United States or shall at their place of residence be persons subject to the laws of the United States."

Instead of—

" a " a, and a majority of the directors (and a majority of the

officers holding the office of president, treasurer, or secretary, or a corresponding office, shall be citizens of the United States resident in China:)"

REASONS FOR AMENDMENT.

In my opinion, it is imperative that the head and treasurer of a China trade act corporation, regardless of how the positions may be entitled, be persons amenable to the laws of the United States. This is necessary for the reason that business in China to a great extent is handled by what is known as the No. 1 man. Such No. 1 men dominate and control the policy of such concerns. Therefore it is essential that such officials, together with the treasurer of China trade act corporations, be amenable to the laws of the United States. The point may be made that such positions should be limited to citizens of the United States, but it is felt that this in some instances may be an undue restriction and that with proper regulations and supervision this additional restriction need not prevail.

AMENDMENT NO. 9.

AMENDMENT NO. 9.

-Part in italic to be added, and part in brackets

SEC. 10. (a) [NOTE.—Part in italic to be added, and part in brackets in italic to be eliminated.]

"Within six months after the issuance of the certificate of incorporation" of a China trade act corporation there shall be held a stockholders meeting [cither] at the principal office [or a branch office] of the corporation. Such meeting shall be called by a majority of the directors named in the articles of incorporation, and each stockholder shall be given at least 90 days' notice of the meeting either in person or by mail. The holders of two-thirds of the voting shares, or their authorized representatives, shall constitute a quorum at such meeting [authorized] to transact business. * * *."

REASONS FOR AMENDMENT.

The occasion for this amendment is that the act as it now stands provides that the stockholders' meeting may be held at the principal office or a branch office. It is felt that the stockholders' meeting should be held at the corporation's principal office wherever that may be located.

The law also apparently provides only for voting of stock by actual owners, whereas concerns of the wide holding of stock, which no doubt will prevail in cases with China trade act corporations, will make it extremely difficult to get together at the principal or any other office the actual holders of two-thirds of the voting shares. Therefore it is felt that as a practical working proposition proxy voting of shares should be authorized.

AMENDMENT NO. 10.

AMENDMENT NO. 10.

Sec. 12 (a) " * * . The corporation shall furnish a true copy of the report to each of its stockholders duly audited by approved auditors, as prescribed by the Secretary."

REASONS FOR AMENDMENT.

REASONS FOR AMENDMENT.

The act as it now stands does not provide for the auditing of the annual reports of China trade act corporations. An audit of annual reports is definitely provided for in connection with British China corporations. As pertinent to this situation, attention is called to Treasury Department Order 3408, approved November 2, 1922, and reading in part as follows:

"Every taxpayer carrying on the business of producing, manufacturing, purchasing, or selling any commodities or merchandise, * * * shall for the purpose of determining the amount of income under the revenue act of 1921 keep such permanent books of accounts or reference, including inventories, as are necessary to establish the amount of gross income and deductions, credits, and other information required by an income-tax return * * * of the revenue act of 1921 * * * "."

It is obvious that a China trade act corporation's annual return should be properly audited, but I feel, as registrar, that it would be neither desirable or practical to have this audit a part of my work. An audit in some instances may be inconvenient to China trade act corporations, but with reasonable regulations I do not think would be a sufficient hardship to warrant it not being required. The reports of British China companies are required to be audited by approved accountants who are British subjects. A regulation which would require China trade act corporations. Therefore it is felt that the secretary should be given rather broad authority as to the approval of accountants for auditing annual returns of China trade act corporations.

AMENDMENT NO. 11.

SEC. 21. That section 231 of the revenue act of 1921 is amended by striking out the period at the end thereof, inserting in lieu thereof a semicolon, and adding a new subdivision to read as follows:

"(15) A corporation organized under the China trade act, 1922, but only if and with respect to any taxable year for which (a) it files a return at the time and place provided in section 241, made in the manner provided in section 239, and containing such information as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation prescribe; (b) it declares dividends during the taxable year in an amount equal to one-third of its net income the payment of which is assured in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may require; (c) it derives less than 5 per cent of its gross income from sources within the United States; and (d) the Secretary of Commerce certifies to the Commissioner of Internal Revenue that during the taxable year the corporation in all respects has compiled with the provisions of the China trade act, 1922, and regulations nade thereunder. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all regulations necessary for the determination of such exemption, and of the liability of shareholders or members to taxation in respect to dividends paid by such corporation."

If American business in China is to be put on an "equality of opportunity" basis with the business of other nationals, particularly British, this part of the act will have to be amended to relieve China trade act corporations from taxes as corporations on business done within China, as is the case with British China companies.

If the above statement is correct, what is, then, the correct test for immunity from Federal corporation taxes by China trade act corporations to attain the above "equality of opportunity"?

As far as China trade act corporations' immunity from Federal corporation taxes is concerned, this "equality of opportunity" can be attained under the revenue act of 1921 by amending section 231 of that act as above suggested, which is identical with the provisions of House of Representatives bills 4810 and 16043, except part (b) is changed to cut out the part inclosed in brackets and underscored as follows:

"(b) It declares dividends during the taxable year in an amount equal to one-third of its net income the payment of which [not later than 60 days after the close of such taxable year] is assured in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may require."

In making the above suggestion I am aware that this amendment would require the regulations for the enforcement of this part of the act to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury rather than conforming to the other parts of the China trade act, 1922, putting the regulations in the hands of the Secretary of Commerce. As this part of the law, however, deals directly with Federal taxation, it would no doubt be better that the regulations be prescribed by the Treasury Department to be carried out in cooperation with the Department of Commerce, as was apparently the intent of the framers of this part of the act in House bill 4810. Further, I see no reason why, by proper cooperation between the Treasury Department and the Departme

Sec. 21. (This amendment in reality would be an addition to the act, and no draft is submitted.)

While amendment No. 11 would put China trade act corporations as corporations on an equality with British China companies as corporations, it would not put shareholders, either individuals or corporations, on an equality with shareholders, either individuals or corporations, of British China companies.

If the above is true, then there is a further test needed for "equality of opportunity" as between shareholders of China trade act corporations and shareholders of British China companies. First, it is necessary to determine what immunity from income taxes is accorded shareholders, either individuals or corporations, of British China companies. The liability of shareholders in British China companies to British taxation can be epitomized as follows:

"Shareholders, either individuals or corporations, in British China companies, not resident in the United Kingdom, are not chargeable with income tax on dividends paid by such companies.

"Shareholders in British China companies, individuals or corporations, when resident in the United Kingdom, are chargeable with income tax on dividends paid to them irrespective of whether such dividends be remitted to the United Kingdom or kept elsewhere."

If the above statements are correct, then it would appear that the proper test of incidence of the tax is—

"Where does the recipient reside?" and not "Where are the profits kept?"

In my study during the past two years of what arrangements could

If the above statements are correct, then it would appear the proper test of incidence of the tax is—
"Where does the recipient reside?" and not "Where are the profits kept?"

In my study during the past two years of what arrangements could be made for encouraging American interests to engage in business within China I have become fully convinced of the necessity of, according to American interests, rellef from Federal taxation which would put them on an equality with British interests engaged in business within China. To assure myself, however, that my understanding of the situation was correct, I took the liberty of asking Consul General Cunningham, of Shanghal, to secure for me information from sources to which I knew he had access, regarding the incidence of income tax of British shareholders in China companies, and he answered me in the following cogenity stated summaries:

(a) A British "China" company, not being resident or carrying on business in the United Kingdom is, as a company, not chargeable with income tax on the compony's annual net profit.

(b) British subjects, shareholders in British China companies, not resident in the United Kingdom are not chargeable with income tax on dividends paid by such companies.

(c) British subjects resident in the United Kingdom are chargeable with income tax on dividends paid to them as shareholders in China companies irrespective of whether such dividends be remitted to the United Kingdom or kept elsewhere.

The test of incidence of the tax is, "Where does the recipient reside?" and not "Where are the profits kept?"

It is therefore obvious that if American business interests engaging in business in China are to be put on an equality with British interests engaging in business in China are to be put on an equality with British interests engaging in business for amendment No. 11."

It is felt the statement is warranted that the present revenue act of 1921 already provides that Federal income taxes will be collected from shareholders of China trade-act corporation

act corporations and also so that Federal income taxes will not be imposed on the shareholders (individuals or corporations) of China trade-act corporations resident in China.

AMENDMENTS NOS. 13 TO 18.

If amendments equivalent to those suggested by Nos. 11 and 12 are to prevail, then it will be necessary to amend sections 22 to 27 to conform with the China trade act so amended and the various sections of the revenue act of 1921.

In order that it may be plain as to just how the amendments proposed may affect the China Trade Act, 1922, I am including a copy of that law so that those interested may be able to make comparisons in their study of the recommendations herein made:

CHINA TRADE ACT, 1922. [Public-No. 312-67th Cong.]

An act (H. R. 4810) to authorize the creation of corporations for the purpose of engaging in business within China.

Be it enacted, etc., That this act may be cited as the "China trade act, 1922."

DEFINITIONS. SEC. 2. When used in this act, unless the context otherwise indi-

(a) The term "person" includes individual, partnership, corporation, and association;
(b) The term "China" means (1) China, including Manchuria, Thibet, Mongolia, and any territory leased by China to any foreign government; (2) the Crown Colony of Hongkong; and (3) the Province of Macao;
(c) The terms "China trade act corporation" and "corporation"

of Macao;
(c) The terms "China trade act corporation" and "corporation"
mean a corporation chartered under the provisions of this act;
(d) The term "Federal district court" means any Federal district
court, the United States Court for China, and the Supreme Court of
the District of Columbia;
(e) The term "Secretary" means the Secretary of Commerce; and
(f) The term "registrar" means the China trade act registrar appointed under section 3.

REGISTRAR.

SEC. 3. The Secretary is authorized to designate as China trade act registrar an officer of the Department of Commerce. The official station of the registrar shall be in China at a place to be designated by the Secretary. All functions vested in the registrar by this act shall be administered by him under the supervision of the Secretary, except that upon appeal to the Secretary, in such manner as he shall by regulation prescribe, any action of the registrar may be affirmed, modified, or set aside by the Secretary as he deems advisable.

ARTICLES OF INCORPORATION.

SEC. 4. (a) Five or more individuals (hereinafter in this act referred to as "incorporators"), a majority of whom are citizens of the United States, may, as hereinafter in this act provided, form a District of Columbia corporation for the purpose of engaging in business within China.

(b) The incorporators may adopt articles of incorporation which shall be filed with the Secretary at his office in the District of Columbia and may thereupon make application to the Secretary for a certificate of incorporation in such manner and form as shall be by regulation prescribed. The articles of incorporation shall state—

(1) The name of the proposed China trade act corporation, which shall end with the legend "Federal (Inc.) U. S. A.," and which shall not, in the opinion of the Secretary, be likely in any manner to mislead the public;

shall end with the legend "Federal (Inc.) U. S. A.," and which shall not, in the opinion of the Secretary, be likely in any manner to mislead the public;

(2) The location of its principal office, which shall be in the District of Columbia;

(3) The particular business in which the corporation is to engage;

(4) The amount of the authorized capital stock, the designation of each class of stock, the terms upon which it is to be issued, and the number and par value of the shares of each class of stock;

(5) The duration of the corporation, which may be for a period of not more than 25 years, but which may, upon application of the corporation and payment of the incorporation fee, be successively extended by the Secretary for like periods;

(6) The names and addresses of individuals, a majority of whom are citizens of the United States and at least one of whom is a resident of the District of Columbia, to be designated by the incorporators, who shall serve as temporary directors; and

(7) The fact that an amount equal to 25 per cent of the amount of the anthorized capital stock has been in good faith subscribed and paid in cash, or, in accordance with the provisions of section 8, in real or personal property which has been placed in the custody of the directors.

(c) A China trade act corporation shall not engage in the business of discounting bills, notes, or other evidences of debt, of receiving deposits, of buying and selling bills of exchange, or of issuing bills, notes, or other form of banking business; nor engage in any other form of banking business; nor engage in any form of insurance business.

SEC. 5. The Secretary shall, upon the filing of such application, issue a certificate of incorporation certifying that the provisions of this act have been complied with and declaring that the incorporators are a body corporate, if (a) an incorporation fee of \$100 has been paid him, (b) he finds that the articles of incorporation and statements therein conform to the requirements of, and that the incorporation is authorized by, this act, and (c) he finds that such corporation will aid in developing markets in China for goods produced in the United States. A copy of the articles of incorporation shall be made a part of the certificate of incorporation and printed in full thereon. Any failure, previous to the issuance of the certificate of incorporation, by the incorporation, to conform to any requirement of law which is a condition precedent to such Issuance, may not subsequent thereto be held to invalidate the certificate of incorporation or after the legal status of any act of a China trade act cusporation, except in proceedings instituted by the registrar for the revocation of the certificate of incorporation.

GENERAL POWERS.

SEC. 6. In addition to the powers granted elsewhere in this act, a China trade act corporation—

(a) Shall have the right of succession during the existence of the

corporation;
(b) May have a corporate seal and alter it at pleasure;

(c) May sue and be sued;
(d) Shall have the right to transact the business authorized by its articles of incorporation and such further business as is properly connected therewith or necessary and incidental thereto;
(e) May make contracts and incur liabilities;
(f) May acquire and hold real or personal property, necessary to effect the purpose for which it is formed, and dispose of such property when no longer needed for such purposes;
(g) May borrow money and issue its notes, coupon or registered bonds, or other evidences of debt, and secure their payment by a mortgage of its property; and
(h) May establish such branch offices at such places in China as it deems advisable.

SHARES OF STOCK.

SHARES OF STOCK.

SEC. 7. Each share of the original or any subsequent issue of stock of a China trade act corporation shall be issued at par value only, and shall be paid for in cash or in accordance with the provisions of section 8 in real or personal property which has been placed in the custody of the directors. No such share shall be issued until the amount of the par value thereof has been paid the corporation; and when issued, each share shall be held to be full paid and nonassessable; except that if any share is, in violation of this section, issued without the amount of the par value thereof having being paid to the corporation, the holder of such share shall be liable in suits by creditors for the difference between the amount paid for such share and the par value thereof.

SEC. 8. No share of stock of a China trade act corporation shall, for the purposes of section 7 or of paragraph (7) of subdivision (b) of section 4, be held paid in real or personal property unless (1) a certificate describing the property and stating the value at which it is to be received has been filed by the corporation with the Secretary or the registrar in such manner as shall be by regulation prescribed, and a fee to be fixed by the Secretary or the registrar, respectively, to cover the cost of any necessary investigation has been paid, and (2) the Secretary or the registrar, as the case may be, finds and has certified to the corporation that such value is not more than the fair market value of the property.

Sec. 9. The brighter way needs

BY-LAWS.

SEC. 9. The by-laws may provide—

(a) The time, place, manner of calling, giving notice, and conduct of, and determination of a quorum for the meetings, annual or special, of the stockholders or directors;

(b) The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors; but the number of such directors shall be not less than three, and a majority of the directors and a majority of the directors and a majority of the officer holding the office of president, treasurer, or secretary, or a corresponding office, shall be citizens of the United States resident in China; and

(c) The manner of calling for and collecting payments upon shares of stock, the penalties and forfeitures for nonpayment, the preparation of certificates of the shares, the manner of recording their sale or transfer, and the manner of their representation at stockholders' meetings.

STOCKHOLDERS' MEETINGS.

SEC. 10. (a) Within six months after the issuance of the certificate of incorporation of a China trade act corporation there shall be held a steckholders' meeting either at the principal office or a branch office of the corporation. Such meeting shall be called by a majority of the directors named in the articles of incorporation and each stockholder shall be given at least 90 days' notice of the meeting either in person or by mail. The holders of two-thirds of the voting shares shall constitute a quorum at such meeting authorized to transact business. At this meeting or an adjourned meeting thereof a code of bylaws for the corporation shall be adopted by a majority of the voting shares represented at the meeting.

(b) The following questions shall be determined only by the stockholders at a stockholders' meeting:

(1) Adoption of the by-laws;

(2) Amendments to the articles of incorporation or by-laws;

(3) Authorization of the sale of the entire business of the corporation or of an independent branch of such business;

(4) Authorization of the voluntary dissolution of the corporation

and (5)

and

(5) Authorization of application for the extension of the period of duration of the corporation.

(c) The adoption of any such amendment or authorization shall require the approval of at least two-thirds of the voting shares. No amendment to the articles of incorporation or authorization for dissolution or extension shall take effect until (1) the corporation files a certificate with the Secretary stating the action taken, in such manner and form as shall be by regulation prescribed, and (2) such amendment or authorization is found and certified by the Secretary to conform to the requirements of this act.

(d) A certified copy of the by-laws and amendments thereof and of the minutes of all stockholders' meetings of the corporation shall be filed with the registrar.

DIRECTORS.

SEC. 11. The directors designated in the articles of incorporation shall, until their successors take office, direct the exercise of all powers of a China trade act corporation except such as are conferred upon the stockholders by law or by the articles of incorporation or by-laws of the corporation. Thereafter the directors elected in accordance with the by-laws of the corporation shall direct the exercise of all powers of the corporation except such as are so conferred upon the stockholders. In the exercise of such powers the directors may appoint and remove and fix the compensation of such officers and employees of the corporation as they deem advisable.

REPORTS AND INSPECTION OF RECORDS.

REPORTS AND INSPECTION OF RECORDS.

SEC. 12. (a) For the purposes of this act the fiscal year of a China trade act corporation shall correspond to the calendar year. The corporation shall make and file with the registrar, in such manner and form and at such time as shall be by regulation prescribed, a report of its business for each such fiscal year and of its financial condition at the close of the year. The corporation shall furnish a true copy of the report to each of its stockholders.

(b) The registrar shall file with the Secretary copies of all reports, certificates, and certified copies received or issued by the registrar under the provisions of this act. The Secretary shall file with the registrar copies of all applications for a certificate of incorporation and certificates received or issued by the Secretary under the provisions of this act. All such papers shall be kept on record in the offices of the registrar and the Secretary, and shall be available for public inspection under such regulations as may be prescribed.

DIVIDENDS.

Sec. 13. Dividends declared by a China trade act corporation shall be derived wholly from the surplus profits of its business.

REVOCATION OF CERTIFICATE OF INCORPORATION.

SEC. 13. Dividends declared by a China trade act corporation shall be derived wholly from the surplus profits of its business.

REVOCATION OF CREATPICATE OF INCORPORATION.

SEC. 14. The registrar may, in order to ascertain if the affairs of a China trade act corporation are conducted contrary to any provision of this act, or any other law, or any treaty of the United States, or the articles of incorporation. The registrar, whenever he is satisfied that the affairs of any China trade act corporation, investigate the affairs of the corporation. The registrar, whenever he is satisfied that the affairs of any China trade act corporation are or have been so conducted, may institute in the United States of the corporation of the corporation. The court may revoke such certificate if it finds the affairs of such corporation have been so conducted. Pending final decision in the revocation proceedings the court may, at any time, upon application of the registrar or upon its own motion, make such orders in respect to the conduct of the affairs of the corporation as it deems advisable.

Provided the corporation of the registrar or upon its own motion, make such orders in respect to the conduct of the affairs of the corporation as it deems advisable.

In the registrar by this act, he may require, by subpena issued by him or under his direction, (1) the attendance of any witness and the production of any book, paper, document, or other evidence from any place in China at any designated place of hearing in China, or, if the witness is actually resident or temporarily sojourning outside of China, at any designated place of hearing within 50 miles of the contrary of the provided prov

SEC. 17. (a) The Secretary is authorized to make such regulations as may be necessary to carry into effect the functions vested in him or in the registrar by this act.

(b) That the Secretary is authorized to prescribe and fix the amount of such fees (other than the incorporation fee) to be paid him or the registrar for services rendered by the Secretary or the registrar to any person in the administration of the provisions of this act. All fees and penalties paid under this act shall be covered into the Treasury of the United States as miscellaneous receipts.

PENALTIES.

SEC. 18. No stockholder, director, officer, employee, or agent of a China trade act corporation shall make, issue, or publish any statement, written or oral, or advertisement in any form, as to the value or as to the facts affecting the value of stocks, bonds, or other evidences of debt, or as to the financial condition or transactions, or facts affecting such condition or transactions, of such corporation if it has issued or is to issue stocks, bonds, or other evidences of debt, whenever he knows or has reason to believe that any material representation in such statement or advertisement is false. No stockholder, director, officer, employee, or agent of a China trade act corporation shall, if all the authorized capital stock thereof has not been paid in, make, issue, or publish any written statements or advertisement, in any form, stating the amount of the authorized capital stock without also stating as the amount actually paid in a sum not greater than the amount paid in. Any person violating any provisions of this section shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned not more than 10 years, or both.

SEC. 19. No individual, partnership, or association, or corporation not incorporated under this act or under a law of the United States shall engage in business within China under a name in connection with which the legend "Federal Inc. U. S. A." is used. Any person violating this section shall, upon conviction thereof, be fined not more than \$1,000 for each violation.

JURISDICTION OF SUITS AGAINST CORPORATION.

SEC. 20. That the Federal district courts shall have exclusive original jurisdiction of all suits (except as provided by the act entitled "An act creating a United States court for China and prescribing the jurisdiction thereof," approved June 30, 1906, as amended) to which a China trade act corporation, or a stockholder, director, or officer thereof in his capacity as such, is a party. Suit against the corporation may be brought in the United States Court for China, or in the Supreme Court of the District of Columbla, or in the Federal district court for any district in which the corporation has an agent and is engaged in doing business.

FEDERAL TAXATION.

Sec. 21. Title II of the revenue act of 1921 is amended by adding at the end thereof a new section to read as follows:

"CHINA TRADE ACT CORPORATIONS.

"CHINA TRADE ACT CORPORATIONS.

"Sec. 264. (a) That for the purpose only of the tax imposed by section 230 there shall be allowed, in the case of a corporation organized under the China trade act, 1922, a credit of an amount equal to the proportion of the net income derived from sources within China (determined in a similar manner to that provided in section 217) which the par value of the shares of stock of the corporation owned on the last day of the taxable year by individual citizens of the United States or China resident in China bears to the par value of the whole number of shares of stock of the corporation outstanding on such date: Provided, That in no case shall the amount by which the tax imposed by section 230 is diminished by reason of such credit exceed the amount of the special dividend certified under subdivision (b) of this section.

"(b) Such credit shall not be allowed unless the Secretary of Commerce has certified to the commissioner (1) the amount which, during the year ending on the date of filing the return, the corporation has distributed as a special dividend to or for the benefit of such individuals as on the last day of the taxable year were citizens of the United States or China resident in China and owned shares of stock of the corporation, (2) that such special dividend was in addition to all other amounts, payable or to be payable to such individuals or for their benefit by reason of their interest in the corporation, and (3) that such distribution has been made to or for the benefit of such individuals in proportion to the par value of the shares of stock of the corporation owned by each, except that if the corporation has more than one class of stock, the certificate shall contain a statement that the articles of incorporation provide a method for the apportionment of such special dividend among such individuals, and that the amount certified has been distributed in accordance with the method so provided.

"(c) For the purposes of this section shares of stock of a corporation

vided.

"(c) For the purposes of this section shares of stock of a corporation shall be considered to be owned by the person in whom the equitable right to the income from such shares is in good faith vested.

"(d) As used in this section the term 'China' shall have the same meaning as when used in the China trade act, 1922."

SEC 22. Subdivision (b) of section 230 of the revenue act of 1921 is amended to read as follows:

"(b) For each calendar year thereafter 12½ per cent of the amount of the net income in excess of the credits provided in sections 236 and 264."

SEC 23. Subdivision (f) of receive 286.

25. Subdivision (f) of section 238 of the revenue act of 1921 amended by adding after the figures "262" the word and figures

is amended by adding after the figures "262" the word and figures "or 264."

SEC 24. Subdivision (c) of section 240 of the revenue act of 1921 is amended by adding at the end thereof a new sentence to read as follows: "A corporation organized under the China trade act, 1922, shall not be deemed to be affiliated with any other corporation within the meaning of this section."

SEC 25. That section 2 of the revenue act of 1921 is amended by adding at the end thereof a new paragraph to read as follows:

"(12) A corporation organized under the China trade act, 1922, shall, for the purposes of this act, be considered a domestic corporation."

shall, for the purposes of this act, be considered a domestic corporation."

Sec. 26. Subdivision (b) of section 213 of the revenue act of 1921 is amended by striking out the period at the end of paragraph (12) thereof and inserting in lieu thereof a semicolon, and by adding after paragraph (12) a new paragraph to read as follows:

"(13) In the case of an individual, amounts distributed as dividends to or for his benefit by a corporation organized under the China trade act, 1922, if, at the time of such distribution, he is a citizen of China resident therein and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him."

Sec. 27. Subdivision (a) of section 216, paragraph (6) of subdivision (a) of section 235, of the revenue act of 1921, are amended by inserting in each after the word and figures "section 262" a comma and the words "and other than a corporation organized under the China trade act, 1922."

PERSENTATION OF RIGHT TO AMEND.

SEC. 28. The Congress of the United States reserves the right to alter, amend, or repeal any provision of this act.

Approved, September 19, 1922.

While my trip to China was primarily in the interest of the China trade act, 1922, other matters were called to my attention by Americans resident in China. I include statements given to me by the American Association of China and the Associated American Chambers of Commerce of China. They are as follows:

THE AMERICAN ASSOCIATION OF CHINA, Shanghai, February 6, 1923.

Hon. L. C. Dyer, M. C., Washington, D. C.

Washington, D. C.

Dear Sir: The American Association of China, cooperating with the American Chamber of Commerce, is preparing data on United States consular buildings and property in China, and in the course of a few months this information will be placed before every Senator and every Member of Congress in pamphlet form.

Knowing of your peculiar Interest in American effort in China, we desire to call to your attention certain facts which will be included in this pamphlet. We are sure that the appended information which sets forth the deplorable condition of American consular buildings, the disadvantages under which consular officials labor, and the advantages enjoyed by other powers with diplomatic representation will convince

you of the crying need for legislation to provide sufficient funds whereby the United States of America can take her place with other countries. Since you have been in China you have been struck with the inadequate provisions made for our diplomatic representatives. You have seen the disgraceful structures which house our American consular offices.

Since you have been in China you have been struck with the Inadequate provisions made for our diplomatic representatives. You have seen the disgraceful structures which house our American consular offices.

The United States maintains 20 consular stations in China. Of the 20, the buildings which house the staff for 8 stations are a positive disgrace to the richest country in the world. The Japanese, British, and even the German consular representatives are luxuriously housed and have ample property and conveniences for their diplomatic representatives.

There is no need to emphasize to you who have been in contact with the nations of the Orient the impression made on a people such as the Chinese by dignified and imposing consular buildings. Prestige or "face" in the Orient, even more than in the western world, is valued by dollars and cents. The Government's policy of providing no adequate quarters for use in China is as near-sighted from a standpoint of business as of statesmanship. In every old consular district enough money, and in some cases several times enough, has been paid out as would suffice to purchase a strategic site and erect dignified buildings. Shanghai: In Shanghai the Government owns property. The location and the buildings compare favorably with the consulates of other powers in this most important commercial center, but the buildings are so defective that it is very difficult to find anything stable enough to tie in the walls. The brickwork is cracked all over and plastering is falling off, due to a rupture in the main brick wall of the exterior of the building is unsuitable and even unsafe. The building would probably be condemned by the Shanghai municipal building inspector's office as not complying with the city regulations if same came under its inspection and supervision.

Canton: In Canton, the oldest station in China, the consular premises are about the least creditable, whereas American interests are very extensive, and special political considerations exist which make it particularl

quarters.

Hankow: The Hankow consular district aggregates an area of 950,000 square miles, equivalent to that of the United States east of the Mississippi River. The population of the district is 90,000,000, or twice that of all South America. The total trade of Hankow in 1920 amounted to \$210,000,000, United States currency, and is exceeded only by Shanghai. The consular building in Hankow is quite old and will probably have to be rebuilt soon, as the main walls have become unsafe. The annual rental is gold \$3,750, and the lessor pays all the municipal

probably have to be rebuilt soon, as the main walls have become unsafe. The annual rental is gold \$3,750, and the lessor pays all the municipal taxes.

There are no other suitable quarters that can be rented for the Government's use. The property occupied is the only available one on the water front, and there is no other district where the Government offices could be advantageously situated. Land values have been steadily advancing, and the cost of building and labor is constantly increasing. There are five properties available for purchase, and it would be necessary to erect buildings thereon for offices and residence of staff. We recommend that Congress appropriate \$150,000 for a site and buildings in Hankow, in order that we may be represented properly in that city, where, if anywhere, money spent by the Government in upholding the national character will insure good returns. Here, as in other cities, the Chinese often judge the strength, worth, and dignity of a nation by the offices and residences of its representatives.

Tientsin: The large residence and office building occupied by our Government's representative at Tientsin, now under lease to 1930, should be purchased. We have the most creditable and imposing consulate in Thentsin, and if the property was secured it would represent an investment which the United States Government would be fully justified in making.

Hongkong: In Hongkong it is not practicable to have consular offices and the residence of the consul general and his staff in the same building owing to the topography of the island on which it is built. The need here is for a consular building as the residence of the consul general and his staff in the same building owing to the topography of the island on which it is built. The need here is for a consular building as the residence of the consul general suitable sites are available and land and grading would cost \$15,000. The building could be erected at a cost of \$55,000, Hong-kong currency. The representative of the United States Governme

Amoy: At Amoy purchase of the land just back of the consulate establishment is essential, for, if sold to Chinese, the present consular quarters would become untenable. Purchase of land, now consular quarters, the demolition of the present establishment, and terracing and

reconstruction of retaining walls could be done for \$35,000 or \$40.000 gold.

reconstruction of retaining walls could be done for \$35,000 or \$40,000 gold.

Foothware at Foothow the present consular premises have been provided as a Art Foothow the present consular premises have been provided as a Art Foothow the present consular premises have been provided as a Art Foothow the present consular premises and or foreign and our fovernment would have done will be a present them, which it could have done up to within a year ago when they were sold to the director general of posts. They must be vacated on the suitable. The best plan would be to buy land and build suitable consular buildings, which could be obtained for \$30,000 gold.

A suitable place, provided it could be leased at all, would command a directory money at 5 per cent, and if another 1 per cent could be added for insurance, the investment would be exactly the same as if we rented, which we would still be the owner.

Government live in a low-class Chinese house. The immediate surroundings of the consular eart the most miserable of coole houses consular present live in a low-class Chinese house. The immediate surroundings of the consular terpes premises are owned by Japanese and are rented at a yearly lease. The commissioner of the Chinese and are rented at a yearly lease. The commissioner of the Chinese maritime enstoms, an official ranking below the consular representatives spent for the land upon which it was built. The Japanese consulate spent for the land upon which it was built. The Japanese consulates which will cost 300,000 yen for the building alone. The present incumbent has been able to procure one of its practically impossible to build a foreign house, as the contractors only know native construction. The British, French, and Japanese occupy rented quarters in Chinese-style buildings, and the British and translate plot of ground, as innais a report of the present alvess of the land. Now is the time to spent the procure of the present has purchased an excellent afte, approximately 40 movements and the procure of the prese

THE AMERICAN ASSOCIATION OF CHINA. Dr. W. T. FINDLEY, President.

ADDRESS OF MR. J. HAROLD DOLLAR, PRESIDENT OF THE ASSOCIATED AMERICAN CHAMBERS OF COMMERCE OF CHINA, DELIVERED AT A LUNCHEON IN SHANGHAI IN HONOR OF CONGRESSMAN DYER ON JANUARY 17,

Mr. Dollar's speech, in part, was as follows: It is needless for me to say that all commercial interests in China are glad to welcome Mr. DYER back to China. Although we are not

residents of Mr. Dyra's home district in St. Louis, we all feel he is really our Representative in Congress, because of the great amount of work which he devoted to the China trade act in our behalf. We are perfectly frank in stating to you, Mr. Dyra, that we do not believe the China trade act could have ever become a law had you not devoted so much of your time and energies to it.

Although the act has not been in force long enough for us to be able to express an expert opinion regarding its workings, we do know that it constitutes the legislative foundation for a new development of American commerce in this part of the world.

It is now more than two years since you were in China, and in view of the fact that you have returned to investigate the American trade situation here, with a view to introducing further legislation in Congress for the development of commerce between this country and the United States, I am sure you will be interested in a brief recital of some of the activities of the American Chamber of Commerce of China.

Last October we held a meeting in Shanghai of representatives of the American Chambers of Commerce of Hankow, Tientsin, and Peking and formed a central organization representing all American commercial interests in China, which is known as the Associated American Chambers of Commerce of China. We hope that this has placed us in a better position to make our voice heard in Washington and in commercial circles in the United States.

Although you come to China with introductions from President Harding, Secretary Hughes, and Secretary Hoover to investigate matters arising under the operation of the China trade act, we are going to take advantage of the great opportunity presented to us by your presence to acquaint you with a number of other matters affecting American business interests at this time.

The first matter that we desire to bring to your attention is the China trade act and to urge upon you the necessity of certain amendments which we believe necessary to make the act of the

Shanghai.

The other matters which we desire to bring to your attention arise through the carrying into force of the various treaties and resolutions adopted at the Washington conference. The first is the matter of extraterritoriality. You are probably familiar with the fact that the American Government made a treaty with China several years ago whereby we agreed to relinquish our extraterritorial rights when China has developed a judiciary system which we feel would provide ample protection for American interests. Other nations have similar treaties.

At the Washington conference, a resolution

whereby we agreed to reiniquish our extraterritorial rights when China has developed a judiciary system which we feel would provide ample protection for American interests. Other nations have similar treaties.

At the Washington conference a resolution was adopted providing for an international commission of jurists to visit China in the fall of this year for the purpose of making investigations. Since the relinquishment of our extraterritorial rights is a matter of tremendous interest and importance to every American citizen residing and having property in this part of the world, we want to urge upon the administration the importance of sending to China a man of the very highest qualifications in order that he may be both competent and free to make an impartial investigation of this subject, which will carry weight with the American Government.

The next matter which we desire to bring to the attention of the American Government is the special tariff conference which is to be held in China this spring in order to revise the Chinese tariff. Practically all of China's foreign financial obligations are secured upon the revenues of the maritime customs, and as a result the customs is administered largely by European nationals holding the obligations. Since the revision of the tariff will result in China's receiving additional revenue, we believe that this offers an opportunity for placing American obligations and finance in China upon a surer footing than is now the case. For this reason we are also recommending that our Government send to China the strongest possible commission to represent the interests of our merchants upon the conference which will revise the customs revenues.

The Chinese Government, owing to the unsettled political situation, has defaulted upon American loans and obligations for equipment supplied to the extent of probably (Mexican) \$50,000,000 or \$60,000,000, and unless the United States Government psys closer attention to the situation here we are afraid that American begins and we hope, M

The total amount of the American share of the Boxer Indemnity was approximately \$24,000,000, but in 1906 the American Government returned \$10,000,000 of this, which China has used in the education of her young men and women in American colleges and universities. This policy, we believe, has been of tremendous benefit both to China and the United States, and for this reason we believe that the balance of the indemnity should be returned to China for educational purposes. We believe, however, that the return of this money should be accompanied by a very definite understanding with the Chinese Government covering the expenditure of the money, possibly under the direction of an American committee in order that we may be assured that it will be used for the purpose intended and not used in military adventures.

We also believe that the return of the balance of the American share of the Boxer indemnity offers an opportunity for the American Government to enter into a definite understanding with the Chinese Government covering American financial obligations in this country, to the end that we may have protection such as that given by China to other outside nations.

Mr. Dyen, as you are probably aware, China is now in a serious condition owing to the unsettled political situation. At the Washington conference friendly nations did everything possible to help China in the organization of a stable government. In addition to the action of the various nations at the conference, the American Government has itself done practically everything possible to assist in the reunification of the country. One special matter in this connection is an American embargo upon the shipment of arms and munitions of war into China. This regulation is being strictly enforced, and we are hoping that other nations will take similar action, to the end that Chinese people may settle their internal affairs in their own way, without outside interference, as speedily as possible.

Our Government also have a well-established policy that no American loans be extended to China for political purposes. This policy meets with the hearty approval of the Chinese people, as well as of the American residents in this country, and we trust our Government will maintain it.

There is a number of other matters which our committee will prob-

maintain it.

There is a number of other matters which our committee will probably bring to your attention before you leave, but this is sufficient to give you some idea of how we intend to take advantage of your welcome presence here.

In addition to members of the American Chamber of Commerce of Shanghai, we also have present to-day the officers and many of the members of the American Association of China, the oldest American organization in this part of the world. The activities of the American association are along the same lines as those of our own organization except that the chamber is naturally more interested in purely business questions. The two organizations are cooperating fully upon all the matters which we have presented to you to-day.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the timely and interesting subject of lame ducks.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD on the subject of poultry. [Laughter.]

Mr. BLANTON. Reserving the right to object, how many hundred pages will it take in the RECORD?

Mr. TILSON. It will not take more than one.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. Mr. Speaker, a few days ago this House considered and rejected a bill for the protection of migratory game birds. It was not altogether clear just what was the controlling reason for its rejection, but it may have been because of a gross discrimination against a certain well-known species of migratory game birds. I have read the bill quite carefully and find no reference to "lame ducks." Surely they are migratory, the greatest migration from this region occur-ring about March 4 in each odd year of the calendar, and usually they are quite game.

As a rule no impediment is perceptible in their movements, and to the casual observer they are not readily distinguishable from the rest of the species. They are, however, readily singled out by newspaper sports and other would-be sports, and there is no closed season for them until the last one has disappeared.

Only a few years ago there were occasional isles of safety and other places of refuge from which there seems to be a present tendency to exclude them, so that they now need and deserve more protection than any variety of migratory game

birds included in the bird bill.

Politically speaking, a "lame duck" is a person who, while holding an elective office, tries for a reelection and is defeated. Of late years there seems to be growing a decided tendency to regard anyone who has been defeated for reelection as having been weighed in the balance and found wanting; as having been repudiated upon his record and permanently discredited.

As a corollary to this it is assumed that his selection for an appointive position would be a gross impropriety, in effect an affront to the people as a whole, because he has failed to receive a plurality vote of a particular constituency. This theory is built upon the false assumption that the majority is always all-wise and all-good and that the individuals composing the majority cast their votes with complete knowledge and perfect understanding. A bare statement of such a proposition is sufficient refutation of it.

I take the broad ground that failure to receive a reelection has no necessary connection with or relation to qualifications or fitness for the position held or for any other position of public trust. We have only to let our minds run back over the list of those who have failed to secure reelection during our respective terms of service in this House and compare them with their successful competitors to realize that in fully an equal number of instances the one elected is in no wise the superior of the one defeated. Comparisons are said to be odiousberry said they are odorous-so I shall not attempt to furnish instances for comparison, but shall leave that to be done individually by my hearers and am willing to risk my case upon

the outcome of such a comparison.

What are the reasons in the vast majority of cases for the defeat of public officials seeking reelection? Let us run over in our minds the cases we are most familiar with and see whether we can not dismiss fully half of them as instances where neither the record nor the qualifications of the one seeking reelection were a controlling factor. Local conditions or a general trend in no wise related to the individual official most concerned will in a very large proportion of cases be found to be

Take the two congressional elections of 1920 and 1922 as In 1920 an unusual number of strong, capable Democratic Members of Congress were defeated for reelection. No one can fairly say that individually they were responsible for it. In most cases they ran ahead of their ticket, Indicating that they were dragged down to defeat by the ticket. We all know that this was true in a great number of cases.

The election of 1922 is almost as good an illustration. There was the usual reaction of an offyear following a landslide. Even more potent were local conditions, where extraneous issues were brought in, which in a large number of cases proved decisive, but which were in no legitimate way connected with the election or rejection of Members of Congress. Again candidates for reelection were defeated in unusual numbers; this time mostly Republicans, for there were few Democrats left in 1920; but an examination of the election returns reveals the very interesting fact that in a large proportion of these cases defeated candidate for Congress received more votes than his ticket, indicating that local conditions and a general trend were decisive against him, in spite of the fact that a substantial number of discriminating voters, by singling him out for an increased vote, recognized the qualifications of the one seeking reelection. It is also obvious that party considerations, regardless of the individual, must always cut a major figure. Ours is a Government by parties. If there is to be the cohesive solidarity so necessary for the effective carrying out of party programs, each individual is but a unit in the party organization and his political fortunes are largely, if not entirely, determined by those of his party. In fact, it may be said generally that the voters themselves, as a rule, do not mean to discredit the individual who fails of reelection.

Assuming, however, that in each case a majority of the voters in each constituency deliberately willed and intended to decide by their votes that a new man should be substituted for the incumbent, do they mean thereby to discredit the latter? By There may be some particular service apparently no means. paramount at the moment which they believe that the new man can perform more effectively than the incumbent. Often the voters are mistaken as to this, and upon coming to realize it often show their regret by reversing their decision at the first opportunity. Often the voters are misled by promises so at variance with any possibility of performance that the successful candidate making them ought to be prosecuted criminally for ebtaining goods under false pretenses. Talk about defeat under such circumstances discrediting a man! The people who prove themselves so gullible as to swallow such bait are the

ones who are discredited.

One of the best illustrations of the fact that defeated candidates are not really discredited and that the people in general do not so regard it occurred since some of us have been Members of this House. In all fairness the prize for being the lamest duck that ever swam in the pond should be awarded to my own most distinguished constituent, our present able and beloved Chief Justice of the Supreme Court. By all the absurd rules of the game which are now being taught Mr. Taft should have been considered the most discredited man who ever held high office. After an overwhelming victory in 1908 he ran for a second term in 1912 and received the electoral vote of only 2 small States out of the 48 States. Did the people of the country take the view of it that he was utterly and forever discredited? Emphatically they did not, for they realized the conditions that then prevailed. He was a good sport, taking his defeat philosophically. The result was that from the moment he left the presidential chair no one in America was more loved, honored, and respected or so much in demand as a public speaker as was he, and it was worth more than the price of admission to hear his inimitable chuckle in referring to the decisiveness of his defeat.

The position he had filled was so exalted and his ability so conspicuous that there was no danger of its failing to be recognized, as it has been so signally and deservedly. In the case, however, of less conspicuous public servants, equally faithful and capable in their sphere, there is always grave danger that the silly cry of "lame duck" and the false infer-

ence It carries may not only do injury to the one toward whom it is directed, but there is a greater danger that the public interests may suffer even more by being deprived of the services of able men to whom conspicuous previous experience has given

superior training and qualifications.

Our history is filled with instances of "lame ducks" not only recovering from their lameness but later soaring to even greater heights of useful service. To mention only a few comparatively recent instances: McKinley was a "lame duck 1890, and elected President in 1896. Grover Cleveland went politically lame in 1888, but was returned to the White House in 1892. Our much revered colleague, Uncle Joe Cannon, who now retires by his own volition, was only slightly interfered with in his record length of distinguished service in this House by two slight attacks of political lameness. beloved former colleague, the late Speaker Clark, died a "lame thus terminating an illustrious record and depriving the country of further notable public service which he would doubtless have rendered had he lived. Does anyone think for a moment that he was discredited by the American people by reason of his defeat in 1920? If so, that person should think again and think more intelligently. Champ Clark will ever stand out as one of the great characters in American history.

It has often been said that republics are ungrateful, and in many cases this doubtless is true; but ingratitude reaches the point of absurd folly as well as cruelty when those who have served the public faithfully and well in high positions of responsibility are singled out, without reason, for exclusion from further public service. Bills of attainder are specifically prohibited by the Constitution of the United States, and yet it is sought to impose some of the pains and penalties of attainder upon those who merely fail, with or without good cause or reason, to receive a plurality of the votes of those who happen to go to the polls on election day. It is not often that I rise to commend the public deeds of former President Wilson, but he deserves commendation for his courage in not permitting the inane cry of "lame duck" to frighten him or prevent the appointment, in the face of adverse verdicts at the polls, of

men considered by him as capable.

In our very proper zeal in the defense of the people we should not ascribe to them attributes which none of them would claim for themselves. We need not attempt to deny that the people do make mistakes. If the voice of the people were really the voice of God, the problem of popular government would be solved, but we know that this is not true. If one individual made so preposterous a claim for himself he would be laughed at and his claim regarded as blasphemous. Then why should the voice of one more than half of those who happen to vote at a particular election be deemed divine?

In an absolute monarchy the king can do no wrong, because the might of his word makes it right. In the same way the majority in a popular government is always right, for it is for the time being the court of last resort; but just as history has reversed the decisions of monarchs so the sovereign people of free republics do not wait for history, but frequently reverse

themselves, as I have pointed out.

When we consider the many and various reasons which may and do cause the defeat of candidates for reelection, we ought to dismiss once and for all any thought that such candidates have been in any wise discredited or that their qualifications for the position to which they failed of reelection or for any other position of public service have been thereby even brought

The fact is that service in Congress or in any other capacity of grave public responsibility is the best possible training for other public service, whether it be legislative, executive, or judicial. Being elected to high office and performing the duties of that office brings one into vital touch with an ever-widening circle of his fellows, and can not fail to help give him that breadth of vision and of human sympathy that one for the highest and best character of public service.

Realizing the fickleness of political fortune, let us be fair to "lame ducks." So far as those who are so soon to go from among us are concerned, we know that they have served here faithfully and well. As they take their flight our best wishes go with them. We wish for them whatever may be best of their hearts' desire. If it be surcease from the vicissitudes of political conflict, may they have it, and may they enjoy a wellearned rest. If it be to again take up the fight to come back here or soar to higher altitudes of service, we are with them so far as our party affiliations will permit. Everyone must surely admire a "comeback," As they go, those of us who are left all join in wishing for them good health, happiness, and prosperity, with their full share of all the choicest blessings that Heaven may bestow.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 14050. An act to amend the revenue act of 1921 in respect to income tax of nonresident aliens; and

H. R. 13810. An act to continue the improvement of the Mis-

sissippi River and for the control of its floods.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses to the bill and joint resolution of the

H. R. 13775. An act to amend the revenue act of 1921 in re-

spect to credits and refunds; and

H. J. Res. 422. Joint resolution permitting the entry free of duty of certain domestic animals which have crossed the boundary line into foreign countries.

AUTHORIZING TRANSFER OF CERTAIN VESSELS FROM THE NAVY, ETC. Mr. BUTLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of

the Union for the further consideration of the bill S. 4137.

The SPEAKER pro tempore. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill which the Clerk will report.

Mr. BLANTON. Mr. Speaker, I ask for a division. I was on

EVERAL MEMBERS. Regular order.

The SPEAKER pro tempore. The Chair remembers very distinctly the gentleman from Texas did not demand a division.

Mr. BLANTON. Mr. Speaker, I make the point of order there is no quorum present.

Mr. SANDERS of Indiana. I make the point of order—— The SPEAKER pro tempore. The gentleman from Texas is out of order.

Mr. BLANTON. I appeal from the decision of the Chair. The SPEAKIGR pre tempore. The ayes have it, and the gentleman from Connecticut [Mr. TILSON] will take the chair.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 4137, with Mr. Tilson in the chair.

The CHAIRMAN. The House is in Committee of the Whole

House on the state of the Union for the further consideration of the Senate bill-

Mr. BLANTON. Mr. Chairman-

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. BLANTON. I rise to a question of constitutional privi-

lege. I guess I was about as loud as the Chair was.

The CHAIRMAN. The gentleman can not raise that question in the Committee of the Whole House on the state of the The Chair recognizes the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BLANTON. I make the point of order there is no

quorum present.

The CHAIRMAN. It is perfectly evident there is a quorum present.

Mr. BUTLER. Mr. Chairman, I would ask the Clerk to read.

The Clerk read as follows:

A bill (S. 4137) to authorize the transfer of certain vessels from a Navy to the Coast Guard.

MARINE BAND.

MARINE BAND.

Sec. 14. That the band of the United States Marine Corps shall consist of one leader, whose pay and allowances shall be those of a captain in the Marine Corps; one second leader, whose pay shall be \$200 per month and who shall have the allowances of a sergeant major; 10 principal musicians, whose pay shall be \$150 per month; 25 first-class musicians, whose pay shall be \$125 per month; 20 second-class musicians, whose pay shall be \$120 per month; and 10 third-class musicians, whose pay shall be \$55 per month; such musicians of the band to have the allowances of a sergeant: Provided, That the second leader and musicians of the band shall receive the same increases for length of service and the same enlistment allowance or gratuity for reenlisting as is now or may hereafter be provided for other enlisted men of the Marine Corps: Provided further, That the pay authorized herein for the second leader and the musicians of the band shall be effective from July 1, 1922, and shall apply in computing the pay of former members of the band now on the retired list: Provided further, That in the event of promotion of the second leader or a musician of the band to leader of the band, or both, shall be counted in computing longevity increase in pay: And provided further, That hereafter during concert tours approved by the President, members of the Marine Band shall suffer no loss of allowances.

Mr. STAFFORD. Mr. Chairman, I move to strike out the

Mr. STAFFORD. Mr. Chairman, I move to strike out the When we passed the Army pay bill that adjusted the pay, not only of the Army, but the Navy, Marine Corps,

Coast Guard, Geodetic and Coast Survey, and Health Service, it was the intention of Congress that the salaries so fixed should remain fixed for a considerable length of time and that there should be the same rate of pay in all those respective services. This is the first attempt apparently that is being made to change the pay as laid down in the Army and Navy pay bill. Prior to the enactment of that measure there had been different rates of pay in the respective services, and one of the main purposes accomplished by the joint committee that brought in this Congress the reorganization pay bill was to have harmony in all the respective services for the same character of work. Now, in this omnibus naval affairs bill we have the first attempt to invade the Army and Navy pay bill by singling out the Marine Band for preferential consideration, giving them higher salaries than what the pay bill provides, which would be a warrant for the band of the Military Academy or a warrant for any band in the Army to have increases. Now, I think that is bad practice, and I do not think it should be followed.

Mr. DARROW. Will the gentleman yield?

Mr. STAFFORD. I will yield to the gentleman from Pennsylvania.

Mr. DARROW. When the joint committee was considering the pay bill they put a proviso in there "that nothing in this act shall operate to change in any way the existing laws or regulations made in pursuance of law giving pay and allowances to the Marine Band," the object being to keep their pay exactly as it was. Under a ruling of the comptroller certain allowances which they have been receiving were taken away from them, and this provision is simply to restore the band

to the same pay, practically, they were receiving.

Mr. STAFFORD. Oh, this provision goes further. It does not say, as the pay bill provided, that no salary of any officer should be reduced from that which he was then receiving. That was fundamental. It was also fundamental to the pay bill. Now you are attempting to change for all time the salaries of these respective officers of the Marine Band.
Mr. BUTLER. No.
Mr. DARROW. I will say—
Mr. BUTLER. We are rewriting the law in order to get

away from a decision of the comptroller that took pay from this band, and it was specially written in the law referred to that nothing in this act shall operate to change existing laws or regulations made in pursuance of law governing the pay and allowances of the Marine Band. I think the Committee should pass this; that will save \$85 a year.

Mr. STAFFORD. I would like to have some mathematician from the Committee on Naval Affairs to explain how you are going to save \$85 a year when you are going to increase the pay of the second leader to \$200 a month and 10 principal musicians to \$150 per month and 25 first-class musicians to \$125 per month and 20 second-class musicians to \$100 a month.

Mr. DARROW. They are going to save \$85.66 a month.
Mr. BRITTEN. The gentleman in his opening remarks referred to the pay bill of June 10, 1922. Of course, that pay bill established certain salaries throughout the Army and Navy-and Marine Corps, but the comptroller's decision, rendered directly thereafter, reduced the pay of musicians in the Marine Band. This merely restores the pay they had prior to June 10, 1922, with the exception of \$85. There is nothing in the act that was intended to reduce their pay, but the comptroller's decision reduced it.

Mr. STAFFORD. This is to apply not only to those who are now in the band, but those who succeed in the service will receive the pay as here established. This bill provides for all time, not for the respective men only now holding the positions.

Mr. DARROW. Mr. Chairman, this provision is simply intended to restore to the band the pay that its members were receiving prior to the passage of the act of June 10, 1922. However, as a matter of fact, it reduced their pay \$85.66 per month.

These losses could only be made up in two ways: First, by a law to restore, item by item, the compensation lost to the members of the band through faults in previous laws; second, by a fixing of absolutely new rates and pay for the members of the band. Of the two methods, it seems best to adopt the latter. Accordingly, a law was drafted fixing new basic rates of pay and providing for increases of pay for length of service. In fixing the basic rates the following points were kept in mind: First, to provide a basic rate of pay which with longevity increase would be about the same musicians can earn in civil life; and, second, to bring the pay up to about the same as the band was receiving prior to the passage of the act of June 10.

Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Pennsylvania moves that all debate on this section and all amendments thereto be now closed.

Mr. BLANTON. Mr. Chairman, I offer to amend that.

Mr. STAFFORD. I offer to amend it and make it 10 minutes. The CHAIRMAN. The gentleman from Wisconsin moves to amend the motion to close debate in 10 minutes. The question is on agreeing to the amendment to the motion.

The amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the motion as amended

The motion as amended was agreed to.
Mr. BLANTON. Mr. Chairman, I move to amend the bill by

striking out the paragraph.

The CHAIRMAN. The gentleman from Texas moves to

strike out the paragraph.

Mr. BLANTON. Mr. Chairman, it does not make any difference what we have been paying to this band. The question that vitally concerns us and the American people to-night is, that vitally concerns us and the American people to-night is, What are we providing for in this bill as to their pay? I want to call attention to the provisions of the bill. We provide a Marine Band of 67 men. The leader gets the same compensation as a captain in the Marine Corps. How much is that? Why do they not put it in the bill? He gets \$3,600, at least, and maybe \$4,000 a year. That is what he gets. The assistant gets \$200 per month, with the allowances of a sergeant major in addition. There are 10 principal musicians, who get \$150 per month: 25 first-class musicians who get \$125 per month. per month; 25 first-class musicians, who get \$125 per month; 20 second-class musicians, who get \$100 per month; and 10 third-class musicians, who get \$85 a month.

That is what we are providing for in this bill.

What is the service that they render to your constituents and mine? I know. In a few days, when springtime comes, every Wednesday afternoon in front of the Capitol, all during the summer months, they will render pleasant concerts for your ears and mine, and for the ears of the Senators and their friends, and for the ears of the favored citizens of Washington. That is what they will do for us once a week. Then the state receptions come. They furnish splendid music on the White House lawn and they furnish music at other state entertainments.

I know there is a disposition to say, "Blanton, you are rather close when you object to that." There are fine bands in every State in the Union; but they are not kept up by the

Mr. ROSSDALE. Will the gentleman yield? Mr. BLANTON Not now. I want to say this, that the taxpayers of this Nation ought not to maintain anything from which they themselves do not derive some benefit. Tell me what benefit your constituents at home receive from this band?

Mr. FOSTER. Mr. Chairman, will the gentleman yield? Mr. BLANTON. If the gentleman can tell us what benefit his constituents receive I will yield.

Mr. FOSTER. My constituents received great benefit when this band participated in the burial of the unknown soldier.

Mr. BLANTON. Oh, I would not unload that on the unknown soldier. There is more money wasted, there is more money misspent, there is more money needlessly taken out of the people's Treasury in the name of patriotism and in the name of our soldiers in the country than almost anything else. Why do you not come out and say, "We want these concerts"? Why do not you come out and say, "It is a diversion"? Why do you not come out and say, "It is pleasant to our ears"? Why do you not come out and say, "We want it and we are going to take it and make the Government pay for it "?

Mr. MacLAFFERTY. Mr. Chairman, will the gentleman

yield?

Mr. BLANTON.

Mr. MacLAFFERTY. Do you not think we are all getting nervous on the last day of the session? [Laughter.]

Mr. BLANTON. I am trying to keep from getting nervous. I have been working for about 18 hours out of every 24 for the last two weeks.

Mr. MADDEN. Then why do you not go home and go to bed and get a rest? [Laughter.]
Mr. BLANTON. Because I want to stay here and watch you fellows. I want the distinguished gentleman from California, who was the famous three-minute man on the western coast, to go home and tell his people that when he and his friends were in Washington they heard the pleasant strains coming in through the front windows of the Capitol every summer's Wednesday, for which they paid this money of the people, and ask them if they believe in it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I am not particularly fond of music. This band is as old as the Republic. It is the leading band in America, and provides music for every American whether he likes music or not. [Applause.] This is the band of the Republic that attends any concert or function to which it is invited, whether North or South. It belongs to us all alike and we are proud of it. When the pay bill was written we saw to it that provision was made that the salary of the members of that band would not be disturbed, for the reason that we had deprived them of going out and making money on the side playing for concerts and parties. It was written in the pay bill that nothing therein should operate to change in any way the then existing law governing the pay and allowance of the Marine Band.

The comptroller held for some reason or other, construing the acts of Congress, that the pay of the bandsmen should be reduced, and practically the pay has been cut in two. There is nothing in this bill except to restore the pay as it was before the passage of the law except that in the aggregate the pay of the bandsmen is about \$85 per month. The whole scheme is laid out here in this pamphlet and anyone can find the details in the hearings if he wishes to know all the facts. It is the pay that they have had for years, and all we wish to do is to restore to this famous musical company the salary that they

had prior to the joint military services pay act.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from

The question was taken, and the amendment was rejected. The Clerk read as follows:

TEMPORARY RANK.

SEC. 15. That all officers of the Navy and Marine Corps who while holding temporary rank were examined for retirement and found physically incapacitated in the line of duty, and whose temporary appointments were revoked, shall, in all cases where the department has recalled and canceled the letter revoking the temporary appointment, be considered as having been retired in the temporary rank held by them at the time of examination by the retiring board, and shall be entitled to pay on the retired list computed on the pay of such temporary rank from the day their retirement was effective.

Mr. BUTLER. Mr. Chairman, we have discovered, or the Naval Affairs Committee has discovered, after making an examination, that there is some doubt as to the wisdom of this section, and, not to impose on the committee, we are going to move to have it stricken from the bill, so that a further examination may be made. We do not know what it may lead to, and therefore I move to strike it out.

The CHAIRMAN. The Clerk will report the amendment,

The Clerk read as follows:

Page 16, strike out section 15.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

REIMBURSEMENT TO CERTAIN FIRMS, ASSOCIATIONS, AND CORPORATIONS FOR MONEY ADVANCED.

SEC. 17. That the Paymaster General of the Navy is hereby authorized, in his discretion, to make reimbursement to any individual, firm, association, company, or corporation for money advanced on behalf of the Government during the late war to any officer or enlisted man of the naval service on account of pay, if upon presentation of evidence satisfactory to himself it is established that such individual, firm, association, company, or corporation has not heretofore received reimbursement in any way for the money so advanced: Provided, That the total amount for the purpose of reimbursement shall not exceed the sum of \$35,000. sum of \$35,000.

Mr. KRAUS. Mr. Chairman, I offer the following amend-

The Clerk read as follows:

Page 18, at the end of line 9, change the period to a colon and add the following: "Provided further, That any amounts thus allowed shall be payable from the appropriation for pay of the Navy granted at the time of settlement."

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I understand that, heretofore, they credit the account to pay officers where they disburse money not authorized

by law; but what does this seek to do?

Mr. KRAUS. This does not seek to credit the account of pay officers. By referring to the hearings gentlemen will observe that something over 200 vessels, commercial vessels, had radio operators and gun crews assigned to them; these men were separated from their regular organization. During that period under instructions from the Navy Department—informal in-structions—these men from time to time were given small amounts of money as a part of their pay. I think there were 160 vessels of the Shipping Board that made small advances. More than 90 per cent of the amount will go to the Shipping Board to reimburse for expenditures made by captains of its Mr. STAFFORD. Now that the gentleman has stated the real purpose I recall the report that justifies my opinion of this provision.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to. The Clerk read as follows:

TRAINING DUTY, NAVAL RESERVE FORCE.

SEC. 18. That officers and men of the Naval Reserve who may, upon their own application, under such regulations as the Secretary of the Navy may prescribe, perform training duty for periods of less than 15 days each, may be furnished subsistence in kind or commutation therefor at the rate fixed by law.

That enrolled men of the Naval Reserve may hereafter, in the discretion of the Secretary of the Navy, be confirmed in the lowest enlisted ratings of the naval service without first performing the minimum amount of active service required in the act approved August 29, 1916, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes."

Mr. CHINDBLOM. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. CHINDBLOM: After the last paragraph add a paragraph to read as follows:

"That on and after July 1, 1922, the retainer pay of all men who were on that day transferred members of the Fleet Naval Reserve or the Fleet Marine Corps Reserves shall be computed on rates of pay authorized for enlisted men of the naval service by the act approved June 10, 1922: Provided, That the retainer pay of such reservists shall be not less than that to which they were entitled on June 30, 1922, under decisions of the Comptroller of the Treasury in force on that day." that day.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order

on the amendment.

Mr. CHINDBLOM, Mr. Chairman, by the act of June 10, 1922, the pay bill for the Army, the Navy, the Marine Corps, the Coast Guard, and so forth, it was provided that nothing contained therein should operate to reduce the pay then being paid to any transferred member of the Fleet Naval Reserve, On that day, June 10, 1922, and on July 1, 1922, when that act went into effect, the transferred members of the Fleet Naval Reserve were getting certain pay, which for a long time had been approved by the Comptroller of the Treasury as well as the Comptroller General's office. Subsequent to July 1, 1922, the Comptroller General, in an opinion to the Secretary of the Navy, held that there had been errors in the prior holdings of the Comptroller of the Treasury. The Comptroller of the Treasury had been passing the payments, and notwithstanding this provision in the act of June 10, 1922, these transferred members of the Fleet Naval Reserve found their pay cut down approximately 25 to 33 per cent. Great hardship was worked, and the persons thus affected have appealed to the Naval Affairs Committee as well as to other Members of Congress. Chairman of the Committee on Naval Affairs is thoroughly familiar with the subject, and he tells me that he believes the proposition is meritorious.

Mr. BUTLER. Mr. Chairman, the effect of this provision is exactly the same as that with respect to the Marine Band. It was expressly provided in this pay bill that the pay should not be cut. The Comptroller General has cut these men from a third to a half in pay. If you adopt this amendment proposed by the gentleman from Illinois, it will restore these reserve men to the places on the pay roll they held prior to the act of 1922.

Mr. BYRNES of South Carolina. What is the provision of

the amendment?

Mr. CHINDBLOM. That they shall get the same pay they

received on June 10, 1922.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation

of the point of order.

Mr. CHINDBLOM. Under the permission granted me to extend my remarks, I want to refer to the remarks which I made on this amendment on February 16, 1923, when I offered this amendment to another section of the bill. Those remarks are on page 3813 of the Congressional Record for this session.

The CHAIRMAN. The question is on the amendment offered

by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

SETTLEMENT OF ACCOUNTS OF DISBURSING OFFICERS OF THE NAVY.

Sec. 19. That the Comptroller General of the United States is hereby authorized and directed to allow in the settlement of accounts of disbursing officers of the Navy amounts credited, prior to his decision of May 20, 1922, as the "highest pay of his grade" to the officers detailed as assistants to the chiefs of Bureaus of Supplies and Accounts and Medicine and Surgery.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the last word. What is the purpose of that amendment?

Mr. BUTLER. Mr. Chairman, the gentleman from Ohio [Mr. STEPHENS] will make that explanation to the gentleman.

Mr. STEPHENS. Mr. Chairman, this applies to two or three officers who were assistant chiefs of the Bureau of Supplies and Accounts and the Bureau of Medicine and Surgery. Under the law the assistant chiefs of those bureaus are allowed the highest pay of their grade. The officers who were serving as assistant chiefs of the bureau were Pay Director Leutz, Medical Director Pleadwell, Medical Director McCullough. all had the rank of captain. However, in the grade of pay director there were rear admirals of the upper grade, and in the grade of medical director there were rear admirals of the upper half, and, therefore, in the grades of pay director and medical director the highest pay was being paid to these officers as rear admirals of the upper half. They were given the pay of rear admirals for several years, but the Comptroller General decided that the law mount the pay of their rank as well as decided that the law meant the pay of their rank as well as their grade, and he disallowed all that had been paid to them, and on his decision they had to draw the pay as captains in the Navy. He decided that that was then their grade instead of getting pay within their rank, which should be the pay of a rear admiral.

Mr. BYRNES of South Carolina. As I understand it, from statements made to me by the gentleman from Illinois [Mr. Britten], it amounts to a requirement that these officers

make a refund to the Treasury of certain amounts.

Mr. STEPHENS. Yes; but I did not get along that far.

Mr. BYRNES of South Carolina. The gentleman has gone far enough to satisfy me.

The Clerk read as follows:

COMMANDER CHARLES O. MAAS.

SEC. 21. That the Secretary of the Navy is authorized to supplement the military record of the late Lieut. Commander Charles O. Maas, Naval Reserve Force, to show the voluntary service performed by said Lieutenant Commander Maas, and accepted by the Navy Department subsequent to the date upon which he was placed on inactive duty, and that such acceptance may be treated as a recall to active service: Provided, That no back pay or allowances of any kind shall accrue as a result of the passage of this section.

Mr. STAFFORD. Mr. Chairman, what is the purpose of the great Committee on Naval Affairs in incorporating in this omnibus bill a provision for the relief of a certain individual?

Mr. SWING. Mr. Chalrman, I will undertake to answer the gentleman and thank him for the compliment to the committee.

This is not an absolutely necessary section without which the Navy can not function, but the Committee on Naval Affairs, great as the gentleman is kind enough to say it is, feels that no injustice to a worthy Navy officer, no matter how small it may be, ought to be permitted to pass unnoticed. These are the circumstances which seemed to us to warrant a correction of the record of this excellent officer.

He enlisted as soon as the war broke out and joined the naval intelligence and was then assigned as naval attaché to our embassy in Paris, where he was doing excellent service; in fact, so excellent that the American Red Cross in France drafted his services and asked the Navy Department to relieve him, so they might have him as their chief counsel. For that purpose the Navy Department put him on the inactive list and he assumed the duties of chief counsel of the Red Cross, but in addition to performing those duties he continued working at night and at odd times with the naval work on which he was engaged at the time he was put on the inactive list, which was writing the history of the naval attachés at the embassy at Paris. He kept a desk in the office of the American Embassy and continued at this official work down to the time of his death.

Mr. STAFFORD. Will the gentleman yield?

Mr. SWING. I will. Mr. STAFFORD. This is virtually a private act for the benefit of this man-

Mr. SWING. It is an act to repair what would be an injury and injustice to this officer.

Mr. STAFFORD. And many private bills are reported from the gentleman's committee. Why single out this one and incorporate such a private bill in this omnibus bill?

Mr. SWING. Because we think it is meritorious.

Mr. STAFFORD. Is any relative of this man living in the gentleman's district?

Mr. SWING. No; there is no relative living in my district at l. I am interested merely in seeing justice done.
Mr. BYRNES of South Carolina. What is there in the record all.

of the gentleman that you desire to correct by this legislation?

Mr. SWING. It is simply to have it entered in his record that he was actually engaged in the same official work for the Navy that he was engaged in prior to his going to the Red

Mr. BYRNES of South Carolina. Let me understand. He went into the Red Cross service. Did he die while in that service?

Mr. BUTLER. Let me say

Mr. BYRNES of South Carolina. Do you want the record to show that he was in the service of the Navy? If he died in the service of the Red Cross he is not performing the other

Mr. SWING. He had his desk in the office of the naval attaché, where he was doing a valuable service for the Navy

at the time of his death.

Mr. BYRNES of South Carolina. Wait a minute. Was he in the service of the Navy Department at the time he died?

Mr. SWING. He was performing this official service, not Mr. BYRNES of South Carolina. Was the man in the Navy Department?

Mr. BUTLER. He only held this Red Cross position about

two weeks

Mr. BYRNES of South Carolina. What is the object in saying the man died in the service if he was performing service for the Red Cross? Is it to merely gratify what might be called a whim of his widow?

The CHAIRMAN. The time of the gentleman from Wis-

consin has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to

strike out the paragraph.

Mr. BUTLER. I do not think the gentleman would do that if he will let me make an explanation. I do not know this man, but I do know that the record shows that he did a splendid service for his Government during the Great War. He was assigned, against his protest, to service with the Red Cross. He was recalled for active duty in the Navy, but before that could be formally done he died, and therefore this is simply to give him the status which he would have had had death not intervened. It is only a bit of sentiment; we provide here that no pay or allowances shall be given him. We would like to do something that really touches the soul of men and that is the reason we reported it. This was brought out simply to have the record corrected to show that this man really died in the service in which he enlisted, and a good sailor he was, too, if he was a man of wealth, and therefore I hope the committee will not strike this section out. The reason is, as I have stated, that it is something that does not touch the pockets of men but their souls. This widow desires to have this record corrected and I ask you to do it.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to

strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 3, strike out section 21.

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the committee, I have no interest at all in this amendment, but there is not a man on the floor who does not know this to be true. This man was either in the service of the Navy or he was, not in the service of the Navy. No man will state that he was in the naval service. You are asking by this paragraph to say that the man was in the active service of the Navy when the committee says he was not in the service of the Navy. Adopt this and you will find that during the next Congress you will have many requests to have legislation enacted here to correct military records to show that something is true which in fact is not true. Now, what reason exists for this provision? This man died while in the service of the Red Cross. Why correct this record?

One gentleman on the Committee on Naval Affairs said it is to satisfy the whim of the widow. Now, I would love to do that, but if a man dies in the service of the Red Cross he could die in no more honorable service, and his widow should be proud of the record showing that he died in the service of the Red Cross. Why correct the record here and certify that he was in the active service of the Navy, when the chairman of the Committee on Naval Affairs tells you he was in the service of

the Red Cross?

Mr. BUTLER. The gentleman has not got it correct.

Mr. BYRNES of South Carolina. If I have not stated it correctly, I would like the gentleman to explain in what

respect I have not.

Mr. BUTLER. The order for this man's recall from the Red Cross back into the service of the Navy, in which he The order for this man's recall from the enlisted, had been made, but before the record was made up he found himself back in the Navy, where he enlisted, and then he died. I certainly am right on that. I do not think I can be mistaken. Those must be the facts. Of course, it is possible that I am mistaken; but I do not think I am.

Mr. GREENE of Vermont. That does not change the premise upon which the argument is made to strike out the paragraph. The order was issued before it took effect, the fact

had not been performed under it, and you are asking to certify a record that was not yet made.

Mr. BUTLER. If there had been a record, we would not

Mr. BYRNES of South Carolina. Yes; if he had died while in the Navy, the record would show it, and we would not be asked to correct it. This gentleman was in the Naval Reserve; he went into the Red Cross service; and in 1919, about six months after the armistice, died, and you are asked to correct the record and show he was in the active service of the Navy.

Mr. BUTLER. It is nothing but sentiment to me. only a bit of sentiment, that the records may show that this man died in the service of the Navy. He was detailed to the

Red Cross.

Mr. BYRNES of South Carolina. If he was in the service of the Navy, we would not have to correct his record, because the record would show it. You ask us to make the record state that which is not so. If it is done in this case, there is no reason why we should not make similar corrections in

The CHAIRMAN. The question is on the motion of the gentleman from South Carolina [Mr. BYRNES] to strike out the

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. BUTLER. Mr. Chairman, I ask for a division. The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 58, noes 74.

So the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNITED STATES NAVY BAND.

Sec. 22. That hereafter the band now stationed at the navy yard, Washington, D. C., and known as the Navy Yard Band, shall be designated as the United States Navy Band, and the leader of this band shall receive the pay and allowances of a lieutenant in the Navy: Provided, That all service as an enlisted man in the naval service shall be counted in computing longevity increases for pay of this leader: Provided further. That no back pay or allowances shall be allowed to this leader by reason of the passage of this act: And provided further, That hereafter during concert tours approved by the President members of the United States Navy Band shall suffer no loss of allowances.

Mr. UPSHAW rose.

The CHAIRMAN. For what purpose does the gentleman from Georgia rise?

Mr. UPSHAW. I move to strike out the last word.

The CHAIRMAN. The gentleman from Georgia moves to strike out the last word.

Mr. UPSHAW. Mr. Chairman and gentlemen of the committee, I got into the Hall just as the debate concerning the Marine Band was closing. I feel like I do not want to let an occasion like this pass without declaring my honest conviction that the spirit that would cauterize the activities and the influence of the Marine Band is only the beginning of that spirit that would stop throwing the light on the beautiful dome of the Capitol every night because of the expense attached thereto. [Applause.]

I am uneasy about the man that inveighs against sentiment. I have never looked upon that light at night on the Capitol without thinking how some men might go back to their constituents and make a campaign for some office on the question of the expense we are put to by throwing light on the Capitol, when it adds nothing perhaps to anybody's bread. It is a high, splendid, sacred, inspiring sentiment that this great Government must not forget. "It was sentiment that bathed Marathen and Platse in blood. It was sentiment that gave Sparta her living walls." "It was sentiment that bathed Marathon and Platea It was sentiment that inspired Luther to preach and Wyckliffe to die. It was sentiment that rang the Liberty Bell and fired the shot at Lexington. It is sentiment, heroic, unselfish sentiment, that has given to the world its freedom and its religion. [Applause.]

We can not afford to be cheap in this great Government concerning those who are trying to instill wholesome sentiment into the minds and hearts of our growing citizenship. This sentiment ought not to stop and this session of Congress ought not to close until we vote adequate salaries for the underpaid teachers of Washington at this time. [Applause.] They are

the basic builders of our civilization. [Applause.]

And one other thing: This Congress and this Government can not afford to be little about anything. [Applause.] This Congress can not afford to be little in salaries toward those who work for its uplift and efficiency. As I see these crowded galleries [laughter], and as I see these Members here staying at their posts of duty from 11 o'clock this morning until bedtime. I am increasingly convinced that the bill that I have introduced to-day increasing the salaries of Congressmen and Senators to \$10,000 a year ought to be passed.

[Laughter and applause,

I will tell you this: I came here to Washington with the idea—the virtuous idea—that I would "salt down" half of my salary and save it for future eventualities. I heard Frankin K. Lane say, when I protested against his leaving the Cabinet of President Wilson, "You Congressmen are cowards if you do not raise your salaries." [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia

has expired.

Mr. UPSHAW. Mr. Chairman, I ask unanimous consent to

extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BLANTON. I object.

The Clerk, continuing the reading of the bill, read as follows: SEC. 24. That any officer of the Marine Corps now in the service shall be credited for all purposes with the actual time served prior to the passage of this act as chief clerk of the commandant of the Marine Corps previous to being commissioned: Provided, That no back pay or allowances of any kind shall be allowed as a result of the passage of this section.

Mr. OLIVER. Mr. Chairman, I move to strike out the last word. In section 24 you are asking Congress to do something that is strictly in violation of the joint pay bill. You are asking that military credit be given for civilian service. This section is intended to advance the retirement of a very able officer, but in doing so you are setting an expensive precedent and one that should not now be established, especially since you have so recently passed a joint pay bill dealing with this whole subject, in which you lay down a uniform rule applicable to all the military services. Congress was very liberal in that bill in allowing officers then in service to claim for every kind of military service, whether actual or constructive.

We wisely refused to allow to any officer credit for civilian

service for any purpose, but now you are offering to let civilian service advance an officer for increased retirement pay. Is not

that correct?

Mr. BUTLER. Yes; as usual, the gentleman is right.

But I would like very much to have this become a law. It affects only one officer, who is the chief of the bureau in the Marine Corps. I have a feeling for him. He and I began together. He has been 41 years in the service, including the service as chief clerk. He has been 26 years a soldier and has distinguished himself, not only as a quartermaster general, but he made an able soldier on the firing line and has been decorated for bravery in action.

I agree with my friend that it might impinge on four years of the service of General McCauley. I will say that I am going to add an amendment to keep entirely in line with my friend who helped to write the fee bill. I feel like saying to the committee that if General McCauley sees fit to retire, having been 41 years in the service, 26 as a military man-if he sees fit to retire it will bring into the Marins Corps the most efficient man I have ever known in military life, Cyrus Radford, of Kentucky. If General McCauley sees fit to retire it will bring into this bureau a man who has made all the acconterments which the Marine Corps has had for many years. I repeat that no better business man have I ever seen in the marine or civil life than Cyrus Radford.

This is not without precedent before the pay bill was passed. There are several instances I have had collected similar to this, where officers have had the advantage of serving as chief clerk in the bureau and navy yard and in the departments. If the pay bill passes, this is the only man that can be affected.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER. I ask for three minutes more.

The CHAIRMAN. Is there objection? There was no objection.

Mr. OLIVER. Mr. Chairman, I felt that the House should have its attention called to what this section really does. The joint pay bill provides that after July, 1922, no officer in the Navy, Army, Marine Corps, Coast Guard, Geodetic Survey, or Public Health Service shall claim for the purpose of pay, promotion, or retirement any but commissioned service. You gave to officers in the service prior to July, 1922, credit for military service other than commissioned service, but you did not go so far as to give any officer credit for civilian service. I submit that since Congress has so recently established a uniform law on this subject for all officers it would be very unwise to begin making individual exceptions to that law, no matter how worthy the officer you seek to favor. The fact that General McCauley has had about 26 years' active service in the Marine !

Corps and further service as a civilian clerk should not authorlze credit for the civilian service in order that he may be retired now on increased pay. This section will retire him at the maximum pay of his grade, although under the joint pay bill he would be required to serve four years longer in the military service.

Mr. BYRNES of South Carolina. If we give credit for civilian service to one officer, is there any reason why it should not be given to every other officer who rendered civilian service?

Mr. OLIVER. None whatever. Let me say to the gentleman from Pennsylvania [Mr. BUTLER] there sits on his right a young man named Pugh, who knows more about naval matters and who has saved to the Nation more money than almost any civilian I know of, and when he retires you will not give him military retirement for civilian service. There is in the Navy another young man, named Reed, whom the gentleman from Michigan [Mr. Kelley] and the gentleman from Pennsylvania [Mr. BUTLER] know to be a most valuable man, and he is also serving in a civilian capacity; but you will not and should not

serving in a civilian capacity; but you will not and should not retire him on military pay.

Mr. BUTLER. Oh, let me testify to their value.

Mr. OLIVER. You could not justify retiring those men as military officers, no matter how valuable their services are; and yet that is what this section 24 proposes to do for one officer who in years gone by performed some civilian service. It is wrong, and I therefore move, Mr. Chairman, to strike out section 24 tion 24.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. OLIVER: Page 21, beginning with line 13, strike out section 24.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. Byrnes of South Carolina) there were—ayes, 51; noes, 77.

So the amendment was rejected. Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon the amendment that I offered a short time ago.

The CHAIRMAN. Is there objection?
There was no objection.
Mr. BUTLER. Mr. Chairman, I ask unanimous consent to return to page 16, line 13, for the purpose of offering an amendment which I send to the desk.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to return to page 16 for the purpose of offering an amendment. Is there objection?

Mr. BLANTON. Mr. Chairman, let us hear what the amendment is.

The CHAIRMAN. The Clerk will report the proposed amend-

The Clerk read as follows:

Amendment by Mr. BUTLER: Page 16, line 13, after the word "list," insert "and who have been retired since June 30, 1922."

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amend-

The amendment was agreed to.

The CHAIRMAN. In reading the bill section 11 was passed over, having been read, and an amendment to strike out the section pending, offered by the gentleman from Illinois [Mr. GRAHAM

Mr. BRITTEN. Mr. Chairman, I offer the following preferential amendment, which I send to the desk and ask to have

The Clerk read as follows:

The Clerk read as follows:

Amendment by Mr. Britten: Page 11, line 23, strike out the whole of section 11 and in lieu thereof insert the following:

"Sec. 11. That the Secretary of the Navy be, and he is hereby, authorized and directed to make thorough investigation of the merits of the claims (including claims for release from Government claims for liquidated damages but excluding claims increases where a full, final, qualified, or unqualified release has been given the United States) which may be submitted to him in writing and verified under oath for any loss alleged to have been caused to any of such claimants in the performance of any fixed price (including fixed unit price) contract with the United States, through the Secretary of the Navy or the Navy Department, from April 6, 1917, to November 11, 1918, inclusive, or in the performance of that portion of any such contract previously entered into which remained uncompleted on April 6, 1917, which loss was occasioned by the action of any Government agency by reason of prior orders for material or transportation, commandeering of property or material, or other order of Government authority not authorized by the contract on or between the dates above mentioned.

"The Secretary of the Navy shall submit estimates of appropriations required to satisfy such of the claims as he may investigate under this authority as may be found to possess merit, accompanied by a comprehensive presentation of the facts in each case, but such findings so

communicated shall not be construed as imposing any obligation upon the Government or releasing any claims or rights of the Government.

"No claim shall be considered under this authorization for alleged losses on account of increases in wages until a claimant shall have established proof to the satisfaction of the Secretary of the Navy that he actually paid his employees the award ordered by the Macy Board or other Government boards, and that his entire volume of business with the Government during the period covered by the claim did not viold a net profit

with the Government during the period covered by the claim and not yield a net profit.

"In the performance of the duties imposed by this section the Secretary of the Navy is authorized to summon witnesses and examine them under oath, to require claimants to exhibit their books and papers, and to have access to and the right to examine pertinent income-tax returns and other financial reports of such claimants as may be in the custody of the Secretary of the Treasury."

Mr. BRITTEN. Mr. Chairman, when section 11 of the bill was read and before the committee last week, the gentleman from Illinois [Mr. GRAHAM] offered an amendment to strike out the section. The amendment which I have now offered is a preferential amendment and I suggest to the committee that the language in this amendment now before the House was drafted in the committee room of the Committee on Appropriations, that it takes out of the bill the language that was offensive to the gentleman who opposed section 11, as it appears in The amendment I think now is quite clear, in that it the bill. directs the Secretary of the Navy to make an investigation of claims and then to report those claims to the Committee on Appropriations or to Congress, and to do nothing else. It does not bind the Government or Congress. It merely authorizes the Secretary to make an investigation and to report to the Congress

Mr. STAFFORD. Mr. Chairman, does not the gentleman think there should be some limitation of time within which these claims should be presented to the Secretary of the Navy

for his consideration? Mr. BRITTEN. Yes. In the original section 11 it was provided that the claim should be presented within six months.

Mr. STAFFORD. Then I suggest that that provision should be incorporated in this amendment.

Mr. BRITTEN. If I may speak for the committee, I can see

no objection to that.

Mr. STAFFORD. Then, Mr. Chairman, I move to amend by inserting in line 5 of the amendment, after the word "writing," the words "within six months after the passage hereof.

The CHAIRMAN. Without objection, the amendment will be modified in the manner suggested by the gentleman from Wisconsin. Is there objection?

There was no objection.

Mr. Chairman, I am not going to take the Mr. MADDEN. time of the committee further than to say that it is perfectly safe to pass this substitute for section 11. It gives the Secretary of the Navy authority only to investigate. It lays down the lines under which he must investigate. It provides that when he reaches conclusions and finds the facts, that these conclu-sions are not a binding obligation upon the Government; that he must submit the findings to the Committee on Appropriations of the House, and then that committee will further investigate, and if the committee finds the case to be justified It will refer it to the House. So that I think you can not do less than to pass this. It is fair; it is clean; and it ought to be agreed to.

The CHAIRMAN. The question is on agreeing to the amend-

ment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. The amendment offered by the gentleman from Illinois having been agreed to, the amendment of the

gentleman from Illinois [Mr. Graham] falls.

Mr. BUTLER. Mr. Chairman, this is the last work this committee will have to do during this session of Congress. It becomes necessary for all of us who have sat together to separate. I want within the brief time which you have so graciously given me to express my gratitude to those men who have sat on this committee and have aided so greatly in There is no man in America better acquainted with the aviation service than FRED HICKS, of New York, our es-

teemed friend. [Applause.]
With a relish for work, which he naturally possesses, he set out to learn all that was necessary to be known in order that his usefulness might be increased. Free Hicks has laid up his store of learning until at this hour he is recognized among military men, as he is recognized here, as an authority on the Aviation Service of the Navy. While he specialized along this line, he did not flee from other responsibilities which were given him, until he became known in this House as one of its leaders, a man of wisdom, a parliamentarian of marked ability, and altogether a most desirable companion who will be long remembered as one of the favorites of the House.

knew him before he came here; we were friends, and this separation will be only in name.

There is not any man in public fire, in any public or private, has a more conscientious devotion to duty, public or private, has a more conscientious devotion to duty, public or private, has a more conscientious devotion to duty, public or private, has a more conscientious devotion to duty, public or private, has a more conscientious devotion to duty, public or private, has a more conscientious devotion to duty, public or private, has a more conscientious devotion to duty, public or private, has a more conscientious devotion to duty, public or private, has a more conscientious devotion to duty, public or private, has a more conscientious devotion to duty, public or private, has a more conscientious devotion to duty, public or private, has a more conscientious devotion to duty, public or private, has a more conscientious devotion to duty, public or private, has a more conscientious devotion to duty, public or private, has a more conscientious devotion to duty, public or private, has a more conscientious devotion to duty, public or private, has a more consciention to duty, public or private, has a more consciention to duty, and has a more consciention to duty and has a more consciention to duty. fine analytical mind, with an industry that is not outranked among workingmen, he has applied himself to the work of this committee with but one object—to do justice to the Government and to individuals seeking relief from dlsadvantages which they complained their Government had imposed upon them. His complete success is proven by the records of this House. which not only attest the confidence in which his judgment is held but the wisdom of his conclusions. It is his own record, made by the constant employment of his two prominent characteristics, intelligence and fairness.

MCARTHUR goes away with the regrets of this House following him. His contributions to the service in the committee room, as well-as in the House, has singled him as one of its important legislators. Oregon appreciates him as his colleagues here have appreciated him. Young and energetic, the public will not lose sight of him as he wins his way toward the goals which may

attract him.

Mr. McPherson, with his training as a lawyer, which accompanied him when he came, has done much faithful and distinguished work for his Government for which that training had given him a great advantage. Like the other men with whom I have labored, he deserves the gratitude of this House as he

will have the gratitude of his Government.

Allow me to include in this list Mr. KLINE of New York and Mr. Copp, of Michigan, who have labored with us with the view of impressing this House with the desire of the whole committee to win the confidence of the House, to report only those measures for the good of the naval service alone. I very greatly regret to see these men go from the Congress, and I wish that you join with me in tendering them the very best wishes we have within us. [Applause.]

Mr. Chairman, I move that the committee do now rise and

report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and the

bill as amended do pass.

The question was taken and the motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore having resumed the chair, Mr. Trason, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill S. 4137, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do Dass.

The SPEAKER pro tempore. The previous question is or-dered under the rule on the bill and all amendments to final passage. Is a separate vote demanded on any amendment?
Mr. STAFFORD. Mr. Speaker, I demand a separate vote
on the amendments. How many are there?
The SPEAKER pro tempore. The gentleman from Wiscon-

Mr. BUTLER. There are 23.

Mr. STAFFORD. We considered this under a special rule which gives permission on each amendment made to the section. There are only two amendments. I demand a separate vote on section 24.

Mr. BUTLER. Mr. Speaker, I would like to move that these sections be renumbered.

The SPEAKER pro tempore. Let the Chair understand the amendment upon which the gentleman from Wisconsin demands a separate vote.

Mr. STAFFORD. The last section of the bill, section 24.

Mr. SANDERS of Indians. I do not understand the rule makes the provision suggested. The rule only deals with the question of the separation of the amendments by sections in the committee.

Mr. STAFFORD. The very purpose of the rule was to overcome that very objectionable practice which has grown up here of committees reporting many sections as amendments.

Mr. MONDELL. Mr. Speaker, there is only one separate vote demanded.

The SPEAKER pro tempore. And that is on section 24. a separate vote demanded on any other section? If not, the Chair will put them in gross.

The question was taken, and the other amendments were agreed to.

The SPEAKER pro tempore. The question is on agreeing to section 24.

Mr. OLIVER. May we have section 24 reported before we

The SPEAKER pro tempore. The Chair is in some doubt as to just what is left upon which a separate vote could be had. Mr. BUTLER. Section 11 had an amendment.

The SPEAKER pro tempore. That has been agreed to. Section 24 is part of the amendment which was agreed to.

Mr. BRITTEN. Mr. Speaker, section 24 was not amended in the committee.

The SPEAKER pro tempore. Then there is nothing further before the House except the vote on the committee amendment as amended

The question was taken, and the committee amendment as amended was agreed to.

The SPEAKER pro tempore. The question is on the third reading of a Senate bill

The bill was ordered to be read the third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. BLANTON. Mr. Speaker, I make a motion to recommit. The SPEAKER pro tempore. Will the gentleman send his

motion to the Clerk's desk?

Mr. BLANTON. I make the motion to recommit the bill to the Committee on Naval Affairs with instructions to strike out the section providing for-

The SPEAKER pro tempore. The gentleman from Texas will send his motion to the Clerk's desk in writing.

Mr. BLANTON. Well, that has not been done heretofore.

SEVERAL MEMBERS. Regular order. Mr. BLANTON. I ask for time to prepare it. SEVERAL MEMBERS. Regular order.

The SPEAKER pro tempore. Regular order is demanded. Mr. BLANTON. It will not take but two minutes. [Cries of "Vote1"]

Mr. SANDERS of Indiana. The gentleman is entitled to the time.

The SPEAKER pro tempore. The gentleman from Texas will reduce his motion to writing.
Mr. CHINBLOM. Mr. Speaker-

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. CHINDBLOM. To call attention to a point of order, that having adopted an amendment to the entire bill, a motion to recommit, striking out a portion of the amendment, is not

Mr. BLANTON. Mr. Speaker, I move to recommit the bill and report the same back forthwith with an amendment.

The SPEAKER pro tempore. The gentleman from Texas moves to recommit the bill with instructions to report the same back with an amendment. The Clerk will report the motion of the gentleman from Texas.

The Clerk read as follows:

Mr. Blanton moves to recommit the bill to the Committee on Naval Affairs with instruction to that committee to report the same back forthwith, striking from the bill section 8.

Mr. CHINDBLOM. Mr. Speaker, I make the point of order that the gentleman's motion is out of order. We have adopted the section referred to.

The SPEAKER pro tempore. Section 8 is part of the amendment which was agreed to by the House.

Mr. BLANTON. That was also in the Senate bill.

The SPEAKER pro tempore. That is part of the amendment to which the House has just given its assent.

Mr. BUTLER. Mr. Speaker, it was decided by the present Speaker pro tempore that such an amendment was not in order.

The SPEAKER pro tempore. The question is on the passage

of the bill. The question was taken, and the Speaker announced that the "ayes"

ayes" appeared to have it. Mr. BLANTON. I ask for a division, Mr. Speaker. The SPEAKER pro tempore. A division is demanded. The House divided; and there were—ayes 210, noes 9.

So the bill was passed. Mr. BUTLER. Mr. Speaker, I ask unanimous consent that

the title be amended in accordance with the text.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that the title be amended in accordance with the text. cordance with the text. Is there objection?

There was no objection.

INVESTIGATION OF REFORESTATION PROBLEMS.

Mr. HAUGEN, Mr. Speaker, I move to suspend the rules and pass House Joint Resolution 456, with an amendment.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to suspend the rules and pass House Joint

Resolution 456, with an amendment. The Clerk will report the amended resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 456) authorizing the chairman of the Committee on Agriculture to appoint a subcommittee to consist of not more than eight members of the Committee on Agriculture to join with a like committee of five heretofore appointed by the Senate to investigate problems relating to reforestation, and for other purposes.

Senate to investigate problems relating to reforestation, and for other purposes.

Resolved, etc., That the chairman of the Committee on Agriculture is hereby authorized to appoint a subcommittee to consist of not more than eight members of the Committee on Agriculture of the House of Representatives, five from the majority party and three from the minerity party, to join with a like committee of five here-tofore appointed by the Senate, and of which he shall be an ex officis member, to investigate problems relating to reforestation, with a view to establishing a comprehensive national policy for lands chiefly suited for timber production in order to insure a perpetual supply of timber for the use and necessities of citizens of the United States. The joint committee shall make a final report of its investigations with recommendations to the Congress not later than April 4, 1924. For the purposes of this resolution the committee is authorized to sit and act at such times during the sessions or recesses of the Sixty-seventh and Sixty-eighth Congresses and in such places within the United States to hold such hearings as it deems necessary, and to employ such clerical and stenographic assistants as it deems necessary, the cost of such stenographic service to report the hearings shall not be in excess of 25 cents per folio. The committee is further authorized to send for persons, books, and papers, to administer oaths and to take testimony. The expenses of the joint committee shall be paid from the contingent funds of the House of Representatives and the Senate of the United States, and shall not exceed \$5,000 from said funds of the House. All such expenses to be paid upon vouchers duly approved by the chairman of said joint committee.

Mr. STAFFORD. I demand a second.

Mr. STAFFORD. I demand a second. The SPEAKER pro tempore. The gentleman from Wisconsin demands a second.

Mr. BLANTON. I make the point of order, Mr. Speaker, that when a second is demanded by two Members and one demand is from the majority, on the same side that the motion comes from, and the other demand is from the minority side, especially when the minority side is against the bill, the Member making the demand from the minority side under the rules shall be recognized.

The SPEAKER pro tempore. The gentleman from Wisconsin demands a second.

I am opposed to the bill.

The SPEAKER pro tempore. Is the gentleman from Wisconsin opposed to the bill?

Mr. STAFFORD. I am not opposed to it. Mr. BLANTON. I am opposed to the bill.

The SPEAKER pro tempore. The gentleman from Texas demands a second.

Mr. BANKHEAD. I object, Mr. Speaker, to a second being ordered.

The SPEAKER pro tempore. The gentleman from Texas [Mr. Blanton] and the gentleman from Iowa [Mr. HAUGEN] will take their places as tellers.

The House divided; and the tellers reported-ayes 132, noes 4. The SPEAKER pro tempore. A second is ordered. The gentleman from Iowa [Mr. HAUGEN] has 20 minutes and the gentleman from Texas [Mr. Blanton] has 20 minutes.

Mr. HAUGEN. Mr. Speaker, the object of the resolution is to investigate problems relating to reforestation, with a view to establishing a comprehensive national policy. Togicle the

to establishing a comprehensive national policy. Legislation has been suggested that will entail considerable expense. There is about 156,500,000 acres of land in the national forests and about 557,000,000 board-feet of lumber, which would seem to be of enough importance to warrant an investigation. About \$10,000,000 is appropriated annually for our Forest Service.

Mr. McSWAIN. Mr. Speaker, will the gentleman yield?
Mr. HAUGEN. Yes.
Mr. McSWAIN. Will the gentleman tell us whether the proposed national-forestry policy relates only to the public do-main or proposes to consider the matter of forestry within the exclusive jurisdiction of the States as well as the public domain?

Mr. HAUGEN. It includes forestry within the jurisdiction of the States.

Mr. McSWAIN. If that is true, what is the constitutional warrant for the proposition of interference with forestation within the States by the National Government? What is the warrant for that?

Mr. HAUGEN. That is a matter that is being considered and will be considered in proposed legislation, cooperating with the States. A bill has been prepared which provides for reforestation and for timber lots and various things suggested to improve the Forest Service, for planting trees and carrying an annual appropriation of \$4,500,000. As I stated, the appropriation now amounts to about \$10,000,000, and so far the service has not been self-supporting. The suggestion is to make a thorough investigation.

As I said, there are about 157,000,000 acres and about 557,-000,000 board feet of lumber. A like committee has been appointed by the Senate, and it has been suggested that we shall have a joint committee to investigate, consisting of eight Members of the House and five Members of the Senate. lution carries an appropriation of \$5,000. That is made payable from the contingent fund of the House. No limit is placed upon the expenditures to be made by the Senate.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield for

a question?

Mr. HAUGEN. Certainly.

Mr. BANKHEAD. Would the gentleman be willing to have an amendment offered to this resolution limiting the investigation to forests on the national domain, and cutting out any interference with State policies on this question?

Mr. HAUGEN. This resolution is drafted in terms identical with that of the Senate, and the wording of it is practically

the same, except as to the limitation of \$5,000.

Mr. BANKHEAD. Under the Senate resolution does not the President of the Senate appoint the members of the commission, whereas under this the chairman of the committee appoints them?

Mr. HAUGEN. Yes.

Mr. BANKHEAD. Why do not you provide that the Speaker of the House shall make the appointment?

Mr. HAUGEN. This resolution is drawn as other resolutions have been drawn.

Mr. BANKHEAD. Where the chairman of the committee is

appointing the members?

Mr. HAUGEN. Yes. In the Joint Commission on Rural Credits the members were appointed by the chairman of the House committee and the members of the Senate by the chairman of the Senate committee. That, as I understand, is the usual procedure.

Mr. McSWAIN. Will the gentleman yield?
Mr. HAUGEN. Yes.
Mr. McSWAIN. Does not the gentleman really think that the Chief Forester and his assistant can tell the committee more in 30 minutes than the committee could learn by traveling 50,000 miles?

Mr. HAUGEN. No: I spent nearly four weeks in the forests and traveled pretty much night and day, and I never spent days and weeks to any better advantage. No one has any comprehension of the Forest Service unless he makes a personal investigation, and to make a thorough investigation of 156,000,000 acres would require more time than any eight Members can give during a summer. I reserve the balance of my time.

Mr. IRELAND. Mr. Speaker, I ask unanimous consent to

address the House for 15 seconds.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to address the House briefly. Is there objection?

There was no objection.

Mr. IRELAND. Mr. Speaker, I want to state to the Members of the House who are to be Members of the Sixty-eighth Congress that their telegraphic franks are ready for them in the Committee on Accounts, and it will save the Government the trouble of mailing them if they will call for them. The reelected Members to the Sixty-eighth Congress and the newly elected Members of the Sixty-eighth Congress can secure the telegraphic franks, for which they may have use during the vacation.

Mr. BLANTON. Mr. Speaker, our Republican friends are shrewd and I take my hat off to them. When they appoint commissions that settle \$4,000,000,000 debts to this country they do not offer us Democrats any position thereon. It was only when we get up here before the people and demanded it that they finally gave us a say-so. But, when they want to pass a congressional junketing resolution, like the one now before us, in order to get votes from our side, they offer us three reservations in drawing rooms, to catch our votes.

[Here Mr. Blanton uttered some words that were objected

to and were subsequently stricken out.]

Mr. UPSHAW. Mr. Speaker, I make the point of order that the gentleman from Texas has made a personal reflection and imputed to me motives that are absolutely not borne out by the

The SPEAKER pro tempore. That is not a point of order,

but the gentleman from Texas will proceed in order.

Mr. UPSHAW. Under the rules of the House, Mr. Speaker, the gentleman is not permitted to mention my name with an aspersion upon my honor. I never cast a vote that did not comport with manhood and patriotism. [Applause.]

The SPEAKER pro tempore. According to the rules of the House no Member is permitted to mention by name another

Mr. UPSHAW. I move to expunge the remarks. I demand that the words be taken down.

The Clerk read the words objected to.

The SPEAKER pro tempore. The Chair holds that the language objected to is a violation of the rules of the House.

Mr. SABATH. Mr. Speaker, I move that the words of the gentleman from Texas be stricken out.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois, to strike out the words that were objected to.

The motion was agreed to.

Mr. SANDERS of Indiana. Mr. Speaker, a parliamentary

The SPEAKER pro tempore. The gentleman will state it. Mr. SANDERS of Indiana. Is it in order now to move that the gentleman from Texas may proceed in order?

The SPEAKER pro tempore. It is.
Mr. SANDERS of Indiana. And that motion must be made some other gentleman than the gentleman from Texas?

The SPEAKER pro tempore. It must be.
Mr. SANDERS of Indiana. I was not going to make the motion; I just wanted to know.

Mr. BANKHEAD. Mr. Speaker, I ask recognition in opposi-tion to the motion to move to suspend the rules.

Mr. UPSHAW. Mr. Speaker, I move that the gentleman from Texas be allowed to proceed in order and only in order. The SPEAKER pro tempore. The question is on the motion of the gentleman from Georgia that the gentleman from Texas be allowed to proceed in order.

The question was taken and the motion was rejected. Mr. BANKHEAD. Mr. Speaker, I ask recognition to oppose

the resolution now pending. The SPEAKER pro tempore. Is the gentleman from Ala-

bama opposed to the resolution?

Mr. BANKHEAD. I am.

The SPEAKER pro tempore. The gentleman from Alabama recognized for the remainder of the time.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry. The SPEAKER pro tempore. The gentleman will state it. Mr. MADDEN. How much time is remaining for the gentleman from Alabama?

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 16 minutes, the remainder of the time, in

opposition to the resolution.

Mr. BANKHEAD. Mr. Speaker and gentlemen of the House, I am entirely consistent in my attitude in opposing the pending resolution. As I have taken occasion to state heretofore when resolutions of similar import were pending, especially those creating commissions for various purposes, it has been my observation, and I believe the candid experience of most Members of the House who have given the matter any reflection, that we spend annually thousands, tens of thousands, hundreds of thousands of dollars out of the Treasury for purposes of investigation like this, without any real resulting good to the people of the country. I opposed the resolution pending to-day upon the coal commission, increasing the appropriation for that purpose, and I did it upon that theory. Now, on the last day of the session a motion is made to suspend the rules and put upon its passage a resolution creating a select committee of eight Members to be appointed by the chairman of the Committee on Agriculture to investigate the question of reforestation. That is proposed naturally upon the assumption that the expenditure of this money and the subsequent investigation of this question will result in securing information for the benefit of the Congress of the United States. Yet I deliberately assert, and I do not believe that the chairman of this committee who is proposing this resolution can successfully contradict it, that there is already on file and available to the Congress of the United States at this hour, and available to the Committee on Agriculture at this hour, down here in the Department of Agriculture all of the information in every particular and in every detail touching this question of reforestation that this select committee of eight members of the Committee on Agriculture are to undertake to bring back to this Congress after this recess.

Mr. J. M. NELSON. Mr. Speaker, will the gentleman yield?
Mr. BANKHEAD. Yes.
Mr. J. M. NELSON. Does not the gentleman think that
the committee itself, which deals with this problem, being on the ground, will be benefited to the extent of \$5,000 by taking this trip?

Mr. BANKHEAD. Is the gentleman in favor of this resolu-

Mr. J. M. NELSON. I am. Mr. BANKHEAD. Do I understand that the gentleman's position is based upon the theory that if by having the actual visual sight of the land involved these distinguished ranking members of the Committee on Agriculture will be able to bring back to this House some very beneficial, scientific, and practical information on this question of reforestation?

Mr. JOHNSON of Washington. Will the gentleman yield for

a question?

Mr. BANKHEAD. Let me finish this thought and then I will yield to the gentleman. What is the justification or excuse that is offered frequently, if not always given, to these so-called junketing expositions—and I do not desire to use that ferm in any offensive sense at all and do not mean it in any offensive sense, but merely as a matter of description-they have always argued that if you let us go and get first-hand information it will be more valuable, and there may be something in that. But my main objection to this question is that it is an entirely unnecessary expense to be levied out of the Treasury of the United States and will not accomplish anything that can not be accomplished by another method which would not involve the expenditure of a single dollar.

Mr. JOHNSON of Washington. I know the gentleman from

Alabama is earnest and sincere in what he says, but I want to ask him if he has stopped to think that the United States itself owns from 40 to 75 per cent of the area of 11 Western States and that the problems of the Forest Service are handled by this great Agricultural Committee? Time and again I have spoken on the floor about the situation. I have begged that some Members be placed on that committee who had seen or knew of the timber assets of the Government in these great reserves in this

Mr. BANKHEAD. I want to see the gentleman from Wash-

ington transferred to the Committee on Agriculture.

Mr. JOHNSON of Washington. I wish I could serve on an-

other committee

Mr. BANKHEAD. There ought to be somebody there who knew something about it. The gentleman's question brings up another objection to this resolution which I think is a very fundamental one. That is the reason I rose to my feet to inquire of the chairman of the committee when he presented the resolution if he would agree to the offering of an amendment to limit the activities of this commission to the public domain of the United States. Now that presents a very serious constitutional question. Every State has rights under its reserved powers to deal with this question on its own initiative. gentleman does not set up in this resolution that this shall be made along lines of Federal cooperation-

Mr. SNELL. If the gentleman will yield-the basic object of the legislation that has been considered by the Agricultural Committee in the last three or four sessions of Congress has been cooperation in the Federal Government and the different States. It is all based on cooperation. That is the actual fact.

Mr. BANKHEAD. Is the gentleman from New York now advocating cooperation of the Federal Government and the

States in their activities?

Mr. SNELL. In some certain ones.

Mr. BANKHEAD. I am glad— Mr. SNELL. When the Federal Government owns 75 per

cent of all the timber there is.

Mr. BANKHEAD. Let me ask the gentleman from Washington. He paid me a compliment by saying that he thought I was sincere and frank.

Mr. JOHNSON of Washington. I have great admiration for

the gentleman.

Mr. BANKHEAD. Does not the gentleman from Washington honestly believe at the present time that the experts of the Agricultural Department and Bureau of Forestry and these other bureaus that have been taking cognizance of this question and made investigation-does he not believe they are in possession of all the information Congress needs on this question?

Mr. JOHNSON of Washington. Government officials may

have it, but members of the committee have to write the necessary legislation. I believe if I could get members of the Committee on Agriculture into these forest reserves that the Government owns in the North Pacific States I could show them where the Government can save great sums of money. The information is down here in the department, but it does not make legislation. The Forest Service and Congress are

becoming more and more in harmony.

Mr. SNELL. The Forestry Department itself has information but the trouble is that the legislation must come from Members of the House, and in order to legislate properly they

really ought to know a little more about this than they do. I

am not going on the trip.

Mr. BANKHEAD. In other words the logical conclusion of that statement is that if we send out these gentlemen you will

have legislation on this problem?

Mr. SNELL. The logical conclusion is, I hope they are right about it and we will get some legislation. This is one of the most important matters before the Congress at the present time

in which people are really interested.

Mr. BANKHEAD. I respect the gentleman's attitude on this question, but my opposition to it is based upon my objection to these interminable and oft-reiterated propositions with which we are confronted here of bringing in in every Congress, especially along toward the close of the Congress, a proposition to appoint commissions and special committees, every one of them entailing expenditures out of the Treasury of the United States. I want to spend every dollar of the people's money necessary to have an intelligent and patriotic administration of our Government, but, gentlemen, surely we are going to reach a time some time in the history of our Government where we have got to stop these unnecessary expeditions for the purpose of acquiring information that we have already obtained, and I hope this proposition will be defeated.

Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. Sumners].

The SPEAKER pro tempore. The gentleman from Alabama yields back the remainder of his time-six minutes-to the gen-Texas.

Mr. MADDEN. Mr. Speaker, I do not think six minutes are The gentleman from Alabama [Mr. Bankhead] started at 22 minutes after 10 and it is now 25 minutes to 11.

Mr. SNELL. He had only 16 minutes

Mr. DUPRÉ. Mr. Speaker, is the gentleman from Illinois in favor of this thing? I would like to have an answer.

The SPEAKER pro tempore. The Chair is advised that the

The SPEARER pro tempore. The Chart is advised that the time remaining is six minutes, and the gentleman from Texas [Mr. Sumners] is recognized for that time.

Mr. SUMNERS of Texas. Mr. Speaker, it will not take six minutes. I agree with the gentleman from Alabama [Mr. Bankhead] that in regard to most of these propositions we have enough information now, but the difficulty consists in

applying what we know.

When the Commission on Agricultural Inquiry was createdand I would not object to a committee being appointed if they sat here in Washington, or if they wanted to travel if they would travel at their own expense—I did that on the Commission on Agricultural Inquiry, and I am a poor man. I made two trips to the South at my own expense and one trip to the two trips to the South at my own expense and one trip to the West at my own expense. That commission sat for seven menths, and I do not believe one dollar was expended. I believe the chairman took one trip.

This is a long vacation that we have in sight, and if the gentlemen on the Committee on Agriculture want to go out through the West and get some first-hand information, let them go. But I do not believe, gentlemen, that as a sound governmental policy we ought to encourage the expenditure of money in order to send people out over the country to make investigations. Under some circumstances that is all right and I would approve of it, but there is nothing in regard to forestation and timber in the country for Congress to legislate upon that needs such travel as is proposed in this investigation. People talk about growing trees and talk about going out to look into it at public expense. If you cut down one tree, you can rest assured that unless it is replaced by another of its own accord you have to replant.

Now, the gentleman from Illinois [Mr. Madden] seems to be in a hurry, and I will yield back the remainder of my time. [Applause.]

Mr. HAUGEN. Mr. Speaker, I yield three minutes to the gentleman from Kansas [Mr. TINCHER].

The SPEAKER pro tempore. The gentleman from Kansas

is recognized for three minutes.

Mr. TINCHER. Mr. Speaker and gentlemen of the House, I am a member of the Committee on Agriculture, but I am not going on this trip, because I have engagements for the summer which are inconsistent with such a trip. But I want to say that this proposed investigation can in no sense be called a junket, and for the House of Representatives to vote down this proposition to-night would be a serious mistake.

In our committee in the past few years we have had before

us propositions for a definite forestry policy for this Government. There could not be a more important question for future generations than that policy. We are appropriating \$1,000,000 every year to prevent forest fires in the national forests, and those fires, whenever they start, do not know any

difference between Government land and privately owned land and State reserves. The bureau for which this committee legislates has the responsibility of policing these forest reser-

I am somewhat familiar with the national forests, because at my own expense I have bought cattle from them for years. I have reason to believe that the \$5,000 proposed to be expended in this resolution would be money well expended if we were sending the committee out to study that situation alone, I want the gentleman from Alabama [Mr. BANKHEAD], who

I know is earnest in his conviction, to consider this: The Senate is sending out a committee. Congress at some future time will adopt a national policy with respect to forestry. The bill adopting a national forest policy will come from the House committee. I do not think they ought to be hindered in procuring first-hand information. I think they ought to have every advantage given them. The Senate has already appointed its committee. I do not think any Member who makes this investigation will think that he has made a junket.

As I said, I am not going. I do not think that this ought to be dubbed a junket. If a man spends next summer in investi-gations for the benefit of his country and in determining what should be our permanent policy as a Nation toward reforestation and toward the protection of our forests from fire, he will be performing a public service for which he will not deserve

criticism here. [Applause.]

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa [Mr. HAUGEN] to suspend the rules and pass the joint resolution.

The question was taken; and on a division (demanded by Mr. BLANTON and Mr. BANKHEAD), there were—ayes 178, noes 37.

Mr. BANKHEAD.

there is no quorum present.

Mr. BLANTON. I ask for the yeas and nays.

Mr. BLANTON. I ask for the gentleman from Texas is Mr. BANKHEAD. Mr. Speaker, I object to the vote because

Mr. BANKHEAD. What was the vote, may I ask the Chair? The SPEAKER pro tempore. One hundred and seventyeight ayes and 37 noes. A quorum is present.

Mr. BLANTON. I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman is not recog-

Mr. BLANTON. I appeal from the decision of the Chair. I have a right to ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman can not be recognized for any purpose until he has the permission of the

Mr. BLANTON. Then the Republican majority can keep my district unrepresented?

The SPEAKER pro tempore. The gentleman will take his

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that the gentleman from Texas is entitled to recognition for the purpose of demanding the yeas and nays. I have not examined the precedents.

Mr. MONDELL. Will the gentleman yield to me? I ask unanimous consent that the gentleman from Texas

Mr. GARRETT of Tennessee. No, Mr. Speaker; it is not a question of unanimous consent.

The SPEAKER pro tempore. The Chair is of the opinion

that the matter should be decided now.

Mr. GARRETT of Tennessee. It ought not to be decided as a matter of unanimous consent but as a matter of right. As to whether the gentleman would be entitled to the floor for debate I am not speaking now, but the gentleman from Texas arose to ask for the yeas and nays. The gentleman from Texas represents a congressional district; he is within his rights in demanding the yeas and nays. I think it would be extremely dangerous in holding that because the gentleman was called to order for the words spoken in debate and was required to take his seat, so far as the debate was concerned, that he could not rise and demand the yeas and nays.

Mr. Speaker, I think it is clear that so far Mr. TILSON. as speaking again during the period in which this matter was being considered, when he was called to order, that he can not be recognized again until he has the consent of the House. But I agree with the gentleman from Tennessee that for the purpose of demanding the year and nays, which is a constitutional right, the gentleman from Texas was clearly within

his rights, and should be recognized for that purpose.

Mr. STAFFORD. Mr. Speaker, I assume that the purpose of the rule in denying a Member who has infringed the rules of debate by using unparliamentary language and not allowing him to proceed further until the House gives him the privi-

lege is to protect the House from the further use of language on the matter under consideration, which might allow further use of similar unparliamentary language. But, until the House takes some action of censure or expulsion, every Member of the House has the privilege of voting, and has the privilege of exercising his rights in demanding the year and nays or offering amendments. [Applause.]

There has been no motion made for a censure; all that was done was that the House expunged the remarks from the RECORD, and refused to allow the gentleman from Texas to proceed further in debate. But that does not carry the proposition that his right to vote or his right to demand the yeas and nays or his right to offer an amendment have been cur-They are fundamental. The question is whether the gentleman from Texas is still a Member of the House or not?

[Applause.]

The SPEAKER pro tempore. The Chair is ready to rule. The Chair has invited this discussion because the precedents are very vague as to when the gentleman from Texas or any gentleman, having been refused the right to participate in debate, as was done in this case, might again be heard on the floor. In order to get the matter before the House, the Chair has assumed the responsibility of calling the attention in this way in order that a decision might be had. The Chair believes that a reasonable construction of the rule would be that the Member called to order would be called to order only for the period required for the consideration of the matter that was then under consideration. The Chair thinks that is a reasonable construction, although it has not been so held. It appears from decisions that a Member was precluded if the motion was not made until the following day. With that construction the Chair does not agree. The Chair is glad of the opportunity at this time to decide that the Member from Texas is in the exercise of his rights at the conclusion of debate in demanding the yeas and nays. [Applause.] The Chair sustains the point of order made by the gentleman from Tennessee.

Mr. BLANTON. Mr. Speaker, I demand the yeas and nays. The SPEAKER pro tempore. The gentleman from Texas de-

mands the yeas and nays. All those in favor of taking the vote by yeas and nays will rise and be counted. [After counting.] Nineteen Members have risen, not a sufficient number; the yeas and nays are refused, and the bill is passed.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same H. R. 8086. An act to prohibit the shipment of filled milk in

interstate or foreign commerce; H. R. 11477. An act granting the consent of Congress to the Freeburn Toll Bridge Co. to construct a bridge across the Tug

Fork of Big Sandy River, in Pike County, Ky.; H. R. 7851. An act to amend an act entitled "An act to amend an act entitled 'An act to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes," approved September 1, 1916, so as to provide for the terms of the district court to be held at Spartanburg S. C.

H. R. 13205. An act for the relief of the American Trust Co.;

H. R. 11939. An act to amend section 5219 of the Revised Statutes of the United States.

The SPEAKER pro tempore announced his signature to enrolled bills of the following titles:

S. 4235. An act granting consent of Congress to the Charlie Bridge Co. for construction of a bridge across Red River be-

tween Clay County, Tex., and Cotton County, Okla.; S. 4122. An act granting the consent of Congress to the Interstate Toll Bridge Co. for construction of a bridge across Red River between Montague County, Tex., and Jefferson County, Okla.;

S. 4387. An act to authorize the building of a bridge across the Tugaloo River between South Carolina and Georgia;

S. J. Res. 240. Joint resolution authorizing the erection on public grounds of a memorial to the late Joseph J. Darlington;

S. 574. An act to amend an act entitled "An act to save daylight and to provide standard time for the United States," as amended:

S. 1076. An act establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes;

S. 2703. An act to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced

S. 3123. An act to amend section 1 of the act entitled "An act providing for the location and purchase of public lands for reservoir sites," approved January 13, 1897, as amended;

S. 3892. An act authorizing the State of California to bring suit against the United States to determine title to certain lands

in Siskiyou County, Calif.;

S. 4146. An act permitting the State of Wyoming to reconvey certain lands to the United States and select other lands in lieu thereof and providing for the patenting of certain lands to Natrona County, Wyo., for public-park purposes; S. 4211. An act authorizing preliminary examination and sur-

vey to be made of the Intracoastal Waterway in Louisiana and

Texas:

S. 4469. An act to extend the time for the construction of a bridge or bridges and trestles over the navigable channels of the mouth of the Mobile River in the State of Alabama; S. 4536. An act to authorize the building of a bridge across the

Peedee River in South Carolina;

S. 4548. An act declaring Bear Creek in Humphreys, Leflore, and Sunflower Counties, Miss., to be a nonnavigable stream; and S. 4552. An act to incorporate the Belleau Wood Memorial Association.

DEFICIENCY APPROPRIATION-CONFERENCE REPORT.

Mr. MADDEN. Mr. Speaker, I call up the conference report upon the bill (H. R. 14408) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes

The SPEAKER pro tempore. The Clerk will read the con-

ference report.

The Clerk read the conference report.

[For conference report see pp. 5196-5198.] Mr. MADDEN. Mr. Speaker, as explanatory of the provisions of the bill as it was returned from the Senate, and as it

has come from the conference, I insert the follow	ing:
Bill as passed by House carriedBill as passed by Senate carried	\$154, 582, 240, 35 156, 835, 086, 46
Senate increase	2, 252, 846, 11
From this increase the Senate receded from The House conferees yielded on There is involved in amendments in disagreement	157, 709, 32 1, 322, 636, 79 772, 500, 00
	2, 252, 846, 11
And the conferees of both Houses yielded on	117, 635, 00
Of the sum involved in amendment in disagreement it is proposed to yield on	572, 500, 00
which will be proposed is concurred in bill will carry Bill as passed by House	156, 359, 742, 14 154, 582, 240, 35
Or an increase over bill as passed by House of_	1, 777, 501, 79
Amounts already yieldedAmounts on which it is proposed to yield	1, 322, 686, 79 572, 500, 00

1, 777, 501, 79 The SPEAKER pro tempore. The question is on agreeing to

the conference report.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman from Illinois yield? Mr. MADDEN. Yes.

Less amendment No. 21_____

Mr. NEWTON of Minnesota. I would like to ask the gentleman with reference to the provisions on the top of page 51, \$300,000, inserted by the Senate. Do I understand that that remains in the bill?

Mr. MADDEN. That has been agreed to.

Mr. NEWTON of Minnesota. The Post Office Department has been cutting down the service. Do I understand that with this provision it will permit them to take care of the demands for the increase in the carrier service between now and the 1st of

Mr. MADDEN. This is all they ask; and if it does not take

care of them, we are not to blame.

Mr. NEWTON of Minnesota. And it is the full amount recommended by the Bureau of the Budget?

Mr. MADDEN. Yes.

Mr. DALLINGER. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes. Mr. DALLINGER. Why were amendments 59 and 60 dropped? Mr. MADDEN. The Senate receded. That is the first reason, and the next reason is that they did not apply to anything in the bill. Amendment 59 reads as follows:

Provided, That no part of the moneys appropriated in this paragraph shall be used or expended for making such changes in private establishments or for the purchase or acquirement of any article or articles that at the time of the proposed changes, purchase, or acquirement can be made, manufactured, or produced in any of the Government navy yards of the United States, if time and facilities permit.

There is not a dollar appropriated in the paragraph to which the amendment was added, so the amendment would be just so much waste paper. The reason why amendment No. 60, a similar amendment, was not adopted, is that it applies to a provision in the bill merely to pay matters that have already been closed, where the work has been stopped. There was no rhyme or reason in the amendments. They did not apply to anything.

Mr. DALLINGER. Is the gentleman aware that on page

5002 of the Congressional Record it is stated that the amend-

ments were agreed to?

Mr. MADDEN. It does not make any difference what the RECORD shows. We are dealing with the bill.

The SPEAKER pro tempore. The question is on agreeing to

the conference report.

The conference report was agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 22: Page 8, after line 14, insert:

" OFFICE OF THE PRESIDENT.

"The appropriation of \$25,000 for traveling and other expenses of the President of the United States for the fiscal year 1923 is hereby continued and made available for the same purposes until expended."

Mr. MADDEN. Mr. Speaker, I move to recede and concur. Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield to me for five minutes?

Mr. MADDEN. Mr. Speaker, I yield five minutes to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. Mr. Speaker, I do not want to appear ungracious, but I do wish to enter my earnest protest against the adoption of this amendment. I am sure I need not say that my opposition is neither personal nor political. The House will remember that traveling expenses for the President were first provided during the term of President Taft. It is provided that \$25,000 be appropriated, to be used by the President during the year for which it is appropriated, and that at the end of the fiscal year the amount unexpended be turned back into the Treasury. And this year for the first time this fund was made available for official entertainment as well as traveling, which is entirely unjustifiable. The President of the United States draws a salary of \$75,000 a year, and these traveling expenses are provided in addition.

Mr. MADDEN. Mr. Speaker, will the gentleman yield? Mr. BYRNS of Tennessee. Yes. Mr. MADDEN. Of course, the gentleman from Tennessee knows that for the first time in the history of the United States the President of the United States is required to pay \$18,000

of income tax out of his salary.

Mr. BYRNS of Tennessee. That is true, and every Member of Congress and every public official of the United States is required to pay an income tax upon his salary as well.

Mr. NEWTON of Minnesota. Except judges.
Mr. BYRNS of Tennessee. This amounts to simply this:
I understand there is some \$18,000 unexpended up to the present time out of the traveling expenses appropriated for the President during the present fiscal year. Just how much of that unexpended balance will be expended between now and July 1 of course no one knows, but next year the President has been provided with the usual appropriation of \$25,000, and whatever is unexpended will be added to that amount.

It is increasing the expenses of the President for the next fiscal year by whatever amount is unexpended, and I think at this time, when the taxpayers are being burdened by expense after expense, when we are adding new burdens as we did awhile ago with reference to the committee to be appointed from the Committee on Agriculture, there ought to be a time when we should stop adding to the heavy expenses of government and practice a little economy. We ought not to appropriate this additional money for the next year. I am in favor of the President of the United States going around among the people of the country. I am in favor of giving him every opportunity and giving to the people of this country every opportunity to see the President. It was for that reason that the \$25,000 was originally appropriated, but surely \$25,000 each year is sufficient for that purpose, and I am opposed to this amendment. It may not be sufficient for a large party of invited guests, but the appropriation was never intended for It will surely be sufficient for the President and a reasonable number of guests for his trip to Alaska and through the West, which I understand is contemplated this summer.

Mr. MADDEN. Mr. Speaker, just a word. I simply wish to say that Mrs. Harding has been very ill for almost all of the last year. The President has not traveled much during the period of her illness. He anticipates leaving here on the 5th of March with Mrs. Harding in order to enable her to recuperate. Later on the President is going to travel across the continent to Alaska, where he hopes to be able to acquire information beneficial to the people of the United States. He will be unable to pay the expenses of the travel which he proposes out of the \$25,000 for next year. He will have an unexpended balance out of this year's travel allowance of perhaps ten or twelve thousand dollars. Surely nobody in the United States would ask the President to travel on Government business at his own expense. It is true that this is equivalent to an additional appropriation, as the gentleman from Tennessee says, but under all of the circumstances I think we ought to do what is proposed in this amendment, and I hope the House will agree to the recommendation which we make, namely, transfer the unexpended balance of the President's 1923 travel appropriation to 1924 and make it available for expenditure by the President during 1924.

The SPEAKER pro tempore. The question is on agreeing to

the amendment.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLANTON. I ask for a division.

The House divided; and there were-ayes 158, noes 32.

So the amendment was agreed to.

Mr. ANDREW of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on farm

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full

as follows

Mr. ANDREW of Massachusetts. Mr. Speaker, the procedure of the House in the handling of this bill reflects no credit upon our reputation as a deliberative body. In fact, the methods by which it is being jammed through the House and Senate scarcely seem possible were they not matters of fact. The bill as reported by the committee was only agreed upon in committee three days before it was brought up for discussion on this floor and only six days before this session of Congress is bound to close. No copy of it was available to Members of the House more than 24 hours before it was introduced under a special rule which not only limited the time of debate upon but made it impossible to consider it section by section. There has been no adequate opportunity for Members not on the Banking and Currency Committee to study the various provisions of the 98 pages of the bill. There has been no opportunity under the rule by which the bill has been considered to amend it in detail.

This measure if it becomes law marks one more step in the substitution of Government money for private capital and Government ownership for private management. It proposes to establish 12 new Government banks with a capital drawn from the taxpayers' pockets of \$60,000,000, and to allow these banks to issue bonds to the extent of \$600,000,000, for the payment of which the Government will be morally if not legally liable. It has been said that what this country needs is less Government in business and more business in Government. And in line with that policy the railroads, which had been taken over by the Government during the war, were returned to private management. The adoption of this measure means, however, a direct repudiation of that policy. And it is hard to see where in the future this will lead us. If we are to use the taxpayers' money to support farming and shipping, we might quite as reasonably use it to support fishing, manufacturing, and the railroads. If we are to have Government banks created to lend money to the farmers, ought we not also to create Government banks to lend money to automobile manufacturers, to the shoe industry, or to mining companies?

Only a fortnight ago the House expressed its opinion by a

large majority against further issue of tax-exempt securities, the existence of which is practically nullifying the graded income tax, yet this bill authorizes the issuance of \$600,000,000

additional tax-exempt securities.

But what is even more deplorable, the banking principles involved in the act, as the Secretary of the Treasury has pointed out, are fundamentally dangerous and unsound. Propointed out, are fundamentally dangerous and unsound. Pro-vision, for instance, is made for the loan of money for consider able periods of time upon perishable products subject to un-predictable fluctuations in price and which are peculiarly undependable for realization. In the already existing farmloan banks loans are authorized upon mortgages only up to 50

per cent of the value of the land and 20 per cent of the permanent insured improvements, but, according to the provisions of this bill, the proposed new Government banks will be able to lend up to 75 per cent of the value of warehouse certificates and live stock, which are far less stable in value than mortgages upon land. It is not at all unlikely, if these banks are established, that some time in the not distant future when violent declines occur in the prices of produce upon which one or another of these institutions have loaned money, Congress will be called upon to make good the losses. Our Government will naturally be held responsible for the solvency of institutions of which it is the sole and only owner.

I am opposed to this measure because I am opposed to the further intrusion of Government in the field of private business. I am opposed to it because it will use the taxpayers' money and the Government's credit to subsidize a particular line of business. I am opposed to it because it will add very substantially to the sum of tax-free securities and render still less fruitful our taxes upon income. And I am even more opposed to it because it contains provisions that are financially

unsound and certain to lead to financial disaster.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 24: Page 10, after line 2, insert:

UNITED STATES COAL COMMISSION.

To continue and conclude the investigation under the act entitled "An act to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes," including personal services in the District of Columbia and elsewhere, \$400,000, to remain available until September 22, 1923, or until December 31, 1923: Provided, That the President, if he deems the continuance of the work of the commission essential to the public interest, may, by Executive order, continue the commission in force to a date not later than December 31, 1923.

Mr. MADDEN. Mr. Speaker, I move to recede and concur with an amendment.

Mr. BANKHEAD. Mr. Speaker, I make a point of order against the motion, that the amendment that the gentleman asks to recede and concur in is not authorized by law unless the bill we passed this afternoon is approved by the President.

Mr. MADDEN. Mr. Speaker, I wish to say that the point of

order made by the gentleman—
The SPEAKER pro tempore. The Chair was going to ask the gentleman from Alabama the grounds upon which he makes the point of order.

Mr. BANKHEAD. That there is not authorization of law. The SPEAKER pro tempore. This is a Senate amendment, the Chair is advised.

Mr. MADDEN. Will the gentleman from Alabama yield to me?

Mr. BANKHEAD. Yes.

Mr. MADDEN. The item presented to the House would have been subject to a point of order at the time this bill was passed by the House.

SEVERAL MEMBERS. It was stricken out.

Mr. MADDEN. No; it was not in the bill. It was put in the bill by the Senate, and the rules of the House distinctly provide that a matter subject to a point of order in the House

Mr. BANKHEAD. I confess my error in misunderstanding

the facts and I withdraw the point of order.

The SPEAKER pro tempore. The gentleman withdraws the point of order. The Clerk will report the motion of the gentleman from Illinois to recede and concur with an amendment.

The Clerk read as follows:

Mr. Madden moves that the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"UNITED STATES COAL COMMISSION,

"For carrying out the provisions of the act entitled 'An act to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes,' approved September 22, 1922, as amended, including personal services in the District of Columbia and elsewhere, fiscal years 1923 and 1924, \$400,000."

Mr. BLANTON. Mr. Speaker, I make a point of order that there has been no amendment to the act of September, 1922; that the amendment offered by the gentleman from Illinois is not in order. There is no such amendment to that act.

Mr. MADDEN. The House has passed the bill. Mr. BLANTON. But it has not been signed by the President and has not become the law.

Mr. MADDEN. We do not say anything about having become the law. The House has passed a bill extending the life of the commission and increasing the limit of cost. It is only

a matter of description, anyway, and it is not subject to the point of order.

Mr. BLANTON. The point of order is that no act can be amended unless it is a law signed by the President of the United States. There was no such act passed and signed by the President of the United States to the act of September, 1922

Mr. STAFFORD. Mr. Speaker, the question, as I view it, is whether the amendment is germane to the legislative proposal of the Senate. The House has authority to vote money for expenditure under existing law or for something that may be provided in the future. The only question for the decision of the Chair is whether the proposed amendment is germane, and, of course, it is germane. We are not proceeding, so far as this provision is concerned, under the rules of the House, when the bill is first considered in the House, that you can not report any legislation on an appropriation bill. The one question for decision by the Chair is whether the amendment offered by the gentleman from Illinois is germane to the provision inserted by the Senate, and it being legislation, why, of course, any germane amendment is in order.

Mr. TILSON. Mr. Speaker, I think it is entirely immaterial whether the bill passed by the House and Senate becomes a law or not. If it is inaccurate in description, it should be amended by the House as it sees fit, but so far as the Chair has to decide it is a matter immaterial whether it has actually been passed or not. Whether it becomes a law or not, it makes

no difference for the decision of the Chair.

Mr. MADDEN. It is simply descriptive.

The SPEAKER pro tempore. The Chair thinks the only question to be decided at this time is whether or not the amendment is germane to the Senate amendment, and about that there is no question. The other is mere surplusage, and the Chair overrules the point of order.

Mr. MADDEN. I yield five minutes to the gentleman from

Tennessee [Mr. BYRNS] in this connection.

Mr. BYRNS of Tennessee. Mr. Speaker, I am in favor of the adoption of this amendment. This matter was very thoroughly discussed during the afternoon. As a matter of fact \$200,000 has been heretofore appropriated for the coal commission, and about one-half of that amount has been expended. Your committee had before it the chairman of the coal commission and the Secretary, and they were very positive in the statement that unless an additional appropriation was made the money already expended would be wasted, and the amount unexpended had as well be turned back into the Treasury. The House by an overwhelming vete, consisting of much more than two-thirds, passed a bill this afternoon continuing this coal commission, the life of which expires in September of this year. I want to call the attention of the House very briefly to some of the statements which were made before the committee as to just what is being done and what it is proposed to do with the money which is sought to be appropriated by the Senate amendment. Mr. Hammond, who is chairman—and, by the amendment. Mr. Hammond, who is chairman—and, by the way, I want to say that the members of the commission are composed of Mr. John Hays Hammond as chairman; ex-Vice President Thomas R. Marshall; Mr. Clark Howell, editor of the Atlanta Constitution; Dr. George Otis Smith, Director of the Geological Survey; Mr. Edward T. Devine; Mr. Charles P. Nelll, whom we all remember was former Labor Commissioner.

Mr. Hammond stated, in response to a question by the chair-

man, as follows:

I feel very confident, Mr. Chairman, that we can justify this appropriation simply from the recommendations of a practical nature that we can make regarding improvement in mining methods alone, in the relations between the operators and the employees, the miners, and in a good many respects in details which in themselves are of no great import, but which cumulatively are of great importance in reducing the costs of operation. I do not like to go into that matter at much length here because it is a lengthy subject, and I know you are pressed for time, but I am confident that simply from the engineering recommendations we will justify this appropriation many times over yearly. The industry is the worst conducted industry, from an engineering point of view, that I have ever seen.

Now, we all know Mr. Hammond. We know that he is one of the most prominent and foremost mining engineers in this country, and I am quite sure that every one of us has confidence in his judgment and opinion. Now, in addition to that the chairman asked this question:

Is the commission unanimous in their request for this appropriation?

Mr. SMITH. Yes, sir; and also unanimous in the belief that it would not be worth while to continue this investigation after the 4th of March unless this additional appropriation is allowed, but that we should stop the investigation then and save what they can of the appropriation already made.

The CHAIRMAN. The commission is unanimous in the belief that the investigation will result in something worth while, if the additional money is appropriated?

Mr. HAMMOND. We will guarantee it.

Mr. SMITH. I would like to add the fact that the commission believes that it has had something to do, or a good deal to do, with settling the labor difficulties, so that we are already assured, and were assured a month ago, that there would be no strike on April 1, with the result that the coal market—that is, the soft-coal market—has been very much softened, and the result is that in four weeks. I think, as if figured it for the chairman, the average price for bitminious coal has gone down 84 cents, which means a material saving to the Government itself.

The SPEAKER pro tempore. The time of the gentleman

from Tennessee has expired.

Mr. MADDEN. I yield to the gentleman two minutes more. The SPEAKER pro tempore. The gentleman from Tennessee is recognized for two minutes more.

Mr. MADDEN. By the way, if the gentleman will yield there, I wish to say that some public officials came before our committee and stated that their price that they paid for coal had fallen about 84 cents a ton.

Mr. BYRNS of Tennessee. Yes. I think a great deal of credit is due to this coal commission for that fact, and as stated I think a great deal of by Mr. Smith, this coal commission had a great deal to do with averting a strike on April 1 and with settling the difficulty between the operators and the miners.

Now what more? The Chairman asked:

The CHAIRMAN. Do you think the commission contributed to that Mr. SMITH. We have been blamed for it by some of the coal

operators.

Mr. Hammond. I think the operators themselves admit that. Of course, we are abused because we despoiled some of them of their

Mr. SMITH. Ordinarily that labor situation is not settled until just on the eve of April 1, if it is settled at all.

The CHARMAN. Is it settled now?

Mr. SMITH. Practically all the districts have signed up.

Now, gentlemen, I think in view of what this coal commission has done, and in view of what has been promised us by Mr. Hammond, the chairman of the commission, and in view of the fact that there has been a reduction already in the price of bituminous coal, this appropriation ought to be granted, because certainly if by granting this appropriation we can secure a further reduction in the price of soft coal to the consumers of this country and avert a coal famine and prevent a high price for coal in the winter, this amount of money is a mere bagatelle compared with what it will mean to the people of this entire country.

Mr. MADDEN. Mr. Speaker, I think it safe to say that there has never-been a commission of men better equipped to do a job than the men who compose this coal commission. From all the information that our investigation discloses I have reached the conclusion that the investment of the \$200,000 previously appropriated and the \$400,000 here proposed to be appropriated will yield a greater return than any other money ever expended from the Public Treasury. I hope the House will concur in the

The SPEAKER pro tempore. The question is on agreeing to the motion to concur in the Senate amendment.

The question was taken, and the motion was agreed to. The SPEAKER pro tempore. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 36: Page 18, line 4, insert the following: SUPERINTENDENT OF THE WASHINGTON ASYLUM AND JAIL.

"The superintendent of the Washington Asylum and Jail appointed by the Commissioners of the District of Columbia is hereby directed, authorized, and required to execute the judgments of the law heretofore pronounced and hereafter to be pronounced in the District of Columbia by the courts thereof in all capital cases, and the power and authority heretofore given to and now vested in such commissioners to appoint such superintendent and all appointments to the postion of such superintendent made by such commissioners are hereby ratified and confirmed; and any failure on the part of Congress, either heretofore or hereafter, to make a specific appropriation for the salary or compensation of such superintendent shall not be construed either as an abolition of such position of superintendent of the Washington Asylum and Jail or as a repeal of the power and authority of such commissioners to appoint such superintendent."

Mr. MADDEN, Mr. Speaker, in order that the House may

Mr. MADDEN. Mr. Speaker, in order that the House may understand what this means, it seems that a man was con-victed of murder in the District; he was adjudged guilty; he was ordered to be executed; but because a specific appropria-tion had not been made to the superintendent of the Washington Asylum and Jail, the court held that there was no man in official authority authorized to execute the judgment of the court. They suspended sentence until some action could be taken. This action is to meet that situation.

Mr. MacGREGOR. Will the man be hanged now? Mr. MADDEN. Yes.

The SPEAKER pro tempore. What is the gentleman's motion?

Mr. MADDEN. My motion is to recede and concur in the Senate amendment

The SPEAKER pro tempore. The gentleman from Illinois moves to recede and concur in the Senate amendment. The question is on agreeing to that motion.

The motion was agreed to.
The SPEAKER pro tempore. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 40: Page 34, line 9, insert the following: "To enable the Secretary of Agriculture, In cooperation with the Secretary of War, to investigate and develop the use of the airplane as a means of distributing insecticides for the control of the boll weevil and other cotton insects, including the employment of persons and means in the city of Washington. D. C., and elsewhere, and all other necessary expenses, to remain available until expended, \$40,000, or so much thereof as may be necessary."

Mr. MADDEN. Mr. Speaker, I move to recede and concur with the following amendment.

The Clerk read as follows

Mr. Madden moves that the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: "In lieu of the word 'expended' in the matter inserted by said amendment, insert the following: 'June 30, 1924'."

Mr. MADDEN. Mr. Speaker, I wish to say that experiments have been made by the airplane for the elimination or eradication of certain insects which affect agricultural crops and it has been a great success. The people of the South, many of them in the cotton-raising belt, want to try the airplane method to do away with the boll weevil, and from what information I have it leads me to conclude that the experiment is worth while. If it succeeds, it will save hundreds of millions of dollars to the cotton-raising business.

The question is on the motion The SPEAKER pro tempore.

of the gentleman from Illinois.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will read the next amendment.

The Clerk read Senate amendment 54, as follows:

MARSHALS, DISTRICT ATTORNEYS, CLERKS, AND OTHER EXPENSES OF UNITED STATES COURTS.

Expenses of additional district courts: For expenses of courts held in any judicial district pursuant to assignment under the act approved September 14, 1922, or other laws, of a judge from without that district, to be immediately available and to remain available until June 30, 1924, \$300,000: Provided, That this appropriation shall be construed as additional and supplementary to the several appropriations for the judiciary, for the fiscal years 1923 and 1924, for the employment and expenses of assistant district attorneys, deputy marshals, deputy clerks, and all other officers and employees of the courts, the payment of rent of court rooms, fees of witnesses and jurors, pay of bailiffs, and all other necessary expenses connected with or incident to the holding of court in any judicial district by a judge other than the judge or judges appointed for the judicial district in which the court is held: Provided further, That expenditures shall not be required to be made directly from this appropriation, but the expenses of courts held in any judicial district by a visiting judge shall be determined by the Attorney General from time to time, under such regulations as he may prescribe, his determination of the amount of such expenses in any case to be conclusive, and to the extent that he finds any expenses are so incurred he may direct payment from such regular appropriations and the transfer thereto from this additional appropriation of the amount of such expenses: Provided further, That so much as may be necessary of this sum may be used, under the direction of the Supervising Architect of the Treasury, in providing additional court rooms in public buildings already erected to accommodate the additional judges recently appointed in holding court therein.

Mr. MADDEN. Mr. Speaker, I move to recede and concurrity to the fellowing accommendate.

Mr. MADDEN. Mr. Speaker, I move to recede and concur with the following amendment:

The Clerk read as follows:

Mr. Madden moves that the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum named in said amend-ment insert the sum "\$100,000."

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will read the next amendment.

The Clerk read Senate amendment 66, as follows:

SEVENTEENTH INTERNATIONAL CONGRESS AGAINST ALCOHOLISM.

For expenses of delegates, not exceeding 10 in number, to be designated by the President to the Seventeenth International Congress Against Alcoholism, at Copenhagen, Denmark, to be held in 1923, including the cost of secretarial and stenographic work and transcription of the report, \$7,500.

Mr. MADDEN. Mr. Speaker, for over 17 years the Government of the United States has participated in these conventions. I move to recede and concur.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. Blanton) there were—ayes 173, noes 17.

So the motion was agreed to.

The SPEAKER pro tempore. The Clerk will read the next amendment.

The Clerk read Senate amendment 72, as follows:

The Clerk read Senate amendment 72, as follows:

That the Secretary of War be authorized and directed to continue on the rolls of the War Department the name of John R. Kissinger, late of Company D. One hundred and fifty-seventh Indiana Volunteer Infantry, and also late of the Hospital Corps of the United States Army, and continue to pay him the sum of \$100 per month during his natural life pursuant to the act of Congress approved February 15, 1911, notwithstanding the fact that certain payments of pension money may have heretofore been made to said John R. Kissinger under a special act of Congress approved March 2, 1917; and that return of such sums as have been paid contrary to law to said John R. Kissinger under said act of March 2, 1917, shall not be demanded, nor shall any deduction on account of such payment be made from moneys due and payable to him under said act of February 15, 1911.

Mr. Maddden Mr. Sneaker I move to recede and concur-

Mr. MADDEN. Mr. Speaker, I move to recede and concur.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read Senate amendment No. 76, as follows:

INTERNATIONAL SHOOTING COMPETITION,

To meet the expenses incident to holding on international shooting competition in the United States in connection with the national matches, to be expended under the direction of the Secretary of War, to be immediately available, and to remain available until December 31, 1923: Provided, That the rifles, pistols, equipment, ammunition, and personal effects of the visiting riflemen from foreign countries be admitted to the United States without the imposition of duty, \$25,000.

Mr. MADDEN. Mr. Speaker, I move to recede and concur.

The motion was agreed to.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record explanatory of the bill.

The SPEAKER pro tempore. The gentleman from Illinois

asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, I make the point of order that no quorum is present.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Saturday, March 3, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows

1026. A letter from the Postmaster General of the United States, transmitting claim of James E. Simpson, postmaster at Collinsville, Ill., for credit on account of Government property to the value of \$14,051.93 committed to his care and lost through the burglary of the post office at Collinsville, Ill., on December 18, 1920; to the Committee on Claims.

1027. A letter from the Postmaster General of the United States, transmitting claim of J. Walter Payne, postmaster, Paris, Ky., for credit on account of public funds and property of the value of \$11,572.06 committed to his care and lost through the burglary of the post office on March 2, 1921; to the Com-

mittee on Claims.

1028. A letter from the chairman of the Colorado River Commission, transmitting report of the proceedings of the Colorado River Commission and the compact of agreement entered into between the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming respecting the apportionment of the waters of the Colorado River (H. Doc. No. 605); to the Committee on Irrigation of Arid Lands and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 14429. A bill granting the consent of Congress to the reconstruction, maintenance, and operation of an existing bridge across the Red River between Grand Forks, N. Dak., and East Grand Forks, Minn.; without amend-

ment (Rept. No. 1752). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and
Foreign Commerce. H. R. 14428. A bill granting the consent
of Congress to the reconstruction, maintenance, and operation of an existing bridge across the Red River between Moorhead, Minn., and Fargo, N. Dak.; without amendment (Rept. No.

Minn., and Fargo, N. Dak.; Without amendment (Rept. No. 1753). Referred to the House Calendar.

Mr. SWEET: Committee on Interstate and Foreign Commerce. H. J. Res. 296. A joint resolution authorizing and directing the accounting officers of the General Accounting Office to allow credit to the disbursing clerk of the United States Veterans' Bureau in certain cases; with amendments (Rept. No. 1754). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows

Mr. KELLY of Pennsylvania: A bill (H. R. 14458) to provide for the construction of a waterway from the Ohio River to Lake Erie; to the Committee on Rivers and Harbors.

By Mr. KLINE of New York: A bill (H. R. 14459) to credit crews of Harvard and Yale with service performed; to the

Committee on Pensions.

By Mr. BRITTEN: A bill (H. R. 14460) to amend the act of August 29, 1916 (ch. 47, pp. 578-579, United States Statutes at Large, 64th Cong., 1915-1917, vol. 39, pt. 1); the act of May 22, 1917 (ch. 20, p. 86, United States Statutes at Large, 64th Cong., 1917-1919, vol. 40, pt. 1); and the act of July 11, 1919 (ch. 9, p. 39, United States Statutes at Large, 66th Cong., 1919-1921, vol. 41, pt. 1), relative to the promotion of officers of the line of the Navy by selection; to the Committee on Naval Affairs.

By Mr. JEFFERS of Alabama: A bill (H. R. 14461) to establish the McClellan national forest in the State of Alabama; to the Committee on Agriculture.

By Mr. FRENCH: A bill (H. R. 14462) establishing a Naval Reserve Force; to the Committee on Naval Affairs.

By Mr. BURTON: A bill (H. R. 14463) for the purchase of site and the erection of a Federal building at Willoughby, Ohio; to the Committee on Public Bulldings and Grounds.

Also, a bill (H. R. 14464) for the purchase of a site and the

erection of a Federal building at Bedford, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. HILL: A resolution (H. Res. 572) directing the Federal Prohibition Commissioner to transmit to the House of Representatives copies of all rules and regulations issued by that office in the enforcement of the national prohibition act; to the Committee on the Judiciary.

By the SPEAKER (by request): Memorial of the Legislature

of the State of Idaho, urging Congress to enact into law the Norris-Sinclair farmer aid bill; to the Committee on Agricul-

Also (by request), memorial of the Legislature of the State of Idaho, recommending that Congress by appropriate legislation provide for proper coordination between the Interstate Commerce Commission and the wage board; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the Legislature of the State of Montana, petitioning Congress to enact such legislation as will provide for a Great Lakes-St. Lawrence waterway project; to the Committee on Interstate and Foreign Commerce

By Mr. KISSEL: Memorial of the Legislature of the State of Oregon, petitioning Congress to amend the Federal grain standards act; to the Committee on Agriculture.

MONDELL: Memorial of the Legislature of the State of Wyoming, requesting Congress to complete the St. Lawrence tidewater project; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions

were introduced and severally referred as follows:
By Mr. FITZGERALD: A bill (H. R. 14465) granting a pension to Margaret E. McNair; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 14466) granting a pension to Barbara Ellen Baker; to the Committee on Invalid Pensions.

Barbara Ellen Baker; to the Committee on Invalid Pensions.

By Mr. HOGAN: A bill (H. R. 14467) for the relief of Frederick D. W. Baldwin; to the Committee on Naval Affairs.

By Mr. RIORDAN: A bill (H. R. 14468) for the relief of Thomas G. Patten; to the Committee on Claims.

By Mr. WYANT: A bill (H. R. 14469) granting a pension to

Maggie K. Cline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14470) granting a pension to Mary C.

Derby; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid

on the Clerk's desk and referred as follows:

7495. By the SPEAKER (by request): Petition of the Priors, urging speedy passage of the amendment to the United States Constitution prohibiting child labor; to the Committee on the Judiciary.

7496. Also (by request), petition of bishop of New Hampshire, Edward M. Parker; Mrs. Percy C. Pennybacker; Mrs. O. S. Lamson; Stanley White, of Armenia America Society; H. M. Bremer; Mrs. Chas. F. Pope; Robert L. Dickinson, of 438 West One hundred and sixteenth Street, New York City; Emily M. Ferry; and Harold Hatch, urging passage of refugee immigration bills now before Congress; to the Committee on Immigration and Naturalization.

7497. By Mr. APPLEBY: Petition of consistory and congregation of St. Paul Reformed Church, of Milltown, N. J., urging the passage of the so-called Newton bill; to the Committee on

Foreign Affairs.

7498. By Mr. BURTNESS: Petition of 73 citizens of Lawton, N. Dak., requesting Congress to fix a minimum price on wheat and other farm products to cover cost of production plus a reasonable profit to the producer; to the Committee on Agricul-

7499. By Mr. GARRETT of Tennessee: Petition of residents of Trimble, Tenn., opposing House bill 9753 or any other Sunday bill; to the Committee on the District of Columbia.

7500. By Mr. GREEN of Iowa: Petition of Adam Schmitz and others, urging extension of relief to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7501. By Mr. GRIFFIN: Petition of the Taxpayers' Alliance of the Borough of the Bronx, calling attention to the coal emergency and urging immediate Government control of the situation; to the Committee on Interstate and Foreign Commerce.

7502. By Mr. KELLY of Pennsylvania: Petition of Buena Vista (Pa.) Council, Order of Independent Americans, protesting against increase of 3 per cent quota plan of immigration; to the Committee on Immigration and Naturalization.

7503. Also, petition of Turtle Creek Council, Fraternal Patriotic Americans, praying for restriction of immigration; to the

Committee on Immigration and Naturalization.

7504. By Mr. KISSEL: Petition of Bedford and Park Avenues Board of Trade, of Brooklyn, N. Y., favoring the establishment of a national police bureau; to the Committee on the Judiciary

7505. Also, petition of Flatbush Chamber of Commerce (Inc.), New York City, N. Y., approving Senate bill 4202, creating a national police bureau; to the Committee on the Judiciary.

7506. Also, petition of William W. Hasseck, United States Public Health Service, Hospital No. 80, Fort Lyon, Colo., asking for home treatment of veterans with pay through legisla-tion; to the Committee on Interstate and Foreign Commerce.

7507. By Mr. MEAD: Petition of Scott & Williams, New York, N. Y., urging the passage of the Sterling-Lehlbach bill;

to the Committee on Reform in the Civil Service.

7508. By Mr. ROUSE: Petition of 124 citizens of Campbell County, Ky., protesting against the enactment of any legisla-tion toward the change of the present immigration laws that will permit admission of aliens other than provided by present laws; to the Committee on Immigration and Naturalization.

7509. By Mr. SABATH: Petition of Jesse M. Yonan, M. D., Ira A. David, D. D. S., Rev. Haidow Ablahat, Rev. S. David, Rev. Raiel S. Newey, Rev. George Azoo, Mr. Andrew D. Ur-Rev. Raiel S. Newey, Rev. George Azoo, Mr. Andrew D. Urshan, Mr. Jonothan S. Colla, all of Chicago, Ill., urging an increase in the Assyrian immigration quota; to the Committee on Immigration and Naturalization.

7510. By Mr. SMITH of Idaho: Petition of the board of directors of the Gem Irrigation District, Homedale, Idaho, on February 6, 1923, urging a reduction in freight rates; to the

Committee on Interstate and Foreign Commerce.

7511. Also, petition of the board of directors of the Oakley Canal Co., Oakley, Idaho, urging the reduction of freight rates; to the Committee on Interstate and Foreign Commerce.

7512. By Mr. TINKHAM: Petition of Massachusetts Commandery of the Military Order of Foreign Wars of the United States, favoring the construction of an archives building; to the Committee on Public Buildings and Grounds.

7513. Also, petition of Veterans of Foreign Wars of the United States, Massachusetts Department, favoring the enactment into law of Senate bill 1565; to the Committee on Military

7514. Also, petition of Oriskany Unit, Boston Branch, of the Steuben Society of America, favoring a conference of nations being called of those nations involved in the war to write a new treaty of peace; to the Committee on Foreign Affairs.